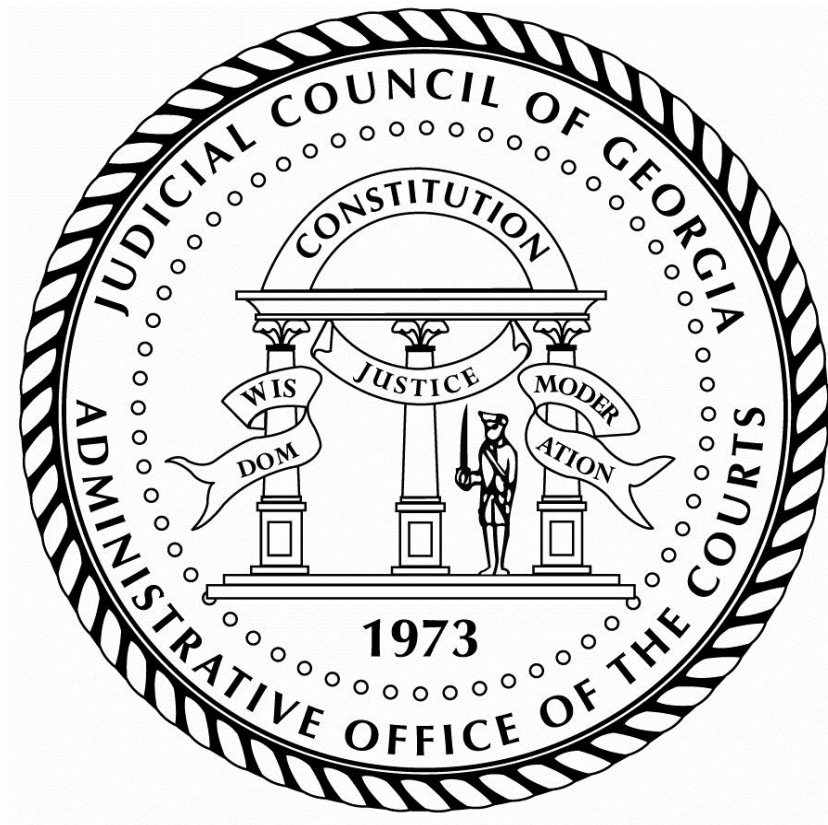


JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, August 13, 2021
10:00 a.m. – 12:30 p.m.



By Remote Conferencing

Judicial Council of Georgia
General Session

By Remote Conferencing

Friday, August 13, 2021
10 a.m. – 12:30 p.m.

Livestream at <https://www.youtube.com/judicialcouncilofgeorgia>

- 1. Preliminary Remarks**
(Chief Justice David E. Nahmias, Est. Time – 5 Min.)
- 2. Pledge of Allegiance**
(Judge Arthur L. Smith, III, Est. Time – 1 Min.)
- 3. Roll Call of Judicial Council Members**
(Ms. Cynthia H. Clanton, AOC Director & Judicial Council Secretary, Est. Time – 2 Min.)
- 4. Approval of Minutes (*Action Item*)** **TAB 1**
(Chief Justice David E. Nahmias, Est. Time – 2 Min.)
- 5. Update on COVID-19 and Court Operations** **TAB 2**
(Chief Justice David E. Nahmias, Est. Time – 10 Min.)
 - A. Judicial COVID-19 Task Force Update**
(Justice Shawn Ellen LaGrua/Chief Judge T. Russell McClelland, Est. Time – 3 Min.)
 - B. Update on American Rescue Plan Act funding**
(Presiding Justice Michael P. Boggs, Est. Time – 3 Min.)
- 6. Judicial Council Committee Reports**
 - A. Legislation Committee (*Action Item*)** **TAB 3**
(Presiding Justice Michael P. Boggs, Est. Time – 5 Min.)
 - B. Budget Committee (*Action Item*)** **TAB 4**
(Justice Charles J. Bethel/Ms. Maleia Wilson, Est. Time – 10 Min.)
 - C. Technology Committee** **TAB 5**
(Chief Judge David T. Emerson/Justice Shawn Ellen LaGrua, Est. Time – 5 Min.)
 - D. Judicial Workload Assessment Committee (*Action Item*)** **TAB 6**
(Chief Judge David T. Emerson, Est. Time – 15 Min.)
 - E. Court Interpreters Committee** **TAB 7**
(Justice Carla Wong McMillian, Est. Time – 5 Min.)

- F. Court Reporting Matters Committee** (*Action Item*) **TAB 8**
(Vice Chief Judge Amanda H. Mercier, Est. Time – 5 Min.)
- G. Grants Committee** (*Written Report*) **TAB 9**
- H. Strategic Plan Committee** (*Written Report*) **TAB 10**
- 7. Report from Judicial Council/AOC** **TAB 11**
(Ms. Cynthia H. Clanton, Est. Time – 10 Min.)
- 8. Reports from Courts, Councils, & State Bar** **TAB 12**
(Est. Time – 15 min.)
- A. Supreme Court**
 - B. Court of Appeals**
 - C. State-wide Business Court**
 - D. Council of Superior Court Judges**
 - E. Council of State Court Judges**
 - F. Council of Juvenile Court Judges**
 - G. Council of Probate Court Judges**
 - H. Council of Magistrate Court Judges**
 - I. Council of Municipal Court Judges**
 - J. State Bar of Georgia**
- 9. Reports from additional Judicial Branch Agencies** **TAB 13**
(Est. Time – 10 Min.)
- A. Council of Accountability Court Judges**
 - B. Georgia Commission on Dispute Resolution**
 - C. Council of Superior Court Clerks**
 - D. Chief Justice’s Commission on Professionalism**
 - E. Georgia Council of Court Administrators**
 - F. Institute of Continuing Judicial Education**
 - G. Judicial Qualifications Commission**

10. Old/New Business

(Chief Justice David E. Nahmias, Est. Time – 3 Min.)

11. Concluding Remarks and Adjournment

(Chief Justice David E. Nahmias, Est. Time – 3 Min.)

Next Judicial Council Meeting – General Session

Friday, December 10, 2021 10 a.m. – 12:30 p.m. Zoom Conferencing

Meeting Calendar CY 2022 – Judicial Council General Session

Friday, February 11, 2022	10 a.m. – 12:30 p.m.	Zoom Conferencing
Friday, April 22, 2022	10 a.m. – 12:30 p.m.	Nathan Deal Judicial Center / Atlanta, GA
Friday, August 12, 2022	10 a.m. – 12:30 p.m.	The Classic Center / Athens, GA
Friday, December 9, 2022	10 a.m. – 12:30 p.m.	Zoom Conferencing

Judicial Council of Georgia

Members as of July 1, 2021

Chief Justice David E. Nahmias Chair	Supreme Court	Nathan Deal Judicial Center 330 Capitol Avenue, S.E. 1 st Floor, Suite 1100 Atlanta, GA 30334	P: 404-656-3470 F: 404-656-2253	nahmiasd@gasupreme.us
Presiding Justice Michael P. Boggs Vice-Chair	Supreme Court	Nathan Deal Judicial Center 330 Capitol Avenue, S.E. 1 st Floor, Suite 1100 Atlanta, GA 30334	P: 404-656-3470 F: 404-656-2253	boggsm@gasupreme.us
Chief Judge Brian M. Rickman	Court of Appeals	Nathan Deal Judicial Center 330 Capitol Avenue, S.E. Suite 1601 Atlanta, GA 30334	P: 404-656-3450 F: 404-651-6187	rickmanb@gaappeals.us
Vice Chief Judge Amanda H. Mercier	Court of Appeals	Nathan Deal Judicial Center 330 Capitol Avenue, S.E. Suite 1601 Atlanta, GA 30334	P: 404-656-3450 F: 404-651-6187	merciera@gaappeals.us
Judge Walter W. Davis	Georgia State-Wide Business Court	Nathan Deal Judicial Center 330 Capitol Avenue, S.E. Suite 3500 Atlanta, GA 30334	P: 404-656-3080	davisw@gsbc.us
Judge J. Wade Padgett President, CSCJ	Superior Court	Columbia Judicial Circuit PO Box 2657 Evans, GA 30809	P: 706-312-7355	wpadgett@columbiacountyga.gov
Judge Arthur L. Smith, III President-Elect, CSCJ	Superior Court	Chattahoochee Judicial Circuit PO Box 1340 Columbus, GA 31902	P: 706-653-4273	arthursmith@columbusga.org
Judge Jeffrey H. Kight 1st JAD	Superior Court	Waycross Judicial Circuit Ware County Courthouse 800 Church Street, Suite B202 Waycross, GA 31501	P: 912-287-4330 F: 912-544-9857	jhkight@gmail.com
Judge Melanie B. Cross 2nd JAD	Superior Court	Tifton Judicial Circuit PO Box 7090 Tifton, GA 31793	P: 229-386-7904	melanie.cross@tiftcounty.org
Judge W. James Sizemore, Jr. 3rd JAD	Superior Court	Southwestern Judicial Circuit PO Drawer 784 Americus, GA 31709	P: 229-924-2269 F: 229-924-1614	wjsizemorejr@gmail.com

Chief Judge Asha F. Jackson 4th JAD	Superior Court	Stone Mountain Judicial Circuit DeKalb County Courthouse 556 N. McDonough Street Suite 6230 Decatur, GA 30030	P: 404-371-2344 F: 404-371-2002	afjackson@dekalbcountyga.gov
Chief Judge Christopher S. Brasher 5th JAD	Superior Court	Atlanta Judicial Circuit T-8905 Justice Center Tower 185 Central Avenue SW Atlanta, GA 30303	P: 404-612-4335 F: 404-612-2569	chris.brasher@fultoncountyga.gov
Chief Judge W. Fletcher Sams 6th JAD	Superior Court	Griffin Judicial Circuit Fayette County Justice Center One Center Drive Fayetteville, GA 30214	P: 770-716-4282 F: 770-716-4862	fletcher@fayettecountyga.gov
Judge Robert Flournoy, III 7th JAD	Superior Court	Cobb Judicial Circuit 70 Haynes Street Marietta, GA 30090	P: 678-581-5400 F: 678-581-5407	robert.flournoy@cobbcounty.org
Chief Judge Sarah Wall 8th JAD	Superior Court	Oconee Judicial Circuit PO Box 1096 Hawkinsville, GA 31036	P: 478-783-2900 F: 478-783-2902	walls@eighthdistrict.org
Judge R. Timothy Hamil 9th JAD	Superior Court	Gwinnett Judicial Circuit 75 Langley Drive Lawrenceville, GA 30046	P: 770-822-8672 F: 770-822-8536	tim.hamil@gwinnettcounty.com
Chief Judge James G. Blanchard, Jr. 10th JAD	Superior Court	Columbia Judicial Circuit P.O. Box 2656 Evans, GA 30809	P: 706-312-7356 F: 706-312-7365	jblanchard@columbiacountyga.gov
Judge Alvin T. Wong President, CStCJ	State Court	DeKalb County 556 N. McDonough St., Suite 2240 Decatur, GA 30030	P: 404-371-2591	atwong@dekalbcountyga.gov
Judge R. Violet Bennett President-Elect, CStCJ	State Court	Wayne County 392 E. Walnut Street Jesup, GA 31546	P: 912-427-4240	singinglawyer@bennett-lindsey.com
Chief Judge C. Gregory Price President, CJCJ	Juvenile Court	Rome Judicial Circuit #3 Government Plaza Suite 202 Rome, GA 30161	P: 706-291-5180	priceg@floydcountyga.org

Judicial Council of Georgia

Members as of July 1, 2021

Judge Render M. Heard, Jr. President-Elect, CJCJ	Juvenile Court	Tifton Judicial Circuit 225 Tift Avenue North Suite C-1 PO Box 945 Tifton, GA 31793	P: 229-386-7909 F: 229-386-7929	render.heard@tiftcounty.org
Judge Thomas Lakes President, CPCJ	Probate Court	Harris County 102 N. College St PO Box 569 Hamilton, GA 31811	P: 706-628-5038 F: 706-628-7322	tlakes@harriscountyga.gov
Judge B. Shawn Rhodes President-Elect, CPCJ	Probate Court	Wilcox County 103 N. Broad St. Abbeville, GA 31001	P: 229-467-2220 F: 229-467-2067	judgeshawnrhodes@gmail.com
Judge Quinn M. Kasper President, CMCJ	Magistrate Court	Cobb County 32 Waddell St., 3 rd Floor Marietta, GA 30090	P: 770-528-8900	quinnmcgill@gmail.com
Chief Judge Rebecca J. Pitts President-Elect, CMCJ	Magistrate Court	Butts County 835 Ernest Biles Drive PO Box 457 Jackson, GA 30233	P: 770-775-8220	rpitts@buttscounty.org
Judge Lori B. Duff President, CMuCJ	Municipal Court	Municipal Court of Monroe 7730 B Hampton Place Loganville, GA 30052	P: 770-466-6149	duff@jonesandduff.com
Judge JaDawnya C. Baker President-Elect, CMuCJ	Municipal Court	Municipal Court of Atlanta 150 Garnett Street, SW Atlanta, GA 30303	P: 404-588-5970	jcbaker@atlantaga.gov
Ms. Elizabeth Fite President, State Bar of Georgia	State Bar of GA	Rogers & Fite LLC 4355 Cobb Parkway Suite 564 Atlanta, GA 30339	P: 877-732-8897 F: 877-732-8897	elf@rogersfite.com

Administrative Office of the Courts

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

Cynthia H. Clanton, Director

As of August 2, 2021

Director's Office

Administration

Bianca Bennett

Front Desk
404-656-5171

Budget

Maleia Wilson

Governmental and Trial Court Liaison

Tracy Mason

Robert Aycok

Darron Enns

LaShawn Murphy

Cheryl Karounos

Human Resources

Jacqueline Booker

Janine Wilson

General Counsel

Jessica Farah

Alison Lerner

Judicial Services

Stephanie Hines
Division Director

Research and Data Analysis

Matthew Bishop

Shimike Dodson

Jeffrey Thorpe

Amber Parker

Court Professionals

John Botero

Herbert Gordon

LaShica Briscoe

Tiffanie Robinson

Audrianna Smith

Communications, Children, Families & the Courts

Michelle Barclay
Division Director

Noelle Lagueux-Alvarez

Elaine Johnson

Latoinna Lawrence

Paula Myrick

Bruce Shaw

Financial Administration

Drew Townsend
CFO/Division Director

Kim Burley

Latricia Harris

Celesta Murray

Cassandra Niblack

Schandra Farley

Veronica Williams

Tax Intercept

Andrew Theus

Information Technology

Ben Luke
CTO/Division Director

Devin Cooper

Pete Tyo

Bryan Ashmore

Jessica Jones

Juliana Mincey

Amber Piatt

Angela He

Kristy King

Christina Liu

Michael Neuren

Jennifer Palmer

Kriste Pope

Jill Zhang

Georgia Judicial Exchange

Tajsha Dekine

Eureka Frierson

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



Judicial Council of Georgia

STRATEGIC PLAN

FY 2020-2023
Revised

VISION

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

MISSION

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

GUIDING PRINCIPLES

Uphold the independence and integrity of the judiciary.

Promote efficient and effective administration of justice.

Use data to lead to data-driven services and programs for the Judicial Branch.

Collaborate and communicate with key stakeholders in judicial, executive, and legislative branches.

STRATEGIC OBJECTIVE 1

1 IMPROVE CITIZEN EXPERIENCE WITH GEORGIA COURTS

KEY INITIATIVES

1.1 Modernize the regulations of Court professionals

Measurable action: Monitor and assist with the update of rules and regulations regarding Court Reporters and Court Interpreters. (MT)

Measurable action: Report back to the Judicial Council. (LT)

1.2 Increase resources for public accessibility

Measurable action: Flesh out what public accessibility means. (ST)

Measurable action: Frame what it would look like to help citizens with public accessibility as defined. (MT)

1.3 Educate citizens on the use of case-related filing technology

Measurable action: Create a toolkit of existing resources citizens can access from one portal which will provide information on Court-related questions. (LT)

1.4 Develop plan for public/self-represented party accessibility to courts during crisis when physical access to courts are limited

Measurable action: Analyze access and response issues of current crisis on each class of court. Collect the data differences between the technology used in urban and rural areas of the State. (ST)

Measurable action: Create a planned response for each class of court according to technology capabilities to address public/self-represented party accessibility during crisis with limited physical access to the courts. (LT)



STRATEGIC OBJECTIVE 2

2

IMPROVE COLLABORATION AND PLANNING

KEY INITIATIVES

2.1 Foster ongoing executive and legislative branch communications and initiatives of mutual interest

Measurable action: Monitor the communication and advocacy done on behalf of the Judiciary. (ongoing)

2.2 Improve the process for data collection and data integrity

Measurable action: Create basic plan for the process of data collection to share with the various councils. (MT)

Measurable action: Share with the councils and stakeholders to obtain buy-in. (LT)

2.3 Pursue flexibility and efficiency in judicial education

Measurable action: Study the possibilities for flexibility and efficiency in judicial education across different classes of court. (MT)

Measurable action: Collaborate with ICJE to offer classes on topics requested by the Judicial Council such as sexual harassment prevention and ethics. (MT)

Measurable action: Compile and maintain a listing of all trainings sponsored or provided by the JC/AOC. (ST)

2.4 Improve technology access, support and training across all classes of courts

Measurable action: Audit/Survey technology access, support and electronic capabilities across all class of courts, including identifying video and telephone conference platforms in use by each class of court. (ST)

Measurable action: Collaborate with AOC and Councils to offer support and solutions to technology issues for courts without support or funding. (LT)

Measurable action: Create resource (bench card) of best practices and options for video and teleconferencing proceedings – Rules of Engagement. (MT)

Measurable action: Collaborate with ICJE to offer classes or online training on video conferencing particular to each class of court, including instructions on the use of video conferencing applications such as Web Ex, Zoom, Microsoft Teams. (LT)

2.5 Support all classes of Court in crisis management response taking into consideration both rural and urban areas and socio-economic factors for courts

Measurable action: Assist and support Councils for each class of court in identifying emergency functions and prioritizing other court functions that may be performed even during certain crisis situations. (LT)

Measurable action: Assist and support Councils for each class of court to create a well-defined emergency response plan. (MT)

Measurable action: Create reference guide to Pandemic issues in the Courts. (ST–MT)

STRATEGIC OBJECTIVE 3

3

PROMOTE THE WELLBEING, HEALTH, AND INTEGRITY OF THE JUDICIARY

KEY INITIATIVES

3.1 Develop a toolkit of wellness resources

Measurable action: Create a definition for “wellness” to be used when deciding which items belong in the toolkit. (ST)

Measurable action: Create the toolkit, which will be a compilation of resources to support “wellness”, possibly including State Bar resources among others. (LT)

3.2 Communicate and promote the toolkit

Measurable action: Leverage relationships with ICJE and each Council to offer training on the toolkit to each Council for one year. (LT)

Measurable action: Develop feedback survey for the trainings. (LT)

Measurable action: Encourage a “wellness” event at each Judicial Council and court meeting. (LT)

STRATEGIC OBJECTIVE 4

4

ENHANCE THE PROFESSIONAL AND ETHICAL IMAGE OF THE JUDICIARY

KEY INITIATIVES

4.1 Support judges in community engagement

Measurable action: Continue to create and gather positive stories about the judiciary. (ongoing)

Measurable action: Develop practical rules for social media engagement. (ST)

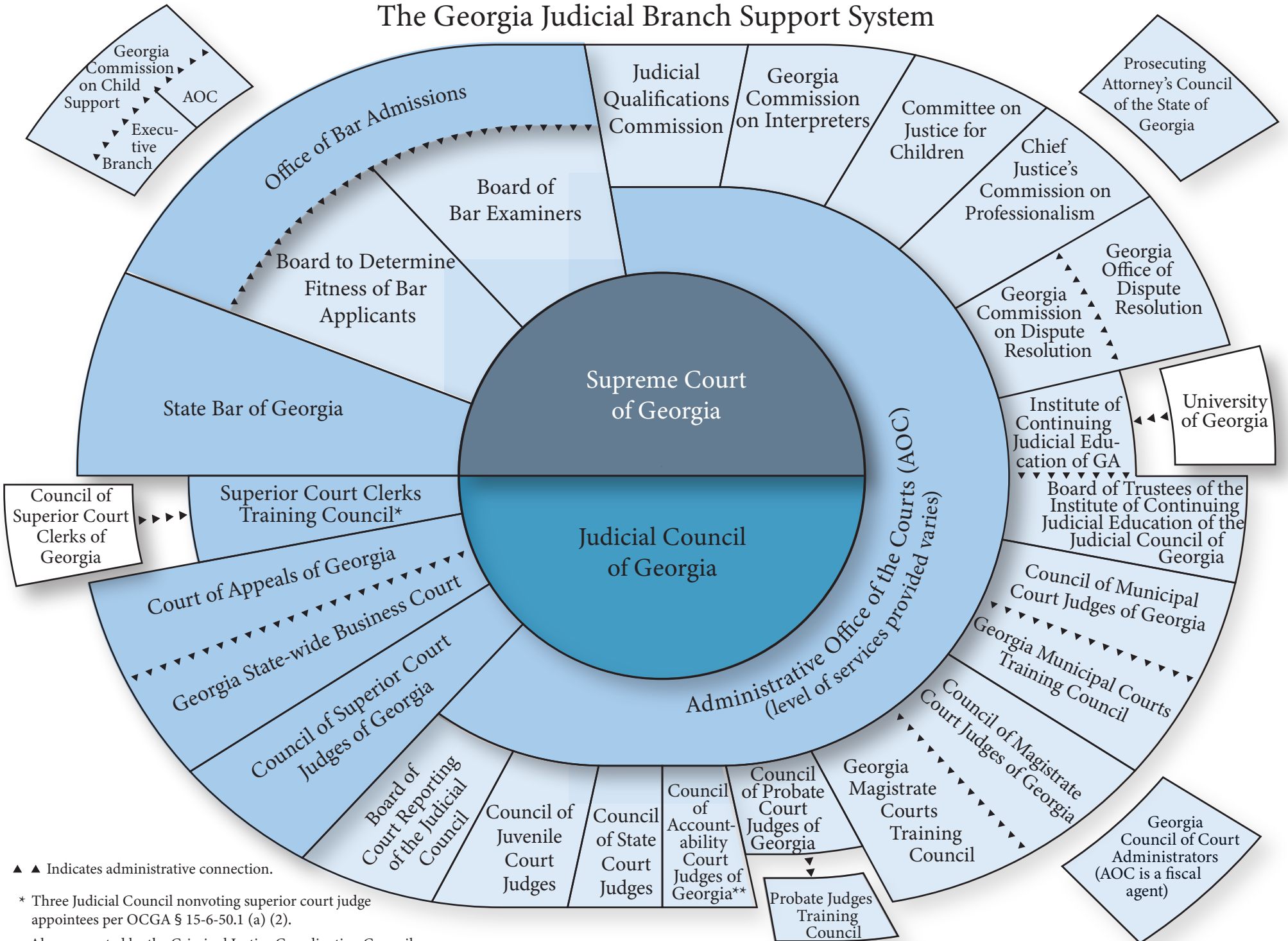
4.2 Develop a clearinghouse of resources for community engagement

Measurable action: Create the clearinghouse, which will be a compilation of existing resources members of the Judiciary can access when participating in community-facing programs. (MT)

4.3 Communicate and promote the clearinghouse

Measurable action: Set a schedule for communicating the clearinghouse; set a calendar with events to support community engagement. (LT)

The Georgia Judicial Branch Support System



▲ ▲ Indicates administrative connection.

* Three Judicial Council nonvoting superior court judge appointees per OCGA § 15-6-50.1 (a) (2).

** Also supported by the Criminal Justice Coordinating Council, an Executive Branch agency.

TAB 1

Judicial Council of Georgia
Emergency Session
Zoom Conferencing
June 4, 2021 • 2:30 p.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David E. Nahmias
Chief Judge Berryl A. Anderson (for
Council of Magistrate Court Judges)
Chief Judge Jeffrey S. Bagley
Judge JaDawnya Baker (for Judge Lori B.
Duff)
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Melanie Cross
Judge Walter W. Davis
Judge Robert Flournoy
Chief Judge Asha F. Jackson
Ms. Dawn Jones
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Judge Thomas Lakes
Chief Judge Christopher T. McFadden
Judge J. Wade Padgett
Chief Judge C. Gregory Price
Chief Judge Fletcher Sams
Judge W. James Sizemore, Jr.
Judge Arthur Lee Smith
Judge B. Shawn Rhodes

Chief Judge Sarah Wall
Chief Judge Willie C. Weaver, Sr.
Judge Alvin T. Wong

Members Absent

Judge Lori B. Duff
Judge Render Heard
Vice Chief Judge Brian M. Rickman
Judge Wesley B. Tailor

Staff Present

Ms. Cynthia H. Clanton
Mr. Darron Enns
Ms. Jessica Farah
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Mr. Ben Luke
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Mr. Bruce Shaw
Mr. Drew Townsend

Guests (Appended)

Preliminary Remarks & Swearing in of New Members

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:30 p.m. by Chief Justice Melton. Chief Justice Melton administered the Council oath to Chief Judge Berryl A. Anderson, as designee for President-Elect of Council of Magistrate Court Judges. He also congratulated Chief Judge Gregory Price as new President of the Council of Juvenile Court Judges.

Roll Call of Judicial Council Members

Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purpose of the minutes.

Adoption of Minutes – May 4, 2021, Emergency Session

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session held on May 4, 2021. A motion to approve the minutes, with the correction that Judge Fletcher Sams was present for the meeting, was offered by Presiding Justice Nahmias, followed by a second. No discussion was offered, and the motion was approved without opposition.

Discussion of Statewide Judicial Emergency Orders and COVID-19 Update by Judicial Council Members

Chief Justice Melton opened with a discussion of the Fifteenth Order Extending Declaration of Statewide Judicial Emergency (Order), scheduled to be issued on June 7. He explained that this Order is similar to the current order, with the main difference being an expectation of termination of the Statewide Judicial Emergency on June 30. Chief Justice Melton reported that it is anticipated that Governor Kemp will not extend the statewide Public Health Emergency past June 30, 2021, so the Statewide Judicial Emergency will end at that time as well. With that expectation, Chief Justice Melton pointed toward the provisions of Senate Bill 163, which provides greater flexibility for statutory speedy trial requirements, allowing the chief judge of a superior or state court to issue orders suspending those requirements at the local level. However, he reminded the Council this must be done in a manner consistent with the Judicial Emergency Act and that there are certain provisions that only the Chief Judge has the authority to enact. Draft model orders are being worked on to assist courts. The Chief Justice discussed other updates and reminders and Presiding Justice Nahmias encouraged the Council to review the statute prior to issuing any orders in an effort to keep courts operating smoothly. Chief Justice Melton concluded the update by reporting that he cannot provide statewide guidance on personal protective equipment or other safety measures in courts because of the speed in which available information is changing and conditions vary. Instead, he encouraged local committees to make those decisions based on the unique needs of their communities.

Update on American Rescue Plan Act funding

Chief Justice Melton reported that each class of court had submitted to the Administrative Office of the Courts their respective budgets for funding requests under the American Rescue Plan Act. That information has been submitted to the Governor's Office and is currently under review.

Judicial COVID-19 Task Force Update

Justice Shawn LaGrua reported that the Task Force is continuing to meet to discuss any issues arising throughout the state as in-person proceedings resume. Chief Justice Melton reported

that the COVID-19 Task Force has been extended until December 31, 2021. Justice LaGrua thanked Chief Justice Melton for his leadership throughout the pandemic.

Reports from Courts, Councils, State Bar, and AOC

Court of Appeals. Chief Judge McFadden announced that the Court of Appeals will be hosting a portrait unveiling of the late Judge A. Harris Adams on Monday, June 7, and another portrait unveiling of the late Judge Debra Bernes on Tuesday, July 13.

Business Court. No report was provided.

Council of Superior Court Judges. No report was provided.

Council of State Court Judges. No report was provided.

Council of Juvenile Court Judges. No report was provided.

Council of Probate Court Judges. No report was provided.

Council of Magistrate Court Judges. No report was provided.

Council of Municipal Court Judges. No report was provided.

State Bar. Ms. Jones thanked everyone for their support of the State Bar and reminded everyone of the annual meeting the following week.

Administrative Office of the Courts. Ms. Clanton shared that the AOC remains fully functional and asked the Council to please let her know how the AOC can assist them.

Reports from Other Judicial Branch Agencies

Council of Accountability Court Judges. No report was provided, but Judge Gosselin reiterated Justice LaGrua's comments on Chief Justice Melton's leadership.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. Mr. Mike Holiman also extended thanks to Chief Justice Melton.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier thanked Justice Bethel for his assistance with the most recent CLE.

Georgia Council of Court Administrators. No report was provided.

Institute of Continuing Judicial Education. No report was provided.

Judicial Qualifications Commission. Mr. Boring reported the hearing panel of the Judicial Qualifications Commission (JQC) has issued a proposed Formal Advisory Opinion, which is posted on the websites of the JQC, the AOC, and the State Bar of Georgia to solicit public

comment. The proposed Formal Advisory Opinion pertains to participation in marches, vigils, and protests.

Old Business

No old business was offered.

New Business

No new business was offered.

Special Presentation

Ms. Clanton paid tribute to Chief Justice Melton’s leadership of the Judicial Council and presented him with a framed photo and gavel to commemorate his time on the Court.

Adjournment

Chief Justice Melton then asked everyone to review the upcoming Council meeting schedule. The next General Session meeting will be held in person on August 13 in Columbus, followed by a Zoom meeting on December 10 to close out the year. Chief Justice Melton adjourned the meeting at approximately 2:30 p.m.

Respectfully submitted:

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

The above and foregoing minutes
were approved on the _____ day of
_____, 2021.

David E. Nahmias
Chief Justice

Judicial Council of Georgia
Emergency Session
Zoom Conferencing
June 4, 2021 • 2:30 p.m.

Guests Present

Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Judge JaDawnya C. Baker, Municipal Court of Atlanta
Mr. Josh Becker, Council of Accountability Court Judges
Mr. T.J. BeMent, Tenth Judicial Administrative District
Judge Violet R. Bennett, State Court of Wayne County
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of State Court Judges
Chief Judge Geronda Carter, Superior Court, Clayton Judicial Circuit
Mr. Richard Denney, First Judicial Administrative District
Mr. Damon Elmore, State Bar of Georgia
Mr. Steve Ferrell, Ninth Judicial Administrative District
Ms. Elizabeth Fite, State Bar of Georgia
Chief Judge Kathlene F. Gosselin, Northeastern Judicial Circuit
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Judge R. Timothy Hamil, Superior Court, Gwinnett Judicial Circuit
Mr. Christopher Hansard, Superior Court of Cobb County
Ms. Christine Butcher Hayes, State Bar of Georgia
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Michael Holiman, Council of Superior Court Clerks
Mr. Eric John, Council of Juvenile Court Judges
Justice Shawn LaGrua, Supreme Court of Georgia
Chief Judge Robert D. Leonard, Superior Court of Cobb County
Ms. Natasha MacDonald, Council of Superior Court Judges
Chief Judge T. Russell McClelland, State Court of Forsyth County
Judge Danielle McRae, Probate Court of Upson County
Mr. David Mixon, Second Judicial Administrative District
Judge John E. Morse, Jr. Superior Court of Chatham County
Mr. Bob Nadekow, Eighth Judicial Administrative District
Ms. Debra Nesbit, Association County Commissioners of Georgia
Ms. Jody Overcash, Seventh Judicial Administrative District
Judge Amanda Petty, Superior Courts, Ocmulgee Judicial Circuit
Ms. LeNora Hawkins Ponzo, Fourth Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Robin Rooks, Georgia Council of Court Administrators
Ms. Karlie Sahs, Georgia Commission on Dispute Resolution
Chief Presiding Judge Juliette W. Scales, County of Fulton Superior Court
Ms. Christina C. Smith, Court of Appeals of Georgia

Mr. Robert W. Smith, Prosecuting Attorneys' Council of Georgia
Mr. David Summerlin, Fifth Judicial Administrative District
Chief Judge Brenda Trammell, Superior Courts, Ocmulgee Judicial Circuit
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Ms. Emily Youngo, Council of Superior Court Judges

DRAFT

Judicial Council of Georgia
Emergency Session
Zoom Conferencing
July 15, 2021 • 2:00 p.m.

Members Present

Chief Justice David E. Nahmias
Presiding Justice Michael P. Boggs
Judge JaDawnya C. Baker
Judge R. Violet Bennett
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Walter W. Davis
Judge Lori B. Duff
Ms. Elizabeth Fite
Judge Robert Flournoy
Judge R. Timothy Hamil
Judge Render Heard
Chief Judge Asha F. Jackson
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Judge Thomas Lakes
Vice Chief Judge Amanda Mercier
Judge J. Wade Padgett
Chief Judge Rebecca J. Pitts
Judge C. Gregory Price
Chief Judge Brian M. Rickman

Chief Judge Fletcher Sams
Judge W. James Sizemore, Jr.
Judge Arthur L. Smith, III
Judge B. Shawn Rhodes
Chief Judge Sarah Wall
Judge Alvin T. Wong

Members Absent

Judge Melanie Cross

Staff Present

Ms. Cynthia H. Clanton
Mr. Robert Aycock
Ms. Bianca Bennett
Mr. Darron Enns
Ms. Jessica Farah
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Mr. Ben Luke
Ms. Lashawn Murphy
Mr. Bruce Shaw
Mr. Drew Townsend
Ms. Maleia Wilson

Guests (Appended)

Preliminary Remarks & Swearing in of New Members

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Nahmias. Chief Justice Nahmias administered the Council oath to eight new members of the Council: Presiding Justice Michael P. Boggs (Supreme Court; Vice Chair), Vice Chief Judge Amanda Mercier (Court of Appeals), Judge R. Timothy Hamil (Ninth Judicial Administrative District), Judge Render Heard (Council of Juvenile Court Judges), Judge R. Violet Bennett of Wayne County (Council of State Court Judges), Chief Judge Rebecca Pitts (Council of

Magistrate Court Judges), Judge JaDawnya Baker (Council of Municipal Court Judges), and Ms. Elizabeth Fite (State Bar of Georgia).

Roll Call of Judicial Council Members

Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purpose of the minutes.

Adoption of Minutes – April 23, 2021, General Session

Chief Justice Nahmias directed the Council's attention to the minutes of the General Session held on April 23, 2021. A motion to approve the minutes was offered, followed by a second by Chief Judge Sams. No discussion was offered, and the motion was approved without opposition.

Discussion of Post-Emergency Operations by Judicial Council Members

Chief Justice Nahmias began by providing a brief update on the statewide use of the provisions set forth in Senate Bill 163, allowing the chief judge of a superior or state court to issue an order suspending statutory speedy trial requirements at the local level. Chief Justice Nahmias reported that, to date, only about two dozen local orders have been served on the Clerk of the Supreme Court. He included that all statutory speedy trial and local emergency orders will be made available on the Administrative Office of the Courts' website. This will serve as a central repository for those orders should anyone have questions.

Judicial COVID-19 Task Force Update

Justice Shawn LaGrua reported that the Task Force met on July 14, 2021, and reported they are continuing to monitor post-emergency operations by courts across the state. Justice LaGrua relayed that the number of both civil and criminal trials has picked up. However, there is a lot of disparity between counties when it comes to social distancing and mask requirements since this is being decided locally. Justice LaGrua also shared that the Task Force subcommittees are working with the State Bar of Georgia to set up lunch and learns to assist local courts with technology tips for virtual trials and jury selection. She noted that Fulton County has been very successful with their virtual jury selection and would be assisting with the lunch and learn. Justice LaGrua concluded with a request that members keep her apprised of successes and challenges in their courts so that she may pass those along to the group.

Letter from U.S. Department of Justice to Chief Justices/State Court Administrators

Justice Nels Peterson reported that on June 24, 2021, the Associate Attorney General of the United States sent a letter to chief justices and state court administrators outlining the scope

and concern of the national eviction moratorium coming to an end on July 30, 2021. Justice Peterson reported there will be a lot of evictions and dispossessory proceedings that will occur as a result. He shared that there are many programs in place that magistrate court judges have been working on to assist residents with financial resources for this situation. Judge Tabitha Ponder of Cobb County has coordinated a working group of magistrate court judges across the state to put together best practices to assist with procuring federal funding to mitigate evictions. Justice Peterson noted that the Department of Community Affairs, Georgia Legal Services Program, Atlanta Legal Aid, and several other nonprofits are already engaged. Justice Peterson encouraged magistrate court judges to please connect with the magistrate court council or Judge Ponder for more information.

Update on American Rescue Plan Act funding

Presiding Justice Boggs reported an update on the funding that has been provided to Georgia under the American Rescue Plan Act. To date, Georgia has received \$2.4B of the anticipated \$5.8B coming to the state and the Governor has created three subcommittees to determine the allocation of approximately \$850M. The Governor will have discretion over the allocation of all remaining funds, including the funding that will be allocated to the judicial branch. Following review, the judiciary's funding request under the American Rescue Plan Act has been broken down into three categories: COVID exposure mitigation, personnel to assist with alleviating the backlog of cases resulting from the emergency, and facility and IT upgrades. The Governor's Office reported prioritizing COVID exposure mitigation and has instructed the Georgia Emergency Management Association to provide direct allocations of Personal Protective Equipment (PPE) to courts. The Governor's Office is particularly aware of the backlog and will address that need soon (from the \$2.4B already received by the state). Presiding Justice Boggs concluded by sharing the Governor's Office report that facility and IT updates will likely not be considered for funding until the full \$5.8B allocation is received by the State.

Chief Justice Nahmias shared that the exact process for the PPE and funding for personnel is not yet clear, but that more information will be shared soon. Additionally, as this funding is time-limited, he reminded courts to be mindful of being able to support and maintain any infrastructure or projects long-term.

Reports from Courts, Councils, State Bar, and AOC

Supreme Court. Chief Justice Nahmias shared the Supreme Court plans to hold oral arguments in person, with a remote option available upon request and approval. The Supreme Court building is requiring masks for those not vaccinated and not for those who have received the vaccine.

Court of Appeals. No report was provided.

Business Court. No report was provided.

Council of Superior Court Judges. Judge Smith extended an invitation to all Council members to attend a reception on August 12, the eve of the next General Session of the Council, in Columbus.

Council of State Court Judges. Judge Wong reported that trials resumed the week of June 28, and things are going well. The only concern he noted was summoning enough jurors.

Council of Juvenile Court Judges. Chief Judge Price thanked the Supreme Court for its approval of amended Uniform Rule 12.2, which allows juvenile courts to hold video hearings for all classes of cases, effective today.

Council of Probate Court Judges. Judge Lakes reported the Council of Probate Court Judges will be submitting a request for rule changes and appreciated the extended deadline to submit those.

Council of Magistrate Court Judges. Judge Kasper reported the Council of Magistrate Court Judges is aware of the forthcoming eviction concerns and plans to work with Judge Ponder to do whatever they can to assist across the state.

Council of Municipal Court Judges. Judge Duff reported that, for the most part, municipal courts are operating, but that judges are concerned about safety due to the masks being optional in many places. Judge Duff reported that many courts are still requiring masks for non-vaccinated individuals, but there are reports of public pushback at being asked about vaccination status. The Council of Municipal Court Judges would like official clarification on the legality of asking about vaccination status. Chief Justice Nahmias responded that while the Governor's Order restricting asking about vaccination status does not directly apply to courts, the issue is that many courts are housed in buildings with other entities who are subject to that order. Chief Justice Nahmias stated the decision would have to be made on the local level, and reminded courts to be mindful that some people coming to court do not have the ability to be vaccinated.

State Bar. Ms. Fite shared that she looks forward to working with everyone and one of her focuses as President is expanding the lines of communication between the bench and bar members. She sees this as a natural progression of the work over the past year and looks forward to building upon existing relationships between courts and attorneys.

Administrative Office of the Courts. Ms. Clanton shared that the AOC remains fully functional with staff returning to the office on a rotating basis. Ms. Clanton also included AOC is working on a hotel room block for the August 13 General Session in Columbus, and information should be provided through the executive directors of each council next week. Ms. Clanton shared that the misdemeanor and felony probation bench cards have been updated and are available on the AOC website (<https://jcaoc.georgiacourts.gov/bench-cards/>). Last, Ms. Clanton provided the following upcoming meeting dates: Judicial Workload Assessment Committee on July 16; Budget and Legislation Committees on July 21; and, Technology Committee on July 22.

Reports from Other Judicial Branch Agencies

Council of Accountability Court Judges. Ms. Taylor Jones reported that, as of July 1, the Council of Accountability Court Judges resumed onsite training for courts.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reminded everyone of a grant for projects promoting professionalism with a deadline of today. The Commission is currently working with Georgia's law schools on orientations and will be reaching out to Council members who signed up to be group members in the next week.

Georgia Council of Court Administrators. No report was provided.

Institute of Continuing Judicial Education. No report was provided.

Judicial Qualifications Commission. No report was provided.

Old Business

No old business was offered.

New Business

No new business was offered.

Adjournment

Chief Justice Nahmias announced the next General Session meeting will be held in person on August 13 in Columbus and adjourned the meeting at approximately 2:35 p.m.

Respectfully submitted:

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

The above and foregoing minutes
were approved on the _____ day of
_____, 2021.

David E. Nahmias
Chief Justice

**Judicial Council of Georgia
Emergency Session
Zoom Conferencing
July 15, 2021 • 2:00 p.m.**

Guest Present

Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Mr. Josh Becker, Council of Accountability Court Judges
Mr. T.J. BeMent, Tenth Judicial Administrative District
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Bob Bray, Council of State Court Judges
Judge Brandon Bryson, Council of Magistrate Court Judges
Chief Judge Geronda Carter, Superior Court, Clayton Judicial Circuit
Mr. Richard Denney, First Judicial Administrative District
Mr. Damon Elmore, State Bar of Georgia
Mr. David Emadi, Georgia Government Transparency & Campaign Finance Commission
Ms. Natalie Glaser, Georgia Public Defender Council
Judge Kathlene F. Gosselin, Northeastern Judicial Circuit
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Mr. Christopher Hansard, Superior Court of Cobb County
Ms. LeNora Hawkins Ponzio, Fourth Judicial Administrative District
Ms. Christine Butcher Hayes, State Bar of Georgia
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Michael Holiman, Council of Superior Court Clerks
Mr. Eric John, Council of Juvenile Court Judges
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Kathleen Joyner, Supreme Court of Georgia
Justice Shawn LaGrua, Supreme Court of Georgia
Chief Judge Robert D. Leonard, Superior Court of Cobb County
Chief Judge T. Russell McClelland, State Court of Forsyth County
Ms. Natasha MacDonald, Council of Superior Court Judges
Judge Danielle McRae, Probate Court of Upson County
Mr. David Mixon, Second Judicial Administrative District
Judge John E. Morse, Jr. Superior Court of Chatham County
Mr. Bob Nadekow, Eighth Judicial Administrative District
Ms. Debra Nesbit, Association County Commissioners of Georgia
Ms. Jody Overcash, Seventh Judicial Administrative District
Justice Nels S.D. Peterson, Supreme Court of Georgia
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Robin Rooks, Georgia Council of Court Administrators
Chief Presiding Judge Juliette W. Scales, County of Fulton Superior Court
Ms. Christina C. Smith, Court of Appeals of Georgia
Mr. David Summerlin, Fifth Judicial Administrative District

Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Chief Judge Willie C. Weaver, Municipal Court of Albany
Ms. Emily Youngo, Supreme Court of Georgia

DRAFT

TAB 2

West's Code of Georgia Annotated

Title 38. Military, Emergency Management, and Veterans Affairs (Refs & Annos)

Chapter 3. Emergency Management (Refs & Annos)

Article 3. Emergency Powers

Part 2. Judicial Emergency (Refs & Annos)

Ga. Code Ann., § 38-3-61

§ 38-3-61. Judicial emergency order

Effective: July 1, 2021

Currentness

(a) An authorized judicial official is authorized to declare the existence of a judicial emergency which shall be done by order either upon his or her own motion or upon motion by any interested person. The order shall state:

- (1) The identity and position of the issuing authorized judicial official;
- (2) The time, date, and place at which the order is executed;
- (3) The jurisdiction or jurisdictions affected by the order;
- (4) The nature of the emergency necessitating the order;
- (5) The period or duration of the judicial emergency; and
- (6) Any other information relevant to the suspension or restoration of court operations.

(b) Except as provided in subsection (b) of Code Section 38-3-62, an order declaring the existence of a judicial emergency shall be limited to an initial duration of not more than 30 days; provided, however, that the order may be modified or extended for no more than two periods not exceeding 30 days each unless a public health emergency exists as set forth in Code Section 38-3-51, in which case the Chief Justice of the Supreme Court of Georgia may extend the emergency order for so long as such emergency exists, as declared by the Governor. Any modification or extension of the initial order shall require information regarding the same matters set forth in subsection (a) of this Code section for the issuance of the initial order.

(c) In the event the circumstances underlying the judicial emergency make access to the office of a clerk of court or a courthouse impossible or impractical, the order declaring the judicial emergency shall designate another facility, which is reasonably accessible and appropriate, for the conduct of court business.

Credits

Laws 2004, Act 498, § 3, eff. May 13, 2004; Laws 2011, Act 242, § 3, eff. July 1, 2011; Laws 2021, Act 213, § 1, eff. July 1, 2021.

Notes of Decisions (2)

Ga. Code Ann., § 38-3-61, GA ST § 38-3-61

The statutes and Constitution are current through legislation passed at the 2021 Regular Session of the Georgia General Assembly. The statutes are subject to changes by the Georgia Code Commission.

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West's Code of Georgia Annotated

Title 38. Military, Emergency Management, and Veterans Affairs (Refs & Annos)

Chapter 3. Emergency Management (Refs & Annos)

Article 3. Emergency Powers

Part 2. Judicial Emergency (Refs & Annos)

Ga. Code Ann., § 38-3-62

§ 38-3-62. Scope of judicial emergency order

Effective: July 1, 2021

Currentness

(a) An authorized judicial official in an order declaring a judicial emergency, or in an order modifying or extending a judicial emergency order, is authorized to suspend, toll, extend, or otherwise grant relief from deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to:

- (1) A statute of limitation;
- (2) The time within which to issue a warrant;
- (3) The time within which to try a case for which a demand for speedy trial has been filed;
- (4) The time within which to hold a commitment hearing;
- (5) A deadline or other schedule regarding the detention of a juvenile;
- (6) The time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury;
- (7) The time within which to file a writ of habeas corpus;
- (8) The time within which discovery or any aspect thereof is to be completed;
- (9) The time within which to serve a party;
- (10) The time within which to appeal or to seek the right to appeal any order, ruling, or other determination; and
- (11) Such other legal proceedings as determined to be necessary by the authorized judicial official.

(b)(1) As used in this subsection, the term “statutory speedy trial requirements’ means all speedy trial deadlines, time schedules, or filing requirements imposed by Code Section 17-7-170 or 17-7-171.

(2)(A) A chief judge of a Georgia superior court judicial circuit or a chief judge of a Georgia state court may suspend, toll, extend, modify, or otherwise grant relief from statutory speedy trial requirements following a judicial emergency if compliance with such requirements is impracticable, subject to the requirements under subparagraph (B) of this paragraph.

(B) Relief under this subsection shall be authorized if a chief judge certifies that under the totality of the circumstances arising from the preceding judicial emergency, compliance with statutory speedy trial requirements is impracticable in the applicable county or court following a judicial emergency due to the following factors:

(i) A pending criminal case volume that is substantially above the average pending criminal case volume at the end of each of the three full calendar years preceding the judicial emergency;

(ii) An annualized criminal case clearance rate in the current calendar year that is substantially below the average criminal case clearance rate for each of the three full calendar years preceding the judicial emergency;

(iii) The number of speedy trial demands pending within one month of the date of certification;

(iv) The number of jury trials held during the last full term of court;

(v) Ongoing space limitations or other health or safety concerns regarding the use of the facilities available to conduct criminal trials and related activities;

(vi) The limited availability of judges, courtroom personnel, prosecutors, public defenders, expert witnesses, forensic analysis, law enforcement officers, or other relevant persons;

(vii) The extent of efforts made by prosecuting attorneys and the court to reduce the number of criminal defendants held in custody awaiting trial; and

(viii) Other relevant facts that justify ongoing relief from statutory speedy trial requirements, if any.

(3) An order granting relief under this subsection shall be accompanied by a certification that compliance with statutory speedy trial requirements is impracticable in the applicable county or court. Each time a chief judge issues an order granting relief under this subsection, he or she shall:

(A) Certify that compliance with statutory speedy trial requirements is impracticable in the applicable county or court; or

(B) Attach such certification provided by either:

(i) A majority of the superior court judges in his or her judicial circuit pursuant to paragraph (6) of this subsection; or

(ii) A majority of the state court judges in his or her county pursuant to paragraph (8) of this subsection.

(4) Each certification issued pursuant to paragraph (3) of this subsection shall include the following:

(A) Supporting statistical data and findings of fact to justify relief under paragraph (2) of this subsection; and

(B) A plan to resolve cases in which a statutory speedy trial demand has been filed as expeditiously as possible. The plan shall establish an order of priority in which such cases will be called for trial, giving highest priority to such cases of defendants who have been held in custody for the longest time as a result of the charges in the case. The plan shall also state the number of trial weeks scheduled for each judge in the applicable county or court during the period of relief granted under this subsection.

(5) A chief judge of a superior court judicial circuit acting under this subsection:

(A) May act independently of any emergency declared by the Governor;

(B) May grant relief from statutory speedy trial requirements in a superior court for a county in his or her judicial circuit;

(C) May act in his or her own discretion; and

(D) Shall act upon the request of a majority of the active superior court judges in his or her judicial circuit pursuant to paragraph (6) of this subsection.

(6) A chief judge of a superior court judicial circuit shall grant relief from speedy trial requirements in a superior court for a county in his or her judicial circuit if such action is requested by a majority of the active superior court judges in his or her judicial circuit. Any such request shall be in writing and be accompanied by the certification required in paragraph (3) of this subsection.

(7) A chief judge of a state court acting under this subsection:

(A) May act independently of any emergency declared by the Governor;

(B) May grant relief from statutory speedy trial requirements in his or her state court;

(C) May act in his or her own discretion; and

(D) Shall act upon the request of a majority of the active state court judges in his or her county pursuant to paragraph (8) of this subsection.

(8) A chief judge of a state court shall grant relief from speedy trial requirements in his or her state court if such action is requested by a majority of the active state court judges in his or her county. Any such request shall be in writing and be accompanied by the certification required in paragraph (3) of this subsection.

(9) Each period of relief granted under this subsection:

(A) Shall not exceed a total of eight months; and

(B) Shall end on the last day of a term of court.

(10) Each time a chief judge issues an order granting relief under this subsection, he or she shall provide notice of such action to judicial officials and the public in the same manner provided in Code Section 38-3-63, except that such notice shall also include the certification required under paragraph (3) of this subsection.

(11) The Chief Justice of the Georgia Supreme Court may, by order and in his or her sole discretion, reinstate any statutory speedy trial requirement subject to an order granting relief under this subsection. The Chief Justice shall provide notice of such action to judicial officials and the public in the same manner provided in Code Section 38-3-63. If the Chief Justice takes such action, a chief judge shall not grant subsequent relief from statutory speedy trial requirements in the applicable county or court following the same judicial emergency unless subsequent relief is reauthorized by the Chief Justice.

(12) Nothing in this subsection shall relieve the state of its constitutional obligation to provide for a speedy and public criminal trial.

(13) This subsection shall be in effect until June 30, 2023, and no order granting relief under this subsection shall be issued after such date.

Credits

Laws 2004, Act 498, § 3, eff. May 13, 2004; Laws 2006, Act 879, § 6, eff. July 1, 2006; Laws 2021, Act 213, § 2, eff. July 1, 2021.

Ga. Code Ann., § 38-3-62, GA ST § 38-3-62

The statutes and Constitution are current through legislation passed at the 2021 Regular Session of the Georgia General Assembly. The statutes are subject to changes by the Georgia Code Commission.

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Senate Bill 163

By: Senators Strickland of the 17th, Kennedy of the 18th, Hatchett of the 50th, Jones II of the 22nd and Rhett of the 33rd

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia
2 Annotated, relating to judicial emergency, so as to provide for the suspension of statutory
3 speedy trial requirements when compliance with such statutory speedy trial requirements
4 becomes impracticable following a judicial emergency; to provide for applicable
5 circumstances; to provide for requirements; to provide for notice; to provide for intervention
6 by the Chief Justice of the Supreme Court; to provide for a sunset date; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated,
11 relating to judicial emergency, is amended by revising subsection (b) of Code Section
12 38-3-61, relating to declaration of judicial emergency, duration of judicial emergency
13 declaration, and designation of alternative facility in lieu of court, as follows:

14 "(b) Except as provided in subsection (b) of Code Section 38-3-62, an ~~An~~ order declaring
15 the existence of a judicial emergency shall be limited to an initial duration of not more
16 than 30 days; provided, however, that the order may be modified or extended for no more

17 than two periods not exceeding 30 days each unless a public health emergency exists as set
18 forth in Code Section 38-3-51, in which case the Chief Justice of the Supreme Court of
19 Georgia may extend the emergency order for so long as such emergency exists, as declared
20 by the Governor. Any modification or extension of the initial order shall require
21 information regarding the same matters set forth in subsection (a) of this Code section for
22 the issuance of the initial order."

23

SECTION 2.

24 Said part is further amended by revising Code Section 38-3-62, relating to suspension or
25 tolling of deadlines and time schedules in event of judicial emergency, as follows:

26 38-3-62.

27 (a) An authorized judicial official in an order declaring a judicial emergency, or in an order
28 modifying or extending a judicial emergency order, is authorized to suspend, toll, extend,
29 or otherwise grant relief from deadlines or other time schedules or filing requirements
30 imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in
31 civil or criminal cases or administrative matters, including, but not limited to:

32 (1) A statute of limitation;

33 (2) The time within which to issue a warrant;

34 (3) The time within which to try a case for which a demand for speedy trial has been
35 filed;

36 (4) The time within which to hold a commitment hearing;

37 (5) A deadline or other schedule regarding the detention of a juvenile;

38 (6) The time within which to return a bill of indictment or an accusation or to bring a
39 matter before a grand jury;

40 (7) The time within which to file a writ of habeas corpus;

41 (8) The time within which discovery or any aspect thereof is to be completed;

42 (9) The time within which to serve a party;

43 (10) The time within which to appeal or to seek the right to appeal any order, ruling, or
44 other determination; and

45 (11) Such other legal proceedings as determined to be necessary by the authorized
46 judicial official.

47 (b)(1) As used in this subsection, the term 'statutory speedy trial requirements' means all
48 speedy trial deadlines, time schedules, or filing requirements imposed by Code Section
49 17-7-170 or 17-7-171.

50 (2)(A) A chief judge of a Georgia superior court judicial circuit or a chief judge of a
51 Georgia state court may suspend, toll, extend, modify, or otherwise grant relief from
52 statutory speedy trial requirements following a judicial emergency if compliance with
53 such requirements is impracticable, subject to the requirements under subparagraph (B)
54 of this paragraph.

55 (B) Relief under this subsection shall be authorized if a chief judge certifies that under
56 the totality of the circumstances arising from the preceding judicial emergency,
57 compliance with statutory speedy trial requirements is impracticable in the applicable
58 county or court following a judicial emergency due to the following factors:

59 (i) A pending criminal case volume that is substantially above the average pending
60 criminal case volume at the end of each of the three full calendar years preceding the
61 judicial emergency;

62 (ii) An annualized criminal case clearance rate in the current calendar year that is
63 substantially below the average criminal case clearance rate for each of the three full
64 calendar years preceding the judicial emergency;

65 (iii) The number of speedy trial demands pending within one month of the date of
66 certification;

67 (iv) The number of jury trials held during the last full term of court;

68 (v) Ongoing space limitations or other health or safety concerns regarding the use of
69 the facilities available to conduct criminal trials and related activities;

70 (vi) The limited availability of judges, courtroom personnel, prosecutors, public
71 defenders, expert witnesses, forensic analysis, law enforcement officers, or other
72 relevant persons;

73 (vii) The extent of efforts made by prosecuting attorneys and the court to reduce the
74 number of criminal defendants held in custody awaiting trial; and

75 (viii) Other relevant facts that justify ongoing relief from statutory speedy trial
76 requirements, if any.

77 (3) An order granting relief under this subsection shall be accompanied by a certification
78 that compliance with statutory speedy trial requirements is impracticable in the applicable
79 county or court. Each time a chief judge issues an order granting relief under this
80 subsection, he or she shall:

81 (A) Certify that compliance with statutory speedy trial requirements is impracticable
82 in the applicable county or court; or

83 (B) Attach such certification provided by either:

84 (i) A majority of the superior court judges in his or her judicial circuit pursuant to
85 paragraph (6) of this subsection; or

86 (ii) A majority of the state court judges in his or her county pursuant to paragraph (8)
87 of this subsection.

88 (4) Each certification issued pursuant to paragraph (3) of this subsection shall include the
89 following:

90 (A) Supporting statistical data and findings of fact to justify relief under paragraph (2)
91 of this subsection; and

92 (B) A plan to resolve cases in which a statutory speedy trial demand has been filed as
93 expeditiously as possible. The plan shall establish an order of priority in which such
94 cases will be called for trial, giving highest priority to such cases of defendants who
95 have been held in custody for the longest time as a result of the charges in the case.

96 The plan shall also state the number of trial weeks scheduled for each judge in the
97 applicable county or court during the period of relief granted under this subsection.

98 (5) A chief judge of a superior court judicial circuit acting under this subsection:

99 (A) May act independently of any emergency declared by the Governor;

100 (B) May grant relief from statutory speedy trial requirements in a superior court for a
101 county in his or her judicial circuit;

102 (C) May act in his or her own discretion; and

103 (D) Shall act upon the request of a majority of the active superior court judges in his
104 or her judicial circuit pursuant to paragraph (6) of this subsection.

105 (6) A chief judge of a superior court judicial circuit shall grant relief from speedy trial
106 requirements in a superior court for a county in his or her judicial circuit if such action
107 is requested by a majority of the active superior court judges in his or her judicial circuit.

108 Any such request shall be in writing and be accompanied by the certification required in
109 paragraph (3) of this subsection.

110 (7) A chief judge of a state court acting under this subsection:

111 (A) May act independently of any emergency declared by the Governor;

112 (B) May grant relief from statutory speedy trial requirements in his or her state court;

113 (C) May act in his or her own discretion; and

114 (D) Shall act upon the request of a majority of the active state court judges in his or her
115 county pursuant to paragraph (8) of this subsection.

116 (8) A chief judge of a state court shall grant relief from speedy trial requirements in his
117 or her state court if such action is requested by a majority of the active state court judges
118 in his or her county. Any such request shall be in writing and be accompanied by the
119 certification required in paragraph (3) of this subsection.

120 (9) Each period of relief granted under this subsection:

121 (A) Shall not exceed a total of eight months; and

122 (B) Shall end on the last day of a term of court.

123 (10) Each time a chief judge issues an order granting relief under this subsection, he or
124 she shall provide notice of such action to judicial officials and the public in the same
125 manner provided in Code Section 38-3-63, except that such notice shall also include the
126 certification required under paragraph (3) of this subsection.

127 (11) The Chief Justice of the Georgia Supreme Court may, by order and in his or her sole
128 discretion, reinstate any statutory speedy trial requirement subject to an order granting
129 relief under this subsection. The Chief Justice shall provide notice of such action to
130 judicial officials and the public in the same manner provided in Code Section 38-3-63.
131 If the Chief Justice takes such action, a chief judge shall not grant subsequent relief from
132 statutory speedy trial requirements in the applicable county or court following the same
133 judicial emergency unless subsequent relief is reauthorized by the Chief Justice.

134 (12) Nothing in this subsection shall relieve the state of its constitutional obligation to
135 provide for a speedy and public criminal trial.

136 (13) This subsection shall be in effect until June 30, 2023, and no order granting relief
137 under this subsection shall be issued after such date."

138 **SECTION 3.**

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



SUPREME COURT OF GEORGIA

June 7, 2021

NOTICE OF EXPECTED TERMINATION OF STATEWIDE JUDICIAL EMERGENCY ON JUNE 30, 2021

On March 14, 2020, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61, which was based upon the Governor's declaration in Executive Order No. 03.14.20.01, pursuant to OCGA § 38-3-51, that a Public Health State of Emergency existed in the State of Georgia due to the spread of COVID-19. The Governor has repeatedly renewed the Public Health State of Emergency, but it is now doubtful that the Governor will continue the public health emergency declaration beyond June 30, 2021. The Chief Justice's Order has been extended 15 times, with modifications, by orders issued on April 6, May 11, June 12, July 10, August 11, September 10, October 10, November 9, and December 9, 2020 (with Section I (B) relating to conducting jury trials modified on December 23, 2020), and on January 8, February 7, March 9, April 8, May 8, and today, June 7, 2021. See OCGA § 38-3-61 (b) (authorizing the Chief Justice to extend an order declaring the existence of a judicial emergency beyond the 90-day maximum period for other judicial emergency orders "for so long as such [public health emergency as set forth in OCGA § 38-3-51] exists, as declared by the Governor").

Because it is anticipated that the Public Health State of Emergency declared by the Governor may expire at the end of June 30, 2021, the Order Declaring Statewide Judicial Emergency is being further extended today but only until Wednesday, June 30, at 11:59 p.m. If the Public Health State of Emergency expires before June 30, the Order Declaring Statewide Judicial Emergency will expire at the same time by operation of law.

Pursuant to Section VIII (A) of today’s extension order, courts, lawyers, litigants, and the public are hereby given notice of the expected termination of the statewide judicial emergency order.

I. The Termination of the Chief Justice’s Statewide Judicial Emergency Order Will Reimpose All Deadlines Still Suspended and Tolloed by the Order.

The Chief Justice’s March 14, 2020 Order suspended, tolled, extended, and otherwise granted relief from any deadlines and other time schedules and filing requirements (referred to collectively herein as “deadlines”) imposed by otherwise applicable statutes, rules, regulations, or court orders in civil and criminal cases and administrative matters. As discussed further in today’s extension order, most of those deadlines were reimposed on *litigants* as of July 14, 2020, and the deadlines in OCGA §§ 17-7-50 and 17-7-50.1 for indicting detained individuals were reimposed as of May 14, 2021. However, recognizing the substantial backlog of pending cases, other deadlines imposed on *courts* have remained suspended and tolled, and due to the lengthy prohibition on almost all grand jury proceedings and jury trials, other deadlines for grand jury proceedings and deadlines calculated by reference to the date of a civil or criminal jury trial or a grand jury proceeding have also remained suspended and tolled.

When the Chief Justice’s Statewide Judicial Emergency Order expires, *all* deadlines that have remained suspended and tolled based on that order will be *immediately* reimposed. This will include deadlines imposed by statutes and rules for courts to hold hearings, conduct other proceedings, decide motions, and issue other orders, as well as statutory speedy trial and other requirements tied to grand jury proceedings and jury trials. As discussed further below, **certain deadlines may still be suspended or tolled based on a local judicial emergency order issued under OCGA §§ 38-3-61 and 38-3-62 (a) or an order granting relief from statutory speedy trial requirements issued under OCGA § 38-3-62 (b), but only if such orders are validly issued. To avoid serious**

complications in calculating deadlines, such orders should be issued in time to avoid any gap after the expiration of the Chief Justice’s Order.

A judge issuing any sort of order addressing the consequences of the COVID-19 pandemic should consider the authority by which the order is issued and must comply with any constitutional, statutory, uniform rule, or other requirements for such an order.

Note that **emergency amendments to court and bar rules** on such matters as videoconferencing and CLE requirements are based on the Supreme Court’s constitutional rule-making authority rather than on statutory judicial emergency authority. Those amendments will remain in effect after the termination of the Chief Justice’s Statewide Judicial Emergency Order for the period specified in each amendment, as the Court considers whether to make each amendment permanent, modify it, or allow it to expire.

II. Local Judicial Emergency Orders Under OCGA §§ 38-3-61 and 38-3-62 (a).

During the COVID-19 pandemic, many courts in Georgia have issued orders with the term “judicial emergency” in the caption or body of the order. However, **OCGA §§ 38-3-60 to 38-3-64 provide the only *statutory* authority to issue orders declaring the existence of a judicial emergency and the only authority for *two particular types of emergency actions*. First, a statutorily authorized judicial emergency order may grant relief from otherwise applicable legal deadlines. See OCGA § 38-3-62 (a) (“An authorized judicial official in an order declaring a judicial emergency, or in an order modifying or extending a judicial emergency order, is authorized to suspend, toll, extend, or otherwise grant relief from deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters . . .”). **Second, a statutorily authorized judicial emergency order may designate****

an alternate court facility. See OCGA § 38-3-61 (c) (“In the event the circumstances underlying the judicial emergency make access to the office of a clerk of court or a courthouse impossible or impractical, the order declaring the judicial emergency shall designate another facility, which is reasonably accessible and appropriate, for the conduct of court business.”).

In addition to various technical requirements regarding the content of and notifications regarding judicial emergency orders found in OCGA §§ 38-3-61 (a) and 38-3-63, **there are several important limitations on this statutory authority. First, only the Chief Justice of the Georgia Supreme Court or a chief judge of a Georgia superior court judicial circuit is authorized to declare a judicial emergency.** See OCGA §§ 38-3-60 (1) (defining “authorized judicial official”); 38-3-61 (a) (stating that “[a]n authorized judicial official is authorized to declare the existence of a judicial emergency . . .”). A “judicial emergency” order issued by any other judge is not a valid order under these statutes.

Second, the order must be based on a determination that a “judicial emergency” exists in the pertinent jurisdiction. OCGA § 38-3-60 (2) defines “judicial emergency” as

- (A) A state of emergency declared by the Governor under Part 1 of this article;
- (B) A public health emergency under Code Section 31-12-1.1;
- (C) A local emergency under Code Section 36-69-2; or
- (D) Such other serious emergency when, as determined by an authorized judicial official, the emergency substantially endangers or infringes upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system, or the ability of litigants or others to have access to the courts or to meet schedules or time deadlines imposed by court order or rule, statute, or administrative rule or regulation.

Thus, judicial emergencies are not limited to an ongoing public health state of emergency declared by the Governor or the Department of Public Health. A judicial emergency may also be declared due to serious problems – like the ongoing consequences of the pandemic, which required major restrictions on in-person judicial proceedings and otherwise created backlogs of cases – that substantially infringe upon the normal functioning of the judicial system, the ability of people to avail themselves of the judicial system, or the ability of litigants to have access to the courts or meet the normal legal deadlines.

However, except for judicial emergency orders issued by the Chief Justice based upon the existence of a public health emergency declared by the Governor under OCGA § 38-3-51 (like the Statewide Judicial Emergency Order that was extended most recently today), **judicial emergency orders are limited in duration to no more than 90 days in 30-day increments** – “an initial duration of not more than 30 days; provided, however, that the order may be modified or extended for no more than two periods not exceeding 30 days each[.]” OCGA § 38-3-61 (b). Thus, chief judges of superior court circuits who have issued or plan to issue a local judicial emergency order under OCGA § 38-3-61 must ensure that the duration of such order or extension thereof complies with these duration limitations.

Accordingly, a chief judge of a superior court circuit who previously declared a local judicial emergency and issued an order under OCGA § 38-3-61 based upon public health issues related to the COVID-19 pandemic may be authorized to declare a *different* local judicial emergency and issue a new order under OCGA § 38-3-61 based on the “other serious emergency” provision of OCGA § 38-3-60 (2) (D) if the backlog of cases and proceedings caused by the pandemic meet the standard set forth in that statutory provision, although the new order would be limited in duration to 30 days with at most two 30-day extensions. Note that if the local judicial emergency is affecting a class of court other than or in addition to the superior court, the chief judge of the superior court judicial circuit remains the only local judge with authority to issue an order under OCGA §§ 36-3-61 and 38-3-62 to grant

relief from legal deadlines applicable to that other class of court or to designate an alternate court facility for it. Finally, note again the importance of avoiding even short gaps in the suspension and tolling of specific legal deadlines between the expiration of the Chief Justice’s Statewide Judicial Emergency Order or a previous local judicial emergency order and any new local judicial emergency order because gaps of even a day or two may greatly complicate the calculation of the deadlines applicable to many cases.

**III. Local Orders Under OCGA § 38-3-62 (b) (Senate Bill 163)
Suspending Statutory Speedy Trial Requirements
Following a Judicial Emergency.**

Senate Bill 163, which was passed by the General Assembly during the 2021 legislative session, amended OCGA § 38-3-62 to add a subsection (b), which authorizes the chief judge of a Georgia superior court judicial circuit or the chief judge of a Georgia state court to suspend, toll, extend, modify, or otherwise grant relief from the statutory speedy trial requirements imposed by OCGA §§ 17-7-170 and 17-7-171, in that judge’s court in a particular county and for a limited duration, *following* a judicial emergency if compliance with such requirements is impracticable under the totality of the circumstances arising from the preceding judicial emergency. This new provision will provide superior and state courts that have large backlogs of criminal cases which may need jury trials to resolve and that have not been able to hold jury trials due to public health restrictions more time to address those backlogs after a judicial emergency ends.

Detailed guidance and model forms for the order and supporting certification required by OCGA § 38-3-62 (b) have been provided to superior and state court judges by their court councils. It is important to understand that orders issued under this provision are *not* themselves “judicial emergency” orders but rather must *follow* a valid statutory judicial emergency order issued under OCGA § 38-3-61; may grant relief *only* for a limited period and *only* from statutory speedy trial requirements (not from other legal deadlines); must be issued for

a superior or state court in a *particular county* based on that court and county's particular circumstances, as shown by a detailed certification; and must include a *plan* to resolve cases in which a statutory speedy trial demand has been filed as expeditiously as possible.

Because an order under OCGA § 38-3-62 (b) must be based on “the totality of the circumstances arising from the preceding judicial emergency,” *id.* § 38-3-62 (b) (2) (B), **it may be preferable to issue such orders immediately following and based upon the Statewide Judicial Emergency Order, which affected the judicial system for more than 15 months, rather than following and based upon a local judicial emergency order that may be issued or may extend after the Statewide Judicial Emergency Order expires and that can be in effect for a maximum of 90 days.** Note also that Senate Bill 163's amendment enacting OCGA § 38-3-62 (b) takes effect on July 1, 2021, which is immediately after the statewide judicial emergency order is expected to terminate. Avoiding any gap in time between orders granting relief from statutory speedy trial requirements will avoid major calculation complications, but an order under OCGA § 38-3-62 (b), while it may be entered before July 1, 2021, will have no legal effect until the new statutory provision becomes effective on the first minute of that day.

IV. Local Orders Regarding Court Operations and Management.

During the COVID-19 pandemic, many orders that have been captioned or include the term “judicial emergency” are not statutorily authorized judicial emergency orders, which, to repeat, may be issued only by the Chief Justice or a chief judge of a superior court judicial circuit, may grant relief from legal deadlines or designate alternate court facilities, and are subject to other statutory requirements and limitations. These local orders instead address matters of court operations and management, including access to courthouses and courtrooms, designation of proceedings that will be conducted remotely and details on how such proceedings will be conducted, public health

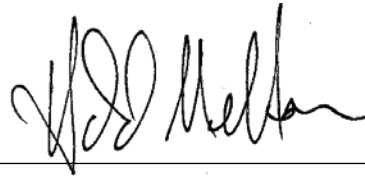
precautions for in-person proceedings, such as wearing masks and social distancing, scheduling issues not requiring relief from legal requirements, etc. Many of these local orders have followed the guidance provided in the Chief Justice's Statewide Judicial Emergency Order, as extended and modified, and in the various guidance documents in the Appendix to the Order.

The termination of the Statewide Judicial Emergency Order will not necessarily affect these local orders. To the extent the judge or judges issuing such orders have authority to issue orders regarding court operations and management, the orders will continue in effect and similar orders may be issued. Even after the Chief Justice's Order expires, some of its provisions may provide useful guidance for local orders. For example, courts may decide to retain published operating guidelines for in-court proceedings so that persons coming to court can understand the precautions being taken to protect their health, although those guidelines may need to be revised to reflect changing public health guidance. Courts may also decide to retain their local committees of judicial system participants to consult with regarding modifications of operating guidelines due to changing public health guidance as well as ways to restore the local court system to full operations and resolve the backlog of cases. And all Georgia courts should continue to emphasize professionalism among lawyers and judges as we emerge from the pandemic but continue to deal with its many effects.

V. Distribution of This Notice.

This notice shall immediately be sent to the judges and clerks of all courts in this State, including the clerk of the Court of Appeals of Georgia, such service to be accomplished through means to assure expeditious receipt, which include electronic means. Notice shall also be sent to the news media, the State Bar of Georgia, and the officials and entities listed below.

IT IS SO ORDERED this 7th day of June, 2021.

A handwritten signature in black ink, appearing to read "H. D. Melton", written in a cursive style. The signature is positioned above a horizontal line.

Chief Justice Harold D. Melton
Supreme Court of Georgia

Governor Brian P. Kemp
Lt. Governor Geoff Duncan
Speaker David Ralston
State Bar of Georgia
Administrative Office of the Courts
Judicial Council of Georgia
Council of Superior Court Clerks of Georgia
Department of Juvenile Justice
Criminal Justice Coordinating Council
Council of Accountability Court Judges
Georgia Commission on Dispute Resolution
Institute of Continuing Judicial Education of Georgia
Georgia Council of Court Administrators
Chief Justice's Commission on Professionalism
Judicial Qualifications Commission
Association County Commissioners of Georgia
Georgia Municipal Association
Georgia Sheriffs' Association
Georgia Association of Chiefs of Police
Georgia Public Defender Council
Prosecuting Attorneys' Council of Georgia
Department of Corrections
Department of Community Supervision
Georgia Court Reporters Association
Board of Court Reporting
State Board of Pardons and Paroles
Constitutional Officers Association of Georgia
Council of Magistrate Court Clerks
Council of Municipal Court Clerks

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from
the minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court
hereto affixed the day and year last above written.

 , Clerk



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Judicial COVID-19 Task Force

RE: Task Force Update

DATE: July 28, 2021

The Judicial COVID-19 Task Force continues to meet to discuss both what procedures and protocols are working and where improvement is needed since the lifting of the Emergency Order. The Task Force has met three times since the last Judicial Council meeting on June 16, July 14, and August 4 (scheduled).

The local emergency orders are being posted on the AOC website with 28 counties ordering the continued tolling of statutory speedy trial demands thus far. Additionally, there is diversity among the courts with regard to safety protocols. Some courts have chosen to continue the COVID protocols post-emergency while others have discontinued the requirements for masking and social distancing. Anecdotally, jury turnout is good and has not prevented the conducting of trials. Many courts are scheduling civil trials as back ups to their criminal calendars in the event of late pleas that free up time and resources.

The Task Force, in collaboration with the State Bar, plan on holding a Lunch & Learn for judges and DCAs who are interested in employing Fulton County's remote jury selection procedures for civil cases. Justice LaGrua, State Bar President Elizabeth Fite and Chief Judge Christopher Brasher are collaborating on this training.

The Task Force is conducting surveys stakeholders on a variety of issues with a focus on technology needs and best practices and will be reviewing the results and making recommendations based on those findings if necessary.

TAB 3



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice Michael P. Boggs
Chair, Standing Committee on Legislation

RE: Committee Report

DATE: July 26, 2021

On July 21, 2021, the Standing Committee on Legislation (“Committee”) met to discuss legislative items for the 2022 Session of the General Assembly. There were no new proposals presented for action. As a standard item, the Committee makes the following recommendation to the Judicial Council:

Authority to Act

The Committee requests approval to make decisions or take positions on legislation and related policy issues on behalf of the Judicial Council during the 2022 Legislative Session, and any special session that may be called in CY 2021, when time constraints prevent the convening of the full Judicial Council.

Additionally, the Committee heard status reports on the previously taken positions of support, with no action taken, on the following items:

- Modernize and update the Court Reporting Act of Georgia and related statutes (OCGA Titles 5; 9; 15; 17; 29), to include authorization for the use of digital recording systems in courts and for the development of rules and regulations to govern such use (*Judicial Council*);
- Repeal and replace the current notice of appeal and certiorari review statutes in OCGA Chapters 3 and 4 of Title 5 with a single petition for review procedure for appealing a case from a lower judicatory to superior or state court (*Judicial Council*);
- Amend OCGA § 29-3-3 to clarify the meaning of “gross settlement” and define “net settlement” when the appointment of a conservator for a minor is required (*Council of State Court Judges/Judicial Council*) – **filed as part of [HB 620](#)**;

- Amend OCGA § 17-6-31 (e) to increase the period of time a defendant can be tried before a surety is relieved of liability on the bond – [HB 662](#) (*Council of State Court Judges*); and,
- Amend OCGA § 17-6-72 to clarify when a surety may be released from a bond – [HB 662](#) (*Council of State Court Judges*).

TAB 4



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Justice Charles J. Bethel, Chair *CJB*
Standing Committee on Budget

RE: Judicial Council Budget and Financial Report

DATE: July 27, 2021

This report will provide an update on the Judicial Council's Fiscal Year 2021 and 2022 budgets and the Amended Fiscal Year 2022 and Fiscal Year 2023 enhancement requests.

Fiscal Year 2021 Judicial Council Budget and Financial Report

The Fiscal Year 2021 closed on July 23, 2021. The Judicial Council Fiscal Year 2021 Financial Report is attached.

Amended Fiscal Year 2022 and Fiscal Year 2023 Judicial Council Enhancement Requests

The Judicial Council Standing Committee on Budget met on July 21, 2021, to consider Amended Fiscal Year 2022 and Fiscal Year 2023 enhancement requests. The White Paper for each enhancement request is attached.

Amended Fiscal Year 2022 (AFY22) Enhancement Requests:

- The Judicial Council/Administrative Office of the Courts submitted a request for the restoration of its Fiscal Year 2020 Appropriation in the amount of \$569,928. By unanimous vote, this request was approved by the Committee.
- The Council of Probate Court Judges submitted a request for the restoration of its Fiscal Year 2020 Appropriation in the amount of \$25,964. By unanimous vote, this request was approved by the Committee.

- Council of Magistrate Court Judges submitted a request for the restoration of its Fiscal Year 2020 Appropriation in the amount of \$27,023. By unanimous vote, this request was approved by the Committee.

If approved, the Judicial Council's AFY22 budget will be \$16,238,867, a 3.84% increase to the budget.

Fiscal Year 2023 (FY23) Enhancement Requests:

- The Judicial Council/Administrative Office of the Courts (AOC) submitted a request for the restoration of its Fiscal Year 2020 Appropriation along with requests for four positions:
 - The **Research Analyst** will be responsible for data collection, evidence-based research, and complex data analyses that drive many policies and court administration decisions. It will allow for a more even distribution of work and result in a quicker response time to legislative and judicial research requests.
 - The **IT Help Desk Specialist** position will make it possible for the AOC to provide requested and promised desktop support to internal and external clients and staff.
 - The **Customer Service Specialist** position is critical to meet the basic needs and operations of the Georgia Courts Registrar (GCR). The GCR has seen a 33% increase in the number of new GA dispute resolution neutrals. This position will assist in the management of over 5,000 registrant records. This staff will manage license renewals, process payments, provide education and training registration, and vet phone calls from the registrants and potential candidates.
 - The **Policy Counsel I** will be staff to the Access to Justice Committee. Fully staffing the Committee's work will allow the work of creating a statewide network of law libraries that provide self-help legal services, record restriction clinics around the state, adherence with the Americans with Disabilities Act, and provide expertise both at a state and local level.

The total amount of the AOC's requests is \$952,056. By unanimous vote, this request was approved by the Committee.

- The Council of Probate Court Judges (CPCJ) submitted a request for the restoration of its Fiscal Year 2020 Appropriation in the amount of \$25,964. By unanimous vote, this request was approved by the Committee.
- Council of Magistrate Court Judges submitted a request for the restoration of its Fiscal Year 2020 Appropriation in the amount of \$27,023. By unanimous vote, this request was approved by the Committee.
- The Supreme Court Committee on Justice for Children submitted an

enhancement request for Civil Legal Services for Kinship Care Families in the amount of \$274,674. The Judicial Council Grants Committee will award competitive grants to nonprofit agencies across the state for these services. By unanimous vote, this request was approved by the Committee.

- The Judicial Council Standing Committee on Grants submitted an enhancement request for Civil Legal Services for Victims of Domestic Violence for \$1,322,828. The Judicial Council Grants Committee will award competitive grants to nonprofit agencies across the state for these services. By unanimous vote, this request was approved by the Committee.
- The Georgia Resource Center submitted a request for the restoration of its Fiscal Year 2020 Appropriation in the amount of \$25,000. By unanimous vote, with one abstention, this request was approved by the Committee.
- The Institute of Continuing Judicial Education (ICJE) submitted a request for an Event Planner position. The position will provide the ICJE with adequate staff to meet the expanding educational demands across Georgia's judiciary for the professional development of judges and court staff. By unanimous vote, this request was approved by the Committee.

If all seven enhancement requests totaling \$2,655,545 are approved, the FY23 Judicial Council budget will increase from \$15,615,952 to \$18,271,497. The increase would represent a 14.53% increase to the Judicial Council's budget.

Attachments:

FY 2021 Judicial Council Budget and Financial Report

White Papers for Amended Fiscal Year 2022:

Administrative Office of the Courts

Council of Probate Court Judges

Council of Magistrate Court Judges

White Papers for Fiscal Year 2023:

Civil Legal Services for Kinship Care Families

Civil Legal Services for Victims of Domestic Violence

Georgia Resource Center

Institute of Continuing Judicial Education

Amended Fiscal Year 2022 and Fiscal Year 2023 Budget Comparison Reports

Fiscal Year 2021 - Judicial Council Operations
June 30, 2021

Department	FY 2021 Budget	YTD Expenditures	Remaining
Administrative Office of The Courts	\$ 6,585,544	\$ 6,584,818	\$ 726
Legal Services for Domestic Violence	\$ 1,502,172	\$ 1,502,172	\$ -
Legal Services for Kinship Care Families	\$ 225,326	\$ 225,326	\$ -
Georgia Council of Court Administrators	\$ 16,389	\$ 16,389	\$ -
Council of Municipal Court Judges	\$ 13,919	\$ 13,919	\$ -
Child Support Collaborative	\$ 119,000	\$ 118,989	\$ 11
Council of Magistrate Court Judges	\$ 165,998	\$ 165,998	\$ -
Council of Probate Court Judges	\$ 159,490	\$ 159,490	\$ -
Council of State Court Judges	\$ 275,390	\$ 275,390	\$ -
Council of State Court Judges Ret.	\$ 2,573,814	\$ 2,573,814	\$ -
CACJ - \$1K Supplement	\$ 1,077	\$ 1,077	\$ -
Other Judicial Council Subprograms	\$ 5,052,575	\$ 5,035,009	\$ 11
Georgia Office of Dispute Resolution	\$ 9,689	\$ 9,678	\$ 11
Accountability Courts	\$ 628,926	\$ 617,467	\$ 11,459
CACJ-Peer Review Porcess	\$ 42,000	\$ 40,958	\$ 1,042
Inst of Continuing Jud Ed Administration	\$ 545,866	\$ 545,386	\$ 480
Judicial Qualifications Commission	\$ 826,048	\$ 821,319	\$ 4,729
Resource Center	\$ 775,000	\$ 775,000	\$ -
Separate Judicial Council Programs	\$ 2,827,529	\$ 2,809,808	\$ 17,721
TOTAL JUDICIAL COUNCIL	\$ 14,465,648	\$ 14,429,635	\$ 18,458



JUDICIAL COUNCIL OF GEORGIA AFY 2022 AMENDED REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement? Supreme Court Committee on Justice for Children

Judicial Council - Administrative Office of the Courts

2. Enhancement Name/Descriptor: **Restoration of FY2020 AOC Budget, Research Analyst, Customer Service Support, IT Help Desk, and Policy Counsel I**

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input checked="" type="checkbox"/> Amended FY 2022	\$ 7,075,563	\$ 569,928	\$ 7,645,491
<input checked="" type="checkbox"/> FY 2023	\$ 7,075,563	\$ 952,056	\$ 8,027,619

3. What will the enhancement accomplish?

In response to an anticipated reduction in state revenues, due to the pandemic, the Administrative Office of the Courts (AOC) budget was reduced by \$775,727 in FY20. That was a 10% cut to the AOC’s annual appropriation. Now that the State of Emergency has been lifted, the Administrative Office of the Courts will have to return to regular operations.

As staff to the Judicial Council, the AOC’s responsibility is to provide subject-matter expertise on policy, court innovation, legislation, and court administration to all Georgia courts. One of the AOC’s functions is to staff and support the Judicial Council’s varied committees. With this enhancement, the AOC staff will be able to travel to in-person Judicial Council, General Session and Standing Committee meetings, attend judges and clerks’ conferences, cover court events around the state such

as drug court graduations, educational and civics events, purchase greatly needed supplies and materials and replace equipment that is outdated or no longer under warranty.

The AOC is also a shared resource providing services to the entire Judicial Branch. These services are different for every group we serve depending on their specific needs and staffing. Services we provide include payroll, HR, vendor contract support, including technology contracts, legal, communications, fiscal, and budget. With this enhancement, the AOC will be able to provide services and keep a lean workforce by contracting with vendors to assist with the administration of services and needed software.



JUDICIAL COUNCIL OF GEORGIA AFY 2022 AMENDED REQUEST FORM

4. What is unable to be accomplished without the enhancement?

Without this enhancement, AOC staff will be unable to provide the core function of attending in-person Judicial Council General Session and Standing Committee meetings. We will be unable to fulfill our staffing obligations to the Supreme Court's Committee on Justice for Children, the Child Support Commission, the Access to Justice Committee, the Council of Municipal Court Judges, the Municipal Court Clerks Council, the Magistrate Courts Training Council, the Council of Magistrate Court Clerks, the Board of Court Reporting, the newly created Committee on Court Interpreters. The AOC staff will be unable to continue to attend meetings and conferences of magistrate, municipal, state, and probate court judges, and occasional meetings of superior court judges. We will also be unable to travel to judicial districts to provide training for caseload data, which is a core function of the AOC.

We will be unable to replenish needed supplies and materials that we have been unable to purchase because of budget cuts. We will be unable to update old equipment that is either outdated or no longer under warranty.

We will be unable to contract with vendors for services to assist with strategic plan preparation, legal work, software application development, project management, and research assistance.

We will be unable to provide requested and promised desktop support to internal and external clients and staff. We will be unable to efficiently resolve technical issues, trouble-shoot software packages, maintain hardware, and manage updates with a dedicated desktop support position.

We will be unable to meet the basic needs and operations of the Georgia Court Registry (GCR). The GCR staff is responsible for managing license renewal, providing training to registrants, processing payments and vetting phone calls from the registrants and potential candidates. Currently, the Registrar contains **13,095** court professional and **6,186** Office of Dispute Resolutions Neutrals records. Without this funding, reduced response times are likely to continue if the position is not restored. Since the reduction in Customer Support staff, the group has experienced an unprecedented number of complaints from the registrants and clients utilizing the services of the GCR due to the delayed time in returning phone calls and providing technical assistance.

We will be unable to evenly distribute the work that the research team performs to create quicker response times to legislative and judicial research requests. Research Analysts are responsible for the data collection, evidence-based research, and complex data analyses that drives many policies and court administration decisions. Without this funding, response times for data requests are expected to exceed 30 days or longer.

We will be unable to continue the work of creating a statewide network of law libraries that provide self-help legal services, record restriction clinics around the state, adhere to the American with Disabilities Act and provide expertise both at a state and local level to continue to improve access to justice as well as provide representation at a national level to these important issues.



JUDICIAL COUNCIL OF GEORGIA AFY 2022 AMENDED REQUEST FORM

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- Salaried staff
- Operating Funds (includes contractors)



JUDICIAL COUNCIL OF GEORGIA AFY 2022 AMENDED REQUEST FORM

Budget Categories	AFY 2022 Amended Request	FY 2023 Enhancement Request
Personnel Services:		
IT Helpdesk – \$54,830/\$88,654		
Customer Support Specialist - \$40K/\$65K	\$	\$ 358,188
Research Analyst - \$45K/\$74,934		
A2J Staff - \$80K/\$129,600		
Operating Costs:		
Postage	\$	\$
Motor Vehicle Expenses	\$	\$
Printing, Publications, Media	\$ 23,939	\$ 23,939
Supplies and Materials	\$ 61,216	\$ 67,216
Repairs and Maintenance	\$	\$
Equipment < \$5,000	\$	\$
Water/Sewage	\$	\$
Energy	\$	\$
Rents Other Than Real Estate	\$ 47,000	\$ 87,730
Insurance and Bonding	\$	\$
Freight	\$	\$
Other Operating	\$	\$
Travel – Employee	\$ 60,000	\$ 60,000
Real Estate Rentals	\$ 92,513	\$ 92,513
Professional Services (Per Diem)	\$	\$
Professional Services (Expenses)	\$	\$
Other Contractual Services (Non State)	\$ 136,428	\$ 136,428
Contracts – State Orgs	\$ 22,790	\$
IT Expenses	\$ 126,042	\$ 126,042
Voice/Data Communications	\$	\$
Grants	\$	\$
Indirect Costs	\$	\$
Transfers	\$	\$
Total Operating Budget	\$ 569,928	\$ 593,868
TOTAL OVERALL BUDGET	\$ 569,928	\$ 952,056



JUDICIAL COUNCIL OF GEORGIA AFY 2022 AMENDED REQUEST FORM

Part 1 – Detailed Explanation of Request

1. Proposal:

2. Current Status:

a. What is the budget unit currently doing to address this issue?

We held virtual meetings during the pandemic. Now that the state has reopened, in-person meetings are being scheduled. We used equipment that is now old and/or out of warranty. We went without supplies and materials that we need. We were unable to contract with vendors for services and IT related software that the Judicial Council and other judicial groups desired.

b. Will those activities continue if this request is funded? Definitely.

Yes. The level of participation will be greatly diminished without the additional funding.

3. Supporting Data: NA

a. Provide any supporting data, evaluations, and/or research for this request.

b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

4. Performance Measures: N/A

a. What measures are or will be used to evaluate the impact of this change?

b. If an enhancement, what is the projected cost savings or return on investment?

c. What efficiencies will be realized?

5. Stakeholders & Constituents:

a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

b. Which are likely to support this request?

- Judicial Council and various Court Councils
- Training Councils

c. Which are likely to oppose this request? N0



JUDICIAL COUNCIL OF GEORGIA AFY 2022 AMENDED REQUEST FORM

The Council is unaware of any opposition to this request.

- d. Which have not voiced support or opposition? No
- a. Legislation or Rule Change: Is legislation or a rule change required if this request is implemented? If so, please explain.
- b. Is this request a result of a legislation or rule change? If so, please explain.

6. Alternatives:

What alternatives were considered and why are they not viable? We have no alternatives, and the last resort is moving out of the space we have.

Part 2 - BUDGET

7. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*
- b. Positions: (full-time/part-time, education required, qualifications, overview of general duties, and salaries)
 - Research Analyst - \$74,934 (Salary: \$45,000 Fringe: \$29,934)
 - Customer Support Specialist - \$65,000 (Salary: \$40,000 Fringe: \$25,000)
 - IT Help Desk Specialist - \$88,654 (Salary: \$54,389 Fringe: \$34,265)
 - Policy Counsel I - \$129,600 (Salary: \$80,000 Fringe: \$49,600)
- c. Operational needs:

Description	AFY 22 Budget Request	FY 23 Budget Request
Printing, Publications, Media	\$ 23,939	\$ 23,939
Supplies and Materials	\$ 61,216	\$ 67,216
Rents Other Than Real Estate	\$ 47,000	\$ 87,730
Travel – Employee	\$ 60,000	\$ 60,000
Real Estate Rentals	\$ 92,513	\$ 92,513
Contractual Services	\$ 136,428	\$ 136,428
Contracts – State Orgs	\$ 22,790	
IT Expenses	\$ 126,042	\$ 126,042
Personnel Services		\$ 358,188
Total Enhancement Requests	\$ 569,928	\$ 952,056



JUDICIAL COUNCIL OF GEORGIA AFY 2022 AMENDED REQUEST FORM

d. What are your out-year projections?

Part 3 - OTHER INFORMATION

8. Discuss any historical or other relevant factors that should be considered.



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement?

Judicial Council – Council of Probate Court Judges of Georgia

2. Enhancement Name/Descriptor: **Restoration of Council of Probate Court Judges FY20 Budget**

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input checked="" type="checkbox"/> Amended FY 2022	\$ 159,490	\$ 25,964	\$ 185,454
<input checked="" type="checkbox"/> FY 2023	\$ 159,490	\$ 25,964	\$ 185,454

3. What will the enhancement accomplish?

The enhancement will restore our Council’s operating budget and enable us to pay for expenses related to rent, travel, contracts, and supplies.

4. What is unable to be accomplished without the enhancement?

Without the enhancement, our Council will continue to function without an operating budget and therefore, have to rely on alternative sources to pay our rent. In addition, our executive director will have to continue to personally pay for his travel and supplies.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- Salaried staff
- Operating Funds (includes contractors)



JUDICIAL COUNCIL OF GEORGIA

FY 2022 AMENDED REQUEST FORM

FY 2023 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement? Council of Magistrate Court Judges

Judicial Council - Administrative Office of the Courts

2. Enhancement Name/Descriptor: **Restoration of Council of Magistrate Court Judges Funds**

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input checked="" type="checkbox"/> Amended FY 2022	\$ 165,998	\$ 27,023	\$ 193,021
<input checked="" type="checkbox"/> FY 2023	\$ 165,998	\$ 27,023	\$ 193,021

3. What will the enhancement accomplish?

The enhancement will allow the CMCJ to return to regular and basic operating functions. During the pandemic, CMCJ cancelled all in person meetings, and eliminated all travel and projects. The budget cuts of FY2021 only allow for personnel services, rent, and some technology services such as phone service. The request will allow the CMCJ to return to regular operations now that the state has opened.

4. What is unable to be accomplished without the enhancement?

Due to budget cuts and to keep council activities going, judges and staff have paid for CMCJ travel related expenses and some supplies out of pocket. As CMCJ leaders, the judges and staff are obligated to serve on statewide Judicial Council Committees. Asking judges and staff to fund such expenses out of pocket is unsustainable. It may also limit participation statewide by judges who can't afford to participate in either the Council activities/leadership or serve on statewide Judicial Council committees.

The CMCJ strategic plan includes researching and providing projects that contribute to the administration of justice and public confidence in our courts. Without this funding, we are not sure we can continue to provide new and cutting-edge projects that can assist our courts provide better services to the public.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- Salaried staff
 Operating Funds (includes contractors)



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Budget Categories	FY 2022 Amended Request	FY 2023 Enhancement Request
Personnel Services:	\$	\$
Operating Costs:		
Postage	\$	\$
Motor Vehicle Expenses	\$	\$
Printing, Publications, Media	\$	\$
Supplies and Materials	\$ 1,500	\$ 1,500
Repairs and Maintenance	\$	\$
Equipment < \$5,000	\$	\$
Water/Sewage	\$	\$
Energy	\$	\$
Rents Other Than Real Estate	\$ 5,000	\$ 5,000
Insurance and Bonding	\$	\$
Freight	\$	\$
Other Operating	\$	\$
Travel – Employee	\$ 3,801	\$ 3,801
Real Estate Rentals	\$	\$
Professional Services (Per Diem)	\$	\$
Professional Services (Expenses)	\$ 4,222	\$ 4,222
Other Contractual Services (Non State)	\$ 10,000	\$ 10,000
Contracts – State Orgs	\$	\$
IT Expenses	\$ 2,500	\$ 2,500
Voice/Data Communications	\$	\$
Grants	\$	\$
Indirect Costs	\$	\$
Transfers	\$	\$
Total Operating Budget	\$ 27,023	\$ 27,023
TOTAL OVERALL BUDGET	\$ 27,023	\$ 27,023



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Part 1 – Detailed Explanation of Request

1. Proposal:

This funding will restore CMCJ funding to the pre-FY21 funding levels.

2. Current Status:

- a. What is the budget unit currently doing to address this issue? Staff and judges pay out of pocket for those things that we must have. Our current budget pays for rent and phone usage only, plus perhaps a few supplies. The current budget doesn't provide for any in person meetings or any projects that we can pursue. Any increases in rent or phone would cause the CMCJ to move out of our current space and/or reduce personal services.
- b. Will those activities continue if this request is funded? Definitely.

3. Supporting Data: NA

- a. Provide any supporting data, evaluations, and/or research for this request.
- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

4. Performance Measures: N/A

- a. What measures are or will be used to evaluate the impact of this change?
- b. If an enhancement, what is the projected cost savings or return on investment?
- c. What efficiencies will be realized?

5. Stakeholders & Constituents: NA

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).
- b. Which are likely to support this request?
- c. Which are likely to oppose this request?

The Council is unaware of any opposition to this request.



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

d. Which have not voiced support or opposition?

6. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.
- b. Is this request a result of a legislation or rule change? If so, please explain.

7. Alternatives:

What alternatives were considered and why are they not viable? We have no alternatives, and the last resort is moving out of the space we have and reducing personal services.

Part 2 - BUDGET

8. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*
- b. Positions: (full-time/part-time, education required, qualifications, overview of general duties, and salaries)
- c. Operational needs:
- d. What are your out-year projections?

Part 3 - OTHER INFORMATION

9. Discuss any historical or other relevant factors that should be considered.



**JUDICIAL COUNCIL OF GEORGIA
 FY 2022 AMENDED REQUEST FORM
 FY 2023 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 2022 Amended Request	FY 2023 Enhancement Request
Personnel Services:	\$ 464	\$ 464
Operating Costs:		
Postage	\$	\$
Motor Vehicle Expenses	\$	\$
Printing, Publications, Media	\$ 1,000	\$ 1,000
Supplies and Materials	\$ 3,000	\$ 3,000
Repairs and Maintenance	\$	\$
Equipment < \$5,000	\$	\$
Water/Sewage	\$	\$
Energy	\$	\$
Rents Other Than Real Estate	\$ 9,400	\$ 9,400
Insurance and Bonding	\$	\$
Freight	\$	\$
Other Operating	\$ 2,500	\$ 2,500
Travel – Employee	\$ 3,000	\$ 3,000
Real Estate Rentals	\$	\$
Professional Services (Per Diem)	\$	\$
Professional Services (Expenses)	\$	\$
Other Contractual Services (Non State)	\$	\$
Contracts – State Orgs	\$ 6,000	\$ 6,000
IT Expenses	\$	\$
Voice/Data Communications	\$ 600	\$ 600
Grants	\$	\$
Indirect Costs	\$	\$
Transfers	\$	\$
Total Operating Budget	\$ 25,500	\$ 25,500
TOTAL OVERALL BUDGET	\$ 25,964	\$ 25,964



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement?
Supreme Court Committee on Justice for Children; Standing Committee on Grants
2. Enhancement Name/Descriptor: Civil Legal Services for Kinship Care Families

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2022	\$	\$	\$
<input checked="" type="checkbox"/> FY 2023	\$ 475,326	\$ 274,674	\$ 750,000

3. What will the enhancement accomplish?

This funding will provide additional grant funds to non-profits providing civil legal services to kinship caregivers throughout Georgia. Attorneys will be able to secure legal custody for caregivers who care for children at risk of being taken into care by the State. Additionally, these attorneys can provide access to financial benefits, healthcare support, educational support, and safe housing for at risk children by assuring they receive the legal representation they need. It is expected over 750 new cases would be opened each year with this funding. As of early May 2021, approximately 562 new cases had been opened in FY 2021 by the grant recipients.

Current funding is \$475,326. FY 2021 funds for this grant totaled \$225,326, and FY 2020 funds totaled \$375,000, with an increase in the amended FY 2020 budget of \$100,000.

4. What is unable to be accomplished without the enhancement?

Without the civil legal services that this funding would provide, children in kinship care would continue to face increased social, legal, and financial issues. Many kinship families are low-income households and face complex issues, such as access to care benefits, threat of evictions, and education access - issues that are only resolvable through the assistance of an attorney. Without this support, fewer children will be able to remain in kinship care and instead, will be placed in foster care at an increased cost to the state.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?
 Salaried staff



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Operating Funds (includes contractors)



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FY 2022 AMENDED REQUEST FORM
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Repairs and Maintenance	\$	-	\$	-
Equipment < \$5,000	\$	-	\$	-
Water/Sewage	\$	-	\$	-
Energy	\$	-	\$	-
Rents Other Than Real Estate	\$	-	\$	-
Insurance and Bonding	\$	-	\$	-
Freight	\$	-	\$	-
Other Operating	\$	-	\$	-
Travel – Employee	\$	-	\$	-
Real Estate Rentals	\$	-	\$	-
Professional Services (Per Diem)	\$	-	\$	-
Professional Services (Expenses)	\$	-	\$	-
Other Contractual Services (Non State)	\$	-	\$	-
Contracts – State Orgs	\$	-	\$	-
IT Expenses	\$	-	\$	-
Voice/Data Communications	\$	-	\$	-
Grants	\$	-	\$	274,674.00
Indirect Costs	\$	-	\$	-
Transfers	\$	-	\$	-
Total Operating Budget	\$	-	\$	274,674.00
TOTAL OVERALL BUDGET	\$	-	\$	274,674.00
State Funds				
Other Budgeted Funds				



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Which Program is requesting this Enhancement?

Supreme Court Committee on Justice for Children; Standing Committee on Grants

Part 1 – Detailed Explanation of Request

1. Proposal:

This funding will provide additional funds to non-profit legal service providers to provide civil legal services for kinship caregivers and children. Kinship care refers to full-time, non-parental care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents. Relatives and other caregivers often struggle to provide for these new members of the household, who often arrive in their care following trauma or crisis.

Kinship caregiver needs include legal custody. Attorneys can also provide access to financial benefits, educational access, government support, and safe housing for at risk children by assuring they receive the legal representation needed. This funding would provide these kinship caregivers with the much-needed legal assistance to ensure the home remains safe, stable, and sustainable for the children in their care.

Certain services would be specifically excluded, including Class action suits; Criminal defense; Deportation proceedings; Juvenile delinquency; Indirect legal services – such as training; Matters to be adjudicated in courts outside of Georgia; and other proceedings not related to the safety, stability, or economic security of the at-risk child or kinship care family.

2. Geographic Impact: Where does the request impact the state?

Statewide or list counties below:

3. Current Status:

a. What is the budget unit currently doing to address this issue?

Currently, \$475,326 is appropriated to address this issue. The funds are granted to providers of civil legal services for kinship caregivers and at-risk children.

b. Will those activities continue if this request is funded? Yes.

4. Supporting Data:

a. Provide any supporting data, evaluations, and/or research for this request.



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Utilizing the grant funds, from July 1, 2019, through September 30, 2020, approximately 960 kinship care related cases were handled by the kinship care grant recipients, and 58% of those cases involved formalizing legal relationships through adoptions, or child custody relationships. 1,398 children were served, including obtaining over \$235,000 in monetary benefits in healthcare, education, and housing benefits. The grant funds represent an estimated cost savings of \$5.1 million, based on the number of children who avoided foster care at an annual rate of \$9,223.55 or higher per child. Clients represented a total of 79 counties in Georgia with 57% of the cases outside of the five major counties of metro Atlanta.

As of March 30, 2021, 11,036 children were in state sponsored foster care in Georgia. A much larger number are informally placed with relatives and other caregivers. In 2015, the Georgia House Study Committee on Grandparents Raising Grandchildren and Kinship Care issued a report identifying the special needs of children in kinship care relationships.ⁱ Census data from the American Community Survey 2016 indicate 40,814 Georgia grandparents are raising grandchildren. An Administration for Children and Families (ACF) report indicates that almost 50% Georgia grandparents co-residing with grandchildren are primary caregivers, nearly 25% are 60 years of age or older, and about 30% live in poverty.ⁱⁱ

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Prior to the kinship care grant, Atlanta Legal Aid had a Kinship Care Unit consisting of two attorneys and one paralegal. In 2017, Atlanta Legal Aid as a whole handled 1721 cases for kinship caregivers, impacting 3,403 children. Of those cases, the Kinship Care Unit handled 224 cases, impacting 457 children. In FY 2020 with the initial kinship care grant funds, Atlanta Legal Aid was able to hire an additional attorney to provide kinship services and additional intake staff. By partnering with Georgia Legal Services, an additional two field attorneys and a statewide attorney were hired by Georgia Legal Services to provide kinship care legal services.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

Legal services providers measure the success of the project by reporting semi-annually to the Judicial Council on the numbers of children and at-risk families served, including the types of legal representation provided. They also provide reports on the demographics of those served, including geographic location by



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Judicial Circuit, gender and racial breakdown, and the value of the services provided to the family.

- b. If an enhancement, what is the projected cost savings or return on investment?

A 2015 legislative study stated that, in 2015, an estimated 100,000 relatives were caring for 300,000 children in kinship care.ⁱⁱⁱ Studies report that informal grandparent kinship caregivers save U.S. taxpayers an estimated \$4 billion annually by caring for kin that would otherwise fall into the custody of the state.^{iv} Other studies estimate a cost savings of \$6.5 billion.^v It is estimated that the total annual per diem for a foster child is \$9,223.55 or higher, depending on the age of the child, resulting in a cost savings for each child in kinship care rather than foster care. Providing civil legal services to these households increases the stability and effectiveness of care for kinship care children, thereby decreasing the need, and associated costs, for DFCS involvement, including placements in non-kinship foster care homes.

- c. What efficiencies will be realized?

By formalizing the relationship between the child and the caregiver, this funding reduces the need for intrusion by the state into the family and reduces the high costs to the state and the devastating impact on children from intervention. The funding also helps families access economic support, helps families access support for children living with disabilities, and helps families with estate planning to protect the child's stability if the caregiver passes away.

6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

Constituents and stakeholders include the Division of Families and Children Services, kinship caregivers, children in kinship care homes, legislators, community leaders, the private bar, juvenile judges, and other child-focused agencies and coalitions in Georgia, especially in rural and remote areas.

- b. Which are likely to support this request?

All stakeholders are likely to support this request because they each see the need to secure more stable and sustainable kinship care homes through legal services.

- c. Which are likely to oppose this request?



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

None that are known at this time.

- d. Which have not voiced support or opposition?

None that are known at this time.

7. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.

No.

- b. Is this request a result of a legislation or rule change? If so, please explain.

No.

8. Alternatives:

What alternatives were considered and why are they not viable?

No viable alternatives exist. The need for legal services for kinship care families exceeds the available resources and the cost of legal services is too high for most kinship caregivers in Georgia.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*

- Positions:
- Operational needs: The funds will be granted to non-profit civil legal services providers to provide services to kinship care families.

- b. What are your out-year projections? N/A

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
- b. How did you arrive at the amounts?
- c. What time period does the request cover (i.e., the number of months)?



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc).

None. The Judicial Council/Administrative Office of the Courts does not receive federal funds for services for kinship care families.

Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered.

Beginning in FY 2020, the Judicial Council of Georgia has received from the Georgia General Assembly, funds for grants to provide civil legal services to kinship care families. Similarly to the civil legal services for domestic violence victims grant, guidelines governing the granting of these funds are filed with the Georgia Secretary of State and updated as needed. The Judicial Council Standing Committee on Grants reviews applications for the funds and awards the funds annually. Grantees must be non-profit agencies in good standing with the Georgia Secretary of State. Seventy-five percent of the grant money will be awarded pursuant to the poverty population guidelines, which is based on the most current estimates from the U.S. Census, and twenty-five percent of the grant money will be awarded to special needs areas. Special needs categories include, but are not limited to, service providers serving areas with high homeless populations or serving rural counties with few attorneys. Recipients of legal services may not have an income exceeding 200% of the federal poverty guidelines.

i

https://www.house.ga.gov/Documents/CommitteeDocuments/2015/Report%20of%20the%20House%20Study%20Committee%20on%20Kinship%20Care_signed.pdf

ii <http://centerforchildwelfare.org/kb/re/caregivers/Grandparents%20Raising%20Grandchildren.pdf>

iii

https://www.house.ga.gov/Documents/CommitteeDocuments/2015/Report%20of%20the%20House%20Study%20Committee%20on%20Kinship%20Care_signed.pdf

iv <https://www.gu.org/app/uploads/2020/10/2020-Grandfamilies-Report-Web.pdf>

v <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2006/05/25/states-expand-kinship-care-programs>



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement? Standing Committee on Grants
2. Enhancement Name/Descriptor: Civil Legal Services to Victims of Domestic Violence

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2022	\$	\$	\$
<input checked="" type="checkbox"/> FY 2023	\$ 1,677,172	\$ 1,322,828	\$ 3,000,000

3. What will the enhancement accomplish?

The enhancement would bring the total domestic violence civil legal services grant funds to \$3,000,000, restoring the funds beyond their pre-FY 2021 level of \$2.5 million. A small increase in FY 2022 added back \$175,000. The funds are granted to non-profit agencies to provide civil legal services to victims of domestic violence throughout Georgia. Along with other non-profits, both Georgia Legal Services Program (154 counties outside metro Atlanta) and Atlanta Legal Aid (5 metro Atlanta counties), apply for and have received these funds annually, thus providing these services statewide. Grantees use the funds to secure attorneys to provide direct civil legal services to victims. The legal services provide for the safety and security of domestic violence victims and their children. Legal services include protective orders, divorce, child custody, child support, assistance obtaining benefits, and services related to housing and employment.

Seventy-Five percent of the funds are distributed based on the poverty population of the area the grantee serves. A formula based on the poverty population rates from the US Census is used to determine this number. The remaining twenty-five percent is awarded based on special needs and helps to target rural counties, many in South Georgia where there are few or no attorneys available to represent victims.

4. What is unable to be accomplished without the enhancement?

These funds were reduced by almost \$1 million dollars in FY 2021. That reduction will result in drastically fewer attorneys available statewide to survivors in need of legal representation.



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Victims who are self-represented are at a severe disadvantage when their batterers are represented. Reports show domestic violence calls for help have increased by 46% during the COVID-19 pandemic, resulting in a greater need for services.¹ In the Atlanta alone, a 2020 study showed a spike in domestic violence during the state shelter in place during weeks 12 – 13 of 2020, and again during weeks 24-28 when Georgia cases spiked.²

5. Does the enhancement include salaried staff and/or operations, which includes contractors?
- Salaried staff
 - Operating Funds (includes contractors)

¹ <https://www.fox5atlanta.com/news/bipartisan-bill-would-add-protections-for-dating-violence-victims-in-georgia>

² *Domestic Violence in Atlanta, Georgia Before and During COVID-19*, Dabney P. Evans, Shila Rene Hawk, and Carrie E. Ripkey, Violence and Gender, Volume 00, Number 00, (2020) available at: <https://www.liebertpub.com/doi/pdf/10.1089/vio.2020.0061>



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Budget Categories	FY 22 Amended Request	FY 23 Enhancement Request
Personnel Services:	\$ -	\$ -
Operating Costs:		
Postage	\$ -	\$ -
Motor Vehicle Expenses	\$ -	\$ -
Printing, Publications, Media	\$ -	\$ -
Supplies and Materials	\$ -	\$ -
Repairs and Maintenance	\$ -	\$ -
Equipment < \$5,000	\$ -	\$ -
Water/Sewage	\$ -	\$ -
Energy	\$ -	\$ -
Rents Other Than Real Estate	\$ -	\$ -
Insurance and Bonding	\$ -	\$ -
Freight	\$ -	\$ -
Other Operating	\$ -	\$ -
Travel – Employee	\$ -	\$ -
Real Estate Rentals	\$ -	\$ -
Professional Services (Per Diem)	\$ -	\$ -
Professional Services (Expenses)	\$ -	\$ -
Other Contractual Services (Non State)	\$ -	\$ -
Contracts – State Orgs	\$ -	\$ -
IT Expenses	\$ -	\$ -
Voice/Data Communications	\$ -	\$ -
Grants	\$ -	1,322,828
Indirect Costs	\$ -	\$ -
Transfers	\$ -	\$ -
Total Operating Budget	\$ -	\$ 1,322,828.00
TOTAL OVERALL BUDGET	\$ -	\$ 1,322,828.00
State Funds		
Other Budgeted Funds		



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Which Program is requesting this Enhancement?

Standing Committee on Grants

Part 1 – Detailed Explanation of Request

1. Proposal:

The funding would bring the total domestic violence civil legal services grant funds to \$3,000,0000, restoring the funds beyond their pre-FY 2021 level of \$2.5 million. The funding will provide additional funds to legal service providers to allow them to provide civil legal services to low-income domestic violence victims and their families, including children. Services include representation at protective order hearings to protect survivors and help them successfully escape abuse, legal services related to the family's economic security and stability inducing benefits, housing issues, and employment-related issues, as well as legal services to related to education and healthcare.

Excluded services include legal services for criminal defense, deportation proceedings, and indirect legal services such as attorney training. Divorces are capped at 10% of a grantee funding.

2. Geographic Impact: Where does the request impact the state?

Statewide or list counties below:

3. Current Status:

a. What is the budget unit currently doing to address this issue?

Currently, \$1,677,172 is appropriated to address this issue. The funds were awarded to grantees in FY 2021.

b. Will those activities continue if this request is funded?

Yes.

4. Supporting Data:

a. Provide any supporting data, evaluations, and/or research for this request.

In FY 2020, more than 6,000 women, over 500 men, and over 3,000 children benefited from the grant funds. Assistance was provided in over 3,000 protective



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

order hearings and over 600 child custody cases. Over 900 clients received legal support related to housing issues, and over 500 received legal services related to divorce. In FY 2020, the grant funds provided legal services in every judicial circuit of the state, with 47% of the protective order services being provided in non-metro Atlanta circuits.

From July 2020 to May 2021 Atlanta Legal Aid alone has been able to secure the following amounts for victims through the grant funds:

- Over \$361,500 in ordered child support
- Over \$234,500 in subsidized housing benefits
- Nearly \$576,000 in public assistance benefits
- Nearly \$88,000 in consumer debt relief
- Over \$430,000 in healthcare benefits

Georgia ranks 22nd in the nation for the rate at which women are killed by men.³ There were 136 domestic violence related deaths in Georgia in 2020, however, the total is believed to be undercounted.⁴ In 2020, there were 95,839 crisis calls to Georgia's certified domestic violence and sexual assault agencies, up from 66,151 in 2019.⁵ The need for representation outstrips the resources available to provide attorney representation for survivors. Without these funds, nearly 10,000 Georgians would be without assistance when trying to escape a violent situation. These funds are vital to the safety and security of Georgia citizens.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Numerous studies have demonstrated the value of civil legal services for domestic violence victims. A 2015 study found that “83 percent of [domestic violence or intimate partner violence] victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney”⁶ Another study found that civil legal services directly improved economic self-sufficiency by “increasing income and decreasing economic liability.”⁷ Other research studies have shown that protective orders can reduce or end family

³ Georgia Commission on Family Violence 2021 Fact Sheet (May 2021), available at: <https://gcfv.georgia.gov/resources/data>

⁴ Id.

⁵ Id.

⁶ *The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence*, (July 2015), Institute for Policy Integrity, Supporting Survivors: available at: <http://policyintegrity.org/documents/SupportingSurvivors.pdf>

⁷ *The Longer-Term Influence of Civil Legal Services on Battered Women*, (2016), Technical Report for the National Institute of Justice Office of Justice Programs, U.S. Department of Justice, Carolyn Copps Hartley, Ph.D., Lynette M. Renner, Ph.D. available at <https://www.ncjrs.gov/pdffiles1/nij/grants/249879.pdf>



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violence. A study done in Kentucky analyzed the impact of protective orders and concluded that civil protective orders were effective in reducing violence. The study showed that after a protective order was entered, violence ceased in 50% of the cases and that violence was substantially reduced in an additional 25% of the cases. Thus, protective orders were effective in protecting survivors in 75% of the cases studied.⁸ While all types of community resources are necessary, by providing victims with legal access to the courts, researchers were able to show a direct relationship between the provision of legal services and a significant decline in domestic violence in their area.⁹

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

Grantees report semi-annually to the Administrative Office of the Courts on the number of women, men, and children receiving legal services and the type of legal representation provided. They also provide semi-annual reports on the number of individuals served in each judicial circuit.

- b. If an enhancement, what is the projected cost savings or return on investment?

Protective orders reduce costs to the public by reducing law enforcement risk and expenditures, incarceration days, judicial time and resources, medical and mental health care costs, as well as public costs for family violence shelters, child protective services, and public benefits which are needed when family violence is allowed to continue.¹⁰ A 2015 report noted that:

“[a]n independent analysis focusing on the state of New York found that providing legal assistance to female domestic violence survivors could save the state \$85 million annually in expenses resulting from domestic violence. A similar study focusing on the state of Massachusetts found that providing legal assistance to low-income female domestic violence survivors could save \$16 million in medical care costs alone annually, half of which would otherwise be borne by the federal government and half by the state.”¹¹

⁸ *Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, and Costs*, T.K. Logan, Robert Walker, William Hoyt, Teri Faragher, available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>.

⁹ *Explaining the Decline in Domestic Violence*, Amy Farmer and Jill Tiefenthaler, *Contemporary Economic Policy*, Volume 21, Issue 2, pages 158–172, available at: <http://www.nasams.org/DMS/Documents/1195248210.25/Explaining%20Decline%20in%20Domestic%20Violence.pdf>.

¹⁰ *The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence*, (July 2015), Institute for Policy Integrity, Supporting Survivors: available at: <http://policyintegrity.org/documents/SupportingSurvivors.pdf>

¹¹ *Id.*



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Community well-being is also served by a reduction in family violence. The Kentucky study referenced in Section 4.b. above showed that for every \$1 spent on securing protective orders for victims, the public saved \$30.75 in law enforcement, courts, jail expenses, medical, and other community costs.

In addition, through the civil legal services grant, grantees assist with obtaining fiscal benefits for victims. As noted above, Atlanta Legal Aid secured over \$1.5 million in benefits for domestic violence victims in FY 2020.

- c. What efficiencies will be realized?

The funding can reduce domestic violence leading to a reduction in law enforcement calls, domestic violence hotline calls, medical costs, and improvements in public safety. The legal services can help victims with securing financial benefits for their security.

6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

Constituents and stakeholders include domestic violence survivors, law enforcement, faith organizations, legislators, community leaders, private attorneys, judges, and domestic violence coalitions and agencies.

- b. Which are likely to support this request?

All stakeholders are likely to support this request as they see a need for resources for domestic violence victims.

- c. Which are likely to oppose this request?

None that are known at this time.

- d. Which have not voiced support or opposition?

None that are known at this time.

7. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.



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No.

- b. Is this request a result of a legislation or rule change? If so, please explain.

No.

8. Alternatives:

What alternatives were considered and why are they not viable?

No viable alternatives exist. The need for legal services for domestic violence victims greatly exceeds the available resources. Legal services organizations continue to seek additional funds for services, but the need has always exceeded the funding available. With the impact of COVID-19 on families and communities continuing, the need for services will continue and the available funding will remain insufficient.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*

- Positions:
- Operational needs: The funds will be granted to non-profit civil legal services providers to provide services to domestic violence victims.

- b. What are your out-year projections? N/A

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
- b. How did you arrive at the amounts?
- c. What time period does the request cover (i.e., the number of months)?

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc).

None. The Judicial Council/Administrative Office of the Courts does not receive federal funds for services for domestic violence victims.

Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered.



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The Georgia General Assembly has appropriated these funds to the Judicial Council of Georgia since 1999. Guidelines to govern the granting of these funds are filed with the Georgia Secretary of State and updated as needed. The Judicial Council Standing Committee on Grants reviews applications for the funds and awards the funds annually. Grantees must be non-profit agencies in good standing with the Georgia Secretary of State. Recipients of legal services may not have an income exceeding 200% of the federal poverty guidelines.



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REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement?

Georgia Appellate Practice and Educational Resource Center, Inc. (“Georgia Resource Center”)

2. Enhancement Name/Descriptor: **Restoration of Georgia Resource Center Budget**

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2022	\$	\$	\$
<input checked="" type="checkbox"/> FY 2023	\$775,000	\$25,000	\$800,000

3. What will the enhancement accomplish?

The enhancement will restore the Georgia Resource Center to its previous, pre-pandemic baseline funding level and allow the Resource Center to maintain staffing and programming operations to ensure every person under a sentence of death receives quality representation in their state and federal habeas corpus proceedings, and in clemency proceedings before the Georgia Board of Pardons and Paroles.

4. What is unable to be accomplished without the enhancement?

If the Georgia Resource Center funding is not restored to its previous baseline level, the Center will have to forgo certain necessary litigation expenses, such as travel expenses and expert fees, and the Center likely will not be able to maintain staffing at current levels – both of which would impact the quality of representation we are able to provide to those on Georgia’s death row.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- Salaried staff
- Operating Funds (includes contractors)



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Personnel Services:	\$	-	\$	-
Operating Costs:				
Postage	\$	-	\$	-
Motor Vehicle Expenses	\$	-	\$	-
Printing, Publications, Media	\$	-	\$	-
Supplies and Materials	\$	-	\$	1,500.00
Repairs and Maintenance	\$	-	\$	-
Equipment < \$5,000	\$	-	\$	-
Water/Sewage	\$	-	\$	-
Energy	\$	-	\$	-
Rents Other Than Real Estate	\$	-	\$	-
Insurance and Bonding	\$	-	\$	-
Freight	\$	-	\$	-
Other Operating	\$	-	\$	-
Travel – Employee	\$	-	\$	23,500.00
Real Estate Rentals	\$	-	\$	-
Professional Services (Per Diem)	\$	-	\$	-
Professional Services (Expenses)	\$	-	\$	-
Other Contractual Services (Non State)	\$	-	\$	-
Contracts – State Orgs	\$	-	\$	-
IT Expenses	\$	-	\$	-
Voice/Data Communications	\$	-	\$	-
Grants	\$	-	\$	-
Indirect Costs	\$	-	\$	-
Transfers	\$	-	\$	-
Total Operating Budget	\$	-	\$	25,000.00
TOTAL OVERALL BUDGET	\$	-	\$	25,000.00
State Funds			\$	25,000.00
Other Budgeted Funds				



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Which Program is requesting this Enhancement?

Resource Center

Part 1 – Detailed Explanation of Request

1. Proposal:

Founded in 1988 in partnership with the Georgia Supreme Court, the State Bar of Georgia, the federal judiciary, and GSU College of Law, the Georgia Resource Center secures representation for people on Georgia’s death row in state and federal habeas proceedings, and in seeking clemency before the Georgia Board of Pardons and Paroles – representation not otherwise guaranteed under Georgia law. Georgia is the only state in the country that does not by law provide a provision of counsel to people on death row in these post-conviction stages.

The Georgia Resource Center seeks a restoration of its baseline funding of \$800,000, which the Center received until FY 2020). Due to the state’s pandemic budget concerns, the Resource Center’s state funds were cut by \$25,000 in FY 2021 and 2022.

During the pandemic, the Resource Center was able to absorb this decrease in its budget with a reduction in its operation costs, and a substantial reduction in its litigation and travel expenses due to pandemic-related constraints on our work. For instance, the Georgia Department of Corrections was closed for legal visitation for over a year, and our office could not schedule legal visits, nor could we arrange expert evaluations for our clients. Our staff did not travel to meet with witnesses or to gather records. On the operations side, without CLE in-person trainings, our professional development budget was also cut significantly, as staff took advantage of new webinars offered across the country. Without staff in the office, we spent little on copying and related expenses, as courts relaxed the paper copy filing requirements during the pandemic. In FY 2020, the Resource Center spent \$36,633 in travel expenses, and \$36,546 in FY 2019. In FY 2021, the Resource Center spent \$1,374 in travel expenses. In FY 2022 and 2023, the Center expects a significant jump in travel and expert expenses, as our fieldwork resumes again – and our staff handles the backlog of tasks that have been delayed for more than a year now. Staff will continue to take advantage of webinar opportunities, but will need some in-person training going forward, too.

At the same time the Center is facing rising costs in these and other areas such as health insurance, information technology, staff retention, and overhead, the \$25,000 cut from the legislature, could have a devastating impact on the Center’s essential operations, which could ultimately mean a loss of critical personnel. As the only state organization to secure



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representation to people on Georgia's death row in all post-conviction stages, the effectiveness, efficiency, and credibility of Georgia's death penalty system depends on an adequately staffed and sufficiently funded Center.

The \$800,000 legislative baseline funding represents approximately 60% of the Resource Center's budget. The remaining funds come from grants from the State Bar and the Georgia Bar Foundation, as well as federal voucher money for the office's work in federal court – an amount that varies from year to year depending on the Center's docket.

There are currently forty-five (45) people under a sentence of death in Georgia from twenty-five (25) counties, in various stages of the appellate process. All of the people on death row are indigent. Many of these cases will be nearing the end of the appeals process in coming years, which will mean they will become eligible for execution warrants and the clemency process. Cases in this stage in particular place enormous demands on the Center's staff and budget.

The Center thus respectfully requests that the Judicial Council support a return to the Resource Center's baseline funding of \$800,000, or a \$25,000 enhancement from the previous fiscal year.

2. Geographic Impact: Where does the request impact the state?

Statewide or list counties below:

3. Current Status:

a. What is the budget unit currently doing to address this issue?

As noted above, the Resource Center had an unusual decrease in its expenses due to the pandemic, which allowed for savings in operation and litigation expenses over the previous and current fiscal years, but the office expects a substantial rise in these expenses due to the backlog of fieldwork necessitating the restoration of funds.

Generally, to save on operating costs in recent years, the Center has sought to decrease expenses in multiple ways. The Center recently moved to the Bar building in downtown Atlanta, with below-market rent, in order to avoid steep rent increases at its longtime location. Staff salaries, particularly at the senior levels, remain low relative to the attorneys representing the State of Georgia at the Attorney General's Office in death penalty cases. Even moderate raises are rare; staff salaries also do not increase along a scale, but only as budget allows, and most years, salaries remain stagnant. Staff benefits are also modest, and the Center reviews its employee insurance plans to try to avoid increased costs on its employee insurance plans on an annual basis. Lastly, the Center continues to find ways to cut back on expenses by employing part-time investigators and one part-time attorney, cutting back on expenses associated with investigation and litigation, and cutting back on office expenses.

b. Will those activities continue if this request is funded?



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Yes, the Center will continue to find ways to decrease expenses even if this request is funded. The Center has been applauded in the past for its leanness and efficiency.

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request.

The Resource Center has been found to be the most efficient and cost-effective means of moving capital cases to final adjudication. The Resource Center has always operated on a lean budget. A performance audit requested by the Georgia Senate Appropriations Committee and conducted by the Department of Audits in 2005 found that Resource Center attorneys handled more cases and expended less money per case than similar organizations providing post-conviction representation to death-sentenced prisoners in other states. For example, the State of Mississippi, which has a similar number of people on death row as Georgia, funds the Office of Capital Post-Conviction Counsel, a state agency, with a staff of nine full-time employees, at a much higher level (\$1,379,059 in FY 2020, which does not include operating expenses). See <http://www.lbo.ms.gov/PublicReports/GetBudgetRequestDetailReport/5292?report=Detail&fiscalYear=2022>.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

The primary measure will be the Center's ability to maintain both its staffing levels and high quality of representation, given the many demands on its resources.

- b. If an enhancement, what is the projected cost savings or return on investment?

Without restoration of the Center's baseline funding ensuring high-quality representation for people on Georgia's death row, the effectiveness, efficiency, and credibility of Georgia's death penalty system could be called into question, resulting in further costs to the State of Georgia. The enhancement will help ensure a reliable and valid capital sentencing process.

- c. What efficiencies will be realized?

The Center will continue to remain lean and efficient.

6. Stakeholders & Constituents:



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- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

The Georgia Supreme Court, the State Bar of Georgia, the federal judiciary, and the GSU College of Law partnered together to found the Resource Center in 1988 to ensure the representation of people on Georgia's death row in post-conviction proceedings. The 16 board members of the Resource Center, appointed by the President of the State Bar of Georgia and the Georgia Supreme Court, are Amelia Rudolph (Chair) (Atlanta); Russell Gabriel (Vice-Chair) (Athens); Sarah Gerwig-Moore (Secretary) (Macon); Jamila Hall (Treasurer) (Atlanta); John P. Batson (Augusta); Jonathan Chally (Atlanta); William A. Erwin (Camilla); Laura D. Hogue (Macon); John B. Long (Augusta); Luke Moses (Hinesville), Mary Radford (GSU, Atlanta); Robert Remar (Atlanta); Theodore Sawicki (Atlanta); Gary Spencer (Atlanta); Jill Travis (Decatur); and Bryan Tyson (Atlanta).

- b. Which are likely to support this request?

All of the above are likely to support this request.

- c. Which are likely to oppose this request?

None are likely to oppose this request.

- d. Which have not voiced support or opposition?

All have voiced support.

7. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.

No.

- b. Is this request a result of a legislation or rule change? If so, please explain.

No.

8. Alternatives:

What alternatives were considered and why are they not viable? N/A

Part 2 - BUDGET

9. Requested and Projected Resources:



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- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*

The Center is requesting an additional \$25,000 for FY 2023, bringing the total budget request to \$800,000, a return to the pre-FY2020 funding the Center was appropriated by the Georgia General Assembly.

- Positions: N/A
- Operational needs: \$25,000

- b. What are your out-year projections?

The Center plans to continue to operate on a lean and efficient budget with hopes that as the economy recovers the Center can remain fully-staffed and retain our talented attorneys and investigators with salaries that reflect the market rate for their work, and provide the necessary litigation support through experts and other contractual services for our clients.

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.

The Center is requesting a return to baseline funding in FY 2023 of \$800,000, representing a \$25,000 increase in current funding from the General Assembly from FY 2021 and 2022.

- b. How did you arrive at the amounts?

The return to base line funding of \$800,000 represents a restoration of the Center's baseline budget.

- c. What time period does the request cover (i.e., the number of months)?

Twelve (12) months.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc).

The Resource Center receives no outright federal funding. However, the Center receives compensation for its work on federal habeas cases at the discretion of the courts. This is a variable amount from year to year, depending on the status of cases on the Resource Center's docket.



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Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered.

The Resource Center provides an essential safeguard against wrongful death sentences in the state, as the risk of error in capital cases remains high. According to a study of error rates in capital cases from 1973 to 1995, Georgia had an 80% reversal rate. *See* James S. Liebman et al., *A Broken System: Error Rates in Capital Cases, 1973-1995* (June 12, 2000), available at https://b3cdn.net/ncadp/c2c493b8dfab81a0ed_9adm679fe.pdf. Since 1996, 63 death penalty cases in Georgia have been reversed by the state or federal courts; in that same time, 57 executions have taken place. Accordingly, for every one execution carried out in Georgia, approximately 1.1 death sentences have been reversed.



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REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement?

The Institute of Continuing Judicial Education (“ICJE”). (State of Ga Budget Tracking Information: Section 6 – Judicial Council; Tracking Number 16.100).

[NOTE: Please also refer to attached Power Point Presentation prepared by ICJE Staff]

2. Enhancement Name/Descriptor:

The creation of a new FT position “Event Planner” on the ICJE staff.

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2022	\$	\$	\$
<input checked="" type="checkbox"/> FY 2023	\$545,866.00	\$ 49,600.00	\$595,466.00

3. What will the enhancement accomplish?

The creation of a new FT position “Event Planner” on the ICJE staff. This would increase the ICJE staff from the current staffing level of seven (7) FT employees to a new staffing level of eight (8) FT employees.

[NOTE: Corresponding Slide On Power Point Presentation: 2]

4. What is unable to be accomplished without the enhancement?

The current ICJE staff lacks the ability to adequately meet the regularly expanding educational demands across Georgia’s judiciary for professional development of judges and court staff, due to the significant increase in judges and court staff served; and, the continued increase in the complexity of continuing judicial education regulations.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- Salaried staff
- Operating Funds (includes contractors)



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Budget Categories	FY 22 Amended Request	FY 23 Enhancement Request
Personnel Services:	\$ -	\$49,600 (includes salary & fringe)
Operating Costs:		
Postage	\$ -	\$ -
Motor Vehicle Expenses	\$ -	\$ -
Printing, Publications, Media	\$ -	\$ -
Supplies and Materials	\$ -	\$ -
Repairs and Maintenance	\$ -	\$ -
Equipment < \$5,000	\$ -	\$ -
Water/Sewage	\$ -	\$ -
Energy	\$ -	\$ -
Rents Other Than Real Estate	\$ -	\$ -
Insurance and Bonding	\$ -	\$ -
Freight	\$ -	\$ -
Other Operating	\$ -	\$ -
Travel – Employee	\$ -	\$ -
Real Estate Rentals	\$ -	\$ -
Professional Services (Per Diem)	\$ -	\$ -
Professional Services (Expenses)	\$ -	\$ -
Other Contractual Services (Non State)	\$ -	\$ -
Contracts – State Orgs	\$ -	\$ -
IT Expenses	\$ -	\$ -
Voice/Data Communications	\$ -	\$ -
Grants	\$ -	\$ -
Indirect Costs	\$ -	\$ -
Transfers	\$ -	\$ -
Total Operating Budget	\$ -	\$ -
TOTAL OVERALL BUDGET	\$ -	\$49,600.00
State Funds		
Other Budgeted Funds		



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Part 1 – Detailed Explanation of Request

1. Proposal:

The creation of one (1) new FT position “Event Planner” on the ICJE staff. This would increase the ICJE staff from the current staffing level of seven (7) FT employees to a new staffing level of eight (8) FT employees.

[NOTE: Corresponding Slide On Power Point Presentation: 2]

2. Geographic Impact: Where does the request impact the state?

Statewide or list counties below: **Statewide geographic impact.**

3. Current Status:

a. What is the budget unit currently doing to address this issue?

The current ICJE staff attempts to facilitate the mandated training and the additional educational training requests by judges and court staffs to the best of its abilities. However, the current staffing level (7 FT employees) presents significant challenges to ICJE’s ability to meet the regularly expanding educational training requests from constituents. The significant increase in judges and court staff served; and, the continued increase in the complexity of continuing judicial education regulations, exacerbates the challenges.

b. Will those activities continue if this request is funded?

If this Enhancement Request is approved, the ability to comply with mandated training will be strengthened by the additional provision of judicial educational services for all existing ICJE constituencies. Further, additional educational services requested above and beyond mandated training can be addressed.



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Supporting Data:

- c. Provide any supporting data, evaluations, and/or research for this request.

Summary of Supporting Data/Research: (1) Significant increase in number of constituents served; (2) Workload Comparisons with other states; (3) Budget comparisons with other states; and (4) Demonstrated efficiency in managing existing funds, prior to requesting additional funding for one new FT staff position.

[NOTE: Corresponding Slides On Power Point Presentation: 2, 35]

34 % Overall Increase In Constituents Served: Statistics demonstrate a 34 % overall increase in Judicial Constituents served by ICJE from FY 2016 through FY 2019.

[NOTE: Corresponding Slides On Power Point Presentation: 13, 14]

Workload & Budget Comparison: Statistics demonstrate that: (1) ICJE is underfunded compared to other states; and, (2) ICJE staff members have significantly heavier workloads than equivalent staffers in equivalent entities in other states.

[NOTE: Corresponding Slides On Power Point Presentation: 15 through 27]

Management: ICJE's demonstrated efficient management of its current resources should be considered as additional support of this Enhancement Request. Specific examples: (1) In response to the overall FY 21 reduction mandate (10%), the ICJE staff cut 10% of its internal administrative overhead costs; and (2) In response to COVID-19, the ICJE staff reconfigured all program delivery methods from a Pre-COVID total of two different formats, to a COVID-era total of six different format options. All ICJE constituent groups now have six different program delivery format options to choose from, the majority of which utilize "virtual" formats, thus lowering the travel costs for all government entities.

[NOTE: Corresponding Slides On Power Point Presentation: 28 through 34]



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- d. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Summary: Judicial education offices in states with equivalent operations to Georgia (e.g. Minnesota; Michigan; Ohio; Maryland; North Carolina; Wisconsin; and, Florida) reflect more adequate and realistic staffing for design and delivery of state-based judicial education.

[NOTE: Corresponding Slides On Power Point Presentation: 15 through 27]

Other States/Workload Comparison: As more specifically detailed in the attached Power Point Presentation, in terms of constituent-served-per-staffer, Georgia's workload is 14% heavier than equivalent positions in Minnesota; 42% heavier than equivalent positions in Michigan; 45% heavier than equivalent positions in Ohio; 66% heavier than equivalent positions in Maryland; 80% heavier than equivalent positions in North Carolina; 82% heavier than equivalent positions in Wisconsin; and, 88% heavier than equivalent positions in Florida.

[NOTE: Corresponding Slides On Power Point Presentation: 15 through 27]

Other States/Budget Comparison: As more specifically detailed in the attached Power Point Presentation, in terms of appropriated funds for salaries and fringe benefits, Georgia's FY 21 funding is equivalent to only 49% of Michigan's FY 21 funding; Georgia's FY 21 funding is equivalent to only 75% of North Carolina's FY 21 funding; and, Georgia's FY 21 funding is equivalent to only 86% of Wisconsin's FY 21 funding.

[NOTE: Corresponding Slides On Power Point Presentation: 15 through 27]



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4. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

Served constituencies will engage with ICJE on product design and delivery, and these relationships are subject to ongoing evaluation. Post-participant assessment by constituents will occur to evaluate the effectiveness of respective projects.

- b. If an enhancement, what is the projected cost savings or return on investment?

Generally, court officials serving the public will function with more confidence as well as receive access to a greater selection of up-to-date reference materials; learning experiences; and, virtual event formats. Specifically, state and local governments would realize savings in production and travel expenses resulting from ICJE constituents participating in virtual events.

[NOTE: Corresponding Slides On Power Point Presentation: 31 through 33]

- c. What efficiencies will be realized?

(1) Specifically, because this specific proposed position would be assigned to work with multiple classes of courts in virtual formats, the efficiency of single events reaching multiple classes of courts would be enhanced; and, the efficiency of savings in production and travel expenses resulting from virtual events would be realized.

[NOTE: Corresponding Slide On Power Point Presentation: 11]

(2) Generally, the expense occasioned when courts lack competency in serving the public will be diminished.



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5. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

All of the constituent groups served by ICJE will be impacted in a positive manner by this change: Superior Court Judges; Superior Court Clerks; State Court Judges; Staff Attorneys for Superior and State Court Judges; Juvenile Court Judges; Juvenile Court Clerks; Probate Court Judges (Non-Traffic); Probate Court Judges (Traffic); Probate Court Clerks; Magistrate Court Judges; Magistrate Court Clerks; Municipal Court Judges; Municipal Court Clerks; Accountability Court Judges and Court Staff; as well as the training councils and educational planning committees for all constituents; and, the Judicial Council of Georgia.

- b. Which are likely to support this request?

The change has been unanimously supported by the ICJE Board of Trustees, which is comprised of representatives of all classes of Georgia's Courts, Georgia's law schools; and the State Bar of Georgia. Further, all Judges served, as well as impacted court support personnel, are likely to support this request.

- c. Which are likely to oppose this request?

No opposition has been noted or voiced to this request.

- d. Which have not voiced support or opposition?

ICJE is not aware of anyone taking a neutral position regarding this request.



**JUDICIAL COUNCIL OF GEORGIA
FY 2022 AMENDED REQUEST FORM
FY 2023 ENHANCEMENT REQUEST FORM**

6. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.

No. No new legislation or change in any agency rules is required to implement this request.

- b. Is this request a result of a legislation or rule change? If so, please explain.

No. This request does not result from new legislation or change in agency rules.

7. Alternatives:

What alternatives were considered and why are they not viable?

(1) Grants: Grant Funding is not available to pay for infrastructural organizational personnel or program operating costs.

(2) Other Judicial Branch Agencies: Other Judicial Branch Agencies do not possess routine funding or residual assets from which to contract with ICJE to pay for the capability embraced by this position.

(3) Local Governments: Local governing authorities at the county or municipal level are already assessed annual "CJE Support Fees" in order to fund the direct cost of delivery of CJE educational programming. For a history of the specific amounts of the annual CJE Support Fees assessed, please refer to the attached Power Point Presentation, at Slides 29 & 30.



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Part 2 - BUDGET

1. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*
- b. Position(s): **One (1) additional FT position; an “Event Planner”.**
- c. Operational needs: **Not applicable to this request.**
- d. What are your out-year projections? **Continued support yearly for this personnel position at the base cost, plus periodic warranted and warned compensation increases.**

2. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections. **Assessment of personnel system positions relevant to the duties envisioned.**
- b. How did you arrive at the amounts? **Assessment of personnel system pay scales relevant to the duties envisioned, stated for an initial year and multiplied by subsequent years.**
- c. What time period does the request cover (i.e., the number of months)? **The request covers 12 months.**

3. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc). **Not applicable to this request.**



JUDICIAL COUNCIL OF GEORGIA FY 2022 AMENDED REQUEST FORM FY 2023 ENHANCEMENT REQUEST FORM

Part 3 - OTHER INFORMATION

4. Discuss any historical or other relevant factors that should be considered.

Revenue Sources & Use: Since the significant loss of State-appropriated financial support beginning during 2008-2009, ICJE's management policy has reflected that the remaining State-appropriated financial support would generally cover only salaries and fringe benefits.

Although some subsequent funds were appropriated towards ICJE's administrative and overhead costs (\$64,000.00 total); all of this funding was eliminated during the FY 21 budget reductions, and it has not been restored.

Thus, all of ICJE's remaining administrative overhead expenses have been funded by assessing "CJE Support Fees" charged directly to constituents (which are, in effect, paid by local governments). These overhead costs are allotted among ICJE constituent groups on a cost basis, which generally means that the larger groups with the more expensive training events pay a higher portion of ICJE's overhead costs than smaller groups with less expensive training events.

Further, all of the direct costs to deliver all CJE educational programming has also been funded by assessing "CJE Support Fees" charged directly to constituents (which are, in effect, paid by local governments).

Next Generation Of Courts Study Commission: The Next Generation of Courts Study Commission recommends, in part, the development of new judicial education products for multiple classes of court, the accomplishment of which would be aided by the addition of this requested position.

- END -

Amended FY 2022 - Budget Comparison

Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	FY 2022 Budget	Amended FY 2022 Enhancement Requests	Amended FY 2022 Budget	% Change
Administrative Office of the Courts	\$7,075,563		\$7,645,491	7.45%
<i>Restoration of budget cut in FY20</i>		\$569,928		
Legal Services for Victims of Domestic Violence - <i>Operating budget, restoration of funds cut in FY20</i>	\$1,677,172		\$1,677,172	
Legal Services for Kinship Care Families - <i>Operating budget and Enhancement</i>	\$475,326		\$475,326	
GA Council of Court Administrators	\$16,389		\$16,389	
Council of Municipal Court Judges	\$13,919		\$13,919	
Child Support Collaborative	\$140,600		\$140,600	
Council of Magistrate Court Judges - <i>Operating budget and restoration of funds cut in FY20</i>	\$165,998	\$27,023	\$193,021	14.00%
Council of Probate Court Judges - <i>Operating budget and restoration of funds cut in FY20</i>	\$159,490	\$25,964	\$185,454	14.00%
Council of State Court Judges	\$2,849,204		\$2,849,204	
Judicial Council Programs and Subprograms Total	\$12,573,661	\$622,915	\$13,196,576	4.72%
Other Programs				
Accountability Courts	\$667,696		\$667,696	
Inst of Continuing Jud Ed Operations - <i>Operating budget and Event Planner position request</i>	\$545,866		\$545,866	
Judicial Qualifications Commission	\$1,053,729		\$1,053,729	
Resource Center - <i>Operating budget and restoration of funds cut in FY20</i>	\$775,000		\$775,000	
Other Programs Total	\$3,042,291		\$3,042,291	0.00%
Judicial Council Totals	\$15,615,952	\$622,915	\$16,238,867	3.84%

FY 2023 - Budget Comparison

Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	FY 2022 Budget	FY 2023 Enhancement Requests	FY 2023 Budget	% Change
Administrative Office of the Courts	\$7,075,563		\$8,027,619	12%
<i>Restoration of budget cut in FY20</i>		\$593,868		
<i>IT Helpdesk - \$88,654</i>		\$88,654		
<i>Access to Justice Position - \$150,400</i>		\$129,600		
<i>Research Analyst - \$74,934.05</i>		\$74,934		
<i>Customer Support Specialist - \$65,000</i>		\$65,000		
Legal Services for Victims of Domestic Violence - <i>Operating budget, restoration of funds cut in FY20 plus increase</i>	\$1,677,172	\$1,322,828	\$3,000,000	44.09%
Legal Services for Kinship Care Families - <i>Operating budget and Enhancement</i>	\$475,326	\$274,674	\$750,000	36.62%
GA Council of Court Administrators	\$16,389		\$16,389	
Council of Municipal Court Judges	\$13,919		\$13,919	
Child Support Collaborative	\$140,600	-\$21,600	\$119,000	
Council of Magistrate Court Judges - <i>Operating budget and restoration of funds cut in FY20</i>	\$165,998	\$27,023	\$193,021	14.00%
Council of Probate Court Judges - <i>Operating budget and restoration of funds cut in FY20</i>	\$159,490	\$25,964	\$185,454	14.00%
Council of State Court Judges	\$2,849,204		\$2,849,204	
Judicial Council Programs and Subprograms Total	\$12,573,661	\$2,580,945	\$15,154,606	17.03%
Other Programs				
Accountability Courts	\$667,696		\$667,696	
Inst of Continuing Jud Ed Operations - <i>Operating budget and Event Planner position request</i>	\$545,866	\$49,600	\$595,466	8.33%
Judicial Qualifications Commission	\$1,053,729		\$1,053,729	
Resource Center - <i>Operating budget and restoration of funds cut in FY20</i>	\$775,000	\$25,000	\$800,000	3.13%
Other Programs Total	\$3,042,291	\$74,600	\$3,116,891	2.39%
Judicial Council Totals	\$15,615,952	\$2,655,545	\$18,271,497	14.53%

TAB 5



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Judge David Emerson
Chair, Judicial Council Standing Committee on Technology

RE: Committee Report - Judicial Council Standing Committee on Technology

DATE: July 27, 2021

The Judicial Council Standing Committee on Technology met on Thursday, July 22, 2021. The following report reflects matters and topics discussed during that meeting.

Judicial Gateway Sub-Committee – Mr. Sterling Perry, Sub-Committee Chair

Mr. Perry provided an update on the Judicial Gateway as the site continues to provide statewide support with high traffic rates for direct searches for Georgia Courts website information. The Gateway site has seen a recent increase in new users traffic, while many users return for additional resources and updated content. The Committee engaged in a discussion about the single sign-on project and the projected direction.

Authentication of Judicial Signatures-Judge Stephen Kelley

Judge Kelley provided an update on the Judicial Signatures rule. The proposed rule has been provided to the Supreme Court and pending comments for the Court.

New Business-

Mrs. Stephanie Hines provided an update on the Automated Data Collection sub-committee. The Committee is developing standards based on NODS guidelines. Mr. T.J. Bement continues communication with multiple courts to help determine essential data points needed for collection. The NODS team has informed the project committee that grant funds have become available to support the effort potentially. The sub-committee will meet again on August 6, 2021.

Judge Emerson provided an overview of the GCIC Protective Order Registry project. The GCIC team is actively working to install new servers to support the project; the launch has been scheduled for the 4th quarter of this year. Training focus will begin with the Magistrates clerk staff during their October conference. Additionally, the Committee discussed both the late entry of protective order concern and sheriff's office policy regarding protective orders.

Lastly, Mr. Sterling Perry provided an update on the AOC technology division. The agency has established multi-factor authentication for all agency-issued devices. Additionally, the technology division has installed managed security that offers 24 hours protection and exposes risk areas. The focus of the AOC technology division remains on security and customer service.

Next Meeting

The next committee meeting is scheduled for September 30, 2021, via Zoom Communication

TAB 6



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Judge David Emerson
Chair, Standing Committee on Judicial Workload Assessment

RE: Judicial Workload Assessment Committee Report

DATE: July 30, 2021

At its July 16, 2021 meeting, the Committee approved the below items for Judicial Council consideration:

1. Update Civil and Domestic Filing and Disposition Form
 - a. The Committee recommends the creation of a signature line for the reporting party's attorney on the disposition form
2. Advisory to the Superior Court Clerks
3. Update to Superior Court Caseload Report Form
 - a. The Committee recommends the probation revocation disposition fields be removed from the collection
4. Recommendation on counting Petitions for Removal from Sex Offender Registry under O.C.G.A. § 42-1-1
5. The Committee received Circuit Boundary Study requests for the Alcovy, Augusta, Griffin, and Western Judicial Circuits and voted to recommend no changes to the requested circuits.

Lastly, the Committee reminds the Council that there are eight standing judgeship recommendations. The recommended circuits, per the Council's August 2020 meeting, are listed below by priority.

- | | |
|-----------------------------------|------------------------------|
| 1. South Georgia Judicial Circuit | 5. Clayton Judicial Circuit |
| 2. Blue Ridge Judicial Circuit | 6. Atlantic Judicial Circuit |
| 3. Mountain Judicial Circuit | 7. Northern Judicial Circuit |
| 4. Coweta Judicial Circuit | 8. Atlanta Judicial Circuit |

General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

Case Type Definitions

General Civil Cases

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

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

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

Contempt/Modification/Other Post-Judgment: Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

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

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

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

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

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

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

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

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

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

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

Domestic Relations Cases

Adoption: Cases involving a request for the establishment of a new, permanent relationship of parent and child between persons not so biologically related.

Contempt: Any case alleging failure to comply with a previously existing court order. If the contempt action deals with non-payment of child support, medical support, or alimony, check the sub-type box as well.

Dissolution/Divorce/Separate Maintenance/Alimony: Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

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

Modification: Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, check the sub-type box as well.

Paternity/Legitimation: Cases involving the establishment of the identity and/or responsibilities of the father of a minor child or the determination of biological offspring.

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

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

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

Please note: This form is for statistical purposes only. It shall have no legal effect in the case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form cannot be entered into evidence.

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of County

For Clerk Use Only

Date Filed MM-DD-YYYY Case Number

Plaintiff(s)

Defendant(s)

Table with 5 columns: Last, First, Middle I., Suffix, Prefix. Multiple rows for multiple plaintiffs.

Table with 5 columns: Last, First, Middle I., Suffix, Prefix. Multiple rows for multiple defendants.

Plaintiff's Attorney Bar Number Self-Represented

Check one case type and, if applicable, one sub-type in one box.

- General Civil Cases
Automobile Tort
Civil Appeal
Contract
Contempt/Modification/Other Post-Judgment
Garnishment
General Tort
Habeas Corpus
Injunction/Mandamus/Other Writ
Landlord/Tenant
Medical Malpractice Tort
Product Liability Tort
Real Property
Restraining Petition
Other General Civil

- Domestic Relations Cases
Adoption
Contempt
Non-payment of child support, medical support, or alimony
Dissolution/Divorce/Separate Maintenance/Alimony
Family Violence Petition
Modification
Custody/Parenting Time/Visitation
Paternity/Legitimation
Support - IV-D
Support - Private (non-IV-D)
Other Domestic Relations

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number Case Number

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

Blank lines for describing accommodations.

General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party who is the individual completing the form.
4. Provide the attorneys' names and Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

Manner of Disposition Definitions

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

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

Non-Trial Disposition: Cases in which the disposition does not involve either a jury trial or a bench trial.

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition and the method of disposition was alternative dispute resolution. If this box is checked, then the Non-Trial Disposition box must also be checked. Only check if the whole case was resolved via alternative dispute resolution.

General Civil and Domestic Relations Case Disposition Information Form

Superior or State Court of _____ County

For Clerk Use Only

Date Disposed _____
MM-DD-YYYY

Case Number _____

Case Style _____

Plaintiff(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Reporting Party _____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented

Defendant's Attorney _____

Bar Number _____

Self-Represented

Reporting Party's Attorney Signature _____

Manner of Disposition

Check Only One

- Jury Trial
- Bench/Non-Jury Trial
- Non-Trial Disposition
- Alternative Dispute Resolution

- Check if any party was self-represented at any point during the life of the case.
- Check if the court ordered an interpreter for any party, witness, or other involved individual.
- Was the case referred/ordered to a court-annexed alternative dispute resolution (ADR) process?



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council

FROM: Standing Committee on Judicial Workload Assessment

CC: Cynthia Clanton, Director, Administrative Office of the Courts
Stephanie Hines, Division Director, Administrative Office of the Courts
Jeffrey Thorpe, Judicial Caseload Data Manager, Administration Office of the Courts

RE: Civil and Domestic Filing and Disposition Forms

DATE: July 30, 2021

Please find below an unofficial, nonbinding, informal recommendation regarding the authority of clerks to correct civil and domestic filing and disposition forms when such forms display incorrect information. This memorandum is based upon my observations and general understanding of the issues involved and upon my research and analysis to date. This recommendation does not bind the action of any court, judge, county, or municipality.

Summary

While providing technical caseload assistance to courts, Judicial Council/Administrative Office of the Courts (AOC) staff have observed that many court clerks do not consider correcting civil and domestic filing and disposition forms to be in their realm of authority. When AOC staff advise clerks that they do have such authority, many clerks still express hesitation to correct errors on civil and domestic filing and disposition forms due to their understanding that such forms are legal documents and not administrative documents. Providing clerks a transparent and articulated advisory would empower clerks to correct such errors earlier in the process versus during the annual caseload reporting project. In addition, AOC staff have noted that some clerks' disposition and case characteristic data were both incomplete and incorrect. This could indicate that completed disposition forms are not being filed with the clerk's office. The collection of correct civil and domestic filing and disposition forms is imperative to the success of the annual caseload reporting project and provides important transparency to our stakeholders, the legislature, and the public.

Recommendation

The Standing Committee on Judicial Workload Assessment recommends the following advisory be communicated to clerks statewide:

“Honorable Clerks,

The Judicial Council of Georgia notes that clerks have the authority to correct civil and domestic filing and disposition forms if a form displays incorrect information, including when the case type information has not been completed correctly. The Judicial Council also notes that such forms are not a legal document but rather an administrative document issued by the Judicial Council. If clerks have questions regarding the correct classification of a case, they are encouraged to communicate with their chief judge or a research team member at the Judicial Council/Administrative Office of the Courts.

Additionally, the Judicial Council notes that O.C.G.A. § 9-11-58 (b) states that in actions of a civil nature, “[t]he entry of the judgment shall not be made by the clerk of the court until the civil case disposition form is filed. The entry of the judgment shall not be delayed for the taxing of costs. This subsection shall not apply to actions brought pursuant to Article 3 of Chapter 7 of Title 44, relating to landlord and tenant dispossessory proceedings.” Accordingly, clerks must not close a civil, general, or domestic case without filing a civil case disposition form. This should not hinder the collection of court costs but will prevent a judgment from being entered until the civil case disposition has been filed. Until the final disposition has been filed, clerks should treat the case as an open and active case.”

CY 2021 Superior Court Caseload Report
(January 1- December 31, 2021)

Instructions for completion of the form, and message from the Office of Research and Data Analysis

Edit Box, Submitted By, Time Stamp

General Civil

	Cases			Manner of Disposition			Case Characteristics		
	Open	Filed	Disposed	Jury Trial	Bench/ Non- Jury	Non-Trial	ADR	Self- Represented Litigants	Limited English Proficiency
Automobile Tort									
Civil Appeal									
Contempt/ Modification/ Other Post-Judgement									
Contract									
Garnishment									
General Tort									
Habeas Corpus									
Injunction/ Mandamus/Other Writ									
Landlord/Tenant									
Medical Malpractice Tort									
Product Liability Tort									
Real Property									
Restraining Petition									
Other General Civil									

Domestic

	Cases			Manner of Disposition			Case Characteristics		
	Open	Filed	Disposed	Jury Trial	Bench/ Non- Jury	Non-Trial	ADR	Self- Represented Litigants	Limited English Proficiency
Adoption									
Contempt									
Dissolution/Divorce/Separate Maintenance/Alimony									
Family Violence Petition									
Modification									
Paternity/ Legitimation									
Support- IV-D									
Support- Private (non-IV-D)									
Other Domestic Relations									

Criminal

	Cases			Manner of Disposition			Case Characteristics		
	Open	Filed	Disposed	Jury Trial	Bench/ Non- Jury	Non-Trial	ADR	Self- Represented Litigants	Limited English Proficiency
Death Penalty									
Serious Felony									
Felony									
Serious Traffic									
Misdemeanor									
Probation Revocation									

Submit

Save and Finish Later

Cancel



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council

FROM: Standing Committee on Judicial Workload Assessment

RE: Recommendation on counting Petitions for Removal from Sex Offender Registry under O.C.G.A. § 42-1-19

DATE: July 30, 2021

Summary

Superior Courts are required to receive and hear Petitions for Removal from Sex Offender Registry cases. Currently, the petitions are filed with the original criminal case in the county the case was heard. However, it remains unclear how cases are filed when the original case occurred in another state. To ensure petitions are counted uniformly throughout the state, and the measure of judicial work is calculated, the Standing Committee on Judicial Workload Assessment discussed this matter at its July 2021 meeting. The Committee makes the following recommendations for the counting of these petitions.

Recommendations

1. The Committee recommends Petitions for Removal from Sex Offender Registry cases be considered as new General Civil filings.
2. The Committee recommends that these petitions are categorized as Other General Civil filings until the Judicial Council establishes another designation. If desired by the Council, the Committee can make the designation.
3. The Committee recommends that petitions filed during the calendar year 2021 be recategorized as general civil filings. A notification should accompany the recategorization of the case filing by the court with the new filing number. Filing fees for recategorized cases are to be waived as this is considered an administrative undertaking.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Honorable Tonya P. Anderson, District 43
Georgia State Senate

CC: Honorable John M. Ott, Chief Superior Court Judge, Alcovy Judicial Circuit
Honorable Eric W. Norris, Chief Superior Court Judge, Western Judicial Circuit
T.J. BeMent, District Court Administrator, Tenth Judicial District
Cynthia Clanton, Director, Administrative Office of the Courts
Stephanie Hines, Division Director, Administrative Office of the Courts

FROM: Jeffrey Thorpe, Judicial Caseload Data Manager
Joseph Stanton Jr., Research Analyst Contractor

RE: Alcovy Judicial Circuit Boundary Analysis

DATE: July 13, 2021

Introduction

On February 11, 2021, the Judicial Council/Administrative Office of the Courts (JC/AOC) received a request from Senator Anderson of Georgia's Senate District 43 for a circuit boundary analysis for the Alcovy Judicial Circuit. At the time submitted, the Judicial Council had voted to suspend accepting requests for circuit boundary studies. At its April meeting, the Judicial Council voted to resume the circuit boundary analysis for the 2021 year. The details of this Alcovy Judicial Circuit analysis are located below. The result of this analysis will be presented to the Standing Committee on Judicial Workload Assessment on Friday, July 16, 2021. Upon that vote, there may be a recommendation from the Judicial Council on a potential circuit alteration.

Background and Methodology

JC/AOC policy requires circuit boundary studies to analyze the following factors: caseload and workload, population, judges, and administration. The analysis must consider not just the circuit requesting a circuit boundary adjustment but also any adjacent circuits. To be considered qualified, potential new circuits must not adversely impact the caseload, workload, or population

balance between the existing circuits.¹ All information is either gathered by the courts affected, district court administrators, or the local government. Lastly, the study utilizes the current resources available to the courts and counties within all the circuits included.

Limitations

While conducting this study, staff faced several limitations that hindered the complete scope of the analysis. Despite those challenges, the staff is confident in this analysis's integrity, validity, and completeness. The limitations faced are as follows.

1. Due to the effects of COVID-19, the JC/AOC decided to utilize caseload data from years 2017, 2018, and 2019 to construct a three-year average. This decision results from insufficient and near incomplete data from the calendar year 2020 data collection.
2. Due to the ever-changing nature of casecount, the case count categories changed between calendar years 2017 and 2018. For the workload assessment, serious felony and felony case types were excluded in 2017 because they did not easily translate into the overall analysis. This change was done for all circuits utilized in both the workload assessment and judicial boundary studies whenever 2017 data is used.
3. Residential addresses were not provided for the calculations of judges' travel time for this analysis. As a result, the travel time for judges is based on the court offices in the counties they reside. This factor can yield a plus or negative outcome depending on where the offices are physically compared to another court. In some cases, a judge's residential address may be farther or closer to another court than their home county's court.
4. Financial data is an essential factor when determining the impact of a circuit boundary alteration. Though some financial data was received, the JC/AOC could not determine the full financial responsibility of the State. As more information becomes available, the "Administration" section of the analysis may be updated.

Alcovy Judicial Circuit

The Alcovy Judicial Circuit is a multi-county circuit consisting of Newton and Walton Counties. For each of these factors, the current Alcovy Circuit characteristics were compared against the characteristics of the potential boundary adjustments.

Figure 1. Alcovy Judicial Circuit Workload Assessment

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Alcovy Circuit	5	1,990	1.3	42,566
Statewide	216	1,596	1.2	50,097

¹ See the Judicial Council's Policy on the Study of Superior Court Judgeships and Circuit Boundaries. <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2021/02/Workload-and-Caseload-Policy-12.11.20-final.pdf>

Workload Assessment

The Administrative Office of the Courts (AOC) calculates the workload of every superior court circuit annually. The analysis incorporates a three-year average of each superior court within their respective judicial circuit by pre-determined case categories. Figure 1 shows the number of statutorily authorized judgeships (Current Judges), the average number of cases each judge has (Cases per judge), the percent of the total workload required to dispose of cases in a year (Judicial Workload Percent), and the estimated population per judge. The Judicial Workload Percent (JWP) is the qualifying factor that determines if a circuit would be eligible for an additional judgeship. If the JWP is below 0.9, then the circuit is subject to an additional review for the reallocation of judicial resources. Currently, the Alcovy Circuit has a JWP of 1.3, qualifying the circuit for an additional judgeship.

Population

The Governor's Office of Planning and Budget (OPB) estimates that the counties that make up the Alcovy Judicial Circuit have a combined population of about 212,830 people. This gives the circuit a population per judge of approximately 42,566. Statewide, the average population per judge is 50,097 people, a total divided by 216 judges. Alcovy Circuit's population per judge is roughly 7,531 below the statewide average. The data does support that the current population causes an undue burden to provide adequate judicial services.

OPB projects that by 2026 the estimated circuit population will be about 233,422. This projection represents an overall 10% increase over the next five years. Utilizing the same projections, the Alcovy Circuit will have about 46,684 people per judge. The projected population for Georgia in 2026 is estimated to be 11,472,524. The Georgia legislature has approved three new judgeships to become effective January 2022, making the statewide total 219. This will mean the new statewide population per judge is estimated to be roughly 52,386. The circuit population per judge is still lower than that of the statewide population, showing no indication of future problems with having adequate judicial services due to a growing population.

Judges

Currently, there are five judges in the Alcovy Circuit. Three judges reside in Newton County, and two reside in Walton County. Per policy, the Judicial Council does not recommend single-judge circuits; therefore, staff could not consider scenarios in which these circuits were single-county or where the workload assessment score lowered the circuit under the threshold value of 0.9 or lower. Additionally, scenarios where a reduction of a judgeship would also place a circuit about the 1.2 thresholds, was evaluated.

Administration

Each circuit is required to submit financial and administrative information to the best of its ability to show judicial expenditures. Although some data were provided, the data was not detailed enough to analyze the potential financial impacts of a circuit boundary adjustment. However, staff did receive actual and budgeted totals for two counties represented in the analysis (see Figure 2).

Figure 2. Clarke and Walton Counties Administrative Costs

County	FY2020 Actual	FY 2021 Budgeted	FY 2022 Budgeted
Clarke	\$3,562,712*	\$3,647,155	\$3,812,420
Walton	\$784,609.29	\$1,025,865	\$1,008,130

*Represents a budgeted number and not the actual financial expenditure for the fiscal year

Analysis of Potential Boundary Adjustment Options

For this analysis, the Gwinnett Circuit was excluded from the potential scenarios because the circuit's workload and caseload analysis proved to be too large to complement the Alcovy Circuit. Additionally, because Newton County does not border Gwinnett County, there were only two possible breakdowns that would be possible. They were to combine both circuits as a whole or add Walton County to the Gwinnett Circuit. Walton County's caseload alone already requires additional judicial resources and, coupled with the Gwinnett Circuit's needs, would cause an undue financial burden to the State and hinder the administration of justice.

Scenario 1 – Newton County; Walton County

Figure 3. Newton County and Walton County form their single-county circuits

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Newton	3	1,679	1.0	49,039
Walton	2	2,207	1.4	38,251
Statewide	216	1,596	1.2	50,097

In Scenario 1, the Alcovy Circuit is split, resulting in Newton County and Walton County forming single-county circuits. The breakdown of this scenario is referenced in Figure 3. Newton County as a single-county circuit would have a caseload per judge slightly above the statewide average and a population per judge slightly below the statewide average. Newton County does not qualify for a new judgeship with a JWP of 1.0. Walton County as a single-county circuit would have a caseload per judge well above the statewide average and a population per judge below the statewide average. Walton County would qualify for an additional judgeship with a JWP of 1.4.

Scenario 2 – Newton County; Walton County and Piedmont

Figure 4. Newton County as a single-county circuit, and Walton County merges into Piedmont Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Newton	3	1,679	1.0	38,251
Walton and Piedmont Circuit	6	1,957	1.3	47,103
Statewide	216	1,596	1.2	50,097

In Scenario 2, Newton County forms a single-county circuit, and Walton County merges into Piedmont Circuit. The breakdown of this scenario is referenced in Figure 4. Walton County merged into Piedmont Circuit would have a caseload per judge well above the statewide average and a population per judge below the statewide average. Walton County merged into Piedmont Circuit would qualify for an additional judgeship with a JWP of 1.3.

Scenario 3 – Newton County and Rockdale Circuit; Walton County and Piedmont Circuit

Figure 5. Newton County and Rockdale County merge to form a new circuit, and Walton County merges into Piedmont Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Newton and Rockdale	5	1,547	1.0	41,402
Walton and Piedmont Circuit	6	1,957	1.3	47,103
Statewide	216	1,596	1.2	50,097

Scenario 3 has Newton County being incorporated into Rockdale Circuit, while Walton County incorporates into the Piedmont Circuit. The breakdown of this scenario is referenced in Figure 5. Newton County merged with Rockdale Circuit would have a caseload per judge slightly below the statewide average and a population per judge below the statewide average. Newton and Rockdale would not qualify for a new judgeship with a JWP of 1.0.

Scenario 4 – Walton County and Piedmont Circuit; Newton County and Ocmulgee Circuit

Figure 6. Newton County merges into Ocmulgee Circuit, and Walton County merges into Piedmont Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Walton and Piedmont Circuit	6	1,957	1.3	47,103
Newton and Ocmulgee Circuit	8	1,484	1.1	34,916
Statewide	216	1,596	1.2	50,097

In Scenario 4, Walton County merges into Piedmont Circuit, and Newton County joins Ocmulgee Circuit. The breakdown of this scenario is referenced in Figure 6. Walton County merged into Piedmont Circuit would have a caseload per judge well above the statewide average and a population per judge below the statewide average. This merger will also qualify the new circuit for an additional judgeship with a JWP of 1.3. Newton County merging with the Ocmulgee Circuit would have a caseload per judge and a population per judge below the statewide average. Newton County merged with Ocmulgee would not qualify for an additional judgeship with a JWP of 1.1.

Scenario 5 – Walton County and Piedmont Circuit; Newton and Morgan Counties; Remaining Ocmulgee Circuit

Figure 7. Walton County merges into Piedmont Circuit, Newton County and Morgan County form a new circuit, and the remaining Ocmulgee Circuit stays the same

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Walton and Piedmont Circuit	6	1,957	1.3	47,103
Newton and Morgan	4	1,440	0.9	33,533
Remaining Ocmulgee	4	1,528	1.1	36,298
Statewide	216	1,596	1.2	50,097

Scenario 5 is Walton County incorporating into the Piedmont Circuit, Newton County, and Morgan County form a new circuit, and the rest of Ocmulgee remains the same. The breakdown of this scenario is referenced in Figure 7. Walton County with Piedmont Circuit combined has cases per judge average above the statewide average and a population per judge below the statewide average. Walton and Piedmont would qualify for a new judgeship with a JWP of 1.3. Newton County with Morgan County is below the statewide average with cases per judge and population per judge. Newton and Morgan would not qualify for another judgeship with a JWP of 0.9. The Ocmulgee Circuit will also be below the statewide average for cases per judge and population per judge. The Ocmulgee Circuit would not qualify for an additional judgeship with a JWP of 1.1.

Scenario 6 – Walton County and Piedmont Circuit; Newton, Jasper, and Morgan Counties; Remaining Ocmulgee Circuit

Figure 8. Walton County merges into Piedmont Circuit, Newton County, Morgan County, and Jasper County form a new circuit, and the remaining Ocmulgee Circuit stays the same

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Walton and Piedmont	6	1,957	1.3	47,103
Newton, Jasper, and Morgan	4	1,638	1.1	37,104
Remaining Ocmulgee	4	1,330	1.0	32,727
Statewide	216	1,596	1.2	50,097

Scenario 6 has Walton County merging into Piedmont Circuit, Newton, Morgan, and Jasper Counties form a new circuit, and the rest of Ocmulgee Circuit remains the same. The breakdown of this scenario is referenced in Figure 8. Walton County with Piedmont Circuit results in cases per judge above the statewide average and a population per judge below the statewide average. Walton and Piedmont would qualify for a new judgeship with a JWP of 1.3. The Newton, Morgan, and Jasper circuit is relatively equal to the statewide average in cases per judge. Still, this new circuit would be below the statewide average in population per judge. Newton, Jasper, and Morgan's circuit would not qualify for an additional judgeship with a JWP of 1.1. Ocmulgee Circuit would be below the statewide average in cases per judge and population per judge. Ocmulgee would also not qualify for an additional judgeship with a JWP of 1.0.

Scenario 7 – Walton County and Piedmont Circuit; Newton and Jasper Counties; Remaining Ocmulgee Circuit

Figure 9. Walton County merges into Piedmont Circuit, Newton County and Jasper County form a new circuit, and the remaining Ocmulgee Circuit stays the same

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Walton and Piedmont Circuit	6	1,957	1.3	47,103
Newton and Jasper	3	1,943	1.2	43,012
Remaining Ocmulgee	5	1,208	0.9	30,058
Statewide	216	1,596	1.2	50,097

In Scenario 7, Walton County merges into Piedmont Circuit, Newton and Jasper Counties form a new circuit, and the rest of Ocmulgee Circuit remains the same. The breakdown of this scenario is referenced in Figure 9. Walton County with Piedmont Circuit has cases per judge above the statewide average and a population per judge below the statewide average. Additionally, the new circuit would qualify for a new judgeship with a JWP of 1.3. Newton and Jasper Counties would be above the statewide average in cases per judge and below the statewide average in population per judge. The new Newton and Jasper Circuit would qualify for an additional judgeship with a JWP of 1.2. While the remaining Ocmulgee Circuit would be below the statewide average in cases per judge and population per judge. The new Ocmulgee Circuit would not qualify for an additional judgeship with a JWP of 0.9.

Scenario 8 – Alcovy Circuit and Jasper County; Remaining Ocmulgee Circuit

Figure 10. Jasper County merges in Alcovy Circuit, and the remaining Ocmulgee Circuit stays the same

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Alcovy Circuit and Jasper	5	2,048	1.3	45,423
Remaining Ocmulgee	5	1,208	0.9	30,058
Statewide	216	1,596	1.2	50,097

Scenario 8 has Jasper County merging into Alcovy Circuit, and the remaining Ocmulgee Circuit stays the same. The breakdown of this scenario is referenced in Figure 10. Alcovy and Jasper would be significantly above average in cases per judge and below average in population per judge compared to statewide averages. Alcovy and Jasper would qualify for an additional judgeship with a JWP of 1.3 Ocmulgee Circuit would be below the statewide average in both cases per judge and population per judge. Ocmulgee would not qualify for an additional judgeship with a JWP of 0.9.

Scenario 9 – Alcovy Circuit and Morgan County; Remaining Ocmulgee Circuit

Figure 11. Morgan County merges into Alcovy Circuit, and the remaining Ocmulgee Circuit stays the same

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Alcovy Circuit and Morgan	6	1,695	1.1	38,702
Remaining Ocmulgee	4	1,528	1.1	36,298

Statewide	216	1,596	1.2	50,097
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In Scenario 9, Morgan County merges into Alcovy Circuit, and the remaining Ocmulgee Circuit stays the same. The breakdown of this scenario is referenced in Figure 11. This scenario is unique because the current breakdown would not require additional judgeships for any newly proposed circuits. However, the circuit containing the Alcovy Circuit and Morgan County would be above the statewide average in cases per judge.

Scenario 10 – Alcovy Circuit, Jasper, Morgan, and Greene Counties; Remaining Ocmulgee Circuit

Figure 12. Jasper County, Morgan County, and Greene County merge into Alcovy Circuit, and the remaining Ocmulgee Circuit stays the same

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Alcovy Circuit, Jasper, Morgan, and Greene	7	1,688	1.2	37,869
Remaining Ocmulgee	3	1,488	1.1	37,439
Statewide	216	1,596	1.2	50,097

In Scenario 10, Jasper, Morgan, and Greene Counties merge into Alcovy Circuit, and the remaining Ocmulgee Circuit stays the same. The breakdown of this scenario is referenced in Figure 12. Alcovy Circuit with Jasper, Morgan, and Greene counties would be above the statewide average in cases per judge and below the statewide average in population per judge. Also, the new circuit would qualify for an additional judgeship with a JWP of 1.2. Ocmulgee Circuit would be below the statewide average in both cases per judge and population per judge. Ocmulgee would not qualify for an additional judgeship with a JWP of 1.1.

Scenario 11 – Newton County and Towaliga Circuit; Walton and Piedmont

Figure 13. Newton County merges in Towaliga Circuit, and Walton County incorporates into Piedmont Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Newton and Towaliga Circuit	5	1,600	1.1	37,370
Walton and Piedmont Circuit	6	1,957	1.3	47,103
Statewide	216	1,596	1.2	50,097

For scenario 11, Newton County is incorporated into the Towaliga Circuit, and Walton County joins the Piedmont Circuit. As seen before, the new Circuit with Piedmont and Walton County would qualify for an additional judicial with a JWP of 1.3. However, the newly proposed circuit with Newton County and Towaliga Circuit would not require additional judgeships with a JWP of 1.1. In both proposals, the population per judge is lower than the statewide average.

Scenario 12 – Alcovy Circuit and Western Circuit

Figure 14. Alcovy Circuit and Western Circuit merge

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Alcovy and Western Circuit	9	1,663	1.1	42,793
Statewide	216	1,596	1.2	50,097

In Scenario 12, Alcovy Circuit and Western Circuit merge to create a new circuit. The breakdown of this scenario is referenced in Figure 14. Alcovy Circuit and Western Circuit joined would have cases per judge slightly above the statewide average and a population per judge below the statewide average. Alcovy and Western would not qualify for a new judgeship with a JWP of 1.1.

Scenario 13 – Rockdale Circuit and Alcovy Circuit

Figure 15. Rockdale Circuit and Alcovy Circuit merge

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Rockdale Circuit and Alcovy Circuit	7	1,736	1.1	43,584
Statewide	216	1,596	1.2	50,097

Scenario 13 combines the Rockdale and Alcovy Circuits into a new circuit (Figure 15). Although the cases per judge are slightly higher than that of the statewide average, the scenario does not require the addition of judicial resources. This is because the JWP for the newly proposed merger has a JWP of 1.1. In addition, the new merger results in a population per judge much lower than the statewide average.

Scenario 14 – Rockdale Circuit and Walton County; Newton County

Figure 16. Rockdale Circuit and Walton County merge; Newton County forms a single-county circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Walton and Rockdale	4	1,780	1.2	46,128
Newton	3	1,679	1.0	38,251
Statewide	216	1,596	1.2	50,097

In scenario 14, Walton County is incorporated in the Rockdale Circuit, and Newton County is a new single-county circuit. As seen before, the new Newton Circuit would not require an additional judgeship unlike the new Rockdale Circuit with a JWP of 1.2. However, both proposals would have an average caseload per judge higher than the statewide average; both proposals have populations per judge lower than the statewide average.

Qualification of Options

Figure 17. Qualification Chart

Options	Are Cases Evenly Distributed?	Is the Population Evenly Distributed?	Are the Same Number of	Travel Time
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	Judges Required?			
Scenario 1	No	Yes	No	Yes
Scenario 2	No	Yes	No	No
Scenario 3	No	Yes	No	No
Scenario 4	No	Yes	No	No
Scenario 5	No	Yes	No	No
Scenario 6	No	Yes	No	No
Scenario 7	No	Yes	No	No
Scenario 8	No	Yes	No	No
Scenario 9	Yes	Yes	Yes	Yes
Scenario 10	No	Yes	No	No
Scenario 11	No	Yes	No	No
Scenario 12	Yes	Yes	Yes	Yes
Scenario 13	No	Yes	Yes	Yes
Scenario 14	No	Yes	No	Yes

Conclusion

After reviewing possible scenarios for potential circuit boundary alterations for the Alcovy Circuit, the JC/AOC has determined that there are two viable options, Scenarios 9 and 12. Scenario 9 would take Morgan County from the Ocmulgee Circuit and shift it to the Alcovy Circuit. This scenario would see the cases per judge increase roughly by 100 cases per judge; however, it would alleviate the need for an additional judgeship within the Alcovy Circuit. With the population projection growing approximately 9% within five years, cases per judge are on an incline regardless of the alteration. Lastly, with judges living in everyone county in this scenario, judicial travel time should not deviate significantly.

In regards to Scenario 12, the proposed alteration would see the Alcovy and Western Circuits combine. Like scenario 9, the average cases per judge are slightly above the statewide average but less than 100 cases. Also, this would remove the need for an additional judgeship within the Alcovy Circuit. Like Scenario 9, Scenario 12 has judges residing in every county, reducing the need for judges to travel further than their current obligation. However, Oconee County's caseload is low enough to justify judges residing in that county to support either Clarke or Walton without increasing the overall judge time to travel from court to court.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Honorable Max Burns, District 23
Georgia State Senate

CC: Honorable Daniel J. Craig, Chief Superior Court Judge, Augusta Judicial Circuit
Honorable James G. Blanchard, Jr., Chief Superior Court Judge, Columbia
Judicial Circuit
T.J. BeMent, District Court Administrator, Tenth Judicial District
Cynthia Clanton, Director, Administrative Office of the Courts
Stephanie Hines, Division Director, Administrative Office of the Courts

FROM: Jeffrey Thorpe, Judicial Caseload Data Manager
Joseph Stanton Jr., Research Analyst Contractor

RE: Augusta Judicial Circuit Boundary Analysis

DATE: July 13, 2021

Introduction

On January 29, 2021, the Judicial Council/Administrative Office of the Courts (JC/AOC) received a request from Senator Max Burns of Georgia's Senate District 23 for a circuit boundary analysis for the Augusta Judicial Circuit. At the time submitted, the Judicial Council had voted to suspend accepting requests for circuit boundary studies. At its April meeting, the Judicial Council voted to resume the circuit boundary analysis for the 2021 year. The details of this Augusta Judicial Circuit analysis are located below. The results of this analysis will be presented to the Standing Committee on Judicial Workload Assessment on Friday, July 16, 2021. Upon that vote, there may be a recommendation to the Judicial Council for a potential circuit alteration.

Background and Methodology

JC/AOC policy requires circuit boundary studies to analyze the following factors: caseload and workload, population, judges, and administration. The analysis must consider not just the circuit requesting a circuit boundary adjustment but also any adjacent circuits. To be considered

qualified, potential new circuits must not adversely impact the caseload, workload, or population balance between the existing circuits.¹ All information is either gathered by the courts affected, district court administrators, or the local government. Lastly, the study utilizes the current resources available to the courts and counties within all the circuits included.

Limitations

While conducting this study, staff faced several limitations that hindered the complete scope of the analysis. Despite those challenges, the staff is confident in this analysis's integrity, validity, and completeness. The limitations faced are as follows.

1. Due to the effects of COVID-19, the JC/AOC decided to utilize caseload data from years 2017, 2018, and 2019 to construct a three-year average. This decision results from insufficient and near incomplete data from the calendar year 2020 data collection.
2. Due to the ever-changing nature of casecount, the case count categories changed between calendar years 2017 and 2018. For the workload assessment, serious felony and felony case types were excluded in 2017 because they did not easily translate into the overall analysis. This change was done for all circuits utilized in both the workload assessment and judicial boundary studies whenever 2017 data is used.
3. Residential addresses were not provided for the calculations of judges’ travel time for this analysis. As a result, the travel time for judges is based on the court offices in the counties they reside. This factor can yield a plus or negative outcome depending on where the offices are physically compared to another court. In some cases, a judge’s residential address may be farther or closer to another court than their home county’s court.
4. Financial data is an essential factor when determining the impact of a circuit boundary alteration. Though some financial data was received, the JC/AOC was not able to determine the full financial responsibility of the State. As more information becomes available, the “Administration” section of the analysis may be updated.

Augusta Judicial Circuit

The Augusta Judicial Circuit is a multi-county circuit consisting of Burke and Richmond Counties. For each of these factors, the Augusta Circuit characteristics were compared against the characteristics of the potential boundary adjustments.

Figure 1. Augusta Judicial Circuit Workload Assessment

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Augusta Circuit	5	1,511	1.4	45,121
Statewide	216	1,596	1.2	50,097

¹ See the Judicial Council’s Policy on the Study of Superior Court Judgeships and Circuit Boundaries. <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2021/02/Workload-and-Caseload-Policy-12.11.20-final.pdf>

Workload Assessment

The Administrative Office of the Courts (AOC) calculates the workload of every superior court circuit annually. The analysis incorporates a three-year average of each superior court within their respective judicial circuit by pre-determined case categories. Figure 1 shows the number of statutorily authorized judgeships (Current Judges), the average number of cases each judge has (Cases per judge), the percent of the total workload required to dispose of cases in a year (Judicial Workload Percent), and the estimated population per judge. The Judicial Workload Percent (JWP) is the qualifying factor that determines if a circuit would be eligible for an additional judgeship. If the JWP is below 0.9, then the circuit is subject to an additional review for the reallocation of judicial resources. Currently, the Augusta Circuit has a JWP of 1.2, qualifying the circuit for an additional judgeship.

Population

The Governor's Office of Planning and Budget (OPB) estimates that the counties that make up the Augusta Judicial Circuit have a combined population of about 225,603 people. This gives the circuit a population per judge of approximately 45,120. Statewide, the average population per judge is 50,097 people, a total divided by 216 judges. Augusta Circuit's population per judge is roughly 4,976 below the statewide average. The data does not support that the current population causes an undue burden to provide adequate judicial services.

OPB projects that by 2026 the estimated circuit population will be about 229,811. This projection represents an overall 1.9% increase over the next five years. Utilizing the same projections, the Augusta Circuit will have about 45,962 people per judge. The projected population for Georgia in 2026 is estimated to be 11,472,524. The Georgia legislature has approved three new judgeships to become effective 2022, making the statewide total 219. This will mean the new statewide population per judge is estimated to be roughly 52,386. The circuit population per judge is still lower than that of the statewide population, showing no indication of future problems with having adequate judicial services due to a growing population.

Judges

There are five judges in the Augusta Circuit. Four judges reside in Richmond County, and one resides in Burke County. Per policy, the Judicial Council does not recommend single-judge circuits; therefore, staff could not consider scenarios in which these circuits were single-county or where the workload assessment score lowered the circuit under the threshold value of 0.9 or lower. Additionally, scenarios where a reduction of a judgeship would also place a circuit about the 1.2 thresholds, was evaluated.

Administration

Each circuit is required to send administrative and financial records to show judicial expenditures to the best of its ability. As expressed in the Limitations section, the complete financial information for the Augusta Circuit was unattainable at the time of the analysis. As information becomes more available, this section of the analysis is subject to change.

Analysis of Potential Boundary Adjustment Options

For this analysis, the Toombs Circuit was excluded from the potential scenarios because of the following.

1. The Toombs Circuit’s caseload combined with Augusta Circuit is too high to be considered for a potential merger. The only scenario where the Toombs Circuit was a possible option resulted in Burke County needing to be incorporated. As seen below, adding Burke County to any circuit would create the need for additional judicial resources.
2. Travel time between the counties for all judges would be significantly higher.

Scenario 1 – Richmond County; Burke County and Ogeechee Circuit

Figure 2. Richmond County as a single-county circuit and Burke County merges to Ogeechee Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Richmond	4	1,760	1.4	50,833
Burke and Ogeechee Circuit	4	1,334	1.6	48,534
Statewide	216	1,596	1.2	50,097

In Scenario 1, Richmond County is split from the Augusta Circuit to form a single-county circuit. Because Burke County has only one judge residing within the county, it is required to be moved to another existing circuit. For this scenario, Burke is included in the Ogeechee Circuit. The breakdown of this scenario is reference above in Figure 2. Richmond County as a single-county circuit would have a caseload per judge and population per judge over the statewide averages for both categories. Despite the new Burke and Ogeechee Circuit being below the statewide average in both categories, the new circuit would still qualify for an additional judgeship, as would Richmond County.

Figure 2.1. Richmond County as a single-county circuit and Burke County merges to Ogeechee Circuit with its approved judgeship

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Richmond	4	1,760	1.4	50,833
Burke and Ogeechee Circuit	5	1,067	1.3	38,827
Statewide	217	1,590	1.2	49,866

In the 2020 legislative session, the Georgia Legislature approved the Ogeechee Circuit for an additional judgeship. The judgeship is authorized to begin in January 2022. Because the judgeship start is still subject to be amended, it is best to provide both scenarios with and without the judgeship. Referencing Figure 2.1, the Burke and Ogeechee Circuit is still below the statewide average for cases and population per judge. Still, it has a JWP value of 1.3, thus qualifying the circuit for an additional judgeship.

Scenario 2 – Richmond County; Burke County and Middle Circuit

Figure 3. Richmond County as a single-county circuit and Burke County merges to Middle Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Richmond	4	1,760	1.4	50,833
Burke and Middle Circuit	3	1,309	1.3	39,439
Statewide	216	1,596	1.2	50,097

In Scenario 2, Richmond County is split from the Augusta Circuit to form a single-county circuit. Because Burke County has only one judge residing within the county, it is required to be moved to another existing circuit. For this scenario, Burke is included in the Middle Circuit. The breakdown of this scenario is reference above in Figure 3. Richmond County as a single-county circuit would have a caseload per judge and population per judge over the statewide averages for both categories. Despite the new Burke and Middle circuit being below the statewide average in both categories, the new circuit would still qualify for an additional judgeship, as would Richmond County.

Scenario 3 – Augusta Circuit and Middle Circuit

Figure 4. Burke County and Richmond County merge into Middle Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Augusta Circuit, Middle Circuit	7	1,567	1.4	45,949
Statewide	216	1,596	1.2	50,097

Scenario 3 shows Augusta Circuit combined with the Middle Circuit. The breakdown of this scenario is referenced in Figure 4. Richmond, Burke, and Middle Circuit would have a caseload slightly below the statewide average. Their combined population would be below the statewide average as well. However, this scenario still results in a JWP of 1.4, making the new circuit eligible for an additional judgeship. Despite the newly combined circuit being below the statewide average in both cases and population categories, the new circuit would still qualify for two additional judgeships before the JWP would be below the 1.2 threshold.

Scenario 4 – Augusta Circuit and Ogeechee Circuit

Figure 5. Burke County and Richmond County merge into Ogeechee Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Richmond, Burke, and Ogeechee Circuit	8	1,547	1.5	49,683
Statewide	216	1,596	1.2	50,097

In Scenario 4, the Augusta Circuit is consolidated with the Ogeechee Circuit. The breakdown of this scenario is referenced in Figure 5. Richmond, Burke, and Ogeechee Circuit would have a caseload average slightly below the statewide average. Their combined population would be

below the statewide average as well. However, this scenario still results in a JWP of 1.5. Despite the new Richmond, Burke, and Ogeechee Circuit being below the statewide average in both categories, the new circuit would still qualify for an additional judgeship.

Figure 5.1. Burke County and Richmond County merge into Ogeechee Circuit with its approved judgeship

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Richmond, Burke, Ogeechee Circuit	9	1,375	1.4	44,163
Statewide	217	1,590	1.2	49,866

As seen above in Figure 2.1, staff believed it best to show a scenario with Ogeechee’s authorized judgeship. Referencing Figure 5.1, the Augusta Circuit and Ogeechee Circuit is still below the statewide average for cases and population per judge but has a JWP of 1.4, thus qualifying the circuit for an additional judgeship.

Scenario 5 – Richmond County and Middle Circuit; Burke County and Ogeechee Circuit

Figure 6. Richmond County merges into Middle Circuit, and Burke County merges into Ogeechee Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Richmond, Middle Circuit	6	1,742	1.4	49,896
Burke, Ogeechee Circuit	4	1,334	1.6	48,534
Statewide	216	1,596	1.2	50,097

In Scenario 5, Richmond County merges into Middle Circuit, and Burke County merges into Ogeechee Circuit. The breakdown of this scenario is referenced in Figure 6. Richmond and Middle Circuit would have a caseload per judge average above the statewide average and a population per judge below the statewide average. Richmond County with Middle Circuit results in a JWP of 1.4, which qualifies the circuit for an additional judgeship. Burke and Ogeechee Circuit would have a lower caseload per judge and a population per judge when compared to the statewide average. However, Burke and Ogeechee still qualify for an additional judgeship with a JWP of 1.6.

Figure 6.1. Richmond County merges into Middle Circuit, and Burke County merges into Ogeechee Circuit with its approved judgeship

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Richmond, Middle Circuit	6	1,742	1.4	49,896
Burke, Ogeechee Circuit	5	1,067	1.3	38,827
Statewide	217	1,590	1.2	49,866

As seen above in Figure 2.1, this shows a scenario with Ogeechee’s authorized judgeship. As seen in Figure 6.1, Burke and Ogeechee Circuit still fall below the statewide average in caseload per judge and population per judge. However, Burke and Ogeechee qualify for an additional judgeship with a JWP of 1.3.

Scenario 6 – Augusta Circuit and Columbia Circuit

Figure 7. Columbia County merges into Augusta Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Burke, Columbia, Richmond	8	1,478	1.2	48,518
Columbia	3	1521	0.9	54,181
Statewide	216	1,596	1.2	50,097

In Scenario 6, the Columbia Circuit merges into Augusta Circuit. The breakdown of this scenario is referenced in Figure 7. Burke, Columbia, and Richmond counties would have a caseload average and a population per judge average below the statewide average. Despite Columbia, Burke, and Richmond counties having below-average caseloads and population per judge, the circuit would qualify for an additional judgeship with a JWP of 1.2.

Scenario 7 – Columbia Circuit and Richmond County; Burke County and Ogeechee Circuit

Figure 8. Columbia County and Richmond County form the Augusta Circuit, and Burke County merges with Ogeechee Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Columbia and Richmond	7	1,616	1.2	52,267
Burke and Ogeechee Circuit	4	1,332	1.6	48,534
Statewide	216	1,596	1.2	50,097

In Scenario 7, the Columbia Circuit and Richmond County form a new Augusta Circuit, and Burke merges into Ogeechee Circuit. The breakdown of this scenario is referenced in Figure 8. Richmond and Columbia have similar cases per judge and an above-average population per judge. Burke and Ogeechee have cases per judge and a population per judge that is below the statewide average. However, both Columbia with Richmond and Burke with Ogeechee qualify for a new judgeship with JWP of 1.2 and 1.6, respectively.

Figure 8.1. Columbia Circuit and Richmond County form the Augusta Circuit, and Burke County merges with Ogeechee Circuit with its approved judgeship

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Columbia, Richmond	7	1,616	1.2	52,267
Burke, Ogeechee Circuit	5	1,067	1.3	38,827
Statewide	217	1,590	1.2	49,866

As seen above in Figure 2.1, staff believed it best to show a scenario with Ogeechee’s authorized judgeship. Referencing Figure 8.1, Burke and Ogeechee Circuit still fall below the statewide

average in caseload per judge and population per judge. However, Burke and Ogeechee qualify for an additional judgeship with a JWP of 1.3.

Scenario 8 – Columbia Circuit and Richmond County; Burke County and Middle Circuit

Figure 9. Columbia Circuit and Richmond County form the Augusta Circuit, and Burke County merges with Middle Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Columbia and Richmond	7	1,616	1.2	52,267
Burke and Middle Circuit	3	1,309	1.3	39,439
Statewide	216	1,596	1.2	50,097

In Scenario 8, the Columbia Circuit and Richmond County form a new Augusta Circuit, and Burke merges into Middle Circuit. The breakdown of this scenario is referenced in Figure 9. Richmond and Columbia have relatively equal cases per judge and an above-average population per judge. Burke and Middle have cases per judge and a population per judge that is below the statewide average. However, both Columbia with Richmond and Burke with Middle qualify for a new judgeship with JWP of 1.2 and 1.3, respectively.

Qualification of Options

Figure 10. Qualification Chart

Options	Are Cases Evenly Distributed?	Is the Population Evenly Distributed?	Are the Same Number of Judges Required?	Travel Time
Scenario 1	No	No	No	Yes
Scenario 1.1	No	No	No	Yes
Scenario 2	No	No	No	Yes
Scenario 3	Yes	Yes	No	No
Scenario 4	Yes	Yes	No	No
Scenario 4.1	Yes	Yes	No	No
Scenario 5	No	Yes	No	No
Scenario 5.1	No	Yes	No	No
Scenario 6	Yes	Yes	No	Yes
Scenario 7	No	No	No	No
Scenario 7.1	No	No	No	No
Scenario 8	No	No	No	Yes

In every scenario, the caseload of Richmond County is so large that no matter where it is located, even alone, it would require an additional judgeship. With that knowledge, staff believes it best to entertain the idea of the Augusta Circuit receiving an additional judgeship. For this hypothetical event of a new judgeship being granted and that judge residing in Richmond County, staff has provided the below scenarios with the hypothetical additional judgeship.

Figure 11. Qualification Chart with the hypothetical judge added to the Augusta Judicial Circuit

Options	Are Cases Evenly Distributed?	Is the Population Evenly Distributed?	Are the Same Number of Judges Required?	Travel Time
Scenario 1	No	No	No	Yes
Scenario 1.1	No	No	No	Yes
Scenario 2	No	No	No	Yes
Scenario 3	Yes	Yes	No	No
Scenario 4	Yes	Yes	No	No
Scenario 4.1	Yes	Yes	No	No
Scenario 5	No	Yes	No	No
Scenario 5.1	No	Yes	No	No
Scenario 6	Yes	Yes	Yes	Yes
Scenario 7	No	No	No	No
Scenario 7.1	No	No	No	No
Scenario 8	No	No	No	Yes

Scenario 6 is the only potential circuit alteration in the hypothetical chart (Figure 11) that meets all criteria staff could evaluate. With this scenario, the Columbia single-county circuit is integrated into the Augusta Circuit. For this hypothetical scenario, the cases per judge are below the statewide average. Additionally, the overall totals for cases per judge of each current circuit by themselves are lower with the new merger. Regarding Columbia, the cases per judge would decrease by 14% if joined with the Augusta Circuit with an additional judgeship. Lastly, the population per judge for the current Columbia Circuit would reduce by 20% if it were to join with the Augusta Circuit's hypothetical version. The analysis for this scenario is located below in Figure 12.

Figure 12. Columbia Circuit incorporated into the Augusta Circuit with a hypothetical new judgeship

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Augusta Circuit, Columbia	9	1,314	1.1	43,127
Columbia	3	1,521	0.9	54,181
Statewide	217	1,590	1.2	49,866

Conclusion

Richmond County alone signifies a unique challenge when reviewing potential circuit boundary alterations. Alone, Richmond County's caseload would qualify the county for a new judgeship, if requested. Coupled with being a two-county circuit (Augusta Circuit), the need for a judgeship is

shown with the workload percent of 1.4. In all cases, whenever Richmond County was present, one or more judgeships were required. To provide a more precise view of a potentially viable alternation, there needed to be an additional judgeship added to the Augusta Circuit. Alone, the Augusta Circuit with that additional judgeship was 1.1. However, with an alteration being requested, the hypothetical additional judgeship dictates that Scenario 6 is the best fit for potential circuit boundary alterations.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Honorable Beth Camp, District 131
Georgia House of Representatives

CC: Honorable Scott Ballard, Chief Superior Court Judge, Griffin Judicial Circuit
Will Simmons, District Court Administrator, Sixth Judicial District
Cynthia Clanton, Director, Administrative Office of the Courts
Stephanie Hines, Division Director, Administrative Office of the Courts

FROM: Jeffrey Thorpe, Judicial Caseload Data Manager
Joseph Stanton Jr., Research Analyst Contractor

RE: Griffin Judicial Circuit Boundary Analysis

DATE: July 13, 2021

Introduction

On April 26, 2021, the Judicial Council/Administrative Office of the Courts (JC/AOC) received a request from Representative Beth Camp from Georgia's House District 131 for a circuit boundary analysis for the Griffin Judicial Circuit. The details of this Griffin Judicial Circuit analysis are located below. The results of this analysis will be presented to the Standing Committee on Judicial Workload Assessment on Friday, July 16, 2021. Upon that vote, there may be a recommendation to the Judicial Council for a potential circuit alteration.

Background and Methodology

JC/AOC policy requires circuit boundary studies to analyze the following factors: caseload and workload, population, judges, and administration. The analysis must consider not just the circuit requesting a circuit boundary adjustment but also any adjacent circuits. To be considered qualified, potential new circuits must not adversely impact the caseload, workload, or population

balance between the existing circuits.¹ All information is either gathered by the courts affected, district court administrators, or the local government. Lastly, the study utilizes the current resources available to the courts and counties within all the circuits included.

Limitations

While conducting this study, staff faced several limitations that hindered the complete scope of the analysis. Despite those challenges, the staff is confident in this analysis's integrity, validity, and completeness. The limitations faced are as follows.

1. Due to the effects of COVID-19, the JC/AOC decided to utilize caseload data from years 2017, 2018, and 2019 to construct a three-year average. This decision results from insufficient and near incomplete data from the calendar year 2020 data collection.
2. Due to the ever-changing nature of casecount, the case count categories changed between calendar years 2017 and 2018. For the workload assessment, serious felony and felony case types were excluded in 2017 because they did not easily translate into the overall analysis. This change was done for all circuits utilized in both the workload assessment and judicial boundary studies whenever 2017 data is used.
3. Residential addresses were not provided for the calculations of judges’ travel time for this analysis. As a result, the travel time for judges is based on the court offices in the counties they reside. This factor can yield a plus or negative outcome depending on where the offices are physically compared to another court. In some cases, a judge’s residential address may be farther or closer to another court than their home county’s court.
4. Currently, the Griffin Circuit has a vacant judge position. The vacancy proposes a significant challenge because the JC/AOC is forced to make a series of hypothetical scenarios for the placement of a judge. The JC/AOC must emphasize that only the Governor can appoint or designate a judge. The hypothetical scenarios are not made with any knowledge of where the Governor may appoint a new judge, nor should they have a bearing on where that judge should be placed.

Griffin Judicial Circuit

The Griffin Judicial Circuit is a multi-county circuit consisting of Fayette, Pike, Spalding, and Upson Counties. For each of these factors, the current Griffin Circuit characteristics were compared against the characteristics of the potential boundary adjustments.

Figure 1. Griffin Judicial Circuit Workload Assessment

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Griffin Circuit	5	1,516	1.3	45,892

¹ See the Judicial Council’s Policy on the Study of Superior Court Judgeships and Circuit Boundaries. <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2021/02/Workload-and-Caseload-Policy-12.11.20-final.pdf>

Statewide	216	1,595	1.2	50,097
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Workload Assessment

The Administrative Office of the Courts (AOC) calculates the workload of every superior court circuit annually. The analysis incorporates a three-year average of each superior court within their respective judicial circuit by pre-determined case categories. Figure 1 shows the number of statutorily authorized judgeships (Current Judges), the average number of cases each judge has (Cases per judge), the percent of the total workload required to dispose of cases in a year (Judicial Workload Percent), and the estimated population per judge. The Judicial Workload Percent (JWP) is the qualifying factor that determines if a circuit would be eligible for an additional judgeship. If the JWP is below 0.9, then the circuit is subject to an additional review for the reallocation of judicial resources. Currently, the Griffin Circuit has a JWP of 1.3, qualifying the circuit for an additional judgeship.

Population

The Governor’s Office of Planning and Budget (OPB) estimates that the counties that make up the Griffin Judicial Circuit have a combined population of about 229,461 people. This gives the circuit a population per judge of approximately 45,892. Statewide, the average population per judge is 50,097 people, a total divided by 216 judges. Griffin Circuit’s population per judge is roughly 4,205 below the statewide average. The data does support that the current population causes an undue burden to provide adequate judicial services.

OPB projects that by 2026 the estimated circuit population will be about 242,112. This projection represents an overall 6% increase over the next five years. Utilizing the same projections, the Griffin Circuit will have about 48,422 people per judge. The projected population for Georgia in 2026 is estimated to be 11,472,524. The Georgia legislature has approved three new judgeships to become effective January 2022, making the statewide total 219. This will mean the new statewide population per judge is estimated to be roughly 52,386. The circuit population per judge is still lower than that of the statewide population, showing no indication of future problems with having adequate judicial services due to a growing population.

Judges

There are five judges in the Griffin Circuit. Two judges reside in Fayette County, two judges reside in Upson County, and one judgeship is waiting to be filled. Per policy, the Judicial Council does not recommend single-judge circuits; therefore, staff could not consider scenarios in which these circuits were single-county or where the workload assessment score lowered the circuit under the threshold value of 0.8 or lower. Additionally, scenarios where a reduction of a judgeship would also place a circuit about the 1.2 thresholds, was evaluated.

Administration

Each circuit is required to submit financial and administrative data concerning its circuit to the best of its ability. In the Griffin Circuit, the costs are broken down for Superior and Juvenile Courts. The Circuit gets a statewide credit for the juvenile courts that is applied equitably to all counties. The remaining budgetary responsibility is divided amongst the counties based on caseload and population in the circuit. The following breakdown shows the budgeted costs for each county after the state credit for fiscal years 2021 and 2022. The budgeted amounts include

judicial salaries, senior judge salaries, judicial assistants, administrative, continuing education, benefits, and other operations costs.

Figure 2. Griffin Judicial Circuit Administrative Costs by County

County	FY 2021 Budgeted	FY 2022 Budgeted	Difference
Fayette	\$71,876	\$88,512	\$16,636
Pike	\$12,427	\$15,228	\$2,801
Spalding	\$68,541	\$79,495	\$10,954
Upson	\$61,808	\$37,517	-\$24,291
Totals	\$214,652	\$220,752	\$6,100

Analysis of Potential Boundary Adjustment Options

The Atlanta, Clayton, Coweta, and Flint Circuits were excluded from the potential scenarios for this analysis. The caseload and workload of the circuits above resulted in two or three additional judgeships needed. In the cases of Coweta Circuit, there was a need for four additional judgeships to balance the caseload.

Scenario 1. – Fayette County; Pike County; Spalding County; Upson County

Figure 3.1. Fayette County, Pike County, Spalding County, and Upson County form single-county circuits

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	3	790	1.0	38,903
Pike	0	N/A	N/A	N/A
Spalding	0	N/A	N/A	N/A
Upson	2	590	0.4	13,157
Statewide	216	1,595	1.2	50,097

Figure 3.2. Fayette County, Pike County, Spalding County, and Upson County form single-county circuits

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355
Pike	1	452	0.6	18,700
Spalding	0	N/A	N/A	N/A
Upson	2	590	0.4	13,157
Statewide	216	1,595	1.2	50,097

Figure 3.3. Fayette County, Pike County, Spalding County, and Upson County form single-county circuits

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355

Pike	0	N/A	N/A	N/A
Spalding	1	2,907	1.7	67,738
Upson	2	590	0.4	13,157
Statewide	216	1,595	1.2	50,097

Figure 3.4. Fayette County, Pike County, Spalding County, and Upson County form single-county circuits

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355
Pike	0	N/A	N/A	N/A
Spalding	0	N/A	N/A	N/A
Upson	3	393	0.3	8,771
Statewide	216	1,595	1.2	50,097

In Scenario 1, Fayette County, Pike County, Spalding County, and Upson County form single-county circuits. The breakdown of this scenario is referenced above in Figures 3.1, 3.2, 3.3, and 3.4. The unknown location of the currently unfilled judgeship is accounted for by showing all possible location iterations. Because each iteration has an instance of a zero-judge circuit, Scenario 1 was not considered.

Scenario 2 – Fayette and Spalding Counties; Pike and Upson Counties

Figure 4.1. Fayette County and Spalding County form a circuit, and Pike County and Upson County form a circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette and Spalding	3	1,759	1.6	61,482
Pike and Upson	2	815	0.7	22,507
Statewide	216	1,595	1.2	50,097

Figure 4.2. Fayette County and Spalding County form a circuit, and Pike County and Upson County form a circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette and Spalding	2	2,639	2.3	92,224
Pike and Upson	3	544	0.5	15,005
Statewide	216	1,595	1.2	50,097

Scenario 2 divided the current Griffin Circuit so that Fayette and Spalding Counties form a circuit while Pike and Upson Counties form a circuit. The breakdown of this scenario is referenced above in Figures 4.1 and 4.2. In both iterations, the circuit of Pike and Upson Counties has a JWP below 0.9. However, the circuit of Fayette and Spalding are well above the JWP threshold of 1.2. Additionally, the population per judge and the cases per judge average for the Fayette and Spalding circuit is well above the statewide average for population and cases per judge.

Scenario 3 – Fayette and Spalding Counties; Pike and Upson Counties, and Towaliga Circuit

Figure 5.1. Fayette County and Spalding County form a circuit, and Pike County and Upson County merge into Towaliga Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette and Spalding	3	1,759	1.6	61,482
Pike, Upson, and Towaliga Circuit	4	1,149	1.0	29,277
Statewide	216	1,595	1.2	50,097

Figure 5.2. Fayette County and Spalding County form a circuit, and Pike County and Upson County merge into Towaliga Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette and Spalding	2	2,639	2.3	92,224
Pike, Upson, and Towaliga Circuit	5	919	0.8	23,422
Statewide	216	1,595	1.2	50,097

In Scenario 3, Fayette and Spalding Counties form a circuit, and Pike and Upson Counties are incorporated into the Towaliga Circuit. The breakdown of this scenario is referenced in Figures 5.1 and 5.2. In Figure 5.1, Pike and Upson County merging in Towaliga Circuit would have a below the statewide average in cases per judge and population per judge. Pike and Upson Counties with the Towaliga Circuit would not qualify for an additional judgeship with a JWP of 1.0. Figure 5.2 shows the potential scenario in which the fifth judge resides in either Pike or Upson County. This would cause the possible circuit of Pike and Upson Counties merged into the Towaliga Circuit to fall below a JWP of 0.9.

Scenario 4 – Fayette, Spalding, and Pike Counties; Upson County and Towaliga Circuit

Figure 6.1. Fayette County, Spalding County, and Pike County form a circuit, and Upson County merges into Towaliga Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette, Spalding, and Pike	3	1,910	1.8	67,716
Upson and Towaliga Circuit	4	1,036	0.8	24,602
Statewide	216	1,595	1.2	50,097

Figure 6.2. Fayette County, Spalding County, and Pike County form a circuit, and Upson County merges into Towaliga Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette, Spalding, and Pike	2	2,865	2.6	101,574

Upson and Towaliga Circuit	5	829	0.7	19,682
Statewide	216	1,595	1.2	50,097

Scenario 4 removes Upson County from the Griffin Circuit, creating a new circuit with Fayette, Spalding, and Pike Counties, and Upson County is incorporated into the Towaliga Circuit. The breakdown of this scenario is referenced in Figures 6.1 and 6.2. Each iteration of Scenario 4 has the new Towaliga Circuit with JWP values of 0.8 or lower. On the other hand, the new Griffin Circuit with Fayette, Spalding, and Pike Counties has values for the cases per judge, JWP, and population per judge categories well above the statewide average.

Scenario 5 – Fayette, Spalding, and Pike Counties; Upson County and Macon Circuit

Figure 7.1. Fayette County, Spalding County, and Pike County form a circuit, and Upson County merges into Macon Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette, Spalding, and Pike	3	1,910	1.8	67,716
Upson and Macon Circuit	7	1,014	0.7	31,249
Statewide	216	1,595	1.2	50,097

Figure 7.2. Fayette County, Spalding County, and Pike County form a circuit, and Upson County merges into Macon Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette, Spalding, and Pike	2	2,865	2.6	101,574
Upson and Macon Circuit	8	887	0.6	27,343
Statewide	216	1,595	1.2	50,097

In Scenario 5, Fayette County, Spalding County, and Pike County form a circuit, and Upson County merges into Macon Circuit. The breakdown of this scenario is referenced in Figures 7.1 and 7.2. Like Scenario 4, the remaining Griffin Circuit counties all have a general workload higher than the statewide average. In both breakdowns, the new Macon Circuit has JWP values below the desired 0.9 threshold.

Scenario 6 – Fayette County; Spalding, Pike, and Upson Counties

Figure 8.1. Fayette County forms a single-county circuit, Spalding County, Pike County, and Upson County form a circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	3	790	1.0	38,903
Spalding, Pike, and Upson	2	2,269	1.6	56,376
Statewide	216	1,595	1.2	50,097

Figure 8.2. Fayette County forms a single-county circuit, Spalding County, Pike County, and Upson County form a circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355
Spalding, Pike, and Upson	3	1,513	1.1	37,584
Statewide	216	1,595	1.2	50,097

In Scenario 6, Fayette County forms a single-county circuit, and Spalding County, Pike County, and Upson County form a circuit. The breakdown of this scenario is referenced in Figures 8.1 and 8.2. Figure 8.1 shows Fayette County would be below the statewide average in cases per judge and population per judge. Fayette County would not qualify for an additional judgeship with a JWP of 1.0. However, the Spalding, Pike, and Upson Circuit in Figure 8.1 has an above-average statewide average in cases per judge and population per judge. Spalding, Pike, and Upson would qualify for an additional judgeship with a JWP of 1.6. Figure 8.2 shows the vacated judge position switch circuits. In Figure 8.2, the results have switched from Figure 8.1.

Scenario 7 – Fayette, Pike, and Spalding County; Upson County and Chattahoochee Circuit

Figure 9.1. Fayette County, Pike County, and Spalding County form a circuit, and Upson County merges into Chattahoochee Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette, Pike, and Spalding	3	1,910	1.8	67,716
Upson and Chattahoochee Circuit	9	1,115	1.0	32,052
Statewide	216	1,595	1.2	50,097

Figure 9.2. Fayette County, Pike County, and Spalding County form a circuit, and Upson County merges into Chattahoochee Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette, Pike, and Spalding	2	2,865	2.6	101,574
Upson and Chattahoochee Circuit	10	1,004	0.9	28,847
Statewide	216	1,595	1.2	50,097

Scenario 7 has Fayette, Pike, and Spalding Counties forming a circuit and Upson County incorporated into the Chattahoochee Circuit. Upson merged into Chattahoochee has below the statewide average in cases per judge and population per judge. Upson and Chattahoochee do not qualify for an additional judgeship with a JWP of 1.0. Figure 9.2 shows Upson merged into Chattahoochee with an additional judgeship and would be below the statewide average in cases per judge and population per judge. Upson and Chattahoochee would not qualify for an additional judgeship with a JWP of .09.

Scenario 8 – Fayette County; Pike and Spalding Counties; Upson County and Towaliga Circuit

Figure 10.1. Fayette County forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into Towaliga Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	3	790	1.0	38,903
Pike and Spalding	0	N/A	N/A	N/A
Upson and Towaliga Circuit	4	1,036	0.8	24,602
Statewide	216	1,595	1.2	50,097

Figure 10.2. Fayette County forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into Towaliga Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355
Pike and Spalding	1	3,359	2.3	86,438
Upson and Towaliga Circuit	4	1,036	0.8	24,602
Statewide	216	1,595	1.2	50,097

Figure 10.3. Fayette County forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into Towaliga Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355
Pike and Spalding	0	N/A	N/A	N/A
Upson and Towaliga Circuit	5	829	0.7	19,682
Statewide	216	1,595	1.2	50,097

In Scenario 8, Fayette forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into the Towaliga Circuit. The breakdown of this scenario is referenced in Figures 10.1, 10.2, and 10.3. The unknown location of the currently unfilled judgeship is accounted for by showing all possible location iterations. Each iteration of Scenario 8 includes a circuit with either zero or one judge causing Scenario 8 not to be a viable solution for a potential alteration.

Scenario 9 – Fayette; Pike and Spalding; Upson and Macon

Figure 11.1. Fayette County forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into Macon Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	3	790	1.0	38,903
Pike and Spalding	0	N/A	N/A	N/A

Upson and Macon Circuit	7	1,014	0.7	31,249
Statewide	216	1,595	1.2	50,097

Figure 11.2. Fayette County forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into Macon Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355
Pike and Spalding	1	3,359	2.3	86,438
Upson and Macon Circuit	7	1,014	0.7	31,249
Statewide	216	1,595	1.2	50,097

Figure 11.3. Fayette County forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into Macon Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Fayette	2	1,185	1.5	58,355
Pike and Spalding	0	N/A	N/A	N/A
Upson and Macon Circuit	8	887	0.6	27,343
Statewide	216	1,595	1.2	50,097

In Scenario 9, Fayette forms a single-county circuit, Pike County and Spalding County form a circuit, and Upson County merges into the Macon Circuit. The breakdown of this scenario is referenced in Figures 11.1, 11.2, and 11.3. The unknown location of the currently unfilled judgeship is accounted for by showing all possible location iterations. Each iteration of Scenario 9 includes a circuit with either zero or one judge causing Scenario 9 not to be a viable solution for alteration.

Conclusion

The analysis of the Griffin Circuit proved a certain level of difficulty. In most cases, the qualification table would be provided to show all potential scenarios. However, no viable solutions came close to a potential circuit alteration for the Griffin Circuit. In almost every listed and brainstormed scenario, the outcome resulted in at least two or more judgeships required to make a balanced case distribution. In all cases, the caseloads Fayette and Spalding Counties were too large to be placed alone, together, or with the surrounding courts. Coupled with only having two judges in the area, the distribution made it near impossible to be considered. Lastly, the caseload for Upson County is very low compared to the other counties in the circuit especially compared with the caseload of Spalding and Fayette. Having two judges in Upson County but having a low caseload made it hard to consider moving Upson County. Upson needed to be paired with an area with a substantially high caseload to offset its very low caseload in every case.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Honorable Marcus Wiedower, District 119
Georgia House of Representatives
Honorable Houston Gaines, District 117
Georgia House of Representatives

CC: Honorable Eric W. Norris, Chief Superior Court Judge, Western Judicial Circuit
Honorable John M. Ott, Chief Superior Court Judge, Alcovy Judicial Circuit
T.J. BeMent, District Court Administrator, Tenth Judicial District
Cynthia Clanton, Director, Administrative Office of the Courts
Stephanie Hines, Division Director, Administrative Office of the Courts

FROM: Jeffrey Thorpe, Judicial Caseload Data Manager
Joseph Stanton Jr., Research Analyst Contractor

RE: Western Judicial Circuit Boundary Analysis

DATE: July 13, 2021

Introduction

On February 12, 2021, the Judicial Council/Administrative Office of the Courts (JC/AOC) received a request from Representatives Wiedower (District 119) and Gaines's (District 117) for a circuit boundary analysis for the Western Judicial Circuit. At the time submitted, the Judicial Council had voted to suspend accepting requests for circuit boundary studies. At its April meeting, the Judicial Council voted to resume the circuit boundary analysis for the 2021 year. The details of this Western Judicial Circuit analysis are located below. The results of this analysis will be presented to the Standing Committee on Judicial Workload Assessment on Friday, July 16, 2021. Upon that vote, there may be a recommendation to the Judicial Council for a potential circuit alteration.

Background and Methodology

JC/AOC policy requires circuit boundary studies to analyze the following factors: caseload and workload, population, judges, and administration. The analysis must consider not just the circuit

requesting a circuit boundary adjustment but also any adjacent circuits. To be considered qualified, potential new circuits must not adversely impact the caseload, workload, or population balance between the existing circuits.¹ All information is either gathered by the courts affected, district court administrators, or the local government. Lastly, the study utilizes the current resources available to the courts and counties within all the circuits included.

Limitations

While conducting this study, staff faced several limitations that hindered the complete scope of the analysis. Despite those challenges, the staff is confident in this analysis's integrity, validity, and completeness. The limitations faced are as follows.

1. Due to the effects of COVID-19, the JC/AOC decided to utilize caseload data from years 2017, 2018, and 2019 to construct a three-year average. This decision results from insufficient and near incomplete data from the calendar year 2020 data collection.
2. Due to the ever-changing nature of casecount, the case count categories changed between calendar years 2017 and 2018. For the workload assessment, serious felony and felony case types were excluded in 2017 because they did not easily translate into the overall analysis. This change was done for all circuits utilized in both the workload assessment and judicial boundary studies whenever 2017 data is used.
3. Residential addresses were not provided for the calculations of judges’ travel time for this analysis. As a result, the travel time for judges is based on the court offices in the counties they reside. This factor can yield a plus or negative outcome depending on where the offices are physically compared to another court. In some cases, a judge’s residential address may be farther or closer to another court than their home county’s court.
4. Financial data is an essential factor when determining the impact of a circuit boundary alteration. Though some financial data was received, the JC/AOC could not determine the full financial responsibility of the State. As more information becomes available, the “Administration” section of the analysis may be updated.

Western Judicial Circuit

The Western Judicial Circuit is a multi-county circuit consisting of Clarke and Oconee Counties. For each of these factors, the current Western Circuit characteristics were compared against the characteristics of the potential boundary adjustments.

Figure 1. Western Judicial Circuit Workload Assessment

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Western Circuit	4	1,489	0.8	43,078
Statewide	216	1,596	1.2	50,097

¹ See the Judicial Council’s Policy on the Study of Superior Court Judgeships and Circuit Boundaries. <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2021/02/Workload-and-Caseload-Policy-12.11.20-final.pdf>

Workload Assessment

The Administrative Office of the Courts (AOC) calculates the workload of every superior court circuit annually. The analysis incorporates a three-year average of each superior court within their respective judicial circuit by pre-determined case categories. Figure 1 shows the number of statutorily authorized judgeships (Current Judges), the average number of cases each judge has (Cases per judge), the percent of the total workload required to dispose of cases in a year (Judicial Workload Percent), and the estimated population per judge. The Judicial Workload Percent (JWP) is the qualifying factor that determines if a circuit would be eligible for an additional judgeship. If the JWP is below 0.9, then the circuit is subject to an additional review for the reallocation of judicial resources. Currently, the Western Judicial Circuit has a JWP of .8, qualifying the circuit for a review for the potential reallocation of judicial resources.

Population

The Governor's Office of Planning and Budget (OPB) estimates that the counties that make up the Western Judicial Circuit have a combined population of about 172,311 people. This gives the circuit a population per judge of approximately 43,078. Statewide, the average population per judge is 50,097 people, a total divided by 216 judges. Western Circuit's population per judge is roughly 7,019 below the statewide average. The data does not support that the current population causes an undue burden to provide adequate judicial services.

OPB projects that by 2026 the estimated circuit population will be about 186,000. This projection represents an overall 8% increase over the next five years. Utilizing the same projections, the Griffin Circuit will have about 46,500 people per judge. The projected population for Georgia in 2026 is estimated to be 11,472,524. The Georgia legislature has approved three new judgeships to become effective 2022, making the statewide total 219. This will mean the new statewide population per judge is estimated to be roughly 52,386. The circuit population per judge is still lower than that of the statewide population, showing no indication of future problems with having adequate judicial services due to a growing population.

Judges

There are four judges in the Western Circuit. Two judges reside in Clarke County, and two judges reside in Oconee County. Per policy, the Judicial Council does not recommend single-judge circuits; therefore, staff could not consider scenarios in which these circuits were single-county or where the workload assessment score lowered the circuit under the threshold value of 0.8 or lower. Additionally, scenarios where a reduction of a judgeship would also place a circuit about the 1.2 thresholds, was evaluated.

Administration

Each circuit is required to submit financial and administrative information to the best of its ability to show judicial expenditures. Although some data were provided, the data was not detailed enough to analyze the potential financial impacts of a circuit boundary adjustment. However, staff did receive actual and budgeted totals for two counties represented in the analysis (see Figure 2).

Figure 2. Clarke and Walton Counties Administrative Costs

County	FY2020 Actual	FY 2021 Budgeted	FY 2022 Budgeted
Clarke	\$3,562,712*	\$3,647,155	\$3,812,420
Walton	\$784,609.29	\$1,025,865	\$1,008,130

*Represents a budgeted number and not the actual financial expenditure for the fiscal year

Analysis of Potential Boundary Adjustment Options

For this analysis, the Northern Circuit was excluded from the potential scenarios because of the following:

1. The judges in the above circuit live further from the joining borders to the Western Circuit. This would greatly increase the travel time between the counties for all judges.
2. Oconee County's caseload was too low to be considered a single-county circuit. All scenarios where Oconee County could be placed alone had to be excluded. In the same respect, some scenarios were too complex to include due to Oconee's caseload.

Scenario 1 – Clarke County; Oconee County

Figure 3. Clarke County and Oconee County form their single-county circuits

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Clarke	2	2,130	1.4	64,964
Oconee	2	626	0.3	21,192
Statewide	216	1,596	1.2	50,097

In Scenario 1, Western Circuit is split, resulting in Clarke County and Oconee County forming single-county circuits. The breakdown of this scenario is referenced above in Figure 3. As a single-county circuit, Clarke County would have a caseload per judge and a population per judge above the statewide average. Clarke would qualify for an additional judgeship with a JWP of 1.4. Oconee County as a single-county circuit would have a JWP well below the 0.9 threshold. Also, Oconee would have below statewide averages in both cases per judge and population per judge.

Scenario 2 – Clarke County; Oconee County and Piedmont Circuit

Figure 4. Clarke County as a single-county circuit, and Oconee County merges into Piedmont Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Clarke	2	2,130	1.4	64,964
Oconee and Piedmont Circuit	6	1,431	0.9	37,820
Statewide	216	1,596	1.2	50,097

In Scenario 2, Clarke County forms a single-county circuit, and Oconee County is incorporated into Piedmont Circuit. The breakdown of this scenario is referenced above in Figure 4. Oconee County merged into Piedmont Circuit would be below the statewide average in cases per judge and population per judge. Oconee County merged into Piedmont Circuit would not qualify for an additional judgeship with a JWP of 0.9.

Scenario 3 – Clarke County; Oconee County and Alcovy Circuit

Figure 5. Clarke County as a single-county circuit, and Oconee County merges into Alcovy Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Clarke	2	2,130	1.4	64,964
Oconee and Alcovy Circuit	7	1,529	1.0	36,459
Statewide	216	1,596	1.2	50,097

Scenario 3 has Oconee County being incorporated into Alcovy Circuit, while Clarke County forms a single-county circuit. The breakdown of this scenario is referenced above in Figure 5. Oconee County merged with the Alcovy Circuit would have a caseload per judge below the statewide average and a population per judge below the statewide average. Oconee County and Alcovy Circuit would not qualify for a new judgeship with a JWP of 1.0.

Scenario 4 – Clarke County; Oconee County and Ocmulgee Circuit

Figure 6. Clarke County as a single-county circuit, and Oconee County merges into Ocmulgee Circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Clarke	2	2,130	1.4	64,964
Oconee and Ocmulgee Circuit	7	1,282	0.9	29,565
Statewide	216	1,596	1.2	50,097

In Scenario 4, Clarke County forms a single-county circuit, and Oconee County joins Ocmulgee Circuit. The breakdown of this scenario is reference above in Figure 6. Oconee County with the Ocmulgee Circuit would be below the statewide average in both cases per judge and population per judge. This merger would not qualify for an additional judgeship with a JWP of 0.9.

Scenario 5 – Walton County and Western Circuit; Newton County and Rockdale County

Figure 7. Walton County merges with Western Circuit and Newton County and Rockdale County form a new circuit

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Walton and Western Circuit	5	1,985	1.3	54,078
Newton and Rockdale	5	1,547	1.0	41,402

Statewide	216	1,596	1.2	50,097
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Scenario 5 has Walton County incorporating into the Western Circuit and Newton County and Rockdale County forming a new circuit. The breakdown of this scenario is reference above in Figure 7. Combined with the Western Circuit, the new circuit with Walton County has a cases per judge average and a population per judge average above the statewide average. Newton County with Rockdale County is slightly below the statewide average in cases per judge and below the statewide average in population per judge. Newton and Rockdale are within the acceptable range of JWP; however, the Walton County and Western Circuit would qualify for an additional judicial resource.

Scenario 6 – Western Circuit and Alcovy Circuit

Figure 8. Western Circuit and Alcovy Circuit merge

County/Circuit	Current Judges	Cases per Judge	Judicial Workload Percent	Population per Judge
Alcovy and Western Circuit	9	1,663	1.1	42,793
Statewide	216	1,596	1.2	50,097

Scenario 6 has a merger between the Alcovy and Western Circuits. The breakdown of this scenario is referenced above in Figure 8. Alcovy Circuit with Western Circuit results in a cases per judge average slightly above the statewide average and a population per judge below the statewide average. This merger is within the acceptable range of JWP in that it does not require an additional judicial resource currently.

Qualification of Options

Figure 9. Qualification Chart

Options	Are Cases Evenly Distributed?	Is the Population Evenly Distributed?	Are the Same Number of Judges Required?	Travel Time
Scenario 1	No	No	No	Yes
Scenario 2	No	No	No	No
Scenario 3	No	No	No	Yes
Scenario 4	No	No	No	No
Scenario 5	No	Yes	No	Yes
Scenario 6	Yes	Yes	Yes	Yes

Conclusion

After reviewing the data researchable by the JC/AOC, the only viable scenario for a potential circuit boundary split is Scenario 6. In Scenario 6, the Alcovy and Western Circuits are merged to provide an equal distribution of cases, population, and overall travel time. Most notably, the merger would not require additional judicial resources. There is a slight increase of cases above

the statewide average per judge; however, the increase is still less than 100 cases per judge. However, with the projected 8% population growth over the next five years, the nominal increase in cases is not a cause for concern.

TAB 7



SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
June 18, 2021
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA
Thérèse S. Barnes

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

In accordance with the Bylaws of the Judicial Council, standing committees exist to address issues of ongoing, long-term importance to the Council, and their membership shall be determined by Supreme Court order. Upon consideration, the Court hereby establishes the Judicial Council Standing Committee on Court Interpreters as a successor to the Supreme Court Commission on Interpreters. The mission of the Committee will be consistent with the Supreme Court's July 3, 2012, order amending the rules for the Use of Interpreters for Non-English Speaking Persons.

The following former and new members are hereby appointed to the Judicial Council Standing Committee on Court Interpreters for terms beginning July 1, 2021, and ending as specified below:

- Justice Carla Wong McMillian, Supreme Court of Georgia, Chair, ending June 30, 2024, and thereafter a Justice or judge appointed by the Supreme Court;
- A Justice or judge appointed by the Supreme Court, Vice Chair, ending June 30, 2023;
- Judge Clyde L. Reese, Georgia Court of Appeals, ending June 30, 2024, and thereafter a Judge of the Court of Appeals chosen by the Chief Judge of the Court of Appeals;
- Judge of the Georgia State-wide Business Court or designee chosen by the Judge of the Georgia State-wide Business Court, ending June 30, 2023;
- Judge of a Superior Court chosen by the President of the Council of Superior Court Judges, ending June 30, 2024;

- Judge of a State Court chosen by the President of the Council of State Court Judges, ending June 30, 2023;
- Judge of a Juvenile Court chosen by the President of the Council of Juvenile Court Judges, ending June 30, 2024;
- Judge Sandra L. Pak, Gwinnett County Probate Court, ending June 30, 2023, and thereafter a Judge of a Probate Court chosen by the President of the Council of Probate Court Judges;
- Judge of a Magistrate Court chosen by the President of the Council of Magistrate Court Judges, ending June 30, 2024;
- Chief Judge Norman Cuadra, Suwanee Municipal Court, ending June 30, 2023, and thereafter a Judge of a Municipal Court chosen by the President of the Council of Municipal Court Judges;
- Representative of the State Bar of Georgia chosen by the President of the State Bar of Georgia, ending June 30, 2024;
- Legislator, Advisory Member, chosen by the Supreme Court, ending June 30, 2023;
- Legislator, Advisory Member, chosen by the Supreme Court, ending June 30, 2024;
- Two attorneys, Advisory Members, chosen by the Supreme Court, ending June 30, 2023;
- Attorney Jana Edmonson Cooper, Advisory Member, ending June 30, 2024, and thereafter an attorney chosen by the Supreme Court;
- Attorney Paul Panusky, Advisory Member, ending June 30, 2024, and thereafter an attorney chosen by the Supreme Court;
- Interpreter, Advisory Member, chosen by the Supreme Court, ending June 30, 2023;
- Interpreter Maria Ceballos-Wallis, Advisory Member, ending June 30, 2024, and thereafter an interpreter chosen by the Supreme Court; and
- Court Administrator, Advisory Member, chosen by the President of the Georgia Council of Court Administrators, ending June 30, 2023.

At the conclusion of a member's term as specified above, his or her successor and all subsequent successors will serve a term of three years. Members will serve until their successors are chosen. In accordance with the Bylaws of the Judicial Council, committee membership may include additional advisory members appointed, as needed, by each Standing

Committee Chair. Advisory members may be heard but shall not be entitled to vote.

The Administrative Office of the Courts shall provide staff support to this Committee.

Provisions of prior Interpreter Commission orders inconsistent with this order shall be superseded by this order.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk

TAB 8



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: The Judicial Council of Georgia
FROM: Judge Amanda H. Mercier, Chair
Judicial Council Standing Committee on Court Reporting Matters
RE: Nominations for Membership to the Committee on Court Reporting Matters
DATE: August 6, 2021

Pursuant to Supreme Order dated September 1, 2016, the Standing Committee on Court Reporting Matters exists to hear appeals from decisions of the Board of Court Reporting; at least once every five years, reviews court reporting rules and fee schedules; recommends court reporting rule or fee changes resulting from the review, and recommends membership to the Board of Court Reporting. Membership of the Committee on Court Reporting Matters is determined by Supreme Court order.

Please find a list of prospective candidates for the Committee on Court Reporting Matters seeking to fill the open seats for the three-year term of office, effective July 1, 2021. The vacancies are comprised of four members of the judiciary: two juvenile court judges, one magistrate judge, and a municipal court judge. Recommendations for membership are made by the president of each judge's council; the chair will be a judge chosen by the Court of Appeals.

MEMBERS OF THE JUDICIARY

Council of Juvenile Court Judges

Judge Linnie L. Darden III, Atlantic Judicial Circuit – REAPPOINTMENT.

Judge Alison Toller, Northeastern Judicial Circuit

Council of Magistrate Court Judges

Judge Gregory T. Douds, Cherokee County Magistrate Court

Council of Municipal Court Judges

Judge Lori B. Duff, Loganville Municipal Court and President of the Council of Municipal Court Judges



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: The Judicial Council of Georgia
FROM: Judge Amanda H. Mercier, Chair
Judicial Council Standing Committee on Court Reporting Matters
RE: Nominations to the Board of Court Reporting
DATE: July 30, 2021

Pursuant to OCGA §15-14-24, please find a summary of prospective candidates for the Board of Court Reporting seeking to fill the open seats for the two-year term of office, effective July 1, 2021. The vacancies are comprised of three certified court reporters, a member of the judiciary, and a member of the State Bar. Prospective applicants must possess at least five years of experience in the prescribed disciplines to qualify for a seat. In accordance with Judicial Council Bylaws, the Standing Committee on Court Reporting recommends all candidates appointed to the Board.

CERTIFIED COURT REPORTERS

Kate Cochran, CCR: A twelve-year veteran, Ms. Cochran first started her professional career after receiving a bachelor's degree from Georgia State University, followed by graduation from Brown College of Court Reporting. Upon attaining her Registered Professional Reporter certification, Ms. Cochran began her reporting career under the tutelage of Linda Ruggeri at JPA Reporting. After gaining some experience and competency in the deposition world, she worked freelance for locally owned court reporting agencies. In 2016, Ms. Cochran furthered her skills by learning how to provide Communication Access Real-Time (CART). REAPPOINTMENT.

Daniel Gershwin, CCR: Mr. Gershwin has been a freelance court reporter since 1985. In 1985, he was the first court reporter hired by Wheeler Reporting Company in Atlanta, where he helped grow the business to add ten court reporters. In 2002, Mr. Gershwin left to start his own freelance court reporting firm in Atlanta. He attended Brown College of Court Reporting from 1983 to 1985 and worked at the school as Night School Director/Administrator from 1984 to 1985. He has served on the board of the Georgia Shorthand Reporters Association. REAPPOINTMENT.

Randi Strumlauf, CCR: Ms. Strumlauf has served the Metro Atlanta legal community for over 30 years as a paralegal and a certified court reporter for the past 14 years. She has eleven years of experience as an official court reporter in Gwinnett County Superior Court and another nine years

as a freelance court reporter. Ms. Strumlauf previously served as Vice-Chair of the Georgia Court Reporters Training Council for two terms. REAPPOINTMENT.

MEMBER OF THE JUDICIARY

The Honorable John Kent Edwards, Jr. Chief Judge, Lowndes County: Judge Edwards has served as a judge for the Lowndes County State Court since 2006. He also served as a solicitor and as a municipal court judge for the city of Valdosta. Judge Edwards is a graduate of Wake Forest University (BA, 1989) and the Walter F. George School of Law at Mercer University (JD, 1992). He served as vice-chair of the Board of Court Reporting from 2015-2017 and is the Board's current chair. REAPPOINTMENT.

MEMBER OF THE STATE BAR

Frederic J. Bold, Jr. Esq.: Mr. Bold handles complex, high-stakes trial and appellate business litigation, specializing in contract, fraud, and business tort matters. Before joining Bondurant Mixson & Elmore, LLP, Mr. Bold served as a law clerk to Judge J.L. Edmondson on the United States Court of Appeals for the Eleventh Circuit. Mr. Bold received his law degree, magna cum laude, from the University of Pennsylvania Law School, where he served as an editor of the Law Review and president of the Federalist Society. Before law school, Mr. Bold worked as an investment banking analyst in the Healthcare Corporate Finance Group at Wachovia Securities. Mr. Bold received his undergraduate degree in politics and economics, magna cum laude, from Davidson College. He also received a Master of Divinity degree from Princeton Theological Seminary, where he graduated near the top of his class. REAPPOINTMENT.

TAB 9



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge William Boyett, Chair

RE: Standing Committee on Grants Report

DATE: July 29, 2021

The Judicial Council Standing Committee on Grants met on June 22, 2021, and awarded \$1,626,857 in grants to seven nonprofit agencies for the Legal Assistance to Families Victimized by Domestic Violence Project (Domestic Violence Grant), and \$461,076 in a grant to Atlanta Legal Aid Society, in partnership with Georgia Legal Services Program, for the Legal Assistance to Kinship Care Families Project (Kinship Care Grant).

For Fiscal Year 2022, the following nonprofit agencies received Domestic Violence Grants:

Atlanta Legal Aid Society, Inc.	\$473,460.00
Cherokee Family Violence Center, Inc.	\$12,820.00
Gateway House, Inc.	\$9,400.00
Georgia Legal Services Program, Inc.	\$1,056,354.00
N.O.A.'s Ark, Inc./NOA/	\$43,600.00
Northwest Georgia Family Crisis Center, Inc.	\$22,558.00
Wayne County Protective Agency, Inc./Fair Haven	<u>\$8,666.00</u>
TOTAL FUNDS AWARDED	\$1,626,858

The Georgia General Assembly first appropriated funds to the Judicial Council for its Domestic Violence Grant in 1999, and funding has continued each subsequent legislative session. This is the third year the General Assembly has appropriated funds to the Judicial Council for its Kinship Care Grant. The Domestic Violence Grant funds are used to provide direct civil legal assistance to low-income victims of domestic violence and their children. The Kinship Care Grant funds are

used to provide civil legal services to kinship caregivers and children living with caregivers who need support to maintain stable homes and care.

In addition to awarding the grants, the Committee voted to support budget requests for additional funds for the Domestic Violence Grant to bring the grant total to \$3,000,000, and additional funds for the Kinship Care Grant to bring the grant total to \$1,00,000. After discussions with Kinship Care Grant partners, the request was reduced to \$750,000.

Attachments

Civil Legal Services to Victims of Domestic Violence

The FY2020 Judicial Council State Appropriation was \$2,500,000 to provide civil legal services to victims of domestic violence and their families.

Funding was reduced to \$1,502,172 in FY2021.

The Judicial Council has received an appropriation for these services since FY1999. Funding for these services is allocated by the Administrative Office of the Courts through grants statewide. Grantees are non-profit legal services organizations providing civil legal services to domestic violence victims.

The legal services provide for the safety and security of domestic violence victims and their families. Legal services include obtaining protective orders, child custody and support matters, divorces, assistance with obtaining benefits, and services related to housing and employment.

For FY2020, grantees reported:



Provided services for over
3,300
Protective order related cases



6,000+
Women were protected



3,000+
Children were helped



691
victims received custody of
their children



3,245
other cases were covered¹



\$15 Million
In estimated cost savings²



Legal services were provided in
every judicial circuit of the state.
47% of protective order cases
were provided in non-metro
Atlanta circuits.

FY2020 and FY2021 grantees report an increase in need since the beginning of the COVID-19 Pandemic, after experiencing a drop in victims requesting services in March and April 2020. Six of the grantees are reporting an increase in protective order needs by 30% or more for August and September.

Without these funds, nearly 10,000 Georgians would be without assistance when trying to escape a violent situation. These funds are vital to the safety and security of Georgia citizens.

¹Other services include divorce, child support, obtaining benefits and services related to housing and employment. ALA and GLS secured \$1.3 million in benefits in FY20.

²Cost savings is based on a KY study, which cited that every \$1 spent on securing protective orders saved the public an estimated \$30.75 in law enforcement, court, jail costs, medical, and other expenses. \$150 PPO Cost x 3,392 PPO cases = \$515,645,600. See Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, and Costs, T.K. Logan, Robert Walker, William Hoyt, Teri Faragher, available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>.

CIVIL LEGAL SERVICES TO KINSHIP CARE FAMILIES

For FY2021 the Legislature authorized \$225,326 through the Judicial Council's budget to provide holistic civil legal services to 450 kinship care families.

The purpose of the appropriations was to allow for the creation of legal custody arrangements between the caregiver and their children and to **ensure that their homes would remain safe, stable and sustainable.**

Funding for these services was allocated by the Administrative Office of the Court to the Atlanta Legal Aid Society (Legal Aid) and Georgia Legal Services Program (GLSP) starting on July 1, 2019.

For the 12 month period from July 1, 2020 through June 30, 2021, Legal Aid & GLSP reported the following results:



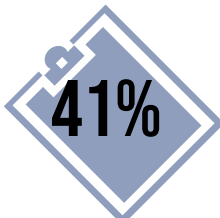
children were served ¹



cases were handled



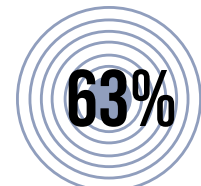
were cases for grandparents raising grandchildren (about 58%)



of the cases involved formalizing legal relationships through adoptions, guardianships or child custody arrangements ²



judicial districts/circuits received services under this program (81%)



of the cases were for families outside of Atlanta's five major counties

The grant was charged about



for each case handled

The State saved an estimated



in increased foster care per diem costs -- for an annual savings of over \$3.1 million a year ³

As of June 2021,



Georgia children were in foster care.

¹ This legal assistance included obtaining monetary benefits of over \$500,000 for clients, including over \$132,500 in healthcare benefits, \$79,000 in education benefits, \$353,000 in income benefits, and \$10,000 in affordable housing benefits.

² Certain cases are NOT permitted to be funded under the grant, including those involving class actions, criminal defense, deportation, or juvenile delinquency.

³ Of these children who avoided foster care, 173 children were between the ages of 0-5; 73 children were between the ages of 6-12; 58 children were 13 or older. The annual per diem for a foster child is \$9,223.55 or higher, depending on the child's age. Total annual per diem foster care savings as a result of this project are approximately \$3,148,592

TAB 10



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge Sara L. Doyle, Chair

RE: Strategic Plan Standing Committee Report

DATE: August 3, 2021

At the request of the Strategic Plan Standing Committee, the Judicial Council voted to extend the term of the current strategic plan for one additional year at its April 23, 2021, meeting. The four-year plan will be effective through fiscal year 2023, which ends June 30, 2023. The order extending the term and the updated strategic plan are attached.

In lieu of its July 19, 2021, meeting, the Committee was provided a written update. Several updates are included below. The next Committee meeting is scheduled for November 9, 2021.

Key Initiative 1.3

As part of key initiative 1.3, *Educate citizens on the use of case-related filing technology*, the Judicial Council Standing Committee on Access to Justice has organized an assortment of self-help resources for pro se litigants. Resources include:

- self-help videos and forms
- access to law libraries across the state
- links to legal aid and other pro bono legal services
- legal hotlines

Additionally, the "Self-Help Toolkit for Judges" is hosted by the JC/AOC and contains information on court-based self-help programs. Please visit: <https://georgiacourts.gov/a2j/self-help-resources-highlighted-by-a2j/>.

Key Initiative 2.2

The Automated Data Collection Committee, a joint subcommittee of the Judicial Council Standing Committee on Judicial Workload Assessment and the Standing Committee on Technology, met on May 28, 2021, as part of key initiative 2.2, *Improve the process for data collection and data integrity*, to discuss the National Open Court Data Standards (NODS). NODS is a comprehensive spreadsheet of data elements that have been identified and compiled for data collection in every class of court. JC/AOC staff and subcommittee members will pare down the list to identify data elements that are relevant or will aid in Georgia courts data collection and case count reporting efforts. A review of the condensed list will be discussed at the next meeting. JC/AOC staff also sent a survey to District Court Administrators and the executive directors of each court council for distribution to their judges, to obtain feedback from judges on data collection efforts locally and at the state level. The results of the survey responses will be shared at the next Automated Data Collection Committee meeting set for August 6, 2021.

Communications Initiatives

As part of several communications initiatives, the JC/AOC has partnered with the State Bar of Georgia and the Chief Justice's Commission on Professionalism (CJCP) to hold a series of CLE sessions on wellness. The JC/AOC sponsored a panel of judges for the State Bar Wellness Committee's CLE event titled "Living Well to Practice Well: Well-Being and Practical Skills." This panel included Chief Magistrate Judge Cassandra Kirk, Superior Court Judge Shondeana C. Morris, and Juvenile Court Judge Render Heard. The JC/AOC partnered with the Institute of Continuing Judicial Education (ICJE) to assist with the panel again in May 2021 for the Council of State Court Judges Conference. Clips from that panel are available at the JC/AOC's Judicial Wellness page: <https://georgiacourtsjournal.org/wellness/>.

The JC/AOC also partnered with the CJCP to hold a Suicide Awareness CLE on April 30, 2021. Over 2000 lawyers were in attendance and a website of resources was created: <http://cjcpga.org/suicide-awareness-program/>.

This past winter, the JC/AOC worked with the State Bar of Georgia and many others to create a public service announcement (PSA) campaign titled #JusticeNeedsJurors which involved creating a series of videos starring Chief Justice Melton explaining the importance of juries, urging people to take their summons seriously, and explaining the safety measures taken by the courts of Georgia to protect juror health. The campaign ran from March 15, 2021, to June 20, 2021, on multiple platforms including Facebook, Twitter, Instagram, and local TV stations statewide. The PSA can be found here: <https://youtu.be/UA1mk6PXDP4>. The PSA campaign closed with an Op-Ed in the AJC by Justice Melton: <https://www.ajc.com/opinion/opinion-getting-back-to-business-of-justice-jury-trials-in-ga/2NYQLBRATNAXHNFRDLU2KV7WHY/>. With assistance from the CJCP, the JC/AOC was also able to provide grants funds and support to seven courts in creating their own local PSAs about jury service and public health.

Attachments



SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
June 18, 2021
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA
Thérèse S. Barnes

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is hereby ordered that the membership terms of the Judicial Council Strategic Plan Standing Committee be extended to June 30, 2023. It is further ordered that the term of the mission of the Committee and Strategic Plan be extended to June 30, 2023.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Thérèse S. Barnes, Clerk



Judicial Council of Georgia

STRATEGIC PLAN

FY 2020-2023
Revised

VISION

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

MISSION

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

GUIDING PRINCIPLES

Uphold the independence and integrity of the judiciary.

Promote efficient and effective administration of justice.

Use data to lead to data-driven services and programs for the Judicial Branch.

Collaborate and communicate with key stakeholders in judicial, executive, and legislative branches.

STRATEGIC OBJECTIVE 1

1 IMPROVE CITIZEN EXPERIENCE WITH GEORGIA COURTS

KEY INITIATIVES

1.1 Modernize the regulations of Court professionals

Measurable action: Monitor and assist with the update of rules and regulations regarding Court Reporters and Court Interpreters. (MT)

Measurable action: Report back to the Judicial Council. (LT)

1.2 Increase resources for public accessibility

Measurable action: Flesh out what public accessibility means. (ST)

Measurable action: Frame what it would look like to help citizens with public accessibility as defined. (MT)

1.3 Educate citizens on the use of case-related filing technology

Measurable action: Create a toolkit of existing resources citizens can access from one portal which will provide information on Court-related questions. (LT)

1.4 Develop plan for public/self-represented party accessibility to courts during crisis when physical access to courts are limited

Measurable action: Analyze access and response issues of current crisis on each class of court. Collect the data differences between the technology used in urban and rural areas of the State. (ST)

Measurable action: Create a planned response for each class of court according to technology capabilities to address public/self-represented party accessibility during crisis with limited physical access to the courts. (LT)



STRATEGIC OBJECTIVE 2

2

IMPROVE COLLABORATION AND PLANNING

KEY INITIATIVES

2.1 Foster ongoing executive and legislative branch communications and initiatives of mutual interest

Measurable action: Monitor the communication and advocacy done on behalf of the Judiciary. (ongoing)

2.2 Improve the process for data collection and data integrity

Measurable action: Create basic plan for the process of data collection to share with the various councils. (MT)

Measurable action: Share with the councils and stakeholders to obtain buy-in. (LT)

2.3 Pursue flexibility and efficiency in judicial education

Measurable action: Study the possibilities for flexibility and efficiency in judicial education across different classes of court. (MT)

Measurable action: Collaborate with ICJE to offer classes on topics requested by the Judicial Council such as sexual harassment prevention and ethics. (MT)

Measurable action: Compile and maintain a listing of all trainings sponsored or provided by the JC/AOC. (ST)

2.4 Improve technology access, support and training across all classes of courts

Measurable action: Audit/Survey technology access, support and electronic capabilities across all class of courts, including identifying video and telephone conference platforms in use by each class of court. (ST)

Measurable action: Collaborate with AOC and Councils to offer support and solutions to technology issues for courts without support or funding. (LT)

Measurable action: Create resource (bench card) of best practices and options for video and teleconferencing proceedings – Rules of Engagement. (MT)

Measurable action: Collaborate with ICJE to offer classes or online training on video conferencing particular to each class of court, including instructions on the use of video conferencing applications such as Web Ex, Zoom, Microsoft Teams. (LT)

2.5 Support all classes of Court in crisis management response taking into consideration both rural and urban areas and socio-economic factors for courts

Measurable action: Assist and support Councils for each class of court in identifying emergency functions and prioritizing other court functions that may be performed even during certain crisis situations. (LT)

Measurable action: Assist and support Councils for each class of court to create a well-defined emergency response plan. (MT)

Measurable action: Create reference guide to Pandemic issues in the Courts. (ST–MT)

STRATEGIC OBJECTIVE 3

3

PROMOTE THE WELLBEING, HEALTH, AND INTEGRITY OF THE JUDICIARY

KEY INITIATIVES

3.1 Develop a toolkit of wellness resources

Measurable action: Create a definition for “wellness” to be used when deciding which items belong in the toolkit. (ST)

Measurable action: Create the toolkit, which will be a compilation of resources to support “wellness”, possibly including State Bar resources among others. (LT)

3.2 Communicate and promote the toolkit

Measurable action: Leverage relationships with ICJE and each Council to offer training on the toolkit to each Council for one year. (LT)

Measurable action: Develop feedback survey for the trainings. (LT)

Measurable action: Encourage a “wellness” event at each Judicial Council and court meeting. (LT)

STRATEGIC OBJECTIVE 4

4

ENHANCE THE PROFESSIONAL AND ETHICAL IMAGE OF THE JUDICIARY

KEY INITIATIVES

4.1 Support judges in community engagement

Measurable action: Continue to create and gather positive stories about the judiciary. (ongoing)

Measurable action: Develop practical rules for social media engagement. (ST)

4.2 Develop a clearinghouse of resources for community engagement

Measurable action: Create the clearinghouse, which will be a compilation of existing resources members of the Judiciary can access when participating in community-facing programs. (MT)

4.3 Communicate and promote the clearinghouse

Measurable action: Set a schedule for communicating the clearinghouse; set a calendar with events to support community engagement. (LT)

TAB 11



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice David E. Nahmias
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Michelle Barclay, Division Director

RE: JC/AOC's Communications, Children, Families, and the Courts Division

DATE: August 13, 2021

The Communications, Children, Families and the Courts Division of the JC/AOC serves as the hub for all communications and provides staff for the Supreme Court of Georgia Committee on Justice for Children, chaired by Chief Justice David Nahmias; the Georgia Commission on Child Support, chaired by Troup County Juvenile Court Judge Michael Key; and the Judicial Council Standing Committee on Access to Justice, chaired by Justice Charles Bethel. This Division also assists with general grant work for courts in partnership with the legal staff in the Director's Division.

Following is a brief synopsis of the current work.

- **Committee on Justice for Children (J4C):** Federal grant funding is in place through 2022. Former GA CIP Director, Jerry Bruce, was appointed as Director of the Office of the Child Advocate of Georgia by Governor Kemp on June 15, 2021. After 2 weeks of posting the position of GA CIP Director and many interviews, Pro Tem Juvenile Court Judge Diana Rugh Johnson was offered the position and she accepted, effective August 1, 2021. The priorities for J4C now include:
 - Multi-Disciplinary Child Abuse and Neglect Institute (MD-CANI) meetings are now hybrid sessions. MD-CANI was hosted in Augusta in late July. Upcoming meetings are scheduled for the Fall for Forsyth and Dawson Counties as well as Chatham County.
 - The Court Process Reporting System (CPRS) provides a daily snapshot of data relating to every child in foster care, permitting judges, attorneys, and court appointed special advocates (CASAs) to stay up-to-date on every factor related to a child's permanency plan. The system also allows for uploading and e-filing of court orders, which are then sent to the Division of Family and Children Services (DFCS) every day, resulting in improvement of outcomes when the State seeks

federal reimbursement for a portion of foster care expenses (by being able to easily account for all the court orders). In partnership with Georgia CASA, CPRS is also developing a CASA-specific module to allow case-tracking, report dissemination, and periodic reporting to national CASA. As of 2019, all special assistant attorneys general (SAAGs) representing DFCS must upload all court orders to CPRS; CPRS in turn transmits these orders daily to the DFCS SHINES system. It is estimated by DFCS that using CPRS to upload orders will save the State some \$4 million dollars each year; this is the amount typically lost in federal IV-E reimbursements due to unavailability of court orders when the state is audited by our federal partners. In 2020, over 80,000 court orders were uploaded through CPRS.

- The Cold Case Project is a joint project of the J4C Committee, the Office of the Child Advocate (OCA), and the Division of Family and Children Services. Using a computer model, the Project identifies children in foster care whose cases are not moving toward permanency, and convenes the stakeholders to review the substantive due process rights of the children and to brainstorm solutions to permanency roadblocks. Cold Case Roundtable meetings are continuing by phone and video at this time.
- The Court Improvement Initiative (CII) brings together leading juvenile court judges and their stakeholders twice a year. J4C reviews the best-practice model with each jurisdiction individually, and each jurisdiction reports on its efforts to implement best practices. Each meeting includes a session for judges to review data for each jurisdiction and J4C moderates discussions on best-practice implementation in light of the needs revealed by the data. The next CII hybrid meeting will be on August 19-20, 2021.
- J4C also sponsors the Hines Awards for outstanding advocacy for children in dependency proceedings. Chief Justice Nahmias presented the 2021 Hines Awards to this year's attorney winner, Rick Jones, and this year's DFCS case manager winner, Christie Williams, at the State Bar Annual Meeting in June.
- J4C is planning a Georgia Child Welfare Law Specialist meeting on September 16-17, 2021. We currently have some 60 Georgia attorneys who are certified child welfare legal specialists (CWLSs).
- J4C, DFCS, OCA, and GA CASA are planning the fifth annual statewide Child Welfare Law Summit for November 2021. It will be a hybrid meeting once again. Though the challenges of holding such a large conference in a hybrid fashion were extensive, last year, we managed three days of plenary sessions and workshops with interactions from both in-person and virtual audience members.
- **The next J4C Committee meeting will be held in September 2021-TBD.** See: <https://georgiacourts.gov/j4c/>
- **Communications:** Improving communication can improve justice in all Georgia courts through collaboration and innovation, so it is a priority under the Judicial Council's Strategic Plan. One communication tool is our monthly e-newsletter, the Georgia Courts Journal that may be found at <https://georgiacourtsjournal.org/>. At that website, in addition to back issues of the Georgia Courts Journal, you will also find webpages dedicated to wellness and civics— providing many resources including links on everything from chair yoga to decision fatigue on the wellness page to a list of great read-aloud, civics-oriented books sorted by grade and subject matter on the civics page. We

also promote and create positive content about Georgia’s judicial branch—every class of court—through our social media daily. Our aim with all stories about the judicial branch is to instill faith in our state’s system of justice and the rule of law. To foster community engagement, we concentrate on three civic holidays: Law Day (May 1st), Constitution Day (September 17th), and Bill of Rights Day (December 15th) working with judges and schools to host events—in person or virtual as needed. We also manage the Georgia Courts Directory: <http://georgiacourts.knack.com/gcd2/>; Our social media platforms are: <https://www.facebook.com/GACourts>; <https://twitter.com/Gacourts>; <https://www.instagram.com/gacourts/> and our YouTube channel <https://www.youtube.com/judicialcouncilofgeorgia>.

- **Child Support Commission:** The Commission staff works collaboratively with Georgia’s Department of Human Services (DHS), Division of Child Support Services (DCSS) in several areas. These areas include providing an online child support calculator <https://csc.georgiacourts.gov/>, for court and public use, training on the calculator for courts, lawyers, and the public, supporting the Parental Accountability Courts (PAC), providing a website for self-represented litigants with resources on Georgia’s Income Deduction Order (IDO) process, and generally supporting the process and the law surrounding child support.
 - The next Child Support Commission Meeting will be held on a date to be determined in the fall of 2021 via Zoom during which several items of business will be discussed, including status of the work being conducted by the Parenting Time Deviation Study Committee and the upcoming economic study scheduled in 2022. The Commission does have plans to eventually return to in-person and hybrid meetings.
 - Legislation: The Commission has no plans to submit any legislation during the 2022 session. There is potential for legislation following the economic study of the child support guidelines and basic child support obligation table that will take place in 2022.
 - Study Committees: the Child Support Commission established a Parenting Time Deviation Study Committee at the end of 2018 and the work of that study committee continues and has been extended through December 2021. The purpose of that study committee is to explore whether changes, including adding a formula to the child support calculation to account for parenting time, should be made. Attorney Kathleen Connell chairs the Parenting Time Deviation Study Committee. The Economic Subcommittee, chaired by Dr. Roger Tutterow, held its first meeting on June 4, 2021, and is preparing for the 2022 case sampling and economic study, which will include listening sessions to gather public comment. The listening sessions have been scheduled for Thursday, August 26, 2021, and Thursday, September 23, 2021.
 - Child Support Calculator: Courts, attorneys, mediators, and the public are using the online calculator deployed on August 8, 2016. Internet connectivity within the courthouses is still an issue around the state. The Excel version of the calculator was permanently retired on October 1, 2018. Staff have temporarily discontinued in-person training throughout the state and have developed virtual training to comply with social distancing. Trainings include: use of the low-income deviation and steps to impute income. Online training is going well, and all sessions (at

least once a month) have been very well attended. Staff coordinated with the Georgia Office for Dispute Resolution and provided child support calculator training to mediators on June 6, 2021 and have scheduled a question-and-answer session for neutrals on August 18, 2021 because of the high demand for this training by neutrals. Staff is also working on training videos to be posted to the Child Support Commission website. Thus far, a series of videos has been created and posted for parents (self-represented litigants) and a training video has been created for the Division of Child Support Services (DCSS), which will be recorded and will soon be made available to DCSS staff.

- Parental Accountability Court (PAC) evaluation: We continue to support and train PAC coordinators on use of the database to produce statistical evidence of the efficacy of those courts. JC/AOC's Research Division completed a second study and evaluation in June, on six courts in the Alcovy, Appalachian, Coweta, Flint, Northeastern, and Southwestern Judicial Circuits. The study was furnished to the Parental Accountability Court judges on June 10, 2021. The findings were once again very positive demonstrating continued efficiency and success in these courts.

Access to Justice Committee (A2J): The mission of the Access to Justice (A2J) Committee is to improve the public's trust in the judicial branch by focusing on access and fairness through the elimination of systemic barriers related to gender, race, ethnicity, sexual orientation, national origin, disability, indigence, and language. The A2J Committee, is currently working on several projects:

- The Self-Help Resources Tool Kit for Georgia Judges is available. We received a grant from the Georgia Civil Justice Foundation for additional printing. This resource has been updated and the booklet has been printed. It has also been translated into Spanish and the same has been added to the A2J website.
- The A2J Committee's Landlord/Tenant working group which includes: Magistrate Court Chief Judge Cassandra Kirk (Fulton), Magistrate Court Chief Judge Kristina Blum (Gwinnett), Magistrate Court Chief Judge Murphy (Cobb), Executive Director of GODR Tracy Johnson (representing mediation), the JC/AOC webmaster (representing IT), and Ashley Clark (representing GLSP) are all working to research the current state of Georgia's housing crisis and a possible statewide eviction prevention initiative. Judge Kasper (President of the Council of Magistrate Court Judges) is working to recommend a rural county judge to assist in this effort.
- The A2J Committee is continuing to partner with and has adopted the State Bar's Justice for All (JFA) Strategic Plan and suggested projects. Work to assist the Dougherty County Law Library has created a local-level model for assisting self-represented litigants. The Committee is focused on a combination of strengthening local law libraries, online forms for self-filing, local pop-up legal clinics, and low bono models of attorney representation, with the assistance of Mike Monahan and the Director from the Dougherty County Law Library. Additionally, the AOC's Research Division is assisting with the metrics of the model's effectiveness. The A2J Committee received a grant in the amount of \$5,000 from the Georgia Bar Foundation and \$35,000 from the State Bar of Georgia's Commission on Continuing Lawyer Competency (CCLC) via the JC/AOC to be used for the ongoing initiatives in the JFA Strategic Plan. This continued funding is the result of a partnership between the State Bar's Justice for All Committee and the A2J Committee.

- In 2019, we began hosting free Pop-up Legal Clinics, and the 3rd Clinic was planned for March 13th in Dalton, but was canceled at the beginning of the COVID-19 outbreak. In light of our “new normal” under COVID-19 restrictions, we are collaborating with the Georgia Justice Project and the State Bar Pro Bono Committee to continue these important services through a Virtual Free Legal/Record Restrictions Clinic. The State Justice Institute awarded the A2J Committee a grant to assist in funding our Clinics throughout the state last year. This year money was requested and granted to continue the virtual clinics from the CJCP. Some of the grant will be utilized to provide low-bono pay to our volunteer attorneys. Our first virtual attorney training session was held on April 23, 2020. The first Educational Webinar was held on April 29, 2020, and a second Educational Webinar was held on May 6, 2020. Virtual Free Record Restriction Clinics were successfully hosted on May 19, 2020 (Dalton), June 30, 2020 (Augusta), and September 11, 2020 & September 28, 2020 (Chattahoochee Judicial Circuit). We recently held a virtual clinic in Tifton on May 22, 2021 and a virtual clinic in Macon on June 9, 2021. We are planning two additional clinics this year in the following areas: Gainesville and Statesboro.
- The A2J Committee’s Deaf and Hard of Hearing (DHH) working group collaborated with several ADA attorney specialists to create a Best Practices for DHH Courthouse Accessibility counter card. This counter card is for all court personnel, and its purpose is to instruct on the ADA-required steps that must be taken if someone presents with a DHH need. The 3rd draft was submitted for final review during our December Committee meeting and changes were suggested by the Commission on Interpreters. This Counter card is ready for distribution, and we collaborated with GTA and Georgia Tech to have the 159 Counter Cards translated into Braille format. The DHH Braille Cards were mailed out last month to all district court administrators to be disseminated to every county in the state. The working group has identified a grant opportunity with the National Center for State Courts, and will be applying. In our continued effort to become ADA compliant, funds are needed to secure hearing devices. The devices will be strategically placed in every judicial district, so that all courts will have access to hearing devices, as needed. This working group is also beginning to create several DHH teaching modules on ADA compliance for Judges, court staff, and bar members.
- The A2J Committee’s Self Represented Litigants (SRL) Forms working group is updating the most frequently used family law forms. This working group will ensure that all of the forms are pdf-fillable and translated into “plain language”. We are continuing to work on several self-help family law video scripts to accompany the related forms. Our first set of forms, “Divorce without Children”, along with the “how-to” video is complete and currently available on georgiacourts.gov. We recently completed our “Divorce with Children Forms” and should have them uploaded onto the website within two weeks.
- The A2J Committee internally distributed a final draft of the Georgia-specific guide for judges on the Servicemembers Civil Relief Act for review. The A2J Committee partnered with Emory University, Georgia State University, and the State Bar of Georgia Military-Veterans Law Section on this project. The Guide was distributed during the previous JC meeting. The SCRA Guide companion bench card was finalized last month, and all district court administrators were mailed copies for distribution. Similar guides have been created in other states, and you can find a similar state-specific guide at this link: <https://mckinneylaw.iu.edu/practice/clinics/docs/IndianaJudgesGuide.pdf>. Any judges interested in learning more about the project or possibly participating in the project should

contact Tabitha Ponder at tabitha.ponder@georgiacourts.gov. **The next A2J Committee meeting will be via Zoom on August 11, 2021.**

TAB 12



SUPREME COURT OF GEORGIA

NATHAN DEAL JUDICIAL CENTER
ATLANTA, GEORGIA 30334

FROM THE CHAMBERS OF
DAVID E. NAHMIA
CHIEF JUSTICE

(404) 656-3474

SUPREME COURT REPORT

August 13, 2021

From the start of the COVID-19 pandemic that caused the first-ever declaration of a statewide judicial emergency in Georgia, we have had two main goals: keep our State's courts open and our judicial system functioning, while also protecting the health of the people who work in and are required to come to our courthouses. With the help of the Judicial COVID-19 Task Force, led by now-Justice LaGrua, and many other creative and thoughtful judges and lawyers around our State, we have learned how to fulfill those goals. We have learned how to conduct many types of judicial proceedings effectively using remote videoconferencing technology. We have also learned how to safely conduct in-person court proceedings, including jury trials. We have all endured many ups and downs over the past 17 months as the course of the pandemic has evolved, and now we are dealing with more changes as the delta variant spreads and public health guidance is changed in response. But we can and we must continue to conduct judicial proceedings, remotely and where necessary in-person, to address the backlogs of criminal and civil cases as well as the new cases being filed every day.

The Governor's public health emergency and the statewide judicial emergency order associated with it have ended, but under OCGA § 38-3-62, chief superior court judges have statutory authority to address local judicial emergencies and (thanks to Senate Bill 163) local difficulties in complying with statutory speedy trial requirements following a judicial emergency. Judges also have their customary authority to regulate conditions in their courthouses and courtrooms, such as mask-wearing and social distancing. It is important, however, that judges exercising any of these authorities review and comply with statutory and decisional law limitations and requirements. Please also remember to notify the

AOC of these orders so that they can be posted on the AOC website. We understand that more resources are needed, and Presiding Justice Boggs and I are working with the Governor's office to obtain as quickly as possible American Rescue Plan Act and other federal funds that can support our judicial system's efforts to safely conduct proceedings and to address the backlogs of cases.

Based on the recent surge in delta variant cases and the related public health guidance, our Court has reinstated the requirement that masks be worn by everyone in the public and common areas of the Nathan Deal Judicial Center. We also decided to conduct our oral argument sessions in late August remotely; although we would prefer to hear those legal arguments in-person, we have found oral arguments on Zoom to be reasonably effective, and they are safer for those involved. We will reassess the situation in September.

I truly appreciate the commitment of every judge in Georgia – and everyone else who works in and supports our judicial system – to keeping our courts operating and keeping them safe. Finally, I hope we will all encourage our fellow citizens to get vaccinated, which is how we will ultimately end this crisis.

It was difficult for our Court to say good-bye to Chief Justice Melton, who served here for 16 years. In my tribute to him during his last appearance on our bench, I noted that no Georgia judge has better embodied the qualities Socrates described as essential for a judge: “to hear courteously; to answer wisely; to consider soberly; and to decide impartially.”

Our new Justice, Verda M. Colvin, was sworn in by Governor Kemp on July 29, went through our orientation sessions last week, and just sat with us during our banc deliberations for the first time. Justice Colvin is an experienced judge, a dedicated public servant, and a wonderful person. She is an excellent addition to our Court.

Last month, our Office of Bar Admissions conducted a remote Georgia bar examination for about 1,200 applicants, with very few issues. I commend the new Bar Admissions Director, John Earles, and his whole team, as well as the Board of Bar Examiners, for their hard work to

ensure that the testing experience – the third bar exam that has been conducted virtually – went smoothly.

On a related note, in March the Court announced that former Justice Keith Blackwell, who is now Senior Counsel at Alston & Bird, would chair a Georgia Lawyer Competency Task Force charged with studying how the competency of Georgia lawyers should be assessed, including evaluating current requirements for admission to practice law in Georgia and mechanisms and alternatives for ensuring the continued competency of experienced lawyers. Justice Blackwell is joined on the Task Force by other talented lawyers: State Bar President-elect and former Board of Bar Examiners Chair Sarah “Sally” Akins as Vice Chair; DeKalb County District Attorney Sherry Boston; Brandon Peak, a partner at Butler Wooten & Peak; Victoria Powell, an associate at Jones Day; Peter “Bo” Rutledge, Dean of the University of Georgia School of Law; and Sterling Spainhour, General Counsel of Georgia Power Company. The Task Force recently constituted several study committees and will be soliciting input from across our legal community.

I am honored to serve as Chair of the Judicial Council of Georgia, and I will strive to accomplish what Chief Justice Melton achieved – to impartially decide hard questions, to fairly balance competing interests, and to lead with a servant’s heart. If I get off track, please remind me to think “WWHD” – What Would Harold Do – as I could have no better leadership model to follow.

Respectfully submitted,



David E. Nahmias
Chief Justice, Supreme Court of Georgia

GEORGIA LAWYER COMPETENCY TASK FORCE

TO: Justice Peterson
Justice Warren

FROM: Keith R. Blackwell

DATE: July 14, 2021

RE: Task Force Update

CC: Jessica Farah

The Task Force met on April 28 and approved the appointment of three study committees to assist with its work. A brief description of each committee—its membership and the subject areas with which it is concerned—follows. The committees are expected to begin meeting in August or September, and they expect to conclude their work by the end of the year. In early 2021, the Task Force itself will begin meeting regularly to consider the recommendations of the study committees and to prepare its recommendations for the Court.

COMMITTEE ON ADMISSION TO THE PRACTICE OF LAW BY EXAMINATION

Chair Dean Peter B. “Bo” Rutledge (University of Georgia School of Law)

Vice Chair Victoria Powell (Jones Day)

Members Henry Bowden (Bowden Law Firm/Bar Examiner)
Dean Cathy Cox (Mercer University School of Law)
Elissa Haynes (Drew Eckl/Young Lawyers Division, president)
Nancy Ingram Jordan (Kessler & Solomiany)
Adam Malone (Malone Law Office)
Asia Mustakeem (Atlanta Beltline/former Bar Examiner)
Charlie Peeler (Troutman Pepper)
Hon. Emily Richardson (Fulton County Superior Court)
Larry Thompson (Finch McCranie)
Audrey Boone Tillman (Aflac, general counsel)
Chris Twyman (Cox Byington Twyman)
Keith Blackwell (Alston & Bird) (*nonvoting member*)
Sally Akins (Ellis, Painter, Ratterree & Adams) (*nonvoting member*)

Liaison John Earles (Office of Bar Admissions)

Staff Counsel Maggie Mathis (Troutman Pepper)

The Committee on Admission to the Practice of Law by Examination will consider and make recommendations to the Task Force about standards and procedures for individualized assessments of the competence of persons applying for admission to the practice of law, without regard to circumstances in which individualized assessments of competence may be unnecessary. In particular, the Committee will:

1. Identify the fundamental legal knowledge and essential legal skills in which a demonstration of competence should be required as a prerequisite to admission to the practice of law.
2. Consider whether a written bar examination is the most effective means of assessing competence, relative to any feasible, alternative means of assessing competence.
3. Consider whether the content and format of the written bar examination currently administered in Georgia promote an effective assessment of competence. Among other things, the Committee will consider whether the list of subjects covered by the current examination is overinclusive or underinclusive; whether the format of the current examination, which includes a multiple-choice test, a practical exercise, and essays, promotes an effective assessment of competence; and whether a closed-book or open-book examination is more conducive to an effective assessment of competence.
4. Consider the impact of changes recently approved by the National Conference of Bar Examiners, including whether it will remain feasible for Georgia to administer a bar examination that combines elements prepared by NCBE and elements prepared by the Board of Bar Examiners, and if so, whether Georgia should continue to do so.

COMMITTEE ON ADMISSION TO THE PRACTICE OF LAW BY MOTION

<i>Chairs</i>	Jason Alloy (Robbins Ross Alloy) Sherry Boston (DeKalb County District Attorney)
<i>Members</i>	Norm Brothers (UPS, general counsel) Hon. Tony DelCampo (DelCampo & Grayson/State Bar Executive Comm.) Andrew Fleischman (Ross & Pines) John Jett (Kilpatrick Townsend) Zahra Karinshak (Krevolin & Horst) Hon. Ellen McElyea (Cherokee County Superior Court) Audrey Tolson (Tolson Firm) Sterling Spainhour (Georgia Power, general counsel) Darrell Sutton (Sutton Law Group) Robert Waddell (NCR, chief counsel for banking) Susan Wilson (Bar Examiner) Keith Blackwell (Alston & Bird) (<i>nonvoting member</i>) Sally Akins (Ellis, Painter, Ratterree & Adams) (<i>nonvoting member</i>)

Liaisons John Earles (Office of Bar Admissions)
Paula Frederick (State Bar)
Staff Counsel Josh Combs (Troutman Pepper)

The Committee on Admission to the Practice of Law by Motion will consider and make recommendations to the Task Force about standards and procedures for admissions to the practice of law in circumstances in which individualized assessments of competence are not required, as well as certain other miscellaneous items described below. In particular, the Committee will:

1. Consider the general criteria for admission by motion of persons admitted to practice in another jurisdiction, including requirements relating to the duration and nature of practice in another jurisdiction, and requirements relating to reciprocity.
2. Consider the general standards and procedures for requests to waive one or more of the general criteria for admission by motion.
3. Consider particular standards and procedures for requests to waive the general criteria for admission by motion in recurring special circumstances, including military spouses and other persons admitted to practice in another jurisdiction who are compelled to relocate to Georgia.
4. Review the provisional admission program established by the April 17, 2020 order of the Supreme Court and consider whether that program ought to be continued after the cessation of the public health emergency relating to the COVID-19 pandemic.
5. Consider the status of lawyers admitted in another jurisdiction and permitted to practice in-house without admission in Georgia under Rule of Professional Conduct 5.5, including whether such lawyers should be required to register with and pay fees to the State Bar.
6. In light of the need to ensure access to justice for all Georgians, consider whether the Supreme Court should authorize the following persons to provide limited pro bono services in Georgia, either under the supervision of a lawyer admitted to practice in Georgia or under the auspices of an established legal aid organization: (1) lawyers admitted in another jurisdiction and permitted to practice in-house without admission in Georgia under Rule 5.5; and (2) inactive members of the State Bar, including the availability of insurance for such persons engaged in providing legal services pro bono.

COMMITTEE ON MAINTAINING THE COMPETENCY OF ADMITTED LAWYERS

Chairs Rick Bold (Bondurant, Mixson & Elmore)
Brandon Peak (Butler, Wooten & Peak)

Members Virgil Adams (Adams Jordan & Herrington)
 Bobby Christine (Columbia County District Attorney-designate)
 Susan Cox (Edenfield Cox & Bruce)
 Julie Elgar (Georgia-Pacific, chief counsel for labor & employment)
 Greg Heller (Atlanta Braves, chief legal officer)
 Amy Howell (Chick-fil-A, senior counsel/State Bar Executive Comm.)
 David Lefkowitz (Lefkowitz Firm)
 Esther McDonald (Seyfarth Shaw)
 Hon. Rizza O'Connor (Toombs County Magistrate Court/CCLC)
 Andrew Pinson (Solicitor General)
 Carlos Rodriguez (Kilgore & Rodriguez/Cobb Bar Association)
 Keith Blackwell (Alston & Bird) (*nonvoting member*)
 Sally Akins (Ellis, Painter, Ratterree & Adams) (*nonvoting member*)

Liaison Damon Elmore (State Bar)

Staff Counsel Megan Taylor (Hunton Andrews Kurth)

The Committee on Maintaining the Competency of Admitted Lawyers will consider and make recommendations to the Task Force about the need for and effectiveness of the regulatory programs of the Supreme Court that are directed to maintaining the competency of lawyers admitted to practice in Georgia, including mandatory continuing legal education and the Transition into Law Practice Program. In particular, the Committee will:

1. Consider whether mandatory continuing legal education in general is necessary and effective in protecting the public by ensuring that lawyers admitted to practice maintain their competency, including an examination of CLE requirements for lawyers admitted to practice in other jurisdictions, and continuing education requirements for other government-licensed professionals in Georgia and elsewhere.
2. Consider the necessity and effectiveness of the current rules and regulations for mandatory CLE in Georgia, including the ethics and professionalism requirements, the absence of any requirement that CLE credits be earned in an area in which a lawyer currently practices or intends to practice, the limitation of CLE credits that may be earned through in-house or remote programming, and the annual reporting requirement.
3. Consider the necessity and effectiveness of the Transition into Law Practice Program for newly admitted lawyers.



THE COURT OF APPEALS
OF THE
STATE OF GEORGIA
ATLANTA, GEORGIA 30334

CHAMBERS OF
CHIEF JUDGE BRIAN M. RICKMAN

(404) 232-1591
rickmanb@gaappeals.us

Report to Judicial Council of Georgia August 13, 2021 Meeting

The tradition of change continues at the Court of Appeals of Georgia. At the end of July, we said congratulations and farewell to yet another colleague, Justice Verda M. Colvin, now on the Supreme Court of Georgia. Justice Colvin was a gracious and generous member of our court and we wish her the best in her new position.

As we say farewell to Justice Colvin, we also welcome the next new member of the Court of Appeals. Georgia's Solicitor General Andrew A. Pinson will be sworn in to the court at the end of this month.

Future Judge Pinson is familiar with the rhythm of appellate practice, having overseen appellate and multi-state litigation in the Attorney General's office for four years. He served as the deputy solicitor general before that, after working for Jones Day in Washington, D.C. and Atlanta. Prior to working at Jones Day, he served as a law clerk for both United States Supreme Court Justice Clarence Thomas and for then-Chief Judge David Sentelle on the U. S. Court of Appeals for the D.C. Circuit.

Judge Pinson will be a tremendous asset to this court, and we are looking forward to working with him.

Beginning in September, attorneys will have the option to appear either in-person or virtually for oral arguments. We have modified our technology such that attorneys who prefer to attend in-person may do so but attorneys may also continue to appear virtually. It is the Court's intention to conduct these hybrid proceedings through the end of the year. We will continue to monitor the COVID-19 situation in real time to determine how and when to adjust oral arguments in the future.

State-wide Business Court

Place Holder



Council of Superior Court Judges of Georgia

Suite 104, 18 Capitol Square, Atlanta, Georgia 30334

(404) 656-4964 Fax (404) 651-8626

Council of Superior Court Judges Report to Judicial Council August 2021

The Council of Superior Court Judges held its semi-annual meeting and summer training conference in Athens, Georgia, July 26-29, 2021. The educational seminar presented by the Institute of Continuing Judicial Education (ICJE) included topics such as case assistance exchanges regarding metro and rural jury trial issues as well as custody and visitation issues arising and emerging from COVID; pro se post-conviction appellate issues; sentencing alternatives due to COVID; accountability court issues as we emerge from COVID; top ten pieces of advice from a trial attorney; prioritizing case backlog; speedy trial demand issues; technology remains useful as we emerge from COVID; a Judicial Qualifications Commission update; a case law update; an evidence update; and jury trials in the age of COVID. Chief Justice David Nahmias addressed the topic of emerging from the pandemic. Newly appointed Justice Verda Colvin was the featured luncheon speaker.

Each year, the Council recognizes deserving judges with the Emory Findley Award. The award, named after the late Judge Emory Findley, recognizes judges for their outstanding leadership and dedication to the continued improvement of our court system. This year's recipient was the late Judge Horace Johnson of the Alcovy Judicial Circuit. The presentation to Michelle Johnson, Judge Johnson's wife, took place on July 28, 2021 at the summer conference.

Subsequent to the conference, Council President Judge Wade Padgett of the Columbia Judicial Circuit and a group representing judges from all judicial administrative districts, district court administrators, and Council staff conducted two days of strategic planning. The group will reconvene to continue this task in October.

Governor Brian Kemp appointed Judge Chuck Eaton to the bench of the Atlanta Judicial Circuit and Judge Rhonda Bender Kreuziger to the bench of the Griffin Judicial Circuit.

The Council congratulates Judge Bill Rumer of the Chattahoochee Judicial Circuit on his retirement at the end of August. Governor Kemp will appoint a judge to fill this vacancy.

Council of Superior Court Judges

Place Holder



Council of State Court Judges
Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

244 Washington Street, S.W.
Suite 300
Atlanta, GA 30334
404-651-6204 • FAX 404-463-5173

Staff

Bob Bray
Executive Director

Executive Committee

Judge Alvin T. Wong
President (DeKalb)

Judge R. Violet Bennett
President-Elect (Wayne)

Judge John K. Edwards, Jr.
Secretary (Lowndes)

Judge Jeffrey B. Hanson
Treasurer (Bibb)

Judge Wesley B. Taylor
Immediate Past President (Fulton)

District 1
Judge Gregory V. Sapp (Chatham)

District 2
Judge R. Violet Bennett (Wayne)

District 3
Judge Ellen S. Golden (Lowndes)

District 4
Judge Jeffrey B. Hanson (Bibb)

District 5
Judge Alan W. Thrower (Baldwin)

District 6
Judge John G. Breakfield (Hall)

District 7
Judge Ronald B. Ramsey, Sr. (DeKalb)

District 8
Judge Allison Barnes Salter (Cobb)

Report of the Council of State Court Judges
Judicial Council Meeting
August 13, 2021

This year's Spring Judicial Training Conference was held May 12th – 14th. at Brasstown Valley in Young Harris, Georgia. Over 90 Judges attended the Conference in-person and others attended remotely. The Dinner Banquet Speech was given by the President of the State Bar, Ms. Elizabeth Fite. The Judges also heard from former Chief Justice Harold Melton during a Friday morning session. All committee meetings were held prior to the Conference using the Zoom platform. Courses this Spring included: Updates from DDS; the JQC, Legislative Updates from Ms. Tracy Mason and Ms. Cheryl Karounos with the AOC, and from Justice Shawn LaGrua and the COVID Task Force of the Judicial Council. Presentations also given were on Civil case law updates from Attorneys Barbara Marschalk and Darren Summerville; and a Case Assistance Exchange led by Senior Judge Melodie Clayton. Panel Discussions included: Back to Court; and, What We Learned, What Worked, What We Will Continue To Use. The Judges also participated in a session on Judicial Wellness led by Ms. Michelle Barclay of the AOC and Judge Shondeana Morris.

The General Membership of the Council held its annual election of Officers and Elected Judge Alvin T. Wong (DeKalb) as President; Judge R. Violet Bennett (Wayne) as President-Elect; Judge John K. Edwards, Jr. (Lowndes) as Secretary, and Judge Jeffrey B. Hanson (Bibb) as Treasurer. An article published in the Fulton County Daily Report noted that Judge Wong is the first Asian American to be elected as President of any Council of Judges in Georgia.

The Council Congratulates Judge Elizabeth (Libby) Coolidge with the State Court of Chatham County who was recently inducted as the 24th President of the Rotary Club of Savannah Sunrise.



Outgoing Rotary President Craig Zuck, passes the gavel to Judge Libby Coolidge.

Wayne County implemented its first Junior Police Academy and visited State Court Judge Vi Bennett to learn about the Judiciary.



Wayne County Junior Police Academy participants visit State Court Judge Vi Bennett

The Education Committee recently hosted another Zoom Lunch & Learn presentation on the Administrative Duties of Chief Judge or Presiding Judge. Three Judges discussed their experience as a Chief Judge and Presiding Judge on their administrative role and responsibilities. Newly elected Chief Judge Susan Edlein (Fulton), Judge Russ McClelland (Forsyth) and Judge Josh Thacker (Spalding) discussed their lessons learned and gave some insight of what to expect in that part of a judge's career behind the bench.

President Wong recently appointed Judge Jean Bolin (McIntosh) to the Judicial Council Committee on Interpreters and Judge Allison Barnes Salter to the Board of Trustees of ICJE.

Congratulations to newly appointed Judge Ashley Palmer (Cobb) who fills the vacancy left by Judge Eric Brewton, who was appointed to fill the vacancy left by the retirement of Judge David Darden. Also, Congratulations to Judge Duff B. Ayers who was appointed to fill the vacancy left by the retirement of Judge R. Hubert Reeves, III (Jenkins).

The Council also congratulates the upcoming retirements of Judge Janis Gordon (DeKalb); Judge Dax Lopez (DeKalb); and Judge Ben Studdard (Henry) on September 1st. These three judges have a total of over 51 years of state court bench experience.

Lastly, the Council recognizes the hard work of Ana Maria Martinez, the Staff Attorney for DeKalb State Court Judge Dax Lopez, who successfully organized the second year of the Virtual Judicial Internship Program on behalf of the Georgia Latino Law Foundation. State Court Judges that selected interns this Summer were Chief Judge Susan Edlein (Fulton); Judge Billy Tomlinson (Bryan); Judge Jason Ashford (Houston); Judge Wes Taylor (Fulton); Chief Judge Russ McClelland (Forsyth); and Judge Kimberly Anderson (DeKalb)



REPORT
COUNCIL OF JUVENILE COURT JUDGES
to
SUPREME COURT/AOC JUDICIAL COUNCIL
AUGUST 13, 2021

Since the last full Judicial Council meeting, the Council of Juvenile Court Judges has had several retirements of long serving Judges, the least of which have been Judge Steve Teske, (Clayton County, GA), Judge Rusty Jackson (Forsyth County, GA), and Judge Deborah Edwards (Warner Robbins, GA). As a result, Judge Monica Wilburn has been appointed to succeed Judge Edwards. On another note, Juvenile Judge Rhonda Kruzienger has been elevated to the Superior Court of Forsyth Co., GA.

Juvenile Court Judge Diana Rugh Johnson became the new Juvenile Court Improvement Program Director on August 1, 2021, succeeding Jerry Bruce. Judge Johnson has been serving as a pro tem Juvenile Court Judge in the DeKalb County Juvenile Court for the last six years.

The Council of Juvenile Court Judges CHINS (Child In Need of Services) Coordinator, Kim Tolbert has implemented bi-monthly CHINS Coordinator meetings, via Zoom. The purpose of the meetings is to allow the Coordinators to come together and get to know each other, network, learn what others are doing, what's working/not working, etc. The ultimate goal is to help each other build and provide an effective CHINS program services for our local families through the Juvenile Courts.

The Council of Juvenile Court Judges will have its Fall Seminar at the University of Georgia Hotel and Conference Center on October 25 through the 27th of this year, the Spring 2022 CJCJ seminar will again be held in St Simons at the King and Prince Resort. The seminar will be presented in two platforms, in-person and virtual via Zoom.

Honorable C. GREGORY PRICE, President, Council of Juvenile Court Judges, 2021-2022



HON. C. GREGORY PRICE



Council of Probate Court Judges of Georgia

Judge Thomas Lakes
President (Cobb)

Judge B. Shawn Rhodes
President Elect (Wilcox)

Judge Danielle McRae
Vice President (Upson)

Judge Darin McCoy
Secretary-Treasurer (Evans)

Judge Kelli Wolk
Immediate Past President (Cobb)

Kevin D. Holder
Executive Director

<p>Report to Judicial Council of Georgia August 13, 2021</p>
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The following is a summary of activities and current initiatives by the Council of Probate Court Judges:

2021 Traffic Seminar

Our annual Traffic Seminar was held on May 26-28, 2021 at Château Élan in Braselton. As is the new protocol for hosting events for the time being, this was a hybrid event. There were 50 probate judges onsite and the remainder attended virtually. As always, we extend our appreciation to the staff of the Institute of Continuing Judicial Education for ensuring that this event was conducted safely and to its completion.

Probate Court Standard Forms

In June, the Supreme Court of Georgia issued an order approving the most recent revisions to over two dozen of the Standard Forms that are published by our Council. The revisions were a result of the passage of HB 865 during last year's legislative session. The revised forms took effect on July 15, 2021. Revising our forms is a herculean effort and one that cannot be achieved without the work of a great team. With that said, we would like to thank Darron Enns, Juliana Mincey, Sterling Perry (each of the JC/AOC), Ophelia Chan, Margaret Head, T. Kyle King, Debbie Kerr, Kevin Holder and the members of our Court Forms and Rules Committee, which is chaired by Judge Christopher Ballar. Our Standard Forms are available at www.gaprobate.gov

Judge Mary Jo Buxton

Recently, Judge Mary Jo Buxton of Johnson County retired from the bench, after having served as the probate judge and chief magistrate for two decades. During her time in office, Judge Buxton also served as our Council president, president of the Constitutional Officers' Association of Georgia (COAG), as a member of Judicial Council, and in a variety of other leadership roles. It is not hyperbole to say that Judge Buxton was the conscience of our Council, as she always identified and encouraged others to step into leadership roles. In acknowledgement of her contributions to our Council, we presented her with the Meritorious Service award. We hope that her days in retirement will be as fruitful and fulfilling as her time on the bench.

Respectfully submitted,

Judge Thomas Lakes
President, Council of Probate Court Judges of Georgia



Council of Magistrate Court Judges

244 Washington St., S.W., Suite 300, Atlanta, GA 30334-5000
(404) 656-5171 • Fax (404) 651-6449
Georgiamagistratecouncil.com

Executive Director
Sharon Reiss

President
Judge Quinn Kasper
Cobb County

President-Elect
Judge Becky Pitts
Butts County

Vice-President
Judge Brandon Bryson
Bartow County

Secretary
Judge Berryl A. Anderson
DeKalb County

Treasurer
Judge Jennifer Lewis
Camden County

Immediate Past President
Judge Michael Barker
Chatham County

District One
Judge Nathan Grantham
Judge Scott Lewis

District Two
Judge David Crosby
Judge Heather Culpepper

District Three
Judge Angela Sammons
Judge Jennifer Webb

District Four
Judge Phinia Aten
Judge Matt McCoy

District Five
Judge Linda Borsky
Judge Cassandra Kirk

District Six
Judge Amanda Flora
Judge Megan Kinsey

District Seven
Judge Chris Griffin
Judge Jennifer Inmon

District Eight
Judge Colby Crabb
Judge Shawn Rhodes

District Nine
Judge Bill Brogdon
Judge Tony Tarnacki

District Ten
Judge Mike Burke
Judge Caroline Evans

Members-at-Large
Judge Jim Altman
Judge Todd Ashley

Council of Magistrate Court Judges Report

The Council of Magistrate Court Judges (CMCJ) had a busy spring and summer and the end of the last fiscal year brought usual changes. Our former President, TJ Hudson, left office in April to pursue another goal and Judge Quinn Kasper stepped into the role of President early to guide us through the end of the fiscal year.

Our Council was excited to hold our first in person meeting since the start of the pandemic and it was a huge success and great to see everyone in person. While the training was full, we offered a taped video replay option for those unable to attend. The new video replay option was absolutely a necessary addition during the pandemic but worked out quite well and was very helpful to our Council. We have decided to continue the option for future training sessions for the immediate future.

The CMCJ has a new set of officers and our Executive Committee, and all members are excited to begin the new fiscal year. Our President has been busy with Judicial Council duties and setting goals for assisting our courts during this busy time.

As we transition into a post-pandemic world, our Council is working hard to keep our judges apprised of any new or changing situations as they arise. Our courts deal with the bulk of evictions in the state, so we are aware of the many rules, changes and challenges and have been following them closely. The CDC Moratorium expires at the end of July, and we fully expect the floodgates to open for eviction cases. Many counties are working hard to prepare for what might be an overwhelming influx of cases, old and new.

As we attempt to reach some normalcy and as we begin the new fiscal year, we are assembling our committees and ensuring that the resources available to our members reach them. Our Council will continue to support our Judges as we navigate the end of the CDC Moratorium and the challenges that will bring to Magistrate Court.



July 29, 2021

Report to the Judicial Council of Georgia – August 2021

Judge Lori B. Duff, President
City of Monroe
PO Box 1418
Loganville, GA 30052
(770) 466-6149
duff@jonesandduff.com

Judge JaDawnva Baker,
President-Elect
City of Atlanta
JCBaker@AtlantaGa.Gov

Chief Judge Matthew McCord,
Vice President
City of Stockbridge
matt@matthewmccordlaw.com

Judge Nathan Wade, Secretary
City of Marietta
nathanwade@lawyer.com

Judge David Will, Treasurer
City of Clarkston
dwill@royallaw.net

Chief Judge Willie Weaver Sr.
Immediate Past President
Cities of Albany, Sylvester
wweaverlaw@aol.com

District One

Judge Joe Huffman
Judge Richard Sanders

District Two

Chief Judge Willie Weaver Sr.
Judge Gregory T. Williams

District Three

Judge Chimere Trimble
Judge Bill NeSmith

District Four

Judge Michael Nation
Judge Jennifer Mann

District Five

Judge Gary E. Jackson
Judge Roberta Cooper

District Six

Judge James Dalton II
Judge Wanda Dallas

District Seven

Judge Robert Cowan
Judge Nathan Wade

District Eight

Judge Joseph Sumner
Judge Dexter Wimbish

District Nine

Judge Pamela Boles
Judge William Brogdon

District Ten

Judge Dale "Bubba" Samuels
Judge Ryan S. Hope

The following is an overview of recent events, programs, and activities of the Council of Municipal Court Judges (CMuCJ):

Council Meeting Endeavors

From the onset of the Statewide Judicial Emergency Orders issued by former Chief Justice Harold Melton, the Council leadership and membership were engaged. With the lifting of the Emergency, municipal courts, while increasing in-person proceedings, continue working towards the courts reopening safely and planning accordingly. This past year has been challenging and have shown the fortitude of judges and clerks across the State of Georgia. We thank Judge Norman Cuadra for his continued contributions to the Judicial COVID-19 Task Force, respectively.

The Council's full Executive Committee met on June 22, 2021, at the Marriott Riverfront Hotel, Savannah, Georgia. This was the first in-person meeting of the Committee since the onset of the COVID-19 pandemic. The Council also held its annual Summer Business Meeting and Awards & Recognition Ceremony on June 24, 2021, where the Membership approved the CY 2021-22 Council Budget and an updated proposed Superior Court Rule 17.3 for Part-time Municipal Court Judges.

Honorable Carol W. Hunstein, Supreme Court of Georgia (1992-2018), attended the Business Meeting as the Council's guest speaker and administered the oath of office to the newly elected officers, which marks the first time two women are at the helm of the leadership. Honors were also bestowed during that time. The Council awarded its Frost Ward Lifetime Achievement Award to Judge Claude D. Mason, Municipal Court of Duluth. Judge G. Hammond Law III, Municipal Court of Gainesville, was awarded the Special Recognition Award for effective leadership and innovation during these unprecedented times; his court staff nominated him for this honor. Chief Judge Norman H. Cuadra, Municipal Court of Suwanee, and Judge Parag Shah, Municipal Court of Atlanta, were recognized with the Glen Ashman Education Achievement Award, which honors judges that exemplify judicial education through extensive time and efforts towards educating municipal court judges and clerks.

The Council's President's Award, on behalf of Chief Judge Willie Weaver, Sr., were awarded to Judge Lori B. Duff, Municipal Court of Monroe, for her unwavering leadership and support through unprecedented times; Chief Judge Norman H. Cuadra, Municipal Court of Suwanee, for his steadfast leadership and tirelessly serving the Council through unprecedented times, and Ms. LaShawn Murphy, Trial Court Liaison, Judicial Council/Administrative Office of the Courts, for her outstanding service and selfless dedication to the Council. The Council also recognized Representative Chuck Efstrotation (Dacula), for perseverance and continuing support of the Council in the legislature and Representative Bert Reeves (Marietta), for perseverance in the General Assembly in the passage of HB 479.

“End the Wait. Vaccinate” Challenge Campaign (Accepted)

As Courts are opening more fully and the vaccination rate in Georgia remains low, Chief Magistrate Judge Cassandra Kirk, Fulton County Magistrate, issued a small challenge across the metro area magistrate courts that she extended to other councils and justice partners. She invited courts to join them in collaborating on internal and external campaigns to encourage and increase Georgia’s COVID-19 vaccination rates, by conducting pop-up vaccination clinics at the courts, believing, like Dr. Kathleen Toomey and her team, that the mobile vaccines assist in making everyone safer. Chief Judge Kirk provided the contact for CORE, who has partnered with the Georgia Department of Public Health and Curogram to provide free COVID-19 vaccines across the state with mobile units committed to reaching all Georgians. The CMu CJ accepts the challenge and have five courts on tap in the Department of Public Health Gwinnett, Newton, Rockdale (GNR) District to conduct the pop-up clinics. It is our intent to garner support of municipal courts across the state to engage in this worthwhile campaign. Kudos to Chief Judge Kirk for her efforts!

Legislation

For the 2022 session of the General Assembly, the CMu CJ plans to introduce a “clean up” bill amending OCGA 36-32-2.1 (e) to provide for procedural rules to comport with due process in proceedings to remove appointed municipal court judges. The bill also amends the referenced code section to eliminate the exception for consolidated governments. The Council is seeking this measure to ensure that removal proceedings are conducted fairly, statewide.

The Council presented the initiative as an informational item at the July 21st meeting of the Judicial Council Standing Committee on Legislation.

Additionally, the Council looks forward to the passage of the proposed legislation from the Certiorari Review Subcommittee to streamline and economize the courts appellate practice in Georgia.

Continuing Judicial Education

The Municipal Judges Summer Law & Practice Update was presented in a hybrid format of an on-demand viewing presentation and in-person seminar. The seminar took place June 23-25 in Savannah, Georgia, conducted through the Institute of Continuing Judicial Education (ICJE). The three-day program provides accreditation for those serving as of January 1, 2021 (New Judges), in addition to recertifying sitting judges. Judges received training on many topics, to include Judicial Health and Wellness; Updates on DUI Law & Legislation; Implicit Bias; Professionalism for Judges; Traffic Case Procedure and Administration and Mental Illness & How It Presents on Your Court.

The Council is scheduled to hold its Fall Law and Practice Update Seminar October 6-8, 2021, at Legacy Lodge in Buford, Georgia, conducted through the Institute of Continuing Judicial Education (ICJE).

Leadership Session

As a critical component in assuring continuity in leadership and the yearly development of the CMu CJ and the services and representation it provides its membership, representatives from the Council are scheduled to meet August 19-20, in Douglasville, Georgia, for a day and half-day session. Held annually following the election of new leadership, the meeting’s purpose is for the President to share their vision the upcoming year with officers and key members and to hold discussions regarding any pertinent association initiatives from previous years and those moving forward

Next Meeting

The next meeting of the Council of Municipal Court Judges Executive Committee is scheduled to take place in conjunction with the October Law & Practice Update.

Respectfully submitted,

Judge Lori B. Duff

Judge Lori B. Duff

President, Council of Municipal Court Judges

TAB 13



Council of Accountability Court Judges

Chief Judge D. Scott Smith
Executive Committee Chair
Cherokee Judicial Circuit

Taylor Jones
Executive Director

Council of Accountability Court Judges Report to Judicial Council August 2021

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council, the CACJ held its annual meeting on June 25, 2021. During the meeting the CACJ elected its FY22 Executive Committee members, which are listed below.

Chief Judge D. Scott Smith, Cherokee Judicial Circuit, Superior Court – **Chair**
Judge Charles Edward Auslander, III, Athens-Clarke County, State Court – **Vice-Chair**
Chief Judge Kathlene F. Gosselin, Northeastern Judicial Circuit, Superior Courts – **Immediate Past Chair**
Judge Karen E. Beyers, Gwinnett Judicial Circuit, Superior Court
Chief Judge Asha F. Jackson, Stone Mountain Judicial Circuit, Superior Court
Judge John E. Niedrach, Rome Judicial Circuit, Superior Court
Chief Judge W. James Sizemore, Jr., Southwestern Judicial Circuit, Superior Court
Chief Judge Russell W. Smith, Mountain Judicial Circuit, Superior Court
Judge Lawton Stephens, Western Judicial Circuit, Superior Court
Judge Jason B. Thompson, Fayette County, State Court
Judge Alison W. Toller, Northeastern Judicial Circuit, Juvenile Court

The CACJ Funding Committee, in conjunction with the Criminal Justice Coordinating Council and several District Court Administrators, met virtually in April and May to review the FY22 Accountability Court Grant applications. The total amount of funds requested by the courts totaled \$35,683,405.

The CACJ was able to award the following amounts to the courts:

- Adult Felony Drug Courts - \$12,927,924
- Adult Mental Health Courts - \$4,967,103
- Veterans Treatment Courts - \$2,062,978
- DUI Courts - \$1,648,555
- Family Treatment Courts - \$2,494,660
- Juvenile Drug & Juvenile Mental Health Courts - \$742,477
- The CACJ also awarded \$669,477 in transportation funds to support participant treatment session attendance, court appearances, and drug testing obligations.
- Additional accountability court funds are anticipated to be released to the courts via competitive mid-year grant solicitations.

CACJ is diligently preparing for the 2021 Accountability Courts Training Conference scheduled to be a **hybrid event** in September. The CACJ Training Committee has worked to bring together national and local speakers to present on a variety of accountability court topics. The CACJ is looking forward to executing another successful training conference in 2021.

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404.656.2613 • cacj.georgia.gov



GEORGIA COMMISSION ON DISPUTE RESOLUTION

The following is an update on the initiatives and activities for the Georgia Commission on Dispute Resolution (GCDR):

Chair

Judge M. Cindy Morris

Executive Director

Tracy B. Johnson

Program Manager

Karlie A. Sahs

Commission Members

Justice John J. Ellington

Judge Amanda H. Mercier

Judge Charles E. Auslander, III

Emily S. Bair, Esq.

Judge Jane C. Barwick

N. Staten Bitting, Jr., Esq.

Judge Clarence Cuthbert, Jr.

Mary Donovan, Esq.

Judge C. Andrew Fuller

Herbert H. (Hal) Gray III, Esq.

Melissa C. Heard, M.S.S.W.

Nicole Woolfork Hull, Esq.

Patrick T. O'Connor, Esq.

Edith B. Primm, Esq.

Judge Renata D. Turner

Randall Weiland

Peggy McCoy Wilson

Georgia Uniform Mediation Act (GUMA)

The Georgia Uniform Mediation Act was signed by Governor Brian Kemp on May 24, 2021, effective July 1, 2021. The GUMA covers all mediations in Georgia, whether or not they are court-connected. Similar to the way the Supreme Court ADR Rules offer protections like confidentiality and party protection to court-connected mediation sessions, the GUMA provides these protections, and others, to those cases mediated outside of the judicial system (often referred to as “private” cases).

The GCDR was involved in every step of the legislative process to ensure that the GUMA as passed did not conflict with the Supreme Court ADR Rules. The GCDR does not anticipate any conflict between the GUMA and Supreme Court ADR Rules, although some of the terminology used in the GUMA is slightly different from that used in the ADR Rules. To address this, the GCDR has created a committee to assess whether there are any updates to the Supreme Court ADR Rules that would be helpful to better align them with the GUMA to provide clarity for all stakeholders.

The GUMA will promote Georgia as a venue for both domestic and international mediations, and we would like to express our sincere appreciation to the members of the Judicial Council for their support.

28th Annual ADR Institute & Neutrals’ Conference

This year’s ADR Institute will be a live virtual event on November 19, 2021. Featured topics this year include trends in ADR, the recently enacted Georgia Uniform Mediation Act, and professionalism for arbitrators.

Probate Court Mediation Working Group

Members of the Probate Court Mediation Working Group met on May 18 and discussed the issues and barriers to increased use of mediation in the probate court and outlined initial considerations and recommendations for training content and mediator qualifications. Their next meeting is scheduled for August 11.

Case Management System

The new case management system, ScheduleADR, designed specifically for ADR Programs is now live. Eight ADR programs have been onboarded with more expected to come online soon. This program is a comprehensive system helping programs not only manage their day-to-day operations, but also providing a means for detailed reporting. The system is available to all programs at no cost.

New Deputy Director for GODR

On July 1, 2021, Ms. Karlie Sahs was promoted to Deputy Director. Ms. Sahs joined the office in 2017 and previously served as a program coordinator and program manager. Join us in congratulating Ms. Sahs on her new role.

Upcoming Commission Meeting Date

The next Commission meeting date is November 3, 2021, at 2:00 p.m. Meeting information as well as previous minutes are posted on the GODR website at www.godr.org.



1231 COLLIER RD. NW, STE. J • ATLANTA, GA 30318
PHONE • 678-222-4232 • FAX 404-249-8831

COUNCIL OF SUPERIOR COURT CLERKS OF GEORGIA

July 28, 2021

Report to the Judicial Council

August 13, 2021

To Whom it May Concern;

The Council of Superior Court Clerks has recently released the annual statewide master jury list to all counties. This is the 10th year that the Council has fulfilled this function and we are happy to report that this year's effort has proceeded seamlessly.

Over the last 10 years the Council's handling of this duty has stood up to numerous challenges in the courts and, with changes made to the Jury Composition Rule (JCR) in 2018, the list is more transparent and resilient than ever.

Clerks of Superior Court across the state are reporting a strong return to jury trials with relatively few problems.

We look forward to continued collaboration with the Judicial Council on issues related to technology and legislation and addressing any changes necessary to facilitate the operation of our offices and the courts.

Sincerely,

Honorable Tina Robinson, President
Clerk of Superior & Magistrate Court in Fulton County

Mr. Michael Holiman, Executive Director
Council of Superior Court Clerks of Georgia

Chief Justice's Commission on Professionalism

Click the link [here](#) for access to materials



GEORGIA COUNCIL OF COURT ADMINISTRATORS

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Christopher Hansard
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Kriste Pope
Administrative Office of the Courts

Dr. Will Simmons
6th Judicial Administrative District

Katie Young
Gwinnett Co. Recorder's Court

Report to the Judicial Council of Georgia August 2021

GCCA officers and members strive to improve the professional administration of justice and to assist court administrators and managers in the execution of their duties. One way we achieve this is by providing quality educational programs to advance the administration of justice through the application of modern management practices.

GCCA continues to expand its educational platform by providing *In Recess*, GCCA's quarterly podcast. Themes such as coming innovations, thought-provoking trends, and questions that matter to the court community are covered by the GCCA's *In Recess* podcast series, a forum by court professionals for court professionals to share experiences and lessons learned. GCCA's quarterly podcast series *In Recess* released its latest podcast entitled "Resuming Jury Trials During COVID-19."

This podcast explored with Judge Jeffrey Bagley, Chief Judge of the Bell-Forsyth Judicial Circuit and Cobb Judicial Circuit Jury Administrator, Wendy Portwood, the significant challenges posed by the pandemic for trial courts with respect to jury management during trial and deliberations with discussions focused towards what is working and where improvements can be made.

GCCA's Fall Conference and Annual Meeting is scheduled for September 12-15, 2021. The theme of this year's conference is "Teamwork: One Team, One Goal." Conference programs will focus on the "leadership as collaboration" model where leaders view themselves as both part of an executive team and coordinators of their own administrative team.

During our Annual Meeting, we will hold elections for officers and board members for our 2022 Executive Committee, as well as presenting our annual awards. Although this will be our first in-person conference since 2020, we also plan to offer a virtual option for those who are unable or uncomfortable attending the conference in person.

Institute of Continuing Judicial Education

Click the link [here](#) for access to materials



Judicial Qualifications Commission
State of Georgia

FORMAL ADVISORY OPINION 2021-01¹
PARTICIPATION IN MARCHES, VIGILS, AND PROTESTS

Pursuant to Rule 28(B)(1) of the Rules of the Judicial Qualifications Commission (JQC), the Director of the JQC has requested that the Hearing Panel of the JQC issue an opinion on the recurring question of whether judges may participate in public marches, vigils, protests, and similar activities. The Hearing Panel concurs that a Formal Advisory Opinion on this topic is appropriate, given the issue’s interest to members of the judiciary and its impact on the public. JQC Rule 28(B)(2).

For the reasons set forth below, the Hearing Panel concludes that, in order to maintain public confidence in the independence and impartiality of our State’s judiciary, judges generally should not participate in such public events.

The first Canon of the Code of Judicial Conduct (“CJC”) demands that judges “uphold the independence, integrity, and impartiality of the judiciary...”² The prominence of this duty continues: the second Rule of the CJC directs that “Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.” Rule 1.2(A) of the CJC.

¹ Beginning with this Formal Advisory Opinion (FAO), the first in 2021, the Judicial Qualifications Commission is adopting a new numbering system for its FAO’s. Rather than simply running FAO’s in absolute sequential order, the numbering will consist of the year in which the FAO was issued, followed by its sequential position for that year. Thus, FAO 2025-07 would be the seventh FAO issued in 2025. FAO’s from years prior to 2021 will be similarly renumbered.

² The Code of Judicial Conduct defines “impartiality” as the “absence of bias or prejudice in favor of, or against, a particular party, parties, or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge.”

Indeed, the Rules themselves observe that “[a]n independent and honorable judiciary is indispensable to justice in our society.” Rule 1.2(B) of the CJC.

The Rules go further, to the point of specifically directing judges to refrain from staking out positions on issues that may come before them:

Judges shall not, in connection with cases, controversies, or issues that are likely to come before the court, make promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

Rule 2.10(B) of the CJC. The commentary to Rule 2.10 notes that the Rule’s restrictions on judicial speech are “essential to the maintenance of the independence, integrity, and impartiality of the judiciary.”³

The question thus presented when a judge considers whether she should join a public march, rally, or protest is whether such participation (1) is “judicial speech” which (2) constitutes a “commitment” on an issue that may come before the court.

The answer is that it almost always does. Marches are messages. Protests are politics. The decision to participate in a vigil or to join a rally conveys a message of identification with whatever issue is at stake. Simply being present in the group is an exercise of speech and an expression of belonging to a group of like-minded individuals who are staking out a position on an issue of public prominence. By walking with the marchers, by rallying with the protesters, or by standing with those in the vigil, the judge is making a quintessentially public declaration about some issue.⁴ The dilemma for judges is that these issues inevitably end up in the courts.

³ This question of participating in public marches, protests, etc., also implicates, albeit less directly, Rules 1.3 (prohibiting judges from lending the prestige of their office to their private interests) and 2.4(C) (“Judges shall not convey or enable others to convey the impression that any person or organization is in a position to influence the judge”) of the CJC.

⁴ The potential for judicial anonymity provided by the “cover” of a large group protest or march does not insulate the judge from this analysis. As the New York State Commission on Judicial Conduct has noted, “concealing one’s name and judicial status does not ordinarily render prohibited political conduct permissible.” New York Advisory Opinion 2016-85.

It is, of course, entirely possible for a judge to participate in a march or join a protest and maintain her impartiality about the issue motivating the marches or protesters. That is not the extent of the impartiality test, however; the inquiry is not limited to the internal operations of the judge's mind but extends to the public's perception of that judge. Recall Rule 1.2(A) of the CJC: "Judges shall act at all times in a manner that promotes *public* confidence in the independence, integrity, and impartiality of the judiciary." (Emphasis added.) When the local television station broadcasts footage of the vigil on the capitol steps and the keen-eyed reporter notes that Judge X was in the crowd, it is fair, reasonable, and natural for the public to assume that that judge has aligned herself with the cause being pursued. Mere presence becomes judicial speech that erodes public confidence in impartiality. Indeed, when judges join in such events, they are -- whether they intend to or not -- directly and physically connecting themselves in the public eye with the message and the politics of the moment. That is something they are not free to do, given the responsibility they have accepted as impartial, independent jurists in our State.

This view finds clear support in other jurisdictions. The Arizona Supreme Court's Judicial Ethics Advisory Committee has opined that

[i]f a judge participates in a march, rally, or protest focused on social, legal, or political issues that may become the subject of litigation ... a reasonable person may have cause to question the judge's independence and impartiality when making decisions about those issues ... in subsequent cases.

Arizona Advisory Opinion 18-06. Similarly, the New York State Commission on Judicial Conduct has concluded that

appearing at the candlelight vigil held for those affected by domestic violence would compromise the judge's appearance of impartiality in future cases because such activity suggests that the judge is sympathetic to the plight of victims -- when a judge is required to apply -- and appear to apply -- the law in a completely neutral fashion.

New York Advisory Opinion 2010-59. And, most currently, the Connecticut Committee on Judicial Ethics ruled that, because judges will be called upon to rule in cases involving claims of law enforcement misconduct, they may not attend a march protesting police violence against Black men, as “participation in this extrajudicial activity may appear to a reasonable person to undermine the judge’s independence and impartiality.” Connecticut Advisory Opinion 2020-03. *See also* Massachusetts Supreme Judicial Court CJE Opinion No. 2016-10 (advising against participating in marches with clear political overtones); New York Advisory Opinion 2017-38 (concluding that judges should not attend a march involving a “subject of public controversy”).⁵

Prior Georgia FAO’s also provide indirect support for this conclusion that judges should not participate in marches, protests, rallies, or vigils. In FAO 115, the JQC concluded that a judge should not serve on the advisory board of “End Violence Now”, a group advocating for certain policy improvement for dealing with intimate partner violence, including victim assistance and sentencing alternatives for abusers. In reaching its conclusion, the JQC noted that it “has consistently held that a judge should not become personally associated as an activist with particular causes which relate to issues which may come before him in his judicial capacity.” FAO 78, upon which FAO 115 relied, concluded that a judge may not co-sign a public letter calling for a mandatory treatment program for DUI drivers in Georgia, noting that “it is not appropriate for a judge to be personally associated with particular causes as an activist, no matter how worthy they may be.”

⁵ While the clear weight of opinion is against judicial participation in marches, rallies, and vigils, there is not unanimity among the states. *See, e.g.*, Opinion 96-16 of the State of Washington’s Ethics Advisory Opinion, authorizing a judge to attend a “Day of Remembrance” ceremony to recognize victims of intimate partner violence.

These same principles inform the JQC’s reasoning here: judges are not free to join public protests, marches, rallies, or vigils precisely because such participation risks creating the perception in the public’s mind that the judge is -- literally and conceptually -- an “activist” who is marching, walking, or otherwise actively participating in a public event promoting a particular cause. No matter how worthy or laudable that cause may seem, some aspect of it will eventually make its way onto the judge’s docket. And when that happens, the parties and the public will be justified in concluding that they are being deprived of an impartial and independent jurist who has not publicly staked out a position on the matter before him.

This limitation on public political expression may not seem fair to the judge who is passionate about an issue and who wants to support those who share his view. But that is a sacrifice the judge must make:

The prohibition on political activity is a heavy burden. However, it is one individuals must accept if they wish to take on the sensitive and critically important role of judges ... because it is absolutely necessary to maintain an impartial judiciary both in practice and perception.

New York Advisory Opinion 2017-38.

Of course, there is a balance to be struck. Not all outside public activities are off-limits for judges. Canon 3 of the CJC instructs judges to “regulate their extra-judicial activities to minimize the risk of conflict with their judicial duties.” Rule 3.1(C) in turn authorizes judges to engage in extra-judicial public activities, “provided that doing so will not ... cast doubt on their capacity to impartially decide any issue.” Thus, coaching a soccer team (or playing on one) or conducting a church choir (or singing in one) does not implicate the impartiality issues presented by protests, marches, or vigils. Similarly, joining in an apolitical public march -- like a parade celebrating a local sports team’s victory -- would generally be permissible.

In summary, the Commission concludes that judges should not participate in a public march, rally, protest, or vigil if:

- (1) attendance would cause a reasonable person to question the judge's independence or impartiality;
- (2) the event relates to issues or causes likely to be litigated, directly or indirectly, before the judge;
- (3) the event is organized or sponsored by entities or individuals who have clearly and publicly expressed views on issues or causes likely to be litigated, directly or indirectly, before the judge;
- (4) the event has ties to an individual or organization that practices invidious discrimination;⁶
- (5) participation could reasonably be viewed as supporting or opposing another candidate for public office or as speaking publicly on behalf of a political organization;⁷ or
- (6) participation will interfere with the proper performance of judicial duties or will lead to frequent disqualification.⁸

If the event the judge desires to attend violates none of the above conditions, then it is likely that the judge need not be concerned about any ethical violations should she ultimately choose to participate.

⁶ The CJC defines “invidious discrimination” as “any action by an organization that characterizes a person’s age, disability, ethnicity, gender or sex, marital status, national origin, race, religion, or sexual orientation as odious or as signifying inferiority, which therefore is used to justify arbitrary exclusion of persons possessing those traits from membership, position, or participation in the organization.”

⁷ The CJC defines “political organization” as “a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political or public office.”

⁸ These guidelines are developed from similar provisions articulated in Arizona Advisory Opinion 18-06.

GEORGIA JUDICIAL QUALIFICATIONS COMMISSION

2020 ANNUAL REPORT

INTRODUCTION

The Judicial Qualifications Commission is a constitutionally created independent State Commission responsible for enforcing standards for ethical conduct of judges and judicial candidates by investigating complaints of judicial misconduct and/or judicial incapacity and prosecuting and disciplining judges in the State of Georgia.

This calendar year was a time of transition and growth for the Commission, which was navigated successfully in the face of the COVID-19 pandemic and accompanying Judicial Emergency. The Commission welcomed new Panel members and Staff which will be highlighted in the first section of this Report. Second, this Report discusses the Commission's continuing commitment to judicial education and assistance to judges who proactively seek our input and guidance. Despite the COVID-19 pandemic, Commission members and JQC Staff have continued to present at various conferences across the State to discuss the Code of Judicial Conduct, and the JQC Staff continues to provide guidance and support to judges and citizens across the state when requested.

Third, this Report provides information on Commission meetings and updates to the Commission's website and JQC Staff infrastructure. In 2020, the Commission and JQC Staff began and completed various internal projects and improvements to the daily operations of the Commission. This Report also discusses the Commission budget for FY 2020. The Commission continues to be one of the more efficient and active judicial conduct commissions in the country.

Fourth, this Report covers complaint statistics and other data detailing the Commission's caseload in 2020. In 2020, the Commission received 535 formal complaints. The Commission resolved 410 matters, including the resignations of nine judges that had pending JQC investigations open at the time of their resignations. The Director also filed Formal Charges against three judges during 2020.

PART ONE: COMMISSION COMPOSITION

I. Hearing Panel Members

Pursuant to O.C.G.A. 15-1-21 (g), members of the Commission serve four-year terms with initial appointments of shorter duration. Initial appointments in 2017 were for one-, two-, and three-year terms.

In 2019, former Cobb County Public Safety Director Michael Register stepped down from his post on the Hearing Panel after two years of valued service. On January 14, 2020, Governor Kemp appointed then-Investigative Panel member Richard Hyde to the Hearing Panel as the citizen member to fill the rest of Mr. Register's term, which expires on June 30, 2021. Mr. Hyde was confirmed by the Senate on February 5, 2020. Mr. Hyde is the Commission's longest standing member and brings with him a wealth of institutional knowledge regarding judicial ethics and the JQC Rules.

Additionally, the Supreme Court of Georgia re-appointed Judge Robert McBurney as the judge-member and Presiding Judge for the Hearing Panel. Judge McBurney's initial term expired on June 30, 2020, and Judge McBurney was re-appointed to a second term that began on July 1, 2020 and ends on June 30, 2024.

II. Investigative Panel Members

The appointment of Mr. Hyde to the Hearing Panel created a corresponding citizen-member vacancy on the Commission's Investigative Panel. On January 14, 2020, Speaker of the House of Representatives David Ralston appointed Sheriff Dane Kirby as a citizen-member of the Investigative Panel to fill the vacancy resulting from Mr. Hyde's departure. Sheriff Kirby's current term expires on June 30, 2023. Sheriff Kirby has served as the Sheriff for Fannin County since 2009 and has served Georgia as a sworn law enforcement officer since 1988. The Senate confirmed Sheriff's Kirby's appointment on February 5, 2020. Speaker Ralston re-appointed Mr. James Balli as an attorney-member of the Investigative Panel. Mr. Balli's new term expires on June 30, 2024.

The Senate also confirmed two Investigative Panel member appointments made during 2019. On February 5, 2020, the Senate confirmed the Supreme Court of Georgia's appointment of the Honorable Judge Verda Colvin, a judge-member, and Governor Kemp's appointment of the Honorable Bob Barr, an attorney-member, to the Investigative Panel. The terms for both Judge Colvin and Mr. Barr expire on June 30, 2023.

Additionally, W. Pope Langdale, III, was re-elected as Investigative Panel Chair by a unanimous vote of the Investigative Panel Commission Members.

III. Commission Staff

Mr. Charles Boring completed his first full year as Commission Director in 2020, having taken over as Director in December 2019. In early 2020, Mr. Boring immediately began a restructuring of the JQC Staff, hiring attorney Courtney Veal as Deputy Director for the Commission. Mrs. Veal brought with her over eight years of experience as an attorney and

prosecutor, which immediately assisted in the evolution of the Commission’s operations. Further, as she has successfully led the investigation and prosecution of some of the most serious and sensitive matters in the criminal justice system, Mrs. Veal’s talent and experience in navigating complex allegations of misconduct will serve the Commission well.

In September 2020, the Commission welcomed Kristen Bertsch as its Executive Administrator. Ms. Bertsch’s experience as a Victim Witness Advocate for the Cobb County District Attorney’s Office since 2015, which included high-volume case management efforts and the coordination of numerous high-level and confidential prosecutions, will no doubt benefit the Commission for years to come.

PART TWO: JUDICIAL EDUCATION AND ASSISTANCE

IV. Continuing Judicial Education

One of the most important functions of the Commission, in addition to enforcing the Code of Judicial Conduct, is to educate judges. Accordingly, Commission members and Mr. Boring presented at numerous conferences hosted by the Institute of Continuing Judicial Education (“ICJE”) in 2020.¹ Commission members present an overview of the Commission’s role, structure, and functions and provide examples of judicial misconduct, common pitfalls for judges, and answer questions. These conferences have included, among others, presentations to Superior Court, State Court, Magistrate Court, Municipal Court, and Juvenile Court judges. The Commission recognizes the importance of judicial education in preventing ethical violations. The Commission hopes that its continued role in these conferences provides a useful educational component for the judiciary.

V. Guidance for Judges and Judicial Candidates: Director’s Opinions and Formal Advisory Opinions

Pursuant to Commission Rule 28, the Commission’s Director, or any other staff member designated by the Director, may render an Opinion (i.e., a “Director’s Opinion”) regarding his or her interpretation of the Code of Judicial Conduct as applied to a given state of facts. Judges, judicial candidates, or other interested parties are often faced with time-sensitive ethical dilemmas. Director’s Opinions help answer such dilemmas, and judges or judicial candidates are encouraged to reach out to the Director or Deputy Director via e-mail or phone. Once an inquiry

¹ The ICJE is a “resource consortium” of the Georgia Judicial Branch, the State Bar, and Georgia’s accredited law schools. Significantly, the ICJE bears the main responsibility for providing training and continuing education for the state’s judges and other court personnel. More information about the ICJE is available at its website, <http://icje.uga.edu>.

has been received, the Director or Deputy Director typically issue an opinion within one week of the request.

In 2020, the JQC Staff rendered numerous Director's Opinions on a wide range of judicial ethics topics including: part-time judges practicing law, judges serving on charitable and community boards, judges engaging in political activity, ex-parte communications, judges appearing and speaking at community protests and marches, and fundraising activities. These opinions record how the Director informally interprets the Code, help develop institutional knowledge over the coming years, and can serve as the basis for new Formal Advisory Opinions. Additionally, Mr. Boring and Mrs. Veal received and responded to hundreds of informal requests for guidance on matters involving the Code of Judicial Conduct and the duties of judges from across the state.

PART THREE: COMMISSION MEETINGS AND INFRASTRUCTURE IMPROVEMENTS

VI. Monthly Meetings of the Investigative Panel

This past year, the Investigative Panel of the Commission met approximately once a month. Like the rest of the world, the impact of COVID-19 was also felt by the Commission. Many of the meetings were held virtually via Zoom, which allowed for the Commission to conduct its business while also adhering to responsible procedures to ensure the safety of all involved.

In advance of these meetings, Investigative Panel members received materials related to various ongoing investigations of judicial misconduct. Members reviewed these materials in preparation for the meeting itself. During these meetings, members discussed the status of the various cases, voted on the disposition of cases, met with judges, and dealt with other administrative matters.

VII. Commission Accessibility

Each month, the Commission posts a variety of informational items on its website. These items include the date, time, and location of Commission meetings, as well as previous meeting minutes and agendas for the portion of the meeting open to the public. The Commission hopes that in so doing it will continue to foster agency transparency and help members of the public stay up to date on internal development.

VIII. Commission Budget

The Commission is an independent office within the Judicial Branch, funded through a line-item in the budget of the Judicial Council. The Commission received an appropriation of

\$826,943 for fiscal year 2020. The Commission also received an additional \$40,000 in the 2020 amended fiscal year budget.

IX. Infrastructure Improvements

The JQC Staff moved into new office space on July 1, 2020. The JQC Staff office is now located at 1995 North Park Place, Suite 570, Atlanta, Georgia 30339. The move was accompanied by the JQC Staff transitioning to a completely new, updated, and more efficient internal case management system. Additionally, the Commission moved to a new and official .gov website, which can be found at www.gajqc.gov. The JQC Staff continues to explore and implement new ways to increase the efficiency of its operations and service to the public.

X. Commission Investigations

At any given time, the Commission's Investigative Panel is conducting between fifteen to forty active investigations into judicial misconduct. There are two general stages of investigation: preliminary investigation and full investigation. In a preliminary investigation, the JQC Staff will often interview the complainant, any witnesses, and/or ask a judge to respond to allegations of misconduct. Oftentimes, a preliminary investigation will show that a complaint is unfounded. Other times, however, a preliminary investigation will show that allegations of judicial misconduct warrant further and more involved investigation. The Investigative Panel may then vote to initiate a full investigation, which gives the Director and Staff subpoena power. Typically, half of the Commission's pending investigations are at the preliminary investigative stage and the other half are at the full investigative stage.²

XI. Formal Charges

In 2020, the Director filed formal charges in three separate matters.

A Court of Appeals Judge is alleged to have committed numerous violations of the Code of Judicial Conduct, including misconduct committed before becoming a judge, while the judge was a candidate for judicial office, and after taking the bench. The judge is alleged to have drafted wills and loans for a client that improperly benefitted the judge and his family. The allegations also involve unethical behavior on the part of the judge in dealing with the client after the improprieties came to light, dishonest financial dealings, and illegal campaign finance activities. That matter is currently pending before the Hearing Panel.

A Superior Court Judge is alleged to have violated the Code of Judicial Conduct by calling a private citizen into his court chambers and chastising the citizen for exercising his First Amendment rights in criticizing the judge's decisions in a criminal case. The judge is also

² Pursuant to Commission Rule 11, Commission investigations are confidential until the filing of Formal Charges with the Hearing Panel.

alleged to have threatened the citizen with adverse work consequences as a result of the citizen’s exercise of his free speech rights. That matter is currently ongoing.

A Municipal Court Judge is alleged to have violated the Code of Judicial Conduct by using court resources for the judge’s private benefit, creating a hostile work environment, and attempting to improperly influence administrative decisions of that court’s city solicitor. That matter is currently ongoing.

XII. Commission Hearings

The Director conducted a number of hearings during 2020, before and after the onset of the Judicial Emergency, and both in-person and virtually. These hearings included both substantive and procedural matters on pending cases. Additionally, the Director submitted several appellate briefs to both the Georgia Court of Appeals and the Supreme Court of Georgia in 2020 and conducted oral argument before the Georgia Court of Appeals in January 2020.

PART FOUR: CASE NUMBERS AND DATA FROM 2020

XIII. Complaint Data

The charts and numbers are reflective of the 535 complaints received in 2020 and the cases disposed of in 2020. This data does not reflect complaints that have not been processed or acted upon.

a. Classes of Judges/Types of Court³

Juvenile	20
Magistrate	75
Municipal/Recorder’s	17
Probate	38
State	57
Superior	314
Judicial Candidate	6
Supreme	2

³ The Commission also received several complaints that improperly sought action against individuals that were not judges and/or not subject to the jurisdiction of the Commission.

b. Disposition of Complaints⁴

Rejected after initial review	328
Dismissed after preliminary investigation	61
Concluded with Instruction/Caution to Judge	10
Concluded with Admonishment to Judge (now a “Private Admonition” under Commission Rule 6.B)	2
Judge Resigned During Investigation	9

CONCLUSION: LOOKING TOWARDS THE FUTURE

In 2020, the Commission bid farewell to Panel members and JQC Staff and welcomed new Panel members and JQC Staff as the Commission continued to grow and evolve. The Commission saw yet another increase in the number of complaints in spite of the world slowing due to a global pandemic. That trend is expected to continue in 2021, as courts continue to open back up and jury trials begin anew. The Commission continues to explore ways in which it can best serve the State of Georgia, the Judiciary, and the public. The Commission remains dedicated to protecting the public and to helping judges maintain the highest standards of ethical conduct.

For more information, please visit the Commission’s website, www.gajqc.gov.

/s/CHARLES P. BORING
 Charles P. Boring
 Director
 Judicial Qualifications Commission

March 31, 2021

⁴ Numbers in this table do not correspond with the number of docketed cases for 2020 as cases from previous years were resolved in 2020 and many cases docketed in 2020 continued forward into 2021.

Who does the JQC regulate?

Every Full-Time and Part-Time State Court Judge in Georgia:

- 1,553 Judges (2020)
 - 9 Supreme Court Judges
 - 15 Court of Appeals Judges
 - 216 Superior Court Judges
 - 129 State Court Judges
 - 1,184 Juvenile, Probate, Magistrate, Municipal and Recorder's Court Judges
- As well as:
 - Senior Judges
 - Judges Pro Tempore
 - Judicial Candidates
 - Subject to our jurisdiction via statute

JQC Complaint Numbers

2018:

- 363 Complaints
 - 212 Screened Out
 - 104 Preliminary Investigations then dismissed
 - 47 Full Investigations

2019:

- 525 Complaints

2020:

- **535** Complaints

Most Common Complaints?

1. Failure to Comply with Law
2. Failure to Timely Rule/Delay
3. Failure to Prioritize Judicial Duties
4. Demeanor
5. Punctuality