

JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, April 23, 2021

10:00 a.m. – 12:00 p.m.



By Remote Conferencing

**Judicial Council of Georgia
General Session**

By Remote Conference Call

Friday, April 23, 2021

10 a.m. - 12:00 p.m.

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

- 1. Preliminary Remarks**
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
- 2. Roll Call of Judicial Council Members**
(Ms. Cynthia H. Clanton, Judicial Council Secretary & AOC Director, Est. Time – 2 Min.)
- 3. Approval of Minutes (*Action Item*)** **TAB 1**
(Chief Justice Harold D. Melton, Est. time – 2 Min.)
- 4. Judicial Council Committee Reports**
 - A. Legislation Committee** **TAB 2**
(Presiding Justice David E. Nahmias, Est. Time – 15 Min.)
 - 1. Special Recognition**
(Presiding Justice David E. Nahmias, Est. Time – 5 Min.)
 - B. Budget Committee** **TAB 3**
(Justice Michael P. Boggs/Ms. Maleia Wilson, Est Time – 10 Min.)
 - C. Judicial COVID-19 Task Force**
(Justice Shawn LaGrua/Chief Judge Russell McClelland, Est. Time – 5 Min.)
 - D. Technology Committee** **TAB 4**
(Chief Judge David Emerson, Est. Time – 10 Min.)
 - E. Strategic Plan Committee (*Action Item*)** **TAB 5**
(Presiding Judge Sara L. Doyle, Est. Time – 10 Min.)
 - F. Judicial Workload Assessment Committee (*Action Item*)** **TAB 6**
(Chief Judge David Emerson, Est. Time 10 Min.)
 - G. Cybersecurity Insurance Implementation Committee** **TAB 7**
(Justice Charles Bethel/ Judge Walter Davis, Est. Time – 5 Min.)

Revised 4/21/21

- 5. Report from Judicial Council/AOC** **TAB 8**
(Ms. Cynthia H. Clanton, Est. Time – 10 Min.)
- 6. Reports from the Courts, Councils, & State Bar** **TAB 9**
(Est. Time – 10 Min.)
- A. Supreme Court**
 - B. Court of Appeals**
 - C. 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**
- 7. Reports from Additional Judicial Branch Agencies** (Est. Time – 5 Min.) **TAB 10**
- 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. Institution of Continuing Judicial Education**
 - G. Judicial Qualifications Commission**
- 8. Old/New Business**
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

9. Recognition of Outgoing Members

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

10. Concluding Remarks and Adjournment

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

Next Judicial Council Meeting – General Session

Friday, August 13, 2021 10 a.m. – 12:30 p.m. Columbus Trade Convention Center (Columbus, GA)

Judicial Council Meeting Calendar – 2021

Friday, December 10, 2021 10 a.m. – 12:30 p.m. The Carter Center (Atlanta, GA)

**Judicial Council Members As of
April 1, 2021**

Supreme Court

Chief Justice Harold D. Melton
Chair, Judicial Council
Nathan Deal Judicial Center
330 Capitol Avenue, S.E.
1st Floor, Suite 1100
Atlanta, GA 30334
404-657-3470/F 656-2253
meltonh@gasupreme.us

Presiding Justice David E. Nahmias
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Nathan Deal Judicial Center
330 Capitol Avenue, S.E.
1st Floor, Suite 1100
Atlanta, GA 30334
404-656-3474/F 657-6997
nahmiasd@gasupreme.us

Court of Appeals

Chief Judge Christopher J. McFadden
Nathan Deal Judicial Center
330 Capitol Avenue, S.E., Suite 1601
Atlanta, GA 30334
404-656-3450/ F 651-6187
mcfaddenc@gaappeals.us

Vice Chief Judge Brian M. Rickman
Nathan Deal Judicial Center
330 Capitol Avenue, S.E., Suite 1601
Atlanta, GA 30334
404-656-3450/ F 651-6187
rickmanb@gaappeals.us

Georgia State-wide Business Court

Judge Walter W. Davis
Nathan Deal Judicial Center
3rd Floor, Suite BC320
330 Capitol Avenue, S.E.
Atlanta, GA 30334
davisw@gabc.us

Superior Court

Chief Judge Brian Amero
President, CSCJ
Flint Judicial Circuit
One Courthouse Square
McDonough, GA 30253
770-288-7901
bamero@co.henry.ga.us

Judge J. Wade Padgett
President-Elect
Augusta Judicial Circuit
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Waycross Judicial Circuit, 1st JAD
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Southwestern Judicial Circuit, 3rd JAD
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Stone Mountain Judicial Circuit, 4th JAD
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Cobb County Superior Court 7th JAD
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Chief Judge Jeffrey S. Bagley
Bell-Forsyth Judicial Circuit, 9th JAD
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Augusta Judicial Circuit, 10th JAD
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State Court

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wes.tailor@fultoncountyga.gov

Judge Alvin T. Wong
President-Elect, CStCJ
DeKalb County
556 N. McDonough St., Suite 2240
Decatur, GA 30030
404-371-2591
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Juvenile Court

Judge Lisa C. Jones
President, CJCJ
Southwestern Judicial Circuit
Sumter County Courthouse
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Americus, GA 31709
229-928-4569
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Chief Judge C. Gregory Price
President-Elect, CJCJ
Rome Judicial Circuit
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Rome, GA 30161
706-291-5180
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Probate Court

Chief Judge Kelli L. Wolk
President, CPCJ
Cobb County
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kelli.wolk@cobbcounty.org

Judge Thomas Lakes
President-Elect, CPCJ
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Magistrate Court

Chief Judge Torri M. "T.J." Hudson
President, CMCJ
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Judge Quinn M. Kasper
President-Elect, CMCJ
Cobb Judicial Circuit
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Municipal Courts

Chief Judge Willie C. Weaver, Sr.
President, CMuCJ
Municipal Court of Albany
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wweaverlaw@aol.com

**Judicial Council Members As of
April 1, 2021**

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*Cynthia H. Clanton, Director
As of April 1, 2021*

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Judicial Council of Georgia

STRATEGIC PLAN

FY 2020-2022
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 1

Judicial Council of Georgia
Emergency Session
Zoom Conferencing
February 1, 2021 • 2 p.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David E. Nahmias
Chief Judge Brian Amero
Chief Judge Jeffrey S. Bagley
Judge R. Violet Bennett (for
Judge Alvin T. Wong)
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Melanie Cross
Judge Walter W. Davis
Chief Judge Lori B. Duff
Judge Richard Flournoy, III
Chief Judge T.J. Hudson
Chief Judge Asha Jackson
Ms. Dawn Jones
Judge Lisa C. Jones
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Judge Thomas Lakes
Chief Judge Christopher J. McFadden
Chief Judge C. Gregory Price
Vice Chief Judge Brian K. Rickman
Judge W. James Sizemore, Jr.
Judge Arthur Lee Smith (for
Judge J. Wade Padgett)

Judge Wesley B. Tailor
Chief Judge Sarah Wall
Chief Judge Willie C. Weaver, Sr.
Chief Judge Kelli L. Wolk

Members Absent

Judge Fletcher Sams

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Mr. Darron Enns
Ms. Jessica Farah
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Mr. Ben Luke
Ms. Tracy Mason
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Mr. Bruce Shaw
Ms. Maleia Wilson

(Guests Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Melton. He informed the Council that the meeting will be recorded, livestreamed, and open to the press and public. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purpose of the minutes. Chief Justice Melton recognized Mr. Damon Elmore, Executive Director of the State Bar, for his return to the judiciary.

Adoption of Minutes

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session held on January 5, 2021. A motion to approve the minutes was offered by Presiding Justice Nahmias, with a second from Chief Judge Amero. 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 updated the Council on the status of the COVID-19 vaccine distribution. He mentioned the Phase 1A+ distribution is currently in process and court personnel remain in Phase 1B. Chief Justice Melton reported the COVID-19 Task Force has submitted recommended guidance to the Supreme Court, which the Court is now analyzing. The Chief Justice reported State leadership is still engaged in Phase 1A+ and until the next stage is implemented the Court will not issue any guidance as to how the judiciary will interact with the distribution plan. Chief Justice Melton noted the next Order Extending Declaration of Statewide Judicial Emergency will be issued next week. A draft has not been circulated as it mirrors the current order. He mentioned the anticipation of opening jury trials in the March Order, but this depends on the COVID-19 numbers continuously being favorable, greater certainty on the vaccine distribution process, and how the vaccine interconnects with other strains. Chief Justice Melton concluded by encouraging the Council to provide any feedback they may have.

Standing Committee on Legislation

Presiding Justice Nahmias reported the Committee met on Friday, January 22, to review three proposals from the COVID-19 Task Force related to the impact of the pandemic. Materials were included in the meeting packet. He noted that two of the proposals have sunset dates and one does not, and he reminded the Council that proposals are voted on in concept, as specific language may be adjusted while going through the legislative process.

The first proposal is related to the use of accusations versus indictments. The Committee recommends the Judicial Council support legislation to amend OCGA §§ 17-7-70; 17-7-70.1, to expand statutory authority for district attorneys to use accusations (rather than indictments) as formal charging instruments except for cases involving serious violent felonies, and only 45 days or more after charges are filed. This 45-day window is to ensure there is an opportunity for commitment hearings. The motion approved by the Committee is for this authority to expire one year from the date of enactment; however, the recommendation has changed to a one-year sunset expiring June 30, 2022. Presiding Justice Nahmias further explained current law and how this proposal will be helpful with the backlog. He noted this has been discussed extensively within the Task Force, with some initial opposition from the criminal defense bar, and the addition of the sunset and the 45-day waiting period brought the proposal to as much consensus as possible. Presiding Justice Nahmias

made a motion to approve, and Chief Judge McFadden offered a second; the motion as approved without opposition.

Presiding Justice Nahmias reported on the second proposal relating to alternative locations for courts. The Committee recommends the Judicial Council support legislation to amend OCGA §§ 15-6-18 to facilitate the identification and use of alternative locations for superior and state courts as provided during judicial emergency under OCGA §§ 38-3-61 (c) and 15-6-17 (b); and Uniform Superior Court Rule 45. Currently, in a judicial emergency alternative locations may only be designated in county-owned or leased property. This proposal would provide the option to use other properties through a contractual agreement with the governing authority. This proposal does not have a sunset, as it is considered a good change to judicial emergency law. Presiding Justice Nahmias stated this recommendation as a motion to approve; Chief Judge Amero offered a second and the motion was approved without opposition.

Finally, by way of the Committee report, Presiding Justice Nahmias moved the Judicial Council support legislation to amend Article 1 of Chapter 7 of Title 17 of the OCGA to allow a court the authority to approve an accused's waiver of the right to jury trial and proceed to trial by judge alone, notwithstanding an objection by the prosecuting attorney. The Committee initially voted on a sunset of April 1, 2023; however, it has been adjusted to June 30, 2023. Presiding Justice Nahmias explained the proposal is intended to abrogate the 2006 Georgia Supreme Court decision in *Zigan v. State* where the Court held a bench trial cannot be held if the prosecuting attorney objects. This proposal would provide the means to potentially move cases without the need to bring in jurors (to accommodate social distancing and minimize crowds in the courthouse). The Presiding Justice noted some concern from the prosecuting attorneys and, again the sunset is included so that this may assist with the backlog of the cases that required a jury trial. Presiding Justice Nahmias made a motion to approve this proposal, and Chief Judge Brian Amero offered a second. Chief Judge Jackson asked if this proposal excludes a certain class of cases. Presiding Justice Nahmias stated that, as voted on by the Task Force and the by the Legislative Committee, it would not exclude any felony cases. He mentioned though some judges may consider certain cases in their discretion as amenable to a bench trial. Hearing no further discussion, the motion was approved without opposition.

Presiding Justice Nahmias reported on one last item, as raised by the Council of State Court Judges. As provided by OCGA § 17-6-31 (e), if a prosecuting attorney does not try charges against a defendant within two years for a felony and one year for a misdemeanor after the date a bond is

posted, then the surety on the bond becomes relieved from enforcement. That period is extended if it is the defendant's fault that the trial was delayed, but not if the trial is delayed due to backlogs or similar situation. Presiding Justice Nahmias noted it is currently a concern due to the backlog of cases that will continue when the judicial emergency ends. The Council of State Court Judges will be submitting a proposal to amend these timetables to two years for misdemeanors and four years for felonies, and this proposal will be circulated to the Legislation Committee. The regular Friday conference call on February 5 will be a formal meeting to vote on this proposal, with the expectation it will be presented to the full Council at the upcoming General Session meeting on February 12. Presiding Justice encouraged the Council to share any feedback and questions may be directed to Judge Tailor.

Chief Justice Melton thanked the Standing Committee on Legislation for their dedication and hard work, and thanked Judge Tailor for bringing the items to the Council's attention.

Reports from Courts, Councils, State Bar, and AOC

Court of Appeals. No report was provided.

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. Chief Judge Hudson reported that when the CDC moratorium was released in the early Fall, the Magistrate Council appointed a committee to work on guidelines to distribute to its judges. This caused a bit of confusion and frustration in public due to the recent expiration of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and courts had been attempting to restart court dates to address the backlog. There was an immediate court challenge that complicated matters. The extension of the moratorium came with a second stimulus package, including rental assistance for landlords and tenants. He mentioned judges could not be involved in the distribution of stimulus funding; however, the Council was asked to look at how the new funding would affect the courts. A few examples of distribution nationwide were provided, and some judges deliberated how to best assist citizens to encourage funding applications instead of evictions, but ultimately the distribution of funds was not in the purview of the courts. After the recent extension of the Order, the Council once again discussed how the availability of

funds would affect evictions and reviewed several metro area programs developed to distribute the funding. Reviewing the programs in Georgia, they realized most counties would be left out due to not being qualified, and a decision was made to reach out to the State for assistance. Chief Judge Hudson stated mentioned the Council desires consistency, uniformity, and an equal opportunity for citizens statewide to have access to the new funding. The Council decided to collaborate with the Department of Community Affairs (DCA) to assist in the matter; with assistance from the Chief Justice, a conference call was arranged with the Council of Magistrate Court Judges' leadership, the Supreme Court, and the Commissioner and Deputy Commissioner of the DCA. A plan was already in place for distribution with a goal of going live on March 1, and DCA welcomed the Council's interests and asked the Council to help disseminate information. The Council provided resources and email lists to assist. Chief Judge Hudson concluded with saying Ms. Sharon Reiss will be working with the DCA Deputy Commissioner, to provide email lists and a background of their programs to courts around the state.

Council of Municipal Court Judges. No report was provided.

State Bar of Georgia. Ms. Jones reported the Spring Meeting will be held March 19-21 in a virtual format; the Board of Governors' meeting will be conducted on March 20. She invited the Council and guests to attend. Ms. Jones noted the State Bar, working with the Supreme Court's liaison Justice Nels Peterson, continues to share concerns received from attorneys first-hand on COVID-19 related issues in courts.

Council of Accountability Court Judges. Judge Gosselin reported the Council held its Semi-Annual Meeting on January 22. During this meeting, the Council approved pandemic guidelines for the accountability courts from recommendations gathered statewide. The guidelines are available on the Council's website.

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. Grier reported the next CLE session, "The Necessity of Unparalleled Unity," will be held on Friday, March 19. As of February 1, the confirmed panelists are Justice Carla McMillian, Mr. Jake Evans, and Mr. Ashley Bell, and Professor Tanya Washington from Georgia State University will serve as the moderator. She also thanked Chief Justice Melton for serving as a guest speaker and thanked President of the State Bar, Ms. Jones. She reminded the Council to save the date for April 30 for the Suicide Awareness Program,

which will be held virtually. Information on this program is located on the Commission's website and registration will be available in March.

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.

Administrative Office of the Courts. Director Clanton reported the AOC remains fully functional and available to serve. She mentioned looking forward to seeing the Judicial Council members on Friday, February 12, at the next General Session.

Presiding Justice Nahmias clarified his earlier response to Chief Judge Jackson's question regarding whether any felonies are excluded from the proposed bench trial legislation that would allow bench trials. He noted there are no felonies excluded but death penalty cases are carved out of this statute, so there could not be a death penalty bench trial over the objection of the prosecutor.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Chief Justice Melton stated that the next General Session meeting is Friday, February 12, 2021.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:32 p.m.

Respectfully submitted:

Tiffanie Robinson
Executive Assistant, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

Signature on next page

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

Harold D. Melton
Chief Justice

DRAFT

**Judicial Council of Georgia
Emergency Session
Zoom Conferencing
February 1, 2021 • 2 p.m.**

Guest Present

Judge Berryl A. Anderson, Magistrate Court of DeKalb County
Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Judge Amanda Baxter, Office of State Administrative Hearings
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
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
Ms. Natasha DiFiore, Metro Atlanta Chamber of Commerce
Mr. David Elmore, State Bar of Georgia
Ms. Elizabeth Fite, State Bar of Georgia
Ms. Natalie K. Glaser, Georgia Public Defender Council
Ms. Karlise Grief, Chief Justice’s Commission on Professionalism
Chief Judge Kathleen Gosselin, Northeastern Judicial Circuit
Mr. Christopher Hansard, Cobb Judicial Circuit
Judge Ann B. Harris, Superior Court of Cobb County
Ms. Lenora Hawkins-Ponzo, Superior Court, Stone Mountain Judicial Circuit
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Michael Holiman, Council of Superior Court Clerks
Ms. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Dispute on Resolution
Mr. Stephen Kelley, Superior Courts, Brunswick Judicial Circuit
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Justice Shawn LaGrua, Supreme Court of Georgia
Chief Judge Robert D. Leonard, II., Superior Court of Cobb County
Chief Judge T. Russell McClelland, State Court of Forsyth County
Ms. Natasha MacDonald, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Mr. Bob Nadekow, Eighth Judicial Administrative District
Mr. Jody Overcash, Seventh Judicial Administrative District
Chief Judge Becky J. Pitts, Magistrate Court of Butts County
Ms. Sharon Reiss, Council of Magistrate Court Judges
Jimmonique R.S. Rodgers, Georgia Public Defender Council
Ms. Tina Robinson, Council of Superior Clerks
Ms. Robin Rooks, Georgia Council of Court Administrators
Chief Presiding Judge Juliette Scales, Juvenile Court, Atlanta Judicial Circuit
Mr. William T. Simmons, Sixth Judicial Administrative District
Judge Arthur Lee Smith, Chattahoochee Judicial Circuit

Mr. Robert W. Smith, Jr., Prosecuting Attorney's Council of Georgia
Mr. Jason Stephenson, Northeastern Judicial Circuit
Ms. Kristen Wallace, Council of Juvenile Court Judges
Ms. Cindy Wang, Department of Juvenile Justice
Ms. Shannon Weathers, Council of Superior Clerks
Ms. Samantha Wolf, Criminal Justice Coordinating Council
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Emily Youngo, Council of Superior Court Judges

DRAFT

Judicial Council of Georgia
General Session
Zoom Conferencing
February 12, 2021 • 10:00 a.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David E. Nahmias
Chief Judge Brian Amero
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Walter W. Davis
Chief Judge Lori B. Duff
Ms. Elizabeth Fite (for Ms. Dawn Jones)
Judge Torri M. “T.J.” Hudson
Chief Judge Asha Jackson
Ms. Dawn Jones
Judge Lisa C. Jones
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Judge Thomas Lakes
Chief Judge Christopher J. McFadden
Judge J. Wade Padgett
Chief Judge C. Gregory Price
Vice Chief Judge Brian K. Rickman
Judge W. Fletcher Sams
Judge W. James Sizemore, Jr.
Chief Judge Sarah Wall
Judge Wesley B. Taylor
Judge Ralph Van Pelt, Jr. (for Judge Robert Flournoy)
Chief Judge Willie C. Weaver, Sr.
Chief Judge Kelli L. Wolk

Judge Alvin T. Wong

Members Absent

Chief Judge Jeffrey S. Bagley
Judge Melanie Cross

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Mr. Darron Enns
Ms. Jessica Farah
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Mr. Ben Luke
Ms. Tracy Mason
Ms. LaShawn Murphy
Ms. Tabitha Ponder
Ms. Tiffanie Robinson
Mr. Bruce Shaw
Mr. Drew Townsend
Mr. Jeffrey Thorpe
Ms. Maleia Wilson

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:00 a.m. by Chief Justice Melton. He informed the Council that the meeting will be recorded, livestreamed, and open to the press and public. 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

Chief Justice Melton directed the Council’s attention to the minutes of the General Session on December 11, 2020. A motion to approve the minutes was offered by Presiding Justice

Nahmias, followed by a second from Chief Judge Brasher. No discussion was offered, and the motion was approved without opposition.

Following the adoption of minutes, Chief Justice Melton shared that Georgia is seeing a reduced COVID-19 infection rate, however additional information will be needed in order for jury trials to resume in March.

Committee Reports

Judicial COVID-19 Task Force. Justice Shawn LaGrua reported that the Civil Subcommittee's one-page Discovery Dispute guidance will be delivered to Chief Justice Melton in the next couple of days. Justice LaGrua also shared that the abbreviated guidance for remote jury trials and remote voir dire should be provided to him by the end of the following week as well.

Legislation Committee. Presiding Justice Nahmias reported that the Committee met on Friday, February 5, 2021 to consider a proposal from the Council of State Court Judges (materials included behind Tab 2). Presiding Justice Nahmias also included a reminder that the Committee and Council vote on proposals in concept only in order to allow for flexibility during the legislative process. Presiding Justice Nahmias continued by stating that the Committee was making two recommendations to the Judicial Council. Both recommendations relate to surety bonds (OCGA §§ 17-6-31 (e) & 17-6-72), as mentioned in an Emergency Session Meeting last month, and the Council State Court Judges has taken the lead on a proposed fix. Presiding Justice Nahmias included that both recommendations would assist with reducing the backlog of cases and stated he would present the recommendations as two separate motions for the Council. The first motion increases the period of time a defendant can be tried before a surety is relieved of liability on the bond. The second item clarifies when a surety may be released from a bond. Presiding Justice Nahmias then asked Judge Taylor to provide more explanation on the two proposals. Following Judge Taylor's explanation, Presiding Justice Nahmias asked for any questions on the two recommendations. Hearing none, Presiding Justice Nahmias moved that the Judicial Council support legislation to 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. Judge Kasper seconded the motion. Chief Justice Melton asked for any opposition to the proposal and hearing none, the motion to approve in concept carried with no opposition. Presiding Justice Nahmias then moved that the Judicial Council support legislation to amend OCGA § 17-6-72 to clarify when a surety may be

released from a bond. Judge Kasper seconded the motion. Chief Justice Melton asked for any opposition to the proposal and hearing none, the motion to approve in concept carried with no opposition. Presiding Justice Nahmias provided an update on the status of other legislation supported by the Council. He shared that items related to the pandemic, including statutory speedy trial legislation (Senate Bill 163), have been the priority and have been moving successfully.

Budget Committee. Chief Justice Melton directed the Council to the written report from the Budget Committee, included under Tab 3 of the meeting packet.

Technology Committee. Chief Judge Emerson directed the Council to the report behind Tab 4 of the meeting packet. Chief Judge Emerson reported that the Committee is working to improve progress on the project stemming from the statutory requirement that all courts report no contact bond orders and no contact sentence orders to the protective order registry. Chief Judge Emerson reported that Mr. Luke, AOC Chief Technology Officer, has been in contact with the Georgia Crime Information Center (GCIC) and it was reported that an interface was in development to serve all courts who issue a no contact bond order. A meeting will be held soon with representatives from the authorities impacted by the legislative change so that everyone can discuss the best way to implement.

Cybersecurity Insurance Implementation Committee. Justice Charles Bethel directed the Council to the written report from the Cybersecurity Insurance Implementation Committee, included under Tab 5 of the meeting packet. Justice Bethel reminded the Council that the Committee is now in the implementation phase of procuring, selecting, and managing cybersecurity insurance for the judiciary. The Committee is currently working on the scope of the project and a final presentation for brokers and interested insurers will take place in a couple of weeks. Hearing no questions, Justice Bethel concluded the Committee's report by thanking Judge Davis and numerous staff members for working so hard on this project. Chief Justice Melton also recognized the AOC's Mr. Darron Enns as a great asset on the project.

Improving Community Access to Legal Resources Committee. Justice Bethel shared an update on the Committee's work to reimagine and update law libraries across Georgia. Justice Bethel reported that the Committee is currently gathering data on how individual circuits handle law library funds. The Committee has also had conversations with The Pew Charitable Trusts about law libraries on a nationwide scope and best practices. Should a formal relationship develop with Pew, Justice Bethel stated he would come back to the Council for further discussion. Justice

Bethel included that, although the Committee did not want to over-survey each circuit, it would likely send out a very targeted survey to make sure the data collected on law library budgets so far is reflective of the reality for most circuits. Justice Bethel concluded by thanking Judge Robert McBurney and the Mercer Law Library for their work on the initiative. He then directed the Council to the written report from the Committee, included under Tab 6 of the meeting packet.

Report from the Judicial Council/AOC

Ms. Clanton delivered a report on the recent work of the Judicial Council/AOC. She spoke to the anticipated COVID-19 vaccination roll out and thanked the Department of Public Health for continuing to update the judicial branch. Ms. Clanton provided numerous updates from staff changes to court accomplishments, and once again congratulated Justice LaGrua on her appointment to the Supreme Court. Ms. Clanton thanked everyone for their participation in the Celebration of the Bill of Rights Day and Black History Month. She also commended the legislative team for their efforts and shared several new publications on the agency website. Ms. Clanton closed her remarks by stating the AOC's role as a service agency to the judiciary and thanked the Council for its support.

Reports from Courts, Councils & State Bar

Court of Appeals. Chief Judge McFadden reported that the Court of Appeals remains fully functional and welcomed Judge Herbert Phipps back to the court. Chief Judge McFadden concluded by directing the Council to the written report provided in the materials.

Business Court. Judge Walt Davis thanked the Judicial Council/AOC and Chief Justice Melton for their support.

Council of Superior Court Judges. Chief Judge Amero thanked Chief Justice Melton for his tribute to Judge Horace Johnson at the Newton County Courthouse rededication in his honor. He also requested comment and consideration on having jurors be eligible for their vaccine under Category 1B when they receive their summons. He concluded by directing the Council to the written report provided in the materials.

Council of State Court Judges. Judge Tailor congratulated state court judges on their continued innovative efforts to keep courts open and accessible. He then referred members to the written report provided in the materials.

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

Council of Probate Court Judges. Chief Judge Wolk referred members to the written report provided in the materials.

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

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

State Bar of Georgia. Ms. Dawn Jones shared the State Bar is continuing to function remotely to best serve all 52,000 members. The next meeting of the Board of Governors will be held remotely March 18 – 20, 2021, and everyone is welcome to attend; registration information will be sent out soon. She continued that the State Bar is currently working on the 2021-2022 budget and is watching COVID-19 statistics to determine if the June Annual Meeting will be held in-person or virtually. Last, Ms. Jones directed everyone to the Bar’s social justice initiatives on their website and encouraged everyone to seek out the Bar’s monthly wellness efforts.

Reports from Other Judicial Branch Agencies

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

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson referred members to the written report provided in the materials. She stated the Commission congratulates Judge Cindy Morris on her appointment as the new chair of the Commission. She also thanked Judge Jane Barwick for her service as Chair over the last year. Ms. Johnson then reported successful progress on other Commission projects including the ADR program for the Dougherty Circuit, the Council of Probate Court Judges’ expanded use of mediation, and the Fulton County Juvenile Court’s Community Conferencing Program.

Council of Superior Court Clerks. No report was provided.

Chief Justice’s Commission on Professionalism. Ms. Karlise Grier thanked Justice Sarah Warren for her service to the Commission and welcomed Justice LaGrua as the new Commission advisor. She reported the “Necessity of Unparalleled Unity” CLE will be held in conjunction with the State Bar’s spring meeting on March 18. Ms. Grier reminded everyone of the Commission’s Suicide Awareness Program and directed them to the flyer provided in the meeting packet. Last, Ms. Grier stated that grant awards had been made and thanked the Council for their support.

Georgia Council of Court Administrators. Ms. Robin Rooks referred members to the written report provided in the materials. She invited members to listen to the Council's upcoming and past podcast episodes.

Institute of Continuing Judicial Education. Mr. Doug Ashworth referred members to the written report provided in the materials.

Judicial Qualifications Commission. Ms. Courtney Veal stated there was nothing new to report.

Supreme Court. Chief Justice Melton shared his condolences on the loss of Ms. Dott Fletcher, former Justice Norman Fletcher's wife. He also congratulated Justice LaGrua on her appointment to the Supreme Court. Finally, Chief Justice Melton concluded the meeting by sharing his plans to retire from the Supreme Court on July 1, 2021.

Old Business

No old business was offered.

New Business

No new business was offered.

Adjournment

Chief Justice Melton adjourned the meeting at approximately 10:50 a.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.

Harold D. Melton
Chief Justice

Judicial Council of Georgia
General Session
Zoom Conferencing
February 12, 2021 • 10 a.m.

Guests 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. Tracy J. BeMent, Tenth Judicial Administrative District
Chief Judge Beryll A. Anderson, Magistrate Court of DeKalb County
Justice Charles Bethel, Supreme Court of Georgia
Mr. Bob Bray, Council of State Court Judges
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission
Chief Judge Geronda Carter, Superior Court, Clayton Judicial Circuit
Mr. Richard Denney, First Judicial Administrative District
Mr. David Emadi, Georgia Government Transparency and Campaign Finance Commission
Chief Judge David T. Emerson, Superior Court, Douglas Judicial Circuit
Mr. Steve Ferrell, Ninth Judicial Administrative District
Ms. Elizabeth Fite, State Bar of Georgia
Judge Robert Flournoy, Superior Court, Cobb Judicial Circuit
Ms. Natalie Glaser, Georgia Public Defender Council
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Chief Judge Donald Gillis, Superior Courts, Dublin Judicial Circuit
Judge Sarah Harris, Probate Court of Bibb County
Ms. Christine B. 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. Tracy Johnson, Georgia Commission on Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Judge Stephen Kelley, Superior Courts, Brunswick Judicial Circuit
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Justice Shawn LaGrua, Supreme Court of Georgia
Chief Judge T. Russell McClelland, State Court of Forsyth County
Ms. Natasha MacDonald, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Mr. Bob Nadekow, Eighth Judicial Administrative District
Mr. Jody Overcash, Seventh Judicial Administrative District
Chief Judge Rebecca Pitts, Magistrate Court of Butts County
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Robin Rooks, Georgia Council of Court Administrators
Mr. William T Simmons, Sixth Judicial Administrative District
Judge Arthur Lee Smith, Superior Courts, Chattahoochee Judicial Circuit
Ms. Terry Stolow, Intern, Prosecuting Attorneys’ Council of Georgia
Mr. David Summerlin, Fifth Judicial Administrative District
Ms. Kristen Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Ms. Emily Youngo, Council of Superior Court Judges

Judicial Council of Georgia
Emergency Session
Zoom Conferencing
March 1, 2021 • 3 p.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David E. Nahmias
Chief Judge Brian Amero
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Melanie Cross
Judge Walter W. Davis
Chief Judge Lori B. Duff
Judge Richard Flournoy, III
Chief Judge Asha Jackson
Ms. Dawn Jones
Judge Lisa C. Jones
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Judge Thomas Lakes
Chief Judge Christopher J. McFadden
Judge J. Wade Padgett
Judge Rebecca Pitts (for Chief Judge T.J. Hudson)
Chief Judge C. Gregory Price
Vice Chief Judge Brian K. Rickman
Judge Fletcher Sams
Judge W. James Sizemore, Jr.

Judge Wesley B. Tailor
Chief Judge Sarah Wall
Chief Judge Willie C. Weaver, Sr.
Chief Judge Kelli L. Wolk
Judge Alvin T. Wong

Members Absent

Chief Judge Jeffrey S. Bagley
Chief Judge T.J. Hudson

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Ms. Jessica Farah
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Mr. Ben Luke
Ms. Tracy Mason
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Ms. Maleia Wilson

(Guests Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 3:00 p.m. by Chief Justice Melton. He informed the Council that the meeting will be recorded, livestreamed, and open to the press and public. Chief Justice Melton recognized Senior Judge Kenneth Followill in attendance, who served as the first secretary of the Judicial Council. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purpose of the minutes.

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

Chief Justice Melton stated that the next Emergency Order will be issued on March 9, and is anticipated to lift the suspension on jury trials. He urged the Council to continue to follow the plans and requirements for opening jury trials and encouraged courts to share the information with court participants and the public in order to instill confidence. The need for holding jury trials is

great and courts should be strict in adhering to the plans that are in place and to update them as necessary.

The Public Service Announcements that were previously recorded will begin airing on television on April 01. Chief Justice Melton encouraged the continued use of video conferencing as much as possible, as a way of limiting crowds in courthouses. He also reported that if grand jury proceedings have not begun operating, courts should prepare to do so. The next order is planned to maintain the hold on the requirements in O.C.G.A. §17.7.50 and §17.7.50.1. (the 90 day/120 day rule). Previous orders have indicated a 30-day notice will be given before lifting the hold. Chief Justice Melton encouraged feedback on how best to lift the hold on those requirements and provisions, and reinstate deadlines.

Chief Justice Melton noted that initially, the State vaccine plan included categories 1A and 1B, with court personnel included in 1B. The Governor has announced that teachers will be moving into the 1A category and it is likely that 1B will no longer exist as previously defined. Chief Justice Melton stated that he has been in communication with the Governor's Office to stress the urgency of vaccines for court personnel as soon as possible. He encouraged anyone who can assist in these lobbying efforts to do so, while encouraging people who are eligible to take the vaccine.

Reports from Courts, Councils, State Bar, and AOC

Supreme Court. No report was provided.

Court of Appeals. No report was provided.

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. Chief Judge Wolk indicated the Council would help however possible with communications for court personnel to be made eligible for the vaccine, as the probate courts continue to be impacted at a high rate.

Council of Magistrate Court Judges. No report was provided.

Council of Municipal Court Judges. No report was provided.

State Bar of Georgia. Ms. Jones reminded the Council that the Spring Meeting, held along with the Young Lawyers Division (YLD), will be held virtually March 17 – 20, 2021, with the Board of Governors meeting being the morning of March 20. Registration will be available

electronically starting today. The Bar continues to work remotely, however personnel are expected to begin to return to the office in the next few months.

Administrative Office of Courts. Ms. Clanton reported the AOC remains fully functional and available to serve.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. No report was provided.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. No report was provided.

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.

Concluding Remarks

Chief Justice Melton stated that the next General Session meeting is Friday, April 23, 2021.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 3:23 p.m.

Respectfully submitted:

Tiffanie Robinson
Executive Assistant, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

Signature on next page

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

Harold D. Melton
Chief Justice

DRAFT

**Judicial Council of Georgia
Emergency Session
Zoom Conferencing
March 1, 2021 • 3 p.m.**

Guest Present

Chief Judge Berryl A. Anderson, Magistrate Court of DeKalb County
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Joe Baden, Third Judicial Administrative District
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Mr. Bob Bray, Council of State Court Judges
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission
Chief Judge Geronda Carter, Superior Court, Clayton Judicial Circuit
Mr. Richard Denney, First Judicial Administrative District
Mr. Steven Ferrell, Ninth Judicial Administrative District
Senior Judge Kenneth Followill
Ms. Karlise Grier, Chief Justice’s Commission on Professionalism
Ms. Lenora Hawkins-Ponzo, Superior Court, Stone Mountain Judicial Circuit
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Eric John, Council of Juvenile Court Judges
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Ms. Natasha MacDonald, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Mr. Bob Nadekow, Eighth Judicial Administrative District
Mr. Jody Overcash, Seventh Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Robin Rooks, Georgia Council of Court Administrators
Mr. William T. Simmons, Sixth Judicial Administrative District
Judge Arthur Lee Smith, Chattahoochee Judicial Circuit
Ms. Karlie Sahs, Georgia Office of Dispute Resolution
Mr. David Summerlin, Fifth Judicial Administrative District
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kristen Wallace, Council of Juvenile Court Judges
Ms. Cindy Wang, Department of Juvenile Justice
Ms. Emily Youngo, Council of Superior Court Judges

Judicial Council of Georgia
Emergency Session
Zoom Conferencing
March 15, 2021 • 3 p.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David E. Nahmias
Judge JaDawnya Baker (for Chief Judge
Lori B. Duff)
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Melanie Cross
Judge Walter W. Davis
Judge Richard Flournoy, III
Chief Judge T.J. Hudson
Chief Judge Asha Jackson
Judge Lisa C. Jones
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Judge Thomas Lakes
Chief Judge Christopher J. McFadden
Chief Judge C. Gregory Price
Vice Chief Judge Brian K. Rickman
Judge Fletcher Sams
Judge W. James Sizemore, Jr.
Chief Judge Sarah Wall
Judge Wesley B. Taylor

Chief Judge Willie C. Weaver, Sr.

Members Absent

Chief Judge Brian Amero
Chief Judge Jeffrey S. Bagley
Ms. Dawn Jones
Judge J. Wade Padgett
Chief Judge Kelli L. Wolk
Judge Alvin T. Wong

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Ms. Jessica Farah
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Mr. Ben Luke
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Ms. Maleia Wilson

(Guests Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 3:00 p.m. by Chief Justice Melton. He informed the Council that the meeting will be recorded, livestreamed, and open to the press and public. Chief Justice Melton announced that the Supreme Court has unanimously elected Presiding Justice Nahmias as the next Chief Justice and Justice Michael Boggs as the next Presiding Justice, effective July 1. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purpose of the minutes.

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

Chief Justice Melton reminded everyone about the “Justice Needs Jurors” PSA campaign which began March 15 on social media and will air on television beginning April 1. Chief Justice Melton next shared that the Governor and the Department of Public Health (DPH) have made approximately 15,000 vaccines available for court personnel. The launch and eligibility for these

vaccines will begin on March 17. Court personnel includes court administrative and judicial agency staff, court clerks and staff, court interpreters, court reporters, courthouse food and service workers, court staff, courthouse janitorial staff, judges and justices, prosecutors, public defenders, and court appointed conflict attorneys. DPH Commissioner Dr. Kathleen Toomey should make this announcement at a press conference on March 16, which is to be followed by a press release. Chief Justice Melton thanked Ms. Karounos for her work with DPH, and Ms. Emily Jones, DPH Senior Health Advisor, for all her assistance throughout this period. Chief Justice Melton noted that websites will be updated, and all staff are encouraged to get the vaccine as soon as possible.

As jury trials move forward, Chief Justice Melton reminded all to continue to monitor and prioritize cases, and as the speedy trial legislation moves forward it is important that there's a good inventory of what the backlog looks like. Chief Justice Melton stated that for any counties or circuits not holding grand jury proceedings, the time for lifting the hold on the 90 day/120-day rule is approaching. Though the exact date is unknown at this time, it is very important for counties and circuits to begin the process of starting their grand jury proceedings if they haven't already. The statutory speedy trial legislation has been moving along well and opportunities will be explored to access funding to help with the backlog of cases.

Presiding Justice Nahmias informed everyone that the Judicial Council's statutory speedy trial legislation (SB 163) passed the Senate and passed out of the House Judiciary Committee this afternoon. It will now go to the House Rules Committee and hopefully the House floor. There were minor tweaks made in House Committee so it will have to return to the Senate for final passage. The potential for federal funding assistance, raised by Representative Mary Margaret Oliver, can possibly be used to help with the jury trial backlog for both county and court budgets. He asked the Councils to begin thinking of specific needs for this funding.

Reports from Courts, Councils, State Bar, and AOC

- Court of Appeals. No report was provided
- 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 of Georgia. Mr. Elmore reported that the Spring Board of Governors Meeting is taking place on Saturday, March 20, and the State Bar Annual Meeting will be in June in a hybrid format that will allow for both virtual and some in-person participation.

Administrative Office of the Courts. Ms. Clanton reported that the AOC remains fully functional and invited everyone to watch Chief Justice Melton's State of the Judiciary address on March 16 at 11 a.m. via livestream. She also congratulated Presiding Justice Nahmias and Justice Boggs on their roles as incoming Chair and Vice Chair of the Council.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. No report was provided.

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. Grier reported that the Commission will hold its next CLE on March 19; there is currently a wait list. The Suicide Awareness Program will be held virtually on April 30, and Ms. Grier referred members to the letter from Chief Justice Melton included in the materials. The next Commission meeting is May 7 and will be a hybrid format.

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.

Concluding Remarks

Chief Justice Melton stated that the next General Session meeting is Friday, April 23, 2021.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 3:23 p.m.

Respectfully submitted:

Tiffanie Robinson
Executive Assistant, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

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

Harold D. Melton
Chief Justice

DRAFT

Judicial Council of Georgia
Emergency Session
Zoom Conferencing
March 15, 2021 • 3 p.m.

Guests Present

Chief Judge Berryl A. Anderson, Magistrate Court of DeKalb County
Mr. Joseph Baden, Third Judicial Administrative District
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Mr. Bob Bray, Council of State Court Judges
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission
Chief Judge Geronda Carter, Superior Court, Clayton Judicial Circuit
Mr. Richard Denney, First Judicial Administrative District
Mr. Damon Elmore, State Bar of Georgia
Ms. Elizabeth Fite, State Bar of Georgia
Ms. Lenora Hawkins-Ponzo, Superior Court, Stone Mountain Judicial Circuit
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Eric John, Council of Juvenile Court Judges
Ms. Emily Jones, Georgia Department of Public Health
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Natasha MacDonald, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Mr. Bob Nadekow, Eighth Judicial Administrative District
Mr. Jody Overcash, Seventh Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Robin Rooks, Georgia Council of Court Administrators
Mr. William T Simmons, Sixth Judicial Administrative District
Judge Arthur Lee Smith, Superior Courts, Chattahoochee Judicial Circuit
Mr. David Summerlin, Fifth Judicial Administrative District
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kristen Wallace, Council of Juvenile Court Judges
Ms. Cindy Wang, Department of Juvenile Justice
Ms. Emily Youngo, Council of Superior Court Judges

TAB 2



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

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

RE: Committee Report

DATE: April 9, 2021

The General Assembly adjourned *sine die* on Wednesday, March 31, 2021. The following report provides the final status of each item the Judicial Council took a position of support on during the 2021 legislative session.

- I. **SB 163 - Tolling of statutory speedy trial requirements following a judicial emergency**
Judicial Council
OCGA §§ 38-3-61; 38-3-62
Sponsor: Sen. Brian Strickland (R – McDonough); Rep. Stan Gunter (R – Blairsville)
Final Status: Senate Agreed to House Substitute, 3/29/21; **Final Passage**

- II. **HB 635 – Includes the proposals from the Judicial COVID-19 Task Force**
Sponsor: Rep. Rob Leverett (R – Elberton); Sen. Brian Strickland (R – McDonough)
Final Status: House Agreed to Senate Substitute, 3/31/21; **Final Passage**

Alternative locations for superior and state courts

Judicial Council

OCGA § 15-6-18

Originally filed as HB 405 (Sponsor: Rep. Mike Wilensky (D – Dunwoody))

Allowance of bench trials by approval of court

Judicial Council

Article 1 of Chapter 7 of Title 17 of the OCGA

Originally filed as HB 555 (Sponsor: Rep. Stan Gunter (R – Blairsville))

Expansion of statutory authorization for District Attorneys to use accusations as formal charging instruments

Judicial Council

OCGA §§ 17-7-70; 17-7-70.1

Originally filed as HB 556 (Sponsor: Rep. Stan Gunter (R – Blairsville))

III. Update and modernize the Court Reporting Act and related statutes

Judicial Council

OCGA Titles 5; 9; 15; 17

Final Status: No legislation filed.

IV. Petition for Review – Superior & State Court Appellate Practice Act

Judicial Council

OCGA Title 5

Final Status: No legislation filed.

V. [HB 620](#) - “Gross” and “Net” Settlement Defined

Council of State Court Judges

OCGA § 29-3-1 & 29-3-3

Sponsor: Rep. Rob Leverett (R – Elberton); Sen. Bo Hatchett (R – Cornelia)

Final Status: Senate Read Second Time, 3/15/21

VI. [SB 234](#) - Uniform Mediation Act

Georgia Commission on Dispute Resolution

OCGA § 17-6-1

Sponsor: Sen. John Kennedy (R – Macon); Rep. Rob Leverett (R – Elberton)

Final Status: House Passed/Adopted, 3/25/21; **Final Passage**

VII. [HB 662](#) - Surety bonds

Council of State Court Judges

OCGA § 17-6-31 (e) & OCGA § 17-6-72

Sponsor: Rep. Zulma Lopez (D – Atlanta)

Final Status: House Second Readers, 3/3/21

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.

House Bill 635 (AS PASSED HOUSE AND SENATE)

By: Representatives Leverett of the 33rd, Wilensky of the 79th, and Efstration of the 104th

A BILL TO BE ENTITLED

AN ACT

1 To revise certain procedural and administrative matters of the courts; to amend Title 15 and
2 Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to
3 courts and general provisions regarding municipal courts, respectively, so as to provide that
4 each judge of the superior court, state court, probate court, and municipal court and each
5 magistrate shall have authority to perform any lawful judicial act regardless of where he or
6 she is physically located at the time of such act; to amend Title 17 of the Official Code of
7 Georgia Annotated, relating to criminal procedure, so as to provide for the issuance of arrest
8 warrants by a judge regardless of where such judge is physically located; to revise standards
9 for holding a court of inquiry; to amend Article 1 of Chapter 6 of Title 15 of the Official
10 Code of Georgia Annotated, relating to general provisions regarding superior courts, so as
11 to revise when superior courts are authorized to use alternative locations; to provide for
12 criteria; to amend Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating
13 to pretrial proceedings, so as to provide for trials by a court sitting without a jury under
14 certain circumstances; to provide for exceptions; to provide for requirements and procedures;
15 to provide for an automatic repeal; to revise authority for trial upon accusations; to provide
16 for a definition; to provide for a sunset date for trial upon accusations in certain instances;
17 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
18 for other purposes.

H. B. 635

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **PART I**
21 **SECTION 1-1.**

22 Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding
23 courts, is amended by revising Code Section 15-6-16, relating to no authority when absent
24 from state, as follows:

25 "15-6-16.

26 ~~No~~ Each judge of the superior courts court shall have authority to perform any judicial act
27 ~~required of him by law when he is beyond the jurisdiction of this state~~ which he or she is
28 lawfully entitled to perform, regardless of where such judge is located when such judicial
29 act is performed."

30 **SECTION 1-2.**

31 Said title is further amended by adding a new subsection to Code Section 15-7-4, relating to
32 jurisdiction, to read as follows:

33 "(c) Each judge of the state court shall have authority to perform any judicial act which he
34 or she is lawfully entitled to perform, regardless of where such judge is located when such
35 judicial act is performed."

36 **SECTION 1-3.**

37 Said title is further amended by adding a new subsection to Code Section 15-9-30, relating
38 to subject matter jurisdiction, powers and duties generally, and copy of Official Code of
39 Georgia Annotated furnished for each judge, to read as follows:

40 "(d) Each judge of the probate court shall have authority to perform any judicial act which
41 he or she is lawfully entitled to perform, regardless of where such judge is located when
42 such judicial act is performed."

43 **SECTION 1-4.**

44 Said title is further amended by revising Code Section 15-9-82, relating to terms of court and
45 place for court, as follows:

46 "15-9-82.

47 (a) The probate court shall be held at the place prescribed for the superior court or in the
48 office of the judge of the probate court in each county, by the judge thereof, on the first
49 Monday in January, April, July, and October and shall continue in session from day to day
50 as the business of the court may require. If the first Monday in a given term should happen
51 to fall on a legal holiday, the probate courts throughout this state shall convene on the
52 following day.

53 (b) Nothing in this Code section shall be construed to restrict the judge of the probate court
54 from having the authority to engage in any judicial act which he or she is lawfully entitled
55 to perform, regardless of where the judge is located when the act is performed."

56 **SECTION 1-5.**

57 Said title is further amended by revising Code Section 15-10-2, relating to general
58 jurisdiction, as follows:

59 "15-10-2.

60 (a) Each magistrate court and each magistrate thereof shall have jurisdiction and power
61 over the following matters:

- 62 (1) The hearing of applications for and the issuance of arrest and search warrants;
63 (2) Issuance of warrants and related proceedings as provided in Article 4 of Chapter 6
64 of Title 17, relating to bonds for good behavior and bonds to keep the peace;

- 65 (3) The holding of courts of inquiry;
- 66 (4) The trial of charges of violations of county ordinances and penal ordinances of state
67 authorities;
- 68 (5) The trial of civil claims including garnishment and attachment in which exclusive
69 jurisdiction is not vested in the superior court and the amount demanded or the value of
70 the property claimed does not exceed \$15,000.00, provided that no prejudgment
71 attachment may be granted;
- 72 (6) The issuance of summons, trial of issues, and issuance of writs and judgments in
73 dispossessory proceedings and distress warrant proceedings as provided in Articles 3 and
74 4 of Chapter 7 of Title 44;
- 75 (7) The punishment of contempts by fine not exceeding \$200.00 or by imprisonment not
76 exceeding ten days or both;
- 77 (8) The administration of any oath which is not required by law to be administered by
78 some other officer;
- 79 (9) The granting of bail in all cases where the granting of bail is not exclusively
80 committed to some other court or officer;
- 81 (10) The issuing of subpoenas to compel attendance of witnesses in the magistrate court
82 and subpoenas for the production of documentary evidence before the magistrate court;
- 83 (11) Such other matters as are committed to their jurisdiction by other general laws;
- 84 (12) The trial and sentencing of misdemeanor violations of Code Section 16-9-20,
85 relating to criminal issuance of bad checks, as provided by Article 10 of this chapter;
- 86 (13) The execution or subscribing and the acceptance of written waivers of extradition
87 in the same manner provided for in Code Section 17-13-46;
- 88 (14) The trial and sentencing of misdemeanor violations of other Code sections as
89 provided by Article 13 of this chapter;
- 90 (15) The foreclosure of liens on animals as established in Title 4;

91 (16) The foreclosure of liens on abandoned mobile homes as established in Article 6 of
92 Chapter 7 of Title 44; and

93 (17) The foreclosure of liens on abandoned motor vehicles as established in Article 1A
94 of Chapter 11 of Title 40, 'The Abandoned Motor Vehicle Act.'

95 (b) Each magistrate shall have authority to perform any judicial act which he or she is
96 lawfully entitled to perform, regardless of where such magistrate is located when such
97 judicial act is performed."

98 **SECTION 1-6.**

99 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
100 amended by revising subsection (a) of Code Section 17-4-47, relating to issuance of warrants
101 by video conference, testimony, initial bond hearings, and oaths , as follows:

102 "(a) A judge of any court in this state authorized to issue arrest warrants pursuant to Code
103 Section 17-4-40 may, as an alternative to other laws relating to the issuance of arrest
104 warrants, conduct such applications for the issuance of arrest warrants by video conference.
105 The issuance of an arrest warrant by video conference shall be valid irrespective of the
106 physical location of the judge at the time of the video conference, provided that the judge
107 issuing the warrant is authorized by law to issue such warrant, ~~and, at the time such warrant~~
108 ~~is issued, he or she is physically located within this state."~~

109 **SECTION 1-7.**

110 Said title is further amended by revising subsection (a) of Code Section 17-5-21.1, relating
111 to issuance of search warrants by video conference, as follows:

112 "(a) A judge of any court in this state authorized to issue search warrants pursuant to Code
113 Section 17-5-21 may, as an alternative to other laws relating to the issuance of search
114 warrants, conduct such applications for the issuance of search warrants by video
115 conference. The issuance of a search warrant by video conference shall be valid

116 irrespective of the physical location of the judge at the time of the video conference,
 117 provided that the judge issuing the warrant is authorized by law to issue such warrant, and,
 118 ~~at the time such warrant is issued, he or she is physically located within this state."~~

119 **SECTION 1-8.**

120 Said title is further amended by revising Code Section 17-7-20, relating to persons who may
 121 hold court of inquiry and procedure where offense committed in county which is member of
 122 regional jail authority, as follows:

123 "17-7-20.

124 Any judge of a superior or state court, judge of the probate court, magistrate, or officer of
 125 a municipality who has the criminal jurisdiction of a magistrate may hold a court of inquiry
 126 to examine ~~into~~ an accusation against a person legally arrested and brought before him or
 127 her. The time and place of the inquiry shall be determined by such judicial officer. ~~Should~~
 128 ~~the county in which the offense is alleged to have been committed be a member of a~~
 129 ~~regional jail authority created under Article 5 of Chapter 4 of Title 42, the 'Regional Jail~~
 130 ~~Authorities Act,' the Such judge may order the court of inquiry to be conducted~~
 131 ~~alternatively in the county in which the offense is alleged to have been committed or in~~
 132 ~~facilities available at the regional jail or by audio-visual communication between the two~~
 133 ~~locations and between~~ the accused, the court, the attorneys, and the witnesses."

134 **SECTION 1-9.**

135 Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to
 136 general provisions regarding municipal courts, is amended by revising Code Section
 137 36-32-12, relating to municipal court held outside municipality, as follows:

138 "36-32-12.

139 Notwithstanding any other contrary provision of law, local or general, sessions of a
 140 municipal court may be held outside the municipality for which the municipal court is

141 established if such sessions are held within a county in which the municipality is located
 142 or has its legal situs. Nothing in this code section shall be construed to restrict the judge
 143 of a municipal court from having authority to engage in any judicial act which he or she
 144 is lawfully entitled to perform, regardless of where the judge is located when the act is
 145 performed."

146 **PART II.**

147 **SECTION 2-1.**

148 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
 149 general provisions regarding superior courts, is amended by repealing Code Section 15-6-18,
 150 relating to alternative locations, in its entirety and replacing such Code section with a new
 151 Code Section 15-6-18 to read as follows:

152 "15-6-18.

153 (a) Except as provided in subsection (b) of this Code section, if for any cause it shall be
 154 impracticable to hold any session of any superior or state court at the courthouse or other
 155 place provided by law therefor, it shall be lawful to hold such court at an alternative facility
 156 that the governing authority of the county or counties for such county or circuit, by
 157 appropriate resolution, deem would be in the best interest of the public with considerations
 158 for transportation burden being paramount; provided, however, that:

159 (1) No such court may be held at any place that is outside the county or an adjoining
 160 county or that is not open to and accessible by the public, including, but not limited to,
 161 members of the public who:

162 (A) Have a physical or mental impairment that substantially limits one or more major
 163 life activities;

164 (B) Have a record of such an impairment; or

165 (C) Are regarded as having such an impairment; and

166 (2) Criminal jury trials may be conducted in alternative locations so long as the
167 governing authority owns the facility or has a contractual relationship with such
168 alternative location for such use.

169 (b)(1) This subsection shall apply only in a county in which there exists a state court with
170 one or more courtrooms regularly utilized by the state court outside the county site. In
171 any such county any session of superior court may be held outside the county site in a
172 courtroom of the state court, subject to the following conditions and limitations:

173 (A) The chief judge of superior court enters a written order for such session of superior
174 court to be so held outside the county site, and such order shall incorporate a written
175 finding that it is impracticable for the session of court to be held at the county site;

176 (B) A judge of the state court must enter a written order consenting for such session
177 of superior court to be held in the courtroom of the state court;

178 (C) The holding of superior court sessions shall not affect the place of filing of
179 documents to be filed with the superior court, except for documents filed in open court
180 which may be filed where the session of court is held; and

181 (D) Any state court making courtroom space available to the superior court under this
182 subsection shall be authorized under the same rules to hold sessions of state court in
183 facilities of the superior court.

184 (2) In each county of this state where the county site is located in an unincorporated area
185 of the county and the governing authority of such county determines by appropriate
186 resolution that the best interest of the citizens of such county would be served by the
187 construction of a courthouse annex or satellite courthouse outside the county site, it shall
188 be lawful to hold any session of superior or state court or grand jury and to conduct all
189 other related business of the courts at such annex or satellite courthouse.

190 (c) All acts of a superior court or state court done at a place provided by this Code section,
191 other than at the county courthouse or other place of holding such court as fixed by law,
192 shall have the same force and effect as if the same had been done at the regular courthouse

193 or other place fixed by law for the holding of such court, including the satisfaction of the
194 requirements of Code Section 15-6-17."

195 **PART III.**

196 **SECTION 3-1.**

197 Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial
198 proceedings, is amended by adding a new Code section in Article 1, relating to general
199 provisions, to read as follows:

200 "17-7-4.

201 (a) As used in this Code section, the term 'serious violent felony' shall have the same
202 meaning as provided for under Code Section 17-10-6.1.

203 (b) Except as to trials conducted under Article 2 of Chapter 10 of this title and except for
204 trials involving a serious violent felony, the accused in any felony or misdemeanor case
205 may elect in writing to be tried by the court sitting without a jury by filing such request
206 with the clerk of court and serving such request upon the prosecuting attorney and the
207 judge to whom the case is assigned or, if the case is not assigned, upon the chief judge of
208 the court in which the case is pending.

209 (c) When an accused elects a trial by the court sitting without a jury, the court shall, on the
210 record:

211 (1) Advise the accused about the right to a trial by jury and the differences between trial
212 by jury and trial by a court sitting without a jury; and

213 (2) Inquire whether the accused's election is knowing, intelligent, and voluntary.

214 (d) In criminal prosecutions when a jury trial has been expressly waived, the court may
215 nevertheless order a trial with a jury. The court shall consider the prosecuting attorney's
216 request for a jury trial, but the prosecuting attorney's objection shall not preclude the court

217 from granting a request by the accused for a trial by the court sitting without a jury under
218 subsection (b) of this Code section.
219 (e) This Code section shall stand repealed in its entirety on June 30, 2022."

220

SECTION 3-2.

221 Said chapter is further amended by revising Code Section 17-7-70, relating to trial upon
222 accusations in felony cases and trial upon accusations of felony and misdemeanor cases in
223 which guilty plea entered and indictment waived, as follows:

224 "17-7-70.

225 ~~(a) In all felony cases, other than cases involving capital felonies, in which defendants~~
226 ~~have been bound over to the superior court, are confined in jail or released on bond pending~~
227 ~~a commitment hearing, or are in jail having waived a commitment hearing, the district~~
228 ~~attorney shall have authority to prefer accusations, and such defendants shall be tried on~~
229 ~~such accusations, provided that defendants going to trial under such accusations shall, in~~
230 ~~writing, waive indictment by a grand jury.~~

231 ~~(b) Judges of the superior court may open their courts at any time without the presence of~~
232 ~~either a grand jury or a trial jury to receive and act upon pleas of guilty in misdemeanor~~
233 ~~cases and in felony cases, except those punishable by death or life imprisonment, when the~~
234 ~~judge and the defendant consent thereto. The judge may try the issues in such cases without~~
235 ~~a jury upon an accusation filed by the district attorney where the defendant has waived~~
236 ~~indictment and consented thereto in writing and counsel is present in court representing the~~
237 ~~defendant either by virtue of his or her employment or by appointment by the court."~~

238

SECTION 3-3.

239 Said chapter is further amended by revising Code Section 17-7-70.1, relating to trial upon
240 accusations in certain felony and misdemeanor cases and trial upon plea of guilty or nolo
241 contendere, as follows:

242 "17-7-70.1.

243 (a)(1) In felony cases involving violations of the following:

244 (A) Code Sections 16-8-2, 16-8-14, 16-8-18, 16-9-1, 16-9-20, 16-9-31, 16-9-33,
245 16-9-37, 16-10-52, and 40-5-58;

246 (B) Article 1 of Chapter 8 of Title 16, relating to theft;

247 (C) Chapter 9 of Title 16, relating to forgery and fraudulent practices;

248 (D) Article 3 of Chapter 10 of Title 16, relating to escape and other offenses related to
249 confinement; ~~or~~

250 (E) Code Section 16-11-131, relating to possession of a firearm by a convicted felon
251 or first offender probationer; or

252 (F) Code Section 16-13-30, relating to the purchase, possession, manufacture,
253 distribution, or sale of controlled substances or marijuana,

254 in which defendants have either been bound over to the superior court based on a finding
255 of probable cause pursuant to a commitment hearing under Article 2 of this chapter or
256 have expressly or by operation of law waived a commitment hearing, the district attorney
257 shall have authority to prefer accusations, and the defendants shall be tried on such
258 accusations according to the same rules of substantive and procedural laws relating to
259 defendants who have been indicted by a grand jury.

260 (2) All laws relating to rights and responsibilities attendant to indicted cases shall be
261 applicable to cases brought by accusations signed by the district attorney.

262 (3) The accusation need not be supported by an affidavit except in those cases in which
263 the defendant has not been previously arrested in conjunction with the transaction
264 charged in the accusation or when the accusation is to be used as the basis for the
265 issuance of an arrest warrant.

266 (a.1)(1) As used in this subsection, the term 'serious violent felony' shall have the same
267 meaning as provided for under Code Section 17-10-6.1.

268 (2) Notwithstanding any other law to the contrary, the district attorney shall have
269 authority to prefer accusations, and the accused shall be tried on such accusations
270 according to the same rules of substantive and procedural laws relating to defendants who
271 have been indicted by a grand jury for any felony, other than a serious violent felony, in
272 which an accused has The provisions of subsection (a) of this Code section shall apply
273 to violations of Code Section 16-13-30 whenever there has been a finding of probable
274 cause pursuant to a commitment hearing under Article 2 of this chapter or the accused has
275 waived either expressly or by operation of law the right to this hearing:

276 (A) Been bound over to the superior court based on a finding of probable cause
277 pursuant to a commitment hearing under Article 2 of this chapter;

278 (B) Expressly or by operation of law waived a commitment hearing;

279 (C) Been released on bond pending a commitment hearing; or

280 (D) Been confined in jail for at least 45 days since his or her arrest, unless such time
281 frame has been waived in writing by the accused.

282 (3) Paragraphs (2) and (3) of subsection (a) of this Code section shall apply to
283 accusations provided for under this subsection.

284 (4) This subsection shall be repealed in its entirety on June 30, 2022.

285 (b) Judges of the superior court may open their courts at any time without the presence of
286 either a grand jury or a trial jury to receive and act upon pleas of guilty or nolo contendere
287 in felony and misdemeanor cases. The judge of the superior court may try the issues in
288 such cases without a jury upon an indictment or upon an accusation filed by the district
289 attorney where the defendant has waived trial by jury.

290 (c) An accusation substantially complying with the form provided in subsections (d) and
291 (e) of Code Section 17-7-71 shall in all cases be sufficient.

292 (d) The district attorney may not bring an accusation pursuant to this Code section in those
293 cases where the grand jury has heard evidence or conducted an investigation or in which
294 a no bill has been returned.

295 (e) Notwithstanding subsections (a) through (d) of this Code section, nothing in this Code
296 section shall affect the rights of public officials to appear before a grand jury as provided
297 in Code Sections 45-11-4 and 45-15-11 or peace officers to appear before a grand jury as
298 provided in Code Section 17-7-52."

299 **PART IV.**

300 **SECTION 4-1.**

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

303 **SECTION 4-2.**

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

TAB 3



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Date: April 01, 2021

To: Judicial Council Members

From: Justice Michael P. Boggs, Chair *MPB*
Standing Committee on Budget

RE: Judicial Council Budget and Financial Report

This report will provide an update on FY21, the Amended FY21, and the FY22 budget requests, and an overview of the next steps for the Amended FY22 and FY23 budget cycles.

Fiscal Year 2021

The Judicial Council received \$14,359,385 in State Appropriations for FY 2021 (HB 80). The attached Financial Report highlights the Judicial Council's expenditures and remaining balances as of March 31, 2021.

Amended Fiscal Year 2021

The Judicial Council: Section 6 of the Appropriations Bill (HB 80) was amended as follows:

Council of Accountability Court Judges

Increase funds to provide a one-time salary adjustment of \$1,000 to full-time state employees with current salaries less than \$80,000 \$3,230

Georgia Office of Dispute Resolution

Increase funds to provide a one-time salary adjustment of \$1,000 to full-time state employees with current salaries less than \$80,000 \$9,689

Judicial Council - Administrative Office of the Courts

Increase funds for upgrade and maintain the Georgia Courts Registrar \$18,750

Increase funds to provide a one-time salary adjustment of \$1,000 to full-time state employees with current salaries less than \$80,000 \$47,366

Judicial Qualifications Commission

Restore funds for personal services and operating expenses \$26,151

Increase funds to provide a one-time salary adjustment of \$1,000 to full-time state employees with current salaries less than \$80,000 \$1,077

The changes represent a \$106,263 increase to the AFY21 operating budget. The Judicial Council's amended State Appropriated budget is \$14,465,648.

Fiscal Year 2022

The Judicial Council had a successful 2021 legislative session. All four of the enhancements requested by the Council were funded.

Judicial Council - Standing Committee on Judicial Workload Assessment	
<i>Weighted Caseload Study</i>	\$236,113
Supreme Court Committee on Justice for Children	
<i>Civil Legal Services for Kinship Care Families</i>	\$250,000
Judicial Council – Standing Committee on Grants	
<i>Civil Legal Services for Victims of Domestic Violence</i>	\$175,000
Juvenile Data Exchange Program Committee	
<i>Juvenile Data Exchange Program</i>	\$243,945
Judicial Council - Administrative Office of the Courts	
<i>Georgia Courts Registrar</i>	\$75,000
<i>One-time State Match for Child Support Collaborative Grant</i>	\$21,600
Judicial Qualifications Commission	
<i>Increase Funds for two Attorney Positions</i>	\$251,114
<i>Restoration of Funds</i>	\$3,795

The approved enhancements represent a \$1,256,567 increase to the FY 2022 operating budget. The Judicial Council's FY22 State Appropriated budget is \$15,615,952.

Next Steps: Amended Fiscal Year 2022 and Fiscal Year 2023

The Standing Committee on Budget will accept White Papers for the AFY22 and FY23 budget cycles from May 3, 2021, to June 15, 2021. A meeting notification will be sent to the Standing Committee on Budget members by May 10, 2021. In this meeting, all enhancement requests will be reviewed for funding. The Standing Committee on Budget will present the enhancement requests to the Judicial Council for approval at the August 13, 2021. General Session meeting. The enhancements approved by the Council will be submitted to the Governor's Office of Planning and Budget before the September 1 deadline.

Attachments:

Fiscal Year 2021 Budget and Financial Report as of March 31, 2021

Amended Fiscal Year 2021 and Fiscal Year 2022 Budget Comparison Report

244 Washington Street SW • Suite 300 • Atlanta, GA 30334

404-656-5171 • www.georgiacourts.gov

Fiscal Year 2021 - Judicial Council Operations

March 31, 2021

Department	Project	FY 2021 Budget	YTD Expenditures	Remaining	Budget Spent
Administrative Office of The Courts		\$ 6,579,082	\$ 4,770,715	\$ 1,808,367	73%
Legal Services for Domestic Violence	103	\$ 1,502,172	\$ 1,502,172	\$ -	100%
Legal Services for Kinship Care Families	1103	\$ 225,326	\$ 225,326	\$ -	100%
Georgia Council of Court Administrators	141	\$ 16,389	\$ -	\$ 16,389	0%
Council of Municipal Court Judges	142	\$ 13,919	\$ 570	\$ 13,349	4%
Child Support Collaborative	174	\$ 119,000	\$ 84,507	\$ 34,493	71%
Council of Magistrate Court Judges	204	\$ 165,998	\$ 119,309	\$ 46,689	72%
Council of Probate Court Judges	205	\$ 159,490	\$ 121,602	\$ 37,888	76%
Council of State Court Judges	206	\$ 275,390	\$ 162,540	\$ 112,850	59%
Council of State Court Judges Ret.	207	\$ 2,573,814	\$ 284,538	\$ 2,289,276	11%
CACJ - \$1K Supplement	196	\$ 1,077	\$ -	\$ 1,077	0%
SWBC - \$1K Supplement	14207	\$ 1,077	\$ -	\$ 1,077	0%
Child Support Collab - \$1K Supplement	19448	\$ 1,077	\$ 1,000	\$ 77	93%
Child Support GAJE - \$1K Supplement	19449	\$ 4,308	\$ 4,071	\$ 237	94%
Other Judicial Council Subprograms		\$ 5,059,037	\$ 2,505,634	\$ 2,553,403	50%
Georgia Office of Dispute Resolution	1104	\$ 9,689	\$ 9,088	\$ 601	94%
Accountability Courts	195	\$ 628,926	\$ 458,608	\$ 170,318	73%
CACJ-Peer Review Porcess	199	\$ 42,000	\$ 1,940	\$ 40,060	5%
Inst of Continuing Jud Ed Administration	301	\$ 545,866	\$ 233,596	\$ 312,270	43%
Judicial Qualifications Commission	400	\$ 826,048	\$ 536,857	\$ 289,191	65%
Resource Center	500	\$ 775,000	\$ 581,250	\$ 193,750	75%
Separate Judicial Council Programs		\$ 2,827,529	\$ 1,821,339	\$ 1,006,190	64%
TOTAL JUDICIAL COUNCIL		\$ 14,465,648	\$ 9,097,689	\$ 5,367,959	63%

AFY 2021 - Budget Comparison

Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	FY 2021 Requests	Enhancement Requests	AFY 2021 Budget	% Change
Administrative Office of the Courts	\$ 6,520,505		\$ 6,586,621	1.01%
<i>IT Helpdesk - \$88,654 (1/4th year)</i>		\$ -		
<i>Georgia Court Registrar (GCR) - \$75,000 (1/4th)</i>	\$	\$ 18,750		
<i>Increase funds to provide a one-time adjustment of \$1,000 to full-time state employees with salaries less than \$80,000</i>		\$ 47,366		
Legal Services for Victims of Domestic Violence	\$ 1,502,172		\$ 1,502,172	
Legal Services for Kinship Care Families	\$ 225,326		\$ 225,326	
GA Council of Court Administrators	\$ 16,389		\$ 16,389	
Council of Municipal Court Judges	\$ 13,919		\$ 13,919	
Child Support Collaborative	\$ 119,000		\$ 119,000	
Council of Magistrate Court Judges	\$ 165,998		\$ 165,998	
Council of Probate Court Judges	\$ 159,490		\$ 159,490	
Council of State Court Judges	\$ 2,849,204		\$ 2,849,204	
Judicial Council Programs and Subprograms Total	\$ 11,572,003	\$ 66,116	\$ 11,638,119	0.57%
Other Programs				
Accountability Courts	\$ 667,696		\$ 670,926	
<i>Increase funds to provide a one-time adjustment of \$1,000 to full-time state employees with salaries less than \$80,000</i>	\$ -	\$ 3,230		
Georgia Office of Dispute Resolution	\$ -	\$ -	\$ 9,689	
<i>Increase funds to provide a one-time adjustment of \$1,000 to full-time state employees with salaries less than \$80,000</i>	\$ -	\$ 9,689	\$ -	
Inst of Continuing Jud Ed Operations	\$ 545,866		\$ 545,866	
Judicial Qualifications Commission	\$ 798,820		\$ 826,048	
<i>Restore funds for personal services and operating expenses</i>		\$ 26,151		
<i>Increase funds to provide a one-time adjustment of \$1,000 to full-time state employees with salaries less than \$80,000</i>	\$ -	\$ 1,077		
Resource Center	\$ 775,000		\$ 775,000	
Other Programs Total	\$ 2,787,382	\$ 40,147	\$ 2,827,529	1.44%
Judicial Council Totals	\$ 14,359,385	\$ 106,263	\$ 14,465,648	0.74%

FY 2022 - Budget Comparison

Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	FY 2021 Requests	FY22 Enhancement Requests	FY 2022 Budget	% Change
Administrative Office of the Courts	\$ 6,520,505		\$ 7,097,163	8.84%
<i>IT Helpdesk - \$88,654</i>		\$ -		
<i>Georgia Court Registrar (GCR) - \$75,000</i>		\$ 75,000		
<i>Weighter Caseload Study</i>		\$ 236,113		
<i>Juvenile Data Exchange Program</i>		\$ 243,945		
<i>One-time State Match for Child Support Collaborative Grant</i>		\$ 21,600		
Legal Services for Victims of Domestic Violence	\$ 1,502,172	\$ 175,000	\$ 1,677,172	
Legal Services for Kinship Care Families	\$ 225,326	\$ 250,000	\$ 475,326	
GA Council of Court Administrators	\$ 16,389		\$ 16,389	
Council of Municipal Court Judges	\$ 13,919		\$ 13,919	
Child Support Collaborative	\$ 119,000		\$ 119,000	
Council of Magistrate Court Judges	\$ 165,998		\$ 165,998	
Council of Probate Court Judges	\$ 159,490		\$ 159,490	
Council of State Court Judges	\$ 2,849,204		\$ 2,849,204	
Judicial Council Programs and Subprograms Total	\$ 11,572,003	\$ 1,001,658	\$ 12,573,661	8.66%
Other Programs				
Accountability Courts	\$ 667,696		\$ 667,696	
Inst of Continuing Jud Ed Operations	\$ 545,866		\$ 545,866	
Judicial Qualifications Commission	\$ 798,820		\$ 798,820	
<i>Restore funds for personal services and operating expenses</i>		\$ 3,795	\$ 3,795	
<i>Increase for two Attorney positions</i>	\$ -	\$ 251,114	\$ 251,114	
Resource Center	\$ 775,000		\$ 775,000	
Other Programs Total	\$ 2,787,382	\$ 254,909	\$ 3,042,291	9.15%
Judicial Council Totals	\$ 14,359,385	\$ 1,256,567	\$ 15,615,952	8.75%

TAB 4



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton

Chair

Cynthia H. Clanton

Director

Memorandum

TO: Judicial Council Members

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

RE: Committee Report - Judicial Council Standing Committee on Technology

DATE: April 7, 2021

The Judicial Council Standing Committee on Technology met on Thursday, March 18, 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 traffic via mobile devices, with probate and municipal sites leading with access. As well, the site recently added access to fillable self-help divorce forms and additional self-help resources.

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-

Mr. Matthew Bishop provided a presentation regarding the recently completed Technology Survey. The survey results were presented based on county size, and the Committee held discussions around findings. Mr. Bishop will distribute the full survey results to the Committee. Judge Emerson provided an update on the time-restricted records project. The OTN must be included in criminal cases to report the disposition, including those cases that have been re-indited.

Mrs. Stephanie Hines provided an update on the Automated Data Collection sub-committee. The Committee is developing standards based on NODS guidelines and has begun discussions around relative data fields needed for collection across the State.

Along with Ms. Tabatha Lewis and Ms. Marsha O'Neal, Judge Emerson provided an overview of the restricted criminal record project's progress. The GCIC team delivered a presentation of the Protective Order Registry under development; the Committee engaged in discussions and will continue to refine the project.

Lastly, Mr. Ben Luke provided an update on the AOC technology division. The focus remains on security and developing standards around web application vulnerabilities. Additionally, work continues to secure cybersecurity for judicial assets.

Next Meeting

The next committee meeting is scheduled for May 20, 2021, via Zoom Communication

TAB 5



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge Sara L. Doyle, Chair

RE: Strategic Plan Standing Committee Report

DATE: April 11, 2021

The Strategic Plan Standing Committee met on March 23, 2021 and continued work on the strategic plan.

Key Initiative 2.1

As part of key initiative 2.1, *Foster ongoing executive and legislative branch communications and initiatives of mutual interest*, Judicial Council/Administrative Office of the Courts (JC/AOC) staff continued to update judicial branch stakeholders on legislative items of interest. Updates were provided through a legislative tracking website, twice weekly reports, and weekly calls. Staff worked with new representatives and legislative committee chairs to move bills forward, and were able to safely meet with legislators in person at the Capitol.

Communications Initiatives

The Committee reviewed two updated websites; one with wellness resources, as part of key initiative 3.2, *Communicate and promote the tool kit*, and one with civic engagement resources with grade specific ideas and lesson plans, as part of key initiative 4.1, *Support judges in community engagement*. Ideas and suggestions for the websites are welcomed and can be sent to Ms. Michelle Barclay with the JC/AOC.

As part of the communications initiatives, the JC/AOC has partnered with the Institute of Continuing Judicial Education (ICJE) to create a class on wellness and wellbeing. The class is scheduled to be live streamed on May 5, 2021 and will be offered to the Council of State Court Judges on May 14, 2021. Several judges will sit on the class panel. The course will address topics like the evolving concept of wellness, decision fatigue, serving as a judge during times of racial justice issues, and types of support that can be offered to judges.

Key Initiatives 1.4 & 2.4

The Committee reviewed results of the courts technology survey. The survey was distributed under key initiatives 1.4, *develop plan for public/self-represented party accessibility to courts during crises when physical access to courts are limited*, and 2.4, *improve technology access, support and training across all classes of court*, and in partnership with the Standing Committee on Technology and Ad Hoc Committee on Improving Community Access to Legal Resources. Using the survey results, the Committee, through the JC/AOC, will collaborate with court councils and ICJE to offer training and suggested technology solutions for courts.

Action Item

To allow additional time to complete the strategic plan, the Committee voted to request approval from the Judicial Council to extend the current strategic plan for one additional year, with a new expiration date of June 30, 2023. The term of the current plan runs from July 1, 2019 through June 30, 2022. While work under the strategic plan continued to move forward during the COVID-19 pandemic, many initiatives were slowed. The one-year extension also aligns the plan with the executive branch's strategic planning cycle.

The Committee requests that the Judicial Council approve extending the strategic plan for an additional year, from three years to four years. The four-year plan will be effective through fiscal year 2023, which ends June 30, 2023. If approved, the Supreme Court Order creating the Committee will require revision to reflect the new strategic plan term.

The next Committee meeting is scheduled for July 19, 2021.

Attachment

TAB 6



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council

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

RE: Judicial Workload Assessment Committee Report

DATE: April 9, 2021

At its March 19, 2021 meeting, the Standing Committee on Judicial Workload Assessment voted and approved the accompanied recommendation on the resumption of circuit boundary studies for the Judicial Council's consideration.

Additionally, the Committee reports that the Georgia Legislature voted to fully fund the Time and Motion Study conducted in conjunction with the National Center for State Courts.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Standing Committee on Judicial Workload Assessment Committee

CC: Cynthia H. Clanton, AOC Director
Tracy Mason, Senior Assistant Director
Stephanie Hines, Division Director, Judicial Services
Jeffrey Thorpe, Judicial Caseload Data Manager

RE: Recommendation on the Plan to Resume the Circuit Boundary Studies

DATE: April 9, 2021

Introduction

Despite not being able to anticipate the short-term and long-term effects of COVID-19 on Georgia's judiciary, the Administrative Office of the Courts has received several requests from legislators and other stakeholders for circuit boundary studies. While many courts were reduced to only perform essential and limited operations for a short period in 2020, these modifications impacted the filings and dispositions that a court would typically receive throughout the year. Consequently, the results will be seen in the analyses and studies containing 2020 data. The Committee's submits the following recommendation for resuming circuit boundary studies to be considered by the Judicial Council.

Recommendation

1. The Committee recommends the Judicial Council resume the circuit boundary study process starting the first business day of May 2021. However, instead of incorporating the 2020 data, the Committee recommends utilizing calendar years 2017-2019 data. For 2022 requests, calendar years 2018, 2019, and 2021. Study calculations for 2023 would use calendar years 2019, 2021, and 2022. Lastly, study calculations for 2024 would utilize 2021, 2022, and 2023.

TAB 7



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Justice Charles J. Bethel, Chair
Ad Hoc Committee on Cybersecurity Insurance Implementation

RE: Ad Hoc Committee on Cybersecurity Insurance Implementation

DATE: April 12, 2021

The Ad Hoc Committee on Cybersecurity Insurance Implementation (a successor to the Committee on Cybersecurity Insurance for the Judiciary) continues to implement the recommendations set forth in the final report of its predecessor regarding procuring, selecting, and managing cybersecurity insurance for the judiciary. Please see the attached Order which created the Ad Hoc Committee on Cybersecurity Insurance Implementation for more information regarding its mission and membership.

The Cybersecurity Insurance Broker Subcommittee of the Ad Hoc Committee on Cybersecurity Insurance Implementation was established on September 18, 2020 to begin the process of soliciting cybersecurity insurance quotes. The Subcommittee is chaired by Judge Walter W. Davis of the Georgia State-wide Business Court. Since its first meeting on October 23, 2020, the Subcommittee has met on several occasions to plan for and manage the process of soliciting cybersecurity insurance quotes from potential insurers. The Subcommittee also engaged Ms. Sou Ford of Willis Towers Watson (who also advises the Georgia Department of Administrative Services (DOAS) on such matters) to facilitate the cybersecurity insurance application process.

From October 2020 to March 2021, the Subcommittee collected, organized, and analyzed the information needed to apply for cybersecurity insurance. The Judicial Council/Administrative Office of the Courts submitted a formal application for cybersecurity insurance on behalf of the Subcommittee to prospective underwriters on February 25, 2021. A team of subject matter experts from the Supreme Court, Court of Appeals, and Judicial Council/Administrative Office of the Courts presented the Subcommittee's application to prospective cybersecurity insurance underwriters on March 10, 2021. On April 9, 2021, Ms. Ford sent the quotes received thus far to the Subcommittee as a result of its application and presentation. The Subcommittee plans to meet as soon as possible to discuss the proposals received and advise the full Committee accordingly.

Attached:
Order Creating the Ad Hoc Committee on Cybersecurity Insurance Implementation



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Judicial Council Ad Hoc Committee on Cybersecurity Insurance Implementation

In accordance with the Bylaws of the Judicial Council, ad hoc committees exist to address issues of limited scope and duration, and the Judicial Council shall create and charge ad hoc committees as necessary to conduct the business of the Judicial Council.

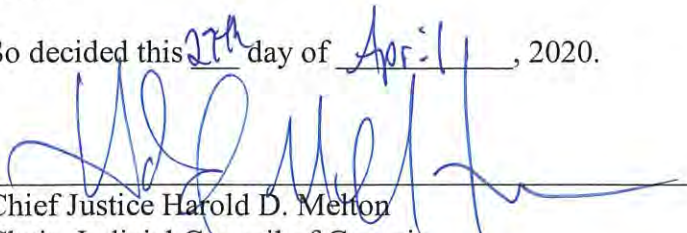
Therefore, I hereby establish the Ad Hoc Committee on Cybersecurity Insurance Implementation, as a successor to the Judicial Council Ad Hoc Committee on Cybersecurity Insurance for the Judiciary, with the mission of implementing the recommendations set forth in the April 3, 2020, report of the Ad Hoc Committee regarding procuring, selecting, and managing cybersecurity insurance for the judiciary.

The following members are hereby appointed to the Ad Hoc Committee on Cybersecurity Insurance Implementation:

- Justice Charles J. Bethel of the Supreme Court, Chair;
- Vice Chief Judge Brian Rickman of the Court of Appeals, Vice-Chair;
- Judge Christian Coomer of the Court of Appeals;
- Judge of the Georgia State-wide Business Court;
- Judge of a Superior Court, chosen by the President of the Council of Superior Court Judges;
- Judge of a State Court, chosen by the President of the Council of State Court Judges;
- Judge of a Juvenile Court, chosen by the President of the Council of Juvenile Court Judges;
- 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;
- and
- Judge of a Municipal Court, chosen by the President of the Council of Municipal Court Judges.

Committee membership may include advisory members appointed, as needed, by the Ad Hoc 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 and notify the judiciary of the creation of the aforementioned committee. The Committee will exist from the date of this order until June 30, 2022.

So decided this 27th day of April, 2020.


Chief Justice Harold D. Melton
Chair, Judicial Council of Georgia

TAB 8



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Michelle Barclay, Division Director

RE: JC/AOC's Communications, Children, Families, and the Courts Division

DATE: April 23, 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 Presiding Justice David Nahmias; the Georgia Commission on Child Support, chaired by Troup County Juvenile Court Judge Michael Key; and the Access to Justice Committee of the Judicial Council, 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. The priorities for J4C now include:
 - Multi-Disciplinary Child Abuse and Neglect Institute (MD-CANI): The Institute is a Georgia-specific iteration of a national Child Abuse and Neglect Institute provided by the National Council of Juvenile and Family Court Judges. MD-CANI Part 1 is an intensive, two-day immersion training for local jurisdictions, now expanded to include judges and all stakeholders, which covers the law and best practices in the first 75 days of a dependency case. MD-CANI Part 2 is another intensive, two-day training for local jurisdictions, this time focusing on issues related to child wellbeing and permanency. As of January 31, 2020, we provided MD-CANI Part 1 & 2 training to 54 jurisdictions. MD-CANI has been temporarily on hold, but we are restarting on April 14, 2021
 - 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 during the judicial emergency.
- The Court Improvement Initiative 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 needs revealed by the data. We held a virtual meeting on August 28, 2020, and a hybrid meeting in February 2021, with over 70 in-person and 80 virtual attendees.
- J4C also sponsors the Hines Awards for child welfare attorneys and DFCS case managers to highlight the importance of this work. 2021 Awardees will be announced by June 2021. See: <https://georgiacourts.gov/j4c/>
- J4C sponsored a Georgia Child Welfare Law Specialist Meeting on March 4-6, 2020, attended by over 50 attorneys. We currently have some 60 Georgia attorneys who are certified child welfare legal specialists (CWLs).
- J4C, DFCS, OCA, and GA CASA sponsored the fourth annual statewide Child Welfare Law Summit on Nov. 18-20, 2020, with just over 100 in-person and nearly 500 virtual participants. Though the challenges of holding such a large conference in a hybrid fashion were extensive, 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 virtually on May 14, 2021.**
- **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 Georgia Courts Journal newsletter <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 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 on Friday, April 23, 2021 at 1:30 p.m. via Zoom during which several items of business will be discussed, including the upcoming economic study scheduled in 2022.
 - Legislation: The Commission did not submit any legislation during the 2021 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. 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 Study Committee, chaired by Dr. Roger Tutterow, will ramp up work in 2021 in preparation for the 2022 case sampling and economic study, which will include listening sessions to gather public comments on the child support guidelines.
 - 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 the correct use of multiple child support worksheets, 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 is coordinating with the Georgia Office for Dispute Resolution to provide child support calculator training and question-and-answer sessions to neutrals because of the high demand for this training especially by mediators. 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 posted shortly. More training videos are in the works including one for family law practitioners.

- 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 is currently conducting a second study on six courts in the Alcovy, Appalachian, Coweta, Flint, Northeastern, and Southwestern Judicial Circuits. This study is in the final stages of preparation and will be published by the end of March 2021. The findings are very positive and demonstrate 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. It has also been translated into Spanish and this version will be made available in an electronic format on the A2J website.
 - 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 model at the local level 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 13, 2020 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). Plans are underway for our next Clinic, which will be in the Statesboro area, followed by Tifton and Gainesville.

- 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 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 videos 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.
- 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 May 12, 2021.**

TAB 9

Placeholder: Supreme Court



THE COURT OF APPEALS
OF THE
STATE OF GEORGIA
ATLANTA, GEORGIA 30334

CHAMBERS OF
CHRISTOPHER J. McFADDEN
CHIEF JUDGE

(404) 656-3452
mcfaddenc@gaappeals.us

April 12, 2021

Court of Appeals of Georgia
Report to Judicial Council
April 23, 2021

Our docket at the Court of Appeals has begun to reflect the increased activity in our trial courts. We have seen a sharp uptick in applications for discretionary and interlocutory review. The number of appeals docketed for plenary consideration has so far remained steady. But now that jury trials have begun again, we anticipate that our workload in turn will increase further.

We were beneficiaries of a COVID-19 vaccination project spearheaded by AOC Director Cynthia Clanton. Ms. Clanton and her team put together a clinic for the judges and staff of both appellate courts and the AOC staff, which led to more than 25 Court of Appeals judges and employees receiving their first shots in March and the second shots earlier this week. We are very grateful to Ms. Clanton and her staff.

We have begun to discuss what our operations will look like post-pandemic. Oral arguments over Zoom have real advantages — particularly for lawyers residing far from Atlanta. But they also have disadvantages. So we look forward to being able to hear arguments in person once again. At the same time, we are installing equipment that will enable mixed proceedings: multiple participants in the courtroom and others participating online.

Most of the work of our judges and staff attorneys and much of the work of the other members of our staff is well suited to remote operations. Many of us have found working from home more productive than we had anticipated and so plan to continue doing so much of the time. But a great deal is lost without face to face interactions. And we look forward to seeing the judicial center come back to life.

In other court news, our judges have unanimously elected Brian Rickman to serve as our next Chief Judge and Amanda Mercier to serve as our next Vice Chief Judge. Their terms begin on July 1, 2021. I know they will serve the court well.

So this will be my final formal Judicial Council meeting. It has been a privilege and an honor to serve as a member of this distinguished body. And it has been no less a privilege and honor to serve alongside the nonmembers who regularly attend. I have been humbled and gratified to learn about all the hard and important work they do behind the scenes to support and improve our justice system.

Placeholder: Business Court



Council of Superior Court Judges of Georgia

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Council of Superior Court Judges Report to Judicial Council April 2021

The Council of Superior Court Judges (CSCJ) thanks all superior court judges for adapting to manage their caseloads and maintain public access while protecting the public and court personnel.

CSCJ cancelled its in-person conferences at Jekyll Island in July and in Athens in January due to the pandemic. However, CSCJ worked with staff of the Institute for Continuing Judicial Education (ICJE) to create training seminars for the judges by pre-recorded video. CSCJ plans to host its first in person conference in over a year in July at Jekyll Island. The Mandatory Continuing Judicial Education Committee is working with ICJE on the educational programming.

Judge J. Wade Padgett of the Augusta Judicial Circuit will become CSCJ President on May 1, 2021. Judge Arthur L. Smith, III, of the Chattahoochee Judicial Circuit will become President-Elect, and Judge John E. Morse, Jr., of the Eastern Judicial Circuit will become Secretary-Treasurer at that time. Judge Brian J. Amero will continue to serve as a member of the Executive Committee as Immediate Past President.

CSCJ is grateful to the General Assembly for much needed funding for senior judges, funding for the creation of 34 new law clerk positions, the partial restoration of the Judicial Administrative District budgets, and the restoration of funding for personal services. All superior court judges who do not have a state or county paid law clerk will be eligible for one of the new positions. This funding constitutes the fulfilment of a long time CSCJ goal. Additionally, senior judges will greatly assist in addressing the backlog of cases created by the pandemic.

CSCJ thanks the judges of its Legislative Support Team chaired by Judge Bill Hamrick for their work during this legislative session. Judge Bert Guy, Judge Brenda Weaver, Judge Tain Kell, and others performed important work. CSCJ also recognizes the exemplary work of Emily Youngo, the CSCJ Director of External Affairs. Ms. Youngo successfully shepherded HB 635, providing for the remote performance of duties by judges. The bill was initially a joint effort of CSCJ and the Council of State Court Judges. Ms. Youngo worked with judges on the original draft and contacted Representative Rob Leverett to ask him to sponsor the bill. When other classes of court requested to be included in the bill, Ms. Youngo worked with judges, staff, and Representative Leverett to incorporate them. Additionally, the bill became a vehicle for COVID Task Force legislation regarding alternate court locations, bench trials, and accusations. CSCJ thanks Rep. Leverett for carrying this important bill.



Council of State Court Judges
Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

Report of the Council of State Court Judges
Judicial Council Meeting
April 23, 2021

Staff

Bob Bray
Executive Director

Executive Committee

Judge Wesley B. Taylor
President (Fulton)

Judge Alvin T. Wang
President-Elect (DeKalb)

Judge R. Violet Bennett
Secretary (Wayne)

Judge John K. Edwards, Jr.
Treasurer (Lowndes)

Judge T. Russell McClelland
Immediate Past President (Forsyth)

District 1
Judge Gregory V. Sapp (Chatham)

District 2
Judge R. Violet Bennett (Wayne)

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

District 4
Judge Jeffrey B. Hanson (Bibb)

District 5
Judge Alan W. Throver (Baldwin)

District 6
Judge John G. Breakfield (Hall)

District 7
Judge Ronald B. Ramsey, Sr. (DeKalb)

District 8
Judge Allison Barnes Salter (Cobb)

The Council thanks the hard work of our Director and the Legislative Team at the Judicial Council's Administrative Office of the Courts for the successful passage of bills that will assist state courts in the expeditious disposition of backlogged cases created by the pandemic. The Council also thanks the other classes of court, especially the Council of Superior Court Judges, for the collaborative efforts to effect meaningful statutory change that will produce long-lasting efficiencies across the entire justice system.

Following the twelfth emergency order, State Courts across the State -- including Bibb, Cherokee, Dougherty, Douglas, Forsyth, Fayette, Fulton, Lowndes, and Troup Counties -- have begun conducting jury trials.

The Education Committee recently hosted a Zoom presentation by Chief Judge Alan Jordan (Cherokee) and Chief Judge Eddie Barker (Douglas) who discussed their recent experiences holding their first jury trials since the beginning of the pandemic. The judges provided a wealth of information on what went well, what challenges had to be resolved and feedback on the jurors' experiences. A link to the recording of this Zoom discussion was posted on the Council's webpage.

On April 13, 2021, the State Court of Fulton County held the first jury trial wherein jury selection was done via Zoom. The trial then proceeded in-person, in the courtroom, adhering to Department of Public Health guidelines and the Atlanta Judicial Circuit Guidelines for Expanding In-person Proceedings.

A recent article in the Fulton County Daily report highlighted a Commentary written by Cobb County State Court Judge Jane Manning on guidance to attorneys from a trial judge.

Welcome to Judge Clarence Cuthbert as the new State Court Judge of Rockdale County who fills the vacancy left by the appointment of Nancy Bills to the Superior Court for the Rockdale Circuit. Judge Cuthbert was previously the Judge for the Probate Court.



Figure 1 Dr. Robert W. Livingston

Judge Jeff Hanson (Macon) recently hosted a District 4 meeting with invited guest Harvard University Professor Robert W. Livingston, Ph. D. where he is a Lecturer on Public Policy at the John F. Kennedy School of Government Center for Public Leadership. Dr. Livingston was the keynote speaker at the February National Judicial College Racial Justice Roundtable Webinar. At the meeting, the judges were able to ask him about several observations made in his recent book: *"The Conversation: How Seeking and Speaking the Truth About Racism Can Radically Transform Individuals and Corporations"*. The Q & A served to stimulate engaging and thoughtful discussions.

Judge Billy Tomlinson of Bryan county State Court started a family violence accountability court program on March 26. Each attendee is required to participate in the program from 6-12 months depending on their initial assessment results. The program is aimed at treating the individual's root cause(s) for domestic violence. The initial holistic evaluation includes assessment of mental health, alcohol/drugs, domestic violence, anger management, and financial counseling evaluation. The court checks in on the participants monthly to determine their progress with the program.

The female Judges of District 8 met three times in the past two months to network about how their courts are preparing to begin in-person trials and jury trials. The judges shared their experiences and challenges in getting ready for holding jury trials.

The Council members participated in two information gathering surveys upon the request of the Judicial Council and the Chief Justice related to: (1) the impact of the pandemic in State Courts on civil and criminal jury trials and (2) projected and previously unanticipated expenses to cover additional judicial and court assistance to handle the backlog of trials. The information gathered by these surveys validated the number of cases pending and the cost of extra assistance to work through the backlog over a two-year period.

Finally, this year's Spring Judicial Training Conference will be held May 12th – 14th. The Conference will be available to judges as both a live, in-person event and as a recorded view-on-demand event. In addition, three events will be simulcast over the internet live as they occur: The General Membership Meeting Wednesday afternoon, The Dinner Banquet Speech by the Incoming President of the State Bar Elizabeth Fite; and The Presentation by Chief Justice Harold Melton on Friday morning. All committee meetings will be held prior to the Conference utilizing Zoom.

Respectfully submitted,

Wesley B. Tailor

Judge Wesley B. Tailor, President



COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA

Judge Lisa C. Jones, *President*
Judge C. Gregory Price, *President-Elect*
Judge Render Heard, *Vice President*
Judge Lindsay H. Burton, *Secretary*
Judge Warner Kennon, *Treasurer*
Judge Juliette Wiltshire Scales, *Immed. Past President*

Judge Christy Carroll Balbo, *District 1*
Judge (Vacant), *District 2*
Judge Deborah Edwards, *District 3*
Judge Temika Williams Murry, *District 4*
Judge Renata Turner, *District 5*
Judge Stephen Ott, *District 6*
Judge Amber Patterson, *District 7*
Judge Kristen Pack, *District 8*
Judge Christopher W. Willis, *District 9*
Judge James T. Jones, *District 10*

Eric J. John, *Executive Director*

JUDICIAL COUNCIL MEETING APRIL 2021

Recently we learned that Judge Deborah Edwards from the Houston Judicial Circuit announced her retirement after 25 years of service to the juvenile court bench. Judge Edwards was the 8th longest serving judge in our Council and was President in 2011-2012. Since our last meeting, Judge Che'ferre Young was appointed juvenile court judge in the Macon Judicial Circuit to replace retiring Judge, Quintress Gilbert.

During this past legislative session we tracked a number of bills, most importantly a bill to raise the age of juvenile court jurisdiction to under 18 (House Bill 272). After passing the House, HB 272 was favorably reported out of the Senate Judiciary Committee but did not get out of the Senate Rules Committee due to heavy opposition from the sheriffs and the Association of County Commissioners of GA. We have learned that the sponsor, Chairlady Mandi Ballinger, intends to have meetings during the interim to seek a consensus on the legislation and to gain support from the sheriffs and the counties.

Next month, the first full week of May, we will be having our spring seminar in St Simons. The seminar will be presented in two platforms, in-person and virtual via Zoom. In addition, at this seminar I will be turning over the reins of President of the Council to Judge Greg Price who will be president for the 2021-2022 year and Judge Render Heard from the Tifton Judicial Circuit will become President Elect.

Honorable Lisa Jones, President, 2020-2021



Council of Probate Court Judges of Georgia

Judge Kelli Wolk
President (Cobb)

Judge Thomas Lakes
President Elect (Harris)

Judge B. Shawn Rhodes
First Vice President (Wilcox)

Judge Darin McCoy
Secretary-Treasurer (Evans)

Judge T. J. Hudson
Immediate Past President (Treutlen)

Report to Judicial Council of Georgia April 23, 2021

The following is a summary of activities and current initiatives by the Council of Probate Court Judges:

2021 Spring Conference

Our annual Spring Conference was held April 19-22 at the Great Wolf Lodge in LaGrange. The conference utilized a hybrid structure, whereby there were several attendees in-person with the remaining attendees using Zoom. We are thankful to the staff of the Institute of Continuing Judicial Education for yet again ensuring that we had another successful and safe event.

2021-2022 Council Officers

During our conference, we formally nominated and elected our 2021-2022 slate of officers. Our new slate of elected officers are as follows: Judge Thomas Lakes, President (Harris); Judge B. Shawn Rhodes, President-elect (Wilcox); Judge Danielle McRae, First Vice President (Upson); and Judge Darin McCoy, Secretary-Treasurer (Evans). Judge Wade Padgett, the incoming president of the Council of Superior Court Judges, administered the respective oaths to our newly elected officers and as always, we thank Judge Padgett for being there when called upon.

2021 Council Award Honorees

This year, our Council's Award and Recognition Committee decided to add several new award categories to provide for more opportunities to acknowledge the important work that probate judges are doing on our Council's behalf. The following individuals were honored: Rising Star Award – Judge Carrie Markham (Coweta) and Judge Edie Haney (Carroll); District Director of the Year – Judge Barry Greene (Bartow); Committee of the Year: Ad Hoc Committee on Self-Represented Litigants, chaired by Judge Patty Walters Laine (Hall); Meritorious Service Award – Judge Mike Greene (Jones), Senior Judge Susan Tate, Judge Tammy Brown (Barrow) and Judge Darin McCoy; Instructor of the Year – Judge Keith Wood (Cherokee); Executive Committee Member of the Year – Judge Christopher Ballar (Gwinnett); and Outstanding Probate Judge of the Year – Judge Melanie Bell (Newton).

Thank You!

For the past two years, I have had the distinct privilege serving as a member of the Judicial Council. Within those two years I have had the honor to serve with judges from each of the respective classes of court, particularly as we have each had to adjust in response to a once-in-a-generation pandemic. Finally, I would like to specifically thank Chief Justice Harold Melton for his devotion to public service and his able leadership. I wish Chief Justice Melton all the best in the next chapter of his professional life.

Respectfully submitted,

Judge Kelli Wolk
President, Council of Probate Court Judges of Georgia



Council of Magistrate Court Judges

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Georgiamagistratecouncil.com

Executive Director
Sharon Reiss

Council of Magistrate Court Judges Report

The Council of Magistrate Court Judges had a busy session and worked tirelessly to succeed in getting a salary increase of 5% for our judges this year. The bill passed the Senate unanimously at 9pm on Sine Die. Once the bill is signed by the Governor, the increase will go into effect January 1, 2022. All our judges worked hard to keep up relationships and explain all that we do to our legislators. We are proud of our Council for the hard work this year.

During the session, the Council also monitored the extensions of the CDC moratorium on evictions. While the CDC has now extended its moratorium until June 30, 2021, there have been several lawsuits challenging its authority. Each lawsuit has reached a different conclusion with a few district courts upholding and a few striking it down.

We fully expect this to be appealed and hope for a decision that will allow for more consistency and less confusion by the public. The Council continues to monitor the case law for updates to the judges. In the meantime, we have distributed information from the Department of Community Affairs about rental assistance programs to our judges so they can be aware of the assistance programs available to the public.

The Council will also hold its first in person meeting and training April 25-28, 2021. Attendance seems to be more robust as many of our judges have received at least one vaccination. We are also offering a taped replay for those judges who would prefer to watch the training in the comfort of their home or office.

President
Judge TJ Hudson
Treutlen County

President-Elect
Judge Quinn Kasper
Cobb County

Vice-President
Judge Becky Pitts
Butts 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 Curtis Miller

District Five
Judge John Defoor II
Judge Cassandra Kirk

District Six
Judge Megan Kinsey
Judge Jan Streetman

District Seven
Judge Brandon Bryson
Judge Jennifer Inmon

District Eight
Judge Rizza O'Connor
Judge Shawn Rhodes

District Nine
Judge Bill Brogdon
Judge Anthony Tarnacki

District Ten
Judge Melanie Bell
Judge Caroline Evans

Members-at-Large
Judge Jim Altman
Judge Mike Burke



Council of Municipal Court Judges

April 13, 2021

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Judge Dale "Bubba" Samuels
Immediate Past President
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District One
Judge Joe Huffman
Judge Richard Sanders

District Two
Vacancy
Judge Gregory T. Williams

District Three
Judge Chimere Trimble
Judge Bill NeSmith

District Four
Judge Michael Nation
Judge Davis Will

District Five
Judge Gary E. Jackson
Judge Parag Shah

District Six
Judge J. Kristi Lovelace
Judge Clayton Davis

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 Graham McKinnon
Judge Ryan S. Hope

Report to the Judicial Council of Georgia – April 2021

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 Order issued by Chief Justice Melton, the Council leadership and membership have been engaged. We are currently under the 13th extension of the Emergency and to date, municipal courts have remained open to address essential functions for its constituents. Increasingly more courts are turning to virtual proceedings, while also conducting in-person proceedings. This past year has been challenging and have shown the fortitude of judges and clerks across the State of Georgia. We continue working towards the courts reopening safely and planning accordingly on a consistent basis. We thank Judge Norman Cuadra for his continued contributions to the Judicial COVID-19 Task Force, respectively.

Legislation

For the 2021 session of the General Assembly, the CMuCJ did not seek any individual legislative initiatives, but continued to monitor for any legislation that affected the Council.

The Council thanks the Council of Superior Court Judges (CSCJ), specifically Emily Youngo, Director of External Affairs, for the successful efforts in working with Legislative Council to add the municipal court judges to [HB 635](#).

Additionally, the Council looks forward to the great work to come from the Certiorari Review Subcommittee to streamline and economize the Courts appellate practice in Georgia.

Continuing Judicial Education

The New Judges Track of the 20-Hour Basic Certification was presented on March 22, 2022, via Zoom Video Conference by the Municipal Judges Training Council. Participants received instruction on How to Use the Benchbook, Municipal Court Uniform Rules, 10 Commandments of a Trial Judge, a moderated panel on Fundamental of Courtroom Management & Judicial Decorum, and Clerks Authority Fines, Fees & Surcharges. The new judges will also take part in the video on demand presentation or attend the in-person seminar to fulfill the 20-hour requirement.

The Municipal Judges Summer Law & Practice Update is scheduled to be conducted in a hybrid format of an on-demand viewing presentation and in-person seminar. The in-person seminar is scheduled to take 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

COUNCIL OF MUNICIPAL COURT JUDGES

addition to recertifying sitting judges. The Training Council's main priority is to assure that they are proceeding to the extent achievable and consistent with public health guidance for municipal court judges and clerks.

Judicial Council Service*

See attached.

Next Meeting

The next meeting of the Council of Municipal Court Judges Executive Committee is scheduled for April 28, 2021 via Zoom.

Respectfully submitted,

Chief Judge Willie C. Weaver, Sr.

Chief Judge Willie C. Weaver, Sr.

President, Council of Municipal Court Judges



COUNCIL OF MUNICIPAL COURT JUDGES

April 15, 2021

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President

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Judge Nathan Wade, Secretary

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Judge David Will, Treasurer

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Judge Dale "Bubba" Samuels

Immediate Past President
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District One

Judge Joe Huffman
Judge Richard Sanders

District Two

Vacancy
Judge Gregory T. Williams

District Three

Judge Chimere Trimble
Judge Bill NeSmith

District Four

Judge Michael Nation
Judge Davis Will

District Five

Judge Gary E. Jackson
Judge Parag Shah

District Six

Judge J. Kristi Lovelace
Judge Clayton Davis

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 Graham McKinnon
Judge Ryan S. Hope

The Honorable Chief Justice Harold Melton
Supreme Court of Georgia
Nathan Deal Judicial Center
330 Capitol Avenue, S.E.
Atlanta, Georgia 30334

Re: Judicial Council of Georgia

Dear Chief Justice:

It was indeed an honor and humbling experience to become a member of the Judicial Council of Georgia two years ago. I sat beside President Samuels at that time as President-Elect, and he assured me that I would do fine. He stood beside me that year, and I followed his lead, working with and alongside brilliant judges and AOC staff members. Mr. Chief Justice you were always kind, listened and allowed other ideas, including mine, to flourish.

Then came the pandemic, that Judge Samuels found himself having to navigate as his Presidency wound down. And then I took the helm of The Council of Municipal Court Judges as we continued to traverse these turbulent and unstable times. We all became quick studies on what had to be done to keep the Judicial Branch above reproach. This was no easy task.

It was with great enthusiasm that you led us on a historic journey organizing us to confront the pandemic head on, while continuing the other business of the Judicial Council. Amidst of it all, was a very enjoyable occasion to co-present with you, Mr. Chief Justice, to ACCG and GMA on the topic "Ethical Issues Around Court Closure and Accessibility to Courtrooms". It was truly a highlight of my career; not many can say that they have had that honor!

I am as grateful as my predecessors in this service, and finding Judicial Council Members to be humble, gracious, thoughtful, and courageous. I have learned more than I shared in working with Presiding Justice Nahmias and the Judicial Council's Legislative Committee. The Committee accomplished a lot in drafting and getting legislation passed regarding emergency suspension of speedy trial requirements and the Judicial COVID-19 Task Force recommendations; that will assist the courts during the pandemic and beyond.

Suite 300, 244 Washington St., S.W. Atlanta, GA 30334-5900
(404) 656-5171 \$ Fax (404) 651-6449

COUNCIL OF MUNICIPAL COURT JUDGES

I would be remised if I did not offer thanks to the CMuCJ Executive Committee, President Elect Duff and LaShawn Murphy, CMuCJ Trial Court Liaison for keeping me effective. LaShawn ensured that I had reminders for the many meetings, kept me informed and organized. With that, I cannot say enough about Director Clanton and her professional staff at JC/AOC. It is difficult to understand how they achieve so much and just keep going.

In June 2021, my term will end. I will truly miss serving on the Judicial Council and as President of CMuCJ. Judges Lori Duff and JaDawnya Baker are very able and capable of taking the Council to the next level.

I remain grateful,

A handwritten signature in blue ink that reads "Willie C. Weaver, Sr." with a large, stylized flourish at the end.

Chief Judge Willie C. Weaver, Sr
President, Georgia Council of Municipal Court Judges

Placeholder: State Bar of Georgia

TAB 10



Council of Accountability Court Judges

Chief Judge Kathlene F. Gosselin
Executive Committee Chair
Northeastern Judicial Circuit

Taylor Jones
Executive Director

Council of Accountability Court Judges **April 2021 Report to Judicial Council**

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council, CACJ's Standing Committees have been busy supporting the accountability courts. A snapshot of CACJ's activity is detailed below.

During the months of February and March 2021, CACJ's Training Committee hosted the following virtual trainings:

- An Adult Felony Drug Court Operational Tune-up training was provided by the National Drug Court Institute (NDCI). The following teams were in attendance: Brunswick Judicial Circuit Adult Felony Drug Court, Cordele Judicial Circuit Adult Felony Drug Court, Ogeechee Judicial Circuit Adult Felony Drug Court, Ocmulgee Judicial Circuit Adult Felony Drug Court, Forsyth Judicial Circuit Adult Felony Drug Court, and the South Georgia Judicial Circuit Adult Felony Drug Court.
- CACJ also provided an Operational Refresher for Adult Mental Health Courts. The following teams attended: Dougherty Judicial Circuit Substance Abuse/Mental Health Court, Dublin Judicial Circuit Accountability Court, Enotah Judicial Circuit Mental Health Court, Houston Judicial Circuit Mental Health Court, Muscogee County Adult Mental Health Court, Ocmulgee Circuit Adult Mental Health Court, Ogeechee Circuit Adult Mental Health Court, Piedmont Judicial Circuit Adult Mental Health Court, Savannah-Chatham Adult Mental Health Court, Spalding County Adult Mental Health/Veterans Court, and the Tallapoosa Judicial Circuit Adult Mental Health Court.
- CACJ also hosted the following training opportunities: Developing Alumni Groups for Accountability Courts webinars, Moral Reconciliation Therapy booster training, a Medication Assisted Treatment webinar, Succession Planning, Delegation, Accountability, and Advocacy courses for court coordinators, and a Cognitive Behavioral Interventions – Substance Abuse training.
- Between the months of February and March 2021 CACJ trained over 300 accountability court professionals through the various training opportunities provided.

Additionally, CACJ's Training Committee approved the FY22 accountability court training calendar, including the 2021 annual training conference agenda. In addition to a new judge training planned for August and treatment-specific and team trainings throughout the fiscal year, CACJ will continue to provide the certified coordinator program hosted in conjunction with the Carl Vinson Institute of Government. The FY22 grant season began in February and courts submitted grant requests to CACJ in March. The CACJ Funding Committee will meet virtually the last week of April to review grants and make funding decisions. Further, the Standards and Certification Committee certified 55 programs and continues to work with accountability court teams to improve program functions.



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. Sabs

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

Rule and Guideline Revisions

At a specially set meeting on March 29, the GCDR approved changes to Appendix A: Uniform Rules for Dispute Resolution Programs; Model Court Mediation Rules; Appendix B: Training and Qualifications for Neutrals; and Training Program Guidelines. Copies of the updated documents are available on the Georgia Office of Dispute Resolution (GODR) website. Some of the changes include: continuing education roll-over hours for neutrals; military servicemember relief; expanded inactive status from two to five years; acceptance of CJE hours to satisfy the annual CE requirement; the use virtual technology for synchronous trainings; the continued use of remote appearance for dispute resolution sessions; updates to the exceptions to confidentiality; criteria for early neutral evaluation training; and a new fee schedule.

We would like to extend a most heartfelt thank you to Ms. Alison Lerner, Senior Staff Attorney, Office of the General Counsel, JC/AOC for her assistance and unwavering dedication to updating these documents.

Training for Neutrals

The GCDR has partnered with the Georgia Commission on Child Support to provide on-going specialized child support guidelines and calculator training to registered neutrals. We are thankful for this opportunity to help neutrals sharpen their knowledge and skillset. Special appreciation is given to Ms. Noelle Lagueux-Alvarez, Ms. Elaine Johnson, and Ms. Latoinna Lawrence for their insight and support.

Case Management System

A case management system for ADR Programs will be available to all court programs by the first of May. This system will be provided at no cost to the program and not only help programs better manage their case files, but also provide GCDR with needed statewide data. We appreciate all of the programs that participated in the soft launch and look forward to the full deployment.

Probate Court Mediation

The GCDR has formed a working group tasked with identifying ways to expand and encourage the use of mediation in Probate Courts. The work of this group will entail identifying the court's specific needs, addressing any barriers, making recommendations for training and qualifications of mediators, and drafting model rules/procedures. The work will commence in May and function over the course of 9-12 months. We are thankful for the support of the Council of Probate Court Judges, Judge Thomas Lakes, Incoming President of the CPCJ, and their Executive Director, Mr. Kevin Holder.

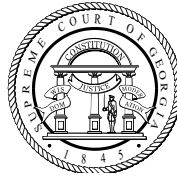
Upcoming Commission Meeting Date

The next Commission meeting date is May 5, 2021, at 2:00 p.m. via Zoom. Meeting information as well as previous minutes are posted on the GODR website at www.godr.org.

Placeholder: Council of Superior Court Clerks

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Hon. Harold D. Melton, Chief Justice
Supreme Court of Georgia, Chair



Karlise Y. Grier
Executive Director

Memorandum

TO: Judicial Council of Georgia

FROM: Karlise Y. Grier, Executive Director

RE: Chief Justice's Commission on Professionalism

DATE: April 23, 2021

The Chief Justice's Commission on Professionalism (Commission), the first body of its kind in the nation, was created in 1989 by the Supreme Court of Georgia with the primary charge to enhance professionalism among Georgia's judges and lawyers. Chief Justice Harold D. Melton serves as the current Chair of the Commission. Other judges who serve on the Commission are as follows: Judge Clyde L. Reese III for the Court of Appeals of Georgia; Judge Shondeana Crews Morris (Stone Mountain Judicial Circuit) for the Council of Superior Court Judges; and Judge Susan E. Edlein (State Court of Fulton County) for the Council of State Court Judges. Judge William McCrary Ray II serves on the Commission for the federal judiciary. Justice Shawn Ellen LaGrúa is the newest Supreme Court of Georgia advisor to the Commission. You may find a complete list of Commission members, advisors, and liaisons at the Commission's web site at <http://cjcpga.org/commission-members-2020-2021/>. A brief update of some of the Commission's activities is as follows.

FINAL REPORT REGARDING COMMISSION CLE: THE NECESSITY OF UNPARALLELED UNITY

The Commission hosted a CLE entitled "*The Necessity of Unparalleled Unity*" on **March 19, 2021**, in conjunction with the State Bar of Georgia's Spring Board of Governors meeting. The Commission hosted the CLE on the Zoom Webinar platform. According to the Zoom report generated for the CLE, the CLE was attended by 1,605 "Unique Viewers." The Commission reported attendance for 1,604 attorneys to the State Bar of Georgia's Commission on Continuing Legal Education Department. The program participants were as follows.

Program Chair: Ms. Dawn Jones, President of the State Bar of Georgia

Special Guest: Chief Justice Harold D. Melton, Supreme Court of Georgia

Moderator: Prof. Tanya M. Washington, Georgia State University College of Law, Center for Access to Justice

Panelists: Honorable Carla Wong McMillian, Justice, Supreme Court of Georgia; Honorable Nina Markette Baker, Judge of Superior Court Coweta Judicial Circuit; Mr. Ashley Bell, Partner, Dentons US LLP; Mr. Jake Evans, Partner, Holland & Knight LLP; Honorable Dax E. López, Judge, State Court of DeKalb County; and Ms. Patrise Perkins-Hooker, Past President, State Bar of Georgia and Administrative Partner, Johnson & Freeman, LLC.

Special Acknowledgment: **Mr. Kevin C. Wilson**, Staff Attorney, Supreme Court of Georgia, for assistance in program planning.

To view the complete materials for the CLE, please visit: <http://cjcpga.org/unity-cle/>.

SUICIDE AWARENESS PROGRAM

Please join the Commission for a Suicide Awareness Program on **Friday, April 30, 2021, from 2 p.m. – 5 p.m., via Zoom**. The program will also include approximately three public Satellite Viewing Locations at which attorneys may gather to watch the program for CLE credit. Registration is open until April 28, 2021. Complete program information and the registration link are available at <http://cjcpga.org/suicide-awareness-program/>. A flyer about the program is attached hereto as “Exhibit A.” The Commission thanks the planning team whose members are as follows: **Judge Clyde L. Reese III**, Court of Appeals of Georgia (State Bar of Georgia SOLACE Committee Co-Chair); **Judge Render Heard**, Juvenile Courts of the Tifton Judicial Circuit (State Bar of Georgia SOLACE Committee Co-Chair), **Judge Shondeana Crews Morris**, Superior Court of DeKalb County (State Bar of Georgia Suicide Awareness and Prevention Committee Chair); **Mr. Joseph C. Chancey**, Managing Partner, Drew Eckl & Farnham, LLP, and **Ms. Layne Brides** (Staff, SOLACE Committee). The Commission’s Executive Director provides staff support for the planning team.

PROFESSIONALISM PAGE ARTICLES

One of the ways the Commission communicates with State Bar members is through its Professionalism Page that appears in each issue of the Georgia Bar Journal, which is published six times per year. The Professionalism Page article that appeared in the February 2021 Georgia Bar Journal discusses the Professionalism and Technology CLE that the Commission sponsored in December 2020, and is attached hereto as “Exhibit B.”

COMMISSION WEBSITE AND SOCIAL MEDIA

We invite you to visit the Commission website, www.cjcpga.org. The Commission also enjoys communicating with judges and lawyers about #professionalism on the Commission’s social media platforms. Connect with us!

Facebook: <https://www.facebook.com/CJCPGA>

Twitter: <https://twitter.com/CJCPGA>

LinkedIn: <https://www.linkedin.com/company/cjcpga/>

YouTube: <https://www.youtube.com/user/cjcpga/videos>

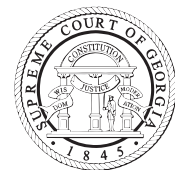


EXHIBIT A

www.cjcpgeorgia.org



THE CHIEF JUSTICE'S
COMMISSION ON PROFESSIONALISM

SUICIDE AWARENESS PROGRAM

FRIDAY, APRIL 30, 2021 | 2 - 5 P.M.

VIA **ZOOM.US**



Sally Quillian Yates
MODERATOR

CONFIRMED/INVITED SPEAKERS:

Dr. Alex Crosby	Mr. Eric Lang
Hon. William "Bill" Reinhardt	Ms. Robin Frazer Clark
Ms. R. Javoyne Hicks	Hon. Wesley B. Taylor
Dr. Ben Hunter	Dr. Mark Swancutt
Ms. Lynn Garson	Ms. Rachael Holloman

3 CLE HOURS INCLUDING 1 PROFESSIONALISM HOUR

REGISTER HERE: <http://cjcpga.org/suicide-awareness-program/>



REMINDER TO ALL BAR MEMBERS

You are entitled to six prepaid clinical personal counseling sessions per calendar year through the Lawyer Assistance Program of the State Bar of Georgia. #UseYour6

FOR HELP: Bar members may contact the Bar's Lawyer Assistance Program confidential hotline at **800-327-9631** or call the Georgia Crisis Access Line at **1-800-715-4225**.

TAKE ACTION TODAY

If you are thinking of hurting yourself, or if you are concerned that someone you know may be suicidal, contact the National Suicide Prevention Lifeline by phone at **1-800-273-TALK (8255)**.

CO-SPONSORED BY:

Judicial Council/Administrative Office of the Courts | State Bar of Georgia SOLACE Committee | State Bar of Georgia Wellness Committee | State Bar of Georgia Suicide Prevention Committee | Drew Eckl Farnham Georgia Department of Behavioral Health & Developmental Disabilities

Learn more by contacting CJCP
at kygrier@cjcpga.org.



State Bar
of Georgia

EXHIBIT B

www.cjcpgeorgia.org



Professionalism and Technology in Practice

The Chief Justice's Commission on Professionalism thanks all who assisted with its December CLE discussing professionalism and the use of technology, recapped in this article.

BY KARLISE Y. GRIER

On Dec. 17, 2020, the Chief Justice's Commission on Professionalism held a CLE to discuss professionalism and the use of technology. Lawyers who may have traditionally worked on opposite sides of cases worked together on the Judicial Council/Administrative Office of the Courts COVID-19 Task Force to devise solutions that can help reduce the backlog of cases caused by the COVID-19 pandemic.¹ Hon. T. Russell McClelland, chief judge, State Court of Forsyth County and vice-chair of the COVID-19 Task Force, discussed the havoc wrought in his courtroom by the pandemic. Pre-pandemic, he could fit 180-200 people into his largest courtroom. Now, following the social distancing guidelines outlined by the Centers for Disease Control and Prevention, he is limited to a maximum capacity of 23 people. Supreme Court of Georgia Chief Justice Harold D. Melton encouraged judges to conduct court proceedings remotely as much as possible.²

Throughout the CLE, lawyers, judges and other legal professionals shared their thoughts on professionalism as the legal

systems works to use technology to address some of the challenges brought about by the pandemic. Adam Malone, task force member and executive vice president of the Georgia Trial Lawyers Association, articulated one of the professionalism themes heard throughout the CLE: Lawyers, as officers of the court, need to set their adversarial swords aside and address the backlog. If the courts are backlogged, clients suffer. Additional insights and topics of discussion shared by lawyers and judges during the CLE are highlighted below.

Who Should Be in Charge of the Videoconferencing Platform?

Panelists were asked their thoughts on a district attorney's office running the videoconferencing platform during a hearing as opposed to the judge's office. One judge acknowledged that during the initial two weeks of remote proceedings, the district attorneys did run Zoom until the judges got up to speed. The judge said it was not ideal, but it allowed the court to keep the cases moving.



... Lawyers, as officers of the court, need to set their adversarial swords aside and address the backlog. If the courts are backlogged, clients suffer.



GETTYIMAGES.COM/MELPOMENEM

Hon. Shawn LaGrua, then a member of the Fulton County Superior Court bench,³ reminded participants that in some circumstances, lawyers and judges may have to make difficult choices on a case-by-case basis. Is it most important to have the case heard although an assistant district attorney may need to run the videoconference, or is it most important to wait until the judge can learn to do it or find an individual who can? LaGrua further reminded the audience that judges have access to varying amounts of resources throughout the state, and urged professionals to continue to work together to determine what solutions work best for each community. She said that if the parties do agree to allow one of the parties to run the videoconference, the lawyers should work together to set up parameters in advance. Hon. Robert “Rob” D. Leonard II, chief judge, Superior Court of Cobb County and chair of the Judicial COVID-19 Task Force Technology Committee, said judges have an obligation to learn to use the technology. If a judge is unable to use the technology, then

the judge should find someone on his staff or at the court to do it. He acknowledges that, ideally, you don’t want one party to have control over the Zoom session.

Discovery Disputes in Civil Cases

McClelland shared that the task force has developed some best practices for discovery disputes in civil cases and drafted a handout based on those practices that is currently under review. He reminded lawyers that the starting point for any discovery dispute is found in the Uniform Rules of Superior Court Rule 6.4. The rule requires lawyers to have a meaningful conversation about the dispute, not just an exchange of letters or emails. Hon. Alvin T. Wong, judge, State Court of DeKalb County, echoed the sentiment, “One of the most important tools [lawyers have] is lawyers talking to each other. Personal contact.” Don’t just write a letter or an email. At a minimum, lawyers should talk to come to an agreement about the essence of the discovery dispute. “Dur-

ing the pandemic era, it is more important than ever that you talk to each other,” said Wong.

David N. Nelson, task force member and the immediate past president of the Georgia Defense Lawyers Association, shared a story of how having a telephone conversation about a discovery dispute resolved not only the discovery dispute, but the entire case. McClelland then outlined the best practices for discovery dispute. Lawyers should submit a Notice of Discovery Dispute that is limited to one page. The one-page notice should set forth the nature of the discovery dispute, the efforts the parties have made to talk and resolve the discovery dispute and the specific relief requested. The other side would have the opportunity to submit a one-page response. The judge could then let the parties know how the court wished to proceed: with a conference call, a preliminary ruling or a hearing. McClelland said judges may decide to include the best practices in a standing pre-trial order, or lawyers may want to suggest the procedure to judges.



GETTYIMAGES.COM/BDFC

Discovery Exchanges in Criminal Cases

One attendee raised questions about the exchange of discovery in criminal cases. During the ensuing discussion, the panelists used as a starting point the premise that the prosecutor does not have to provide discovery until 10 days prior to trial.⁴ Since very few trials might proceed in the near future, the question arose as to whether the lawyers in criminal cases needed to exchange discovery. Jimonique Rodgers, task force member and former deputy director and interim executive director of the Georgia Public Defender Council, addressed the question. “We recommend the digital sharing of discovery,” Rodgers said. “It is important for prosecutors and defense attorneys to work toward a resolution of cases. If lawyers wait until you have to do it under the statute, you are not operating in the spirit of ‘let’s try to resolve these cases.’” Exchanging discovery as soon as possible moves away from the old paradigm of the scorched-earth approach to a new para-

digm of how can we resolve cases that can and need to be resolved. “Defense counsel are willing to do that when it benefits the client.” LaGrua added that the more information people have, the more likely the case will move toward resolution. If the prosecutor is in a position to do so, turning over the information as soon as possible is more likely get a case resolved. In addition, if defendants have information to provide that can help the case reach a resolution, it is in the defendant’s best interest to do so. “This is not the time on either side to play hide the ball and adhere to 10 days when we know we are not going to have a trial for some time going forward. ... We all need to be working together,” LaGrua said.

Mediation

Tracy Johnson, executive director of the Georgia Commission on Dispute Resolution, shared that there was a bit of regrouping when the Supreme Court first declared the judicial emergency

in March 2020. Shortly thereafter, the commission on Dispute Resolution engaged national trainers to teach Georgia mediators how to conduct remote mediations. The Commission also clarified its rules to encourage remote mediations. Johnson reported that mediators have transitioned well to the platform, noting that remote mediation has allowed courts to make mediation more accessible. For example, some circuits didn’t have any mediators. Remote mediation has provided an opportunity for litigants in those areas to access mediation now. Remote mediation has also created more accessibility since mediators are no longer confined to working during the hours in which courts are operating. Depending on the availability of all parties involved, remote meditations can happen at any time. According to Johnson, the flexibility of mediation really embodies the spirit of *A Lawyers Creed and the Aspirational Statement on Professionalism*. Mediation encompasses civility, courteousness, fairness and cooperation.

... The flexibility of mediation really embodies the spirit of *A Lawyers Creed and the Aspirational Statement on Professionalism*. Mediation encompasses civility, courteousness, fairness and cooperation.

Stipulations and Admitting Evidence

The panelists also discussed practical professionalism pointers in conducting a remote hearing. LaGrua reminded attorneys that emailing documents to the judge's staff is not the same as having documents admitted into evidence; lawyers still need to ensure that the documents they wanted in evidence and as part of the record were properly admitted. Malone added that as he prepares for remote proceedings, he now assumes that the other side can authenticate documents and lay a proper foundation. As a result, he now works with opposing counsel to stipulate to authentication and foundation prior to the hearing. Additionally, he also stipulates to the admissibility of documents, when possible. Tina Shadix Roddenbery, attorney advisor to the task force, shared that during a recent bench trial, she stipulated to all of the facts and documents with the exception of two issues. She said she never would have considered doing so prior to the pandemic.

Access to Justice and Language Access

Cathy Vandenberg, a task force member and the deputy director of Atlanta Legal Aid Society, reminded the audience that not everyone has access to technology. She said that while many people in the metro-Atlanta area have smartphones, this was not necessarily the case in some parts of rural Georgia, which is served

by the Georgia Legal Services Program. As a result, some people will still need to come to court in person to have their cases resolved. She praised people for thinking creatively to solve access issues, especially for self-represented litigants. The Dougherty County Law Library and Middle Georgia Access to Justice Project are two of the organizations that are working to bridge the technology gap. Maria Mackay, certified legal interpreter and a member of the Chief Justice's Commission on Professionalism, discussed some of the challenges courts have faced regarding the language barrier as a result of the pandemic. Wong advised the audience that Zoom had a module for interpretation. He also stated that when he had cases in which the litigants spoke a language not commonly used in the court, he sometimes used the language line.⁵

Final Thoughts

McClelland and Wong encouraged judges to proactively review and conduct pre-trial conferences in their cases. Elizabeth Fite, president-elect of the State Bar of Georgia, encouraged lawyers to "give each other grace but explain to clients that we are still in court," even if it is a remote proceeding. Leonard shared, "Be patient and accommodate people." Roddenbery reminded everyone to read and take to heart *A Lawyers Creed* and the *Aspirational Statement on Professionalism*.

The Chief Justice's Commission on Professionalism appreciates the time and assis-

tance of everyone who participated in the CLE. A complete list of speakers and written materials are available on the Commission's website, www.cjcpga.org.⁶ ●



Karlise Y. Grier

Executive Director
Chief Justice's Commission
on Professionalism
kygrier@cjcpga.org

Endnotes

1. For more information on the Judicial Council/Administrative Office of the Courts Judicial COVID-19 Task Force, see <<https://georgiacourts.gov/judicial-covid-19-task-force/>>.
2. See also <<https://www.gasupreme.us/wp-content/uploads/2021/01/10th-SJEO.pdf>>.
3. After this article was written, Judge LaGrua was sworn in as a justice of the Supreme Court of Georgia.
4. See generally O.C.G.A. § 17-16-22 and O.C.G.A. § 17-16-23 (misdemeanor cases) and O.C.G.A. § 17-16-4 (felony cases).
5. For more information on interpreters, visit the website for the Georgia Commission on Interpreters <<https://ocp.georgiacourts.gov/commission-on-interpreters/>>. The State Bar of Georgia's Law Practice Management Department can provide information about various videoconferencing platforms. See <<https://www.gabar.org/committeesprogramssections/programs/lpm/>>.
6. See <<http://cjcpga.org/121720-cjcp-cle/>>.



GEORGIA COUNCIL OF COURT ADMINISTRATORS

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Courts

Dr. Will Simmons
6th Judicial Administrative
District

Katie Young
Gwinnett Co. Recorder's Court

Report to the Judicial Council of Georgia April 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.

The Georgia Council of Court Administrators held its 2021 Spring Conference, themed "Waves of Change: How Courts Navigate Uncharted Waters," on Tuesday and Wednesday, March 16-17, 2021. In light of ongoing developments with COVID coupled with county travel and budget limitations, the Board of Directors elected to hold a hybrid conference. GCCA Board of Directors along with the Education Committee Co-Chairs appeared live with the conference speakers in the Classic Center in Athens. The entire conference was live-streamed to our membership. Conference speakers focused their presentations on the issues and challenges facing court managers as they adapt to the rapid changes caused by the pandemic while at the same time focusing on their primary goal of maintaining operational continuity. Speakers also discussed the unique opportunities presented by the pandemic that could assist court managers in discovering innovative ways to become more efficient and resourceful in their efforts to achieve continuity in court operations.

GCCA's quarterly podcast series *In Recess* released its latest podcast entitled "Putting Social Media to Work for Your Court." Craig Waters, the Director of the Florida Supreme Court's Public Information Office, shared information about how courts in his state are using social media to increase public trust and confidence in the courts and justice system. Topics explored in this episode included the benefits of using social media for courts, how to use social media effectively, what pitfalls to avoid, and what platforms work best for each individual court's media needs.

Through the *In Recess* series, GCCA is committed to providing our membership and other interested listeners a convenient way to learn about court innovations, thought-provoking trends in our justice system, and other pertinent issues that matter to the court community. As courts begin to conduct jury trials, our next podcast will explore with court officials from various jurisdictions what is working and where improvements can be made in the jury trial process.

Institute of Continuing Judicial Education
Click the link [here](#) for access to materials

Placeholder: Judicial Qualifications Commission