

Judicial Council of Georgia
Emergency Session

By Zoom Conferencing

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

Thursday, July 15, 2021

2:00 p.m.

- 1. Preliminary Remarks & Swearing In of New Members**
(Chief Justice David E. Nahmias, 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. Adoption of Minutes – April 23, 2021, General Session** (*Action Item*)
(Chief Justice David E. Nahmias, Est. Time – 2 Min.)
- 4. Discussion of Post-Emergency Operations by Judicial Council Members**
(Chief Justice David E. Nahmias, Est. Time – 15 Min.)
 - A. Judicial COVID-19 Task Force Update**
(Justice Shawn LaGrua/Chief Judge Russell McClelland, Est. Time – 5 Min.)
 - B. Letter from U.S. Department of Justice to Chief Justices/State Court Administrators**
(Justice Nels S.D. Peterson, Est. Time – 3 Min.)
 - C. Update on American Rescue Plan Act funding**
(Presiding Justice Michael P. Boggs, Est. Time – 3 Min.)
- 5. Reports from Courts, Councils, State Bar, and AOC** (Est. Time – 15 min.)
 - A. Supreme Court**
 - B. Court of Appeals**
 - C. State-wide Business Court**
 - D. Council of Superior Court Judges**
 - E. Council of State Court Judges**
 - F. Council of Juvenile Court Judges**
 - G. Council of Probate Court Judges**
 - H. Council of Magistrate Court Judges**
 - I. Council of Municipal Court Judges**
 - J. State Bar of Georgia**

K. Administrative Office of the Courts

6. Reports from additional Judicial Branch Agencies (Est. Time – 10 Min.)

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

7. Old/New Business
(Chief Justice David E. Nahmias, Est. Time – 5 Min.)

8. Concluding Remarks and Adjournment
(Chief Justice David E. Nahmias, Est. Time – 5 Min.)

Next Judicial Council Meeting – General Session

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

Judicial Council General Session Meeting Calendar – 2021

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

Judicial Council General Session Meeting Calendar – CY 2022

Friday, February 11, 2022 10 a.m. – 12:30 p.m. Zoom Conferencing

Friday, April 22, 2022 10 a.m. – 12:30 p.m. Nathan Deal Judicial Center / Atlanta, GA

Friday, August 12, 2022 10 a.m. – 12:30 p.m. Athens, GA

Friday, December 9, 2022 10 a.m. – 12:30 p.m. Zoom Conferencing

Please continue to check www.georgiacourts.gov (the Judicial Gateway) for the latest updates and information.

Judicial Council of Georgia

Members as of July 1, 2021

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

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

Judicial Council of Georgia

Members as of July 1, 2021

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

**Judicial Council of Georgia
General Session
Zoom Conferencing
April 23, 2021 • 10:00 a.m.**

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David E. Nahmias
Chief Judge Brian Amero
Chief Judge Berryl Anderson (for Council of
Magistrate Court Judges)
Chief Judge Jeffrey S. Bagley
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Walter W. Davis
Chief Judge Lori B. Duff
Judge Robert Flournoy, III
Chief Judge Asha Jackson
Ms. Dawn Jones
Judge Lisa C. Jones
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Judge Thomas Lakes
Justice Shawn LaGrua
Chief Judge Christopher J. McFadden
Senior Judge H. Arthur McLane (for Judge
Melanie Cross)
Judge J. Wade Padgett
Chief Judge C. Gregory Price
Vice Chief Judge Brian M. Rickman
Judge W. Fletcher Sams
Judge W. James Sizemore, Jr.
Chief Judge Sarah Wall
Judge Wesley B. Taylor

Chief Judge Willie C. Weaver, Sr.
Chief Judge Kelli L. Wolk
Judge Alvin T. Wong

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Ms. Alexis Bauman
Ms. Shimike Dodson
Mr. Darron Enns
Ms. Jessica Farah
Ms. Stephanie Hines
Ms. Cheryl Karounos
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 asked to submit their attendance by e-mail for the purpose of the minutes.

Adoption of Minutes

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session of February 1, 2021, the General Session of February 12, 2021, the Emergency Session of March 1, 2021, and the Emergency Session of March 15, 2021. A motion to approve the minutes was offered by Chief Judge Weaver, followed by a second from Presiding Justice Nahmias. No discussion was offered, and the motion was approved without opposition.

Committee Reports

Legislation Committee. Chief Justice Melton and Presiding Justice Nahmias both thanked the legislative staff for their hard work during the legislative session and expressed appreciation to the legislature for their collaboration. Presiding Justice Nahmias also thanked Judges Amero, Brasher, Taylor, and Padgett for their time and work throughout session.

Presiding Justice Nahmias directed Council members to Tab 2 of their meeting packet for a report on the final status of the Judicial Council's legislative initiatives and supported items. He shared that the Council's key pandemic-related priorities were enacted and highlighted the importance of the successful passage of Senate Bill 163 (SB 163), sponsored by Senator Brian Strickland, which allows superior and state courts on a county/circuit basis to continue to toll statutory speedy trial requirements following a judicial emergency. Presiding Justice Nahmias went into further detail about the specific requirements of SB 163, highlighting that the bill does not relieve the state and courts from constitutional speedy trial obligations and sunsets on June 30, 2023. He also clarified that the authority provided by SB 163 will not be required until the Statewide Judicial Emergency ends. Presiding Justice Nahmias shared that model orders and certifications are being worked on to assist courts with compliance and encouraged courts to examine the factors and begin thinking about the statistical data that may be needed.

Presiding Justice Nahmias next addressed House Bill 635 (HB 635), sponsored by Representative Rob Leverett, which includes the three proposals put forth by the Judicial COVID-19 Task Force and Judicial Council. HB 635 makes explicit the ability of judges to have jurisdiction when they are operating remotely (an initiative led by the Council of Superior Court Judges), and includes provisions to allow superior and state courts to use facilities under contract with the governing authority as an alternative locations for court, expanded authority for District Attorneys to use accusations as formal charging instruments, and judicial discretion when a bench trial is requested by a defendant but objected to by the prosecutor.

Presiding Justice Nahmias reported that legislation to update and modernize the Court Reporting Act was not filed, nor was legislation filed for the proposed Superior and State Court Appellate Practice Act. Discussions took place on these items and they are hoped to be introduced next legislative session. He also reported on the final status of other items supported by the Council, including clarifications to settlements involving minors, the Uniform Mediation Act, and amendments to surety bond statutes.

Presiding Justice Nahmias closed the report by reminding judges to begin looking at SB 163 to prepare orders and certifications to be issued once the judicial emergency ends. He also announced the Standing Committee on Legislation will meet on July 21, 2021, to begin preparing for next year's legislative session. Presiding Justice Nahmias concluded by stating it was a very successful session and he recognized the legislators present who had assisted the Council: Senator Strickland, Representative Stan Gunter, and Representative Leverett. Each delivered brief remarks and expressed appreciation to the Council. Presiding Justice Nahmias also thanked additional legislators who supported the Council's efforts during the session, including Senator Harold Jones, Chairman Chuck Efration, Chairman James Burchett, Representative Mike Wilensky, and Representative Josh McLaurin. Chief Justice Melton echoed his appreciation for the legislators.

Budget Committee. Justice Michael Boggs began by thanking Chief Justice Melton and Presiding Justice Nahmias for their leadership and assistance with the Council's Amended Fiscal Year 2021 (AFY21) budget and Fiscal Year 2022 (FY22) budget. He also thanked Director Clanton, AOC Budget Director Ms. Maleia Wilson, and the legislative team for their efforts throughout the legislative budget process and expressed appreciation to the General Assembly.

Justice Boggs directed Council members to Tab 3 of the meeting packet and reported a \$106,263 increase to the AFY21 operating budget. The details of the increase are included in the report. Justice Boggs next spoke to the FY22 budget, which received a \$1,256,567 increase, bringing the Judicial Council's FY22 state appropriated budget to \$15,615,952. Justice Boggs provided highlights from the program, including the fully funded Weighted Caseload Study, \$250,000 for civil legal services for Kinship Care families, an increase for civil legal services for victims of domestic violence, full funding of the request for the Juvenile Data Exchange Program, annualized funding for the Georgia Courts Registrar, a one-time state match for the Child Support Collaborative, and funding for the Judicial Qualifications Commission for two new attorney positions.

Justice Boggs concluded with thanking the legislature for their thoughtfulness throughout the budget process this year and shared that the Standing Committee on Budget will accept White Papers for the AFY22 and FY23 budget cycles from May 3, 2021, to June 15, 2021. After meeting this summer to review all enhancement requests, the Committee will present recommended enhancements 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.

Judicial COVID-19 Task Force. Justice Shawn LaGrua reported that the Task Force has continued to meet and is keeping up with jury trials commencing successfully across the state. Justice LaGrua reported that the Task Force had been concerned that jurors would not be receptive to attending in-person, but numbers and attendance levels are up; she stated that she believes this is because of the great job courts have done across the state to ensure jurors feel safe in the courthouse. Justice LaGrua reported that the Civil Subcommittee's one-page Discovery Dispute guidance document has been approved and will be posted on the AOC website. Chief Justice Melton echoed Justice LaGrua's sentiments about the work of the Task Force and local courts, leading to the successful commencement of jury trials. Chief Justice Melton also reminded the Council that the April Judicial Emergency Order indicated that the deadlines for presenting cases involving detained individuals will be reimposed effective May 14, 2021.

Technology Committee. Chief Judge Emerson directed the Council to the report behind Tab 4 of the meeting packet and expressed his appreciation to Justice Boggs for pursuing the funding for the Juvenile Data Exchange Project. Chief Judge Emerson reported that the Technology Committee is moving forward with the Protective Order Registry project in cooperation with the Georgia Crime Information Center. Chief Judge Emerson also included that he hopes to revisit and reinvigorate efforts on the Criminal Justice Data Exchange project. The goal of the project is to improve cooperation between branches and agencies in order to more efficiently transmit criminal case information.

Strategic Plan Committee. Judge Sara Doyle directed the Council to the written report included under Tab 5 of the meeting packet. She noted that a wellness and well-being course will take place on May 5, 2021. Judge Doyle reported that, to allow additional time to complete the strategic plan, the Committee voted to request approval to extend the current strategic plan for one additional year. 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, work on many initiatives was diverted to pandemic issues. The one-year extension also aligns the plan with the executive branch's strategic planning cycle. On behalf of the Committee, Judge Doyle moved that the Judicial Council approve extending the current strategic plan, and all strategic plans moving forward, for an additional year, from three years to four years. The current plan will be effective through Fiscal Year 2023, which ends June 30, 2023. A second was offered by Chief Judge Weaver and the motion was approved without opposition.

Judicial Workload Assessment Committee. Chief Judge Emerson provided a summary of completed caseload reporting by class of court and stated he will continue working with State Bar to discuss the continued need for the civil litigation bar to accurately complete and file case information sheets.

Regarding circuit boundary studies, Chief Judge Emerson reported the Committee has received four requests for studies (Burke County, Alcovy Judicial Circuit, Western Judicial Circuit, and the Griffin Judicial Circuit); he referenced the legislature's creation of the Columbia Judicial Circuit during the legislative session that did not include data from the JC. Due to the receipt of these four requests, and the numerous requests for information in general, the Committee's position is that this process should not go forward without judicial branch input. With that, Chief Judge Emerson made a motion on behalf of the Committee that the Judicial Council resume the circuit boundary study process starting the first business day of May 2021. However, instead of incorporating the 2020 data due to the impact of the pandemic, the Committee recommends utilizing calendar years 2017-2019 data. For 2022 requests, calendar years 2018, 2019, and 2021 will be used; for 2023 requests, calendar years 2019, 2021, and 2022 will be used. Lastly, study calculations for 2024 would utilize 2021, 2022, and 2023. No recommendation was made to reinstate the judgeship request process this year. Chief Justice Melton stated that while the Council's process is not purported to be required by the legislature to follow, it is offered as a tool to have a thoughtful means to making decisions on circuit boundary alterations. No discussion was offered, and the motion was approved without opposition.

Cybersecurity Insurance Implementation Committee. Justice Charles Bethel directed the Council to the written report included under Tab 7 of the meeting packet. Justice Bethel updated the Council on the Committee's near completion of the implementation phase of procuring, selecting, and managing cybersecurity insurance for the judiciary. The Committee recently

delivered a presentation to providers and hopes to hear back soon on projected costs. Justice Bethel and Chief Justice Melton thanked Judge Walt Davis for his engagement with this project.

Chief Justice Melton called for a break, and the meeting reconvened shortly thereafter.

Report from the Judicial Council/AOC

Ms. Clanton delivered a report on the recent work of the Judicial Council/AOC. She spoke to the success of the AOC recent Vaccine Clinic and thanked all who participated. Ms. Clanton also shared the success of the Justice Needs Jurors campaign and stated that it would continue until all grant funds for the project are expended; she thanked Judge Ken Hodges for his assistance with procuring the grant funding for the project. Ms. Clanton provided numerous updates from staff changes to court accomplishments, including the successful passage of the FY22 state budget. She also congratulated Presiding Justice Nahmias on his new role as Chief Justice beginning July 1, 2021, and Justice Boggs on his new role as Presiding Justice which will also begin on July 1, 2021. Ms. Clanton went on to recognize Chief Justice Melton for his dedicated service and for completing his 50th Judicial Council meeting today. She 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

Supreme Court. Chief Justice Melton began by thanking Ms. Jones for her service as President of the State Bar and welcomed Ms. Elizabeth Fite to the role. He reported that a number of rules will be issued in the coming months and anticipates some of the temporary rules from the pandemic will need to be made permanent. Justice Carla McMillian will be taking over the uniform rules duty from Justice Nels Peterson. Chief Justice Melton also thanked Chief Judge McFadden for his leadership on the Court of Appeals and dedication to the judiciary and welcomed Vice Chief Judge Rickman to his incoming role of Chief Judge of the Court of Appeals. Chief Justice Melton concluded by also thanking the Governor and legislature for their support in successfully navigating Georgia through the pandemic.

Court of Appeals. Chief Judge McFadden directed the Council to the written report included in the meeting packet. Chief Judge McFadden reported that the Court of Appeals remains fully functional, and the court's docket has started to see an increase in activity. Judge Brian Rickman will serve as the Court's next Chief Judge and Judge Amanda Mercier will serve as the next Vice Chief Judge, beginning on July 1, 2021. Chief Judge McFadden will continue to serve

on the Court and concluded by sharing that it has been a privilege and an honor to serve as a member of the Council.

Business Court. Reporting for Judge Davis, Judge Doyle shared that the Business Court is running very efficiently and thanked Business Court staff for all they do.

Council of Superior Court Judges. Chief Judge Amero directed the Council to the written report included in the meeting packet. He expressed his gratitude for superior court judges across the state for the successful restart of jury trials and thanked Executive Director Shannon Weathers and Budget Director Charles Miller for their guidance throughout the year. He recognized Judge Bill Hamrick and Judge Bert Guy for their work throughout the legislative session, and thanked Ms. Emily Youngo for her work and wished her well in her new role with the Supreme Court beginning July 1.

Council of State Court Judges. Judge Tailor referred members to the written report provided in the materials. He spoke to the state courts' dedication and eagerness to restart jury trials. He expressed his appreciation to the Chief Justice for his leadership and for the collaboration among classes of court during his time as President of the Council of State Court Judges.

Council of Juvenile Court Judges. Judge Jones referred members to the written report provided in the materials. Judge Jones expressed her gratitude for having served as President of the Council of Juvenile Court Judges and welcomed Chief Judge Price to the role beginning July 1, 2021.

Council of Probate Court Judges. Chief Judge Wolk referred members to the written report provided in the materials and thanked Chief Justice Melton for his leadership throughout the emergency. Chief Judge Wolk also recognized Executive Director Kevin Holder for his assistance during this trying year.

Council of Magistrate Court Judges. Judge Kasper referred members to the written report provided in the materials. She reported that Judge TJ Hudson will be leaving the Council and expressed the Council's best wishes to him. Judge Kasper thanked the Council's legislative chairs, Judge Brandon Bryson and Judge Brendan Murphy. The Council's first in-person meeting in over a year will take place next week. In conclusion, Judge Kasper expressed her appreciation to the Chief Justice for his leadership.

Council of Municipal Court Judges. Chief Judge Weaver referred members to the written report provided in the materials. He highlighted the continued functioning of the municipal courts

since the beginning of the pandemic. Chief Judge Weaver thanked Chief Justice Melton and the whole Judicial Council for their assistance during his time as President and reflected on the collaboration of the classes of court over the past year. Chief Judge Weaver recognized Judge Matthew McCord, who delivered brief remarks of appreciation to Chief Justice Melton on behalf of the municipal courts.

State Bar. Ms. Dawn Jones referred members to the written report provided in the materials and provided a brief update on legislation supported by the State Bar this past legislative session. Ms. Jones shared the State Bar's Annual Meeting will occur June 10-13, as a hybrid meeting with several meeting attendance options. Ms. Jones reported the State Bar of Georgia's Executive Committee's two-day conference was recently held, with successful collaborations and conversations coming out of the conference. She recognized the work of State Bar staff to provide support to the membership over the past year and recognized the new staff leadership in Mr. Damon Elmore and Ms. Sarah Coole. She expressed her gratitude to Chief Justice Melton and thanked Justices Peterson and Warren for their leadership serving as liaisons to the State Bar. Finally, Ms. Jones thanked Ms. Elizabeth Fite for her work on the COVID-19 Task Force and Ms. Christine Butcher Hayes for her work as Director of Governmental Affairs.

Reports from Other Judicial Branch Agencies

Council of Accountability Court Judges. Ms. Taylor Jones referred members to the written report provided in the materials and thanked Chief Justice Melton for his support of accountability courts.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson referred members to the written report provided in the materials. She extended the Commission's thanks to the Judicial Council and State Bar for their support of the Uniform Mediation Act. Ms. Johnson expressed her thanks to Chief Justice Melton for his leadership and wished him well.

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier referred members to the written report provided in the materials, highlighting the Suicide Awareness Program to be held on April 30. She thanked Justice LaGrua for her assistance and reported that Justice Bethel will be the guest speaker at a CLE before the end of the fiscal year. Ms. Grier concluded by thanking Chief Justice Melton for his service and leadership.

Georgia Council of Court Administrators. Ms. Robin Rooks referred members to the written report provided in the materials. She spoke to the Council's educational efforts over the past year and 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. No report was provided.

Recognition of Outgoing Members

Chief Justice Melton thanked each of the following outgoing members and recognized their unique contributions to the Judicial Council: Chief Judge McFadden, Chief Judge Amero, Chief Judge Bagley, Judge Tailor, former Chief Judge T.J. Hudson, Chief Judge Weaver, Ms. Dawn Jones, Judge Jones, and Chief Judge Wolk.

Old Business

No old business was offered.

New Business

No new business was offered.

Adjournment

Chief Justice Melton reported the next Emergency Session will be held on May 4, 2021. Presiding Justice Nahmias announced that future General Session meetings of the Council will be held half in-person (August and April) and half virtually (December and February) each year. The next General Session, scheduled on August 13, 2021, will be held in-person in Columbus, GA. Presiding Justice Nahmias asked that any questions or concerns be shared with him or Ms. Clanton.

Chief Justice Melton concluded the meeting with his final thoughts on the great work of the Judicial Council. He expressed his appreciation for the multitude of talent, dedication, and friendship on the Council and encouraged the Council to continue its current path of trust, openness, and collaboration. He shared his gratitude to the Council and stated this has been a highlight of his professional career.

Chief Justice Melton adjourned the meeting at approximately 12:10 p.m.

Respectfully submitted:

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

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

David E. Nahmias
Chief Justice

DRAFT

Judicial Council of Georgia
General Session
Zoom Conferencing
April 23, 2021 • 10 a.m.

Guests Present

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
Justice Charlie Bethel, Supreme Court of Georgia
Justice Michael P. Boggs, 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 of Clayton County
Ms. Melissa Davies, Prosecuting Attorneys’ Council
Mr. Richard Denney, First Judicial Administrative District
Judge Sara L. Doyle, Court of Appeals of Georgia
Mr. Damon Elmore, State Bar of Georgia
Chief Judge David T. Emerson, Superior Court, Douglas Judicial Circuit
Mr. Steve Ferrell, Ninth Judicial Administrative District
Ms. Elizabeth Fite, State Bar of Georgia
Ms. Natalie Glaser, Georgia Public Defender Council
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Representative Stan Gunter, Georgia House of Representatives
Mr. T.J. Hudson, Treutlen 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
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Justice Shawn E. LaGrua, Supreme Court of Georgia
Judge Thomas Lakes, Council of Probate Court Judges
Representative Rob Leverett, Georgia House of Representatives
Chief Judge T. Russell McClelland, State Court of Forsyth County
Ms. Natasha MacDonald, Council of Superior Court Judges
Judge T. Russell McClelland, State Court of Forsyth County
Judge Matthew McCord, Municipal Court of Stockbridge
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. LeNora Hawkins Ponzio, Fourth Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Robin Rooks, Georgia Council of Court Administrators
Judge Juliette Scales, Juvenile Court, Atlanta Judicial Circuit
Dr. William T. Simmons, Sixth Judicial Administrative District
Judge Arthur Lee Smith, Chattahoochee Judicial Circuit

Senator Brian Strickland, Georgia Senate
Mr. David Summerlin, Fifth Judicial Administrative District
Judge Kristi Thaxton, Municipal Court of Forsyth
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kristen Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Ms. Emily Youngo, Council of Superior Court Judges

DRAFT



U.S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

Thursday, June 24, 2021

Dear Chief Justice/State Court Administrator:

The COVID-19 pandemic has exacerbated a housing crisis across the United States. The crisis may be most urgent for renters, millions of whom are behind on rent. According to [recent estimates](#) by the Department of Housing and Urban Development (HUD), over 6 million renter households are behind on rent. More than 40% of adult renters who say they are behind on rent believe they will be evicted from their homes in the next two months. As the public health crisis recedes in the months ahead, and federal and state eviction moratoria begin to lapse, eviction filings are expected to overwhelm courts across the country.¹

Studies show that women and people of color will be disproportionately affected. Women, particularly Black and Latina women, are evicted at higher rates than men.² This disparity has persisted through the pandemic as Black, Latino, and Asian families report that they are behind on rent at roughly double the rate of white families.³

As evictions filings increase, there are a number of steps that state and local courts could take to keep families in their homes while protecting landlords' rights. Simply providing additional time to forestall evictions will make a critical difference. Congress has appropriated approximately \$46.5 billion in emergency rental assistance, which is being distributed to states, counties, cities, and tribes to keep families in their homes.

I am writing to encourage you to consider eviction diversion strategies that can help families avoid the disruption and damage that evictions cause and point to federal resources that can help courts navigate this crisis. Courts should consider taking the following steps right now to raise awareness of rental assistance and allow litigants additional time to obtain these funds:

- **Require landlords to apply for rental assistance before filing:** Many landlords may not be aware that they are eligible for the \$46.5 billion in emergency rental assistance Congress has appropriated. Courts could issue a temporary administrative order that requires landlords to apply for rental assistance prior to filing for eviction for nonpayment of rent, and which allows sufficient time for processing those applications. In Philadelphia, the Municipal Court issued an [order](#) requiring landlords to apply for rental assistance 45 days before filing a complaint.
- **Extend time in pending cases:** For pending cases, courts might postpone any pending eviction cases for a period of time, perhaps 30 to 60 days, to allow litigants time to apply

¹ See Hepburn et al. *U.S. Eviction Filing Patterns in 2020*, 7 SOCIUS 1 (Jan. 2021) (noting that eviction filing rates exceeded historical averages when moratoria lapsed).

² See Hepburn, et al., *Racial and Gender Disparities Among Evicted Americans*, 7 SOCIOLOGICAL SCI. 649-662 (2020).

³ See Center on Budget and Policy Priorities (CBPP), *Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships*, at Fig. 3, available at <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and> (last visited June 22, 2021).

for rental assistance. Where rental assistance applications have been filed, courts might consider placing those cases on a slower track to allow the application to be processed and the funds to be received. For example, the Michigan Supreme Court issued an [order](#) requiring courts to stay proceedings for a period of up to 45 days after the pretrial hearing if a tenant applies for emergency rental assistance and notifies the court of their application.

- **Modify summonses and other form filings:** Courts could modify summons documents, court notices, and form filings to alert litigants to the availability of eviction diversion programs and rental assistance and encourage them to apply. The Texas Supreme Court, for example, issued an emergency [order](#) that modified the notices that are sent to tenants who are sued for eviction to make sure they are aware of the benefits available under the State’s rental assistance program.
- **Partner with Community-Based Organizations (CBOs) and Legal Services Providers:** Courts could work with CBOs and legal service providers in their jurisdiction to raise awareness about the availability of rental assistance funds. Courts might make space available, whether virtual or physical, to CBOs and legal service providers to allow them to offer assistance to parties and maximize the chance for successful diversion.

Over the longer term, jurisdictions could consider building more robust eviction diversion programs. [As HUD has stated](#), recent studies have shown that “eviction diversion programs succeed when they provide comprehensive, supportive services to tenants and are designed to avoid evictions.” Such comprehensive programs could include a combination of rental assistance, mediation, social services, and legal assistance. Where alternative dispute resolution is offered, whether pre- or post-filing, jurisdictions should consider providing access to counsel for unrepresented parties from the outset to ensure that these programs promote just outcomes and do not perpetuate structural advantages typically held by landlords.⁴

Eviction diversion strategies like these encourage landlords and tenants to resolve disputes without formal adjudication and increase the chance that tenants can stay in their homes. A 2017 study of a diversion program in Michigan found that the program resulted in a 12% decrease in the rate of evictions.⁵ Diversion also removes added stress on court dockets already facing challenges caused by the pandemic. Early indications from Philadelphia showed that its program had helped reduce caseloads as significant numbers of litigants have chosen to resolve their disputes through mediation.⁶

⁴ Cynthia Whitman Daley, Regional Housing Legal Services, *Achieving Housing Stability with Eviction Diversion Programs*, at 8 (Nov. 2020), available at <https://rhls.org/wp-content/uploads/Achieving-Housing-Stability-with-Eviction-Diversion-Programs-during-COVID-and-Beyond.pdf> (noting that, absent legal and financial services, mediation may “simply perpetuat[e] the power imbalance between landlord and tenant”).

⁵ National Center for State Courts, *An Analysis of the Eviction Diversion Program at the 54-A District Court*, available at <https://nationalcenterforstatecourts.app.box.com/s/n7w8zu89tbayfjr0qz6h7mn6nrg0x6qh/file/679673021905>.

⁶ Taylor Allen, *‘It’s a conversation’: Philly’s alternative to landlord-tenant court is preventing eviction*, National Public Radio, available at <https://whyy.org/articles/its-a-conversation-phillys-alternative-to-landlord-tenant-court-is-preventing-eviction/>.

Each jurisdiction is different, and no single diversion program will work for every court. The National Center for State Courts has created an online [assessment tool](#) for courts to determine what makes sense for them. The tool provides a model eviction diversion program that courts could implement, along with guidance, best practices, and sample forms from other jurisdictions with a similar profile. The tool also provides a sample bench card that can help guide housing courts as they assess whether diversion might be appropriate.

The federal government stands ready to provide resources to jurisdictions that invest in eviction diversion. Possible sources of funding include:

- **COVID-19 State and Local Relief:** The American Rescue Plan allocated \$350 billion to state and local governments. The Treasury Department has clarified that these funds can be used for diversion programs that “prevent eviction or homelessness.”
- **Emergency Rental Assistance Program:** In addition to providing rental assistance for landlords and tenants, the \$46.5 billion Emergency Rental Assistance (ERA) Program can be used to support court-led housing stability programs. Courts can access ERA funding for housing stability services through their state or local ERA Program.
- **State Justice Institute:** In response to the COVID-19 pandemic, the State Justice Institute (SJI) provided support to the Pandemic Rapid Response Team established by the Conference of Chief Justices and Conference of State Court Administrators. SJI is continuing to support projects that will help courts respond to the pandemic, including, for example, by helping to sponsor online dispute resolution initiatives or court navigator programs.
- **HUD Legal Assistance Grant:** Within the next couple of months, HUD’s Office of Policy Development and Research expects to publish a notice of funding opportunity on grants.gov to support nonprofit and governmental entities who seek to provide legal assistance (including assistance related to pretrial activities, trial activities, post-trial activities and alternative dispute resolution) at no cost to eligible low-income tenants at risk of, or subject to, eviction.

Employing diversion strategies can help ensure access to justice and due process for renters faced with the prospect of eviction. And, as the number of eviction filings rise, the Justice Department will ensure that the civil rights protections that federal law affords tenants are not diluted. The Fair Housing Act (FHA) prohibits housing providers from denying rental housing or discriminating in the terms, conditions, or privileges of rental housing based on race, color, sex (including sexual orientation and gender identity), national origin (including limited English proficiency), religion, familial status (having children under 18), or disability. As [guidance issued by HUD makes clear](#), evictions motivated by bias or discriminating against persons based on their membership in a protected class can violate the FHA even when the eviction might otherwise have been justified. HUD has also reminded recipients of federal funds of their affirmative obligations to ensure meaningful language assistance for limited English proficient tenants and to communicate effectively with tenants with disabilities.

Losing one's home can have catastrophic economic and psychological effects.⁷ The entire legal community, including the Department of Justice, the bar, and the judiciary, has an obligation to do what it can to ensure that each and every individual has meaningful and equal access to justice before facing such consequences. I strongly encourage you to engage with other state and local actors to employ eviction diversion strategies in your jurisdiction.

Respectfully,

A handwritten signature in blue ink, appearing to read "Vanita Gupta", written in a cursive style.

Vanita Gupta
Associate Attorney General

⁷ See Emily A. Benfer et al., *Eviction, Housing Equity, and the Spread of COVID-19*, 98 J. URBAN HEALTH 1-12 (2021), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7790520/>.