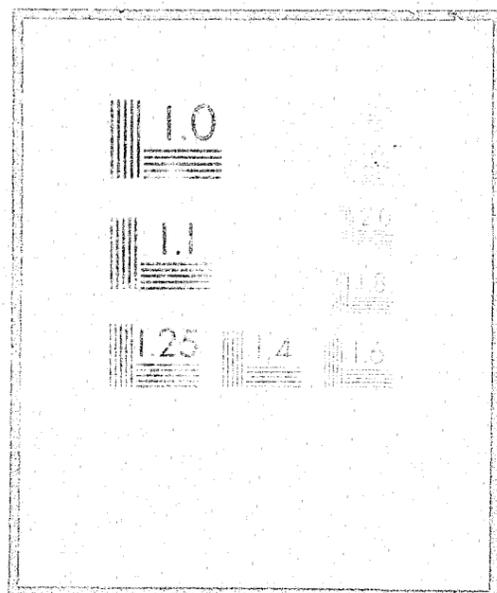


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PRELIMINARY RECOMMENDATIONS TO THE GEORGIA
GOVERNOR'S COMMISSION ON COURT REORGANIZATION
AND STRUCTURE, SUBCOMMITTEE ON SUPPORT
SERVICES



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School
Washington, D.C.

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SERVICES

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Consultant:

Thomas Morrill

NCJRS

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ACQUISITIONS

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
The American University Law Institute
4900 Massachusetts Avenue, N.W.
Washington, D.C. 20016
(202) 686-3803

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I. INTRODUCTION

The Georgia Governor's Commission on Court Reorganization and Structure, composed of judges and laymen, was established during the summer of 1975 to make recommendations for reorganizing and improving the state's court system, pursuant to a newly adopted Judicial Article to the State Constitution. The Commission is divided into several subcommittees designed to study specific aspects of court activities and administration in the state.

In response to a request from the Chairman of the Support Services Subcommittee, Judge Watson White of Cobb County, technical assistance was provided to assist the subcommittee in defining its appropriate scope of responsibility and the directions that should be pursued during the coming months. The consultant assigned to this request was Thomas Morrill whose experience with judicial unification efforts in numerous other states was deemed relevant and valuable to Georgia's. Mr. Morrill attended the August 22 meeting of the Subcommittee at which time the tentative recommendations prepared by the state Administrative Office of the Courts were discussed and approved.

This report summarizes the subcommittee's proposals presented at that meeting and Mr. Morrill's additional recommendations. Although, initially, it was anticipated that Mr. Morrill's assistance would be supplemented with that of other consultants whose expertise might be needed by the Subcommittee during the course of its activity, both Judge White and Mr. Morrill felt that additional assistance was not warranted until after the Legislature had met in 1976.

II. SUMMARY OF SUBCOMMITTEE'S PROPOSALS

The set of short range goals identified by the Administrative Office of the Courts and endorsed by the Subcommittee at its August meeting provided:

- 1) That each Administrative Judge should have a full-time assistant, adequately trained in court administration, to assist in his duties and to provide general administrative services to the other judges within the District.
- 2) That all court reporters within a District be placed under the supervision of the Administrative Judge who, acting with the advice of his court administrator, would make assignments as required within the District.
- 3) That all courts be required to transmit relevant case load data and information to the District Court Administrator, who, in turn, would be responsible for receiving the data and forwarding it to the Judicial Council. The reporting requirements should be established under rules adopted by the Judicial Council.
- 4) That all records of the trial courts be maintained in a uniform manner pursuant to guidelines and forms established by the Judicial Council.

III. ANALYSIS OF THE SUBCOMMITTEE'S PROPOSALS AND ADDITIONAL RECOMMENDATIONS

While the Subcommittee's outlined objectives are good, they do not deal comprehensively with all relevant issues involved in state-wide court reorganization. For example, recommendations regarding court reporters are premature and should be addressed at a later date or in another forum. The problems inherent with assigning court reporters relate to day-to-day operations and should be handled by the court administrators so as to retain their managerial flexibility. Court reporter operations also involve politically sensitive issues which should not be allowed to cloud the more important issues addressed by the other recommendations.

In addition, the expectations of the court clerks regarding the reporting systems are unrealistic. Their impression is that the information requested by the AOC will require very little effort on their part. However, the experiences of other jurisdictions indicates that the demands for information will rapidly increase to a point where it becomes a major burden on each court. This information is definitely needed but a more realistic assessment should be made as to its total impact on the workload.

A more serious problem for this Subcommittee may rest in the fact that, due to its need for information, heavy reliance is placed on the information provided by the AOC staff. However, during the consultant's visit it appeared that this staff performed an advocacy role

rather than provided an analysis of all relevant factors for the Subcommittee to consider. The Subcommittee thus received a one-sided view on each of the issues and acted, primarily, as a rubber stamp for the staff proposals. The role of the AOC staff vis à vis the Committee should be redefined so that the final recommendations take into account the concerns of the legislators, judges and clerks who must carry them out.

Finally, for the Subcommittee's efforts to meaningfully effect Georgia's court system, these efforts must be coordinated with strong central leadership. Unlike other states making progress in the area of court reorganization and reform, the Georgia court reform process seems to be operating under the direction of many separate committees, commissions and agencies, with no single person or group providing the vigorous and sustained force necessary for such major changes to take place.

END