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# 1994 ANNUAL REPORT

JUN 9 1995

July 1, 1993 - June 30, 1994

ACQUISITIONS

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Judicial Council of Georgia • Administrative Office of the Courts  
244 Washington Street, SW, Suite 550  
Atlanta, Georgia 30334-5900 • (404) 656-5171

Director, Robert L. Doss Jr. • Senior Communications Officer, Billie Dickerson • Editor, Nancy Kahnt

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Judicial Council of Georgia  
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June 1994

Chief Justice Willis B. Hunt Jr.  
Chair  
Supreme Court  
Atlanta

Presiding Justice Robert Benham  
Vice Chair  
Supreme Court  
Atlanta

Judge Dorothy T. Beasley  
Court of Appeals  
Atlanta

Judge Joe C. Bishop  
Second District Administrative Judge  
Dawson

Judge James N. Butterworth  
President  
Council of State Court Judges  
Cornelia

Judge David L. Cavender  
First District Administrative Judge  
Hinesville

Judge Philip F. Etheridge  
President  
Council of Superior Court Judges  
Atlanta

Chief Judge Hilton Fuller  
Fourth District Administrative Judge  
Decatur

Chief Judge William F. Grant  
Tenth District Administrative Judge  
Elberton

Judge William H. Ison  
Sixth District Administrative Judge  
Jonesboro

Chief Judge Isaac Jenrette  
Fifth District Administrative Judge  
Atlanta

Chief Judge Walker P. Johnson Jr.  
Third District Administrative Judge  
Macon

Judge William W. Lavigno III  
President  
Council of Juvenile Court Judges  
Conyers

Judge N. Kent Lawrence  
President-elect  
Council of State Court Judges  
Athens

Judge H. Arthur McLane  
President-elect  
Council of Superior Court Judges  
Valdosta

Chief Judge Bobby C. Milam  
Ninth District Administrative Judge  
Blue Ridge

Judge LaVerne C. Ogletree  
First Vice President  
Council of Probate Court Judges  
Greensboro

Judge Guy D. "Pete" Pfeiffer  
First Vice President  
Council of Magistrate Court Judges  
Cordele

Chief Judge Marion T. Pope Jr.  
Court of Appeals  
Atlanta

Chief Judge Tom Pope  
Seventh District Administrative Judge  
Calhoun

Judge Wayne M. Purdom  
President  
Council of Magistrate Court Judges  
Decatur

Judge Ronald H. Rentz  
President-elect  
Council of Juvenile Court Judges  
Colquitt

Chief Judge William M. Towson  
Eighth District Administrative Judge  
Dublin

Judge John Wheaton  
President  
Council of Probate Court Judges  
Leesburg

# JUDICIAL BRANCH IN REVIEW

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## Message from the Chief Justice

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*Chief Justice Willis B. Hunt delivered the State of the Judiciary Address to the Georgia General Assembly on January 11, 1995. Highlights of his remarks follow.*

I know my presence here is less an opportunity to disseminate useful information than it is a symbol that the third branch of government indeed exists and that you recognize our role, and we appreciate that. You understand that our engines are fed primarily by your work product. Almost everything you do finds its way to us. Whether your statutory enactments govern the substance and procedure of our tort cases, our divorce cases, or our criminal cases, or whether the laws you pass are simply presented to us for interpretation (because some people, believe it or not, don't know what you mean), the produce of your work is our life blood.

Courts do not make law, but they interpret it everyday, whether in the literal sense of the appellate function or in the practical application of the trial courts—approving or disapproving by their enforcement or rejection of your work product. And, it is that everyday, necessary, even intense, relationship between us, that I will reflect on in response to your kind invitation to be here.

Should I do as my predecessors have done for the last eight years, and that is, should I shower you with statistics that demonstrate the ongoing overload on your state courts and the fact that the courts' share of the state budget has never exceeded one percent—never reached one percent? You may recall Harold Clarke's eloquent plea two years ago reflecting on the song, "Buddy, Can You Spare A Dime?" and then asking you, "Buddy, Can You Spare a Penny?" But a penny could not be spared then, and apparently cannot now. We get right at eight-tenths of one percent of the state budget.

I have decided not to dwell on that because everyone knows there is an unmet demand for court time; everyone knows the courts are overloaded, a situation that will not be alleviated by stiffer sentencing laws or the upcoming Olympics. You don't have to be a lawyer or a judge to know that. And everyone knows that there are far more demands for your money than can be met. There are hard choices for you to make. We understand that. Education, for example. You cannot be too generous as to educational needs. And, in fact, the more you address education, the more you fund it, the less will be needed for courts and corrections—at least down the road. Pouring money into education is not a waste; it is an opportunity to attack the source of crime problems rather than the consequences, as has always been done in the past.

No matter what percent of the budget we have gotten, I think you have done as well by us as present circumstances permit. In fact, as far as the Supreme Court goes, you have been generous. Your generosity has permitted us to create and nurture programs we believe essential to the goal of equal justice and effective justice. Those programs include the Committee for Gender Equality, the Commission on Racial

and Ethnic Bias, the Office of Dispute Resolution (ADR), Courts Automation, and the new Committee on Substance Abuse and the Courts. Over the past three years you have doubled funding for indigent defense. These are important programs with important goals and we, the judiciary and the legislature, are jointly fulfilling our responsibility to pursue them.

### **Superior courts**

You have fulfilled your responsibility to the superior courts—the principal trial courts of the state. You have agreed to add judges, but your hands are tied by federal voting-rights litigation. We pray for a speedy resolution, and a fair resolution as well.

To meet the current demand, our superior courts have absorbed all available senior judges and many, many magistrates, juvenile court judges, and probate court judges. Much of the family law workload in the superior courts has been shifted to magistrates. These are emergency times and this is an emergency measure—but it is troubling.

It is at the heart of dissatisfaction and disenchantment of family court litigants and lawyers. Family law problems go beyond the lack of judge power. We all know that and we, and the members of the State Bar, and a number of you, are working with the Family Court Commission to address the overall problems and the wisdom, the feasibility of a family court. The citizens have authorized pilot programs in this field and you will consider those. This is not the time under all the attendant circumstances, to alter the discretionary appeals process. Let's not attack the problem piecemeal with a short-term solution, but address the whole problem through the study of the commission, the pilot programs, and the eventual addition of superior court judges. The trial courts desperately need help. What is most needed is more judges, but you cannot address that now.

### **Appellate courts**

I have not overlooked our Court of Appeals, I have saved them for last because they need your help, and you can help them. For every one opinion that I and my colleagues on the Supreme Court write, my colleagues on the Court of Appeals each write five—or is it six? They are basically writing one opinion for each workday, an enormous load—an impossible load. They seek your help in order to provide sufficient staff to keep them afloat and I know you will be responsible and meet their needs. Be generous with them. Don't compromise, be generous. They are the hardest working appellate judges in the country, and they need and deserve your help.

To be honest, they need more than staff. They need, although they may not agree with me, they need the benefit of a restructured appellate court system. They need more judges—either on their court or at least on another appellate tier—but you cannot solve that now, even if we were to agree how to solve it.

So there you have it. You get a high grade from me. We are grateful for what you do, and I thank you once again for the across-the-board pay raise you gave all judges last year. You were generous—most generous. Decent compensation says a lot about the state of our judiciary and we are grateful that you recognized and met our need.

## Selection of judges

We are also grateful that a decade ago you were wise enough to let the people tell us through their constitution that judges' elections should be nonpartisan. We have thereby avoided the confusion and distress suffered by our neighbors in Alabama, North Carolina, and Texas. The pressure of party politics and political action committees has cast a dark shadow on the legitimacy of their method of selecting judges.

But our system still deserves scrutiny. The underlying challenges of the voting-rights case must eventually be addressed, regardless of the outcome. And, the wisdom of statewide judicial elections remains in question. In twenty years appellate court incumbents have faced opposition ten times and won nine of those times—a track record that challenges the system. Should a newly appointed member of either of these two courts be required to face election within a few months after taking office? Is that fair to the judge? Is it fair to you and the rest of the voting public? Will we see the same increase in campaign contributions—mainly from interested lawyers—as has occurred in Alabama, North Carolina, and Texas? I hope not, but I am worried about it and you should be too.

## Vision

Let me conclude with a vision—my vision of what our court system should be and, yes, it will cost more than a tenth of one percent of the state budget. But you will have plenty of lead time to adjust. It is a vision that no other judge necessarily shares, but you get it from me for the price of admission.

Beyond the probate and magistrate courts which could be joined together, but probably never will, there would be three tiers.

There would be one trial court—the Superior Court, with a family law division, including juvenile matters, and perhaps a criminal division. All civil and criminal cases would go there and superior court judges could try something besides divorce and felonies. Why have both superior courts and state courts? There is no reason. State trial courts should be funded by state moneys.

There would be a well staffed mediation/arbitration office through which most of the civil work would be funneled initially. There would be—as there is now in some states—an appellate division of the superior court. Regionally, perhaps by congressional district (as judicial districts are now divided), there would be a panel of three judges who would hear direct appeals from all civil cases, family law included, and most criminal cases. They would provide for a review of fact and law in these cases, many of which are now discretionary. This appellate division would be a primary court of appeals. Our present Court of Appeals, on the other hand, would be a true intermediate court of appeals. It may well need no more members. It would take capital criminal cases on direct appeal, but others would be largely discretionary. Because of the work of the primary court of appeals, its workload would be greatly reduced. It would be manageable; it would be important. It would be the high error-correcting court.

The Supreme Court then, except for death penalty cases, constitutional issues, tax cases, and claims against the state, would be a true cert court. It would take its cases by writ of certiorari to the Court of Appeals. Unlike now, the Supreme Court

and the Court of Appeals would not be doing the same thing—they would not be sharing the error-correcting function. That would primarily rest with the Court of Appeals and the primary appellate division. The Supreme Court could fulfill its principal role, that of molding the common law, that of interpreting the constitution, and that of overseeing the legal profession—an increasingly important and urgent role. The Supreme Court would speak to broad issues of justice and equality.

The judges of these courts would be fairly selected by a method that would insulate them as far as possible from unwanted political pressure, but would permit the voters to decide, either directly or indirectly, who serves. That method would also insure the selection of judges who look like the people of this state—representation as to gender and to race.

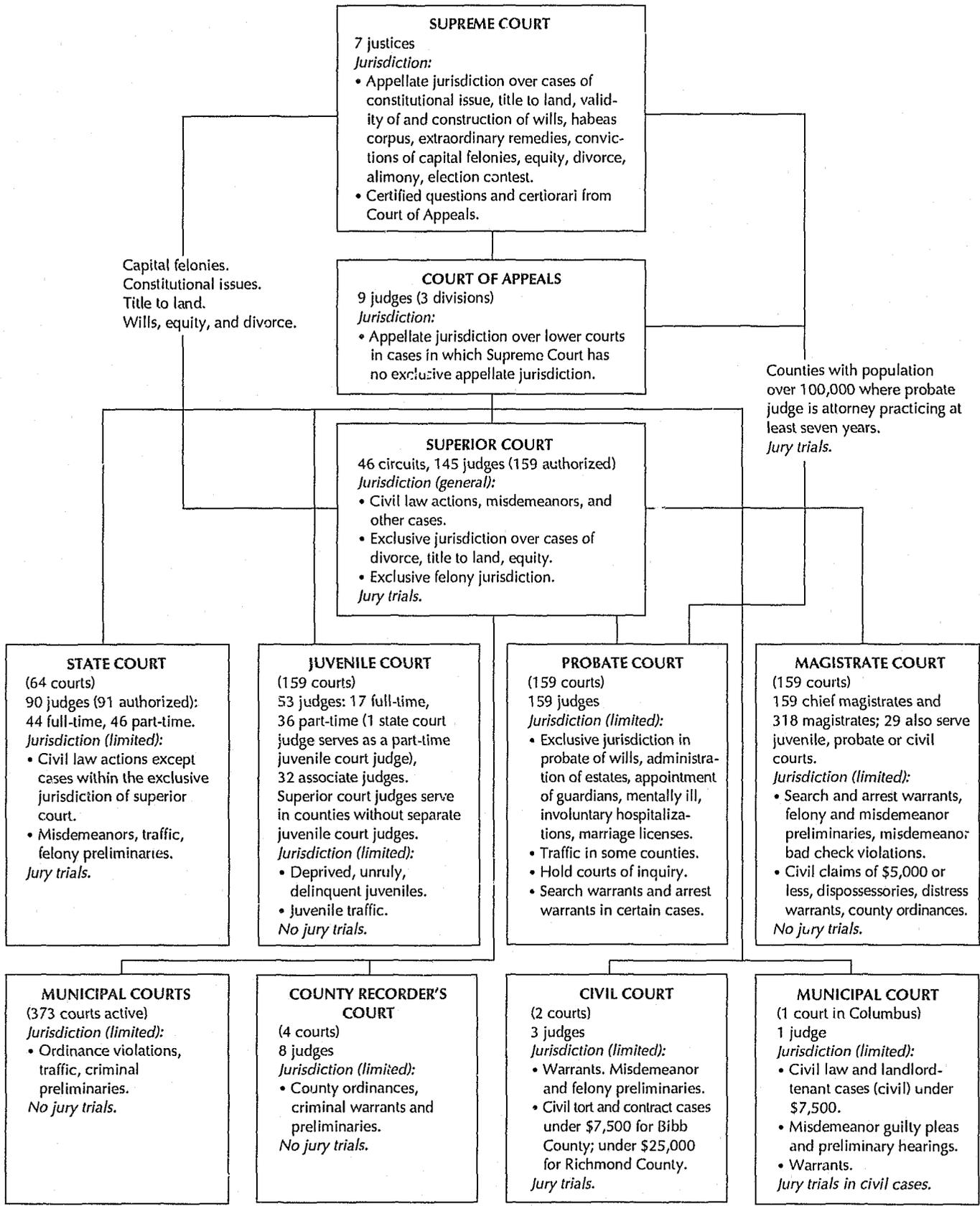
Well, there you have it. Simple, right? It will come, as do all judicial reforms, in increments. But it will come—trust me—I've seen the process close up for 24 years and something like my suggestion, similar to my suggestion, will arrive. It is not unlike the product envisioned by Paul Brown, Larry Walker and Roy Barnes (and myself) in 1984 on the Governor's Commission on Judicial Processes—Justice 2000. It is a vision that would simplify and immeasurably enhance the administration of justice and you—with responsibility, gratitude, humility and vision—will be proud to fund it.

There is one more word that describes better than any other the journey, the odyssey, the pilgrimage of the courts in our search for justice, and that is persistence. We have a great partnership—our two branches—together we will persist and prevail for the people we serve.

---

*Ceremonies on March 3, 1994, installed Justice Willis B. Hunt Jr. as Georgia's 25th chief justice. Justice Hunt succeeded Chief Justice Harold G. Clarke who retired March 1.*

**Georgia Court System: June 30, 1994**



## Fiscal Year 1994 Highlights

### July 1993

Fiscal year begins with judicial branch budget of: \$63,674,960.

Georgia Courts Automation Commission (GCAC) began installation and pilot testing of SUSTAIN, court case-management software.

### August 1993

Supreme Court Commission on Racial and Ethnic Bias in the Court System meets for diversity training sessions led by Dr. Jacob Herring of California.

State Bar Commission on Judicial Compensation meets to discuss objectives and strategies for increasing compensation for appellate and superior court judges.

### September 1993

Supreme Court meets on the original site of the Cherokee Nation Supreme Court at New Echota in North Georgia to pay tribute to Native American heritage.

Portrait of late Chief Justice Charles L. Weltner presented to the Supreme Court of Georgia and hung in the courtroom. The portrait originally hung in the Fulton County Courthouse.

### October 1993

First public hearing of the Commission on Racial and Ethnic Bias takes place October 1 at the DeKalb County Public Library in Decatur. Supreme Court Justice Robert Benham opens the meeting. Commission hears testimony from judges, lawyers, city officials and others. The commission's second public hearing is held October 29 at Georgia Southwestern College in Americus.

The Georgia Conference on Substance Abuse and the Courts is held in Athens on October 27 and 28, bringing together judges, prosecutors, defense lawyers and others to address the problems of substance-abuse related crime and its impact on the court system. Judge Harl Haas of Portland, Oregon, and Judge Kathleen Gearin of St. Paul, Minnesota, are the invited speakers. Twenty-five judicial circuits and 125 individuals participate in the two-day meeting.

Georgia Commission for Gender Equality approves a model policy for the handling of sexual harassment complaints to "achieve a workplace free from sexual harassment by establishing a procedure for submitting complaints, and for the investigation and resolution of these complaints."

### November 1993

Report and recommendations issued by the Judicial Compensation Commission find that current judicial salaries are neither fair nor adequate.

Commission on Racial and Ethnic Bias hearings are held November 19 in Savannah at Armstrong State College.

### December 1993

Judicial Council recommends creation of 16 additional superior court judgeships. Recommendations are sent to Governor Zell Miller and the General Assembly. The Administrative Office of the Courts presents superior court caseload data for the 46 judicial circuits showing total filings per superior court judge at 1,191 civil cases and 763 criminal cases.

Commission on Racial and Ethnic Bias hearings are held December 3 in Dalton at the Northwest Georgia Trade Center.

## Fiscal Year 1994 Highlights

### January 1994

Revised Code of Judicial Conduct becomes effective January 1. The revisions were suggested by the Judicial Qualifications Commission and bring Georgia up to date with the American Bar Association 1990 Model Code of Judicial Conduct. The new code features a preamble, a glossary of key terms and speaks to concerns regarding societal fairness and cultural diversity. Georgia's judicial code of conduct was last updated in 1984.

Chief Justice Harold G. Clarke delivers his final State of the Judiciary Address to the General Assembly. Justice Clarke calls for patient remedies attacking the causes of crime. He suggests services to teenage mothers and drug abusers, education on the value of humanity and community programs that offer hope to the young and disadvantaged. Chief Justice Clarke retires from the bench at the end of February.

Commission on Racial and Ethnic Bias holds hearings January 21 in Augusta.

### February 1994

The Georgia Commission on Family Violence issues a report on its first year of activities focusing on reducing domestic violence.

Chief Justice Clarke receives first Harold G. Clarke Equal Justice Award recognizing his strong leadership in support of indigent defense.

Commission on Racial and Ethnic Bias recommends that orientation and continuing education programs for judges and court personnel include a component of cultural diversity and sensitivity training.

### March 1994

Willis B. Hunt Jr. becomes the 25th Chief Justice of the Georgia Supreme Court in ceremonies held March 3 in the Supreme Court courtroom.

### April 1994

Final public hearing by the Commission on Racial Ethnic Bias is held April 8 at Georgia State University in Atlanta.

Governor Zell Miller signs into law a measure increasing base salaries for appellate court justices and judges and superior court judges. The General Assembly acted on recommendations of the Judicial Compensation Commission.

### May 1994

The Georgia Commission on Gender Equality meets on May 13 and endorses distribution of the *Court Conduct Handbook*. The pamphlet addresses behaviors that are forms of gender, race and ethnic bias. Examples of offensive conduct are presented, as well as guidelines and suggestions to avoid such behavior.

### June 1994

Judicial Council meets in Savannah on June 15.

State Bar of Georgia begins forming a Commission on Family Courts. The commission's goal is to evaluate and improve the delivery of judicial services to families and children in Georgia with respect to family law issues. The commission will review pilot family court projects in Georgia and other states.

## State Appropriations for the Judicial Branch: Fiscal Years 1993, 1994 and 1995

Budget Unit/Agency	FY 1993 Amended Appropriation	FY 1994 Amended Appropriation	Percent Change FY 93-94	1995 General Appropriation	Percent Change FY 94-95
Supreme Court	\$4,893,172	\$5,201,909	6.3%	\$5,433,395	4.5%
Court of Appeals	5,593,669	5,819,886	4.0%	6,269,416	7.7%
Superior Courts (Total)	45,649,233	47,558,332	4.2%	51,050,860	7.3%
Operations	42,124,772	44,268,810	5.1%	47,535,338	7.4%
Council of Superior Court Judges	114,499	126,609	10.6%	135,417	7.0%
Judicial Administrative Districts	1,464,647	1,164,572	-20.5%	1,242,858	6.7%
Prosecuting Attorneys' Council	1,791,715	1,840,926	2.7%	1,969,089	7.0%
Sentence Review Panel	153,600	157,415	2.5%	168,158	6.8%
Council of Juvenile Court Judges	847,005	911,803	7.7%	1,023,530	12.3%
Institute of Continuing Judicial Education (Total)	634,322	647,450	2.1%	652,490	0.8%
Operations	498,322	509,750	2.3%	513,260	0.7%
Magistrate Courts Training Council	136,000	137,700	1.3%	139,230	1.1%
Judicial Council	2,061,454	2,389,352	15.9%	1,802,442	-24.6%
Operations	986,713	1,269,363	28.6%	1,262,686	-0.5%
Board of Court Reporting	40,241	41,689	3.6%	70,756	69.7%
Case Counting	76,500	76,500	0.0%	76,500	0.0%
Council of Magistrate Court Judges	26,000	26,000	0.0%	26,700	2.7%
Council of Probate Court Judges	20,000	20,000	0.0%	20,000	0.0%
Council of State Court Judges	12,000	12,000	0.0%	12,000	0.0%
Council of Superior Court Clerks	0	33,800	0.0%	33,800	0.0%
Appellate Resource Center	240,000	250,000	4.2%	300,000	20.0%
Computerized Information Network	660,000	660,000	0.0%	0	-100.0%
Judicial Qualifications Commission	139,258	146,228	5.0%	148,808	1.8%
Indigent Defense Council	1,009,958	1,000,000	-1.0%	2,000,000	100.0%
Georgia Courts Automation Commission (Total)	0	0	0	1,244,331	0
Operations	0	0	0	561,763	0
Computerized Information Network	0	0	0	682,568	0
<b>Judicial Branch Totals</b>	<b>\$60,828,071</b>	<b>\$63,674,960</b>	<b>4.7%</b>	<b>\$69,625,272</b>	<b>9.3%</b>

### Appropriations

The total state budget rose by 6.3 percent for fiscal year 1994; appropriations to the judicial branch increased by 9.3 percent. The judicial branch budget includes funds for 14 superior court judgeships and related positions that cannot be filled until final settlement of federal voting-rights litigation. No new judgeships were approved by the General Assembly in 1994.

**State Judicial Branch Budget Units: Funds Available and Expenditures  
Fiscal Year 1994**

	Supreme Court	Court of Appeals	Superior Courts	Council of Juvenile Court Judges	Institute of Continuing Judicial Education	Judicial Council	Judicial Qualifications Commission	Indigent Defense Council	Totals
<b>Funds Available</b>									
General	\$5,131,909	\$5,778,182	\$48,888,332	\$911,803	\$639,950	\$2,286,773	\$146,228	\$1,000,000	\$64,783,177
Supplemental	86,400	41,704	-1,330,000	0	7,500	102,579	0	0	-1,091,817
Total State Funds	5,218,309	5,819,886	47,558,332	911,803	647,450	2,389,352	146,228	1,000,000	63,691,360
Federal Funds	77,458	0	1,770,839	304,149	6,689	445,157	0	56,230	2,660,522
Other Funds	539,761	59,261	1,922,704	3,165	115,346	155,614	0	1,926,143	4,721,994
<b>Total Funds Available</b>	<b>\$5,835,528</b>	<b>\$5,879,147</b>	<b>\$51,251,875</b>	<b>\$1,219,117</b>	<b>\$769,485</b>	<b>\$2,990,123</b>	<b>\$146,228</b>	<b>\$2,982,373</b>	<b>\$71,073,876</b>
<b>Expenditures</b>									
Personal Services	\$4,245,086	\$5,110,448	\$45,516,809	\$520,752	\$0	\$1,100,269	\$101,491	\$893,644	\$57,476,635
Regular Operating Expenses	447,852	120,071	1,595,062	436,723	162,169	154,965	17,480	1,562,622	4,494,716
Travel	38,189	24,427	570,396	36,698	0	23,147	4,240	28,468	723,394
Equipment Purchases	137,574	142,159	44,560	2,429	8,213	25,943	1,162	461	363,187
Computer Charges	188,183	123,614	216,662	17,417	25,228	1,150,045	367	14,522	1,735,876
Real Estate Rentals	302,355	242,187	138,896	44,167	0	33,996	5,206	40,084	807,037
Telecommunications	47,837	39,356	43,872	16,309	0	16,651	1,289	15,743	181,718
Per Diem, Fees & Contracts	347,422	21,393	1,410,976	144,517	573,605	477,070	13,584	8,483	3,006,421
<b>Total Expenditures</b>	<b>\$5,754,498</b>	<b>\$5,823,655</b>	<b>\$49,537,233</b>	<b>\$1,219,012</b>	<b>\$769,215</b>	<b>\$2,982,086</b>	<b>\$144,819</b>	<b>\$2,564,027</b>	<b>\$68,788,984</b>

**Five-Year Comparison of State Judicial Budget (1991-1995)**

Fiscal Year	Total State Appropriation	Percent Change	Judicial Appropriation	Percent Change	Percent of State Budget
1991	\$7,461,512,616	-2.4%	\$56,234,292	7.7%	0.75%
1992	\$7,552,871,790	1.2%	\$56,004,791	-0.4%	0.74%
1993	\$8,252,216,454	9.3%	\$60,828,071	8.6%	0.74%
1994	\$9,201,886,925	11.5%	\$63,674,960	4.7%	0.69%
1995	\$9,785,260,431	6.3%	\$69,625,272	9.3%	0.71%



# THE COURTS

## ————— About Filing and Disposition Figures —————

Filing and disposition figures included in this report cannot and should not be considered a complete measurement of judicial workload borne by any given judge in any given court.

While more detailed case types and disposition methods may represent more accurately the amount of judicial time required of judges in processing their caseloads, statistics alone cannot describe the relative contributions by various members of the judiciary in the performance of their official duties, nor are they indicative of the effort a judge has put forth or the hours spent in performing the duties of office.

Therefore, this report should not be used to evaluate or compare judicial performance.

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## Supreme Court

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The Supreme Court has exclusive appellate jurisdiction in the following matters: cases involving the construction of a treaty or of the Georgia or U.S. Constitution; the constitutionality of a law, ordinance or constitutional provision; and election contests. The state constitution gives the Supreme Court jurisdiction of all cases involving title to land, equity, wills, habeas corpus, extraordinary remedies (mandamus, prohibition, quo warranto, etc.), divorce and alimony, all cases certified to it by the Court of Appeals and all cases in which a sentence of death was imposed or could be imposed. Additionally, the Supreme Court may answer any question of law from any state or federal appellate court and may review by certiorari cases in the Court of Appeals which are of gravity or great public importance.

Terms of court begin in January, April and September. Oral arguments are heard each month, except August and December. The constitution provides that all cases shall be decided no later than the term following the term to which the case is docketed. Cases are assigned in rotation to the justices.

The seven justices are elected to staggered, six-year terms in statewide, non-partisan elections. A candidate for judgeship must have been admitted to practice law for at least seven years prior to assuming office. A vacancy on the court is filled by gubernatorial appointment to complete the unexpired term. The justices elect the chief justice and a presiding justice to handle administrative matters for the court. The chief justice presides over the Judicial Council of Georgia.

Each justice has three full-time staff members: two attorneys and one administrative assistant. The attorneys assist the justices in the research and preparation of opinions. They are not permitted to practice law while employed by the court.

The Supreme Court clerk, appointed by the members of the court for a six-year term, is the administrative officer of the court, has charge of the court's records and keeps its minutes. The opinions of the Supreme Court are published by the official reporter who is also appointed by the court.

The Supreme Court has authority to promulgate orders needed to carry out its functions and has rule-making authority over the superior, state, juvenile, probate and magistrate courts. The Administrative Office of the Courts, the Institute of Continuing Judicial Education, the Judicial Council of Georgia, the Office of Bar Admissions and the State Bar of Georgia assist the Supreme Court in its function and duties. The Supreme Court supervises the Chief Justice's Commission on Professionalism. The commission's primary charge is to ensure that the practice of law remains a high calling, enlisted in the service not only of the client, but the public good as well.

*The Supreme Court caseload for calendar years  
1992 and 1993 is shown on the next page.*

## Supreme Court Caseload: 1992 and 1993

Filed	1992	1993	Disposed	1992	1993
Direct appeals	534	580	By opinion	305 <sup>1</sup>	344 <sup>8</sup>
Petitions for certiorari	658	721	Affirmed without opinion (Rule 59)	98	127 <sup>9</sup>
Applications for appeal			Allowed withdrawn	30	29
Habeas corpus	117	122	Transferred to the Court of Appeals	77 <sup>2</sup>	128 <sup>10</sup>
Discretionary	226	249	Appeals dismissed	79	72
Interlocutory	48	57	Petitions for certiorari		
Attorney disciplinaries	132	140	Denied	526 <sup>3</sup>	634 <sup>11</sup>
Original petitions/motions	22	7	Granted	39	99 <sup>12</sup>
Extraordinary motions	7	23	Other	8	19
Cross appeals	21	30	Habeas corpus applications		
Certified questions	7	3	Denied	104	93
Bar admissions	2	7	Granted	7	1
Judicial qualifications	10	2	Other	6	9
<b>Total</b>	<b>1,784</b>	<b>1,938</b>	Discretionary applications		
			Denied	142 <sup>4</sup>	175 <sup>13</sup>
			Granted	34	46
			Other	9	30 <sup>14</sup>
			Interlocutory applications		
			Denied	27	21
			Granted	11	15
			Other	3	16 <sup>15</sup>
			Original petitions/motions	22	*
			Extraordinary motions		
			Denied	*	11
			Granted	*	7
			Stricken from docket	*	1
			Bar admissions	5	5
			Judicial qualifications	5	2
			Attorney discipline		
			By opinion	45 <sup>5</sup>	29
			By order	32 <sup>6</sup>	18
			<b>Total</b>	<b>1,630<sup>7</sup></b>	<b>1,931</b>

<sup>1</sup> In 1992, 305 appeals were disposed of by 268 written opinions.

<sup>2</sup> Includes 1 case remanded and 8 returned to the Court of Appeals.

<sup>3</sup> Includes 13 writs vacated as improvidently granted.

<sup>4</sup> Includes 3 denied applications for interim appellate review.

<sup>5</sup> In 1992, 45 complaints were disposed of by 37 written opinions.

<sup>6</sup> In 1992, 32 complaints were disposed of by 31 orders.

<sup>7</sup> Includes 9 cases removed or stricken from the docket.

<sup>8</sup> In 1993, 425 appeals were disposed of by 344 written opinions.

<sup>9</sup> Includes 1 appeal affirmed without opinion, with direction.

<sup>10</sup> Includes 2 cases remanded and 24 returned to the Court of Appeals.

<sup>11</sup> Includes 10 writs vacated as improvidently granted.

<sup>12</sup> Includes 11 writs granted and remanded to the Court of Appeals.

<sup>13</sup> Includes 2 applications for Interim Appellate Review.

<sup>14</sup> Includes 16 applications transferred to the Court of Appeals.

<sup>15</sup> Includes 9 applications transferred to the Court of Appeals.

\* No statistics kept.

The Georgia Court of Appeals has constitutional jurisdiction over appeals from trial courts in all cases where exclusive jurisdiction is not reserved to the Supreme Court. These cases include civil claims for damages, child custody cases, cases involving workers' compensation and criminal cases other than capital felonies. The court may also certify legal questions to the Supreme Court.

Nine judges serve on panels of three judges each. The chief judge of the court, usually the most senior judge who has not served as chief judge, is elected by the court to a two-year term. The chief judge appoints three presiding judges, usually the most senior, to head each panel.

Panel decisions are final unless a judge dissents. If, after a hearing by the full court the judges are equally divided, the case is transferred for decision to the Supreme Court.

Court of Appeals judges are elected to staggered, six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been admitted to practice law for at least seven years prior to assuming office. In the event of vacancies, the governor appoints successors to complete unexpired terms.

The court has terms beginning in September, January and April. The Georgia Constitution provides that all cases shall be decided no later than the term following the term to which a case is docketed (the "two term" rule) or the case shall be affirmed by operation of law.

The Court of Appeals provides for a voluntary settlement conference procedure in civil cases after a notice of appeal is filed in the trial court. The procedure affords the possibility of settlement or clarification of the issues of a case prior to docketing with the Court of Appeals. The settlement conference chief judge and other settlement conference judges located throughout the state consider those cases assigned to the settlement conference.

On January 1, 1994, the Court of Appeals created the position of clerk/court administrator to handle the increasing administrative requirements of the court as well as the increasing caseload. The clerk/court administrator assists the chief judge and oversees the clerk's office.

During fiscal year 1994, the court began using central staff attorneys to screen cases. The attorneys check for proper jurisdiction, timeliness of filing notice, and proper form and filing of application.

*Court of Appeals filings and dispositions for calendar years 1992 and 1993 are compared in the table on the next page. Statistics for fiscal year 1994 for Settlement Conference cases are also given.*

### Court of Appeals Caseload: 1992 and 1993

Filed	1992	1993	Disposed	1992	1993
Appeals	2,455	2,601	Appeals		
Discretionary applications	471	479	By opinion	2,065	2,183
Interlocutory applications	486	450	By order	433	512
<b>Total</b>	<b>3,412</b>	<b>3,530</b>	Discretionary applications		
			Granted	89	127
			Denied	334	296
			Dismissed	34	51
			Transferred to Supreme Court	0	0
			Withdrawn	0	1
			Changed to Interlocutory	5	4
			Total	462	479
			Interlocutory applications		
			Granted	172	142
			Denied	277	247
			Dismissed	31	49
			Transferred to Supreme Court	0	1
			Withdrawn	1	0
			Total	481	440
			<b>Total</b>	<b>3,441</b>	<b>3,614</b>

### Appellate Settlement Conference: Fiscal Year 1994

Cases settled	23
Cases terminated	38
Pending	10
<b>Total cases</b>	<b>71</b>

## Superior Courts

The superior court, Georgia's general jurisdiction trial court, has exclusive, constitutional authority to preside over felony cases and cases regarding title to land, divorce and equity. The exclusive jurisdiction of this court also covers such matters as declaratory judgments, habeas corpus, mandamus, quo warranto and prohibition. The superior court corrects errors made by lower courts by issuing writs of certiorari; for some lower courts, the right to direct review by the superior court applies.

Superior courts are organized into 46 judicial circuits varying in size and population, as well as in the number of judges serving them. Each county has its own superior court, though judges may serve in more than one county. Numbers of superior court judges per circuit range from two judges in each of 21 circuits to 15 judges authorized for the Atlanta Judicial Circuit. A chief judge handles the administrative tasks for each circuit.

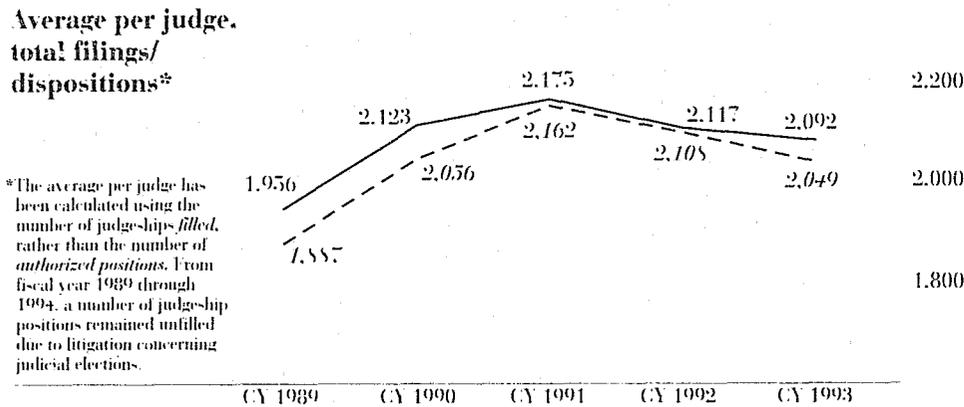
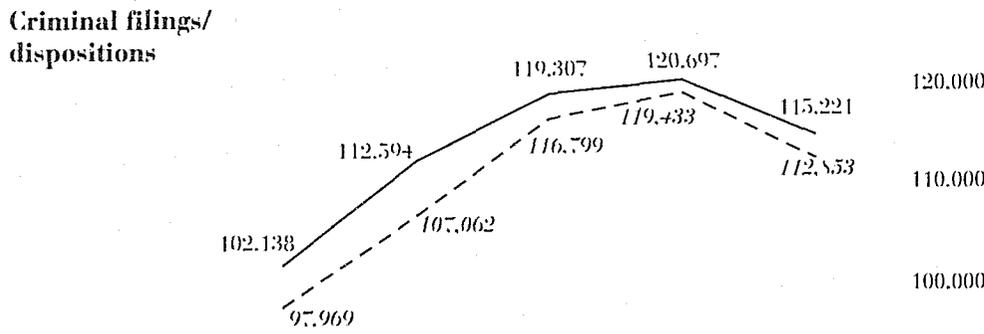
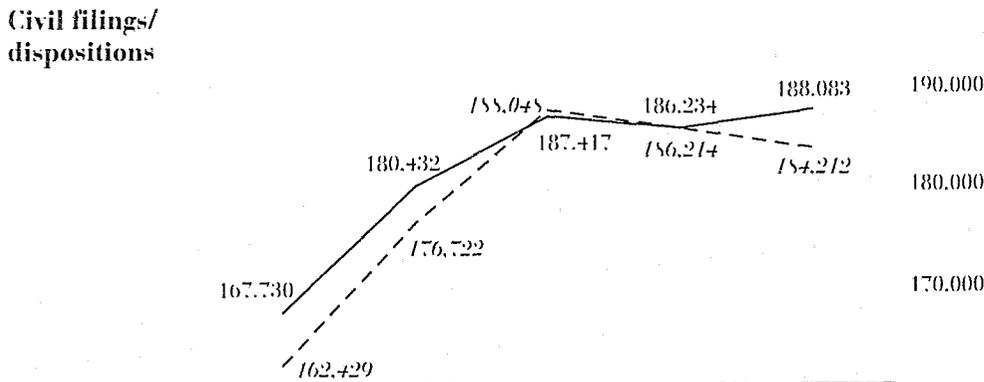
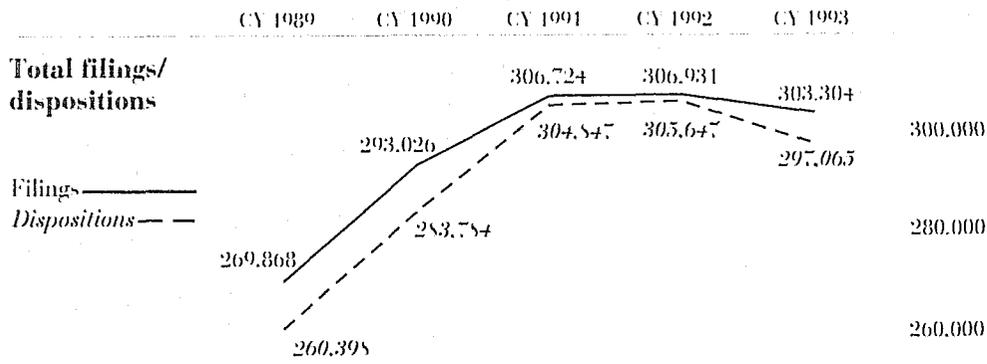
The superior courts are also grouped into 10 judicial administrative districts ranging in size from one to 27 counties. An administrative judge and a district court administrator serve in each district. Administrative judges have statutory authority to use caseload data and other information for management purposes and to assign superior court judges, with their approval, to serve temporarily in other counties and circuits as needed.

Superior court judges are elected to four-year terms in nonpartisan, circuit-wide races. To qualify as a superior court judge, a candidate must be at least 30 years old, a citizen of Georgia for at least three years, and have practiced law for at least seven years. Superior court judges who have retired from the bench and attained senior status may hear cases in any circuit at the request of a local judge, an administrative judge or the governor.

As of June 30, 1994, 145 judges served in Georgia's 159 superior courts.

*Graphs on page 19 show total, civil, criminal and average per judge filings and dispositions for calendar years 1989 through 1993. Caseload data for the superior courts for calendar year 1993 by circuit and case type is presented in the table on pages 20 and 21.*

# Superior Court Filing and Disposition Trends, 1989-1993



\*The average per judge has been calculated using the number of judge-ships filled, rather than the number of authorized positions. From fiscal year 1989 through 1994, a number of judge-ship positions remained unfilled due to litigation concerning judicial elections.

## Superior Court Caseload, Calendar Year 1993 (docket entries)

Circuit	# of Judges	Total Criminal		Felony		Misdemeanor		Probation Revocation	
		Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Alapaha	2	3,980	3,942	1,275	1,239	2,624	2,622	81	81
Alcovy	2	4,698	4,565	1,620	1,488	2,319	2,324	759	753
Appalachian	2	1,338	1,161	425	362	626	515	287	284
Atlanta	12	12,323	12,469	8,985	9,035	183	279	3,155	3,155
Atlantic	3	1,240	1,139	981	880	55	55	204	204
Augusta	5	3,589	3,011	2,208	1,738	622	532	759	741
Blue Ridge	3	1,150	1,141	767	760	71	69	312	312
Brunswick	4	2,292	2,428	1,574	1,701	402	411	316	316
Chattahoochee	4	3,530	3,385	2,413	2,278	803	793	314	314
Cherokee	3	2,643	2,796	850	912	904	1,000	889	884
Clayton	4	2,968	3,042	1,852	1,925	76	77	1,040	1,040
Cobb	7	4,968	4,908	3,784	3,853	148	140	1,036	915
Conasauga	3	2,240	2,098	829	688	780	779	631	631
Cordele	2	1,636	1,621	611	593	498	500	527	528
Coweta	3	2,915	2,869	2,185	2,139	274	274	456	456
Dougherty	2	1,865	1,775	1,174	1,093	305	296	386	386
Douglas	2	2,517	2,440	759	677	1,158	1,163	600	600
Dublin	2	1,260	1,185	608	610	466	387	186	188
Eastern	4	3,884	4,060	2,417	2,564	100	129	1,367	1,367
Enotah	2	1,023	1,339	236	360	585	777	202	202
Flint	2	1,566	1,534	716	658	440	477	410	399
Griffin	3	3,216	2,712	1,856	1,575	1,072	849	288	288
Gwinnett	6	2,682	2,780	1,842	1,895	6	8	834	877
Houston	2	1,203	1,140	803	751	208	201	192	188
Lookout Mountain	4	2,610	2,188	1,013	929	1,004	912	593	347
Macon	4	3,058	2,987	1,862	1,810	138	119	1,058	1,058
Middle	2	1,350	1,349	1,233	1,232	0	0	117	117
Mountain	2	977	985	510	501	79	97	388	387
Northeastern	3	1,723	1,842	932	1,064	419	419	372	359
Northern	2	1,570	1,425	696	609	390	341	484	475
Ocmulgee	3	3,155	2,990	1,613	1,513	1,407	1,342	135	135
Oconee	2	1,499	1,540	694	685	555	633	250	222
Ogeechee	2	1,402	1,241	1,032	891	18	21	352	329
Pataula	2	1,232	1,345	541	611	454	512	237	222
Piedmont	2	1,558	1,430	638	605	573	478	347	347
Rockdale	2	583	654	338	426	0	0	245	228
Rome	3	2,826	3,092	740	761	1,683	1,794	403	537
South Georgia	2	1,085	1,052	530	519	229	210	326	323
Southern	3	3,218	2,961	1,882	1,673	367	390	969	898
Southwestern	2	1,931	1,819	642	605	605	530	684	684
Stone Mountain	9	6,756	6,398	4,252	3,894	0	0	2,504	2,504
Tallapoosa	3	2,164	2,083	749	697	1,041	1,018	374	368
Tifton	2	1,091	1,059	619	647	257	213	215	199
Toombs	2	1,745	1,832	605	662	891	921	249	249
Waycross	3	1,462	1,483	833	874	187	177	442	432
Western	2	1,500	1,558	972	995	136	171	392	392
<b>Total</b>	<b>145</b>	<b>115,221</b>	<b>112,853</b>	<b>63,696</b>	<b>61,977</b>	<b>25,158</b>	<b>24,955</b>	<b>26,367</b>	<b>25,921</b>
<b>Average per Judge*</b>		<b>795</b>	<b>778</b>	<b>439</b>	<b>427</b>	<b>174</b>	<b>172</b>	<b>182</b>	<b>179</b>

\*Based on 145 superior court judges

## Superior Court Caseload, Calendar Year 1993 (docket entries)

Total Civil		General Civil		Domestic Relations		Total Caseload		Total Open	Circuit
Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Caseload	
1,733	1,676	535	500	1,198	1,176	5,713	5,618	2,466	Alapaha
4,091	4,274	1,150	1,341	2,941	2,933	8,789	8,839	4,299	Alcovy
1,586	1,543	599	622	987	921	2,924	2,704	1,799	Appalachian
14,217	10,551	4,872	2,673	9,345	7,878	26,540	23,020	14,977	Atlanta
3,215	3,205	883	921	2,332	2,284	4,455	4,344	1,341	Atlantic
10,284	9,449	2,306	1,998	7,978	7,451	13,873	12,460	7,264	Augusta
2,957	2,772	816	762	2,141	2,010	4,107	3,913	2,116	Blue Ridge
4,717	4,745	1,243	1,357	3,474	3,388	7,009	7,173	2,294	Brunswick
6,309	5,956	1,709	1,427	4,600	4,529	9,839	9,341	4,723	Chattahoochee
3,821	3,344	1,574	1,401	2,247	1,943	6,464	6,140	3,647	Cherokee
4,121	4,158	631	760	3,490	3,398	7,089	7,200	1,684	Clayton
9,160	8,867	1,898	1,976	7,262	6,891	14,128	13,775	5,430	Cobb
3,996	3,859	1,161	1,242	2,835	2,617	6,236	5,957	3,200	Conasauga
2,397	2,359	661	630	1,736	1,729	4,033	3,980	719	Cordele
6,291	6,478	1,563	1,656	4,728	4,822	9,206	9,347	3,077	Coweta
3,966	4,210	671	833	3,295	3,377	5,831	5,985	1,630	Dougherty
600	2,858	3,132	1,378	1,718	1,480	1,414	5,375	5,572	Douglas
2,797	2,714	700	671	2,097	2,043	4,057	3,899	1,302	Dublin
4,269	5,240	1,505	2,105	2,764	3,135	8,153	9,300	2,520	Eastern
1,566	1,641	608	693	958	948	2,589	2,980	754	Enotah
4,255	4,519	1,740	2,024	2,515	2,495	5,821	6,053	3,826	Flint
5,058	4,807	1,663	1,539	3,395	3,268	8,274	7,519	4,741	Griffin
8,047	6,446	2,836	2,264	5,211	4,182	10,729	9,226	3,171	Gwinnett
2,954	2,809	998	778	1,956	2,031	4,157	3,949	2,638	Houston
4,013	3,881	850	755	3,163	3,126	6,623	6,069	2,839	Lookout Mtn.
4,679	4,149	1,589	1,265	3,090	2,884	7,737	7,136	4,233	Macon
2,238	2,076	543	488	1,695	1,588	3,588	3,425	1,497	Middle
1,957	2,110	565	613	1,392	1,497	2,934	3,095	753	Mountain
3,471	3,350	902	951	2,569	2,399	5,194	5,192	1,778	Northeastern
2,608	2,427	879	813	1,729	1,614	4,178	3,852	2,702	Northern
3,801	3,713	1,785	1,718	2,016	1,995	6,956	6,703	2,129	Ocmulgee
2,221	2,137	649	614	1,572	1,523	3,720	3,677	810	Oconee
3,653	3,615	910	877	2,743	2,738	5,055	4,856	987	Ogeechee
1,773	2,140	500	606	606	1,273	1,534	3,005	3,485	Pataula
2,616	2,855	841	956	1,775	1,899	4,174	4,285	1,893	Piedmont
1,739	1,880	474	624	1,265	1,256	2,322	2,534	903	Rockdale
2,868	2,786	963	980	1,905	1,806	5,694	5,878	2,454	Rome
2,452	2,414	709	715	1,743	1,699	3,537	3,466	1,064	South Georgia
6,325	5,968	1,542	1,450	4,783	4,518	9,543	8,929	3,639	Southern
1,877	1,888	712	558	1,165	1,330	3,808	3,707	1,239	Southwestern
11,663	14,953	1,889	2,768	9,774	12,185	18,419	21,351	4,158	Stone Mountain
3,300	3,113	1,360	1,286	1,940	1,827	5,464	5,196	3,014	Tallapoosa
2,154	2,165	605	654	1,549	1,511	3,245	3,224	1,647	Tifton
1,614	1,598	497	522	1,117	1,076	3,359	3,430	1,363	Toombs
3,503	3,413	1,280	1,329	2,223	2,084	4,965	4,896	2,214	Waycross
2,893	2,827	1,095	1,107	1,798	1,720	4,393	4,385	1,941	Western
<b>188,083</b>	<b>184,212</b>	<b>54,839</b>	<b>53,540</b>	<b>133,244</b>	<b>130,672</b>	<b>303,304</b>	<b>297,065</b>	<b>126,686</b>	<b>Total</b>
<b>1,297</b>	<b>1,270</b>	<b>378</b>	<b>369</b>	<b>919</b>	<b>901</b>	<b>2,092</b>	<b>2,049</b>	<b>874</b>	<b>Average</b>

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## State Courts

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A 1970 legislative act established Georgia's state court system by designating as such certain existing countywide courts of limited jurisdiction. In counties where they are located, these courts may exercise jurisdiction over all misdemeanor violations, including traffic cases, and all civil actions, regardless of the amount claimed, unless the superior court has exclusive jurisdiction.

State courts are authorized to hold hearings on applications for and issuance of search and arrest warrants and to hold preliminary hearings. The Georgia Constitution grants state courts authority to review lower court decisions as provided by statute.

The General Assembly creates state courts by local legislation. The legislature also establishes the number of judges and whether the judges are to be full or part-time. Part-time judges may practice law except in their own courts.

In fiscal year 1994, 64 state courts operated in 65 counties. One state court serves Cherokee and Forsyth counties. Of the 91 authorized judgeships, 90 are filled; 44 are full-time and 46 are part-time. The 1994 General Assembly created a state court in Fayette County and added a state court judgeship in Fulton County.

State court judges are elected to four-year terms in nonpartisan, countywide elections. Candidates must be at least 25 years old, have been admitted to practice law for at least five years, and have lived in the state for at least three years. The governor fills vacancies by appointment.

*State court caseload information is presented on the following pages.*

## State Court Caseload, Calendar Year 1993 (number of defendants)

County	Misdemeanor			Traffic			Civil			Total		
	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open
Appling	*	*	*	*	*	*	*	*	*	*	*	*
Baldwin	*	*	*	*	*	*	*	*	*	*	*	*
Bibb	5,416	7,247	21,695	7,499	5,544	8,029	1,292	1,520	2,526	14,207	14,311	32,250
Brooks	*	*	*	*	*	*	*	*	*	*	*	*
Bryan	240	62	170	5,883	5,541	527	48	35	92	6,171	5,638	789
Bulloch	*	*	*	*	*	*	*	*	*	*	*	*
Burke	672	588	84	2,032	1,867	165	125	107	18	2,829	2,562	267
Candler	*	*	*	*	*	*	*	*	*	*	*	*
Carroll <sup>1</sup>	513	526	N/A	5,171	4,888	N/A	620	643	N/A	6,304	6,057	N/A
Chatham	2,018	1,714	726	1,198	1,063	988	2,173	1,674	2,339	5,389	4,451	4,053
Chattooga	*	*	*	*	*	*	*	*	*	*	*	*
Cherokee/Forsyth <sup>2</sup>	17,697	N/A	N/A	N/A	N/A	N/A	1,559	N/A	N/A	19,256	N/A	N/A
Clarke	942	856	86	N/A	N/A	N/A	654	520	134	1,596	1,376	220
Clayton	*	*	*	*	*	*	*	*	*	*	*	*
Clinch	*	*	*	*	*	*	*	*	*	*	*	*
Cobb	7,846	9,228	N/A	69,663	63,123	N/A	22,258	22,851	N/A	99,767	95,202	N/A
Coffee	*	*	*	*	*	*	*	*	*	*	*	*
Colquitt	*	*	*	*	*	*	*	*	*	*	*	*
Coweta <sup>3</sup>	1,005	849	156	8,662	8,092	570	574	356	218	10,241	9,297	944
Decatur	*	*	*	*	*	*	*	*	*	*	*	*
DeKalb	8,556	9,236	N/A	3,871	2,554	N/A	55,583	40,526	N/A	68,010	52,316	N/A
Dougherty	3,270	3,023	247	7,467	7,244	223	810	639	171	11,547	10,906	641
Early	369	342	24	1,543	1,498	57	14	8	13	1,926	1,848	94
Effingham	522	393	129	3,271	2,829	442	279	201	78	4,072	3,423	649
Elbert	823	760	63	1,033	734	299	90	68	22	1,946	1,562	384
Emanuel	*	*	*	*	*	*	*	*	*	*	*	*
Evans	165	148	17	559	528	31	23	15	8	747	691	56
Fulton	20,149	8,167	N/A	26,121	15,946	N/A	89,936	31,594	N/A	136,206	55,707	N/A
Glynn	13,987	13,187	N/A	-	-	-	424	389	N/A	14,411	13,576	N/A
Grady <sup>4</sup>	163	130	33	1,551	1,374	177	38	23	15	1,752	1,527	225
Gwinnett	12,245	10,584	N/A	-	-	-	5,592	5,379	N/A	17,837	15,963	N/A
Habersham	*	*	*	*	*	*	*	*	*	*	*	*
Hall	5,908	5,223	5,274	5,965	5,658	3,648	887	721	1,351	12,760	11,602	10,273
Houston	2,111	1,926	540	13,248	13,445	1,294	793	747	861	16,152	16,118	2,695
Jackson	*	*	*	*	*	*	*	*	*	*	*	*
Jeff Davis	321	315	6	780	638	142	46	41	5	1,147	994	153
Jefferson	*	*	*	*	*	*	*	*	*	*	*	*
Jenkins	108	93	15	1,443	1,416	27	25	21	4	1,576	1,530	46
Liberty	*	*	*	*	*	*	*	*	*	*	*	*
Long	*	*	*	*	*	*	*	*	*	*	*	*
Lowndes	24,509	21,272	3,237	-	-	-	431	295	136	24,940	21,567	3,373
McIntosh	602	439	236	5,444	4,432	1,449	NR	NR	NR	6,046	4,871	1,685
Miller	129	118	11	879	869	10	4	4	0	1,012	991	21
Mitchell	452	393	59	1,567	1,476	91	22	10	12	2,041	1,879	162
Muscogee	3,805	3,408	397	3,408	3,364	326	999	574	425	8,212	7,346	1,148
Pierce	*	*	*	*	*	*	*	*	*	*	*	*
Putnam	191	191	N/A	655	655	N/A	NR	NR	NR	846	846	N/A
Richmond	3,962	3,464	498	22,060	20,824	1,236	887	511	376	26,909	24,799	2,110
Rockdale	1,253	1,130	862	7,283	7,348	1,103	411	407	219	8,947	8,885	2,184
Screven	277	262	15	1,381	1,351	30	43	27	16	1,701	1,640	61
Spalding	1,205	1,145	60	2,810	2,671	139	345	179	166	4,360	3,995	365
Stephens	515	395	120	1,071	857	214	174	127	47	1,760	1,379	381
Sumter	1,086	1,049	37	1,784	1,755	9	63	43	20	2,933	2,847	66
Tattnall	205	187	18	1,742	1,705	37	65	55	10	2,012	1,947	65
Thomas	2,000	N/A	120	2,000	N/A	220	124	N/A	34	4,124	N/A	374
Tift	3,354	2,378	976	9,645	6,827	2,818	113	60	53	13,112	9,265	3,847
Toombs	489	451	38	1,657	1,610	47	84	52	32	2,230	2,113	117
Treutlen	408	403	5	2,143	2,091	52	18	6	12	2,569	2,500	69
Troup	3,782	3,576	206	N/A	5,652	N/A	304	121	183	4,086	9,349	389
Walker	4,205	3,221	984	-	-	-	140	76	64	4,345	3,297	1,048
Ware	*	*	*	*	*	*	*	*	*	*	*	*

## State Court Caseload, Calendar Year 1993 (number of defendants)

County	Misdemeanor			Traffic			Civil			Total		
	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open
Washington	*	*	*	*	*	*	*	*	*	*	*	*
Wayne	*	*	*	*	*	*	*	*	*	*	*	*
Worth	348	298	50	2,625	2,351	274	43	23	20	3,016	2,672	344
<b>Total</b>	<b>131,267</b>	<b>108,240</b>	<b>14,519</b>	<b>213,331</b>	<b>190,917</b>	<b>14,965</b>	<b>182,296</b>	<b>106,669</b>	<b>4,705</b>	<b>526,894</b>	<b>405,826</b>	<b>34,189</b>

Note: 42 of 65 state courts submitted caseload data as of December 31, 1994.

[\*] Caseload data not submitted.

[-] Misdemeanor and traffic filings combined.

[N/A] Data elements not available.

[N/R] Civil cases not heard.

<sup>1</sup> Carroll County: misdemeanor and traffic data from 7/1/93 to 6/30/94.

<sup>2</sup> Cherokee and Forsyth Counties, a combined court, reported filings only; misdemeanor and traffic are combined.

<sup>3</sup> Coweta County: open cases from 1/1/93 to 12/31/93 only.

<sup>4</sup> Grady County: disposition data from 1/1/93 to 12/31/93; prior open caseload not included.

## Juvenile Courts

The purpose of Georgia's juvenile courts is to protect the well-being of children, provide guidance and control conducive to child welfare and the best interests of the state, and secure care for children removed from their homes.

The exclusive, original jurisdiction of juvenile courts extends to cases of delinquent and unruly children under the age of 17, and deprived children under the age of 18. Juvenile courts have concurrent jurisdiction with superior courts in cases involving capital felonies, custody and child support cases, and in proceedings to terminate parental rights. Recent legislation gives the superior court jurisdiction over juveniles who commit violent felonies. In addition, the juvenile court has jurisdiction over minors enlisting in the military services, consent to marriage for minors, and cases involving the Interstate Compact on Juveniles. Most cases appealed from the juvenile courts are heard by the Court of Appeals.

There are 53 full- and part-time juvenile court judges. In counties or circuits with no separate juvenile court judge, superior court judges hear juvenile cases. Juvenile court judges serve by appointment of the superior court judges of the circuit for four-year terms. (The juvenile court judge of Floyd County is the only elected juvenile court judge.) Judges must be at least 30 years of age, have practiced law for five years and have lived in Georgia for three years. Full-time judges cannot practice law while holding office.

To assist the juvenile or superior court judge with juvenile cases, 32 associate juvenile court judges serve in 42 counties. Associate judges must be admitted to the State Bar or have graduated from law school. Legislation passed in the 1994 session of the General Assembly changes the qualifications of associate judges appointed after July 1, 1994, to the same as those for juvenile court judges.

*Juvenile court caseload information is presented on the following pages.*

## Juvenile Court Caseload, Calendar Year 1993 (number of children)

County	Delinquent			Unruly			Traffic			Deprived			Special Proceedings			Grand Totals		
	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open
Appling	85	N/R	N/R	35	N/R	N/R	14	N/R	N/R	6	N/R	N/R	0	0	0	140	130	10
Atkinson	8	7	1	8	8	0	15	15	0	9	9	0	0	0	0	40	39	1
Bacon	37	39	4	5	5	0	1	1	0	19	22	3	0	0	0	62	67	7
Baker	9	9	0	0	0	0	2	2	0	14	14	0	0	0	0	25	25	0
Baldwin	289	213	75	30	22	8	63	50	13	118	87	31	10	1	8	510	373	135
Banks	31	28	7	6	5	1	14	11	3	12	8	7	1	1	0	64	53	18
Barrow	191	182	17	58	58	0	61	67	0	66	84	26	3	1	0	379	392	43
Bartow	497	334	163	238	201	37	198	185	13	267	230	37	122	95	27	1,322	1,045	277
Ben Hill	161	156	5	48	48	0	9	9	0	53	52	1	1	1	0	272	266	6
Berrien	43	23	20	134	104	30	22	21	1	8	6	2	4	3	1	211	157	54
Bibb	1,965	1,850	115	132	130	2	212	211	1	187	150	27	710	600	110	3,206	2,941	255
Bleckley	66	63	14	4	3	1	3	1	2	1	3	0	0	0	0	74	70	17
Brantley	37	42	4	9	9	1	3	3	0	14	13	3	0	0	0	63	67	8
Brooks	60	53	7	14	14	0	2	1	1	40	35	5	19	17	2	135	120	15
Bryan	87	85	27	40	43	4	29	36	4	11	12	0	0	0	0	167	176	35
Bulloch	227	215	20	46	48	0	43	42	2	13	15	1	0	0	0	329	320	23
Burke	217	123	126	3	1	3	12	12	6	53	51	7	0	0	0	285	187	142
Butts	118	72	46	16	8	8	21	14	7	60	60	0	0	0	0	215	154	61
Calhoun	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Camden	154	143	11	107	103	4	23	23	0	79	70	9	83	74	9	446	413	33
Candler	13	15	0	3	3	0	1	1	0	3	5	0	0	0	0	20	24	0
Carroll	590	580	10	157	132	25	221	221	0	194	188	6	274	272	2	1,436	1,393	43
Catoosa	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Charlton	42	43	1	10	10	0	6	6	0	23	21	2	0	0	0	81	80	3
Chatham	1,619	1,185	434	397	202	195	430	414	16	384	310	74	13	11	2	2,843	2,122	721
Chattahoochee	13	23	3	4	5	1	0	0	0	2	2	0	3	3	8	22	33	12
Chattooga	27	23	4	7	7	0	72	70	2	24	22	2	29	26	3	159	148	11
Cherokee	407	270	137	169	113	56	287	218	69	220	170	50	47	42	5	1,130	813	317
Clarke	653	627	26	450	436	14	133	133	0	195	188	7	31	28	3	1,462	1,412	50
Clay	17	14	3	8	8	0	4	4	0	9	9	0	0	0	0	38	35	3
Clayton	1,704	1,154	3,165	386	104	2,234	513	12	4,356	837	657	1,112	136	70	248	3,576	1,997	11,115
Clinch	42	42	0	0	0	0	4	4	0	14	13	1	1	1	0	61	60	1
Cobb	2,509	1,728	781	839	601	236	1,818	1,572	244	1,069	807	262	194	136	58	6,429	4,844	1,581
Coffee	128	71	57	100	21	79	84	32	52	26	5	21	0	0	0	338	129	209
Colquitt	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Columbia	429	456	49	128	130	7	147	146	11	18	16	7	17	15	0	739	763	74
Cook	213	N/R	N/R	37	N/R	N/R	67	N/R	N/R	12	N/R	N/R	0	0	0	329	0	0
Coweta	465	438	27	35	35	0	122	122	0	386	356	30	0	0	0	1,008	951	57
Crawford	15	16	11	1	1	1	5	7	9	11	11	6	1	1	0	33	36	27
Crisp	188	188	0	35	35	0	27	27	0	74	74	0	0	0	0	324	324	0
Dade	42	41	1	10	6	4	13	12	1	34	29	5	2	2	0	101	90	11
Dawson	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
DeKalb	2,931	N/A	N/A	1,056	N/A	N/A	991	N/A	N/A	1,272	N/A	N/A	280	N/A	N/A	6,530	N/A	N/A
Decatur	187	183	4	13	11	2	43	43	0	42	41	1	1	1	0	286	279	7
Dodge	96	93	20	2	2	0	16	18	6	5	4	1	1	0	1	120	117	28
Dooly	45	22	26	8	7	2	3	3	0	40	41	5	1	0	2	97	73	35
Dougherty	1,860	1,860	N/A	10	10	N/A	410	410	N/A	135	135	N/A	22	22	N/A	2,437	2,437	N/A
Douglas	486	199	287	146	87	59	143	92	51	160	81	79	13	9	4	948	468	480
Early	139	139	N/A	4	4	N/A	10	10	N/A	0	0	N/A	0	0	N/A	153	153	N/A
Echols	9	18	7	2	3	0	0	0	0	3	3	0	0	0	0	14	24	7
Effingham	173	167	6	50	50	0	103	103	0	15	14	1	0	0	0	341	334	7
Elbert	129	127	13	9	5	4	65	61	5	13	14	2	0	0	0	216	207	24
Emanuel	16	17	4	0	1	0	0	0	0	22	38	7	0	0	0	38	56	11
Evans	83	83	10	31	27	4	16	16	2	25	25	4	0	0	0	155	151	20
Fannin	29	31	13	48	29	21	12	15	4	34	29	18	0	0	0	123	104	56
Fayette	224	218	6	161	153	8	311	302	9	159	143	16	37	36	1	892	852	40
Floyd	482	417	65	373	305	68	296	274	22	103	89	14	344	280	64	1,598	1,365	233
Forsyth	305	280	25	91	80	11	170	150	20	50	39	11	15	15	0	631	564	67
Franklin	68	61	14	5	4	1	26	23	3	20	25	17	9	3	2	128	116	37
Fulton	9,483	6,411	4,240	1,118	727	765	1,412	1,185	288	1,358	1,066	658	594	404	365	13,965	9,793	6,316
Gilmer	20	13	14	17	13	8	6	3	3	19	16	12	1	0	2	63	45	39

# Juvenile Court Caseload, Calendar Year 1993 (number of children)

County	Delinquent			Unruly			Traffic			Deprived			Special Proceedings			Grand Totals		
	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open
GlascocK	6	6	0	0	0	0	1	1	0	0	0	2	0	0	0	7	7	2
Glynn	677	677	N/A	228	228	N/A	194	194	N/A	82	82	N/A	8	8	N/A	1,189	1,189	N/A
Gordon	416	194	N/R	90	151	N/R	64	198	N/R	45	185	N/R	0	8	N/R	815	736	69
Grady	102	97	5	0	0	0	8	8	0	28	28	0	0	0	0	138	133	5
Greene	107	114	23	16	15	4	27	30	6	0	2	0	4	3	0	154	164	33
Gwinnett	2,453	N/A	N/A	916	N/A	N/A	1,780	N/A	N/A	678	N/A	N/A	682	N/A	N/A	6,509	N/A	N/A
Habersham	108	101	20	23	25	7	59	56	3	80	77	7	0	0	0	270	259	37
Hall	718	542	176	385	346	39	495	451	44	215	171	44	2	0	0	1,815	1,510	303
Hancock	5	5	3	0	0	0	0	0	0	9	11	0	0	0	0	14	16	3
Haralson	68	68	13	30	21	11	10	10	1	31	34	35	11	8	4	150	141	64
Harris	23	34	16	10	18	8	22	24	15	3	3	12	6	6	6	64	85	57
Hart	66	62	10	11	10	1	22	17	5	17	9	10	0	0	0	116	98	26
Heard	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Henry	257	240	17	162	160	2	52	51	1	25	19	6	44	42	2	540	512	28
Houston	1,020	1,011	8	616	611	5	286	285	1	173	167	0	7	7	0	2,102	2,081	14
Irwin	23	21	2	2	2	0	26	23	3	22	20	2	4	4	0	77	70	7
Jackson	131	122	36	39	39	2	56	52	10	40	37	16	0	1	0	266	251	64
Jasper	17	12	6	2	1	1	12	9	4	36	32	4	1	1	0	68	55	15
Jeff Davis	85	74	16	30	29	9	20	24	1	12	15	0	0	0	0	147	142	26
Jefferson	70	70	0	27	27	0	15	15	0	35	35	0	0	0	0	147	147	0
Jenkins	23	23	0	16	16	0	2	2	0	9	9	0	0	0	0	50	50	0
Johnson	23	21	3	11	11	0	6	6	0	8	7	1	3	1	2	51	46	6
Jones	82	56	27	6	6	0	29	22	7	19	22	3	4	4	5	140	110	42
Lamar	98	98	0	27	27	0	26	26	0	28	28	0	18	18	3	197	197	3
Lanier	61	60	9	5	5	0	11	11	0	20	16	0	0	0	0	97	92	9
Laurens	243	222	21	108	105	3	78	69	9	74	30	44	1	1	0	504	427	77
Lee	85	101	10	15	19	0	26	33	0	11	11	0	2	2	0	139	166	10
Liberty	383	349	114	197	212	45	121	126	10	180	209	52	0	1	0	881	897	221
Lincoln	21	22	14	0	1	0	19	24	2	11	11	1	0	0	0	51	58	17
Long	20	17	4	9	9	0	9	9	0	21	21	4	0	0	0	59	56	8
Lowndes	485	500	140	84	82	26	121	104	65	45	11	12	5	5	1	740	702	244
Lumpkin	102	68	41	57	33	33	14	10	6	41	34	8	0	1	0	214	146	88
Macon	83	95	17	21	28	5	11	12	1	18	18	0	0	0	0	133	153	23
Madison	57	64	5	5	8	1	50	50	0	66	30	73	0	0	0	178	152	79
Marion	11	20	8	25	25	0	33	33	1	16	19	4	1	2	0	86	99	13
McDuffie	110	109	24	25	25	1	33	33	7	16	19	1	9	9	0	193	195	33
McIntosh	51	51	3	28	27	2	15	15	0	14	12	3	5	5	0	113	110	8
Meriwether	101	94	7	14	13	1	33	33	0	38	34	4	81	77	4	267	251	16
Miller	12	12	0	11	11	0	10	10	0	11	11	0	0	0	0	44	44	0
Mitchell	91	70	21	32	19	13	14	14	0	26	22	4	0	0	0	163	125	38
Monroe	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Montgomery	14	16	1	5	5	0	3	3	0	3	3	0	0	0	0	25	27	1
Morgan	39	33	9	6	9	0	27	27	5	39	41	3	7	2	4	118	112	21
Murray	176	122	82	92	67	44	38	31	11	47	31	48	22	15	17	375	266	202
Muscogee	4,283	3,500	783	1,124	950	174	523	505	18	590	480	110	192	180	12	6,712	5,615	1,097
Newton	555	523	32	289	232	57	102	100	2	361	301	60	155	143	12	1,462	1,299	163
Oconee	68	69	16	22	22	2	58	56	4	24	14	14	4	3	0	176	164	36
Oglethorpe	24	22	6	4	2	3	10	8	2	27	21	7	0	0	0	65	53	18
Paulding	188	144	66	108	84	28	52	45	11	28	23	44	16	12	9	392	308	158
Peach	103	87	47	11	10	1	7	6	2	41	29	8	12	11	0	174	143	58
Pickens	47	33	26	49	26	30	7	5	3	33	22	14	1	5	2	137	91	75
Pierce	55	55	6	19	16	3	39	41	5	24	22	4	1	1	0	138	135	18
Pike	63	60	3	2	0	2	22	15	7	38	32	6	1	1	0	126	108	18
Polk	236	525	0	99	212	0	25	53	0	88	224	0	1	10	0	449	1,024	0
Pulaski	49	57	2	2	2	0	5	5	0	3	2	1	0	0	0	59	66	3
Putnam	56	37	19	3	3	0	5	4	1	62	56	6	0	0	0	126	100	26
Quitman	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Rabun	43	48	3	2	2	1	14	13	1	25	25	3	0	0	0	84	88	8
Randolph	66	66	0	1	1	0	14	14	0	17	17	0	0	0	0	98	98	0
Richmond	1,683	1,533	150	285	267	18	297	155	13	93	80	142	173	116	57	2,531	2,151	380
Rockdale	303	258	45	81	75	6	259	224	35	43	33	10	93	76	17	779	666	113

## Juvenile Court Caseload, Calendar Year 1993 (number of children)

County	Delinquent			Unruly			Traffic			Deprived			Special Proceedings			Grand Totals		
	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open	Filed	Disposed	Open
Schley	11	14	2	7	9	0	7	7	0	4	4	0	0	0	0	29	34	2
Screven	81	77	5	29	28	1	15	15	0	15	12	3	0	0	0	140	132	9
Seminole	38	26	12	5	4	1	1	0	1	1	0	1	0	0	0	45	30	15
Spalding	516	489	27	102	92	10	95	92	3	410	407	3	0	0	0	1,123	1,080	43
Stephens	125	84	42	19	16	4	28	26	2	26	24	7	0	0	0	198	150	55
Stewart	34	42	19	12	18	0	0	0	0	4	4	0	1	1	0	51	65	19
Sumter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Talbot	7	14	22	1	4	0	2	2	1	6	6	8	1	1	8	17	27	39
Taliaferro	4	4	0	1	1	0	1	1	0	0	0	15	0	0	0	6	6	15
Tattnall	112	116	15	47	39	9	19	18	3	54	48	15	0	1	0	232	222	42
Taylor	1	10	14	0	0	2	2	3	3	15	16	41	2	2	0	20	31	60
Telfair	104	77	37	19	20	2	13	13	0	8	6	10	0	0	0	144	116	49
Terrell	89	84	6	5	5	0	15	15	0	11	11	0	19	19	0	139	134	6
Thomas	323	286	37	69	41	28	76	74	2	88	86	2	2	2	0	558	489	69
Tift	377	330	46	120	93	27	60	57	3	36	17	19	0	0	0	593	497	95
Toombs	94	83	25	3	2	2	2	2	3	31	32	19	24	19	17	154	138	66
Towns	9	8	1	2	2	0	4	4	0	3	4	0	0	0	0	18	18	1
Treutlen	32	29	16	4	4	1	13	11	3	15	13	13	2	2	2	66	59	35
Troup	826	703	123	259	229	30	119	103	16	399	334	65	17	16	1	1,620	1,385	235
Turner	104	55	49	29	23	6	18	14	4	17	0	0	1	0	0	169	92	59
Twiggs	59	41	22	9	9	0	8	9	0	5	3	6	0	0	0	81	62	28
Union	31	37	7	8	8	1	18	18	1	25	13	17	0	0	0	82	76	26
Upton	228	217	11	54	51	3	53	49	4	68	59	9	0	0	0	403	376	27
Walker	123	115	8	100	96	4	114	108	6	56	43	13	28	27	1	421	389	32
Walton	638	588	50	238	181	57	101	89	12	56	49	7	279	256	23	1,312	1,163	149
Ware	287	203	84	123	75	48	57	33	24	104	74	30	142	105	37	713	490	223
Warren	10	12	7	1	1	0	8	3	16	2	5	0	0	0	0	21	21	23
Washington	153	146	8	30	30	0	0	0	0	16	16	0	0	0	0	199	192	8
Wayne	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Webster	6	17	0	0	0	0	4	5	0	0	0	0	0	0	0	10	22	0
Wheeler	31	30	4	3	3	0	5	5	0	3	3	0	0	0	0	42	41	4
White	60	64	14	24	21	5	17	10	8	21	15	6	0	0	0	122	110	33
Whitfield	325	236	236	227	187	40	139	120	35	276	241	19	183	155	28	1,150	939	358
Wilcox	21	19	7	0	0	0	7	3	4	10	3	11	0	0	0	38	25	22
Wilkes	66	58	12	1	1	0	24	22	2	4	4	0	3	3	0	98	88	14
Wilkinson	50	36	17	12	11	2	5	4	1	53	56	2	4	4	0	124	111	22
Worth	191	91	100	34	18	16	63	31	32	28	11	17	0	0	0	316	151	165
<b>Total</b>	<b>51,874</b>	<b>38,021</b>	<b>13,325</b>	<b>13,937</b>	<b>9,849</b>	<b>4,791</b>	<b>15,164</b>	<b>10,779</b>	<b>5,737</b>	<b>13,899</b>	<b>10,183</b>	<b>3,780</b>	<b>5,303</b>	<b>3,572</b>	<b>1,201</b>	<b>100,177</b>	<b>72,534</b>	<b>28,913</b>

Note: 150 of 159 counties submitted caseload data as of December 31, 1994.

[N/R] County submitted total disposition or open data but did not report data for specific casetypes.

[\*] Caseload data not submitted.

[N/A] Data elements not available.

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## Probate Courts

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County probate courts exercise exclusive original jurisdiction in the probate of wills, administration of estates, appointment of guardians and involuntary hospitalization of incapacitated adults and other dependent individuals.

If provided by statute, probate judges may serve as election superintendent, appoint persons to fill public offices, administer oaths of office, issue marriage licenses, hold habeas corpus hearings or preside over criminal preliminary hearings. In counties where there is no state court, probate courts may also hear traffic cases and violations of state game and fish laws, unless there is a demand for a jury trial, in which instance cases are transferred to the superior court.

In counties with population greater than 100,000, where the probate judge has practiced law for at least seven years, a party to a civil case has the right to a jury trial if so asserted by a written demand with the first pleading. Appeals from such civil cases may be to the Supreme Court or Court of Appeals depending on the particular matter.

Most probate court judges are elected to four-year terms in countywide, partisan elections. Fulton, DeKalb and Bartow Counties hold nonpartisan elections. A candidate for office must be at least 25 years of age, a high school graduate, a U.S. citizen and a county resident for at least two years preceding the election. In counties with population over 100,000, candidates must fulfill additional qualifications concerning age and practice of law.

*Probate court caseload information is presented on the following pages.*

Probate Court Criminal Caseload, Fiscal Year 1994 (docket entries)

County	Misdemeanor		Traffic		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed
Atkinson	*	*	*	*	*	*
Bacon	*	*	*	*	*	*
Baker <sup>1</sup>	88	88	340	332	428	420
Banks	81	87	2,277	2,027	2,358	2,114
Barrow	0	0	4,026	4,026	4,026	4,026
Bartow	462	462	6,241	6,241	6,703	6,703
Ben Hill	*	*	*	*	*	*
Berrien	*	*	*	*	*	*
Bleckley <sup>2</sup>	0	0	615	615	615	615
Brantley	77	77	1,455	1,455	1,532	1,532
Butts <sup>1</sup>	96	99	1,187	1,222	1,283	1,321
Calhoun	*	*	*	*	*	*
Camden <sup>1</sup>	63	66	7,424	6,692	7,487	6,758
Catoosa	*	*	*	*	*	*
Charlton	*	*	*	*	*	*
Chattahoochee	*	*	*	*	*	*
Clay <sup>2</sup>	38	23	385	349	423	372
Columbia <sup>3</sup>	0	0	3,960	3,194	3,960	3,194
Cook	*	*	*	*	*	*
Crawford <sup>1</sup>	113	66	1,192	1,137	1,305	1,203
Crisp	*	*	*	*	*	*
Dade	*	*	*	*	*	*
Dawson	70	86	1,274	1,074	1,344	1,160
Dodge	*	*	*	*	*	*
Dooly	*	*	*	*	*	*
Douglas	*	*	*	*	*	*
Echols	*	*	*	*	*	*
Fannin	107	94	787	726	894	820
Fayette <sup>1</sup>	21	31	1,614	1,590	1,635	1,621
Floyd	0	0	5,530	3,483	5,530	3,483
Franklin	*	*	*	*	*	*
Gilmer	*	*	*	*	*	*
Glascock <sup>1</sup>	0	0	61	61	61	61
Gordon	57	74	3,234	3,437	3,291	3,511
Grady	69	105	0	0	69	105
Greene	43	40	1,707	1,560	1,750	1,600
Hancock	*	*	*	*	*	*
Haralson	134	105	2,528	2,195	2,662	2,300
Harris	*	*	*	*	*	*
Hart <sup>2</sup>	75	61	188	197	263	258
Heard	*	*	*	*	*	*
Henry	110	153	5,410	5,771	5,520	5,924
Irwin <sup>3</sup>	19	19	453	453	472	472
Jasper	0	0	1,087	1,087	1,087	1,087
Johnson	*	*	*	*	*	*
Jones	63	44	2,880	1,968	2,943	2,012
Lamar	*	*	*	*	*	*
Lanier <sup>2</sup>	28	28	367	367	395	395
Laurens	142	107	4,841	4,248	4,983	4,355
Lee	0	0	1,870	1,921	1,870	1,921
Lincoln	*	*	*	*	*	*
Lumpkin	*	*	*	*	*	*
Macon <sup>1</sup>	0	0	1,100	809	1,100	809
Madison	*	*	*	*	*	*
Marion	16	19	850	923	866	942
McDuffie	0	0	2,288	2,288	2,288	2,288
McIntosh <sup>4</sup>	0	0	90	90	90	90
Meriwether <sup>2</sup>	0	0	1,443	1,422	1,443	1,422
Monroe <sup>2</sup>	136	100	6,361	7,331	6,497	7,431
Montgomery	*	*	*	*	*	*
Morgan	0	0	4,068	4,414	4,068	4,414
Murray <sup>2</sup>	88	88	1,253	1,252	1,341	1,340

## Probate Court Criminal Caseload, Fiscal Year 1994 (docket entries)

County	Misdemeanor		Traffic		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed
Newton	*	*	*	*	*	*
Oconee	0	0	3,031	3,031	3,031	3,031
Oglethorpe <sup>2</sup>	13	13	403	403	416	416
Paulding <sup>2</sup>	51	27	779	665	830	692
Peach <sup>1</sup>	0	0	4,838	4,838	4,838	4,838
Pickens <sup>3</sup>	0	0	2,411	2,411	2,411	2,411
Pike	*	*	*	*	*	*
Polk	77	76	2,219	2,145	2,296	2,221
Pulaski	0	0	645	832	645	832
Quitman	*	*	*	*	*	*
Rabun	*	*	*	*	*	*
Randolph	0	0	2,227	2,227	2,227	2,227
Schley	*	*	*	*	*	*
Seminole	41	41	1,980	1,954	2,021	1,995
Stewart	*	*	*	*	*	*
Talbot	*	*	*	*	*	*
Taliaferro	*	*	*	*	*	*
Taylor <sup>2</sup>	17	17	722	783	739	800
Telfair	0	0	1,283	1,283	1,283	1,283
Terrell	67	46	1,511	1,607	1,578	1,653
Thomas	42	39	0	0	42	39
Towns	43	47	254	216	297	263
Turner	0	0	6,616	4,943	6,616	4,943
Twiggs <sup>1</sup>	44	44	696	696	740	740
Union	138	86	992	657	1,130	743
Upton	*	*	*	*	*	*
Walton	125	115	7,145	6,614	7,270	6,729
Warren <sup>2</sup>	0	0	376	255	376	255
Webster	*	*	*	*	*	*
Wheeler	17	17	784	780	801	797
White	0	0	941	546	941	546
Whitfield	40	40	12,632	12,632	12,672	12,672
Wilcox	*	*	*	*	*	*
Wilkes	78	78	1,157	1,140	1,235	1,218
Wilkinson	43	36	559	480	602	516
<b>Total</b>	<b>3,032</b>	<b>2,844</b>	<b>134,587</b>	<b>127,095</b>	<b>137,619</b>	<b>129,939</b>

Note: 60 of 95 probate courts with criminal jurisdiction submitted caseload data as of December 31, 1994.

[\*] Caseload data not submitted.

<sup>1</sup> Reported three quarters.

<sup>2</sup> Reported two quarters.

<sup>3</sup> Data from calendar year 1993.

<sup>4</sup> Reported one quarter.

Probate Court Civil Caseload, Fiscal Year 1994 (docket entries)

County	No Administration		Probate			Year's		Habeas Corpus	Total Civil	Licenses	
	Administration	Necessary	Common	Solemn	Guardianship	Support	Hospitalization			Marriage	Pistol
Appling	*	*	*	*	*	*	*	*	*	*	*
Atkinson	*	*	*	*	*	*	*	*	*	*	*
Bacon	*	*	*	*	*	*	*	*	*	*	*
Baker <sup>1</sup>	0	0	0	7	0	0	8	0	15	9	24
Baldwin <sup>2</sup>	10	4	2	45	12	1	68	0	142	157	194
Banks	12	2	0	28	3	9	7	0	61	79	106
Barrow	27	4	2	97	44	5	40	0	219	227	342
Bartow	60	16	0	241	48	12	64	0	441	480	897
Ben Hill	*	*	*	*	*	*	*	*	*	*	*
Berrien	*	*	*	*	*	*	*	*	*	*	*
Bibb	77	25	19	461	109	27	44	0	762	1,503	1,254
Bleckley <sup>2</sup>	2	0	1	5	2	1	0	0	11	52	123
Brantley	12	1	0	17	8	2	0	0	40	124	71
Brooks	*	*	*	*	*	*	*	*	*	*	*
Bryan	10	4	1	36	30	4	8	0	93	118	133
Bulloch	33	6	8	119	31	7	19	0	223	338	258
Burke	*	*	*	*	*	*	*	*	*	*	*
Butts <sup>1</sup>	3	2	3	27	7	3	6	0	51	92	139
Calhoun	*	*	*	*	*	*	*	*	*	*	*
Camden	18	4	0	41	20	5	0	0	88	633	237
Candler	*	*	*	*	*	*	*	*	*	*	*
Carroll <sup>3</sup>	64	4	3	274	66	31	0	0	442	1,173	1,550
Catoosa	*	*	*	*	*	*	*	*	*	*	*
Charlton	*	*	*	*	*	*	*	*	*	*	*
Chatham <sup>3</sup>	259	48	45	786	636	102	1,974	0	3,850	2,751	2,237
Chattahoochee	*	*	*	*	*	*	*	*	*	*	*
Chattooga	*	*	*	*	*	*	*	*	*	*	*
Cherokee	68	13	16	205	99	22	29	0	452	561	947
Clarke	40	7	7	198	90	17	65	0	424	700	594
Clay <sup>2</sup>	1	0	1	7	1	0	0	1	11	2	8
Clayton	87	23	14	260	333	56	54	0	827	1,347	1,363
Clinch <sup>3</sup>	12	4	0	18	19	3	0	0	56	124	56
Cobb	168	33	25	846	509	68	125	24	1,798	4,265	4,393
Coffee	28	6	2	66	21	5	0	0	128	423	245
Colquitt	25	13	3	107	16	4	21	0	189	366	218
Columbia <sup>3</sup>	17	6	8	121	33	46	12	0	243	219	399
Cook	*	*	*	*	*	*	*	*	*	*	*
Coweta <sup>2</sup>	13	4	3	76	34	5	19	0	154	255	267
Crawford <sup>1</sup>	1	2	1	15	10	2	0	0	31	34	86
Crisp	*	*	*	*	*	*	*	*	*	*	*
Dade	*	*	*	*	*	*	*	*	*	*	*
Dawson	12	3	0	25	5	6	7	0	58	82	171
Decatur	12	0	10	73	22	0	20	0	137	204	141
DeKalb	709	66	207	1,170	1,613	185	627	23	4,600	4,211	4,526
Dodge	*	*	*	*	*	*	*	*	*	*	*
Dooly	*	*	*	*	*	*	*	*	*	*	*
Dougherty	76	20	4	212	104	7	116	0	539	942	996
Douglas	38	9	1	141	73	21	0	0	283	767	932
Early	4	3	1	25	4	1	11	0	49	70	115
Fchols	*	*	*	*	*	*	*	*	*	*	*
Effingham <sup>3</sup>	19	1	4	51	68	22	17	0	182	165	222
Elbert	11	10	1	66	25	14	13	0	140	113	225
Emanuel	26	10	0	70	21	3	36	0	166	197	285
Evans	7	1	0	18	6	1	3	0	36	83	92
Fannin	18	9	0	41	14	5	15	0	102	107	250
Fayette <sup>1</sup>	11	3	2	87	69	16	0	2	190	380	593
Floyd	33	13	7	230	59	19	65	0	426	597	708
Forsyth	23	5	5	127	26	7	0	0	193	501	734
Franklin	*	*	*	*	*	*	*	*	*	*	*
Fulton <sup>3</sup>	816	215	280	2,459	1,806	243	31	0	5,850	9,707	5,537
Gilmer	*	*	*	*	*	*	*	*	*	*	*

Probate Court Civil Caseload, Fiscal Year 1994 (docket entries)

County	No Administration		Probate		Year's		Habeas Corpus	Total Civil	Licenses		
	Administration	Necessary	Common	Solemn	Guardianship	Support			Hospitalization	Marriage	Pistol
GlascocK	1	0	0	2	1	0	0	0	4	5	6
Glynn <sup>1</sup>	48	5	14	140	49	40	19	0	315	623	355
Gordon	37	4	5	113	29	4	34	0	226	315	405
Grady	36	9	4	65	34	1	30	0	179	200	208
Greene	12	3	4	24	14	0	23	0	80	92	167
Gwinnett	112	18	20	523	457	119	66	0	1,315	3,417	3,680
Habersham <sup>3</sup>	8	1	3	37	11	1	12	0	73	104	75
Hall	70	13	5	261	63	8	32	0	452	871	898
Hancock	*	*	*	*	*	*	*	*	*	*	*
Haralson	34	1	0	58	37	10	25	0	165	197	332
Harris	*	*	*	*	*	*	*	*	*	*	*
Hart <sup>2</sup>	3	2	1	28	5	7	12	0	58	51	113
Heard	*	*	*	*	*	*	*	*	*	*	*
Henry	41	10	12	121	106	32	18	0	340	838	1,165
Houston <sup>2</sup>	23	4	4	90	52	3	31	2	209	391	513
Irwin <sup>2</sup>	3	2	1	17	5	1	4	0	33	68	79
Jackson <sup>2</sup>	5	5	1	47	13	4	16	0	91	97	203
Jasper	6	1	1	24	10	3	4	0	49	45	108
Jeff Davis	10	1	0	13	11	1	0	0	56	147	109
Jefferson	*	*	*	*	*	*	*	*	*	*	*
Jenkins	*	*	*	*	*	*	*	*	*	*	*
Johnson	*	*	*	*	*	*	*	*	*	*	*
Jones	16	8	2	39	33	5	10	0	113	136	287
Lamar	*	*	*	*	*	*	*	*	*	*	*
Lanier <sup>2</sup>	0	1	0	2	4	0	1	0	8	31	28
Laurens	29	11	2	83	31	6	41	0	203	359	609
Lee	10	2	1	18	16	3	5	0	55	133	230
Liberty <sup>1</sup>	53	5	0	52	243	7	21	0	381	474	95
Lincoln	*	*	*	*	*	*	*	*	*	*	*
Long	5	0	1	8	6	3	4	0	27	43	33
Lowndes <sup>1</sup>	38	10	7	157	55	8	20	0	295	774	405
Lumpkin	*	*	*	*	*	*	*	*	*	*	*
Macon <sup>1</sup>	9	1	0	24	2	2	10	38	86	52	80
Madison	*	*	*	*	*	*	*	*	*	*	*
Marion	12	0	1	11	1	0	0	0	25	49	42
McDuffie	21	4	12	40	35	4	11	0	127	148	220
McIntosh <sup>3</sup>	6	0	1	20	4	5	0	0	36	52	46
Meriwether <sup>2</sup>	10	0	0	35	2	0	15	0	62	64	151
Miller	*	*	*	*	*	*	*	*	*	*	*
Mitchell	14	6	2	49	9	4	7	0	91	164	159
Monroe	8	5	2	42	13	3	1	0	74	138	197
Montgomery	*	*	*	*	*	*	*	*	*	*	*
Morgan	9	9	1	42	6	0	12	0	79	106	155
Murray <sup>2</sup>	8	3	0	14	22	7	4	0	58	86	78
Muscogee	120	13	25	504	213	90	189	0	1,154	1,852	828
Newton	*	*	*	*	*	*	*	*	*	*	*
Oconee	9	4	2	44	13	4	12	0	88	130	233
Oglethorpe <sup>2</sup>	8	0	0	19	18	3	6	0	54	38	53
Paulding <sup>2</sup>	13	3	0	46	20	5	0	0	87	205	394
Peach <sup>1</sup>	7	1	0	35	7	2	0	0	52	92	142
Pickens <sup>3</sup>	10	3	2	43	2	3	35	0	98	130	144
Pierce	*	*	*	*	*	*	*	*	*	*	*
Pike	*	*	*	*	*	*	*	*	*	*	*
Polk	28	3	0	122	13	3	81	0	250	346	384
Pulaski	5	0	4	34	3	0	18	0	64	76	92
Putnam	9	1	4	63	27	9	6	0	119	117	235
Quitman	*	*	*	*	*	*	*	*	*	*	*
Rabun	6	3	0	62	21	3	1	0	96	141	172
Randolph	14	3	4	26	4	1	0	0	52	60	105
Richmond	105	48	29	395	138	139	171	0	1,025	1,333	1,113
Rockdale	28	5	6	102	98	13	0	0	252	621	598

## Probate Court Civil Caseload, Fiscal Year 1994 (docket entries)

County	No Administration		Probate		Year's		Habeas Corpus	Total Civil	Licenses		
	Administration	Necessary	Common	Solemn	Guardianship	Support			Hospitalization	Marriage	Pistol
Schley	*	*	*	*	*	*	*	*	*	*	
Screven	*	*	*	*	*	*	*	*	*	*	
Seminole	12	6	0	36	6	1	10	0	71	146	100
Spalding	23	5	1	145	75	20	61	0	330	521	776
Stephens	*	*	*	*	*	*	*	*	*	*	*
Stewart	*	*	*	*	*	*	*	*	*	*	*
Sumter	24	7	8	91	27	5	16	0	178	254	327
Talbot	*	*	*	*	*	*	*	*	*	*	*
Taliaferro	*	*	*	*	*	*	*	*	*	*	*
Tattnall	23	4	1	41	23	3	19	0	114	174	131
Taylor <sup>2</sup>	6	2	2	17	2	2	9	0	40	37	27
Telfair	13	3	1	39	4	1	2	0	63	106	107
Terrell	13	0	3	33	12	5	2	0	68	76	149
Thomas	21	4	1	89	20	6	482	0	623	434	247
Tift	11	5	4	80	26	0	26	0	152	415	305
Toombs <sup>3</sup>	28	19	0	143	35	7	6	0	238	238	272
Towns	7	3	0	34	10	0	0	0	54	52	178
Treutlen <sup>4</sup>	4	6	1	5	3	4	0	0	23	82	48
Troup	47	13	11	163	40	21	48	0	343	318	606
Turner	4	4	0	23	16	1	2	0	50	76	79
Twiggs <sup>1</sup>	8	1	1	20	9	4	25	0	68	45	65
Union	11	0	3	31	9	2	0	0	56	125	188
Upson	*	*	*	*	*	*	*	*	*	*	*
Walker	31	14	11	171	74	18	47	0	366	315	663
Walton	37	9	7	106	24	32	42	9	266	280	469
Ware	27	14	9	132	33	13	18	0	246	410	326
Warren <sup>2</sup>	4	1	1	9	1	1	1	0	18	12	19
Washington	15	3	4	45	22	4	6	0	99	135	183
Wayne	*	*	*	*	*	*	*	*	*	*	*
Webster	*	*	*	*	*	*	*	*	*	*	*
Wheeler	3	0	0	8	0	0	0	0	11	39	16
White	7	6	9	41	4	7	13	0	87	227	125
Whitfield	58	18	3	257	46	7	40	0	429	465	607
Wilcox	*	*	*	*	*	*	*	*	*	*	*
Wilkes	10	1	0	42	25	2	23	0	103	85	67
Wilkinson	9	6	1	30	9	1	17	0	73	51	155
Worth	12	2	3	49	27	3	11	0	107	176	307
<b>Total</b>	<b>4,389</b>	<b>986</b>	<b>954</b>	<b>14,472</b>	<b>8,634</b>	<b>1,723</b>	<b>5,457</b>	<b>99</b>	<b>36,714</b>	<b>55,263</b>	<b>53,934</b>

Note: 112 of 159 probate courts submitted caseload data as of December 31, 1994.

[\*] Caseload data not submitted.

<sup>1</sup> Reported three quarters.

<sup>2</sup> Reported two quarters.

<sup>3</sup> Data from calendar year 1993.

<sup>4</sup> Reported one quarter.

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## Magistrate Courts

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Magistrate court jurisdiction encompasses civil claims of \$5,000 or less; distress warrants and dispossessory writs; county ordinance violations; misdemeanor violations of bad check laws; preliminary hearings; and summonses, arrest warrants and search warrants. A chief magistrate, who may be assisted by one or more magistrates, presides over each of the 159 magistrate courts in the state.

Magistrates may grant bail in cases where the setting of bail is not exclusively reserved to a judge of another court. Magistrates also administer oaths and issue subpoenas, as well as sentence up to 10 days imprisonment for contempt and/or fine up to \$200.

No jury trials are held in magistrate court. If a defendant submits a written request for a jury trial, cases are removed to superior or state court.

The chief magistrate of each county assigns cases, sets court sessions, appoints other magistrates (with the consent of the superior court judges) and resolves disputes among magistrates. The number of magistrates in addition to the chief is usually set by majority vote of the superior court judges.

Chief magistrates are elected in partisan, countywide elections to four-year terms, unless otherwise provided by local legislation. Terms for other magistrate judges run concurrently with that of the chief magistrate who appointed them.

To qualify as a magistrate, an individual must reside in the county for at least one year preceding his or her term of office, be 25 years of age, and have a high school diploma or its equivalent. New magistrates, unless active members of the State Bar, are required to complete an initial 40-hour course for certification. All magistrates must attend annual 20-hour continuing education seminars to maintain certification.

The Georgia Magistrate Courts Training Council formulates the curricula for the seminars and sets the standards for certification.

Judges of other limited jurisdiction courts may also serve as magistrates in the same county. At the end of fiscal year 1994, 159 chief magistrates and 318 magistrates served in Georgia; 22 probate judges, three civil court judges and four juvenile court judges or associate judges were among this number.

*Magistrate court caseload information is presented on the following pages.  
Submission of data is required by the Uniform Rules  
for the Magistrate Courts.*

## Magistrate Court Caseload, Fiscal Year 1994 (cases filed)

County	Warrants Issued	Bond & Commitment		Criminal Cases		Civil Claims		Other Civil Cases		Total Warrants & Filings	Total Hearings & Dispositions
		Hearings	Filed	Disposed	Filed	Disposed	Filed	Disposed			
Appling	698	562	487	185	789	614	207	204	2,181	1,565	
Atkinson	447	5	58	0	221	179	64	0	790	184	
Bacon	430	259	349	332	389	414	382	293	1,550	1,298	
Baker	*	*	*	*	*	*	*	*	*	*	
Baldwin	*	*	*	*	*	*	*	*	*	*	
Banks	909	154	13	14	269	263	96	98	1,287	529	
Barrow	2,095	1,079	59	59	474	474	822	822	3,450	2,434	
Bartow	*	*	*	*	*	*	*	*	*	*	
Ben Hill	1,539	626	644	527	699	589	726	726	3,608	2,468	
Berrien	905	0	0	0	437	355	194	130	1,536	485	
Bibb	7,510	4,572	2,527	2,224	3,403	4,745	2102	1,892	15,542	13,433	
Bleckley	756	362	171	171	259	454	165	239	1,351	1,226	
Brantley	345	270	149	149	203	203	50	50	747	672	
Brooks	543	416	115	102	663	337	316	282	1,637	1,137	
Bryan	822	192	36	31	334	413	168	163	1,360	799	
Bulloch <sup>1</sup>	2,172	108	0	0	720	1,282	453	378	3,345	1,768	
Burke <sup>1</sup>	477	149	3	3	331	384	182	122	993	658	
Butts <sup>1</sup>	279	108	134	108	166	78	116	70	695	364	
Calhoun	*	*	*	*	*	*	*	*	*	*	
Camden	1,145	545	1,050	458	504	449	450	410	3,149	1,862	
Candler	*	*	*	*	*	*	*	*	*	*	
Carroll	2,049	425	1,135	876	1,523	774	1434	1,235	6,141	3,310	
Catoosa	2,738	688	1,568	826	435	435	468	300	5,209	2,249	
Charlton	621	520	214	227	212	211	83	65	1,130	1,023	
Chatham	9,118	3,542	1,643	3,465	6,649	4,926	9312	630	26,722	12,563	
Chattahoochee	*	*	*	*	*	*	*	*	*	*	
Chattooga	1,783	561	235	35	867	677	401	230	3,286	1,503	
Cherokee	5,150	1,582	281	264	1,102	884	1669	1,280	8,202	4,010	
Clarke	7,144	3,491	1,038	971	1,573	1,350	2198	460	11,953	6,272	
Clay	167	60	2	2	54	54	17	19	240	135	
Clayton	11,542	10,977	2,263	2,322	2,502	2,636	11192	10,771	27,499	26,706	
Clinch	411	5	0	0	212	212	166	126	789	343	
Cobb	19,392	16,376	6,195	6,195	3,527	2,622	2,317	14	31,431	25,207	
Coffee	4,554	449	576	59	1,724	1,390	1066	295	7,920	2,193	
Colquitt	2,251	213	4	4	2,047	124	753	0	5,055	341	
Columbia	1,717	179	1,372	956	945	687	524	382	4,558	2,204	
Cook	1,098	12	385	2	365	374	206	226	2,054	614	
Coweta	2,557	5	941	608	1,326	1,018	1282	725	6,106	2,356	
Crawford <sup>2</sup>	280	160	16	15	157	147	79	53	532	375	
Crisp	1,408	1,033	602	565	723	659	688	569	3,421	2,826	
Dade	504	236	0	0	111	95	52	34	667	365	
Dawson	460	254	43	11	244	390	90	0	837	655	
Decatur <sup>3</sup>	807	165	0	0	428	0	227	0	1,462	165	
DeKalb	19,076	39,038	3,062	2,910	4,768	2,705	69	0	26,975	44,653	
Dodge	1,029	0	302	0	511	208	249	97	2,091	305	
Dooly	423	57	3	0	351	157	138	0	915	214	
Dougherty	5,403	4,838	1,394	1,240	3,641	2,396	4978	518	15,416	8,992	
Douglas	3,878	136	160	138	847	988	1883	45	6,768	1,307	
Early	725	325	0	0	585	464	299	279	1,609	1,068	
Echols	*	*	*	*	*	*	*	*	*	*	
Effingham	1,277	419	339	180	298	224	463	461	2,377	1,284	
Elbert	1,694	540	89	87	521	498	327	150	2,631	1,275	
Emanuel	1,159	609	414	386	813	738	395	312	2,781	2,045	
Evans	446	141	57	37	337	34	190	22	1,030	234	
Fannin	614	124	195	146	266	171	106	101	1,181	542	
Fayette	1,066	709	575	428	588	497	519	491	2,748	2,125	
Floyd	4,631	2,292	1,208	2,080	3,217	2,001	3032	264	12,088	6,637	
Forsyth <sup>3</sup>	982	249	171	171	205	205	194	194	1,552	819	
Franklin	788	520	309	327	568	511	257	131	1,922	1,489	
Fulton	14,378	25,200	31,651	22,067	8,536	4,274	42501	13,826	97,066	65,367	
Gilmer	642	69	291	62	420	347	150	89	1,503	567	

## Magistrate Court Caseload, Fiscal Year 1994 (cases filed)

County	Warrants Issued	Bond & Commitment		Criminal Cases		Civil Claims		Other Civil Cases		Total Warrants & Filings	Total Hearings & Dispositions
		Hearings		Filed	Disposed	Filed	Disposed	Filed	Disposed		
Glascoc <sup>3</sup>	20	1	2	1	54	33	10	4	86	39	
Glynn <sup>1</sup>	4,262	1,877	417	159	1,045	635	990	523	6,714	3,194	
Gordon	2,751	574	797	357	1,503	1,090	1,012	173	6,063	2,194	
Grady	1,364	437	3	297	1,135	1,005	461	441	2,963	2,180	
Greene	697	830	70	18	602	409	365	157	1,734	1,414	
Gwinnett	10,781	4,802	2,647	810	3,682	1,846	8489	966	25,599	8,424	
Habersham <sup>2</sup>	19	84	474	12	620	107	283	0	1,396	203	
Hall	3,128	6,671	2,822	2,074	1,950	2,160	2072	1,446	9,972	12,351	
Hancock <sup>3</sup>	304	203	82	82	414	414	182	132	982	831	
Haralson	865	101	3	3	391	272	184	158	1,443	534	
Harris	987	318	201	130	497	420	273	228	1,958	1,096	
Hart	686	522	112	119	425	312	307	131	1,530	1,084	
Heard	395	74	58	43	328	215	108	56	889	388	
Henry	1,845	3,076	787	824	1,114	1,231	1039	148	4,785	5,279	
Houston	5,440	4,255	1,810	1,563	1,174	1,075	1661	1,414	10,085	8,307	
Irwin	301	303	1	1	221	231	196	132	719	667	
Jackson	2,309	448	2	1	599	818	576	905	3,486	2,172	
Jasper	373	166	15	15	204	219	111	75	703	475	
Jeff Davis	712	594	394	394	697	697	332	298	2,135	1,983	
Jefferson <sup>3</sup>	756	495	183	183	633	633	372	372	1,944	1,683	
Jenkins	375	35	0	0	552	390	257	254	1,184	679	
Johnson	468	0	20	11	271	257	193	106	952	374	
Jones	*	*	*	*	*	*	*	*	*	*	
Lamar	562	210	0	0	409	394	256	197	1,227	801	
Lanier	680	0	0	0	229	173	44	39	953	212	
Laurens	2,923	2,069	732	732	1,166	1,111	1007	1,007	5,828	4,919	
Lee	751	314	84	84	396	378	165	139	1,396	915	
Liberty <sup>3</sup>	2,102	868	128	88	617	490	600	394	3,447	1,840	
Lincoln	214	58	4	4	256	256	120	119	594	437	
Long	215	82	126	0	164	160	32	62	537	304	
Lowndes	8,117	3,520	2,982	1,332	2,434	548	2310	308	15,843	5,708	
Lumpkin	629	471	220	150	259	121	161	90	1,269	832	
Macon	540	130	36	0	353	25	270	10	1,199	165	
Madison	441	444	276	120	403	221	108	83	1,228	868	
Marion	165	128	0	0	173	89	164	45	502	262	
McDuffie	848	40	456	141	1,189	936	822	524	3,315	1,641	
McIntosh	506	398	96	96	245	250	65	33	912	777	
Meriwether	1,002	34	147	147	817	817	412	221	2,378	1,219	
Miller	*	*	*	*	*	*	*	*	*	*	
Mitchell	*	*	*	*	*	*	*	*	*	*	
Monroe <sup>3</sup>	513	272	70	70	603	336	318	200	1,504	878	
Montgomery <sup>1</sup>	178	22	121	2	111	111	16	16	426	151	
Morgan	502	235	201	126	367	263	286	166	1,356	790	
Murray	*	*	*	*	*	*	*	*	*	*	
Muscogee	0	0	0	0	1,510	334	0	0	1,510	334	
Newton	3,490	807	1,548	1,344	988	765	1058	370	7,084	3,286	
Oconee	465	292	112	75	220	179	139	89	936	635	
Oglethorpe	374	373	65	65	253	264	55	55	747	757	
Paulding	804	310	349	133	411	399	376	365	1,940	1,207	
Peach	1,103	562	632	258	627	340	394	49	2,756	1,209	
Pickens	560	12	288	134	320	270	131	77	1,299	493	
Pierce <sup>3</sup>	616	130	28	30	198	137	107	17	949	314	
Pike	464	209	23	8	288	288	72	68	847	573	
Polk	*	*	*	*	*	*	*	*	*	*	
Pulaski	375	202	0	0	291	172	124	74	790	448	
Putnam	811	584	0	0	689	689	446	310	1,946	1,583	
Quitman	*	*	*	*	*	*	*	*	*	*	
Rabun	563	12	105	92	218	358	81	38	967	500	
Randolph	350	8	1	2	245	273	47	48	643	331	
Richmond	12,298	1,880	2,459	1,710	5,295	4,343	6288	3,187	26,340	11,120	
Rockdale	2,490	1,693	1,089	991	957	528	1237	535	5,773	3,747	

## Magistrate Court Caseload, Fiscal Year 1994 (cases filed)

County	Warrants Issued	Bond & Commitment		Criminal Cases		Civil Claims		Other Civil Cases		Total Warrants & Filings	Total Hearings & Dispositions
		Hearings		Filed	Disposed	Filed	Disposed	Filed	Disposed		
Schley	96	120		20	13	109	74	48	23	273	230
Screven	*	*		*	*	*	*	*	*	*	*
Seminole	297	168		127	127	174	174	48	30	646	499
Spalding	4,143	3,788		1,316	1,225	1,735	1,590	3360	73	10,554	6,676
Stephens <sup>4</sup>	782	20		0	126	231	208	161	9	1,174	363
Stewart <sup>3</sup>	216	38		17	0	61	29	37	16	331	83
Sumter	2,443	1,235		39	39	1,419	1,391	1128	1,128	5,029	3,793
Talbot	*	*		*	*	*	*	*	*	*	*
Taliaferro	*	*		*	*	*	*	*	*	*	*
Tattnall	459	277		480	339	634	634	258	68	1,831	1,318
Taylor <sup>4</sup>	152	41		7	0	51	51	16	16	226	108
Telfair <sup>3</sup>	381	27		140	95	458	286	237	234	1,216	642
Terrell	582	347		153	90	428	334	255	255	1,418	1,026
Thomas	2,858	855		1,151	810	3,502	3,034	1846	33	9,357	4,732
Tift	3,034	985		825	4	1,314	1,314	1004	830	6,177	3,133
Toombs <sup>4</sup>	589	33		388	324	204	118	168	36	1,349	511
Towns	302	18		0	16	51	55	16	9	369	98
Treutlen	*	*		*	*	*	*	*	*	*	*
Troup	0	0		9	9	5,139	2,859	3805	0	8,953	2,868
Turner	*	*		*	*	*	*	*	*	*	*
Twiggs	481	199		20	16	234	217	78	76	813	508
Union	501	43		0	0	199	210	30	0	730	253
Upson	1,230	666		389	309	1,007	681	721	411	3,347	2,067
Walker	1,351	541		245	245	789	426	652	85	3,037	1,297
Walton <sup>3</sup>	1,348	675		529	448	624	513	1140	871	3,641	2,507
Ware	2,254	1,446		1,671	1,313	796	649	763	597	5,484	4,005
Warren	201	1		8	8	497	497	199	0	905	506
Washington	1,408	149		288	276	1,394	1,322	532	375	3,622	2,122
Wayne	895	432		321	274	760	786	459	473	2,435	1,965
Webster <sup>3</sup>	50	46		0	0	37	38	15	4	102	88
Wheeler	133	65		4	0	180	104	55	6	372	175
White	649	596		314	279	314	222	148	148	1,425	1,245
Whitfield	4,766	137		514	514	2,839	2,839	2176	1,787	10,295	5,277
Wilcox	*	*		*	*	*	*	*	*	*	*
Wilkes	418	145		79	8	683	683	378	378	1,558	1,214
Wilkinson	382	40		18	17	412	412	496	173	1,308	642
Worth <sup>4</sup>	258	28		0	0	103	103	47	32	408	163
<b>Total</b>	<b>272,182</b>	<b>181,002</b>		<b>96,878</b>	<b>73,980</b>	<b>130,249</b>	<b>99,656</b>	<b>153,927</b>	<b>65,503</b>	<b>653,236</b>	<b>420,141</b>

Note: 140 of 159 magistrate courts submitted caseload data as of December 31, 1994.

[\*] Caseload data not submitted.

<sup>1</sup> Reported two quarters.

<sup>2</sup> Data from 1/1/93 to 12/31/93.

<sup>3</sup> Reported three quarters.

<sup>4</sup> Reported one quarter.

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## Other Courts

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Along with the two appellate and five classes of trial courts, approximately 400 local courts form the Georgia court system. Special courts and courts serving incorporated municipalities operate under a variety of names with varying jurisdictions.

Originally created by statute or constitutional provision, certain special courts have limited civil and criminal jurisdiction throughout the county. These include the civil courts located in Bibb and Richmond counties and the Municipal Court of Columbus. Special courts authorized to exercise criminal jurisdiction only are the county recorder's courts of Chatham, DeKalb and Gwinnett counties and those of the consolidated government of Columbus-Muscogee County.

At the local level, Georgia has courts of incorporated municipalities that try municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and may have concurrent jurisdiction over shoplifting cases and cases involving possession of one ounce or less of marijuana. Although first established under various names (city courts, mayor's courts, municipal courts, police courts, recorder's courts), these courts were redesignated as municipal courts by the 1983 state constitution. (An exception is the City Court of Atlanta, which retains its original name.)

Qualifications of judges and terms of office in municipal courts are set by local legislation.

# JUDICIAL AGENCIES

## Judicial Council

Since its creation by statute in 1973, the Judicial Council has served as the state-level judicial agency for coordinating administrative efforts for and recommending improvements in the state judicial system. An administrative arm of the Supreme Court since 1978, the council advises the legislature and the governor on the need for additional superior court judgeships by evaluating circuit caseloads, demographics and special circumstances. The council also responds to legislative directives and individual requests for studies and initiates projects to promote efficiency in the courts.

Twenty-four representatives of the appellate and trial courts serve on the Judicial Council. The chief justice and presiding justice of the Supreme Court act as the chairperson and vice chairperson, respectively. The chief judge and another judge of the Court of Appeals; the presidents and presidents-elect of the superior, state, juvenile, probate and magistrate court councils; and the 10 superior court district administrative judges complete council membership.

The full council meets at least twice each year, as it did in December 1993 and June 1994, to consider committee recommendations regarding specific studies and ongoing projects. The council oversees the activities of the Administrative Office of the Courts (AOC) and the Board of Court Reporting.

The Judicial Council continued its contract with the 10 judicial administrative districts for district personnel to conduct the annual casecount. Data obtained by the districts was analyzed by the AOC and results were submitted to the council for evaluating requests for additional superior court judgeships.

In considering additional judgeship requests, the Judicial Council seeks a balanced distribution of superior court caseload to promote speedy and fair trials. Recommendations are based on clear and convincing information showing necessity of additional judicial personnel.

The council compares the situation of the requesting circuit in terms of weighted caseload, average filings, jury trials, open caseload, population and days of senior judge assistance, to that of the remaining circuits. In fiscal year 1994, the council recommended to Gov. Zell Miller and the General Assembly the creation of 16 new superior court judgeships. Circuits recommended are listed in the council's order of priority:

1. Ogeechee (3rd judgeship)
2. Cobb (8th judgeship)
3. Conasauga (4th judgeship)
4. Alcovy (3rd judgeship)
5. Stone Mountain (10th judgeship)
6. Macon (5th judgeship) and Western (3rd judgeship)
8. Douglas (3rd judgeship)
9. Coweta (5th judgeship)

10. Augusta (7th judgeship)
11. Northern (3rd judgeship)
12. Middle (3rd judgeship)
13. Chattahoochee (6th judgeship)
14. Atlanta (16th judgeship)
15. Piedmont (3rd judgeship) and Southern (5th judgeship)

The council voted down a request to recommend creation of a state court in Camden County.

In 1993 and 1994 no new judgeships were created by the General Assembly. In the five years previous, the General Assembly had created five or more judgeships each year from the council's recommended lists.

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### Administrative Office of the Courts

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The Administrative Office of the Courts (AOC) provides fiscal, communications, research and staff support services for the state court system and serves as liaison with other state and national judicial agencies. The AOC also serves as staff to the Judicial Council, working closely with its chairperson, the chief justice of the Georgia Supreme Court.

#### Communications and publications

AOC publications provide information to judges, court support personnel and public and private judicial organizations. Five issues of the *Georgia Courts Journal* were distributed to more than 3,000 local, state and national officials. The *Georgia Courts Journal* informs readers of changes in court procedure, judicial personnel appointments and elections, recent legislation, court management activities and other events.

The *Judicial Legislative Log*, published weekly during the legislative session, is a digest of court-related legislation. The *Legislative Log* is distributed to approximately 900 judges, county officers and court administrative personnel.

The *Georgia Courts Directory* contains name, address and telephone information for Georgia county, state and federal judicial branch officials. The AOC produced the directory, distributing 2,800 copies to judicial branch personnel. The directory is available at minimal cost to attorneys and others.

The *Twentieth Annual Report on the Work of the Georgia Courts* was compiled by the communications and research divisions. The report presents caseload data for all classes of courts as well as narratives of judicial branch agency activities.

Twelve issues of the *Public Relations Digest*, abstracts of news and features items about the judiciary, were compiled and circulated to members of the Judicial Council to assist them in gauging public opinion about court activities and identifying matters of concern.

Other communications efforts included coordinating media relations and information releases on Judicial Council activities.

### **Research and court services**

The research and court services division generates statistical information and analysis on the work of the courts to identify needs and propose recommendations for improvement. The AOC performs studies as requested by the judiciary and the General Assembly and initiates projects to fulfill its legislatively prescribed duty to serve the courts. The research staff provides information to national organizations, other states and the public on topics such as the use of video technology, retirement and fringe benefits, night court, and others.

The research staff supervises yearly collection of caseload and other data from the trial courts. Calendar year superior court caseload data submitted by district personnel was audited and analyzed in terms of circuit workloads. This information was presented to the Judicial Council to make recommendations on the need for additional superior court judgeships. Caseload-projection reports were made for several local jurisdictions. Also, four studies were completed regarding the creation of a state court or the need for a full-time state court judgeship.

The calendar year 1993 salary survey was compiled for personnel from all trial courts. Information on salary, staffing and funding is collected in the survey. Superior court clerks, probate judges and magistrates submitted additional information on county retirement and health plans. Magistrate court budgets were also included. Information concerning inflation and the compensation of appellate and superior court judges was prepared for the State Bar Commission on Judicial Compensation. In several local jurisdictions considering the creation or alteration of court administrative positions, job description and compensation information was provided.

A survey of courts using contracted private probation services was conducted on behalf of the County Probation Advisory Council. Another survey assessed the impact of substance abuse on the courts.

Caseload information was provided to the Supreme Court Office of Dispute Resolution and several court administrators to determine if revenues generated by court fees would support new alternative dispute resolution programs funded under OCGA §15-23-1, et seq.

The staff participated with Georgia Courts Automation Commission staff in developing Georgia-specific criminal codes for the SUSTAIN software system.

Detailed data concerning family court systems in other states and the organization of Georgia courts with family law jurisdiction were provided to the State Bar Commission on Family Courts.

Staff participated in discussion on court records retention with the State Records Committee.

### **Secretariat and administrative services**

As required by statute, the AOC provides secretariat services to judicial branch agencies and organizations.

Along with the Institute of Continuing Judicial Education, the AOC assisted the Municipal Courts Training Council and the Georgia Magistrate Courts Training Council in planning their continuing education programs and maintaining educational certification records. On behalf of the Municipal Courts Training Council,

staff requested that the Judicial Qualifications Commission determine whether a mayor can serve as both mayor and municipal court judge under the Code of Ethics.

The AOC serves as secretariat to the Board of Court Reporting and assisted the board in making long-range plans for continuing education, administering certification tests, producing rules revisions and developing a Code of Professional Ethics.

The AOC also gave assistance to the chief justice of the Supreme Court and other judicial organizations.

The Council of Superior Court Judges was assisted with ongoing revision of the Superior Court Benchbook.

The AOC provided liaison services to the Council of State Court Judges and assisted in tracking legislation, staffing committees and distributing manuals.

With the Institute of Continuing Judicial Education, AOC staff assisted the Executive Probate Judges Council in developing policy. Staff also maintained certification records as required by statute.

The Council of Probate Court Judges was assisted in distribution of the Uniform Forms, Probate Judges Handbook and supplements; and coordination of the legislative, nominating, vital records, elections, scholarship and other committees.

The Council of Magistrate Court Judges received assistance in updating the Magistrates Benchbook and coordinating executive, budget and legislative committee activities.

The Georgia State-Federal Judicial Council (comprised of federal district court and appellate judges, Supreme Court justices and judges of the Court of Appeals, superior courts and state courts) received assistance in coordinating its annual meeting. (For more information on the council, see page 56.)

Staff assistance was provided to the National Association of Women Judges in recruiting a host committee and planning its 1995 conference to be held in Atlanta.

The AOC also provided computer expertise and other technical support to members of the judiciary both through its own staff and through its contract with the Department of Administrative Services.

Planning and coordinating the Georgia Conference on Substance Abuse and the Courts held in October 1993 was a significant AOC function. The conference brought together judges and other court personnel from 25 circuits to learn about and discuss diversion programs and other alternatives for drug offenders. Recommendations from the conference have been incorporated into a charge for a Supreme Court Committee on Substance Abuse and the Courts. The conference was sponsored by the Georgia Supreme Court and

**Duties of the  
Administrative Office of the Courts  
(OCCA §15-5-24 and Orders of  
the Supreme Court)**

- 1) Consult with and assist judges, administrators, clerks of court and other officers and employees of the court pertaining to matters relating to court administration and provide such services as are requested.
- 2) Examine the administrative and business methods and systems employed in the offices related to and serving the courts and make recommendations for necessary improvement.
- 3) Compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which shall be provided by the courts.
- 4) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation.
- 5) Act as fiscal officer and prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system.
- 6) Perform such additional duties as may be assigned by the Judicial Council.
- 7) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts.
- 8) Receive grants from any source, public or private, and expend funds and perform services in accordance with the terms of any grant.
- 9) Prepare, publish and distribute, from time to time, studies and reports relating to the administration of justice, impose reasonable charges for such reports where appropriate on either an individual or subscription basis and retain any proceeds of such charges.
- 10) Provide clerical, technical, research or other assistance to individual courts to enable them more effectively to discharge their duties.
- 11) Enter into contracts as necessary to perform its other duties.

funded through a grant from the State Justice Institute. Matching funds were provided from the Governor's Office. A final conference report will be published in fiscal year 1995.

### **Staff support to commissions**

*Georgia Courts Automation Commission.* The AOC provided substantial staff support and direction to the Georgia Courts Automation Commission. Establishing objectives, obtaining funding and providing administrative, clerical and fiscal support are among the functions performed. (For more information on the commission, see page 52.)

*Supreme Court Commission on Racial and Ethnic Bias.* The AOC provided an assistant executive director, administrative and technical support to the Supreme Court Commission on Racial and Ethnic Bias in the Court System, organizing public hearings, contracting for a court-watch project, and beginning research. The Commission on Racial and Ethnic Bias is charged with: 1) determining how the public and the courts perceive treatment of minorities and ethnic groups, examining courtroom treatment and determining the extent to which minorities and ethnic groups use the court system voluntarily; 2) studying court administrative policies and reviewing selection and employment processes for judicial and nonjudicial positions; 3) investigating the impact of bias in both criminal and civil justice processes; and 4) reviewing other appropriate areas.

During fiscal year 1994, the commission conducted research and held six regional public hearings and forums to gather testimony and information from professionals and the public. These hearings began in October 1993. In February, the commission recommended that orientation and continuing education for judges and court personnel include a component of cultural diversity and sensitivity training.

The commission, named in May 1993, is a racially and ethnically diverse group of professionals selected from government officials, the appellate and trial courts, the legal and academic communities, and court and civic leaders. The term of the commission expires in January 1996.

*Supreme Court Committee for Gender Equality.* The AOC continued to provide an executive director for the Supreme Court Committee for Gender Equality. (For more information on the committee, see page 63.)

*State Bar Commission on Judicial Compensation.* The State Bar Commission on Judicial Compensation also received extensive staff support. The commission reviewed salary levels of the Supreme Court, Court of Appeals and superior court judges. Findings and recommendations were presented to the State Bar. As a result, a permanent judicial compensation commission will be created. Efforts by the State Bar and the commission resulted in passage of legislation authorizing salary increases for appellate court justices and judges and superior court judges effective July 1, 1994.

### **Liaison functions**

The AOC served as liaison for the judicial branch with policy-making groups. The chair of the Judicial Council was represented by the director of the AOC on

the Criminal Justice Coordinating Council, including service on the Federal Grants Advisory Committee and the Crime Victims Compensation Board.

A staff member appointed by the governor served on the Georgia Commission on Family Violence. During fiscal year 1994 the commission, created by recommendation of the Commission on Gender Bias, completed the first section of a handbook for establishing circuit-wide community task forces on family violence. This handbook was distributed to the chief judge of each judicial circuit, district attorneys, solicitors, shelter directors and task forces.

A staff member represented the chief justice of the Georgia Supreme Court on the Statistical Analysis Bureau, a joint effort of the Criminal Justice Coordinating Council, state-level criminal justice agencies and Georgia State University, which provides research on the criminal justice system using existing data from state agencies.

The AOC assisted the Superior Court Clerks Training Council in planning their continuing education programs and maintaining educational certification records.

The AOC participates in the Law-Related Education Consortium, which is composed of criminal justice professionals and educators who promote law-related curriculum in public schools.

The chief justice was also represented on the Child Abuse Task Force, an advisory committee responsible for federal grants for the prevention and treatment of child abuse.

### **Fiscal support services**

The AOC coordinates fiscal services and annual judicial branch appropriations requests. The fiscal office performs payroll, accounts payable, cash management, purchasing, inventory control and financial reporting functions for 16 judicial branch agencies.

In fiscal year 1994, the AOC managed 63 separate funding sources, including 30 state fund allocations, 12 federal grants and 21 fee or other revenue sources.

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## **Board of Court Reporting**

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The Board of Court Reporting certifies and licenses all court reporters who serve the judicial branch. Court reporters are prohibited from serving without board certification. The board operates under authority of the 1974 Georgia Court Reporting Act to assist the judiciary by encouraging high standards of professionalism among reporting practitioners. The Judicial Council of Georgia appoints board members, governs official court reporting fees through regulation and adjustment of an established fee schedule and reviews the rules of the board.

### **Certification and permits**

The state court reporters certification exam is a skills test in one of three methods of takedown: machine shorthand, manual shorthand or Stenomask. Certificates are renewed each year.

The board held tests twice during the fiscal year. Fifty-five individuals were certified for the first time, two individuals upgraded their certificates. At the end of the fiscal year 1,164 certified court reporters were officially registered.

Court reporters who are not certified must obtain a temporary permit from the board or from a local judge. Board temporary permits are issued for a single testing period and may not be renewed. These reporters may work until the permit expires or they become certified. Eight temporary permits were issued during the year.

Twelve permits were issued upon sponsorship of a judge. Reporters working under judicial temporary permits are restricted to the sponsor's court and may not freelance. These permits may be revoked by the board only with the approval of the issuing judge. By rule, reporters on judicial temporary permits who report more than 100 hours per year must take the board exam until certified, or until the permit is rescinded.

The board also issued 25 certificates to reporters who met the accreditation requirements of the National Court Reporters Association or the National Stenomask Verbatim Reporters Association.

### Formal complaints

The board investigates complaints against court reporters, including fee disputes, and administers disciplinary action when warranted. Complaints alleged practices such as improper charges for takedown, exclusion of arguments of counsel from transcript, delay in producing transcript, failure to produce transcript and previous conviction of a felony or misdemeanor involving moral turpitude. Of the 11 complaints received during the year, 10 were dismissed. In the remaining case,

a hearing was held which resulted in public reprimand of the official reporter for abandonment of a transcript. The Board of Court Reporting has the authority to resolve fee disputes.

### Court Reporters: 1993 and 1994

	1993	1994
Officially registered	1,186	1,164
Certificates and permits issued		
New certificates	70	55
Upgraded certificates	13	2
Board temporary permits	3	8
Judicial temporary permits	11	12
National accreditation certificates	16	25

### Takedown Methods: 1994

Grandfathered	103
Machine shorthand	641
Stenomask	396
Shorthand notes	24
<b>Total</b>	<b>1,164</b>

### Related activities

Continuing education for court reporters became mandatory January 1, 1994. The Court Reporters Training Council, created by board rule on July 1, 1993, developed rules and bylaws. After 1994, reporters are required to earn 10 hours of course credit per calendar year. A 12-month grace period to make up delinquent hours is allowed before license revocation. Numerous training opportunities are available in subjects pertinent to court reporters.

In keeping with its charge to promote professionalism, the board adopted *Guidelines for Professional Practice* and a *Code of Professional Ethics* as part of its rules. A new mechanism enables reporters to ask for advisory opinions on matters of ethical concern.

## Council of Juvenile Court Judges

(Annual report for fiscal year 1994, as required by OCGA §15-11-4.)

The Council of Juvenile Court Judges is composed of all judges of the courts exercising jurisdiction over juveniles. Council membership for fiscal year 1994 included 53 part- and full-time juvenile court judges, 54 superior court judges exercising juvenile court jurisdiction and 32 associate juvenile court judges.

Council staff provide support to juvenile courts through legal research services, legislative tracking and specialized programs to assist in protecting the best interests of children and the state.

Council policies are set by the executive committee comprised of the president, president-elect, secretary, treasurer and immediate past president. Eleven standing committees—benchbook, education/certification, uniform rules, legislative, guardian ad litem, court organization, grants/unruly and delinquent services, indigent defense, information systems, permanency planning and past presidents—make recommendations to the executive committee. Designated judges act as liaisons to the following agencies: Council of Superior Court Judges; Department of Human Resources (Division of Mental Health, Mental Retardation and Substance Abuse and Division of Family and Children Services); Department of Children and Youth Services; Department of Education; Criminal Justice Coordinating Council; the Governor's DUI Task Force; and the Georgia Courts Automation Commission.

### **Juvenile Information System**

The council contracted with Canyon Software, Inc. (Phoenix, AZ) for a statewide license for the Juvenile Case Activity Tracking System (JCATS) software package. This PC-based, automated case-processing system will be available to all juvenile courts. The system is installed in 10 juvenile courts and at 20 Department of Children and Youth Services offices.

### **Purchase of Services Program**

The Purchase of Services program provides funding for community-based treatment alternatives for juveniles on probation. Its primary goals are to reduce formal court involvement, recidivism and the disproportionate incarceration and commitment of minority offenders. Juvenile court judges may select from a menu of services to provide assistance to children under their jurisdiction. Available services include counseling and diagnostic testing, education/upgrading basic skills, community service work, short-term (out-of-home) placements, nonsecure housing and transportation services. More than 3,000 children from 107 counties benefited during the past year. Now in its fifteenth year of operation, the program is funded through a \$200,000 federal grant from the Children and Youth Coordinating Council and from state appropriations.

### **Permanent Homes for Children in Georgia**

Permanent Homes for Children (PHC) staff provide support and technical assistance to juvenile court judges and judicial citizen review panels.

During fiscal year 1994, PHC staff assisted with 152 citizen panels in 53 counties. In these 53 counties, an estimated 11,000 children were in paid foster care or in institutional placements. Case reviews are carried out by citizen review panels once every six months. The goal of panel reviews is to ensure reunification of the child and parents if at all possible. If reunification is not an option, the panels work with the Department of Family and Children Services and other agencies to identify feasible permanency options such as adoption. Approximately 800 citizen volunteers served on panels statewide during the past year. Panel members are appointed by their local juvenile court judge and trained by PHC staff.

New foster care review panels were established in Haralson County. In addition, two new field staff positions were created to replace personnel on loan from the Department of Human Resources. There are now nine PHC field representatives who assist local citizen review panels.

In March 1994, the council sponsored the Seventh Georgia Conference on Permanency Planning, *Permanency Now: Children Can't Wait*. More than 250 citizen review panel volunteers, social workers, court staff and judges from throughout the state attended.

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### Council of Magistrate Court Judges

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The Council of Magistrate Court Judges, created by statute, furthers the improvement of the magistrate courts and the administration of justice, assists magistrates throughout the state in the execution of their duties and promotes and assists in their training.

All chief magistrates and magistrates in Georgia are members of the council. The 28-member executive committee is comprised of six officers, two representatives from each of the ten judicial administrative districts and two members-at-large. The committee carries out the administrative duties of the council.

The council held four meetings during the year. Topics covered included professionalism, the warrant issuance artificial intelligence program, dispossessory proceedings, ordinance violations, a legislative viewpoint of the justice system, the anti-stalking law, the state e-mail system, the fee and fine accounting system, warrant forms on WordPerfect, constitutional criminal procedure, and legislation and its effect on magistrate courts.

Meetings featured a luncheon speaker and forum for judges to discuss common problems and experiences. At the January meeting, the council sponsored a breakfast for legislators.

Legislative efforts focused on a retirement bill and a salary bill; neither passed. The council also monitored and responded to proposed legislation affecting magistrate courts.

Five issues of the *Georgia Magistrate Court Newsletter* were published during the year. A new feature was added to the newsletter with the creation of the internal affairs/legal research committee. This committee reviews appellate cases each

month and notes those that could affect the magistrate courts. A synopsis of pertinent cases is published in the newsletter.

In addition, the benchbook committee prepared and distributed a revision of the magistrates benchbook.

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### Council of Probate Court Judges

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The Council of Probate Court Judges, created to further improvement of the probate courts and administration of justice, is composed of judges and retired judges of the probate courts. The council has developed uniform rules and forms, a probate benchbook and a probate handbook.

The council met four times during fiscal year 1994. Three meetings were held jointly with the County Officers' Association of Georgia. Judicial training at each meeting was conducted by the Institute of Continuing Judicial Education (ICJE). Topics at the April and November meetings included estate administration, HIV disclosure in probate court, alternative dispute resolution rules, uniform traffic citation software and a legislative update. At the January meeting, seminars on retirement planning and the National Voter Registration Act of 1993 were presented. A seminar on stress management was given at the June meeting. Six probate judges attended seminars at the National Judicial College to become trainers for traffic jurisdiction. This program, Traffic Court Practice, was presented to 40 probate judges in June.

During the 1994 session of the General Assembly, the council and the County Officer's Association of Georgia worked to pass a salary bill which was signed into law. Other legislation dealt with fiduciary and probate law and retirement issues. The council also worked with the Department of Vital Records and the Association of County Commissioners of Georgia to seek a compromise on the matter of fees collected for the handling of vital records; no decision was reached on this issue.

In fiscal year 1994, the council created a newsletter committee. Three issues were published containing information on matters of probate law and news of interest to the membership.

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### Council of State Court Judges

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The Council of State Court Judges was created to further the improvement of the state courts, the quality and expertise of the judges and the administration of justice.

The council coordinates its activities with other trial court councils. In developing uniform rules in particular, state court judges have worked closely with superior court judges to establish similar practices.

During fiscal year 1994 the council continued its educational efforts and increased the activities of the executive committee through quarterly meetings.

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## Council of Superior Court Clerks

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The Council of Superior Court Clerks, composed of 159 superior court clerks, was created by an act of the General Assembly in 1990. Its purpose is to further the improvement of superior court clerks throughout the state in the execution of their duties and to promote and assist in their training. In fiscal year 1994, the council dedicated its resources to fulfilling this mission.

The council began publishing *The Record*, a quarterly publication featuring articles about records management, technology, business administration, court management, general jurisprudence and other topics of interest to superior court clerks.

In addition, the council provided on-going technical support. Publications included the *UCC Update*, a newsletter about the changes in the Georgia Uniform Commercial Code; *Intangible Recording Tax Laws in Georgia*, a review of statutes, policies and procedures applicable to collection and distribution of intangible recording tax; and other publications related to records management and administrative procedures.

The council, in partnership with the Institute of Continuing Education, also began planning and promoting the first statewide offering of the records management phase of the Court Executive Development Program. The course, designed by the Institute for Court Management (ICM), prepares individuals for management and leadership positions in the courts. It will be held November 16 and 17, 1995.

Council officers and members attended ICM and National Association for Court Management meetings and conferences, as well as other national and state activities.

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## Council of Superior Court Judges

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The Council of Superior Court Judges, created in 1985, operates to further the improvement of the superior courts of Georgia and the administration of justice. All superior court judges and retired superior court judges are eligible for council membership.

The executive committee is authorized to manage the projects and policies of the council. It is composed of three officers elected by the entire council, the immediate past president and 10 administrative judges who represent the 10 judicial administrative districts. Central office staff assist the council and its committees in matters relating to court services and administration, uniform court rules, preparation of jury instructions, legislation and coordinating information and activities involving the 10 district court administrators on issues of statewide concern.

The council holds two meetings each year in conjunction with its continuing education programs. Twenty standing committees study and address matters relating to the purposes and objectives of the council. Some committees provide support to judges on matters including continuing education, benchbook, courts automation, compensation and retirement and indigent defense. Other committees serve as a liaison with court-related officials, agencies and organizations such as

superior court clerks, district attorneys, the Institute of Continuing Judicial Education (ICJE) and the State Bar of Georgia. Council representatives fill appointed seats on panels such as the Governor's Task Force on Correctional Institutions and Populations, the Supreme Court Commission on Racial and Ethnic Bias in the Court System and the State Bar Commission on Family Courts.

During fiscal year 1994, the council approved amendments to the Uniform Rules for the Superior Courts relating to entry of appearance and pleadings, enactment of local rules and court-mandated programs in domestic relations cases. Work on a strategic plan for the superior courts was initiated as the long-range planning committee held sessions to develop mission statements and future directions.

During the 1994 legislative session, the council supported a bill providing for a three percent maximum annual cost-of-living increase for retired judges under the Senior Judges Retirement Act. This measure was adopted by the legislature. A proposal to lower from 65 to 60 the age at which judges can receive full benefits with 16 years' service did not pass.

Superior court judges' continuing education seminars were held in August 1993 and January 1994. One hundred fifty-four judges attended the summer program and 116 participated in the winter program. Superior court judges served as faculty for these and other seminars conducted by ICJE. Six new judges appointed by the governor joined the council.

### Sentence Review

Sentence review panels evaluate convicted offenders' sentences to assure that a given sentence is not excessive in relation to other sentences for similar crimes throughout the state. In comparing sentences, the panel considers the nature of the crime and the defendant's prior criminal record. Each sentence review panel is composed of three superior court judges. Panel members, including a substitute, are appointed and chairpersons are designated by the council president for three-month terms.

Cases subject to panel jurisdiction are those sentences totaling 12 or more years set by a superior court judge without a jury. Exceptions include sentences set in misdemeanor cases and murder cases where a life sentence has been applied. The panel may reduce or suspend sentences, but is prohibited from increasing punishments.

The panel reviews upon application of a defendant. Defendants must act within 30 days of the date sentenced by the superior court judge, or after remittitur from the Court of Appeals or Supreme Court affirming the conviction of the sentencing court, whichever occurs last. Panel actions are not reviewable and orders are binding on the defendant and the superior court that imposed the sentence.

The panel affirmed 1,627 cases and reduced 45 cases in fiscal year 1994, a total caseload of 1,672. The reduction rate for the year was 2.7 percent.

### Sentence Review Panel Caseload Summary

#### 10-Year Comparison of Cases Reviewed

	Cases Affirmed	Cases Reduced	Percent Reduced
1985	2,137	100	4.5%
1986	1,769	67	3.7%
1987	2,485	63	2.5%
1988	2,273	87	3.7%
1989	1,889	74	3.8%
1990	2,804	72	2.5%
1991	2,790	113	3.9%
1992	2,557	57	2.2%
1993	2,362	46	1.9%
1994	1,627	45	2.7%

## Georgia Commission on Dispute Resolution

In October 1992, the Georgia Supreme Court created the Georgia Commission on Dispute Resolution to develop and oversee a comprehensive statewide alternative dispute resolution (ADR) system. The commission, comprised of judges, lawyers, legislators and citizens, is charged with the following responsibilities: to administer a statewide ADR program; to oversee the development and ensure the quality of all court-annexed or court-referred ADR programs; to certify court programs; to develop criteria for training and qualifications of neutrals (third-party participants who act as mediators, arbitrators and case evaluators); to establish standards of conduct for neutrals.

The Supreme Court also created the Georgia Office of Dispute Resolution to implement the policies of the commission. During fiscal year 1994, the Office of Dispute Resolution created content guidelines, approved and certified court programs and registered approximately 600 neutrals. The Office of Dispute Resolution also offered training and technical assistance.

For the fourth year, a Georgia Bar Foundation grant helped support ADR. In fiscal year 1994, \$75,000 was distributed to local programs by the Office of Dispute Resolution. Permanent funding for ADR programs was legislated through a filing fee surcharge of up to \$5.00 in participating counties (OCGA 15-23-1-13).

## Georgia Courts Automation Commission

The Georgia Courts Automation Commission (GCAC), formerly the Electronic Data Processing Committee (EDP) of the Judicial Council, was created by the legislature in 1991. Its duties are to define, implement and administer a statewide automation system for the collection, entry, storage, processing, retrieval and distribution of court-related information; coordinate statewide strategies and plans for incorporating county and local governments into the courts automation system; establish policies and procedures, rules and regulations and technical and performance standards for county and local government access to the courts automation system network; and offer advisory services to county and local governments to assist in guiding their efforts toward automating their court procedures and operations.

The Administrative Office of the Courts (AOC) assists the GCAC staff by providing project direction, support and fiscal coordination for the commission. Additional assistance and technical support is provided by the Computer Services Division of the Department of Administrative Services (DOAS). In fiscal year 1994, GCAC held monthly meetings to provide policy guidance and coordination for automation projects undertaken by or for the courts and related criminal justice agencies.

### **Automated case-management and inquiry**

Primary efforts in fiscal year 1994 were directed toward tailoring and piloting an automated case-management software system, SUSTAIN, for use in Georgia courts.

A statewide license for this system was purchased in fiscal year 1993 using a grant from the U.S. Department of Justice, Bureau of Justice Statistics. SUSTAIN has been tested in a local county court, and the software is offered at no charge to any court. The software system operates on IBM and compatible personal computers or networks and can be adapted to meet the needs of individual courts. Its features include docketing, case assignments, indexing, scheduling, calendar preparation, notice preparation, accounting and statistical reporting. Data collected and managed by the system can be forwarded to state computers electronically, reducing paperwork and eliminating duplicate data entry. Electronic transfer of information also improves the timeliness and accuracy of these records.

The Automated Database Inquiry (ADI), a menu-driven, single point of inquiry system, made state databases containing information such as criminal histories, parole and corrections records, child support recovery information, birth records and driver histories quickly accessible to local courts. Expansion of ADI was hampered in fiscal year 1994 by security concerns and lack of access by authorized court users to secure terminals on the Georgia Online (GO) Network.

#### **Automated tools**

Georgia Jury, a jury-management software system that includes jury-selection, check-writing and summons-producing capabilities, has been distributed to 66 courts and is fully operational in 38 counties. This software package, written and made available to the courts by DOAS, runs on a personal computer using DOS. Georgia Jury is available to other courts upon request.

A contract between the Code Revision Commission and the Michie Company allows judicial and executive branch subscribers to receive the Georgia Law On Disc at little or no cost. The Georgia Law compact disc contains the Official Code of Georgia Annotated (OCGA), rules of court and Supreme Court and Court of Appeals decisions. The number of judicial branch subscribers reached 400 during the year. Subscription requests are processed by the AOC and forwarded to the vendor.

Automated tracking and reporting takes place in 16 traffic courts using the Uniform Traffic Citation Package. This software system, developed by DOAS, tracks traffic tickets and reports convictions to the Department of Public Safety's driver history database through any one of four electronic means. Electronic reporting of convictions reduces paperwork and provides timely, accurate state-wide data on traffic offenders, including DUI and habitual offender records.

State funding was awarded for GCAC through a supplemental appropriation to the AOC. Improvement funds appropriated to GCAC for fiscal year 1995 will enhance court automation efforts.

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### **Georgia Indigent Defense Council**

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The Georgia Indigent Defense Council was statutorily created as a judicial branch agency in 1979 to provide a program of legal representation for indigent defendants. The council is composed of 15 members appointed by the Supreme Court,

including one lawyer from each of the 10 judicial administrative districts, three lay members from the state at large and two county commission representatives.

The council's four statutory purposes and duties are:

- 1) to administer funds provided by the state and federal government to support local indigent defense programs;
- 2) to recommend uniform guidelines for local programs;
- 3) to provide local programs and attorneys who represent indigent defendants with technical and research assistance, clinical and training programs and other administrative services; and
- 4) to prepare budget reports and management information required for implementation of the Georgia Indigent Defense Act.

The council monitors the implementation of Supreme Court guidelines for the operation of local indigent programs. Guidelines cover appointment of counsel on a timely basis; eligibility determinations and criteria to qualify indigents; standards for the operation of public defender offices, panel attorney programs and hiring of contract defenders; appointed attorney fees; procedures to insure the independence of court-appointed counsel; roles and responsibilities of local indigent defense governing committees; and the mechanism for distribution of state-appropriated funds.

During fiscal year 1994, monetary assistance was provided to 106 counties for operation of their indigent defense programs. These grants, totaling \$1.75 million, were funded from state appropriations, the Georgia Bar Foundation and the Sheriff's and Clerk's Trust Account Program.

The council provides significant in-kind assistance to local programs. The *Felony Trial Division* provides representation at the request of the superior court judges of Fulton County to indigent defendants in the Fulton County municipalities, excluding Atlanta.

The *Mental Health Advocacy Division* provides services to attorneys representing clients in three specific areas: assistance with direct representation of insanity acquittees who are incarcerated indefinitely in state mental hospitals; training seminars for defense attorneys who represent mentally ill clients; and on-going support and consultation for attorneys who represent clients confined to mental hospitals.

The *Indigent Defense Resource Center* provides research assistance to attorneys across the state and offers CLE (continuing legal education) accredited seminars to lawyers.

The *Multicounty Public Defenders Office (MPD)* is a statewide trial resource center for attorneys handling death penalty cases. MPD assists lawyers by providing consultation on pretrial motions, trial strategy, expert witnesses, motions for funds and attorney fees. MPD also provides direct representation in some instances, particularly when a circuit or county does not have qualified lawyers available to defend capital cases.

The council also responds to inmate requests for assistance. A speakers bureau and job bank for attorneys are maintained by the council. The council also offers volunteer opportunities for undergraduate and law students.

## Georgia Magistrate Courts Training Council

(Annual Report for calendar year 1994, as required by OCGA §15-10-134.)

The Georgia Magistrate Courts Training Council supervises continuing judicial education requirements for magistrate court judges and prescribes minimum standards for curricula and criteria for magistrate training. The council approves instructor qualifications and issues training certification to chief magistrates and magistrates who satisfactorily comply with established programs.

Nonlawyer magistrates who are newly elected or appointed must attend the first scheduled certification course after assuming office and successfully complete 40 hours of training. To maintain certified status, all magistrates (including those who are members of the State Bar of Georgia) must fulfill an annual 20-hour recertification training requirement. In 1994, the recertification program included a new series of topics on professionalism: sexual harassment, gender bias, fairness and consistency in setting bonds, disciplinary procedures, personal conduct and a Judicial Qualifications Commission update.

In calendar year 1993, the training council sponsored two 40-hour seminars covering civil and criminal matters. Magistrates needing recertification training may attend part of a 40-hour program to fulfill the 20-hour requirement. Three 20-hour recertification programs were held.

The training council now allows recertification credit to be earned by attending programs other than the traditional 20-hour programs and has dropped its requirement for a traditional course at least every other year.

In conjunction with the Council of Magistrate Court Judges, the council began a mentor judges program. The Institute of Continuing Judicial Education assigns new judges to mentor judges. No more than two judges are assigned to each mentor. A one-day training session for potential mentors was held in September.

The council contracted with the National Judicial College, the American Judicature Society and Alternative Dispute Resolution Associates for in-state programs on bench skills, constitutional criminal procedure and mediation fundamentals. In addition,

### Georgia Magistrate Courts Training Council: 1994 Seminars

Seminar	Location	Attendees
40-Hour Certification	Athens	40
20-Hour Recertification	Savannah	142
20-Hour Recertification	Duluth	78
20-Hour Recertification	Macon	98
40-Hour Certification	Athens	46
Mediation Fundamentals	Gainesville	32
Bench Skills	Chattanooga	19
Constitutional Criminal Procedure	Savannah	27
<b>Total</b>		<b>482</b>

#### Other methods of certification

Attending out of state seminars	2
Serving as instructor	2
Attending other than MCTC-sponsored seminars	1
<b>Total</b>	<b>5</b>

**458 magistrates were certified in 1994**  
(24 judges attended more than one program)

the council sponsored 10 attendees to the Court Technology Conference in Nashville, TN.

Two artificial intelligence programs were developed under a contract with Georgia College in Milledgeville. This software will be used to train magistrate court personnel in the issuance of bad check citations and search warrants.

The following publications were distributed: the *Magistrates Benchbook* (to new magistrates) or its update (to sitting magistrates), the *Georgia Magistrate Court Handbook* by Judge Wayne M. Purdom, the *Magistrate Court Guide* by Judge Johnny W. Warren and the *Georgia Law Enforcement Handbook* published by the Harrison Company.

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### Georgia State-Federal Judicial Council

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The State-Federal Judicial Council fosters a cooperative relationship between the state and federal judiciaries of Georgia. Council membership includes all federal judges in Georgia, justices of the Georgia Supreme Court, judges of the Georgia Court of Appeals and judges of the superior courts. The executive committee is comprised of the chief judge of the Eleventh Circuit Court of Appeals; three U.S. District Court judges named by the chief judge of the Eleventh Circuit Court of Appeals; one U.S. Bankruptcy Court judge named by the chief judge of the Eleventh Circuit Court of Appeals; the chief justice of the Georgia Supreme Court; the chief judge of the Georgia Court of Appeals; five superior court judges named by the chief justice of the Supreme Court; the president of the Council of Superior Court Judges; and the president-elect and immediate past-president of the State Bar of Georgia.

The council holds an annual meeting, planned by the executive committee. In 1994, the program focused on Judicial Misconduct and Attorney Misconduct. For the first time, members of the bar were invited to attend the annual meeting, and the program was approved for judicial and legal continuing education credits.

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### Institute of Continuing Judicial Education

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More than 3,100 judges, court officials and judicial personnel attended programs delivered by the Institute of Continuing Judicial Education (ICJE) in fiscal year 1994. This record number placed ICJE among the top continuing judicial education agencies in the country.

As an administrative arm of the Supreme Court, the institute has had responsibility for the training of all judicial personnel since 1981. The various courts and judges' councils have since adopted training standards for their members. Supreme Court justices and Court of Appeals judges must complete a minimum of 12 hours of instruction each year, with at least two hours devoted to legal or judicial ethics.

Superior court judges are required to attend judicial education programs totaling at least 12 hours per year, including two hours of judicial ethics every two

years. Rule 43 of the Uniform Rules for the State Courts mandates that state court judges attend continuing legal and/or judicial education courses totaling 24 hours every two years. The total must include two ethics hours.

As prescribed by the Executive Probate Judges Council, probate court judges must complete training for new judges and 12 hours of continuing education annually. Magistrate court judges fulfill an initial 40-hour training requirement (attorney magistrates are exempt) and annually attend 20-hours of recertification training. Superior court clerks complete 40 hours in basic certification and 15 hours in yearly recertification training courses.

Municipal court judges complete an annual 12-hour certification course. New judges must fulfill a 20-hour training requirement.

### Seminars

In fiscal year 1994, the Institute offered programs for judges of the superior, state, juvenile, probate, magistrate and municipal courts. In addition, training was provided for clerks of court, judges' secretaries, juvenile court probation officers, court administrators and administrative law judges. For more information, please refer to the chart below.

### Institute of Continuing Judicial Education: Fiscal Year 1994 Instructional Activities

Date	Program	Location	Attendees	Date	Program	Location	Attendees
July 14-15	Judicial ethics for non-lawyer judges	Americus	19	March 28-30	Workers' compensation administrative law judges annual seminar	St. Simons	23
July 21-23	Magistrates 20-hour recertification	Columbus	70	April 6-8	Judicial secretaries annual seminar	Savannah	202
August 2-4	Superior court judges summer seminar	St. Simons	154	April 15	Updating your jury list	Teleconference	209
August 11-13	Magistrates 20-hour recertification	Decatur	80	April 20-21	Municipal court judges, WordPerfect & CD ROM technology	Athens	11
August 11-13	Probate court clerks seminar	Hiawassee	5	April 20-22	Probate court judges spring seminar	Athens	184
August 25-27	Municipal court judges 12-hour recertification	Jekyll Island	118	April 25-26	Juvenile court clerks annual seminar	Jekyll Island	69
Aug. 29-Sept. 3	Magistrates 40-hour recertification	Athens	65	April 26-28	Superior court clerks spring seminar	Jekyll Island	156
Sept. 10-11	Municipal court judges 12-hour recertification	Athens	77	April 26-29	Juvenile Court Probation Officers Faculty Development	Pine Mountain	21
Sept. 20-22	Municipal court judges 20-hour certification	Athens	35	May 16-18	Juvenile court judges spring seminar	Jekyll Island	79
Sept. 22-24	Georgia Association of Independent Juvenile Courts Personnel fall seminar	Columbus	108	May 18-20	State court judges spring seminar	Jekyll Island	79
Sept. 27-29	Juvenile court judges fall seminar	Augusta	69	May 25-27	Georgia Association of Independent Juvenile Courts Personnel spring seminar	Augusta	72
Oct. 6-7	Administrative law judges, Georgia executive branch agencies annual seminar	Athens	54	June 1-3	Magistrate court judges 20-hour recertification	Savannah	142
Oct. 20-22	State court judges fall seminar	Amicalola Falls	55	June 7	Probate court clerks traffic seminar	Jekyll Island	27
Nov. 17-19	Superior court clerks fall seminar	Savannah	125	June 8-10	Probate court clerks summer seminar	Jekyll Island	56
Nov. 17-19	Probate court judges fall seminar	Savannah	107	June 14	Superior court clerks summer seminar	Jekyll Island	35
Jan. 12	Superior court clerks winter seminar	Atlanta	34	June 14	Probate court judges summer seminar	Jekyll Island	35
Jan. 12	Probate court judges winter seminar	Atlanta	34	June 15-17	Probate court judges traffic seminar	Jekyll Island	26
Jan. 13-14	Municipal court judges faculty development	Greensboro	16	June 23-24	Municipal court judges 20-hour certification	Augusta	35
Jan. 18-21	Superior court judges winter seminar	Athens	116	Quarterly	WordPerfect	Athens, Macon	34
Jan. 19-20	Court administrators seminar	Athens	10	Quarterly	CD ROM introduction/review	Athens	51
Feb. 6-11	Magistrates 40-hour certification	Athens	46				
Feb. 7-9	Municipal court judges 20-hour recertification	Athens	17				
March 7-9	Municipal court judges faculty development	Athens	16				
March 9-11	Magistrate court judges faculty development	Hilton Head	21				

Other ICJE initiatives during fiscal year 1994 included the following:

- The Georgia Jury Commissioners satellite teleconference was telecast from Athens to 10 sites across the state.
- A specialized, experimental effort focusing on judicial practice for Department of Labor Administrative Law Judges was completed.
- Assistance was given to the Georgia Supreme Court Committee for Gender Equality in designing an educational emphasis for the upcoming year's activities.
- A record-keeping relationship was initiated with the Court Reporters Training Council, which began implementing its mandatory continuing education rule on January 1.
- A four-year, cyclical, long-range curriculum plan for juvenile court judges was established and implemented.
- Judges and Humanities Studies continued, expanding this year beyond superior court judges to include a session on Shakespeare's *Macbeth* for probate court judges and judicial secretaries. Selected superior court judges were introduced to Islamic Law during an intensive day-long session.
- Faculty training and course development continued. As in past years, this effort primarily involved faculty for the regionally delivered magistrate court and municipal court recertification courses.
- Both judicial and support personnel were introduced to "Georgia Law on Disc," a computerized version of state statutes, appellate cases and court rules. Courses were conducted using fixed and portable computer labs in Athens, Columbus, Decatur and Macon.
- The Georgia Court Futures Study Project carried on in abbreviated form through articles on court futures developments in the *Georgia Courts Journal*, along with training exercises delivered at conference activities for court reporters and superior court clerks.
- Two videotapes, "Inside the Municipal Court: The Faces of Justice" and "Inside the Municipal Court: Highlighted Cases," were completed.
- Several nationally based specialty courses were procured for in-state delivery. These included "Judicial Ethics for Non-Lawyers" from the American Judicature Society and "Traffic Court Practice" from the National Judicial College.

### Administration

The ICJE fiscal year 1994 operating budget of \$1,035,954 was allocated as follows: \$20,000 for nationally based training of superior court judges; \$324,600 for administration and training of magistrate court judges and staff; \$110,285 for administration and training of municipal court judges and staff; \$502,250 for general administration and omnibus recurring product operations of the ICJE; and \$78,819 for on-site services, MCLE fees and special projects. Of 46 applications for financial aid to attend national courses, 38 were approved.

The ICJE board of trustees is made up of representatives of client groups of state courts and judicial organizations. The board includes one Court of Appeals judge; two members of the Council of Superior Court Judges; a representative from the councils of state, juvenile, probate and magistrate court judges; one representative from the Superior Court Clerk's Association; one member of the State Bar of

Georgia, one from the Judicial Council; and ex officio members, including the immediate past chairperson of the Institute board of trustees and the board of trustees of the Institute of Continuing Legal Education and the deans of our four accredited law schools. A liaison member representing the Supreme Court and an advisory member also serve on the board.

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### Judicial Administrative Districts

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Regional court administration for the superior courts is organized through the Judicial Administration Act of 1976. Ten judicial administrative districts are served by an administrative judge selected by the superior court judges and senior judges of that district. Each district also employs a district court administrator.

Under the guidance of district administrative judges and district court administrators seminars for divorcing parents were established. Computerized lists of open cases were prepared for superior court judges. Assignment of senior judges and other judges to serve in the district or elsewhere was handled by district personnel.

District court administrators function as liaisons between superior courts and local government officials, court personnel and components of the criminal justice system. Assistance is given to chief judges in the preparation, presentation and management of local court budgets. District court administrators screen and interview applicants for trial court administrator, law clerk, court reporter and other court support positions.

District staff assist chief judges and clerks in jury management projects, including automated jury selection, revision of jury boxes and orientation sessions for jury commissioners.

Assistance to the superior courts was provided in the following areas: grant applications and grant management; space and facilities management; courthouse renovation; arbitration; mediation; video arraignment; court delay reduction; alternative sentencing/jail overcrowding problems; records retention and management; and indigent defense programs.

District personnel work with committees of the Council of Superior Court Judges, the Judicial Council of Georgia, the Criminal Justice Coordinating Council and other local, state and national organizations.

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### Judicial Nominating Commission

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The Judicial Nominating Commission, created by executive order, solicits nominations of qualified individuals to fill vacant or newly created judgeships. The governor selects new judges from a list of candidates prepared by the commission.

Qualifications for all judges are specified either in the state constitution or in pertinent statutes. Nominations are sought from leaders of the civic and legal communities. Commission members evaluate candidates based on a standard

questionnaire and a legal article or brief submitted by the candidate. The commission also interviews attorneys familiar with candidates and candidates themselves.

The commission held 10 meetings in fiscal year 1994 to consider candidates for one vacancy on the Supreme Court, one vacancy on the Court of Appeals, five superior court vacancies (in the Brunswick, Dublin, Chattahoochee, Ocmulgee and Southern Judicial Circuits), three state court vacancies (in Gwinnett, Chatham and Muscogee Counties) and one vacancy on the Richmond County Civil and Magistrate Courts.

Since 1973, the commission has acted on a total of 233 judgeships, including 16 Supreme Court vacancies, 16 Court of Appeals vacancies, 133 superior court seats, 58 state court posts, two municipal court judgeships and three civil court vacancies.

The nine-member commission includes the president of the State Bar of Georgia and the state attorney general as ex-officio members. Three other members, who must be members of the State Bar, are appointed by the governor. The four remaining positions must be filled by nonlawyers—two appointed by the governor, one by the lieutenant governor and one by the speaker of the House of Representatives. Appointed members serve at the pleasure of the appointing authority.

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### Judicial Qualifications Commission

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The Georgia Constitution empowers the Judicial Qualifications Commission (JQC) to respond to inquiries from judges regarding appropriate judicial conduct, to direct investigations into complaints involving members of the state judiciary and to hold hearings on allegations of judicial misconduct.

Grievances against judges are usually initiated by a written, verified complaint to the commission. Alleged misconduct or protests must be based on one of the seven canons of the Code of Judicial Conduct. Grounds for action include: 1) willful misconduct in office, 2) willful and persistent failure to perform duties, 3) habitual intemperance, 4) conduct prejudicial to the administration of justice which brings the judicial office into disrepute, and 5) disability which seriously interferes with the performance of judicial duties and which is or is likely to become permanent.

During fiscal year 1994, the commission held 11 meetings and disposed of four formal complaints by submitting findings and recommendations to the Supreme Court. At the beginning of the year, four complaints were pending from fiscal year 1993. During fiscal year 1994, the commission received and acted upon 142 new matters, including 120 complaints and 22 requests for opinion. At year end, 14 complaints remained pending.

The 124 judges named in the 120 new complaints (two named two judges, and one named three) included one Supreme Court justice; five Court of Appeals judges (one judge was named in two complaints); 41 superior court judges; five senior judges; 11 state court judges; four probate court judges; 40 magistrate judges; nine juvenile court judges; two municipal court judges; three traffic court judges; two recorders court judges; and one pro tempore judge.

Including carryovers from fiscal year 1993, the commission handled 110 complaints as follows: 36 dismissed as appropriate for appeal as a matter of law, unsupported or without merit; 48 dismissed after minimal investigation; one dismissed after a conference with the judge; one judge resigned (under two separate complaints); three judges were privately reprimanded; 12 judges were admonished or cautioned by letter to avoid recurrence of the action giving rise to complaint; two judges were suspended and publicly reprimanded; one judge was suspended until satisfying training requirements; and five complaints were withdrawn.

Twenty-four requests for advisory opinions were disposed of as follows: 13 formal opinions were issued; the commission declined to give an opinion in one case; seven informal opinions were issued; and one opinion regarding a clarification of administrative procedures was issued.

In one formal proceeding, counsel for the judge proposed an agreed-upon disposition consisting of a private reprimand and a written assurance of the judge's intent to comply fully with the Code of Judicial Conduct in all future matters. The commission accepted the recommendation of its counsel to dispose of the matter on the basis proposed; the agreed-upon sanctions were imposed.

In a second formal proceeding, the Supreme Court approved the recommendation of the commission that the respondent be given a public reprimand and a 90-day suspension from office without pay. The reprimand was issued by the chief judge of the circuit and the 90-day suspension was served.

In a third formal proceeding, the judge was privately reprimanded. The fact of the reprimand, but not the content, was made public.

In a fourth formal proceeding, the judge agreed, after imposition of additional terms and conditions by the commission, to admit the charges as filed, to receive a public reprimand and to accept a 90-day suspension without pay.

Known sources of complaints for the fiscal year included the following: 79 litigants or their relatives, 20 judges, seven auxiliary judicial personnel, one bar group, eight attorneys, three anonymous, five nonlitigants, two public officials and seven others.

In addition to the complaints filed and disposed of during fiscal year 1994, the commission processed approximately 592 requests for complaint forms, handled numerous telephone inquiries from both judges and the public and conferred privately with four judges about repeated instances of conduct not warranting disciplinary action. The commission also revised and updated previously published summaries and opinions. These were distributed along with the revised Code of Judicial Conduct and amended Rules of the JQC to the Supreme Court, Court of Appeals, all superior and state court judges, various state and county law libraries and other judicial personnel.

The seven-member commission operates under established procedural rules. All proceedings of the commission—including complaints, conferences, communications and decisions—are confidential, with the exception of notice of formal hearings, formal hearings, reports recommending discipline and decisions after a hearing in which a judge was found not guilty of misconduct.

Members of the commission include two judges of courts of record appointed by the Supreme Court, three attorneys named by the Board of Governors of the State

Bar of Georgia and two citizens selected by the governor. A director, investigator and secretary serve as staff. During fiscal year 1994, a new chairperson and vice chairperson took office.

Synopses of fiscal year 1994 JQC opinions follow.

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### Synopses of Judicial Qualifications Commission Opinions: Fiscal Year 1994

**Opinion 185.** Regular or exclusive representation of indigent criminal defendants by a part-time judge, whose judicial responsibilities include issuance of criminal warrants or trial of criminal cases, might destroy the appearance of impartiality and integrity essential to the administration of justice and, therefore, is inappropriate.

**Opinion 186.** It is inappropriate for a Georgia judge to be in charge of a fund-raising campaign or to solicit funds from other judges, all of whom are graduates of a single law school's masters program in jurisprudence, in order to establish a "chair" at that school in honor of the professor who founded this unique academic degree program for judges.

**Opinion 187.** A part-time associate judge of juvenile court should not preside in cases prosecuted on behalf of the Department of Family and Children Services by an attorney associated in law practice with that judge.

**Opinion 188.** While disqualification can be sought under the general reasonableness standards of the Code, automatic disqualification is not required where the divorced husband of a judge's niece, or any member of this attorney's law firm, appears as counsel.

**Opinion 189.** It is permissible for a sitting judge to serve as a member of the Georgia editorial board of Lawyers Cooperative Publishing Company and receive an honorarium for performing specified duties in connection with such service.

**Opinion 190.** Subject to restrictions and limitations stated in the Opinion, it is appropriate for a sitting state court judge to serve as member of the advisory board to the Gwinnett Branch of the Justice Center of Atlanta, despite the fact that the judge routinely refers appropriate cases to the agency for mediation.

**Opinion 191.** A private, personal political contribution by a judge of a sum which is statutorily required to be publicly disclosed does not constitute a "public endorsement" of the candidate prohibited by Canon 7A(1)(b).

**Opinion 192.** A part-time juvenile court judge, who simultaneously represents the county Board of Education, is not automatically disqualified to preside in all juvenile matters that occur on or near school property.

**Opinion 193.** It would be inappropriate for a law clerk for a superior court judge to organize and operate a research-for-hire business as such activity would likely lead to violations of Canon 2.

**Opinion 194.** It would not be inappropriate for the chief judge of each judicial circuit, at the request of the State Commission on Family Violence, to convene a meeting to decide how best to form a circuit-wide task force.

**Opinion 195.** It is not inappropriate for a part-time magistrate to simultaneously be employed as the clerk of the recorder's court of the same county in which the judge presides as a part-time magistrate.

**Opinion 196.** The mayor of a city may not simultaneously serve as the judge of that city's municipal court.

**Opinion 197.** In light of the language of Canon 5B(1) of the 1994 Code of Judicial Conduct, continued service by a full-time judge on the Board of Directors for the Georgia affiliate of the American Civil Liberties Union ("ACLU") is inappropriate.

## Supreme Court Committee for Gender Equality

The Supreme Court Committee for Gender Equality was established in 1993 to implement the recommendations of the Georgia Commission on Gender Bias in the Judicial System. The committee is charged with developing educational material and/or programs on gender equality; developing and participating in programs about gender equality; serving as a resource for the media; advocating legislation and seeking funding; developing a mechanism for handling complaints received about biased behavior; and working with the Judicial Nominating Commission.

During fiscal year 1994, the Supreme Court granted changes to committee membership as follows: 1) deleted the categories or groups represented in the membership, with all appointments made by the Supreme Court; 2) added a member jointly recommended by Georgia NOW and the League of Women Voters; and 3) added the executive directors of the Institute of Continuing Judicial Education and the Institute of Continuing Legal Education. The committee now has 15 members.

The Supreme Court also agreed that the committee serve as a clearinghouse to direct gender-based complaints to the appropriate disciplinary body. The committee devised an intake form and a list of disciplinary or oversight bodies to whom complaints should be referred.

The committee approved a model policy for the handling of sexual harassment complaints. After Supreme Court approval, the model policy will be made available for consideration and adoption by local courts. The policy, which would apply to all judicial and nonjudicial employees, sets forth the process for filing, investigation and resolution of sexual harassment complaints. The committee also endorsed distribution of the *Court Conduct Handbook*. The handbook addresses behaviors that are forms of gender, race and ethnic bias and is published by the State Bar Committee on the Involvement of Women and Minorities in the Profession.

Also during the year, the Council of State Court Judges, the Council of Juvenile Court Judges, the Council of Probate Court Judges, the Council of Magistrate Court Judges and the Georgia Indigent Defense Council adopted the Model Sexual Harassment Policy developed by the committee. The policy was also distributed to the superior and state court clerks for their consideration.

The committee prepared an Executive Summary of the original 400-page report "Gender and Justice in the Courts" and distributed it to all members of the General Assembly. In addition, 1500 copies of the *Georgia State Law Review* containing the complete report were reprinted. The committee also contracted to produce an edited video of testimony given at the public hearings held by the Commission on Gender Bias. The 50-minute tape containing segments on sexual assault, domestic violence, sentencing, child custody and visitation, judicial selection, sexual harassment and court conduct is available for training purposes.

Working in cooperation with the Georgia Commission on Family Violence, the committee identified and purchased a training program for judges on civil and criminal domestic violence. Another program dealing with race and gender issues was purchased in cooperation with the Commission on Racial and Ethnic Bias.

————— **Judicial Personnel Changes: Fiscal Year 1994** —————

**SUPREME COURT**

Justice Hugh P. Thompson, appointed March 1, 1994 - Dec. 31, 1994.

**SUPERIOR COURTS**

**Brunswick Judicial Circuit**

Judge E.M. Wilkes III, appointed Sept. 28, 1993 - Dec. 31, 1994.

**Chattahoochee Judicial Circuit**

Judge John D. Allen, appointed Oct. 27, 1993 - Dec. 31, 1994.

**Dublin Judicial Circuit**

Judge H. Gibbs Flanders, appointed Sept. 27, 1993 - Dec. 31, 1994.

**Eastern Judicial Circuit**

Judge Michael Karpf, appointed August 5, 1993 - Dec. 31, 1994.

**Northeastern Judicial Circuit**

Judge C. Andrew Fuller, appointed July 29, 1993 - Dec. 31, 1994.

**Ocmulgee Judicial Circuit**

Judge Hulane Evans George, appointed May 25, 1994 - Dec. 31, 1996.

**STATE COURTS**

**Brooks County**

Judge Daniel M. Mitchell Jr., appointed Oct. 11, 1993 - Dec. 31, 1994.

**Chatham County**

Judge Penny J. Haas, appointed Oct. 7, 1993 - Dec. 31, 1994.

**Gwinnett County**

Judge Melodie Snell Conner, appointed Oct. 28, 1993 - Dec. 31, 1994.

**Jeff Davis County**

Judge Nathan B. Deaton, appointed Sept. 29, 1993 - Dec. 31, 1994.

**McIntosh County**

Judge O. Dale Jenkins, appointed Oct. 11, 1993 - Dec. 31, 1994.

**Muscogee County**

Judge Andrew Prather II, appointed Jan. 21, 1994 - Dec. 31, 1994.

**JUVENILE COURTS**

**Appling County**

Judge J. Alexander Johnson, appointed Dec. 1, 1993 - Oct. 31, 1998.

**DeKalb County**

Judge Gregory A. Adams, appointed June 24, 1994 - June 24, 1998.

**Seminole County**

Judge Ronnie Joe Lane, appointed June 16, 1994 - June 15, 1998.

**PROBATE COURTS**

**Echols County**

Judge Donald R. Fender, elected Dec. 6, 1993 - Dec. 31, 1996.

**CHIEF MAGISTRATES**

**Cobb County**

Judge D. Victor Reynolds, appointed May 16, 1994 - Dec. 31, 1996.

**Dooly County**

Judge Mary A. Sanders, appointed March 3, 1994 - Dec. 31, 1996.

**Echols County**

Judge Donald R. Fender, elected Dec. 6, 1993 - Dec. 31, 1996.

**Hancock County**

Judge W. Elmer Harper, appointed June 1, 1994 - Dec. 31, 1995.

**Montgomery County**

Judge John E. Morrison, appointed June 6, 1994 - Dec. 31, 1996.

**Upson County**

Judge Danny C. Bentley, appointed Oct. 22, 1993 - Dec. 31, 1996.

**Administrative Office of the Courts  
244 Washington Street, SW • Suite 550  
Atlanta, GA 30334**