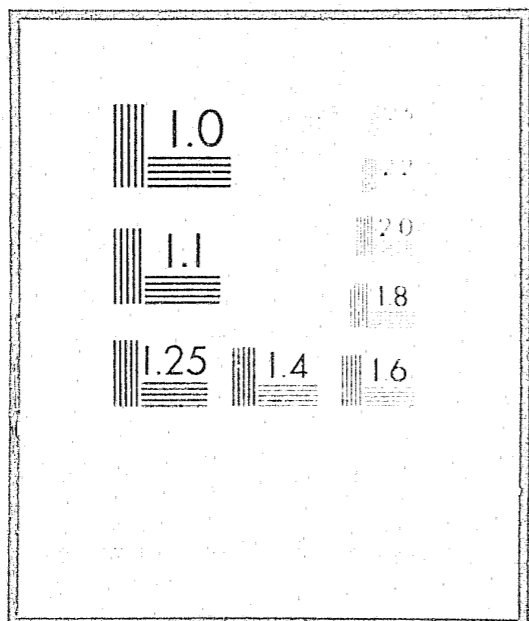


# NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

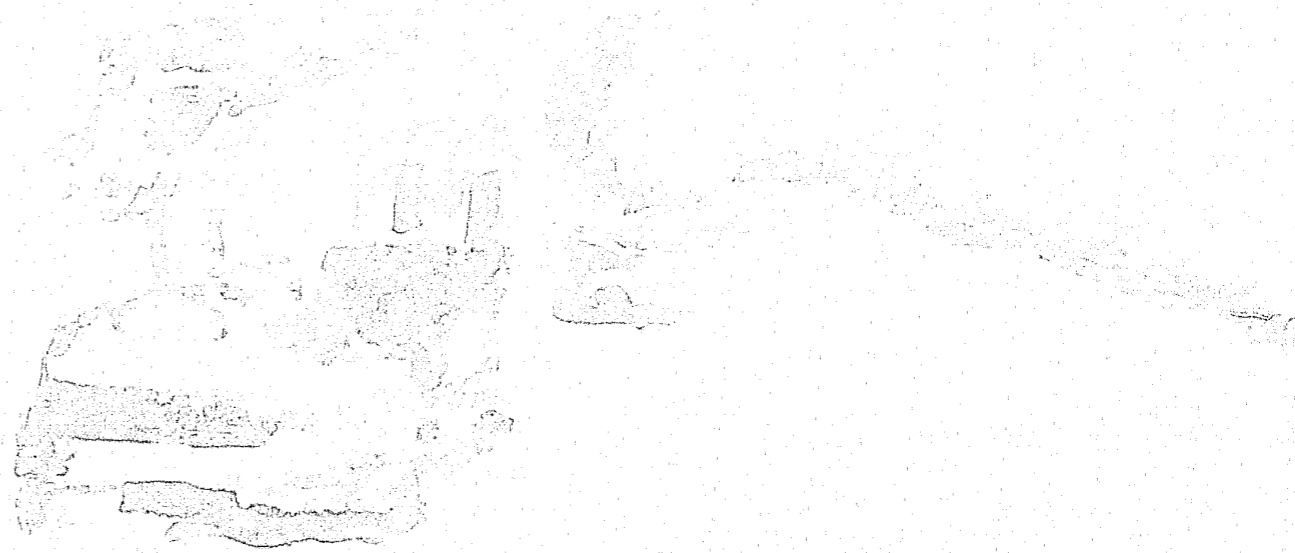
Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

3/7 77

3 a s t i l m e d

38270



# THIRD ANNUAL REPORT

## ADMINISTRATIVE OFFICE OF THE COURTS

(July 1, 1975 to June 30, 1976)

NCJRS

DEC 28 1976

ACQUISITIONS

Published pursuant  
to Georgia Laws 1973, p. 288

for

**THE JUDICIAL COUNCIL OF GEORGIA**

by

**The Administrative Office of the Courts**

THE JUDICIAL COUNCIL OF GEORGIA  
ADMINISTRATIVE OFFICE OF THE COURTS

2220 Parklake Drive NE  
Suite 335  
Atlanta, Ga. 30345

The Third Annual Report of the Administrative Office of the Courts of Georgia is a publication of the Judicial Council of Georgia/Administrative Office of the Courts as required by Georgia Laws 1973, p. 288. Funding for this document was provided by Grant No. 76A-08-001 awarded by the State Crime Commission under a grant from the Law Enforcement Assistance Administration of the United States Department of Justice.

Editor: Marlene Goldman  
Design: Patty Bisbort

COUNCIL

Judge Kenneth B. Followill, *Chairman*  
Judge G. Ernest Tidwell, *Vice Chairman*  
Judge Irwin W. Stolz, Jr., *Sec./Treasurer*  
Judge Hal Bell  
Justice Frank S. Cheatham, Jr.  
Justice Robert H. Hall  
W. Stell Huie, Esq.  
Judge Walter C. McMillan, Jr.  
Judge Marion T. Pope, Jr.  
Cubbedge Snow, Jr., Esq.  
Judge William K. Stanley, Jr.

JUDICIAL COUNCIL OF GEORGIA

Administrative Office of the Courts  
SUITE 335 -- 2220 PARKLAKE DR., N. E.  
ATLANTA, GEORGIA 30345  
(404) 939-7026



Robert L. Doss, Jr.

FOREWORD

Three years ago, when the Judicial Council of Georgia/Administrative Office of the Courts were organized by the Georgia General Assembly, the term "court administration" was almost completely unknown to the general public, and indeed to many of those in the legal profession in this State. Its formalized concepts had been discussed for many decades by judicial and bar leaders and had even been instituted in some 30 states when Georgia enacted its own statute.

With the confirmation of the 1974 constitutional amendment calling for unified court administration in Georgia, this State entered into a new age of judicial responsibility. It is an age in which the judiciary is striving to become a truly co-equal branch of State government by instituting professional business practices in the courts. Today, members of the judiciary, the bar and the public are committed to improve the administration of justice in Georgia.

What did the third year of a statewide court administration bring to Georgia?

This Third Annual Report of the Administrative Office of the Courts reflects a year of progress in the courts of this State, as well as offering a commentary on Georgia's judicial system and the Judicial Council of Georgia/Administrative Office of the Courts.

One of the accomplishments which we felt was most outstanding was that of establishing for the first time a profile of workload in Georgia courts of record. That was no small task in a 59,000-square-mile state with four major courts of record, 159 counties, 42 judicial circuits, overlapping jurisdictions, and no viable established uniform definition of the terms filings, dispositions, and open cases in the superior, state, juvenile and probate courts in this State. The problems associated with uncoordinated records systems often made this information difficult to find and interpret.

While there are some obvious deficiencies in this first caseload profile which compares two time periods of court operations, we feel that it is a positive start toward identifying the extent and nature of court operations in this state.

There were many additional benefits associated with the profile. Besides allowing personal contact with local court officials in the State and acquainting them with the aims of the AOC and its staff, the field studies also illustrated the great need for uniform records-keeping in this State, for a statewide statistical reporting system, for personnel systems, and assistance in numerous other areas from budgets to facilities improvement, to warrant tracking systems.

As this report will illustrate, the Judicial Council/Administrative Office of the Courts has now instituted programs which not only have begun establishing those records and reporting systems, but are making available technical assistance to Georgia's some 2,500 courts.

We have discovered that there is indeed a need and strong desire on the part of courts' officials for a coordinative unit for all the courts in this State. Our statistical base is and will continue to prove invaluable in statewide and local management of the courts—their manpower, funding, planning, and other technical areas.

While many of the accomplishments of the courts and the Judicial Council/AOC deserve note in this report, one in particular must be highlighted. In a move that recognized the importance of a coordinated, cooperative court system, the Georgia General Assembly set up ten administrative districts for the superior courts in Georgia. We see this as a most positive step toward our goal of unified court administration, and intend to work with the judges and court administrators in these districts in streamlining court operations and improving communications among Georgia's judiciary.

The following pages of the Third Annual Report of the Administrative Office of the Courts will elaborate on these and many other projects accomplished in Fiscal Year 1976 (July 1, 1975 to June 30, 1976). These are not just accomplishments of the Judicial Council/AOC, but instead represent a united effort of courts officials throughout the State to provide better service to the citizens of this State, and hence, better justice for all Georgians.

It is in this cooperative spirit that we will continue our efforts in the coming years.

Robert L. Doss, Jr.  
Director  
Administrative Office of the Courts

# Contents

---

## Part I. Courts

Introduction .....	9
Appellate Courts .....	9
Superior Courts .....	11
State Courts .....	17
Juvenile Courts .....	21
Probate Courts .....	24
Other Courts .....	28

## Part II. Administration

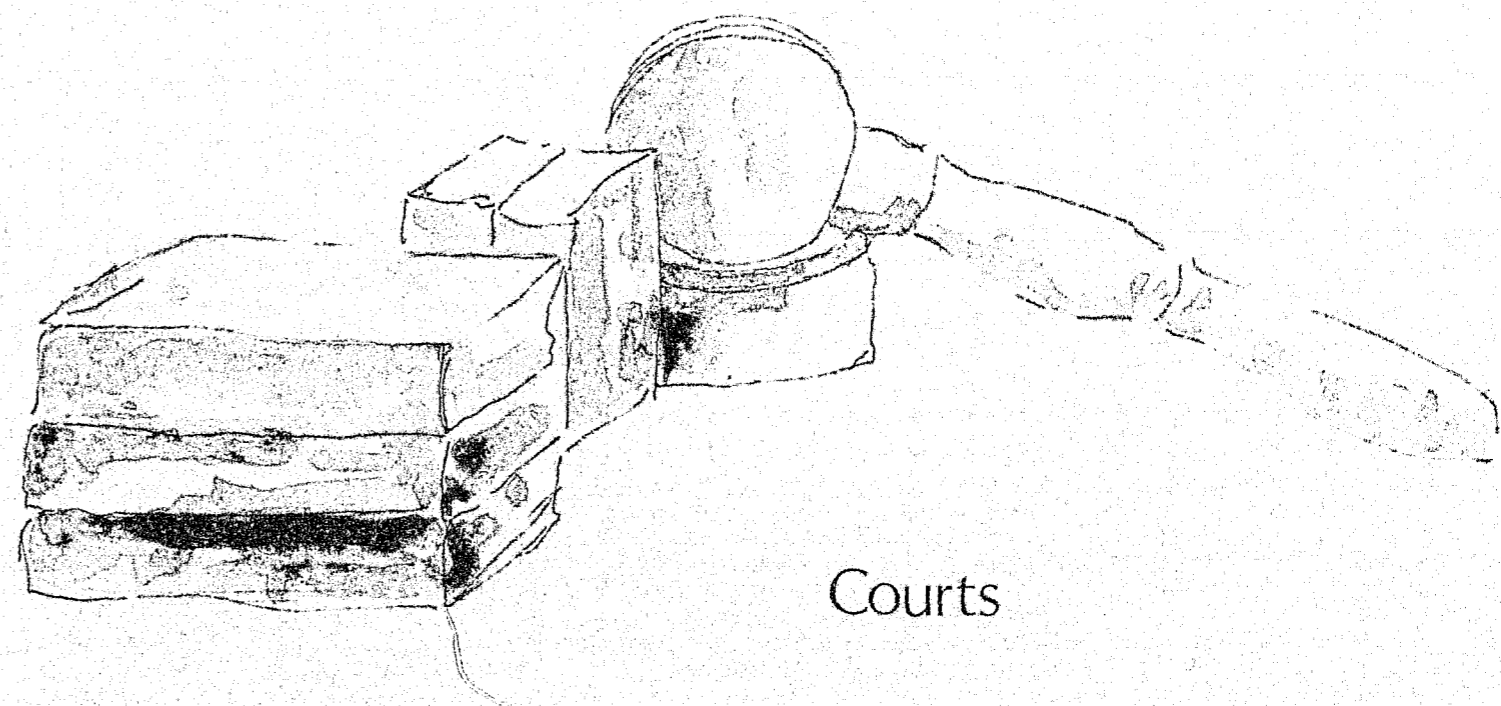
Introduction .....	34
Communications .....	34
Court Reporting .....	35
Education .....	36
Facilities .....	37
Information Systems .....	38
Judgeship Studies .....	39
Judicial Qualifications Commission .....	40
Judicial Nominating Commission .....	41
Justice of the Peace Study .....	41
Juvenile Justice .....	42
Legal Services .....	43
Pattern Jury Instructions .....	44
Planning & Grants Management .....	44
Records Keeping .....	45
Statistical Reporting System .....	47
Superior Courts Sentence Review Panel .....	47
Technical Assistance .....	50
Traffic .....	51

## Part III. Legislation

Introduction .....	55
Juries .....	55
Administrative Functions .....	56
Jurisdiction/New Courts/New Judgeships .....	57
Juveniles .....	59
Civil Law and Procedures .....	59
Criminal Law and Procedures .....	60
Retirement .....	62

## Part IV. Appendix

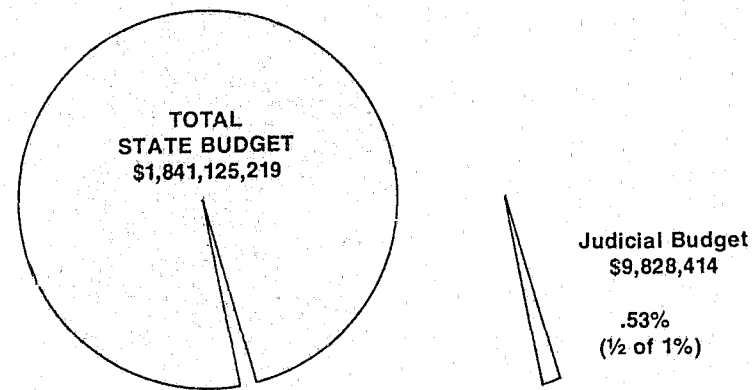
1: AOC at a Glance .....	65
2: Funding Summary for Judicial Council/AOC .....	71
3: Members of the Judicial Council .....	71
4: Act Creating the Judicial Council .....	73
5: Judicial Administration Act of 1976 .....	75
6: Annual Report of the Council of Juvenile Court Judges of Georgia .....	77



Courts

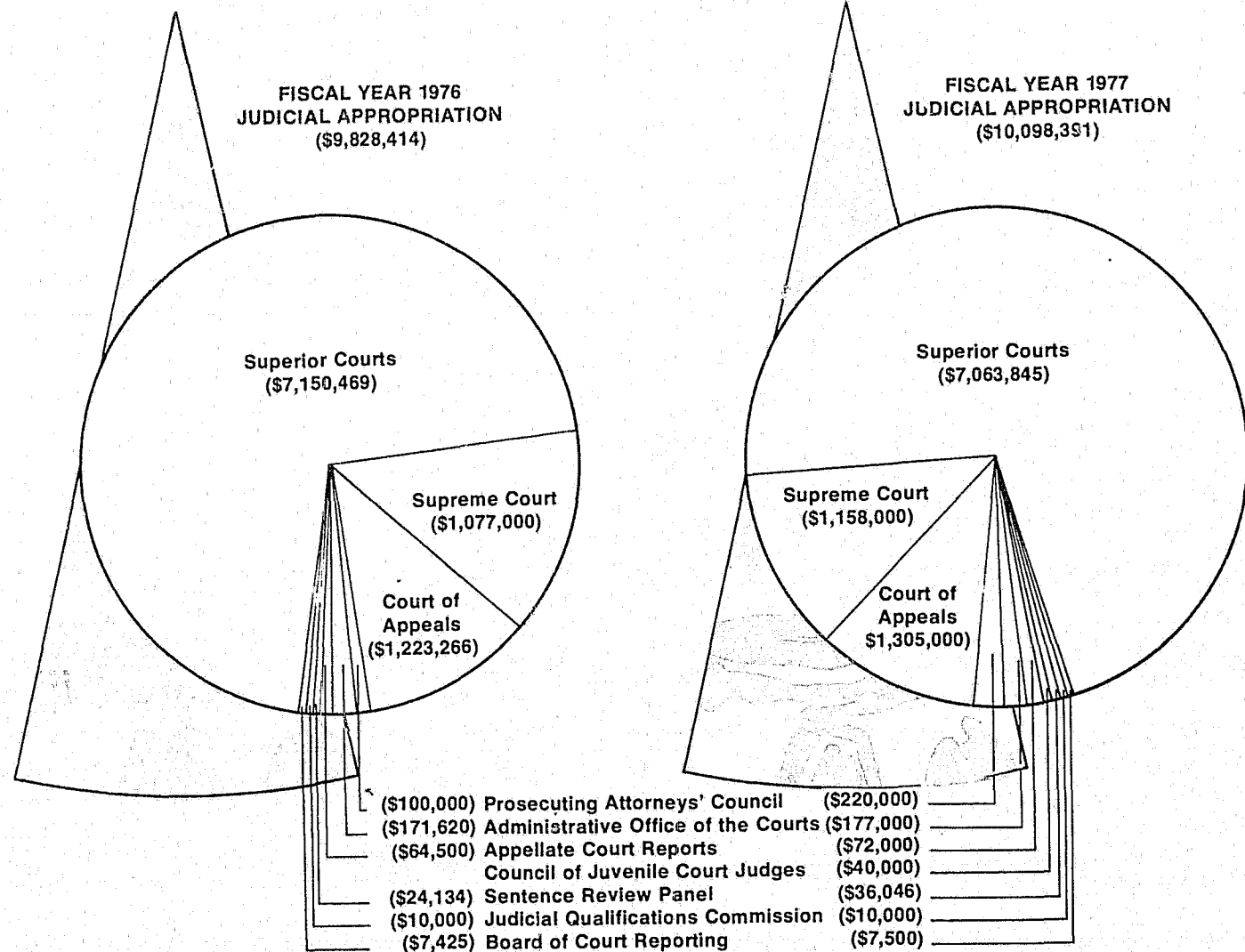
## State Appropriations For The Judiciary

(Fiscal Year 1976: July 1, 1975—June 30, 1976)



## Five-Year Comparison for Judicial Budgets (1973-1977)

Fiscal Year	Total State Appropriation	Amt. Increase	Judicial	Increase	Percent of Total State Budget
1973	\$1,358,729,374	\$	\$ 6,520,313	\$	.0048
1974	1,675,135,460	\$316,406,086	7,954,483	1,434,170	.0047
1975	1,702,971,922	27,836,462	9,022,277	1,067,794	.0053
1976	1,841,125,219	138,153,297	9,828,414	821,306	.0053
1977	1,902,800,000	61,674,781	10,098,391	260,000	.0053



## The Courts in Fiscal Year 1976

The following sections will examine each major court of record in Georgia presenting a description of the courts' work, major changes in the areas of personnel\* and court operations, and varying degrees of workload indications for each court in calendar year 1973, and Fiscal Year 1976 (July 1, 1975 through June 30, 1976). In future years, all statistics will be reported on a fiscal year basis for several reasons: first, because this annual report is compiled on a fiscal year basis; a report to the General Assembly regarding the need for additional judges must be prepared prior to the start of the Legislative term in January; and lastly because funding is distributed on a fiscal year basis.

These caseload statistics represent the first time that statewide comparisons of caseload are available for Georgia's major courts of record. This was a tremendous task in a state with 159 counties, some 539 courts of record, varying jurisdictions, and a geographical area of 59,000 square miles to survey. It is hoped that through the implementation of a statistical reporting system for the superior courts and later for other courts in this state that massive expenditures of time, manpower and funds will be avoided in future years, and that statistics will be compiled on a monthly basis.

It must also be noted that although this report represents the first of its type for Georgia, it is still incomplete in several caseload reporting areas. Workload statistics presented in this report reflect total cases filed and disposed of in the appellate courts. Caseload filings and dispositions are shown by type of case in the state's general jurisdiction court (the superior court) as well as the state courts and juvenile courts. In the probate courts, however, only traffic and misdemeanor cases were counted in the AOC's statistical records. The AOC hopes to include administrative proceedings handled by the probate courts in future statistical records.

\*The personnel sections in this report represent only changes in court personnel during the last fiscal year. A complete listing of courts personnel is included in the Georgia Courts Directory which is published each year by the Administrative Office of the Courts.

## The Appellate Courts

Georgia's appellate court system includes the Supreme Court, which is the highest court in the State, and the Georgia Court of Appeals.

The **Supreme Court** is comprised of seven justices who hear appeals from Georgia's superior courts, state courts, juvenile courts, and the city courts of Atlanta and Savannah and other like courts in all cases that involve the construction of the Constitution of Georgia or of the United States; or of treaties between the United States and foreign governments; in all cases in which the constitutionality of any law of the State of Georgia or of the United States is drawn in question; and, until otherwise provided by law, in all cases involving title to land, equity, the validity or construction of wills, conviction of capital felonies, habeas corpus, extraordinary remedies, divorce and alimony, and all cases certified to it by the Court of Appeals for review. Also the Supreme Court may require by certiorari or otherwise any case to be certified to it from the Court of Appeals for review and determination and may

decide cases transferred to it by the Court of Appeals because of an equal division between the judges of the Court of Appeals. In addition, the Supreme Court has the power to make necessary procedural rules not in conflict with the Constitution or laws, and works with the Legislature in the formulation of rules of appellate practice and procedure. The court also promulgates rules governing bar examinations and the practice of law, the State Bar of Georgia and the Judicial Qualifications Commission.

Justices are elected to the Supreme Court for six-year terms. Candidates must be at least 30 years old, be a citizen of Georgia for three years, and must have practiced law for seven years. The chief justice of the court and the presiding justice are elected by the associate justices.

Georgia's **Court of Appeals** is a nine-member court with three divisions. The chief judge, who is elected by the other judges of the court, presides over the first of the divisions and designates

presiding judges for the other two divisions. Members of the Court of Appeals must have the same qualifications as those of Supreme Court justices and also are elected for six-year terms. The Georgia Court of Appeals is empowered to correct errors on appeal from the same lower courts as the Supreme Court, but only in those cases wherein jurisdiction is not conferred on the Supreme Court.

**Appellate courts caseload:** In the last ten years, the numbers of cases docketed by the Georgia appellate courts have increased 250 percent, and since 1972 alone have doubled. In the Supreme Court during Fiscal Year 1971 (July 1, 1970 through June 30, 1971), a total of 667 cases were docketed. Fiscal Year 1976 (July 1, 1975 through June 30, 1976) saw 1,421 cases docketed. The 1971 figures include both of those plus applications for certiorari and the latter figures include both of those plus applications for interlocutory appeals and applications for certificate of probable cause to appeal denial of the writ of habeas corpus.

In the Court of Appeals during Fiscal Year 1976, 1,593 cases were docketed to more than double the 600 cases docketed six years before.

To handle the increases, additional staff personnel has been added in both courts. Each justice on the Supreme Court has two law assistants, and in addition, the court has one law assistant who works only on death penalty cases before the court. In the Court of Appeals, each judge also has two law assistants. Each justice on the Supreme Court must write one opinion a day, and review daily the six opinions of his colleagues. In the Court of Appeals, each judge must write one opinion each day and pass on two opinions of his colleagues. These figures exclude days of oral argument and court conferences.

With the addition of law assistants, available space has been reduced in both courts, and the small central libraries used by the courts has now been taken over for office space.

The mounting workload problems of Georgia's appellate courts were addressed last session by

the General Assembly. The Legislature, however, defeated a proposed amendment which would have permitted the General Assembly to realign the jurisdiction of the two appellate courts. This measure would not have reduced the per judge workload, according to the chief justice.

In June of 1976, the Chief Justice of the Georgia Supreme Court, Justice Horace E. Nichols, at the Annual Meeting of the State Bar of Georgia suggested two alternatives for reducing the burgeoning caseload. The first would limit the right of appeal—a route which the chief justice felt was not an acceptable solution. The second alternative was the creation of a new three-member criminal division of the Court of Appeals which would have jurisdiction over all habeas corpus cases and all criminal cases except those in which the death penalty was imposed. Chief Justice Nichols has called upon the General Assembly, State Bar, and the citizens of Georgia to take immediate steps to insure that the General Assembly passes such legislation at the next session (1977) of the Georgia General Assembly. The Chief Justice envisions the Supreme Court ultimately becoming a certiorari court, but urges the creation of a criminal division of the Court of Appeals for immediate relief for the two appellate courts.

As another indication of rising caseload, the Georgia appellate courts during the past year have published more opinions per judge than any other state's appellate courts. According to the chief justice, the figure for opinions per judge would have been considerably higher if the Supreme Court had not stopped publishing the majority of habeas corpus cases.

Also in accordance with ABA standards, the Supreme Court is now considering adoption of a policy to publish only those opinions which establish a new rule of law, alter or modify an existing rule, apply an established rule to a novel factual situation, criticize the existing law or resolve an apparent conflict of authority, or involve a legal issue of continuing public interest.

## The Superior Courts

Georgia's general jurisdiction court is the superior court which operates out of each county in the state in judicial circuits of various sizes and populations. At the time of this report, there were 86 superior court judges in 42 judicial circuits in Georgia in addition to 19 emeritus (retired) judges who may be called upon for duty when necessary with full authority of active superior court judges.

Numbers of superior court judges per circuit vary from one judge in 17 judicial circuits to eleven judges in the most populous circuit (Atlanta). Circuit size also greatly varies from one county as in the case of the Atlanta Judicial Circuit, to eight counties in the Ocmulgee Judicial Circuit. Georgia law requires court to be held in each county in the state at least twice a year. More frequent terms of court have been authorized by the legislature in particular instances where the workload warrants.

The superior court exercises exclusive constitutional jurisdiction in cases of divorce, criminal cases in which the sentence may be death or imprisonment, title to land, equity, and powers to correct errors of inferior judicatories by writ of certiorari. It also holds exclusive statutory jurisdiction in such matters as declaratory judgments, mandamus, quo warranto and prohibition, and any other type of jurisdiction authorized by statute. The general jurisdiction court also holds concurrent jurisdiction with other trial courts for most civil actions and all criminal cases in which a violation of state law has been alleged, and, in addition, is empowered to hear appeals from inferior judicatories "as provided by law."

During the past fiscal year, Georgia superior courts saw initiated a new statewide administrative system that promises to increase coordination between the superior courts in this State and hopefully serve as a means of equalizing judicial workloads.

The Judicial Administration Act of 1976 (See Appendix Five) established ten judicial administrative districts in Georgia. Each district, when effective July 1 of this year, was expected to have a district council composed of superior court judges in the district. The district councils were to elect an administrative judge and hire an administrative assistant to gather statistics on the workloads of the courts in that district, and work with the judges on various projects designed to facilitate a smoother running, more economical and more effective trial court system. In addition, the administrative judge in each district was empowered to assign consenting superior court judges to sit on the bench anywhere within the district. The new law establishing the administrative districts was included in a package of bills offered by Governor George Busbee on the recommendation of his Commission on Court Organization and Structure. The Administrative Office of the Courts was asked by the governor to assist in formulating recommendations for the compositions of these districts, whose boundaries conform as much as possible to congressional district lines without splitting existing counties or circuits. (See map on page 16.) The AOC was assigned to administer LEAA funds which are to fund the project initially.

In other developments in the past year, two new superior court judgeships were created, effective November 1, 1976, in the Oconee and Western Judicial Circuits. In addition, a major retirement package for superior court judges who took the bench after 1968 was passed and is expected to serve as an added benefit to attract well-qualified new judicial candidates as well as encouraging more judges to remain on the bench. A number of other laws were passed in 1976 affecting sentencing, court reporting, and administrative procedures in the superior court (see Part III - Legislation).

Judicial Personnel Changes (July 1, 1975 to June 30, 1976)

### Georgia Court of Appeals

#### APPOINTMENTS

Georgia Court of Appeals  
Judge William LeRoy McMurray, Jr. by Governor George Busbee to fill the unexpired term of Judge Randall Evans, Jr. until the November 1976 general election.

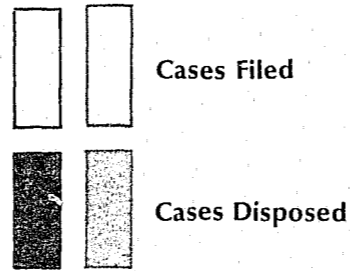
#### RETIREMENTS

Georgia Court of Appeals  
Judge Randall Evans, Jr. retired April 30, 1976.

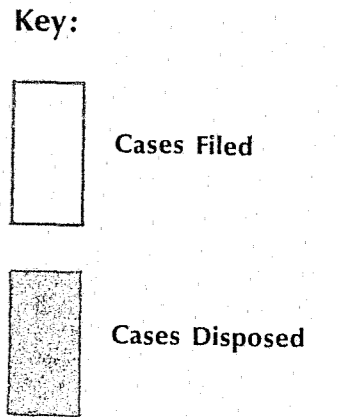
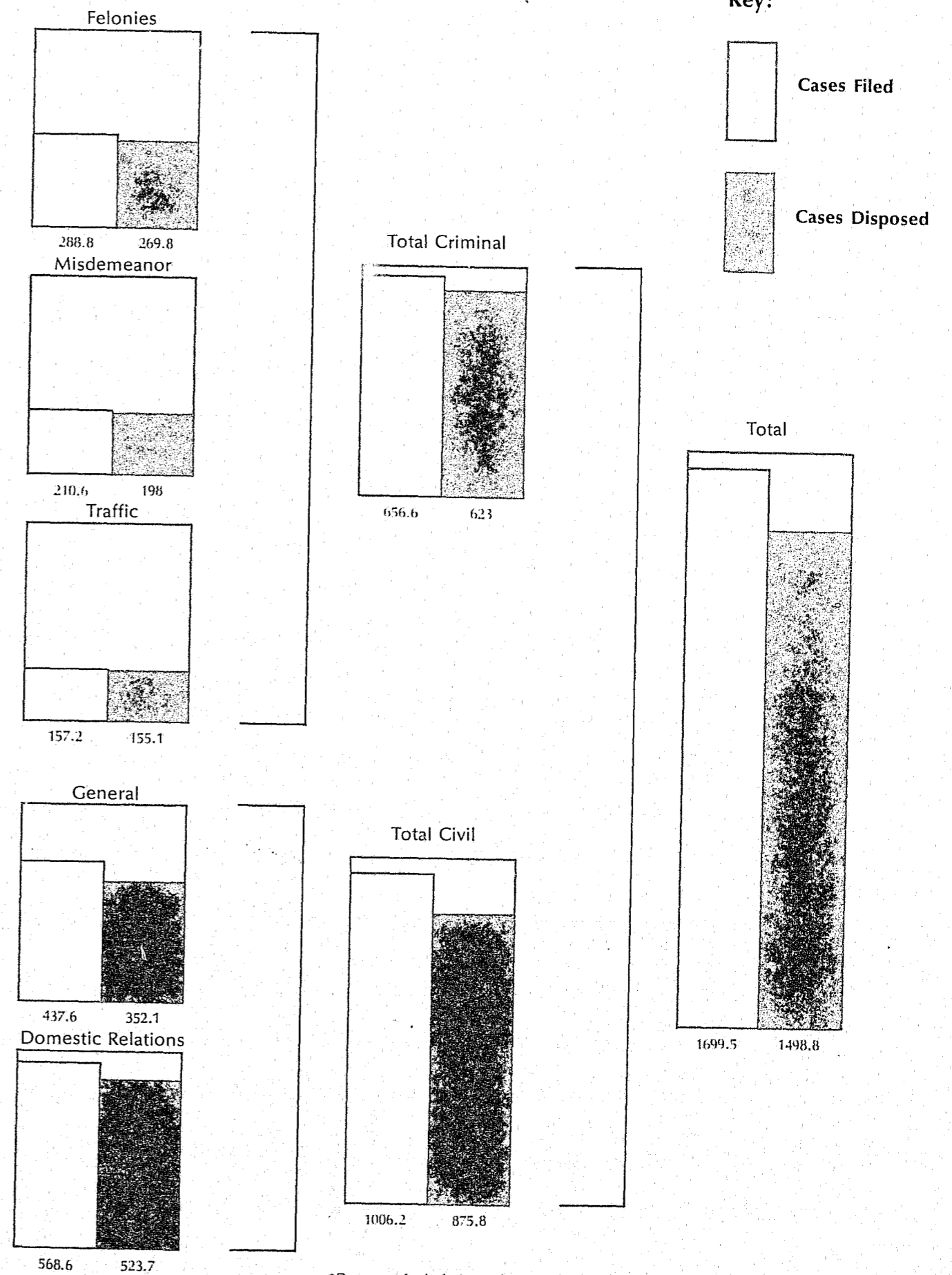
Superior Court Caseload — Statewide Totals\*



Key: 1973 FY 1976



Average Caseload Per Superior Court Judge During Fiscal Year 1976\*



\*These superior court caseload totals are based on numbers of cases filed during the 1973 Calendar Year and during the 1976 Fiscal Year (July 1, 1975 through June 30, 1976). In the future, all cases will be counted according to fiscal year to correspond with State operating procedures and to insure that all caseload statistics for the previous fiscal year are available for the consideration of the Georgia General Assembly when it convenes each January. Cases shown disposed in Fiscal Year 1976 reflect those which had been filed since July 1, 1970 and disposed of by June 30, 1976. Caseload totals do not include juvenile cases.

\*\*Richmond County criminal data was not available in 1973 and is not reflected in these totals.

\*Does not include juvenile cases. Figures based on 86 superior court judges.

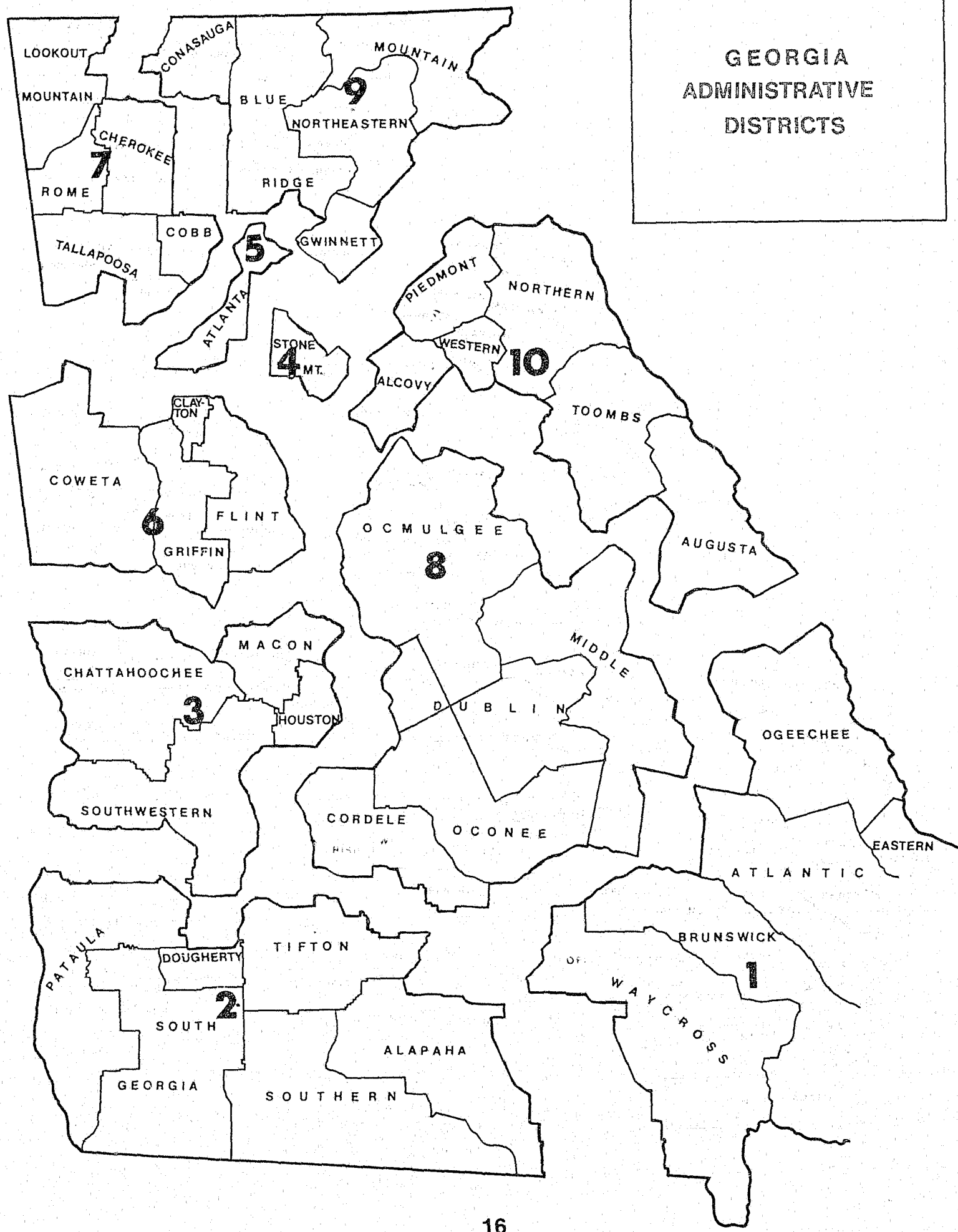


Total 1976 Superior Court Circuit Caseload by Filings and Dispositions\*

Circuit	Felonies		Misdemeanors		Traffic		Total Criminal		Civil General		Domestic Relations		Total Civil		Total Caseload	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions
Alapaha	347	337	979	1,197	763	657	2,089	2,191	434	348	404	272	838	620	2,927	2,811
Alcovy	283	300	516	442	95	74	894	816	836	742	646	546	1,482	1,288	2,376	2,104
Atlanta	4,333	4,384	0	0	0	0	4,333	4,384	5,100	4,172	5,980	7,008	11,080	11,180	15,413	15,564
Atlantic	409	349	177	160	33	22	619	531	387	285	467	400	854	685	1,473	1,216
Augusta	1,037	613	286	174	34	18	1,357	805	986	804	2,480	2,154	3,466	2,958	4,823	3,763
Blue Ridge	459	283	704	733	1,385	1,448	2,548	2,464	517	285	688	535	1,205	820	3,753	3,284
Brunswick	286	216	471	602	3,815	3,875	4,572	4,693	758	509	1,365	1,314	2,123	1,823	6,695	6,516
Chattahoochee	1,703	1,604	500	478	188	150	2,391	2,232	1,117	604	2,171	1,281	3,288	1,885	5,679	4,117
Cherokee	397	380	1,011	919	3,293	3,528	4,701	4,827	968	638	731	529	1,699	1,167	6,400	5,994
Clayton	658	721	157	163	0	3	815	887	729	562	1,680	1,737	2,409	2,299	3,224	3,186
Cobb	1,379	1,346	0	0	0	0	1,379	1,346	1,192	608	3,255	2,694	4,447	3,302	5,826	4,648
Conasauga	209	98	472	267	195	159	876	524	995	1,140	932	952	1,927	2,092	2,803	2,616
Cordele	152	124	520	457	1	1	673	582	404	375	423	439	827	814	1,500	1,396
Coweta	575	611	226	240	169	162	970	1,013	746	551	1,718	1,081	2,464	1,632	3,434	2,645
Dougherty	492	575	13	9	1	1	506	585	770	743	1,034	1,006	1,804	1,749	2,310	2,334
Dublin	166	86	27	13	0	0	193	99	494	328	544	413	1,038	741	1,231	840
Eastern	1,000	880	42	38	0	0	1,042	918	941	627	2,558	2,311	3,499	2,938	4,541	3,856
Flint	278	213	449	480	97	80	824	773	1,088	1,178	547	555	1,635	1,733	2,459	2,506
Griffin	300	233	454	485	202	173	956	891	648	420	944	1,360	1,592	1,780	2,548	2,671
Gwinnett	336	483	84	96	4	5	424	584	612	407	1,163	772	1,775	1,179	2,199	1,763
Houston	287	210	30	30	0	0	317	240	532	452	704	707	1,236	1,159	1,553	1,399
Lookout Mountain	450	479	1,366	1,315	84	73	190	1,867	469	756	1,045	1,147	2,090	1,903	3,990	3,770
Macon	987	928	423	374	91	82	1,501	1,384	903	653	1,735	1,424	2,638	2,077	4,139	3,461
Middle	386	356	4	7	1	2	391	365	580	398	622	536	1,202	934	1,593	1,299
Mountain	214	167	327	297	256	247	797	711	586	463	607	498	1,193	961	1,990	1,672
Northeastern	494	559	543	585	776	766	1,813	1,910	747	546	823	799	1,570	1,345	3,383	3,255
Northern	228	189	351	320	134	102	713	611	800	618	474	426	1,274	1,044	1,987	1,655
Ocmulgee	769	655	1,170	1,029	153	132	2,092	1,816	1,163	1,113	709	717	1,872	1,830	3,964	3,646
Oconee	204	146	802	779	313	354	1,319	1,279	661	575	420	419	1,081	994	2,400	2,273
Ogeechee	379	327	242	210	17	11	638	548	570	498	619	531	1,189	1,029	1,827	1,577
Pataula	338	260	465	381	67	60	870	701	472	385	258	210	730	595	1,600	1,296
Piedmont	121	104	346	263	305	274	772	641	453	389	343	334	796	723	1,568	1,364
Rome	175	132	1,620	1,547	139	69	1,934	1,748	951	697	798	662	1,749	1,359	3,683	3,107
South Georgia	416	342	282	234	5	7	703	583	553	494	507	514	1,060	1,008	1,763	1,591
Southern	796	850	262	309	6	9	1,064	1,168	878	937	1,227	1,340	2,105	2,277	3,164	3,445
Southwestern	254	283	87	91	4	3	345	377	646	588	433	418	1,079	1,006	1,424	1,383
Stone Mountain	1,581	1,714	105	80	3	2	1,689	1,796	2,480	1,612	4,174	3,789	6,654	5,401	8,343	7,197
Tallapoosa	495	422	955	814	500	448	1,950	1,684	2,102	1,709	1,022	878	3,124	2,587	5,074	4,271
Tifton	388	308	183	139	0	0	571	447	487	435	530	491	1,017	926	1,588	1,373
Toombs	201	164	954	863	251	229	1,406	1,256	438	408	458	391	896	799	2,302	2,055
Waycross	394	407	422	377	135	140	951	924	623	610	916	960	1,539	1,570	2,490	2,494
Western	485	364	85	90	4	6	574	460	530	626	461	530	991	1,156	1,565	1,616

\*Does not include juvenile court caseload.

## GEORGIA ADMINISTRATIVE DISTRICTS



### The Superior Courts

#### APPOINTMENTS

- Atlanta Judicial Circuit**  
Judge Charles Longstreet Weltner by Governor George Busbee to fill the unexpired term of Judge Jephtha C. Tanksley from June 7, 1976 until the November 1976 general election.
- Cordele Judicial Circuit**  
Superior Court Judge Hardy Gregory, Jr. by Governor George Busbee to fill the unexpired term of Judge William McMurray from June 7, 1976 until the November 1976 general election.
- Flint Judicial Circuit**  
Judge Sam Whitmire by Governor George Busbee for term July 1, 1975 to December 31, 1976.
- Oconee Judicial Circuit**  
Judge Preston N. Rawlins, Jr. by Governor George Busbee for a two-year term beginning November 1, 1976.
- Southern Judicial Circuit**  
Judge W. G. (Gus) Elliott by Governor George Busbee for term from May 7, 1975, to December 31, 1976.
- Western Judicial Circuit**  
Judge Joseph J. Gaines by Governor George Busbee on June 7, 1976 for a two-year term beginning November 1, 1976.

#### ELECTIONS

- Atlanta Judicial Circuit**  
Judge Jephtha C. Tanksley as chief judge by the Atlanta Superior Court judges for a one-year term commencing January 5, 1976.
- Atlanta Judicial Circuit**  
Judge Sam Phillips McKenzie as chief judge by the Atlanta Superior Court judges for term commencing June 1, 1976.

#### RESIGNATIONS AND RETIREMENTS

- Atlanta Judicial Circuit**  
Chief Judge Jephtha C. Tanksley resigned May 4, 1976.

#### IN MEMORIAM

- Atlanta Judicial Circuit**  
Judge Emeritus Virlyn Branham Moore died May 13, 1975.
- Northern Judicial Circuit Superior Court**  
Judge Emeritus Carey Skelton died May 13, 1975.

### The State Courts

Until 1970, city, county, civil, and criminal courts created over a number of years had striven to relieve the ever-mounting workload of this State's superior courts. The seventies saw creation of Georgia's system of state courts in an attempt to unify and standardize these courts whose intents and purposes were so similar.

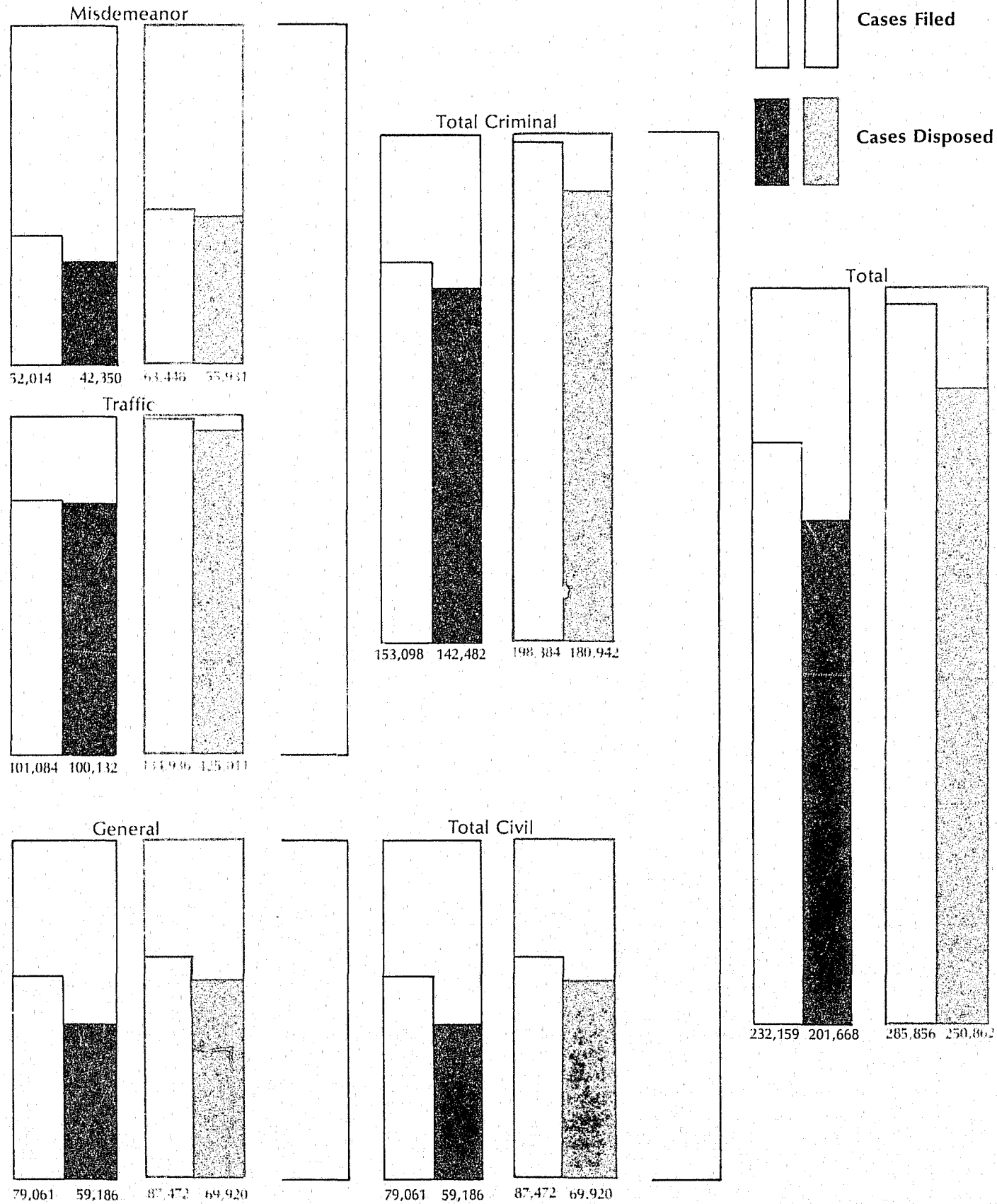
Today, there are 79 state court judges operating in 62 courts. Sixty-four of these operate on a part-time basis. These courts exercise jurisdiction within the limits of the county in which they are located concurrent with the superior courts of such counties to hear and dispose of all civil cases or proceedings of whatever nature, whether arising ex contractu or ex delicto except in ex delicto action where the original act creating the court or any amendment limited or

excluded certain jurisdiction under the common law or by statute and except those matters vested exclusively in the superior courts. The state courts have criminal jurisdiction over all misdemeanor cases but not felony cases. The defendant in criminal proceedings in state court does not have the right to indictment by the grand jury of the county.

Candidates for state court judge must be practicing attorneys for at least three years.

During 1976, the state legislature created new state court judgeships in both Chatham and DeKalb counties as well as the Criminal Court of Fulton County. The latter court will be consolidated with the Civil Court of Fulton County in 1977 as one state court — a move which is expected to allow for more flexibility in trials of civil and criminal cases.

State Court Caseload — Statewide Totals



FY 1976 State Court Caseload Data by Circuit

*Circuit	No. Of State Courts In The Circuit	Misdemeanor		Traffic		Civil General		Total Cases	
		Filings	Disposed	Filings	Disposed	Filings	Disposed	Filings	Disposed
Alapaha	1	240	240	340	340	7	3	587	583
Atlanta	1	9,716	9,667	12,462	9,658	43,460	34,760	65,638	54,085
Atlantic	5	900	861	10,932	11,054	141	122	11,973	12,037
Augusta	2	3,072	2,898	4,743	6,312	176	98	7,991	9,308
Blue Ridge	2	1,473	1,535	3,510	3,638	725	618	5,708	5,791
Brunswick	3	1,679	1,231	4,373	4,134	1,444	1,319	7,496	6,684
Chattahoochee	2	1,942	912	2,311	1,819	287	190	4,540	2,921
Clayton	1	3,899	3,359	8,242	7,640	4,076	2,858	16,217	13,857
Cobb**	1	11,513	NA	NA	NA	10,079	7,132	21,592	*NA
Coweta	3	2,841	2,870	9,335	8,798	1,148	854	13,324	12,522
Dougherty	1	2,579	2,495	3,418	3,202	2,076	2,000	8,073	7,697
Dublin	3	574	479	5,481	4,720	298	235	6,353	5,434
Eastern	1	3,227	2,759	4,144	3,787	1,876	1,793	9,247	8,339
Griffin	1	838	360	2,404	1,470	0	0	3,242	1,830
Gwinnett	1	2,201	1,711	486	370	2,460	2,254	5,147	4,335
Houston	1	1,912	1,530	5,257	4,333	552	435	7,721	6,298
Lookout Mtn.	1	702	983	1,900	2,091	90	69	2,692	3,143
Macon	2	2,851	2,629	2,848	2,786	559	445	6,258	5,860
Middle	5	1,401	1,239	4,289	4,258	136	117	5,826	5,614
Mountain	2	609	562	1,205	1,150	144	101	1,958	1,813
Northeastern	1	1,742	1,803	5,976	5,890	473	465	8,191	8,158
Northern	1	268	278	746	762	19	16	1,033	1,056
Ocmulgee	2	1,331	1,331	2,368	2,439	0	0	3,699	3,770
Ogeechee	4	1,239	1,106	6,444	6,221	183	165	7,866	7,492
Pataula	2	338	310	563	529	24	17	925	856
Piedmont	1	318	273	2,583	1,946	117	123	3,018	2,342
South Georgia	3	1,498	1,591	2,564	2,557	45	39	4,107	4,187
Southern	3	2,511	2,601	10,574	9,758	236	216	13,321	12,575
Southwestern	2	849	713	1,633	1,511	267	211	2,749	2,435
Stone Mountain	1	6,979	4,893	4,578	3,282	15,593	12,446	27,150	20,621
Tallapoosa	1	219	205	920	926	235	214	1,374	1,345
Tifton	2	1,614	787	5,410	4,955	191	207	7,215	5,949
Waycross	3	1,339	1,189	2,772	2,546	163	197	4,274	3,932
Western	1	547	531	125	129	192	201	864	861

\*Circuits not listed do not have any state courts.  
 \*\*A breakdown of misdemeanor dispositions and traffic filings and dispositions were not available in Cobb County.

## FY 1976 State Court Caseload Data by County

County	Misdemeanors		Traffic		Civil General		Total Cases	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions	Filings	Disposed
Appling	235	193	674	725	16	17	925	935
Baldwin	1,199	1,199	1,740	1,811	—	—	2,939	3,010
Bibb	2,851	2,629	2,848	2,786	559	445	6,258	5,860
Bryan	172	172	3,200	3,309	22	30	3,394	3,511
Bullock	844	788	1,032	991	85	85	1,961	1,864
Burke	257	254	1,828	1,683	83	35	2,168	1,972
Candler	20	18	629	608	16	13	665	639
Carroll	946	712	2,406	1,759	549	377	3,901	2,848
Chatham	3,227	2,759	4,144	3,787	1,876	1,793	9,247	8,339
Forsyth and Cherokee	1,473	1,535	3,510	3,638	725	618	5,708	5,791
Clarke	547	531	125	129	192	201	864	861
Clayton	3899	3,359	8,242	7,640	4,076	2,858	16,217	13,857
Clinch	240	240	340	340	7	3	587	583
Cobb	—	11,513	—	—	10,079	7,132	—	—
Coffee	334	237	1,097	1,047	31	29	1,462	1,313
Colquitt	682	646	1,419	1,518	54	52	2,155	2,216
Coweta	1,140	1,437	3,574	3,542	470	348	5,184	5,327
Decatur	886	973	892	906	28	25	1,806	1,904
Dekalb	6,979	4,893	4,578	3,282	15,593	12,446	27,150	20,621
Dougherty	2,579	2,495	3,418	3,202	2,076	2,000	8,073	7,697
Early	256	246	255	256	20	14	531	516
Effingham	200	134	1,150	1,022	62	46	1,412	1,202
Elbert	268	278	746	762	19	16	1,033	1,056
Emanuel	206	141	1,201	1,110	41	38	1,448	1,289
Evans	46	42	502	497	18	23	566	562
Glynn	1,225	838	3,024	2,817	1,339	1,232	5,588	4,887
Grady	261	290	948	875	13	14	1,222	1,179
Gwinnett	2,201	1,711	486	370	2,460	2,254	5,147	4,335
Habersham	303	383	535	592	66	45	904	1,020
Hall	1,742	1,803	5,976	5,890	473	465	8,191	8,158
Houston	1,912	1,530	5,257	4,333	552	430	7,721	6,293
Jackson	318	273	2,583	1,946	117	123	3,018	2,342
Jefferson	350	458	1,100	1,419	41	38	1,491	1,905
Jenkins	63	55	730	723	21	21	814	799
Johnson	26	31	178	239	12	12	216	282
Laurens	6	74	180	217	280	214	466	505
Liberty	430	422	5,491	5,538	55	27	5,976	5,987
Long	57	57	600	600	13	11	670	668
Lowndes	1,318	1,431	6,908	5,973	169	150	8,395	7,554
Macon	258	175	780	695	42	38	1,080	908
Miller	82	64	308	273	4	3	394	340
Mitchell	351	328	724	726	4	—	1,079	1,054
Muscogee	1,942	912	2,311	1,819	287	190	4,540	2,921
Pierce	144	123	379	371	15	59	535	553
Polk	219	205	920	926	235	214	1,374	1,345
Putnam	132	132	628	628	—	—	760	760
Richmond	1,815	2,644	2,915	4,629	93	63	4,823	7,336
Screven	132	129	1,399	1,382	15	13	1,546	1,524
Spalding	838	360	2,404	1,470	—	—	3,242	1,830
Stephens	306	179	670	566	78	56	1,054	801
Sumter	591	538	853	817	225	173	1,669	1,528
Taltnall	195	168	1,139	1,110	33	31	1,367	1,309
Thomas	511	524	2,247	2,267	13	14	2,771	2,805
Tift	1,183	489	4,308	3,892	149	156	5,640	4,693
Toombs	358	233	969	746	29	23	1,356	1,002
Treutlen	130	159	719	616	6	9	855	784
Troup	755	721	3,455	3,497	129	—	4,339	4,218
Walker	702	983	1,909	2,091	90	69	2,692	3,143
Ware	861	831	1,296	1,128	117	109	2,274	2,068
Washington	476	389	390	374	9	5	875	768
Wayne	219	200	675	592	89	70	983	862
Worth	431	298	1,102	1,063	42	51	1,573	1,412

Judicial Personnel Changes (July 1, 1975 to June 30, 1976)

### State Courts

#### APPOINTMENTS

##### Chatham County

Judge James W. Head by Governor George Busbee for term beginning May 7, 1975 for an interim term until special election in fall of 1976.

##### Coffee County

Judge Ward Whelchel by Governor George Busbee for term from April 8, 1976 to January 1, 1977.

#### ELECTIONS

##### Chatham County

Judge James W. Head from September 18, 1975, to January 1, 1979.

#### RESIGNATIONS AND RETIREMENTS

##### Coffee County

Judge E. R. Smith resigned January 31, 1976.

#### IN MEMORIAM

##### Richmond County

Judge Emeritus Gordon Worth Chambers died February 8, 1976.

##### Chatham County

Judge Edward M. Hester died April 21, 1975.

## The Juvenile Courts

Juvenile matters in Georgia are currently handled by eight full-time juvenile court judges, 27 part-time juvenile court judges, seven state court judges who also serve as juvenile judges, 36 superior court judges who also serve as juvenile judges, and nineteen appointed referees.

In counties with 50,000 or more population, separate juvenile courts may be created and hear all juvenile matters, while in counties with less than 50,000, superior court judges have jurisdiction over juvenile matters unless two successive grand juries recommend that a juvenile court be established.

Juvenile court judges are appointed for six-year terms by the superior court judges in their respective circuits. During the past year, four new judges were

appointed to the juvenile court bench in Georgia; two of those positions were newly created.

Georgia law gives the juvenile court exclusive original jurisdiction over juvenile matters. The court may initiate proceedings concerning any child alleged to be delinquent, deprived, mentally ill, or retarded. The court also has jurisdiction in custody cases and to appoint guardians. In the case of a criminal offense committed by a child under the age of 17, the juvenile court has concurrent jurisdiction with the superior court. Appeals in all cases of final judgement are to the Court of Appeals or Supreme Court. (See Appendix Six for the Annual Report of the Council of Juvenile Court Judges.)

Judicial Personnel Changes (July 1, 1975 to June 30, 1976)

### Juvenile Courts

#### APPOINTMENTS

##### Chatham County

Judge Grady L. Dickey by the Eastern Circuit Superior Court for six-year term beginning May 9, 1975.

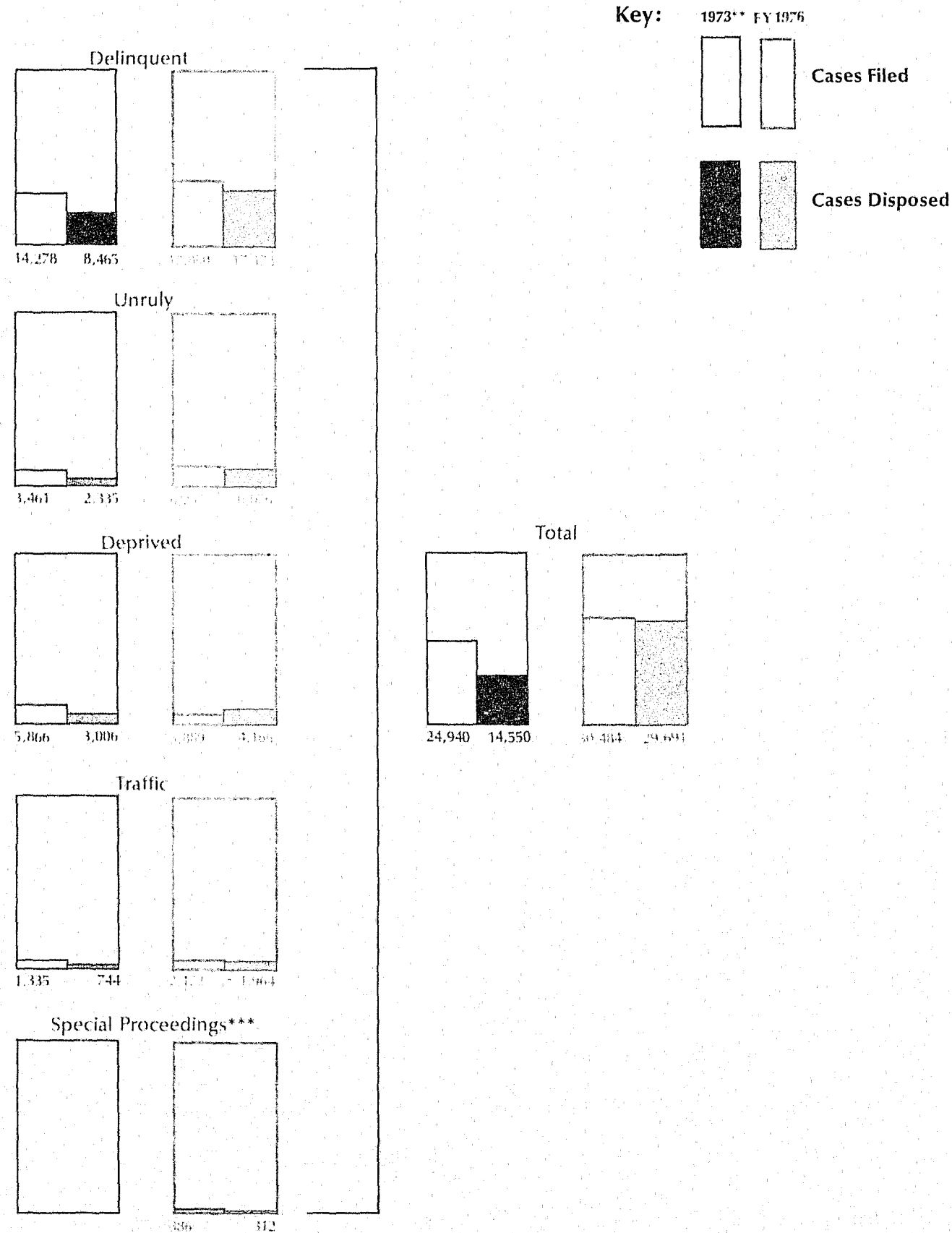
##### Butts and Lamar Counties

Judge Richard W. Watkins Jr., by Superior Court Judge Hugh D. Sosebee for term April 1, 1976 to March 31, 1980.

(continued on page 24)

Juvenile Court Caseload -- Statewide Totals\*

FY 1976 Juvenile Court Caseload Data\*



**Circuit	Delinquent		Unruly		Deprived		Traffic		Special Proceeding		Total	
	Filings	Disposed	Filings	Disposed	Filings	Disposed	Filings	Disposed	Filings	Disposed	Filings	Disposed
Alapaha	64	64	2	2	2	2	0	0	1	1	69	69
Alcovy	228	217	166	154	111	108	16	15	0	0	521	494
Atlanta	4,235	5,828	919	1,557	581	1,153	352	527	0	0	6,087	9,065
Atlantic	134	133	29	28	14	14	2	2	0	0	179	177
Augusta	460	419	180	171	193	163	0	0	0	0	833	753
Blue Ridge	96	122	67	87	62	106	9	27	6	4	240	346
Brunswick	527	499	310	300	124	122	103	80	103	103	1,167	1,104
Chattahoochee	993	959	409	273	198	154	204	147	9	1	1,813	1,534
Cherokee	199	200	86	83	62	63	8	8	0	0	355	354
Clayton	597	470	165	123	135	82	94	81		1	992	757
Cobb	1,152	902	864	746	210	185	256	211	68	31	2,550	2,075
Conasauga	303	290	119	106	45	45	0	0	3	3	470	444
Cordele	49	36	38	31	29	25	0	0	0	0	116	92
Coweta	423	441	142	156	102	97	23	24	0	0	690	718
Dougherty	456	NA	139	NA	106	NA	48	NA	13	NA	762	**663
Dublin	106	12	49	3	80	14	19	0	0	0	254	**250
Eastern	1,286	1,163	216	193	302	287	314	275	123	126	2,241	2,044
Flint	158	145	46	42	22	19	1	1	7	7	234	214
Griffin	118	118	24	26	76	76	3	3	0	0	221	223
Gwinnett	259	239	126	119	65	64	13	18	0	0	468	440
Houston	107	100	10	5	41	28	3	3	0	0	161	136
Lookout Mtn.	240	236	81	65	29	28	27	28	1	1	378	358
Macon	424	423	203	150	208	320	9	0	1	1	845	894
Middle	149	138	41	37	38	38	1	1	2	2	231	216
Mountain	38	31	5	5	22	22	2	1	0	0	67	59
Northeastern	192	177	25	28	50	46	7	6	0	0	274	257
Northern	101	90	22	21	30	44	11	11	0	0	164	166
Ocmulgee	125	82	21	18	16	10	0	0	4	4	160	114
Oconee	58	72	25	25	25	27	5	5	1	1	114	130
Ogeechee	112	108	29	25	26	26	3	3	0	0	170	162
Pataula	23	18	0	0	29	31	0	0	0	0	52	49
Piedmont	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Rome	235	243	112	113	176	175	21	21	0	0	544	552
S. Georgia	98	49	8	3	43	39	0	1	12	12	161	104
Southern	280	254	72	69	96	85	19	19	0	0	467	427
Southwestern	16	18	5	5	8	8	1	1	0	0	30	32
Stone Mtn.	2,977	2,441	1,343	1,198	427	405	467	443	11	11	5,225	4,498
Tallapoosa	57	46	30	25	25	19	0	0	0	0	112	90
Tifton	155	139	39	38	16	15	2	2	3	3	215	197
Toombs	77	72	28	28	0	0	0	0	0	0	105	100
Waycross	192	179	18	18	35	21	0	0	0	0	245	218
Western	287	NA	24	NA	36	NA	79	NA	23	NA	440	**448

\*Juvenile filings by circuit regardless of whether a superior, state, or juvenile court judge hears them.  
 \*\*County dispositions by filing type were not available. NA means data "not available."

\*Cases in which formal petitions were filed and heard by superior, state, or juvenile court judges.  
 \*\*No data available for Eastern, Rome and Western Judicial Circuits.  
 \*\*\*This category was not included in 1973; most special proceedings were included in the category "Deprived."

## Juvenile Court Personnel (continued)

### Henry County

Judge A. J. Welch, Jr. by Superior Court Judge Hugh D. Sosebee for term April 1, 1976 to April 31, 1982.

### Glynn County

Judge A. A. Nathan by Superior Court Judge Winebert Dan Flexer for a six-year term commencing June 1, 1976.

## RESIGNATIONS AND RETIREMENTS

Piedmont Judicial Circuit (Barrow, Banks and Jackson Counties)  
Judge James W. Parris resigned May 22, 1975.

Flint Judicial Circuit (Butts, Henry, Lamar, Monroe Counties)  
Judge A. J. Welch, Jr. resigned April 1, 1976.

As one of the oldest courts in Georgia, the probate court has seen a number of changes in its original duties and even its name. Until 1974, the court was known as the court of ordinary.

The State Constitution specifically gives jurisdiction to the probate judge to try traffic cases and game and fish violations; probate wills; grant letters of administration in intestate estates; supervise administrators and executors; grant letters of guardianship; supervise matters of guardianship relating to insane persons and lunacy proceedings, and hear habeas corpus cases except capital felonies when the prisoner is held for extradition.

In addition, the probate judge has also traditionally served as administrative officer of the county. Many of those administrative duties have now been delegated by special statute to other county officers or groups. However, unless so stated by such a special statute, the probate judge as administrative officer has broad powers such as

direction and control of county property; levying county taxes; establishing, altering or abolishing county roads, bridges and ferries; establishing and changing militia districts; making appointments to fill vacant county offices and ordering elections to fill them; settling claims against the county; auditing accounts of other officers and making rules and regulations for the support of the poor, for the police of the county and for the public health; and regulating and licensing peddling.

While a number of the afore-stated duties have been delegated elsewhere in government, other statutes have been enacted placing additional duties upon the probate judge in some counties. These include supervision of elections within the county; supervision of liquor sales referenda; granting licenses to carry weapons; administration of the homestead exemption laws, and issuance of marriage licenses.

## Judicial Personnel Changes (July 1, 1975 to June 30, 1976)

### Probate Courts

#### APPOINTMENTS

##### Forsyth County

Judge Joyce Wallace Hawkins by Governor George Busbee on August 10, 1976, until the General Election this fall.

#### ELECTIONS

##### Wayne County

Judge Christine Barch for term April 8, 1976, to January 1, 1977.

#### RESIGNATIONS AND RETIREMENTS

##### Bartow County

Judge Eva S. Collins retired April 30, 1975.

#### IN MEMORIAM

##### Forsyth County

Judge B. Broughton Wallace died June 1, 1976.

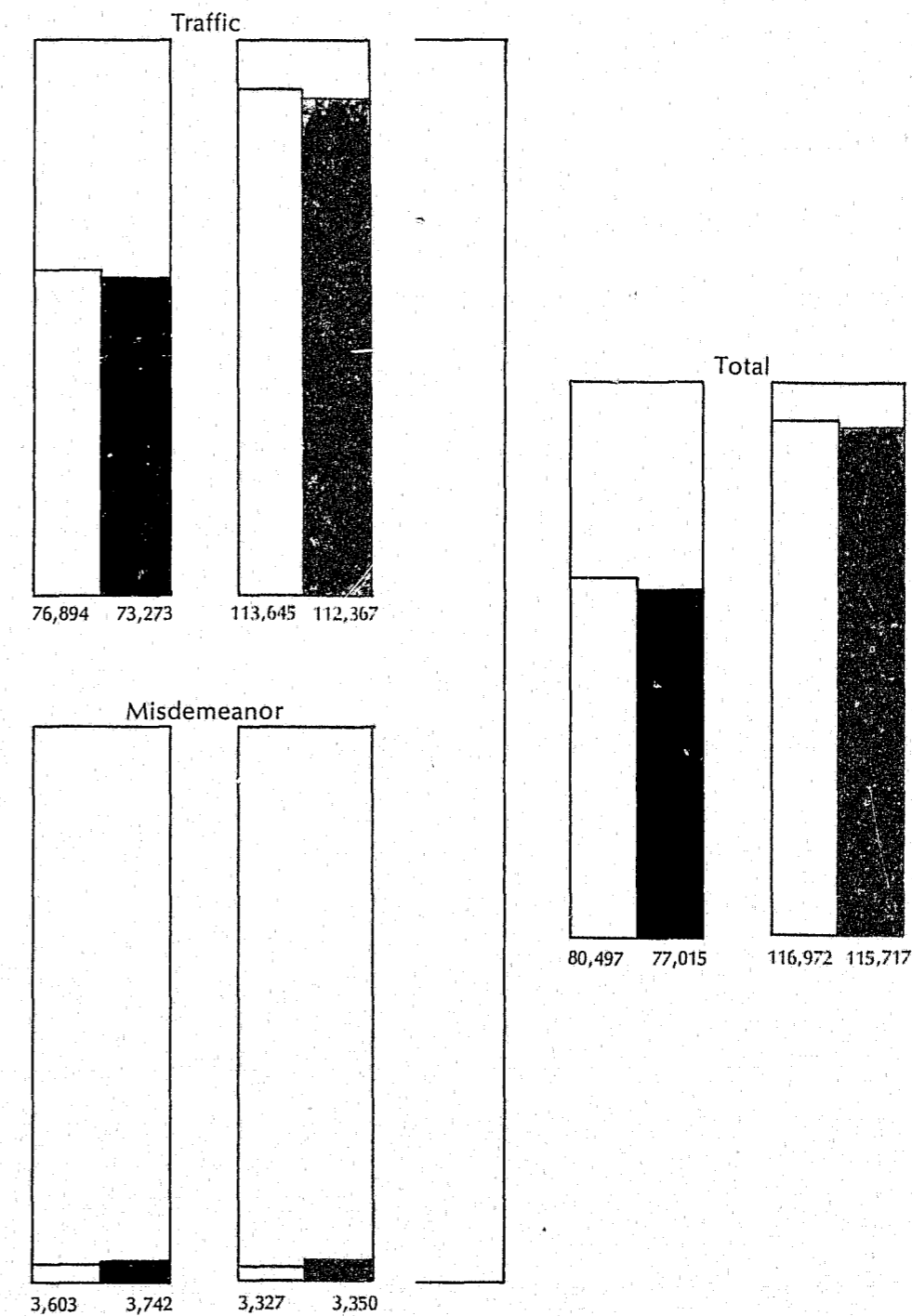
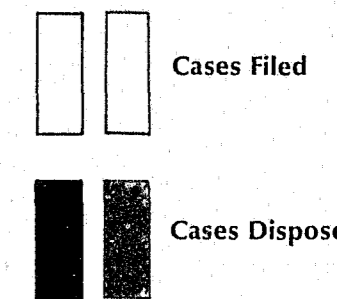
##### Wayne County

Judge Gordon Bishop died February 5, 1976.

## Probate Court Caseload — Statewide Totals

### Key:

1973 FY 1976



FY 1976 Probate Court Caseload Data\*

Circuit	County	Misdemeanors		Traffic		Total Cases	
		Filings	Dispositions	Filings	Dispositions	Filings	Disposed
Alapaha	Berrien	8	8	715	715	723	723
	Cook	48	48	1,836	1,836	1,884	1,884
	Lanier	—	—	334	334	334	334
Alcovy	Newton	66	66	2,453	2,456	2,519	2,522
	Walton	53	53	1,446	1,446	1,499	1,499
Atlantic	McIntosh	1	1	2,062	2,050	2,063	2,051
Augusta	Columbia	58	58	2,011	2,007	2,069	2,065
Brunswick	Jeff Davis	53	53	820	823	873	876
	Camden	—	—	235	235	235	235
Chattahoochee	Talbot	49	49	1,582	1,725	1,631	1,774
	Taylor	3	2	947	947	950	949
	Chattahoochee	32	32	504	570	536	602
	Harris	117	117	1,026	1,026	1,143	1,143
Cherokee	Marion	13	13	872	868	885	881
	Gordon	38	38	5,002	5,002	5,040	5,040
Crisasuga	Murray	60	60	986	986	1,046	1,046
	Whitfield	126	126	4,001	4,001	4,127	4,127
Cordele	Crisp	32	42	2,011	1,748	2,043	1,790
	Wilcox	4	2	568	464	572	466
	Dooly	11	11	1,668	1,672	1,679	1,683
	Ben Hill	26	26	293	302	319	328
Coweta	Heard	46	54	274	216	320	270
	Meriwether	21	21	2,367	2,237	2,388	2,258
Dublin	Twiggs	121	123	2,728	2,957	2,849	3,080
Flint	Butts	118	115	2,101	2,101	2,219	2,219
	Henry	44	44	9,394	9,116	9,438	9,160
	Lamar	—	—	814	780	814	780
	Monroe	73	73	2,843	2,843	2,916	2,916
Griffin	Fayette	97	97	696	696	793	793
	Pike	9	2	—	—	9	2
	Upson	25	25	1,888	1,892	1,913	1,917
Macon	Peach	18	18	1,777	1,695	1,795	1,713
Middle	Rabun	64	64	426	426	490	490
	Union	39	39	462	462	501	501
Northeastern	Dawson	—	—	125	136	125	136
	Lumpkin	3	3	33	33	36	36
	White	3	3	403	403	406	406
Northern	Franklin	56	56	3,615	3,611	3,671	3,667
	Hart	91	91	1,074	1,074	1,165	1,165
	Madison	55	55	548	548	603	603
	Oglethorpe	83	83	531	532	614	615
Ocmulgee	Greene	56	56	1,467	1,467	1,579	1,579
	Hancock	23	23	100	90	123	113
	Jasper	63	63	789	789	852	852
	Jones	55	55	1,340	1,283	1,395	1,338
	Morgan	69	69	2,834	2,824	2,903	2,893
	Wilkinson	16	16	192	192	208	208
Oconee	Bleckley	18	18	428	428	446	446
	Dodge	—	—	795	801	795	801
	Montgomery	14	14	336	349	350	363
	Pulaski	—	—	650	650	650	650
	Telfair	65	65	819	819	884	884
Pataula	Wheeler	18	18	428	428	446	446
	Clay	146	145	312	297	458	442
Quitman	Quitman	30	30	197	196	227	226
	Randolph	22	22	610	625	632	647
	Seminole	72	70	925	947	997	1,017
	Terrell	88	90	347	354	435	444

Circuit	County	Misdemeanors		Traffic		Total Cases	
		Filings	Dispositions	Filings	Dispositions	Filings	Disposed
Piedmont	Banks	13	13	1,560	1,560	1,573	1,573
	Barrow	—	—	663	663	663	663
Rome	Floyd	84	71	7,040	6,618	7,124	6,689
South Georgia	Calhoun	36	33	422	440	458	473
	Baker	—	—	161	161	161	161
Southern	Brooks	40	40	771	760	811	800
Southwestern	Lee	24	24	861	861	885	885
	Schley	4	4	63	61	67	65
	Stewart	—	—	869	524	869	524
	Webster	9	9	158	158	167	167
Stone Mtn.	Rockdale	3,508	—	3,508	3,117	3,508	3,117
	Douglas	—	—	3,210	2,769	3,210	2,769
Tallapoosa	Haralson	35	28	926	738	961	766
	Paulding	8	8	866	863	874	871
Tifton	Irwin	27	27	337	335	364	362
	Turner	51	52	1,684	1,701	1,735	1,753
Toombs	Glascok	12	12	32	32	44	44
	Lincoln	202	202	494	494	696	696
	McDuffie	88	88	1,332	1,332	1,420	1,420
	Taliaferro	17	17	1,429	1,429	1,446	1,446
	Warren	5	5	2,423	2,423	2,428	2,428
	Wilkes	56	56	699	699	755	755
Waycross	Bacon	8	8	246	246	254	254
	Brantley	—	—	323	323	323	323
	Charlton	—	—	567	567	567	567
Western	Oconee	—	—	603	521	603	521
Lookout Mtn.	Catoosa	—	—	2,453	2,445	2,453	2,445
	Chattooga	—	—	1,501	1,901	1,501	1,901
	Dade	91	88	1,459	1,456	1,459	1,456

\*These represent only those probate courts in counties which try traffic and/or misdemeanor cases.

## Other Courts

Although Georgia courts of record are the only courts covered in this report, some 2,200 other courts perform judicial functions in Georgia. They employ an estimated 2,145 judges and some 500 other judicial personnel.

Those courts include special civil and criminal courts which have partial state court jurisdiction but are in localities in which the business of a city court has grown to the extent that the court has been converted into a civil and criminal court or divided into each. As noted in the section on state courts, the Civil and Criminal Courts of Fulton County fall

in this category, but in January of 1977 by an act of the 1976 General Assembly will be merged into one state court. Other courts with partial state court jurisdiction include the Civil Court of Richmond County, the Civil Court of Bibb County, and the Baldwin, Echols and Putnam County courts.

A myriad of other courts serve special needs throughout the state. These include 1,634 justice of the peace courts, four magistrate courts, 49 small claims courts, three recorder courts, four municipal courts and some 450 police, mayors, municipal, criminal, and city council courts.

Judicial Personnel Changes (July 1, 1975 to June 30, 1976)

### Special Courts\*

#### APPOINTMENTS

##### Criminal Court of Fulton County

Judge William Alexander by Governor George Busbee for term May 3, 1976 until December 31, 1976.

##### Municipal Court of Atlanta

Judge Clarence Cooper by Atlanta Mayor Maynard Jackson for term from January 6, 1976 to January 6, 1978 to fill the unexpired term of Judge Robert E. Jones who retired.

##### Small Claims Court of Cook County

Judge L.V. Mashburn by Governor George Busbee for term from July 29, 1975, to January 1, 1979.

##### Small Claims Court of Emanuel County

Judge Johnny Peeples by the April term of the Emanuel County Grand Jury for term from June 17, 1975, to June 17, 1977.

##### Small Claims Court of Greene County

Judge David G. Kopp by the Superior Court for term from July 1, 1975, to June 30, 1979.

##### Small Claims Court of Henry County

Judge John E. Bond by the March term of the Henry County Grand Jury for term May 1, 1976 to April 30, 1980.

##### Small Claims Court of Lamar County

Judge E. Byron Smith by the Grand Jury for term from September 10, 1975 to January 1, 1976.

##### Small Claims Court of Liberty County

Judge A.L. Phillips by Governor George Busbee for term from July 1, 1975, to July 1, 1979.

##### Small Claims Court of Macon County

Judge Elmo Bush by Governor George Busbee from April 14, 1975, to April 3, 1976.

##### Small Claims Court of Monroe County

Judge Aubrey Sutton by the Monroe County Grand Jury for term from November 21, 1974, to October 31, 1976.

##### Small Claims Court of Tattnall County

Judge Lamar L. McGregor by Superior Court Judge Paul E. Caswell for term December 1, 1975, to October 31, 1979.

##### Small Claims Court of Upson County

Judge James R. Davis, Jr., by the August term of the Upson County Grand Jury from September 1, 1975, to September 1, 1979.

#### ELECTIONS

##### Municipal Court of Columbus

Judge Rufe E. McCombs for term from September 12, 1975, to January 1, 1977.

#### IN MEMORIAM

##### Criminal Court of Fulton County

Judge Charles Grier Bruce (retired) died February 8, 1976.

##### Municipal Court of Columbus

Judge John J. Nilan died August 7, 1975.

\* Only includes courts with partial state court jurisdiction and small claims courts.



Administration



# Members of the Judicial Council of Georgia

July 1, 1975 - June 30, 1976\*



Judge Kenneth B. Followill, *Chairman*  
State Court of Muscogee County  
Columbus



Judge G. Ernest Tidwell, *Vice Chairman*  
Superior Court  
Atlanta Judicial Circuit  
Atlanta



Judge Irwin W. Stolz, Jr.,  
*Secretary-Treasurer*  
Georgia Court of Appeals  
Atlanta



Judge Hal Bell  
Superior Court  
Macon Judicial Circuit  
Macon



Judge Frank S. Cheatham, Jr.  
Superior Court  
Eastern Judicial Circuit  
Savannah



Associate Justice Robert H. Hall  
Supreme Court of Georgia  
Atlanta



W. Stell Huie  
President  
State Bar of Georgia  
Atlanta



Judge Walter C. McMillan, Jr.  
Superior Court  
Middle Judicial Circuit  
Sandersville



Judge Marion T. Pope, Jr.  
Superior Court  
Blue Ridge Judicial Circuit  
Canton



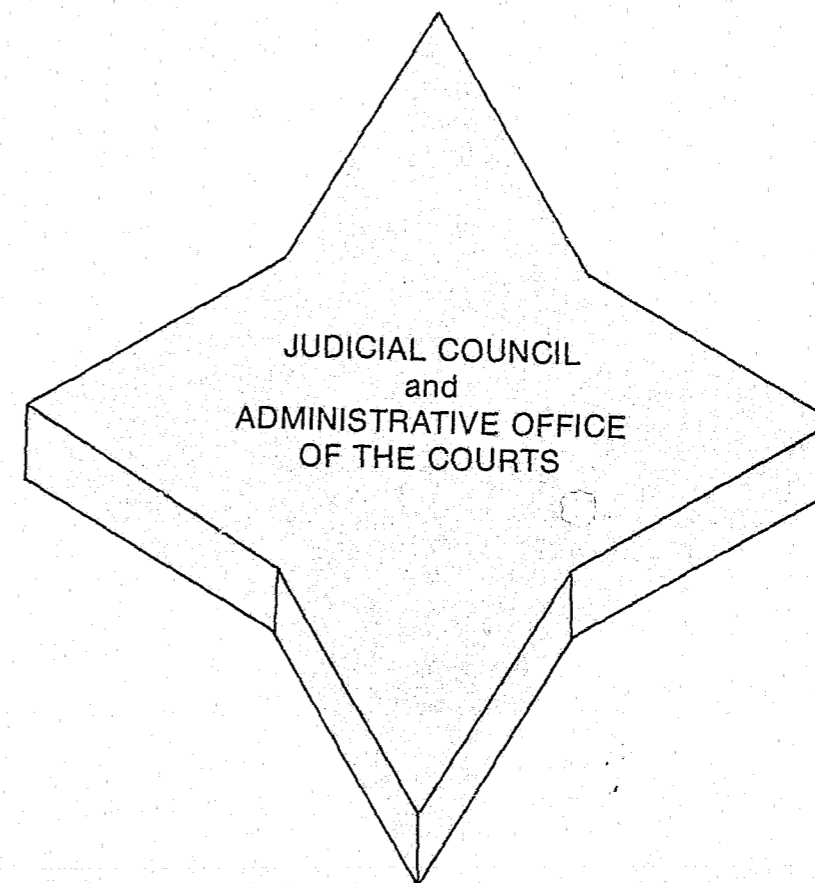
Cubbedge Snow, Jr.  
Immediate Past President  
State Bar of Georgia  
Macon



Judge William K. Stanley, Jr.  
Probate Court of Bibb County  
Macon

\*See Appendix Three for Judicial Council members since creation in 1973.

Coordination  
Governor's Office  
Attorney General's Office  
State Crime Commission  
Department of Human Resources  
County Commissions  
Department of Offender Rehabilitation  
Private Organizations and Individuals  
Archives  
Georgia Crime Information Center  
Law Enforcement Assistance Administration



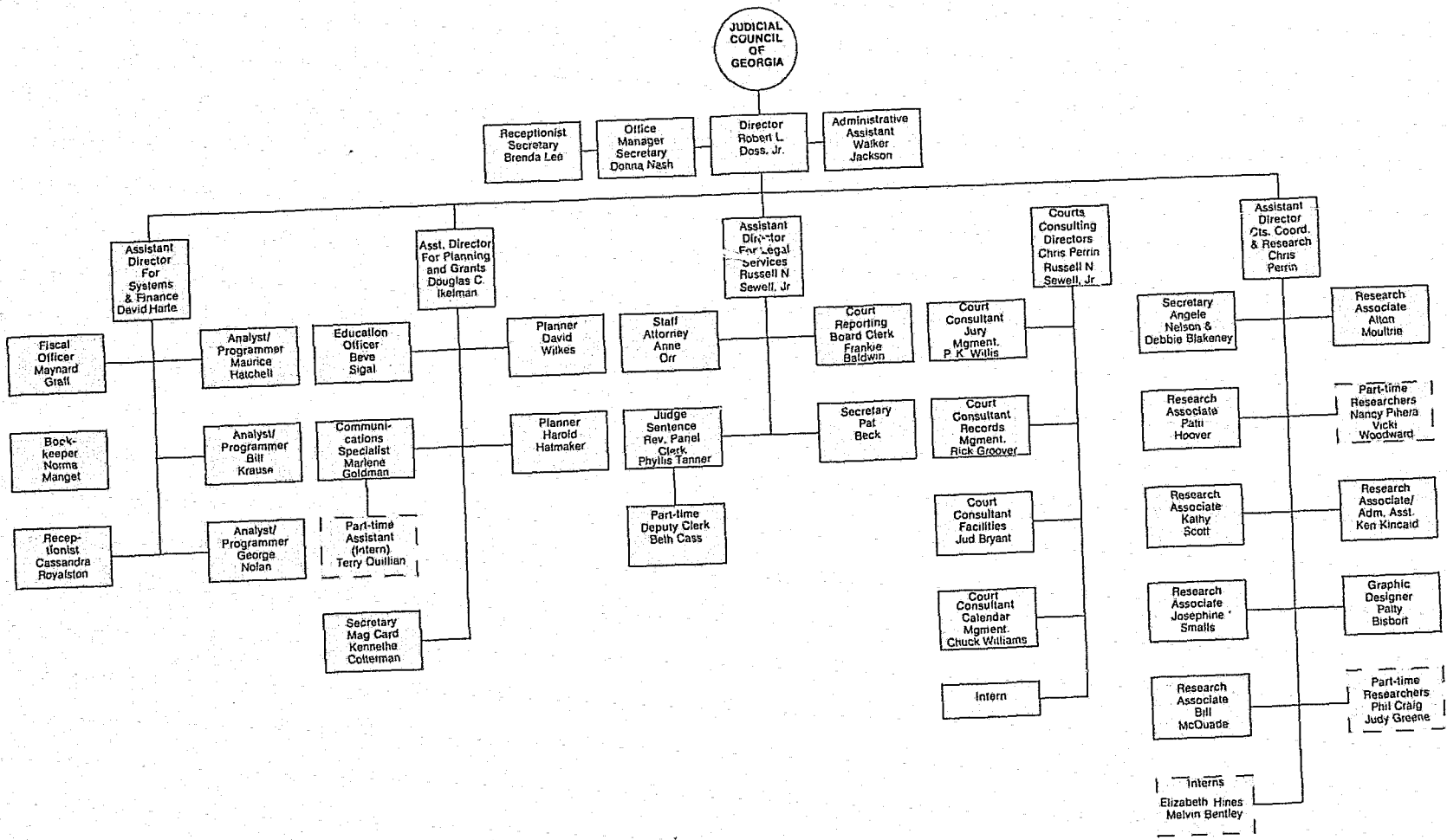
Direct Services  
Court Administrators  
Clerks of Court  
Court Reporters  
Law Clerks  
Judges  
Judges' Secretaries  
Bailiffs

Indirect Services  
State Bar of Georgia  
Public Defenders  
Sheriffs  
Prosecutors

Direct Services  
Court-Related Associations  
Pretrial Release Programs  
Sentence Review Panel  
Board of Court Reporting  
Court Probation System  
Other Court-Related Commissions  
Judicial Qualifications Commission

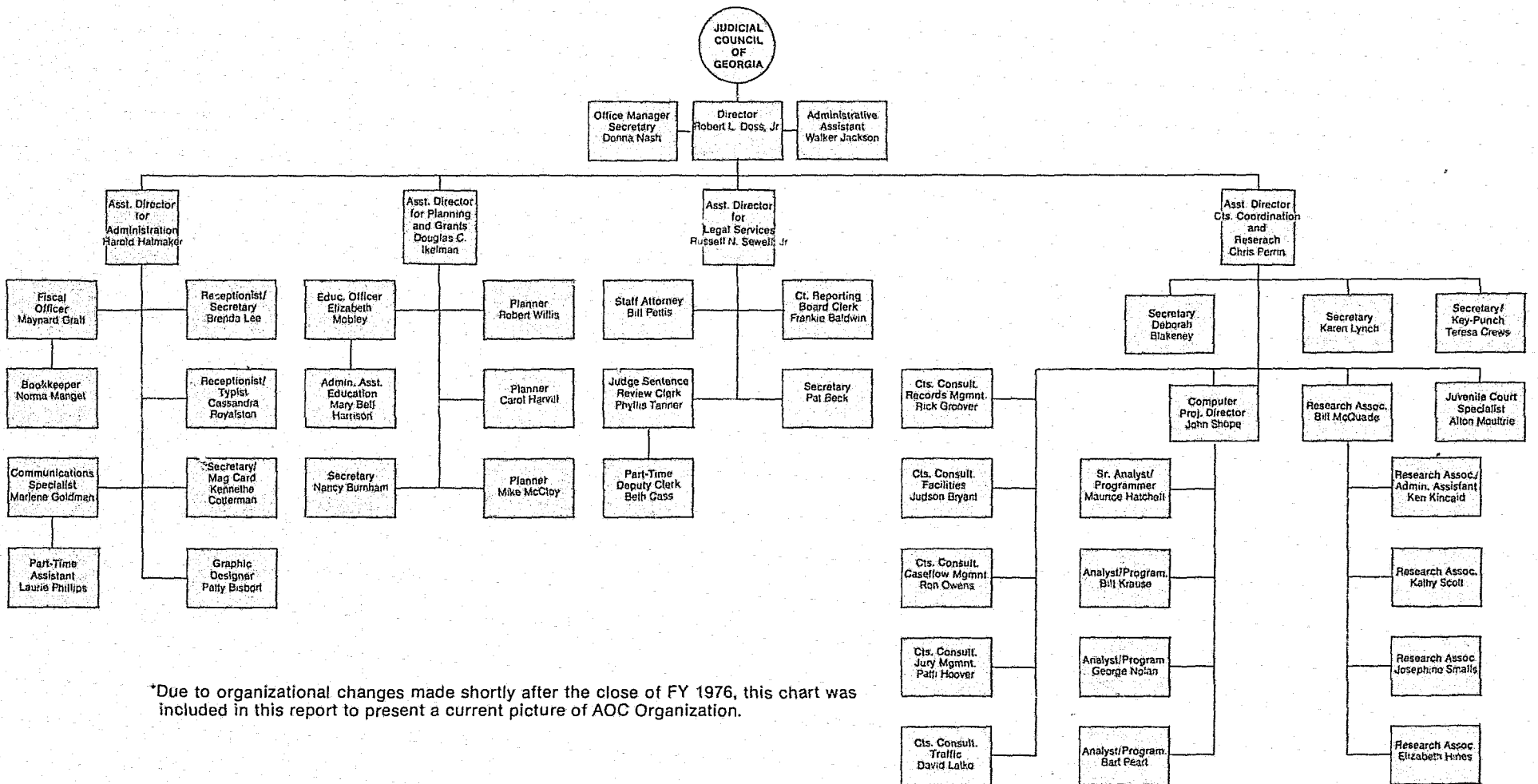
# AOC Organization in Fiscal Year 1976

32



# AOC Organization in Fiscal Year 1977\*

33



\*Due to organizational changes made shortly after the close of FY 1976, this chart was included in this report to present a current picture of AOC Organization.

## Introduction

Three years ago, the Administrative Office of the Courts was established by the General Assembly\* to conduct studies into the workings of the courts in Georgia and make meaningful recommendations for change. At the end of Fiscal Year 1976, the AOC, under the guidance of the Judicial Council of Georgia, had completed several time-consuming, long-range studies. These studies addressed questions about the courts which for decades had been unanswered: How many courts are there? What is the jurisdiction of each court? Are facilities adequate? What services are offered for juveniles? Are records keeping practices adequate and efficient? Which courts are overloaded? Which courts are duplicative?

Since the concept of the act creating the Judicial Council and Administrative Office of the Courts was that of management services to all the courts in the State, the Judicial Council and its service arm, the AOC, have not halted their fact-finding efforts now that many of those questions are beginning to be answered. Today, efforts are shifting toward offering realistic recommendations and technical assistance to the judiciary to insure that all courts in Georgia operate in a businesslike, efficient, and well-coordinated manner.\*\*

In Fiscal Year 1976, the Judicial Council was headed by Judge Kenneth B. Followill who is a State Court judge in Muscogee County. Vice chairman was Judge G. Ernest Tidwell, Superior Court, Atlanta Judicial Circuit, and secretary-treasurer was Judge Irwin W. Stolz, Jr., Georgia Court of Appeals.

The following pages depict the functional relationships, organization, and activities of the Judicial Council and AOC from July 1, 1975, through June 30, 1976. These activities of the AOC during the past fiscal year were funded primarily by federal funds which totaled \$728,910. In addition the State contributed another \$171,620 for the operations of this State agency.\*\*\*

\*See Appendix Four for duties of the Judicial Council/Administrative Office of the Courts as set forth by Georgia law.

\*\*See Appendix One for "The AOC at a Glance," a summary of all activities.

\*\*\*See Appendix Two for a summary of funding for the Judicial Council/Administrative Office of the Courts.

## Communications

"The courts are hindered in the administration of criminal justice because of public misunderstanding about their roles," stated the Phase Two Report of Criminal Justice Standards and Goals for Georgia.

This fact has been recognized by the Judicial Council since its formation three years ago. Since that time, the communications office of the AOC has been gearing up for expansion of its public information system. First, though, it has been necessary to establish viable systems of communications between the many diverse courts of Georgia and to acquaint the public with the problems encountered by those courts.

Development of a comprehensive information system for the judiciary has taken several forms during the past fiscal year—news releases, a bi-monthly newsletter for courts-related personnel, a weekly legislative summary during the convention of the Georgia General Assembly, a comprehensive judicial directory for all courts personnel, and this Annual Report.

In the area of public information, 60 news releases were sent to local, state and national media during the past year. These releases explored such topics as the operations of the Sentence Review Panel, the various research projects conducted by the AOC and the results of these efforts, court reporting, judgeship studies, regional meetings of the Judicial Council, traffic, and legislation of import to the judiciary. In the latter area, the communications office joined a cooperative effort between the bar and judiciary in promoting the passage of the Judicial Administration Act of 1976 which set up 10 districts in Georgia for the purpose of equalizing caseloads. At various times during the year, the communications office also provided assistance to the Supreme Court of Georgia, the Council of Superior Court Judges, the Council of Juvenile Court Judges, and the Probate Judges Association in publicizing their activities and projects.

As noted, communications among Georgia's some 3000 courts and their personnel is an area of

vital concern to the Council. In Fiscal Year 1976, the Georgia Courts Journal was published for the third consecutive year and expanded to provide pertinent and timely information to its readership.

Topics explored in the bi-monthly publication included educational and thought-provoking articles on efficient courthouse design and operation, the work of the Judicial Qualifications Commission, reports on education conferences, in-depth profiles on leaders in the field of criminal justice and their thoughts on how the improvement of the administration of justice might be accomplished, innovative projects underway in the courts themselves, and judicial funding. In addition, each issue noted personnel changes, recent publications of interest to the judiciary, reports on AOC activities and studies, and news items regarding the administration of justice in both Georgia and the nation.

Lauded by Georgia judges as one of the most valuable information vehicles accomplished during the past year was the Legislative Log. The Log, a joint endeavor by the AOC's Division of Legal Services and the communications office, was published and distributed each week of the General Assembly. For the first time, judges in Georgia were given up-to-date information on court-related proposals in the State Legislature, what each bill would accomplish, and the status of each. The final issue of the Log presented a summary of the court-related activities of the General Assembly, and the Governor's action on each bill.

In addition to this Annual Report, which for the first time includes statistics on court caseload during the past fiscal year, the communications office has coordinated publication and distribution of a number of reports on the studies of the AOC during the past year (see Appendix One) and has served as a central source for public information and

## Court Reporting

Fiscal Year 1976 brought to Georgia the second year of official certification for court reporters. In an effort to "professionalize" court reporting, the 1974 Georgia General Assembly enacted the Georgia Court Reporting Act. Under the provisions of this act, the Judicial Council appointed a Board of Court Reporting. This board drew up rules and regulations for court reporting and established certification procedures for court reporters. These regulations

reference on the activities of the Judicial Council/AOC and the courts in general in this state.

The future holds continued expansion of information services to and from the Georgia judiciary. While internal communications have steadily improved and the public is now becoming better acquainted with the goals and projects of the Judicial Council/AOC, much work remains to be done in the area of public information for the courts themselves in Georgia. The AOC plans to work with the newly appointed district court administrators in setting up more effective public information programs for the courts in each district. Too, the Judicial Council, upon the recommendation of the Criminal Justice Standards and Goals Report, is investigating the possibility of expanding the communications office to provide consultation with local courts regarding effective public information on court activities and actions.

In the same area, the communications office will continue working with the State Bar and the judiciary in exploring the possibilities of holding a media/courts conference to discuss courts and their operations and establish better rapport with the news media, judges and lawyers.

### Communications Committee

**Judge William K. Stanley, Jr., Chairman**  
Probate Court of Bibb County  
Macon

**Judge Hal Bell**  
Superior Court  
Macon Judicial Circuit  
Macon

**Judge G. Ernest Tidwell**  
Superior Court  
Atlanta Judicial Circuit  
Atlanta

and procedures were approved by the Judicial Council.

The court reporting certification test was administered three times in Fiscal Year 1976: August, 1975 (Augusta); January, 1976 (Macon); and April, 1976 (Atlanta). Sixty-two court reporters took the August test, with 20 successfully completing the examination. The January testing produced 35 new court reporters from the 81 candidates taking the examination.

Seventy-six reporters took the April test, with 25 achieving certification. These tests brought the total number of certified court reporters in Georgia to 328.

In 1975, the Georgia Legislature gave the Judicial Council the authority, through an amendment (Ga.L. 1975, p. 285) to the act which created the Council (Ga.L. 1973, p. 288) to establish standard fees and transcript preparation guidelines. In line with this law, the Judicial Council appointed the existing Board of Court Reporting as a committee to submit recommendations on the subject. The Board's

recommendations were approved by the Judicial Council, and became effective January 1, 1976.

The 1976 Georgia General Assembly also passed a bill requiring court reporters to prepare transcripts within sixty days in capital felony cases in which the death penalty is imposed. This became effective July 1, 1976. Court reporters are now required to submit a quarterly report showing the number of transcripts handled during that quarter, and more importantly, the number of cases in which transcripts are pending for sixty or more days.

### Board of Court Reporting

**Frank W. Seiler, Chairman**  
Past President, State Bar of Georgia  
Former Member of Judicial Council  
Savannah

**Paul C. Blanchard, Vice Chairman**  
Court Reporter  
Augusta

**Dillard Bryson**  
Court Reporter  
Cartersville

**William DeLoach**  
Court Reporter  
Savannah

**James B. Hiers, Jr.**  
Attorney  
Atlanta

**Judge Paul W. Painter**  
Superior Court  
Lookout Mountain Judicial Circuit  
Rossville

**Howard Worley**  
Court Reporter  
Decatur

## Education

Continuing education for Georgia judges received increased emphasis during the past year as the Judicial Council/AOC pursued education from several different perspectives.

Early in the year, the State Crime Commission awarded Law Enforcement Assistance Administration grants totalling \$36,278 to the Judicial Council for training and education of courts personnel. The grants were used for both in-state and out-of-state training for judges, clerks of court, juvenile probation officers of the independent court systems, court administrators, and other judicial personnel. A staff education officer was hired by the Judicial Council to administer these funds and help coordinate in-state judicial conferences and out-of-state training requests.

To set policy for judicial education in Georgia, a broad-based Judicial Education Committee was appointed by the Judicial Council of Georgia. Additionally, because of its heavy workload in training lawyers in the State, the Institute of Continuing Legal Education in Georgia shifted responsibility for three workshops to the Judicial Council. Those three workshops, which have been sponsored in the past by ICLE, were the superior,

state and juvenile court judges conferences which are held in Athens. The Judicial Council/AOC now coordinate and fund two conferences a year for superior court judges; one conference each year for state court judges, juvenile court judges, superior court clerks, probate judges, and the Bench and Bar Meeting which is held in conjunction with the State Bar of Georgia Annual Meeting, as well as traffic-related seminars and conferences in other areas such as probation.

These conferences were funded primarily with Law Enforcement Assistance Administration funds as were a number of other out-of-state workshops attended by Georgia court-related personnel. However, because of limits on funding, these out-of-state activities were curtailed as the fiscal year drew to a close.

The Judicial Council/AOC plan to ask the 1977 General Assembly to assume state funding for judicial education as it is considered a vital element of an effective court system. Investigation is also being conducted into the feasibility of creation of an Institute for Continuing Judicial Education which would concentrate solely on judicial training for Georgia courts personnel.

## Education Committee

**Judge G. Ernest Tidwell, Chairman**  
Superior Court  
Atlanta Judicial Circuit  
Atlanta

**Judge Marcus B. Calhoun**  
Superior Court  
Southern Judicial Circuit  
Thomasville

**Adam Green**  
Clerk  
Superior Court  
Bibb County  
Macon

**Judge Marion Guess**  
Probate Court of DeKalb County  
Decatur

**Judge Jack Gunter**  
Superior Court  
Mountain Judicial Circuit  
Clarksville

**Judge James Head**  
State Court of Chatham County  
Savannah

**Judge Willis B. Hunt, Jr.**  
Superior Court  
Houston Judicial Circuit  
Warner Robbins

**Judge Othniel McGehee**  
Juvenile Court of Bibb County  
Macon

**Wendell Black**  
Chief Probation Officer  
Cobb County  
Marietta

**Judge Julian Webb**  
Court of Appeals of Georgia  
Atlanta

## Facilities

In 1973, the State Crime Commission awarded funds to the Judicial Council of Georgia and Administrative Office of the Courts to study courthouses in Georgia and devise recommendations for their improvement.

This study was necessitated by inadequate conditions in Georgia courthouses, many which have been allowed to deteriorate to the point of obstructing justice. Courtrooms with substandard security systems, inadequate ancillary facilities (jury rooms, witness rooms, etc.), substandard vaults, and unsatisfactory restroom facilities were the rule rather than the exception throughout the state.

Due to the magnitude of the project, bids were taken and a firm specializing in courthouse design, Space Management Consultants, Inc., (SMC) of Hawaii and New York, was employed. Working under the supervision of a specially-appointed Statewide Facilities Steering Committee, SMC conducted a two-year study of courthouse facilities in the state.

The findings of the first section of the study, the Inventory of Judicial Facilities in Georgia, were released last year. This report, among other things, stated that only 24 of Georgia's 159 courthouses were in good condition overall.

This year, SMC and the Administrative Office of the Courts concluded the final two sections of the study: the Facility Standards and Design Guidelines, and the Guidelines for the Development of a Judicial Facility Masterplan.

The Facility Standards and Design Guidelines are intended to increase the effectiveness

of courthouse renovations. They provide detailed information on equipment, furnishings, building service requirements, and spatial relationships in an effort to streamline and economize courthouse renovation. This portion of the report is a "how-to" guide to building the near perfect courthouse.

The final section of the report, the Guidelines for the Development of a Judicial Facilities Masterplan, offers funding alternatives and proposed facility management systems. Funding alternatives to the traditional county-financed courthouse include development of a statewide judicial budget, limited subsidy of major facility improvements, state rental of judicial facilities based on the fair rental value of a courthouse, development of private corporations at the county level for financing judicial construction, and facility improvement through in-county technical assistance (vocational and technical schools), and court-generated revenues.

Suggested facility management alternatives to the county-based courthouse include status quo maintenance, regionalization within judicial circuits of the trial functions of the general jurisdiction courts, development of administrative districts for the purposes of judicial coordination, and regionalization within the judicial circuits of trial functions of the general jurisdiction courts with activities coordinated by administrative districts.

The AOC has also been involved in several facilities technical assistance projects throughout the state. These include assistance in the design and planning of office facilities and vaults in Bulloch,

Butts, and Clayton counties; assistance in courtroom renovations in Pickens, Clayton, Hancock, Fulton, and Whitfield counties; assistance in the renovation of courthouses in Gilmer, Meriwether, and Grady counties; assistance in design and development phases of new courthouses in Chatham and Forsyth counties; and multi-faceted planning studies dealing with such problems as office space, courtrooms, interior design, etc., in DeKalb and Cobb counties.

In the coming year, the AOC will also be assisting administrative district judges in the planning of the necessary office space for their staffs, and coordinating facility needs throughout the state in conjunction with State Crime Commission funding programs. The AOC's facilities specialist will continue to be available to judges, county commissioners, and clerks who are in need of technical assistance.

#### Facilities Study Steering Committee

**Judge Marion T. Pope, Jr., Chairman**  
Superior Court  
Blue Ridge Judicial Circuit  
Canton

**Judge Frank S. Cheatham, Jr.**  
Superior Court  
Eastern Judicial Circuit  
Savannah

**Judge Francis W. Allen**  
State Court of Bulloch County  
Statesboro

**J. C. Griswell**  
Clayton County Commissioner  
Forest Park

## Information Systems

For years, businesses have used computers successfully to streamline procedures, provide almost instantaneous information, and ultimately save valuable time and money. If the private sector has tapped machines to reduce paperflow and increase efficiency, why not the courts?

An integral part of the AOC's current emphasis in the past year has become information systems and how they can be utilized to expedite caseload, leave judges more time to judge, and relieve clerks of administrative workloads.

The Georgia Crime Information Center, (GCIC) was established several years ago by the General Assembly to furnish computerized criminal history information to the criminal justice sector. But, in many instances, GCIC has been able to gather and transmit only arrest data. During the past year, the AOC, in cooperation with GCIC's efforts, began working on a test project to furnish to GCIC disposition data from the courts. A trial court management information system has been designed to collect information that could also be used in the day-to-day operation of the courts. That system will make easily assessable information on a case, its defendant, plaintiff, date of trial, prosecutor, defender, judge scheduled to hear the case, witnesses, aliases, police officers involved and many other important pieces of information. The trial court management system is expected to save untold time and effort in the clerk's office. The system is now being tested in Albany on a direct hook-up to the AOC computer in Atlanta using telephone lines.

For courts not large enough to warrant such a sophisticated on-line system, the AOC is designing

a batch system for smaller courts. Using this method, data will be mailed to the AOC on printed forms, entered into the AOC's computer, and computer mailouts will be sent back to the court.

Computer applications for the courts are countless. Possibilities include aiding the judge in setting his calendar (this is now being done in Fulton County); computerizing case assignment to judges, thus spreading the caseload evenly; automatically printing subpoenas; assisting in jury selection and management, and performing a number of other duties that now demand the time and resources of already overworked judges and clerks.

The AOC's information system project is an integral part of a number of other projects now underway at the Administrative Office. It is being designed to interface with the AOC's records management project so that new docket books are designed not only to provide ease of recording information in the clerk's office, but also to facilitate transmittal of statistics to the AOC as part of its statistical reporting system. The project will also be used to determine weighted caseloads and personnel needs throughout the state according to current caseloads, filings, dispositions, numbers of attorneys, and other vital information.

Georgia has been selected as one of eleven states in the nation to receive special Law Enforcement Assistance Administration funding (\$200,000) for the development of its statewide judicial information system.

The AOC, through its director, is participating in a national committee to standardize computer applications in the nation.

## Court Information System Advisory Committee

**Judge Reid Merritt, Chairman**  
Superior Court  
Gwinnett Judicial Circuit  
Lawrenceville

**Judge Paul Armitage**  
State Court of Houston County  
Warner Robins

**Jack Graham**  
Court Administrator  
Cobb County  
Marietta

**Judge Luther C. Hames, Jr.**  
Superior Court  
Cobb Judicial Circuit  
Marietta

**Judge Clyde Henley**  
Superior Court  
Stone Mountain Judicial Circuit  
Decatur

**Judge John S. Langford, Jr.**  
Superior Court  
Atlanta Judicial Circuit  
Atlanta

**Jay Lawson**  
Superior Court Clerk  
Emanuel County  
Swainsboro

**Judge C. Cloud Morgan**  
Superior Court  
Macon Judicial Circuit  
Macon

**Jack Thompson**  
Court Administrator  
Fulton County  
Atlanta

## Judgeship Studies

Until a very few years ago, the creation of additional superior court judgeships in Georgia was accomplished without the aid of extensive empirical data. In an effort to provide a more accurate means for the establishment of these judgeships, the Judicial Council and AOC in 1974 began studying the need for additional superior court manpower. This year, the Judicial Council and AOC provided the Governor and State Legislature with the third report on this matter.

The Council and AOC believe that the addition of judgeships is a matter of great gravity and should be approached through careful inquiry and deliberate study. Therefore, additional judgeships were recommended only after being carefully evaluated with regard to caseload, population, and economic factors.

This year, the AOC studied fifteen circuits which requested additional judgeships. The prime factor considered in the evaluation of these circuits was their current and anticipated caseloads. In future studies, however, the AOC may use a technique known as "weighted case averaging." This technique takes into account differing case types and their average time requirements. It therefore provides a more reliable measure of the need for new judge-

ships than can be obtained by simply counting the number of case filings or analyzing changes in community population. The AOC is in the process of devising a weighted caseload averaging system for Georgia and anticipates its completion within the next two years.

When it made its 1975 recommendations concerning the need for additional judgeships, the Judicial Council had hoped that substantial judicial manpower would be made available by the creation of a senior judge system provided for in a proposed retirement plan for superior court judges. This, however, did not materialize. The lack of a senior judge system, combined with sharp increases in caseload and population figures, made it necessary for the Council to recommend the creation of nine additional judgeships in the following judicial circuits: Cherokee, Clayton, Cobb, Gwinnett, Middle, Northern, Oconee, Tallapoosa, and Western. However, due to the shortage of state funding available, the Joint Appropriation Committee of the State Legislature requested that the Judicial Council prioritize its recommendations. The result was the formation of additional judgeships in the Oconee and Western Circuits. These judges will be appointed to serve two-year terms beginning November 1, 1976.

## Judicial Qualifications Commission

Through June 30, 1976, the Judicial Qualifications Commission has held 29 meetings to consider complaints made against judges of this State.

This Commission, organized on June 25, 1973, has the power to conduct investigations and hold hearings concerning the removal or retirement of justices or judges in any court in the State. Grounds for such action are wilful misconduct in office, wilful and persistent failure to perform duties, habitual intemperance, or for conduct prejudicial to the administration of justice. A judge or justice may be retired on the grounds of a disability which seriously interferes with his performance. After conducting such hearings, the Commission may recommend to the Supreme Court the removal, other discipline, or retirement, as the case may be, of a judge or justice.

The rules governing the Commission's proceedings were adopted by the Supreme Court of Georgia on October 22, 1973, and provide for initial inquiries concerning the preliminary investigation of complaints or matters otherwise coming to the attention of the Commission. The Commission, if it finds that there is probable cause to believe that a judge has been guilty of misconduct, may hold a hearing on the complaint and may present its findings as a recommendation to the Supreme Court for disciplinary action. While the Supreme Court's initial rules provided for confidentiality of all proceedings, the rules were amended on October 21, 1974, to provide that the proceedings be confidential until the Commission files its recommendations at which time the proceedings lose their confidential status except where the recommendation for discipline may be for a private reprimand. In the same revision, the Supreme Court authorized the Commission to call a judge's attention to specific canons of the Code of Judicial Conduct involved in the complaint even though the Commission did not feel that disciplinary proceedings were warranted, and further amended the rules to give the Commission the right under appropriate circumstances to render advisory opinions concerning the Code of Judicial Conduct. The rules were again amended by providing that recommendations to the Supreme Court for reprimand and the decision of the Court thereon shall not be made public unless the Court issues a public reprimand.

During its existence, the Commission has considered 148 matters, 28 of which were pending

on June 30, 1976, and it has recommended to the Supreme Court that one judge be retired for disability and that one private and two public reprimands be administered. The Supreme Court concurred with and followed these recommendations. Nine files have been closed by calling the attention of the judge involved to particular canons of the Code of Judicial Conduct. The Commission now has scheduled three formal hearings. Four formal opinions have been rendered as follows:

**Opinion 1:** A judge may accept an invitation to attend a meeting sponsored by a political party for the purpose of reporting on and discussing pertinent matters relating to the judicial system.

**Opinion 2:** A judge may not be an active objector with respect to a public utility's request to the Georgia Public Service Commission for an increase in its rates, and may not actively participate in the hearing before the Commission.

**Opinion 3:** A judge may not serve in a fiduciary capacity in a case where he was named in a will executed before, but where the testator died after the effective date of the Code.

**Opinion 4:** A public official of a municipality may be on a candidate's campaign finance committee.

The Commission has made arrangements with the Younger Lawyers Section of the State Bar of Georgia for use of especially appointed members of that Section in various parts of the state to assist the Commission in making investigations of complaints at a nominal fee. This is proving to be very helpful to the Commission and will not only tend to expedite investigations, but will make more thorough needed investigations. However, the Commission has been working on a very modest budget — \$3,000 for the fiscal year ending June 30, 1974, the first year of the Commission's existence; \$5,000 for 1975; \$10,000 for last year and \$10,000 for the current year — and it is becoming increasingly evident that in order to expedite the work of the Commission, the Commission should have an executive director to handle investigations and some of the administrative matters incident to the performance of its duties.

### Judicial Qualifications Commission

**H. Holcombe Perry, Jr., Chairman**  
Attorney  
Albany

**Howard Ector, Vice Chairman**  
Attorney  
Atlanta

**A. G. Cleveland, Jr.**  
Attorney  
Atlanta

**Amilee Graves**  
Editor, Clarksville Tri-County Advertiser  
Clarksville

**Frank C. Jones**  
Attorney  
Macon

**Judge A. Richard Kenyon**  
Superior Court  
Northeastern Judicial Circuit  
Gainesville

**Judge Byron H. Mathews, Jr.**  
State Court of Coweta County  
Newnan

## Judicial Nominating Commission

Following in the spirit of his predecessor, Governor George Busbee has continued the operation of the Judicial Nominating Commission. This Commission, established by Governor Jimmy Carter's administration, is designed to secure the appointment of judges on the basis of their qualifications and judicial abilities. The Commission submits to the governor a list of five nominees for each judicial vacancy to be filled by executive appointment. From July 1975 through June 30, 1976, the Judicial Nominating Commission submitted to the Governor recommendations for one Court of Appeals judge, four superior court judges, two state court judges, and one Fulton County Criminal Court judge.

The Commission is composed of ten members: five citizens appointed by the Governor, and five ex-officio members from the State Bar of Georgia. The ex-officio members are the president of the State Bar of Georgia, the two immediate past presidents, the president-elect, and the president of the Younger Lawyers Section of the State Bar.

The 1975-1976 Commission was chaired by H. Holcombe Perry, Jr. of Albany, with O. T. Ivey, Jr., Augusta; Norman Cavender, Claxton; Alton

Draughon, Pinehurst; and A. G. Cleveland, Jr., Atlanta, serving by executive appointment. Ex-officio members from the State Bar were President W. Stell Huie, Atlanta; President-elect Harold Clark, Forsyth; Cubbedge Snow Jr., immediate past president, Macon; F. Jack Adams, next immediate past president, Cornelia; and James A. Bishop, president of the Younger Lawyers Section, Brunswick.

The 1976-1977 Commission is composed of Mr. Perry, Mr. Ivey, Mr. Draughon, Mr. Cleveland, and Mr. Felker W. Ward, Jr. of Atlanta. Mr. Ward was appointed upon the resignation of Mr. Cavender. State Bar members serving on the Commission are Harold Clark, president; president-elect Wilton Harrington; W. Stell Huie, immediate past president; Cubbedge Snow, Jr., next immediate past president, and James Elliott, president of the Younger Lawyers Section.

An effort was made this year to secure the permanency of the Judicial Nominating Commission, which now exists by executive order. A resolution calling for a constitutional amendment establishing the commission died in committee during the 1975-1976 General Assembly.

## Justice of the Peace Study

As continuation of a study begun in Fiscal Year 1975, the Administrative Office of the Courts collected, compiled and analyzed data regarding the office of the justice of the peace.

A questionnaire to all JP's was mailed in 1975 seeking descriptive information about the justice

courts which, in number, represent more courts than any other type in this State. In addition to demographic data, a profile was compiled of the Georgia justice of the peace — the officer's historical development, legal structure, duties, and responsibilities; statistics on age, gender, occupation,

method of selection, number of court-related hours required, site of courts, fees collected, and availability of the Georgia Code; caseload by type in the justice court, and in the final section of the study, a self-evaluation of the office of the justice of the

peace by those JP's responding to the survey. The results of the study were published during Fiscal Year 1976 in A Short Descriptive Study of the Office of Justice of the Peace in Georgia.

## Juvenile Justice

Georgia's juvenile justice system — a complex maze of courts, local, state and private services — has long been the subject of concern in this state. During the past two years, the Administrative Office of the Courts, working with the Georgia Council of Juvenile Court Judges and a specially-appointed Juvenile Justice Masterplan Steering Committee, has charted the juvenile justice system in Georgia and prepared recommendations for reorganizing the system.

The Juvenile Justice Masterplan Study for the State of Georgia was funded by a Law Enforcement Assistance Administration discretionary grant awarded to the Judicial Council. Working under the direction of the steering committee composed of judges, state legislators, law enforcement officials, probation officers, community leaders and school officials, the Masterplan explores the processes of prevention, detention, diversion, disposition, and treatment of juveniles. The committee reviewed testimony and reports on program capacity and content, personnel, finances, and recidivism rates and reviewed national standards relating to juvenile justice. These standards were used as springboards for discussion and, when coupled with information concerning the juvenile justice system, enabled the

committee to develop recommendations for change in almost all parts of the system.

The recommendations from the committee are outlined in an executive summary of the Masterplan. More detailed information is available from three other published volumes which cover the existing system, position papers, and a multi-year plan for the improvement of the juvenile justice system.

A conference was planned for late September at the State Capitol to present the major recommendations in the plan.

In other areas, the Judicial Council/AOC worked extensively with the Council of Juvenile Court Judges in administering its first state appropriations, funding education programs, and developing a Manual for Juvenile Court Judges which addresses juvenile court procedures. In addition, as part of the AOC's records project, a new juvenile court docketing system was developed, and tested in several counties throughout the state. A co-development of the new docketing system is a caseload reporting system for the juvenile justice system. (See Appendix Six for the Annual Report of the Council of Juvenile Court Judges.)

### Juvenile Justice Masterplan Steering Committee

**Judge Walter C. McMillan, Jr., Chairman**  
Superior Court  
Middle Judicial Circuit  
Sandersville

**Judge Tom Dillon, Vice Chairman**  
Fulton County Juvenile Court  
Atlanta

**Reverend Oscar Bell**  
Public Relations Director  
St. Simons Island

**Senator Paul Broun**  
Athens

**James Burton**  
Youth Services Program Director  
Dept. of Human Resources  
Atlanta

**Robert J. Castellani**  
Attorney  
Atlanta

**Dr. James B. Craig**  
Superintendent  
Georgia Regional Hospital  
Savannah

**Nancy Green**  
Treasurer  
Junior League of Atlanta  
Atlanta

**Julie G. Haralson**  
Editor and Publisher  
Springfield Herald  
Springfield

**Tony H. Hight**  
Executive Director  
State Prosecution Council  
Atlanta

**Louise Hornsby**  
Assistant Public Defender  
Fulton County  
Atlanta

**Charles Hosch**  
High School Student  
Gainesville

**Rep. Randolph C. Karrh**  
Swainsboro

**Robert A. Kettel**  
Chief Probation Officer  
DeKalb County Juvenile Court  
Decatur

**Edward Lee**  
Urban Program Executive  
YMCA-Metropolitan  
Atlanta

**Lorenzo Manns**  
Court Administrator  
Juvenile Court of Muscogee County  
Columbus

**John Mills**  
Superintendent of Schools  
sylvania

**Deborah Pelligrino**  
Program Director  
Mid-town Branch YWCA  
Atlanta

**Captain W. R. Raines**  
Peace Officers Association of Ga.  
Marietta

**Daniel Starnes**  
Regional Director  
National Council on Crime &  
Delinquency  
Atlanta

## Legal Services

An important element of the AOC's service concept in Fiscal Year 1976 was that of legal services to the State judiciary. Judges in Georgia during the past few years have been in great need of such services as they are not only faced with higher caseloads, but increasing complexity of cases coupled with numerous legislative changes affecting the courts.

Fiscal Year 1976 saw continuation of earlier projects designed to help the judiciary in keeping abreast of changes in the law. The AOC's legal section continued monthly mailings of State Attorney General's opinions which were selected and distributed for their applicability to court operations.

Prior to the 1976 General Assembly, the Judicial Council and AOC sponsored its annual Judicial-Legislative Conference at Callaway Gardens. During the one-day conference, legislators, judges and other key court-related personnel gathered to discuss proposed legislative changes for the courts which were expected to be brought before the State's solons in January.

For many years, judges in this state have had no immediate access to the actions of the General Assembly. During the 1976 session, the AOC's attorney manned the Legislature continuously, and worked with judicial personnel, legislators and other court-related agency officials to write, update and monitor legislation affecting the courts. And, for the first time, judges were kept informed of court-related legislation and its status via a weekly Legislative Log. The Log, which was a joint effort

of the legal section and the communications office of the AOC, was hailed by the Georgia judiciary as a long-needed information vehicle on legislative activities, and thus will be continued in the coming years.

Making available judicial manpower in the trial courts has been another major emphasis of the AOC's legal service section in the past year. In a state the size of Georgia with its many multi-county circuits, problems have often been experienced with maintaining sufficient judicial personnel at all times. In Fiscal Year 1976, the AOC worked with superior court judges throughout the state in initiating a judge's pool. Approximately half of the superior court judges in Georgia agreed to allocate up to three weeks a year to sit in a circuit other than their own in cases where a judge was unable to hold court either due to disqualification or illness. The AOC now coordinates placement of these substitute judges after being contacted either directly by the judge unable to hold court or by the Governor's office.

In another coordinative capacity, the legal section also worked with the Governor's Commission on Court Organization and Structure last year which formulated recommendations for changing the structure of the Georgia court system.

Efforts were also made to answer legal questions regarding court procedures. It is hoped that this service area will be increased in coming years with the employment of a second attorney who will concentrate primarily on legal research for the judges of this State.

## Pattern Jury Instructions

In December, 1971, the Governor's Commission on Judicial Processes stated that the most common complaint of jurors was that they didn't understand judges' charges. The Commission's report declared that jury instructions were often "too long, disjointed, repetitious, and replete with technical terms." Development of "model standardized instructions which explain the law in clear, concise, impartial, and accurate terms and which are intelligible to the average layman" was urged by the Commission.

Using LEAA funds, the Administrative Office of the Courts and the Council of Superior Court Judges undertook such a project. In 1974, the first editions of Criminal and Civil Pattern Jury Instructions were distributed to Georgia trial judges.

The criminal instructions cover 23 major topics such as insanity, arson, drugs, special or affirmative defenses, punishment instructions, homicide, sexual offenses, obscenity, robbery and conspiracy, to name a few.

The instructions undergo constant revision. The 1975-1976 revisions consist of additions to the

instructions in the following categories: general misdemeanor charges, presumption of innocence, burden of proof, insanity at time of trial, coercion, fingerprints, arson — presumption accidental, theft by receiving stolen property, admission of a co-conspirator, and possession of controlled substances.

Presently in the works are additions concerning murder, testimony of witness, rape, intent, alibi, identity, aiding and abetting crime, and venue.

The Civil Pattern Jury Instructions cover thirty-eight categories. These include accord and satisfaction, auditors, bailments, condemnation, contracts, damages, divorce and alimony, insurance, mental capacity, nuisances, torts, and wills.

In the past, lack of funding has prevented the distribution of the pattern jury instructions to lawyers of the state. However, present plans are to have the Civil Pattern Jury Instructions printed by the Institute of Government at the University of Georgia. This will make these instructions available to Georgia lawyers at a nominal fee. All Georgia lawyers will be notified as soon as the printing is completed.

### Pattern Jury Instructions Committee

**Judge Marcus B. Calhoun, Chairman**  
Superior Court  
Southern Judicial Circuit  
Thomasville

**Judge Harold R. Banke**  
Superior Court  
Clayton Judicial Circuit  
Jonesboro

**Judge Luther C. Hames, Jr.**  
Superior Court  
Cobb Judicial Circuit  
Marietta

**Judge Reid Merritt**  
Superior Court  
Gwinnett Judicial Circuit  
Lawrenceville

**Judge James B. O'Connor**  
Superior Court  
Oconee Judicial Circuit  
McRae

**Judge Paul W. Painter**  
Superior Court  
Lookout Mountain Judicial Circuit  
Rossville

**Judge J. C. Tanksley**  
Superior Court  
Atlanta Judicial Circuit  
Atlanta

## Planning and Grants Management

Where have the courts been and in what direction is justice headed in Georgia?

Until recently, justice's past and its future in this State were unrecorded and uncharted. Justice was fragmented to such a great extent that the many types of courts in Georgia were operating with little or no

communications. Little information was available regarding numbers of courts, caseloads, judicial manpower, records keeping, personnel, information systems, facilities management, and many other areas of court operations.

In the past three years, long-range studies at the Administrative Office of the Courts have been aimed toward gathering this heretofore unavailable information. In addition, AOC staff has increasingly offered technical assistance to local courts to help solve administrative problems.

The many needs of the courts, which have operated for decades with little or no administrative overhaul, quickly became apparent, but due to financial, time, and staff restraints, the AOC has not been able to meet immediately the needs of this State's some 3000 courts. In early 1975, the AOC undertook a planning program to determine where priorities should be placed in court administrative development.

The Judicial Council greatly expanded this planning function in Fiscal Year 1976 when the National Center for State Courts (NCSC) chose Georgia for one of four pilot state court planning capabilities projects in the nation. Using already collected data and future information, the NCSC will work with the Judicial Council/AOC to determine the current status of Georgia's court system, how to plan for and improve the system, how to locate funding sources, and how to set priorities for the system. The impetus for the project came from the Law Enforcement Assistance Administration which has been criticized in recent years because courts have not received an "adequate" share of federal crime fighting monies. This deficiency has often been attributed to the fact that most courts have traditionally had no plan, and thus no means for applying for funds and administering them. This pilot project is designed to help develop that capability using \$64,059 in LEAA discretionary funds to employ three planners and a secretary to conduct this project.

In conjunction with this project, the AOC and State Crime Commission are also discussing the possibility of the AOC assuming the Crime Commission's planning and grant administration functions. It has been felt by the Judicial Council that the AOC, which works closest with Georgia's

judiciary and is most familiar with courts and their functions, should plan court programs and administer grants to the courts rather than the Crime Commission. This move was expected to be further facilitated by LEAA reauthorization legislation expected to be passed by the U.S. Congress.

The Planning and Grants section of the AOC, as the name indicates, also manages all grants which are received by the AOC. These grants, which come primarily from the Law Enforcement Assistance Administration along with grants from the Georgia Office of Highway Safety of the United States Department of Transportation, require complex day-to-day administration. As part of this function, the planning section this past year authored a manual for Georgia's judiciary. Basically a "how-to" paper, it offers a step-by-step guide to applying for LEAA/State Crime Commission funds. In addition, it explains how a judge may provide input into regional anti-crime plans so that state programs will reflect local court needs. The package also offers guidelines for operating under federal funds as well as alerting judges to available federal funds.

As an additional duty, the planning section has been involved with a broad-based State task force on mentally retarded offenders. This task force, created by the General Assembly, is developing long-range plans for dealing with the mentally retarded person who enters the criminal justice system. The report from the task force will be presented to the governor in December of 1976. Work is also underway with a State Crime Commission task force on recruitment, retention and training of criminal justice personnel.

Working under the guidance of a to-be appointed Long-Range Planning Committee, the AOC's planning efforts will be intensified during Fiscal Year 1977. This committee, appointed by the Judicial Council, is comprised of representatives from each type of court in Georgia, and is striving to formulate long-range plans not only for the AOC's projects but for the entire Georgia courts system.

## Records Keeping

While gathering statistics on the operations of the courts in Georgia, AOC staffers also surveyed records keeping methods in courts in the State. It was discovered that in the superior courts alone, some 500 different types of docket books are kept. There is no uniformity from county to county as to which of the records required by law are maintained. Many of the records laws, in fact, are outdated and not

applicable to contemporary times and current court functions.

AOC staffers have researched the law concerning records, and legislation is now being prepared to bring those laws up to date. This, however, is just the beginning of efforts aimed at modernizing records keeping in Georgia.



Because of the many records kept, storage has become an unwieldy problem. In addition, many of the entries in dockets are handwritten and often illegible; filing dates are often not included in docket books; case history information is frequently incomplete; there is often no way to distinguish felonies from misdemeanors; final dispositions are often not recorded, and many, many different formats are used in docket books.

To solve problems of uncoordinated and ill-defined records keeping in Georgia, the AOC received LEAA funds to develop and test a uniform docket book system that could be implemented in the four major courts of record on a statewide basis. Working with a committee of judges, clerks, a records management specialist, information systems specialists and court administrators, proposed dockets were formulated, then tested in 14 courts in six counties for six months. During that time, the proposed formats were revised several times.

The new docket books, which will be offered for implementation in 50 counties a year for the next

three years, were designed so that all essential case information can be easily and legibly recorded in the docket book using pre-printed information check boxes. Not only is this new system expected to make the jobs of judges, clerks, attorneys and the AOC less tedious, it is also expected to save considerable sums of money for Georgia counties as well as the State through bulk purchasing power and standardization.

In another vein, the problems of inadequate storage space have spearheaded efforts to microfilm court records and establish records retention and destruction schedules. The AOC is also developing a capability to study spatial relationships, new types of records equipment, office layouts, and other new records keeping techniques.

The Records Management Steering Committee will continue evaluation of the uniform docket book system as well as work on a central indexing and docketing system for wills and estates in the probate courts and continue coordination with other projects.

## Statistical Reporting System

One of the principle charges of the 1973 law which created the Judicial Council of Georgia/AOC was that of collecting statistics on the courts in Georgia and making recommendations for change. In a state with 159 counties which encompass the largest land area east of the Mississippi, more than 3000 courts, and a hodgepodge of records keeping systems, huge expenditures of time, personnel and money have been necessary to gather statistics on the four major courts of record. These do not include traffic courts, mayor's courts, small claims courts, city courts, and recorders courts which dot Georgia.

For the past year, the staff has worked with the Council, clerks, judges, and records experts throughout the state to devise a caseload reporting system which would require minimum effort from the clerks in this State. Simple caseload reporting forms were devised, and clerks were expected to begin submitting monthly reports to the AOC beginning in the fall of 1976.

The reporting system was expecting to be implemented initially in some 100 counties in Georgia with 20,000 or less population. The next phase of implementing a statewide reporting system will be initiating a modified system in counties with less than 40,000 population. Counties with populations larger than 40,000 will use computer applications and other techniques now being devised to report caseloads. In addition, Georgia's new administrative district administrators are expected to assist in keeping court statistics current.

The accumulated information will be entered into the AOC's computer, and thus will not only be more easily assessable, but more accurate than was possible in the past using all-manual methods of data gathering and compilation.

Many agencies in the State now rely on the AOC's caseload data which has been gathered manually. This data has been used to assess requirements for court-related personnel, facilities, budgets, and other important areas of court information.

### Records Management Steering Committee

**A. K. Johnson, Chairman**  
Executive Director  
Georgia Commission for the  
National Bi-Centennial Celebration  
Atlanta

**Sara Ellis Taylor, Vice Chairman**  
Superior Court Clerk  
Henry County Courthouse  
McDonough

**Colonel John Dunn**  
Records Management Division  
Georgia Department of Archives  
and History  
Atlanta

**Edgar W. Manseau**  
Deputy Director of Operations  
Georgia Crime Information Center  
Atlanta

**Judge Asa D. Kelley, Jr.**  
Superior Court  
Dougherty Judicial Circuit  
Albany

**Judge Dorothy A. Robinson**  
State Court of Cobb County  
Marietta

**Chris Herndon, Director**  
Crime Statistics Data Center  
Atlanta

**Francis Taillefer**  
National Center for State Courts  
Southeastern Regional Office  
Atlanta

**W. A. (Short) Cole**  
Superior Court Clerk  
Cherokee County Courthouse  
Canton

**Martha Ann Watson**  
Probate Court Clerk  
Cobb County Courthouse  
Marietta

**Jack E. Thompson**  
Fulton County Court Administrator  
Atlanta

**Judge Marion Guess, Jr.**  
DeKalb Probate Court  
Decatur

**Judge Rex R. Ruff**  
Cobb County Juvenile Court  
Marietta

## Superior Courts Sentence Review Panel

The second full operating year of the Superior Courts Sentence Review Panel elicited a wave of applications not experienced in the panel's initial year. The panel came into being July 1, 1974 (Ga. L. 1974, p. 352) as part of the Judge Sentencing Act which provided for judge sentencing in all except capital punishment cases. Section 27-2511.1 provided for review of judge-imposed sentences by three-member superior court judge panels. Each panel is appointed every quarter by the president of the Council of Superior Court Judges of Georgia.

In the law, eligibility requirements for sentence review applicants state the defendant has the right to sentence review in cases in which a sentence of five or more years or several sentences which total five or more years have been imposed by a superior court judge. This does not apply to death penalty sentences.

During its first year of operation (Fiscal Year 1975 which included the dates July 1, 1974 to June 30, 1975), the sentence review panels heard only 175 cases, and reduced only 16 of those. The second year of operation (Fiscal Year 1976 which ran from July 1, 1975 to June 30, 1976) saw almost a seven-fold increase in applications which totaled 742. The increase has been attributed to increased awareness

of sentence review procedures by attorneys, judges, and defendants throughout the state, and efforts by the panels' Administrative Board to insure that defendants are advised of their rights to sentence review. Superior court judges were asked during the past year to advise defendants of the right to sentence review at the time of sentencing either orally or with distribution of a sentencing form to the defendant or his attorney at the time of sentencing. The Administrative Board further felt that if a defendant had not been advised of his rights to sentence review then the panel should review those cases automatically so as to eliminate extraneous amounts of time for out-of-time reviews. (According to the 1974 law, a defendant has 30 days to apply for sentence review after sentencing or in the case of a jury trial which goes the appellate route, then the defendant has 30 days after remittitur from the appellate court to apply for review.)

Since the numbers of applications received at the Sentence Review Panel's office housed in the AOC are rapidly increasing, many efforts have been made to speed up the review process. Besides the addition of an assistant for Panel Clerk Phyllis Tanner, agreements have been reached with such agencies as the State Board of Pardons and Paroles and the

Georgia Crime Information Center which have streamlined procedures for reporting to the Panel post-sentence investigations and prior criminal records. The panels also depend on court clerks, district attorneys, judges and others involved in the court system who must filter information to the Sentence Review Panel's office so that panels may consider all ramifications of each case up for review. However, it must be noted that the panels are still often stymied by delays in information referral to the Sentence Review Panel clerk.

In FY 1976, the Administrative Board of the Panel expressed concern over incidences of sentences totalling four years and 11 months in order to avoid sentence review procedures. In this vein, several legislators made an unsuccessful attempt in the 1976 General Assembly to reduce the reviewable sentence to three years.

Overall, Georgia's sentence review panels had considered a total of 1,053 cases by the end of June 1976. Fifty-four cases were reduced of that total, with 39 of those reductions coming in fiscal Year 1976 for a fiscal year reduction rate of 5.26 percent. In addition there were a number of cases awaiting appellate disposition and in preparation for consideration. The panels are empowered only to reduce sentences, not increase them.

The caseload of the sentence review panels so increased this past year that the panels began meeting in the last quarter once a month as compared to previous meeting times of twice per quarter. The Sentence Review Panel clerk sees the caseload continuing to rise as awareness increases of this avenue of judicial review.

### Superior Courts Sentence Review Panels of Georgia

#### Panel V (July 1 through September 30, 1975)

**Judge Asa D. Kelley, Jr., Chairman**  
Dougherty Judicial Circuit  
Albany

**Judge Jack N. Gunter**  
Mountain Judicial Circuit  
Clarksville

**Judge Osgood O. Williams**  
Atlanta Judicial Circuit  
Atlanta

**Judge C. Cloud Morgan, Supernumerary**  
Macon Judicial Circuit  
Macon

#### Panel VI (October 1 through December 31, 1975)

**Judge W. Colbert Hawkins, Chairman**  
Ogeechee Judicial Circuit  
Sylvania

**Judge John H. Land**  
Chattahoochee Judicial Circuit  
Columbus

**Judge Sam P. McKenzie**  
Atlanta Judicial Circuit  
Atlanta

**Judge Robert L. Royal, Supernumerary**  
Rome Judicial Circuit  
Rome

#### Panel VII (January 1 through March 31, 1976)

**Judge Sam P. Burtz, Chairman**  
Blue Ridge Judicial Circuit  
Canton

**Judge Mark Dunahoo**  
Piedmont Judicial Circuit  
Winder

**Judge Joel J. Fryer**  
Atlanta Judicial Circuit  
Atlanta

**Judge Edwin D. Fulcher, Supernumerary**  
Augusta Judicial Circuit  
Augusta

#### Panel VIII (April 1 through June 30, 1976)

**Judge John W. Williford, Chairman**  
Northern Judicial Circuit  
Elberton

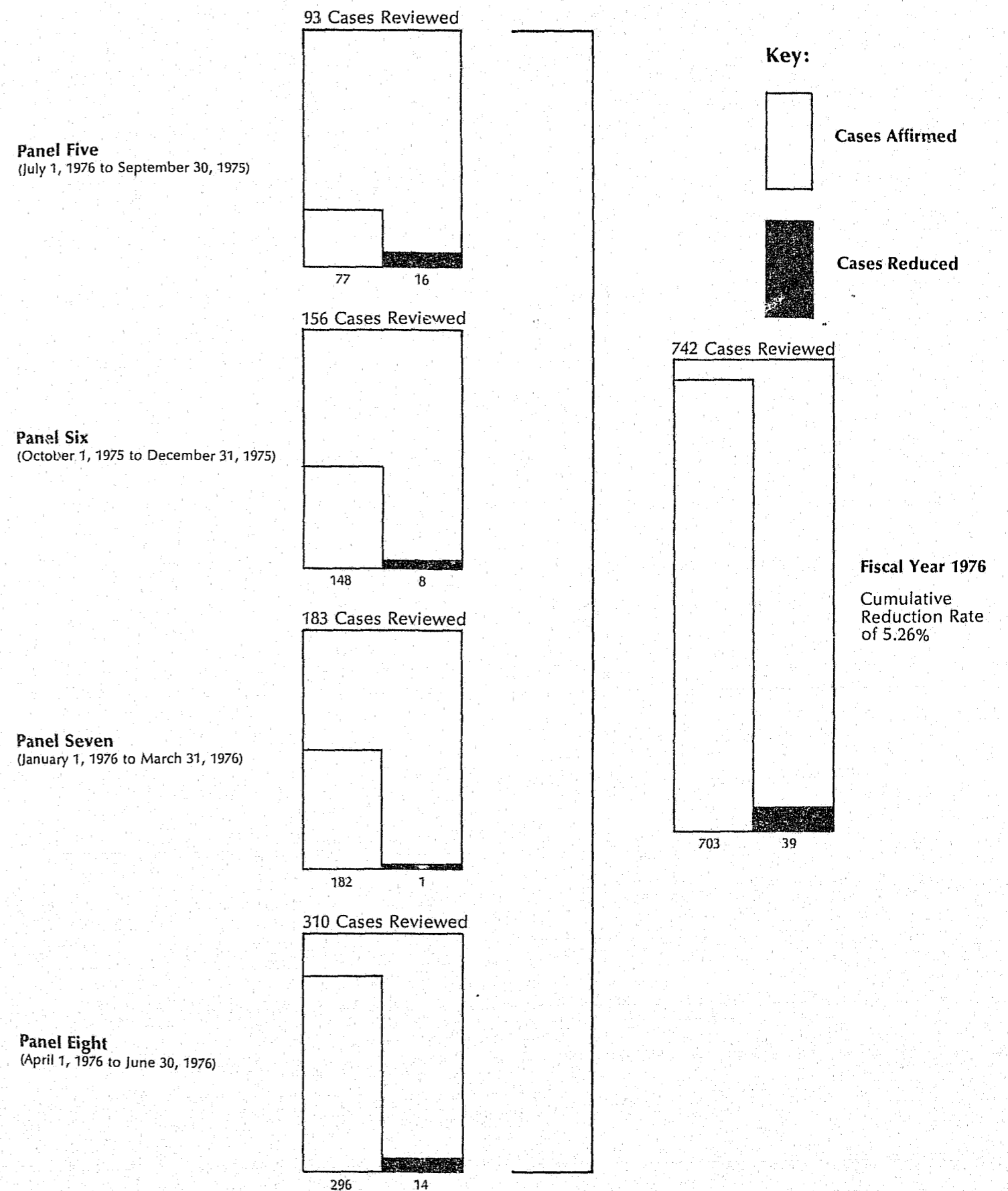
**Judge John S. Langford, Jr.**  
Atlanta Judicial Circuit  
Atlanta

**Judge Curtis V. Tillman**  
Stone Mountain Judicial Circuit  
Decatur

**Judge Ben A. Hodges, Supernumerary**  
Waycross Judicial Circuit  
Waycross

## Superior Courts Sentence Review Panel

Fiscal Year 1976  
Caseload Summary



## Sentence Review Panel Administrative Board

**Judge Luther Alverson, Chairman**  
Atlanta Judicial Circuit  
Atlanta

**Judge Frank S. Cheatham**  
Eastern Judicial Circuit  
Savannah

**Judge James B. O'Connor**  
Oconee Judicial Circuit  
McRae

**Judge Paul W. Painter\***  
Lookout Mountain Judicial Circuit  
Rossville

\*The president of the Council of Superior Court Judges of Georgia serves on the Administrative Board.

## Technical Assistance

While many of the AOC's projects have addressed long-range statewide problems, efforts in the past year have been intensified to address the services of the staff to problems in individual counties or circuits. Staff specialization is now being developed in the areas of jury management, records management, calendar and caseload management, facilities management, and pre-trial and diversion services.

At the request of local court and government officials, the AOC has worked on several projects.

In Chatham County, officials were assisted in establishing a court administrator's post in Savannah for the Eastern Judicial Circuit. In DeKalb County, the AOC's jury specialist assisted the superior court judges in computerizing their jury selection process. Work was also completed in the past year on a study requested by the superior court judges in the Ocmulgee Judicial Circuit regarding calendaring procedures and the possibility of realigning terms of court. And as noted earlier, the AOC has embarked on an active program of assistance in development and remodeling of courthouse facilities in various counties throughout Georgia. (See section on Facilities.)

On a statewide level, one of the AOC's successful technical assistance projects was the establishment of a judge's pool for superior court judges. This pool has proved particularly effective in the 17 one-judge circuits in Georgia where if the judge should become ill or disqualified from a case, it is critical that an immediate replacement be found. More than half the superior court judges in the State have agreed to work up to three weeks a year replacing a judge in another circuit in the State who is unable to perform his duties and must be absent for a short time.

Also at the superior court level, a problem with social security was encountered during the past fiscal year which required technical assistance from the AOC. Superior court judges who assumed the bench after 1968 and who were members of the Trial Judges and Solicitors Retirement Fund discovered that while social security payments had been withheld from their pay, the judges involved were actually not covered by the social security program. Through a cooperative effort, this problem was resolved.

In another technical assistance project, the AOC conducted two surveys during the first half of calendar year 1976 — one on salaries paid probate judges in Georgia and the second a poll on the need for setting minimum qualifications for probate judges. Based on those studies, the Judicial Council is now working with the Probate Judges Association in drafting legislation setting minimum qualifications for probate court judges as well as a revision of their salaries.

The Administrative Office of the Courts is also continuing liaison with the Supreme Court of Georgia, the State Crime Commission, the Law Enforcement Assistance Administration, the State Bar of Georgia, the Judicial Qualifications Commission, the various judges' associations of the State, the Georgia General Assembly, the Governor's office and a myriad of other state, county and federal agencies.

During the coming years, individual attention to local court problems is expected to intensify at all levels of specialization. It is hoped that these local problems will be further brought to light and resolution through the use of the district court administrative system.

## Traffic

More than 500 Georgia courts have traffic court jurisdiction even though they are called by many names — mayor's courts, police courts, municipal courts, recorder's courts, etc. Among these courts, the qualifications of the judge, the jurisdiction of the court itself, the number of days in a month the court meets, the limitations on the sentences imposed by the court, the bonds, fines, and costs of the court, the procedures followed by the court, the records kept by the court, and the route of appeal from a decision by the court all vary from place to place.

In an effort to alleviate some of the resulting confusion, the AOC in 1976 drafted a set of uniform rules of procedure for the trial of traffic cases in Georgia. This was done at the request of the traffic judges themselves. At the October meeting of the Georgia Conference of Traffic Court Judges in Macon, the judges endorsed the concept of establishing by law uniform traffic rules of procedure.

These rules were introduced into the 1976 session of the General Assembly as House Bill 1695. Although the House Judiciary Committee recommended that this bill pass, it was in another committee when the General Assembly adjourned. The AOC plans to continue efforts to have this bill enacted into law. This bill affects only the procedures that are followed by the courts and insures that the trial of a traffic

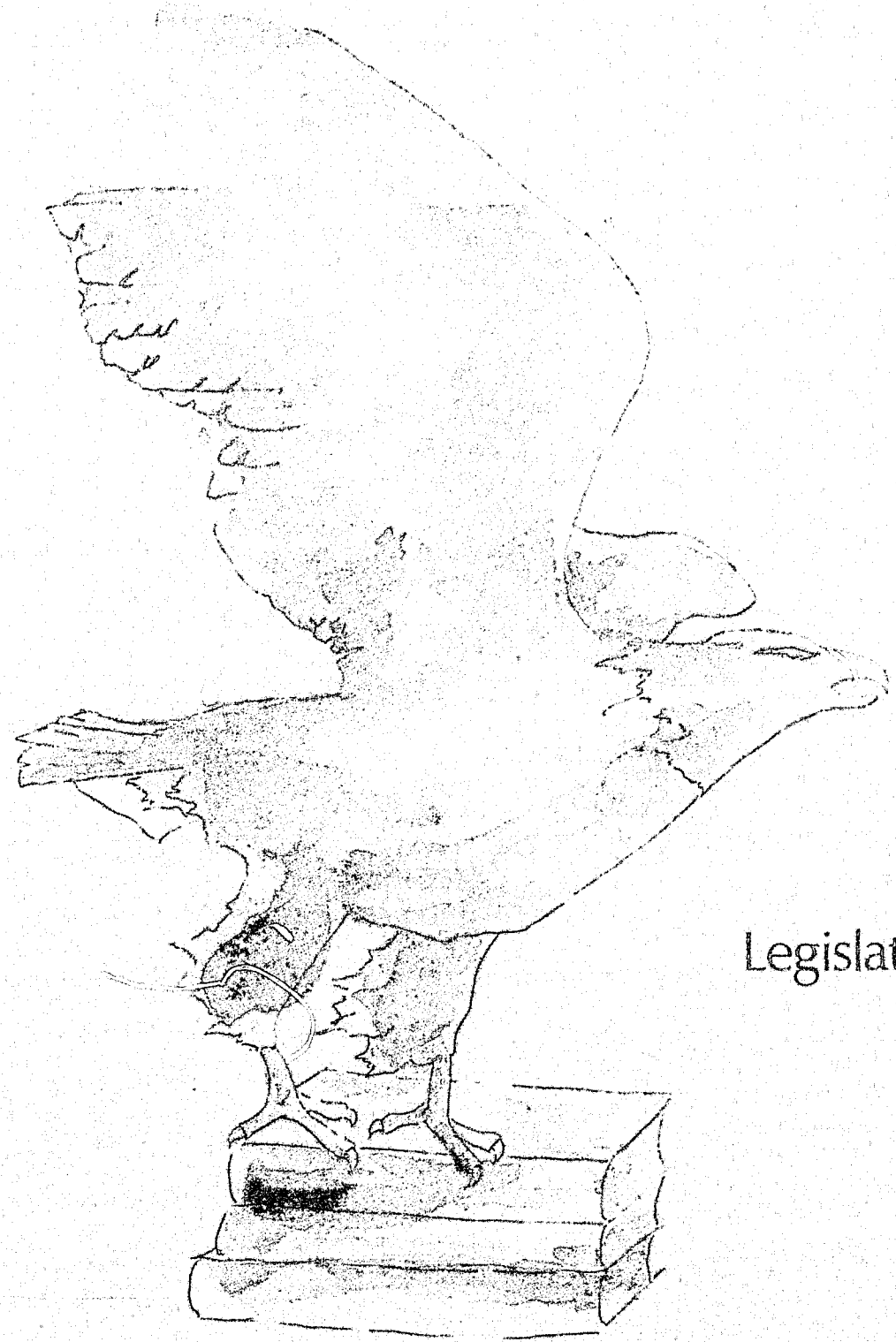
case in Georgia follows the same procedure in all parts of the State.

In addition to the drafting of the set of uniform procedures, the AOC is presently completing the formulation of a traffic court manual. This will be a handbook for all trial court judges, with particular emphasis on the peculiarities of the traffic courts. This manual is expected to be available in late 1976.

This year the AOC, in conjunction with the State Bar's committee on traffic courts, held the Second Annual Conference of the Georgia Conference of Traffic Court Judges. The main topic of discussion at the conference was proposed rules of traffic procedures. The program also included presentations on the role of the judge in the traffic court, methods for the establishment of driver improvement programs, traffic court management and evidentiary problems in cases of driving under the influence.

Another continuing project of the AOC in the area of traffic is that of the lending library for judges. The library contains copies of textbooks used by the National College of the State Judiciary in courses on traffic law, the American Bar Association's Standards on the Function of the Trial Judge, and the Georgia Vehicle Code (Title 68A).

The AOC is currently investigating the concept of violator schools. Present plans are to establish and evaluate a system of violator schools in Georgia to work with the problem of the drunken driver.



Legislation

## Introduction

---

Several hundred proposals affecting the courts of Georgia were considered during the 1976 session of the General Assembly. Of those, more than 100 bills passed the Legislature and were signed into law by Governor George Busbee. Most of the bills were local in nature and included the creation of 14 new judgeships in various courts, increased compensation for judicial personnel, and jurisdictional changes. A number of other general bills had statewide import and addressed such topics as administrative districts for the superior courts, sentencing, court reporting, retirement, and garnishment.

The Judicial Council/AOC, as in years past, took an active role in the legislative process. In December of 1975, the Council sponsored its Annual Callaway Gardens Legislative-Judicial Conference for judges, legislators, representatives of the Executive Branch of government, court-related agency officials and leaders of the State Bar. During this conference, legislative proposals affecting the courts were discussed, and during the 1976 General Assembly, judges in Georgia were kept informed of the legislative activities via a weekly AOC publication known as the Legislative Log.

The following pages summarize according to category selected court-related legislation passed by the 1976 General Assembly. Acts are not listed which involved individual salary changes and other specific local applications.

## Juries

---

### **Jury Size, Criminal Court, Fulton County**

Ga. L. 1976, p. 3019  
(ACT #1003)

Provides that a trial in the Criminal Court of Fulton County shall be by six jurors (instead of five) who are to be selected from a panel of 12 qualified jurors. (Effective July 1, 1976.)

### **Special Purpose Grand Juries**

Ga. L. 1976, p. 982  
(ACT #1144)

Provides for special purpose grand juries in counties with populations of 70,000 or more in the 1970 Census or any future census. (Effective July 1, 1976.)

### **Impaneling of Alternate Jurors in Felony Cases**

Ga. L. 1976, p. 1043  
(ACT #1160)

Allows for additional jurors only when the superior court judge believes a felony trial to be a protracted one. (Effective July 1, 1976.)

### **Provisions Made for Jury Lists in Counties Utilizing Mechanical Jury Selection**

Ga. L. 1976, p. 438  
(ACT #939)

Provides for creation and revision of jury lists through mechanical or electronic means for the selection of jurors. (Effective July 1, 1976.)

### **Investigative Grand Juries in Certain Counties**

Ga. L. 1976, p. 1163  
(ACT #1251)

Provides for investigative grand juries in counties with populations between 180,000 and 190,000. (Effective March 31, 1976.)

### **Selection of Jurors, Judge Pro Hac Vice, Gwinnett county**

Ga. L. 1976, p. 4018  
(ACT #1368)

Provides for use of jurors from a pool selected by superior court judges or state court judges in the county and the selection of a judge pro hac vice and a solicitor pro hac vice. (Effective March 31, 1976.)

### **Changes Affecting State Court of Mitchell County**

Ga. L. 1976, p. 3625  
(ACT #1244)

Provides for trials in civil and criminal cases by a jury of six selected from a panel of 12 qualified jurors; changes salary of judge and solicitor to not less than \$400 per month. (Effective July 1, 1976.)

## Administrative Functions

**Assistance District Attorneys, Macon Judicial Circuit**  
Ga. L. 1976, p. 1165  
(ACT #1260)

Creates the offices of a first assistant district attorney, assistant district attorneys and deputy assistant district attorneys of the Macon Judicial Circuit. (Effective July 1, 1976.)

**Inspectors for Recorder's Court, DeKalb County**  
Ga. L. 1976, p. 3976  
(ACT #1333)

Authorizes DeKalb commissioners to appoint inspectors with authority to issue citations or summonses upon gaining knowledge of a violation of any ordinance, resolution or regulation by any person subject to the jurisdiction of the Recorder's Court. (Effective July 1, 1976.)

**Sheriffs' Fee Changed**  
Ga. L. 1976, p. 702  
(ACT #1088)

Revises fee schedule for county sheriffs serving civil papers. (Effective July 1, 1976.)

**Selection of Jurors, Judge Pro Hac Vice, Solicitor Pro Hac Vice, Gwinnett County**  
Ga. L. 1976, p. 4018  
(ACT #1368)

Provides for use of jurors from a pool selected by superior court judges or state court judges in the county and the selection of a judge pro hac vice and a solicitor pro hac vice. (Effective March 31, 1976.)

**Governor's Succession**  
Ga. L. 1976, p. 1785  
(ACT # 175)

Provides for governor's succession. (Constitutional Amendment — will be voted on in November election.)

**Vital Records**  
Ga. L. 1976, p. 1062  
(ACT # 1038)

Changes provisions for issuing copies of death certificates and provides for certificates of record. (Effective July 1, 1976.)

**Correction of Birth Certificates**  
Ga. L. 1976, p. 677  
(ACT # 1167)

Authorizes correction of birth certificates to superior courts and probate courts. (Effective July 1, 1976.)

**Superior Courts Clerks — Investment of Funds**  
Ga. L. 1976, p. 976  
(ACT # 1140)

Allows all clerks to invest funds paid into the registry which are left in the registry for over 30 days. (Effective July 1, 1976.)

**Criminal Procedure — Death Cases — Transcript**  
Ga. L. 1976, p. 991  
(ACT # 1149)

Requires that transcripts in trials where the death sentence is imposed shall be prepared within 90 days of the date of sentencing. (Effective July 1, 1976.)

**Judicial Administrative Districts**  
Ga. L. 1976, p. 782  
(ACT # 1130)

Established 10 districts in Georgia and 10 district councils composed of superior court judges only; provides for an administrative judge and court administrator and provides for assignments of judges by the administrative judge with consent of assigned judge. (Effective July 1, 1976.)

**Judicial Sales — Payment by Certified Check**  
Ga. L. 1976, p. 367  
(ACT # 878)

Provides for use of cashier's certified check drawn for amount of purchase price. (Effective July 1, 1976.)

**Deeds, Etc.— Recording — Execution Before Certain Officer of Another County**  
Ga. L. 1976, p. 52  
(ACT # 980)

Redefines "state" to include any of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, and other U.S. territories and possessions. (Effective September 6, 1976.)

**Offices for Probate Judges**  
Ga. L. 1976, p. 682  
(ACT # 1043)

Allows the probate court judge in counties with population in excess of 600,000 to maintain more than one office location. (Effective March 24, 1976.)

**Courthouses Required to be Open During Normal Working Hours**  
Ga. L. 1976, p. 1522  
(ACT # 1393)

Requires that courthouses and offices therein remain open for transaction of public business a minimum of 40 working hours each calendar week except for public and legal holidays. (Effective July 1, 1976.)

## Jurisdiction/New Courts/New Judgeships

**Creation of Small Claims Court, Butts County**  
Ga. L. 1976, p. 3006  
(ACT # 997)  
(Effective April 24, 1976.)

**Creation of Small Claims Court, Coweta County**  
Ga. L. 1976, p. 4040  
(ACT # 1379)

Creates small claims court in each county with population between 32,300 and 32,660. (Effective January 1, 1977.)

**Creation of Small Claims Court, Newton County**  
Ga. L. 1976, p. 3807  
(ACT # 1318)  
(Effective July 1, 1976.)

**Creation of Small Claims Court, Dougherty County**  
Ga. L. 1976, p. 3164  
(ACT # 1078)  
(Effective March 1, 1977.)

**State Court of Dougherty County as Court of Record**  
Ga. L. 1976, p. 3176  
(ACT # 1079)

Changes civil jurisdiction to provide that the State Court shall be a court of record; provides for six-man juries, provides for procedures, elections, compensation, terms of office of judges and other details relative to the work of this court. (Effective March 24, 1976.)

**Jurisdiction, Small Claims Court, Baldwin County**  
Ga. L. 1976, p. 3261  
(ACT # 1107)

Changes jurisdiction to include cases in which the demand or value of the property involved does not exceed \$1500. (Effective July 1, 1976.)

**Changes Affecting State Court of Mitchell County**  
Ga. L. 1976, p. 3625  
(ACT # 1244)

Provides for trials in civil and criminal cases by a jury of six selected from a panel of 12 qualified jurors; changes salary of judge and solicitor to not less than \$400 per month. (Effective July 1, 1976.)

**Additional Judge, Superior Court, Oconee Judicial Circuit**  
Ga. L. 1976, p. 777  
(ACT # 1108)

Adds one judge to circuit for a term from November 1, 1976 to December 31, 1978, and provides for election of successor. (Effective November 1, 1976.)

**Creation of Small Claims Court, Hancock County**  
Ga. L. 1976, p. 3263  
(ACT # 1109)  
(Effective July 1, 1976.)

**Jurisdiction, Small Claims Court, Wilkes County**  
Ga. L. 1976, p. 2945  
(ACT # 943)

Changes jurisdiction to include cases in which the demand or value of the property does not exceed \$1,000. (Effective April 1, 1976.)

**Additional Judge, Superior Court, Western Judicial Circuit**  
Ga. L. 1976, p. 562  
(ACT # 996)

Adds one judge to circuit to be appointed by the governor for a term from November 1, 1976 to December 31, 1978, and provides for election of successor. (Effective November 11, 1976.)

**Creation of State Court of Fulton County**  
Ga. L. 1976, p. 3023  
(ACT # 1004)

Consolidates the existing Civil Court of Fulton County and Criminal Court of Fulton County into a State Court of Fulton County; provides for an additional judge for the Criminal Court to be appointed by the governor to serve until January 1,

1977; sets effective date of merger at January 2, 1977 except for provision of additional criminal court judge. (Effective March 24, 1976.)

**Creation of Small Claims Court, Jenkins County**  
Ga. L. 1976, p. 2786  
(ACT # 883)  
(Effective July 1, 1976.)

**Small Claims Court Jurisdiction, Walton County**  
Ga. L. 1976, p. 2721  
(ACT # 810)  
Changes jurisdictional amount in small claims courts for each county with population between 22,830 and 23,500 to no more than \$1000. (Effective July 1, 1976.)

**Creation of Recorders Court, Grantville, Coweta County**  
Ga. L. 1976, p. 2994  
(ACT # 953)  
(Effective July 1, 1976.)

**Jurisdiction, Small Claims Court, Spalding County**  
Ga. L. 1976, p. 2903  
(ACT # 928)  
Changes jurisdiction to include cases in which demand or value of property involved does not exceed \$1,800. (Effective March 5, 1976.)

**Third Judge, State Court, DeKalb County**  
Ga. L. 1976, p. 3488  
(ACT # 1184)  
Provides for election of third judge during 1976 General Election. (Effective July 1, 1976.)

**Jurisdiction for Certain Marijuana Cases**  
Ga. L. 1976, p. 1083  
(ACT # 1185)  
Provides that recorders, mayors or police courts of the municipality in which violation occurred may try and collect fines for possession of one ounce or less of marijuana; entitles defendant to request transfer to court with general misdemeanor jurisdiction in the county where alleged offense occurred; penalty for misdemeanor not more than 12 months imprisonment or fine of not more than \$1000. (Effective July 1, 1976.)

**Additional Judge, State Court of Chatham County**  
Ga. L. 1976, p. 2912  
(ACT # 931)  
Provides for election of additional judge during 1976 General Election. (Effective July 1, 1976.)

**Jurisdiction, Small Claims Court, Appling County**  
Ga. L. 1976, p. 3588  
(ACT # 1224)  
Changes civil jurisdiction to include cases in

which demand or value of property involved does not exceed \$2000; sets fee for filing claims to \$10; provides for judge-appointed marshals. (Effective July 1, 1976.)

**Jurisdiction, Small Claims Courts, Turner County**  
Ga. L. 1976, p. 3586  
(ACT # 1223)

Changes jurisdiction in small claims courts in counties with populations between 8,750 and 8,950 to include cases in which a demand or damages claimed on the value of the property involved does not exceed \$1,000. (Effective April 1, 1976.)

**Creation of Small Claims Court, Henry County**  
Ga. L. 1976, p. 4463  
(ACT # 1429)  
(Effective May 1, 1976.)

**Changes Affecting State Court of Mitchell County**  
Ga. L. 1976, p. 3625  
(ACT # 1244)

Provides for trials in civil and criminal cases by a jury of six selected from a panel of 12 qualified jurors; changes salary of judge and solicitor to not less than \$400 per month. (Effective July 1, 1976.)

**Changes Affecting Small Claims Court, Washington County**  
Ga. L. 1976, p. 3640  
(ACT # 1250)

Changes civil jurisdiction to include cases in which the demand or value of property involved does not exceed \$1,000; changes term of office of judge from one to two years; changes fee for filing claims from \$7.50 to \$10; changes fees for execution of *fi fas* from \$4 to \$5. (Effective January 1, 1976.)

**Creation of Small Claims Court, Jefferson County**  
Ga. L. 1976, p. 1179  
(ACT # 1267)  
(Effective July 1, 1976.)

**Jurisdiction, Small Claims Court, Troup County**  
Ga. L. 1976, p. 3718  
(ACT # 1277)

Changes jurisdiction to include cases in which justices of the peace have authority and in which the principal amount is \$1,000 or less; provides for judge *pro hac vice*. (Effective July 1, 1976.)

**Qualifications for Small Claims Court Judge, Troup County**  
Ga. L. 1976, p. 3722  
(ACT # 1278)

Changes qualifications of judge to at least 25 years old at time of election, a resident of Troup County for two years, and a practicing attorney for at least two years. (Effective July 1, 1976.)

## Juveniles

**Parental Liability For Minors**  
Ga. L. 1976, p. 511  
(ACT #977)

Makes parents or person in *loco parentis* liable for the willful and wanton acts of minor children. (Effective July 1, 1976.)

**Proper Procedures For Children Charged With Crimes**  
Ga. L. 1976, p. 1064  
(ACT #1168)

Provides for proper action to be taken after a child is charged with a crime. (Effective July 1, 1976.)

**Provisions For Children Committed To Department of Human Resources**  
Ga. L. 1976, p. 1066  
(ACT #1169)

Establishes a security unit within the DHR Division of Youth Services to apprehend children who have been committed to DHR programs. (Effective July 1, 1976.)

**Georgia Party To Interstate Compact On Juveniles**  
Ga. L. 1976, p. 1070  
(ACT #1170)

Ratifies Interstate Compact on Juveniles to return

juveniles to custody of the state of child's residence. (Effective July 1, 1976.)

**Sale of Alcoholic Beverages By Minors**  
Ga. L. 1976, p. 409  
(ACT #899)

Sets penalty of misdemeanor for any person who allows employee under 18 years old to sell or handle alcoholic beverages except for those employed in supermarkets, convenience stores or drug stores. (Effective March 5, 1976.)

**Custody of Children**  
Ga. L. 1976, p. 1050  
(ACT #1163)

Provides for review, modification or alteration of judgments awarding the custody of minors. (Effective July 1, 1976.)

**Georgia Senate Study Committee On Status Offenders**  
SR 396

Establishes committee to study issues of status offenses and related problems for purpose of correcting such problems with appropriate legislation; requires issuance of report on or before Dec. 1, 1976, at which time the committee shall be abolished. (Effective when appointed by lieutenant governor.)

## Civil Law And Procedure

**Probate And Establishment Of Wills**  
Ga. L. 1976, p. 640  
(ACT #1018)

Allows use of certified photostatic copies of wills and other procedures for taking testimony of out-of-county witnesses to wills. (Effective July 1, 1976.)

**Grant of Attorneys Fees in Divorce or Alimony**  
Ga. L. 1976, p. 1017  
(ACT #1156)

Authorizes an attorney to bring an action in his own name to enforce grant of attorney's fees. (Effective July 1, 1976.)

**Garnishment**  
Ga. L. 1976, p. 1608  
(ACT #1411)

Revises the garnishment law to provide that

the affidavit may be signed by any person authorized to administer oaths for post-judgment garnishments. (Effective April 7, 1976.)

**Medical Malpractice Actions**  
Ga. L. 1976, p. 1047  
(ACT #1162)

Provides for the procedure for the statement of monetary amount in demands for judgment in malpractice cases; concerns pleadings in actions for medical malpractice. (Effective September 6, 1976.)

**Venue of Suits Against Public Service Commission**  
Ga. L. 1976, p. 418  
(ACT #899)

Provides for a county taking jurisdiction when appropriate in a suit involving the Public Service Commission. (Effective July 1, 1976.)

### **Trials At The First Term**

Ga. L. 1976, p. 1677

(ACT #1420)

Provides that all civil cases shall be triable at the "return" or trial term as defined in Code Section 81-201, and that judges on reasonable notice to the parties at any time may hear and determine by interlocutory of final judgment any matter or issue in which a jury verdict is not required or has been duly waived. (Effective April 7, 1976.)

### **Procedures For Filing Articles of Correction**

Ga. L. 1976, p. 1102

(ACT #1212)

Changes procedures for filing articles of incorporation for corporations from the superior courts to the Secretary of State. (Effective as of

January 1, 1977 if HR 122 passes during the 1976 general election.)

### **Settlements From Hospitalized Persons**

Ga. L. 1976, p. 202

(ACT #793)

Prohibits obtaining of or attempt to obtain certain settlements, releases of statements from hospitalized persons. (Effective July 1, 1976.)

### **Bonds-agents Receiving Monies For Third Persons**

Ga. L. 1976, p. 588

(ACT #993)

Requires \$50,000 bond from collection agents and certain others who receive or handle monies for payment to third parties; applies to those who handle or administer more than 20 payments a month. (Effective March 18, 1976.)

## **Criminal Law And Procedures**

### **Discharging Firearms on Sunday**

Ga. L. 1976, p. 1437

(ACT #1370)

Allows firing or discharging a firearm on Sunday at a firing range approved and supervised by representatives of a local, state or national gun club. (Effective July 1, 1976.)

### **Motor Vehicles—School Bus Drivers—Disembarking Children**

Ga. L. 1976, p. 479

(ACT #968)

Sets misdemeanor punishment for school bus driver convicted of proceeding before children have crossed roadway safely. (Effective July 1, 1976.)

### **Crimes of Perjury and Falsifications Redefined**

Ga. L. 1976, p. 483

(ACT #971)

Sets penalty for perjury as fine of not more than \$1000 or imprisonment for not less than one or more than five years. (Effective July 1, 1976.)

### **Misdemeanor Sentences During Non-Working Hours**

Ga. L. 1976, p. 210

(ACT #801)

Provides that judge in his discretion may allow misdemeanor sentences of six months or less to be served during non-working hours of the defendant. (Effective July 1, 1976.)

### **Certain Surveillance Equipment Not Unlawful**

Ga. L. 1976, p. 1100

(ACT #1211)

Makes lawful the use of surveillance cameras and equipment in prisons, jails and other correctional institutions. (Effective July 1, 1977.)

### **Increase In Fines and Sentences, City of Cornelia**

Ga. L. 1976, p. 3939

(ACT #1325)

Increases fine and time which a person may be sentenced to serve in jail for violation of ordinances and contempt of court; makes procedural changes concerning the working of the Recorder's Court in Cornelia. (Effective April 1, 1977.)

### **Death Sentence Commuted To Life**

Ga. L. 1976, p. 1865

(ACT #1399)

Requires 25 years of imprisonment without parole for a death sentence commuted to life. (Constitutional Amendment—will be voted on in November election.)

### **Homicide By Vehicle Redefined**

Ga. L. 1976, p. 977

(ACT #1141)

Redefines the offense of homicide by a vehicle in the first degree, and sets punishment to not less than one year nor more than five years. (Effective July 1, 1976.)

### **Married Women—Surety on Bail Bonds Authorized**

Ga. L. 1976, p. 478

(ACT #967)

Authorizes a married woman to act as a surety on bail bonds in criminal cases. (Effective July 1, 1976.)

### **Competency of Certain Witnesses in Child Abandonment and Adultery Matters**

Ga. L. 1976, p. 1014

(ACT #1155)

Provides that the mother and the father of an abandoned child shall be competent witnesses in such cases. (Effective July 1, 1976.)

### **Aggravated Assault on Peace Officer**

Ga. L. 1976, p. 543

(ACT #990)

Sets penalty for conviction of assault upon a law enforcement officer to not less than 10 nor more than 50 years. (Effective July 1, 1976.)

### **Drivers' Licenses as Bail on Arrest**

Ga. L. 1976, p. 213

(ACT #802)

Prohibits deposit of driver's license as bail on arrest in cases in which license has been suspended. (Effective February 20, 1976.)

### **Entering Automobile With Certain Criminal Intent**

Ga. L. 1976, p. 186

(ACT #774)

Makes conviction of breaking and entering an automobile a felony with punishment not less than one nor more than five years, or in the discretion of the trial judge as for a misdemeanor. (Effective July 1, 1976.)

### **Criminal Procedure—Certain Weapon Disposition**

Ga. L. 1976, p. 167

(ACT #761)

Authorizes destruction of weapons used in the commission or attempted commission of a crime when no longer needed for evidentiary purposes. (Effective July 1, 1976.)

### **Mortgaged Property—Penalty Increased for Wrongful Sale, Etc.**

Ga. L. 1976, p. 637

(ACT #1012)

Sets penalty of not less than one year or more than three years. (Effective July 1, 1976.)

### **Felonies Committed with Firearms**

Ga. L. 1976, p. 1591

(ACT #1408)

Provides that it shall be unlawful to possess a firearm during the commission of a felony

and sets a penalty for such possession at five years imprisonment for the first offense and imprisonment of 10 years for each subsequent offense. (Effective July 1, 1976.)

### **Mandatory Sentence for Armed Robbery**

Ga. L. 1976, p. 1359

(ACT #1347)

Provides for a mandatory sentence of five years without parole for the first offense of armed robbery and a minimum sentence of ten years for each additional offense. (Effective July 1, 1976.)

### **Admission of Evidence in Rape Cases**

Ga. L. 1976, p. 741

(ACT #1094)

Makes inadmissible certain evidence in a prosecution for rape which relates to past sexual behavior such as complaining witnesses' marital history, mode of dress, general reputation for promiscuity, nonchastity or sexual mores contrary to community standards. (Effective July 1, 1976.)

### **To Secure the Attendance of Witnesses from without the State**

Ga. L. 1976, p. 1366

(ACT #1351)

Provides for a means of commanding persons, including prisoners from without the State to appear in criminal proceedings in the State; adds definition of "penal institution;" provides for summoning of prisoners in another state to testify here. (Effective March 31, 1976.)

### **Dissemination of Information by the Georgia Crime Information Center**

Ga. L. 1976, p. 1401

(ACT #1356)

Provides for dissemination of information regarding criminal history records to certain persons involved in the hiring of the person whose record is disseminated. (Effective July 1, 1976.)

### **Interference with Certain Utilities**

Ga. L. 1976, p. 773

(ACT #1105)

Prohibits any person from interfering with any property used to provide public utilities and services; sets punishment as for a misdemeanor. (Effective March 24, 1976.)

### **Arson and Related Offenses**

Ga. L. 1976, p. 1497

(ACT #1385)

Declares it unlawful for any person to damage by means of fire or explosive any structure without consent of owner or in which another has a security interest including but not limited to a mortgage, lien, or a conveyance to secure debt, without the consent of both. (Effective April 6, 1976.)



Relating to Crimes Involving  
Dangerous Instrumentalities  
Ga. L. 1976, p. 1430  
(ACT #1367)

Allows possession of concealed weapons where  
duly licensed except at public gatherings. (Effective  
July 1, 1976.)

## Retirement

Superior Court Judges Retirement System Created  
Ga. L. 1976, p. 586  
(ACT #1000)

Provides for retirement benefits for superior  
court judges, and provides for compensation by the  
State of \$100 a day for emeritus judges holding  
court. (Effective July 1, 1976 for administrative pur-  
poses and for all other purposes effective December  
31, 1976.)

Judges, Solicitor Generals Retirement,  
Fulton County

Ga. L. 1976, p. 3047  
(ACT #1016)

Provides for payment of benefits from the Judges  
and Solicitor Generals' Retirement Fund of Fulton  
County. (Effective July 1, 1976.)

Superior Court Clerks Retirement Benefits  
Ga. L. 1976, p. 729  
(ACT #1093)

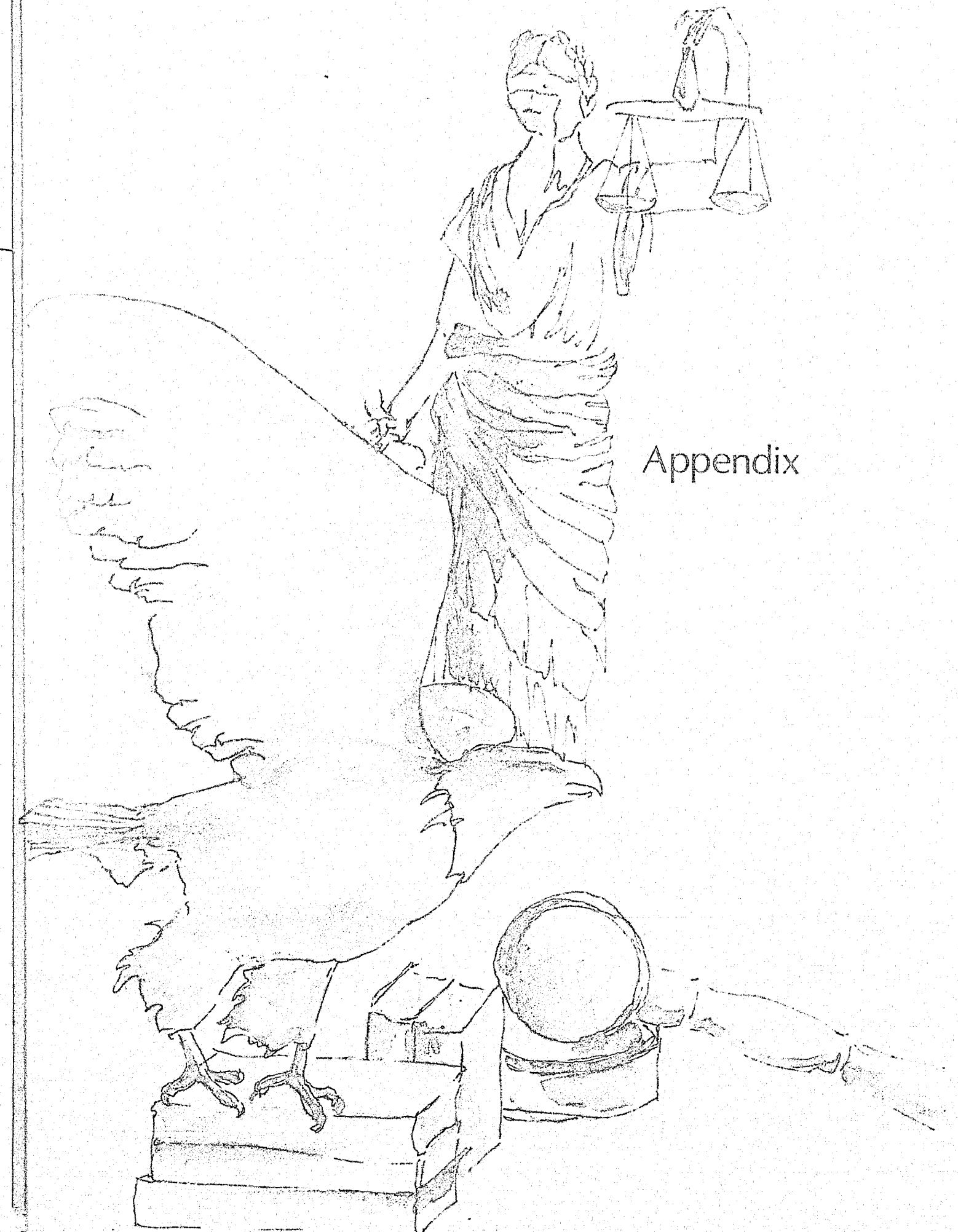
Includes retirement benefits for spouses.  
(Effective April 1, 1976.)

Retirement Benefits for Probate Judges  
Ga. L. 1976, p. 754  
(ACT #1099)

Increases retirement benefits and changes other  
provisions relating to the Probate Courts Retirement  
Fund of Georgia. (Effective July 1, 1976.)

Compensation, Superior Court Judges Emeritus  
Ga. L. 1976, p. 4089  
(ACT #1401)

Provides payment of \$50 a day by the county  
in addition to the \$50 paid by the State to those  
emeritus judges requested to serve in the Blue  
Ridge Judicial Circuit. (Effective July 1, 1976.)



Appendix

**Appendix One**

**The AOC at a Glance**

Accomplished to Date	In Progress	To Be Accomplished
<p><b>COURT INFORMATION</b></p> <p>Plan for court information systems.</p> <p>Inventoried caseloads, personnel, finances in 159 Georgia counties.</p> <p>Automated court information system test project in Dougherty Judicial Circuit.</p> <p>Developed statistical reporting system and uniform classification system for caseload data.</p>	<p>Implementing statistical reporting system.</p> <p>Developing weighted caseload reporting system.</p> <p>Developing techniques to graphically display court operations.</p> <p>Automated interface with Cobb and Atlanta Judicial Circuits. Manual information system in Blue Ridge circuit.</p>	<p>Implement court information system.</p> <p>Implement statistical reporting system statewide.</p> <p>Implement weighted caseload averaging techniques.</p>
<p><b>FACILITIES</b></p> <p>Surveyed courthouse conditions in all 159 counties.</p> <p>Compiled masterplan, guidelines, and standards for court facilities.</p> <p>Provided technical assistance to counties in solving space problems and assisted in courthouse design.</p> <p>Assisted in drafting contracts required for State Crime Commission grant funds to local courts.</p>	<p>Continued technical assistance to local courts.</p> <p>Update inventory.</p> <p>Implement masterplan.</p> <p>Implement standards.</p>	<p>Technical assistance.</p> <p>Update inventory.</p> <p>Implement masterplan and standards.</p>
<p><b>GRANTS/ FISCAL ADMINISTRATION</b></p> <p>Administered 27 grants to date.</p> <p>Acted as fiscal officer for Judicial Qualifications Commission, Council of Juvenile Court Judges, and Sentence Review Panel.</p> <p>Compiled mini-manual on applying for local grant funds.</p>	<p>Administration of nine grants from State Crime Commission.</p> <p>Administration of one grant from Office of Highway Safety.</p> <p>Assist local courts in grant applications and administration.</p> <p>Administration of LEAA grants for district court administrators.</p> <p>Continue as fiscal officer for Judicial Qualifications Commission, Council of Juvenile Court Judges, and Sentence Review Panel.</p>	<p>Future grant administration.</p> <p>Continued assistance to local courts in grant applications and administration.</p>

Accomplished to Date	In Progress	To Be Accomplished
<b>JUDGESHIP STUDIES</b> Three major studies involving 33 requests for new judges. Seventeen new judgeships recommended; ten created by General Assembly.	All 42 judicial circuits under study for new judges.	Statewide study each year.
<b>JUVENILE JUSTICE</b> Developed Juvenile Justice Masterplan for State of Georgia. Developed records system and statistical reporting system. Developed Juvenile Court Judges Manual.	Implement Juvenile Justice Masterplan. Implement records system and reporting system.	Implement Juvenile Justice Masterplan. Continue implementation of records and reporting system.
<b>LEGISLATION</b> Assisted superior court judges in establishing judge sentencing in non-capital felony cases and Sentence Review Panel. Court reporter certification. Increased superior court judges secretaries' salaries. Improved retirement benefits for judiciary. Administrative districts for superior courts. Legislative tracking system. Six-person juries in civil cases under \$5,000. Court reporters fees. Provisions for immunity granted by district attorneys. Procedures for interlocutory appeals. Initial work on legislative tracking system.	Resolution to set appellate jurisdiction by law. Resolution to create Judicial Nominating Commission. Bill to consolidate and make uniform rules of procedure in the traffic courts. Drafting resolution to provide for third party venue.	Continued legislative tracking. Legislation in areas of criminal discovery. Revision of procedure for committal hearings.
<b>LIBRARY</b> Established lending library for traffic courts.	Expand lending library.	Library management for all courts.

Accomplished to Date	In Progress	To Be Accomplished
<b>PLANNING</b> Set up planning component at AOC	Implement planning project.	Complete a plan for improvement of the Georgia Courts System.
<b>PUBLICATIONS</b> <u>Annual Report of the Administrative Office of the Courts.</u> <u>Civil Pattern Jury Instructions.</u> <u>Criminal Pattern Jury Instructions.</u> <u>Comparative Analysis of Georgia Law and Procedures and ABA Standards and Goals.</u> <u>Georgia Courts Directory.</u> <u>Georgia Courts Journal.</u> <u>Georgia Statewide Facilities Study.</u> <u>Judicial Legislative Log.</u> <u>Justice of the Peace Study.</u> <u>Juvenile Court Docket Book and Instruction Manual.</u> <u>Juvenile Court Manual.</u> <u>Juvenile Justice Masterplan.</u> <u>Probate Court Misdemeanor Docket Book and Instruction Manual.</u> <u>State Court Civil Docket Book and Instruction Manual.</u> <u>State Court Misdemeanor Docket Book and Instruction Manual.</u> <u>Superior Court Civil Docket Book and Instruction Manual.</u> <u>Superior Court Criminal Docket Book and Instruction Manual.</u> <u>Traffic Court Manual.</u>	<u>Revision of Pattern Jury Instructions.</u> <u>Georgia Courts Journal Annual Report.</u>	<u>Georgia Courts Journal (monthly)</u> <u>Annual Report</u> Continue revision of jury instructions. Bench books and manuals. <u>Clerk's Handbook.</u>
<b>RECORDS MANAGEMENT</b> Examined court-maintained records in 159 counties.	Implement model records study, and interface with statistical caseload reporting system.	Continue implementing model records.

Accomplished to Date	In Progress	To Be Accomplished
<p><b>RECORDS MANAGEMENT (continued)</b></p> <p>Studied records keeping in other states.</p> <p>Analyzed Georgia's court-maintained records requirements.</p> <p>Formulated model docket books and forms.</p> <p>Pilot project testing model dockets and forms in Blue Ridge, Dougherty and Middle Judicial Circuits.</p>		
<p><b>TECHNICAL ASSISTANCE</b></p> <p>Assisted superior court judges in formulation of rules and procedures for Sentence Review Panel.</p> <p>Coordinated with the Governor's Commission on Criminal Justice Standards and Goals in development of Phase One and Phase Two review of the National Criminal Justice Standards and Goals.</p> <p>Answered information requests from the judiciary, the public, court-related agencies, etc.</p> <p>Mailed court-related attorney general opinions to superior court judges.</p> <p>Assisted in establishing rules, administrative operations of Judicial Qualifications Commission.</p> <p>Court administrator study in Chatham County.</p> <p>Caseflow management study in State Court of Jackson County and Superior Court of Ocmulgee Circuit.</p> <p>Model court rules for Dougherty Judicial Circuit Superior Court.</p>	<p>Continued sentence review.</p> <p>Comprehensive public information program.</p> <p>Provide legal research.</p> <p>Administrative aid to Judicial Qualifications Commission.</p> <p>Continued staff support to judicial-related organizations.</p> <p>Continued coordination with associations, boards, and judicial-related commissions and agencies.</p>	<p>Continued sentence review.</p> <p>Administrative aid to Judicial Qualifications Commission.</p> <p>Equipment management.</p> <p>Business administration.</p> <p>Jury utilization.</p> <p>Calendar management.</p> <p>Personnel administration.</p> <p>Fiscal administration.</p> <p>Retirement plans for all courts' personnel.</p>

Accomplished to Date	In Progress	To Be Accomplished
<p><b>TECHNICAL ASSISTANCE (continued)</b></p> <p>Comparative appellate court statistics for Georgia Supreme Court.</p> <p>Staff support to associations of superior, juvenile, state, probate court judges as well as clerks.</p> <p>Assisted in setting rules, establishing operations, certifying court reporters for the Board of Court Reporting.</p> <p>Gathered court rules from all courts for analysis.</p> <p>Recommendations for superior court judges' retirement.</p> <p>Coordination with Criminal Justice Planning Task Force of the State Crime Commission.</p> <p>Coordination with Fair Trial/Free Press Committee of bar, Judicial Council, and press.</p> <p>Fee schedules and transcript requirements for court reporters.</p> <p>Developing model court rules, testing model.</p> <p>Recommendations for appellate court judges retirement.</p> <p>Studied probate court judges' salaries and qualifications.</p> <p>Assisted superior court judges in resolving Social Security problems.</p> <p>Provided expertise in courthouse design and remodeling to local governments.</p> <p>Assisted DeKalb County in computerizing its jury selection process.</p>		
<p><b>TRAFFIC COURTS</b></p> <p>Inventoried numbers and operations.</p>	<p>Lending library.</p>	<p>Accountability of ticketing.</p>

Accomplished to Date	In Progress	To Be Accomplished
<b>TRAFFIC COURTS (continued)</b> Seminar for traffic court judges. Established lending library.	Training. Manual for traffic court judges	Expanded training.
<b>TRAINING</b> Coordinated and funded seminars for appellate, state, superior, juvenile, and probate court judges. Provided funds for out-of-state training for judicial personnel.	Develop and implement a comprehensive training program for judicial personnel.	Comprehensive training program.
<b>UNIFIED COURT ADMINISTRATION</b> Passage of Constitutional Amendment Number One for unified courts. Review and partial implementation of Report of Governor's Commission on Judicial Processes. Passage of Judicial Administration Act of 1976	Develop unified court budget. Plans to act as fiscal office for the courts. Implement administrative districts.	Analysis of court revenues and expenditures. Purchasing officer for the court system. Prepare budgets and administer funds for the courts. Determine and quantifying administrative duties of judges.

Appendix Two

Funding Summary for Judicial Council of Georgia/Administrative Office of the Courts

PROJECT	SOURCE	TOTAL
General	State Funds	\$171,620
Board of Court Reporting	State Funds	7,425
Sentence Review Panel	State Funds	24,217
Judicial Qualifications Commission	State Funds	10,000
Records	LEAA Grant 75A-03-001	53,359
General Administration	LEAA Grant 75A-13-001	298,889
Facilities	LEAA Grant 75A-17-001	31,500
Traffic	Office of Highway Safety Grant 307-76-001-001	44,500
Education	LEAA Grant 75A-21-020	20,150
	LEAA Grant 75A-21-021	13,194
Planning	LEAA Grant 76DF-04-0024	64,059*
	<b>TOTAL</b>	<b>\$728,910**</b>

\*Plus local match provided from Governor's Emergency Fund.  
 \*\*Does not include federal carry-over funds of \$172, 665.97 for continuation of the AOC's computer application grant, \$98,351.22 for continuation and completion of the two-year Juvenile Justice Masterplan Study, and \$22,193.72 for judicial training.

Appendix Three

Members of The Judicial Council of Georgia

May 1, 1973 to June 30, 1976

NAME	TERM	OFFICE HELD
JUDGE F. JACK ADAMS President State Bar of Georgia (6/8/73 to 6/7/74).	6/8/73 to 6/7/75	
JUDGE HAL BELL Superior Court Macon Judicial Circuit	5/1/73 to 6/30/76	Chairman 7/1/74 to 6/30/75
JUDGE MARCUS B. CALHOUN Superior Court Southern Judicial Circuit	6/7/73 to 6/30/75	
JUDGE FRANK S. CHEATHAM, JR. Superior Court Eastern Judicial Circuit	7/1/75 to 6/30/79	
JUDGE H. SOL CLARK Georgia Court of Appeals	7/26/74 to 6/30/75	

NAME	TERM	OFFICE HELD
<b>Members of Judicial Council (continued)</b>		
A.G. CLEVELAND, JR. President State Bar of Georgia (6/4/71 to 6/2/72)	5/1/73 to 6/8/73	
JUDGE KENNETH B. FOLLOWILL State Court of Muscogee County	5/1/73 to 6/30/76	Secretary-Treasurer 7/1/73 to 6/30/74 Vice Chairman 7/1/74 to 6/30/75 Chairman 7/1/75 to 6/30/76
JUDGE J. BOWIE GRAY Superior Court Tifton Judicial Circuit	5/1/73 to 6/30/75	Vice Chairman 7/1/73 to 6/30/74
ASSOCIATE JUSTICE WILLIAM B. GUNTER Supreme Court of Georgia	5/1/73 to 7/26/74	
ASSOCIATE JUSTICE ROBERT H. HALL Supreme Court of Georgia	5/1/73 to 6/30/77	Chairman 6/7/73 to 6/30/74
W. STELL HUIE President State Bar of Georgia (6/6/75 to 6/4/76)	7/1/75 to 6/30/77	
JUDGE WALTER C. McMILLAN, JR. Superior Middle Judicial Circuit	5/1/73 to 6/30/76	Temporary Secretary 5/4/73 to 6/7/73
JUDGE JAMES B. O'CONNOR Superior Court Oconee Judicial Circuit	5/1/73 to 6/1/73	
JUDGE MARION T. POPE, JR. Superior Court Blue Ridge Judicial Circuit	7/1/75 to 6/30/79	
FRANK W. SEILER President State Bar of Georgia (6/2/72 to 6/8/73)	5/1/73 to 6/30/74	Temporary Chairman 5/4/73 to 6/7/73
CUBBEDGE SNOW, JR. President State Bar of Georgia (6/7/74 to 6/6/75)	7/1/74 to 6/30/76	
JUDGE WILLIAM K. STANLEY, JR. Probate Court of Bibb County	5/1/73 to 6/30/77	

NAME	TERM	OFFICE HELD
<b>Members of Judicial Council (continued)</b>		
JUDGE IRWIN W. STOLZ, JR. Georgia Court of Appeals	7/1/75 to 6/30/79	Secretary-Treasurer 7/1/75 to 6/30/76
JUDGE G. ERNEST TIDWELL Superior Court Atlanta Judicial Circuit	5/1/73 to 6/30/77	Secretary-Treasurer 7/1/74 to 6/30/75 Vice Chairman 7/1/75 to 6/30/76

#### Appendix Four

## Judicial Council of Georgia Created

### No. 178 (Senate Bill No. 30).

An act to create a Judicial Council of the State of Georgia; to provide for the membership of the council, their qualifications, appointment, election, compensation, expenses, terms of office, succession duties, powers, authority and responsibilities; to provide for a method of filling vacancies; to provide for meetings of the council; to provide for officers of the council and their terms; to provide for rules for the transaction of business; to create the Administrative Office of the Courts; to provide that such office shall serve as the staff for the Judicial Council; to provide for the appointment of a Director of the Administrative Office of the Courts and his compensation, duties, powers, authority and term of office; to provide for assistants, clerical and secretarial employees and their duties and compensation; to provide for the duties and authority of the Administrative Office of the Courts; to provide for annual reports; to provide that the provisions of this Act shall not be construed as limiting or affecting the authority of any court to appoint administrative or clerical personnel; to provide for other matters relative to the foregoing; to provide an effective date; to repeal an Act creating a Judicial Council of the State of Georgia, approved February 28, 1945 (Ga. L. 1945, p. 155); to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

**Section 1.** (a) There is hereby created the Judicial Council of the State of Georgia. The council shall be composed of eleven members, nine of whom shall be judges of courts of record of the State. The two remaining members shall be the president of the State Bar of Georgia and the immediate past president of the State Bar of Georgia. The initial nine judicial members of the council shall be appointed by the Governor, with three such initial members being appointed for a term of four years, three such initial members being appointed for a term of three years, and three such initial members being appointed for a term of two years. Immediately prior to the expiration of a member's term of office as a member, the council shall elect a new member to succeed the member whose term is expiring. Following the terms of the initial members appointed by the Governor, the term of office of each judicial member of the council shall be for a period of four years. The initial members of the council shall take office on May 1, 1973, and succeeding members of the council shall take office on the first day of May following their election by the council. No judicial member of the council shall be eligible to succeed himself for a consecutive term as a member. The president and immediate past president of the State Bar of Georgia shall serve as members of the council only during their tenure as president or immediate past president of the State Bar of Georgia.

Created.

(b) In the event a vacancy occurs in the judicial membership of the council as a result of the death, resignation, retirement, removal or failure of re-election as a judge of a court of record, the remaining members of the council shall elect a qualified person to serve for the remainder of the unexpired term of the member whose seat is vacant. The person elected to fill such vacancy shall take office immediately upon his election.

**Section 2.** The council shall meet at such times and places as it shall determine necessary or convenient to perform its duties. The council shall annually elect a chairman and such other officers as it shall deem necessary and shall adopt such rules for the transaction of its business as it shall desire. The members of the council shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties as members of the council.

**Section 3.** There is hereby created the Administrative Office of the Courts, which shall serve as the staff for the Judicial Council.

**Section 4.** The Judicial Council shall appoint a Director of the Administrative Office of the Courts, who shall serve at the pleasure of the Judicial Council. The director shall be the executive head of the Administrative Office of the Courts and shall perform such duties as provided in this Act or as may be delegated to him by the Judicial Council. The director shall devote his full time to his official duties. The director shall receive such compensation and expenses as may be authorized by the Judicial Council. With the approval of the Judicial Council, the director shall appoint such assistants, clerical and secretarial employees as are necessary to enable him to perform his duties and fix their compensation.

**Section 5.** Under the supervision and direction of the Judicial Council, the Administrative Office of the Courts shall perform the following duties:

(a) 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.

(b) Examine the administrative and business methods and systems employed in the offices related to and serving the courts and make recommendations for necessary improvement.

(c) 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.

(d) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation.

(e) Act as fiscal officer and prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the judicial system.

(f) Formulate and submit recommendations for the improvement of the judicial system.

(g) Perform such additional duties as maybe assigned by the Judicial Council.

(h) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts.

**Section 6.** The provisions of this Act shall not be construed as limiting or affecting the authority of any court.

**Section 7.** This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

**Section 8.** An Act creating a Judicial Council for the State of Georgia, approved February 28, 1945 (Ga. L. 1945, p. 155), is hereby repealed in its entirety.

**Section 9.** All laws and parts of laws in conflict with this Act are hereby repealed.

Approved April 3, 1973.

Vacancy.

Organization.

Administrative Office.

Same, Director.

Duties.

Effective Date.

## Appendix Five

# Judicial Administration Act of 1976.

**No. 1130 (House Bill No. 1318).**

An Act to create Judicial Administration Districts and the boundaries thereof; to provide for a short title; to provide for Judicial Administration District Councils, their composition, presiding officers, meetings and establishing of rules; to provide for the election of Administrative Judges, their term, removal, duties, authority, and compensation; to provide for Administrative Assistants, their qualifications, duties, compensation, and classification; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

**Section 1. Short Title.** This Act shall be known and may be cited as "The Judicial Administration Act of 1976".

**Section 2. Judicial Administration Districts; Creation.** Ten (10) Judicial Administration Districts of more or less equal population in each District are hereby created within the State. The boundaries of the ten Judicial Administration Districts, to the extent possible, shall follow the present boundaries of the ten (10) U.S. Congressional Districts, except that each existing judicial circuit shall remain intact and shall not be placed in more than one Judicial Administration District. The Governor, after conferring with the Superior Court Judges, shall establish by July 1, 1976, the original boundaries of each Judicial Administration District pursuant to the provisions of this section. The ten (10) Administrative Judges provided for in this Act may provide for any necessary changes in the boundaries in such Districts not inconsistent with the provisions of this Section.

**Section 3. Judicial Administration District Councils.** A District Council for each Judicial Administration District is hereby created, composed of all judges of the superior courts within the District. The superior court judge in each District having seniority in number of years as a superior court judge shall serve as presiding officer of the District Council. Each District Council shall meet at least once a year and as often as required to discuss administrative problems peculiar to the District and otherwise to perform its duties. Each District Council shall establish rules, by majority vote, which shall cover the right to call additional meetings and procedures for handling the administrative work of the Council;

**Section 4. District Administrative Judge.** The judges of each District Council shall elect a superior court judge or a judge emeritus of the superior court to serve for a two-year term as an "Administrative Judge" within the district. The District Administrative Judge shall serve until his successor is elected and qualified; provided, however, that the District Administrative Judge may be removed at any time by a two-thirds vote of all judges comprising the District Council. The duties of Administrative Judge shall be additional duties which shall not be construed to diminish his other responsibilities.

**Section 5. Administrative Assistant.** Each District Administrative Judge is hereby authorized to hire a full-time assistant adequately trained in the duties of court administration. The assistant shall assist in the duties of the District Administrative Judge, provide general court administrative services to the District Council, and otherwise perform such duties as may be assigned to him by the District Administrative Judge. Each assistant shall be an employee of the Judicial Branch of State Government and shall be in the unclassified service of the State Merit System of Personnel Administration. The assistant shall be compensated in an amount and manner to be determined by uniform rules adopted by the ten (10) Administrative Judges. Each assistant shall be compensated out of funds made available for such purposes within the Judicial Branch of Government.

Additional funds shall be made available for needed clerical and other office operating costs of the assistant.

**Section 6. Duties and Authority of District Administrative Judge.** The duties and authority of each District Administrative Judge shall be as follows:

(a) To request, collect and receive information from the courts of record within his District pursuant to uniform rules promulgated by the ten (10) Administrative Judges;

(b) To authorize and assign any superior court judge within the District to sit on any type of case or handle other administrative or judicial matters within the District, provided, however that the assignment

shall be made with the consent of the assigned judge and with the consent of the majority of the judges of the circuit to which the assignment is made; that the assignment shall be made subject to rules promulgated by the District Council by a majority vote of the superior court judges within the District.

**Section 7. Severability.** In the event any section, subsection, sentence, clause or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**Section 8. Effective Date.** This Act shall become effective July 1, 1976.

**Section 9. Repealer.** All laws and parts of laws in conflict with this Act are hereby repealed.

Approved March 25, 1976.

## Appendix Six

# Annual Report Council of Juvenile Court Judges of Georgia

FISCAL YEAR 1976

(July 1, 1975 to June 30, 1976)

## Introduction

---

*Under the direction of Presiding Judge Dennis L. Jones (DeKalb County) and other members of the executive committee—Judges Rex R. Ruff (Cobb County), Romae Powell (Fulton County), and Othniel McGeehee (Bibb County)—the Council of Juvenile Court Judges expanded and strengthened its role in the juvenile justice system in Georgia in Fiscal Year 1976. During that year, the Council not only completed a number of projects designed to improve operations of the juvenile courts of the State, but it also obtained a State appropriation for operations for the first time since the Council's inception in 1971. With this appropriation and with staff support made available through the Administrative Office of the Courts, substantial progress has been made toward meeting the duties set forth for the Council by the Juvenile Court Code (Ga. Code Ann. 24A-501 (a) (b)). This report charts the history of that progress and recaps the major events of 1976 by reviewing the projects which were completed or are still in progress.*

## Establishment of an Operating Budget<sup>†</sup>

---

In 1976, the Georgia General Assembly appropriated for the first time an operating budget for the Council of Juvenile Court Judges. These funds will be used to finance the activities of the Council in Fiscal Year 1977 (July 1, 1976 through June 30, 1977). Thus, one of the Council's primary tasks during this past year was insuring that proper fiscal operating procedures were instituted to

govern expenditure of the \$40,000 allocated by the General Assembly. The funds provide the salaries of a juvenile court specialist, a secretary, and half of the salary of the director, who also serves as an assistant director of the Administrative Office of the Courts in charge of courts coordination and research.

## Legislation

---

One of the Council's priorities during 1976 was to begin identifying problems of substance and procedure in the juvenile courts of the State. The Council began examining problems in the Georgia Code in April of 1976. From that meeting and three subsequent ones, eight bills amending Title 24A of the Juvenile Court Code were drafted. If approved by the full Council, these bills will be presented to the General Assembly for its consideration. Subject matter of these bills includes redefinition of a juvenile traffic offense, procedures

regarding mentally retarded or mentally ill children, definition of conditions under which a judge pro tempore may be appointed, procedures regarding transfer of a child to another court, and other procedures involving the juvenile court.

In addition, the Council, in cooperation with the Administrative Office of the Courts, will again sponsor a legislative tracking system which is designed to keep juvenile courts informed of the latest juvenile court-related legislation.



## Personnel

The membership of the Council of Juvenile Court Judges has changed appreciably during the last few years. At the present time, there are eight separate full-time juvenile court judges, twenty-seven part-time juvenile court judges, seven state court judges who also serve as juvenile court judges, thirty-six superior court judges who also have juvenile court jurisdiction, and nineteen referees. During this year alone, four new judges have been appointed to the bench, and two of

these judges filled new judgeships.

Judge Dennis F. Jones appointed AOC Assistant Director Chris Perrin as director of the Council of Juvenile Court Judges. With the approval of Judge Jones, Alton Moultrie was employed as juvenile court specialist and a secretary, Karen Lynch, was also employed. Mr. Moultrie was formerly research associate of the State's Juvenile Justice Masterplan. All staff are presently housed with the Administrative Office of the Courts.

## Constitutional Revisions

Because the state appropriations and other new developments required a re-evaluation of the original constitution for the Council of Juvenile Court Judges, a Constitutional Revision Commission was created during 1976. Judge Rex Ruff served as chairman of this newly created committee.

Amendments were proposed which altered the statement of purpose of the Council, the membership section, and the sections on officers, elections, operations, and revenue. At a Council meeting in June, the Council adopted the amendments proposed by the committee.

## Continuing Education

The Council with its staff worked during the past year on several educational programs for judges of the juvenile courts and their staffs. State level Law Enforcement Assistance Administration training funds for judicial education are presently administered by the Judicial Council and its staff arm, the Administrative Office of the Courts. During this past year, the education officer of the Administrative Office of the Courts met with a committee of the Council several times to plan the annual workshop for juvenile court judges. In addition, the Council informed the Administrative Office of the Courts in 1975 that no funds existed to provide educational programs for county employed probation officers of the juvenile courts. A study committee was appointed, and after a meeting

between Council staff, representatives of seven of the independent systems, the education officer and persons from the Institute of Government, training funds were set aside for this function also. In April of 1976, two educational programs were held for the first time for probation officers of the independent systems — one for chief probation officers and one for supervisory and line staff. A total of sixty-two court employees attended these educational seminars. For their efforts toward training judicial personnel in the juvenile court system, the Council was recognized in 1976 by the National Council of Juvenile Court Judges. The National Council named Georgia's education program for juvenile judges as the best of its kind in the country.

## Juvenile Court Manual

A project to develop a Manual for Juvenile Court Judges, begun in late 1974, was completed in early 1976. This manual, which addressed almost all aspects of juvenile court procedures and contains model legal forms, has been distributed to more than 187 juvenile court judges or court-related

personnel. This manual was designed so that it can be updated each year. Requests for this manual continue to come to the Council and work on the manual will be needed each year to insure that it accurately reflects changes in the law.

## Model Docketing System

For almost two years the Administrative Office of the Courts has been researching systems of records management in Georgia. Persons conducting field research in records management, statistical surveys, and field studies for the Juvenile Justice Masterplan found great disparities in the methods of keeping juvenile docket books. In some counties, no dockets are kept at all. To remedy this situation, a model docketing system for the State was developed through a steering committee composed

of several juvenile court judges, probation officers and clerks. This docket was pilot tested in several counties and is now available to all counties in the state at a cost of approximately \$50. Under funding available through an LEAA grant, however, the first docket for each court will be cost free along with a manual explaining the new docketing procedures. Staff members of the Council of Juvenile Court Judges are working with local juvenile courts to implement these dockets throughout the State.

## Case Reporting System

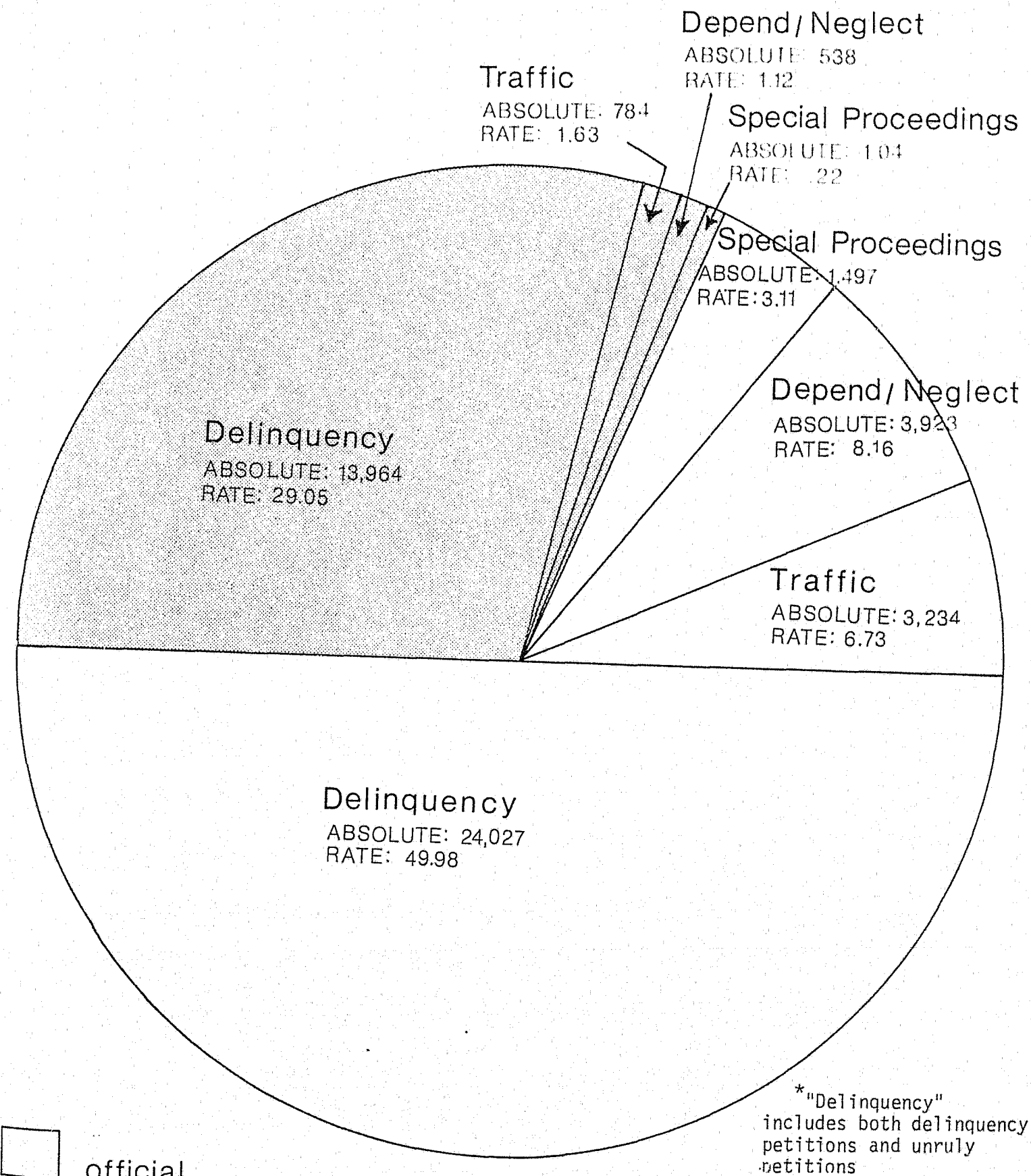
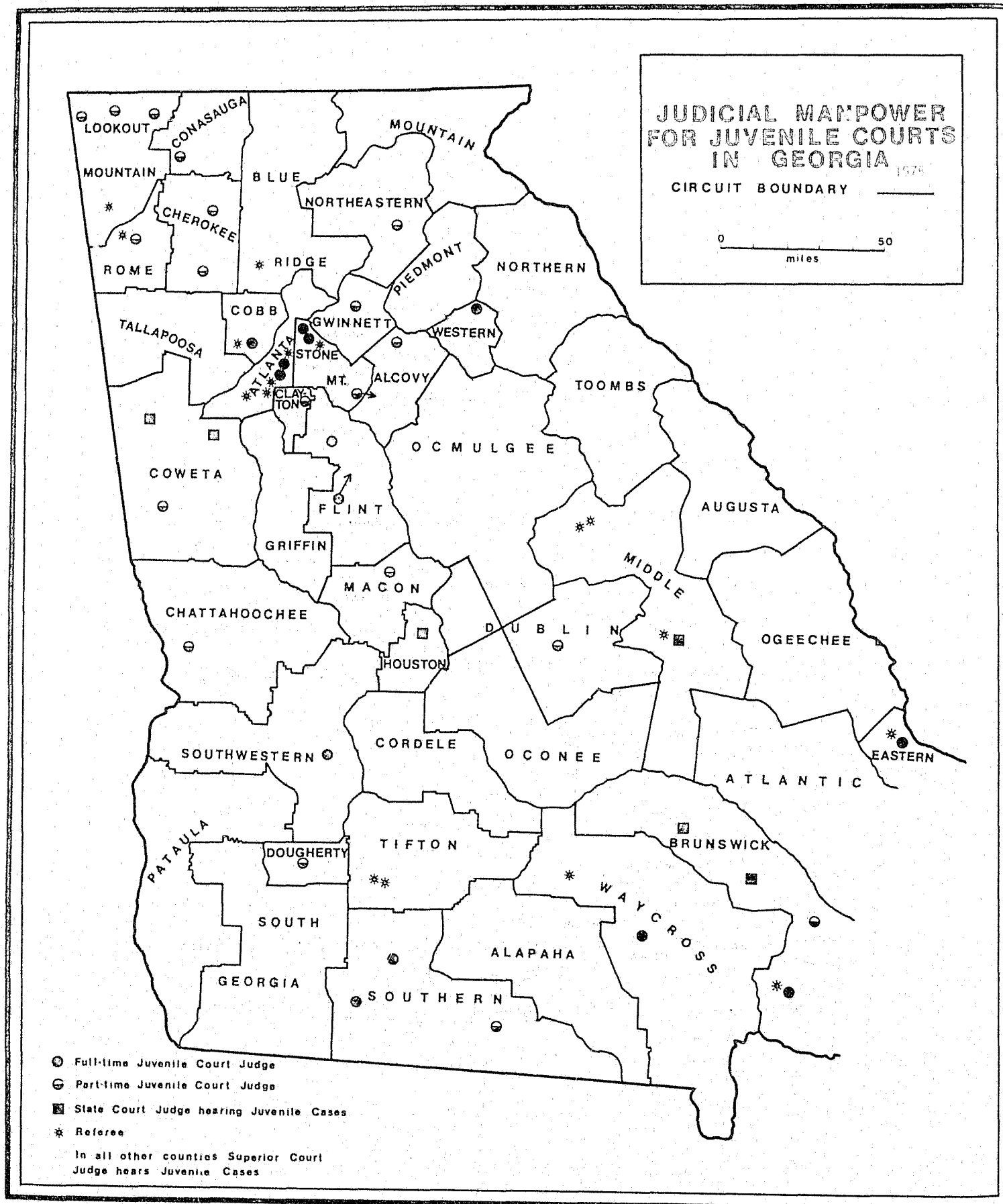
One of the recommendations of the Juvenile Masterplan was the establishment of an improved information system. In the past, the only sources of information on the work of the juvenile courts were annual reports of the individual courts and a batch reporting system on dispositions of the juvenile courts collected by the Department of Youth Services. Thus, much information useful for projecting workload and trends in service needs, as well as for other management purposes has not been available. In addition, many juvenile courts do not use the same statistical definitions which makes it almost impossible to accurately compare information from these courts in the Council's

Annual Report. Therefore, in conjunction with the docketing project and project SEARCH, a case-by-case reporting system was designed as a part of the docketing system. This will allow computer analysis of juvenile court information upon receipt by the AOC of tear-out copies of the docket sheet. Preliminary work has been done on developing management report formats which could be returned to the juvenile courts after receipt of the docket sheets. However, to complete these report formats it will be necessary to have a committee of judges, probation officers, and clerks review the formats to suggest changes and to prioritize them.

## 1975 Average Caseloads for Independent Probation Systems

County	Caseload	County	Caseload
Dougherty	Not Available	Whitfield	64
Bibb	55.6	Chatham	68.83
Richmond	57	Floyd	57.25
Spalding	35 to 40	DeKalb	55.5
Hall	37	Clarke	Not Available
Fulton	22.12	Troup	100
Muscogee	Not Available	Upson	Not Available
Cobb	37.6	Glynn	Not Available
Clayton	42.14		

# STATE JUVENILE COURT DISPOSITION RATES 1974



SOURCE: U.S. Department of Health, Education, and Welfare; Office of Human Development, Annual Report Report From State Agencies on Children's Cases Disposed Of In Juvenile Courts: Georgia, 1974. (1975)

**END**

*7/2/1954*