

IN THE SUPERIOR COURT OF RICHMOND COUNTY

STATE OF GEORGIA

WILLIE SAUNDERS,)	
)	
PLAINTIFF,)	CIVIL ACTION FILE
)	
VS.)	NO. _____
)	
GOVERNOR BRIAN KEMP,)	
AUGUSTA, GEORGIA,)	
COLUMBIA COUNTY, GEORGIA, and)	
BURKE COUNTY, GEORGIA,)	
)	
DEFENDANTS)	

COMPLAINT SEEKING A DECLARATORY JUDGMENT THAT THE TERMS AND PROVISIONS OF SENATE BILL 9 PASSED BY THE GEORGIA GENERAL ASSEMBLY SPLITTING THE AUGUSTA JUDICIAL CIRCUIT INTO TWO (2) CIRCUITS – ONE BEING THE SINGLE COUNTY COLUMBIA COUNTY, GEORGIA CIRCUIT AND THE OTHER BEING THE REMAINDER OF THE AUGUSTA JUDICIAL CIRCUIT CONSISTING OF RICHMOND COUNTY, GEORGIA AND BURKE COUNTY, GEORGIA, ARE UNCONSTITUTIONAL AND IN VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT OF 1965, AND IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE GEORGIA CONSTITUTION AND THE UNITED STATES CONSTITUTION, AND ARE IN VIOLATION OF THE SEPARATION OF POWERS DOCTRINE IN THE STATE OF GEORGIA

NOW COMES the Plaintiff, WILLIE SAUNDERS, and files this, his complaint as stated above against Augusta, Georgia, Columbia County, Georgia, and Burke County, Georgia and, in support thereof, shows:

1. That the Plaintiff is a resident of Columbia County, Georgia and is a registered voter in Columbia County, Georgia, and has regularly voted in elections.
2. That the first Defendant, Governor Brian Kemp, is the Governor of the State of Georgia and can be served at the Office of the Governor in Atlanta, Georgia.

3. That Defendant Augusta, Georgia (hereinafter referred to as “Defendant Richmond County”) is a political subdivision in the State of Georgia and can be served by serving its Mayor and Chief Executive Officer.

4. That Defendant Columbia County, Georgia (“Defendant Columbia County”) is a political subdivision in the State of Georgia and can be served by serving its Chairman of its County Commission in Columbia County, Georgia.

5. That Defendant Burke County, Georgia (“Defendant Burke County”) is a political subdivision in the State of Georgia and can be served by serving its Chairman of its County Commission in Burke County, Georgia.

6. That pursuant to O.C.G.A. §9-4-7(c), the Attorney General of the State of Georgia, Mr. Christopher M. Carr, is being served with a copy of this action, in that this action attacks the constitutionality of the act of the General Assembly of Georgia splitting the Augusta Judicial Circuit and creating the Columbia Judicial Circuit.

7. That the Augusta Judicial Circuit is authorized by O.C.G.A. §15-6-2 to have eight (8) judges and, for approximately 150 years, has consisted of the three (3) contiguous counties: Richmond County, Columbia County, and Burke County – all as set forth in O.C.G.A. §15-6-1.

8. That the Judicial Branch of government is generally a mutual arbiter and is known for remaining unbiased in its decisions based upon the law rather than the politics. *See* The Federalist No. 78 by Alexander Hamilton, Note 2.

9. That in keeping with the principle that judges are not Republican judges, Democrat judges, African American judges, White judges, Asian judges, or male or female judges, but are judges who are required by our Constitutional principles to make unbiased decisions based upon law as opposed to politics, in Georgia the Members of the various Superior Courts in the

State of Georgia, the Court of Appeals, the Supreme Court, and State Courts are elected in a non-partisan manner.

10. That in order to allow for the proper administration of the Judicial Branch, the Legislature passed the Judicial Administration Act of 1976, O.C.G.A. §15-5-1, which created the Judicial Council, O.C.G.A. §15-5-20 et seq., and which otherwise was passed.

11. That the Legislative Branch of Georgia has delegated to the Judicial Branch through the creation of the Judicial Council the management of the various judicial Circuits in Georgia.

12. That this delegation was designed in part to make it possible to have proper statistics produced before there are Circuit boundary changes or judgeships created.

13. That pursuant to the powers delegated to the Judicial Branch and pursuant to the terms and provisions of the Judicial Administration Act of 1976, the Judicial Council of the State of Georgia has conducted studies relating to Superior Court Judgeships and Circuit Boundaries and has created a policy relating to Superior Court Judgeships and Circuit Boundaries.

14. That attached hereto and marked Exhibit “A” is a copy of the policy from the study of Superior Court Judgeships and Circuit Boundaries published by the Judicial Council.

15. That the policy statements provide in Section 1.2 that “The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.”

16. That the policy of the State of Georgia and of the Judicial Council is that the Judicial Council will not recommend part time judgeships or single judge Circuits.

17. That following the election of Jared Williams, an African American lawyer in Augusta, Georgia, who was elected the District Attorney for the 3-county Augusta Judicial Circuit and, following the defeat of the White sitting District Attorney, Natalie Paine, on

November 3, 2020, the Columbia County, Georgia Commission decided that it would seek a Circuit split without following the policy of the Judicial Council.

18. That the Plaintiff, who is a resident of Columbia County, Georgia, voted in favor of Jared Williams, as did 26,754 electors who voted for Mr. Williams – not Ms. Paine.

19. That in the entire Augusta Judicial Circuit, Mr. Williams received the majority of the votes of the electors, receiving 50.51% of the votes or 88,261 votes to Ms. Paine's votes of 86,481. Under O.C.G.A. §21-2-501, Mr. Williams was elected as District Attorney for all three (3) counties in the Augusta Judicial Circuit.

20. That this election shows that for the entire 3-county Circuit, race is not a deciding factor.

21. That only after the election of the first ever African American District Attorney for the Augusta Judicial Circuit and after the certification of the election under O.C.G.A. §21-2-502(c), were efforts made to split the Augusta Judicial Circuit and create a separate judicial Circuit for Columbia County.

22. That on or about November 24, 2020, after the election of Jared Williams, the first ever African American District Attorney for Columbia County, State Senator Lee Anderson of Columbia County asked the Judicial Council for county-level workload analyses for Columbia County, Richmond County, and Burke County.

23. That said workload analyses were not requested prior to the first ever African American man being elected the District Attorney for Columbia County.

24. That on December 4, 2020, said workload analyses were provided to Senator Anderson -- all as shown by Exhibit "B" attached hereto.

25. That the County Administrator of Columbia County, Mr. Scott Johnson, has publicly stated that one of the reasons for the judicial split is that Jared Williams, the African

American elected District Attorney, received thirty-three (33%) percent of the votes in Columbia County, and Natalie Paine, the White incumbent, received sixty-six (66%) percent of the votes, which shows that this judicial split is being based upon race and that African American voters in Columbia County and in the entire Circuit are being disenfranchised. *See* Exhibit “C” attached hereto.

26. That Section Two of the Voting Rights Act of 1965 is designed in part to prevent voter dilution.

27. That the enactment of Senate Bill 9 had a discriminatory purpose and discriminatory effect in violation of the Voting Rights Act of 1965, and to void the vote of the Plaintiff who voted for Jared Williams as the District Attorney of the entire Augusta Judicial Circuit; is in violation of the Due Process rights of the Plaintiff; and is in violation of the Georgia Constitution, Article II, Section 1, Paragraph III.

28. That attached hereto and marked Exhibit “D” is an economic analysis of the additional costs to all three (3) counties for any judicial split, which costs relate to the annual costs per year for all three (3) counties and the State.

29. That the costs to Columbia County, Richmond County, and Burke County will increase and additional State funds and County funds will be needed per year. *See* Exhibit “D.”

30. That Tracy J. BeMent, the 10th District Court Administrator for the Courts, has informed the public as follows:

“To suggest that there would be a cost savings to split a Circuit is very likely not the case due to efficiencies of staffing in a larger Circuit.”

See Augusta Chronicle Articles dated 12/19/2020 and 02/01/2021 attached hereto as Exhibit “E.”

31. That the Columbia County Commission and its Chairman have contended that there would be a \$900,000 annual savings.

32. That unbeknownst to the public and in secret the proponents of this Circuit split and the Columbia County Commission knew that it would cost the taxpayers in the State and in all three (3) counties additional funds.

33. That the proponents of this Circuit split then went to the State Legislature and the Governor and had additional State funds allocated to Columbia County, but not Richmond County (Augusta), or Burke County to assist in the Circuit split.

34. That attached hereto as Exhibit "F" are page 16, Section 23.9 and page 132 of House Bill 81, which show State funds of \$1,375,425 for the new Columbia County District Attorney and \$1,024,003 for the new Columbia County Public Defender. These amounts were just lifted from the figures that were set forth in the Economic Analyses (Exhibit "D") and that were reported by the Augusta Chronicle (Exhibit "E").

35. That the statement made by those proponents of Senate Bill 9 that it was based upon cost savings was a pretext, and those who introduced and pushed this Senate Bill 9 to passage and the Governor who signed that legislation, knew that cost savings was nothing but a pretext and that the purpose was to keep from having an African American person as District Attorney for Columbia County.

36. That the only reason for Senate Bill 9 was because an African American District Attorney was elected for the entire Augusta Judicial Circuit. This Senate Bill 9 infringed upon the voting rights of the Plaintiff, a right which is the bedrock of our democracy.

37. That the current split cannot be based upon economic considerations, in that this split will result in additional costs to the State and each of the three (3) counties.

38. That the Plaintiff and the other Columbia County residents are having their votes nullified by Senate Bill 9 by creating a separate Columbia County Circuit leaving those voters with no recourse, all in violation of both Federal law and the Georgia Constitution, Article II, Section 1, Paragraph III.

39. That the sponsors of Senate Bill 9 from Columbia County were in large part the same sponsors of Senate Bill No. 202, which is designed in part to restrict and disenfranchise African American voters in the State of Georgia.

40. That the rights of the electors in all three (3) counties are being ignored and their preference for a district attorney is being ignored by the abrogation and annulment of their votes, including the vote of the Plaintiff.

41. That the Judicial Workload Assessments Committee of the Administrative Office of the Court did not issue a recommendation for a Circuit split and was never consulted about splitting the Augusta Judicial Circuit until after the election of an African American District Attorney.

42. That under Section 2 of the Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries (Exhibit "A"), a timeline is set forth for the submission of request for a Circuit Boundary Study due to the time and data required to complete a full study.

43. That the decision to create a stand-alone judicial Circuit for Columbia County was based upon race and will have the effect of creating two (2) Circuits – one White and one African American, and will result in the three (3) judges in Columbia County to work at an eighty (80%) percent capacity and the five (5) judges remaining in the Augusta Judicial Circuit to work beyond capacity.

44. That the Augusta Judicial Circuit split legislation, which is Senate Bill 9, was passed and signed by the Governor, a copy of which is attached hereto and marked Exhibit

“G.” This Bill was initiated outside the standard window and process adopted by the Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries.

45. That the Governor’s approval of this Bill has the effect of disenfranchising African American voters and nullifying the votes of African American voters in Columbia County.

46. That in Senate Bill 9, it is provided that the Augusta Judicial Circuit shall transfer to the Columbia Judicial Circuit a sum equal to twenty-five (25%) percent of the amount it holds as of January 1, 2021, for costs collected pursuant to O.C.G.A. §15-23-7. It is provided that the District Attorney of the Augusta Judicial Circuit shall pay over to the District Attorney of the Columbia Judicial Circuit the sum equal to the amount that he or she holds as of January 1, 2021, that was secured pursuant to condemnation or forfeiture actions from criminal cases that originated from a violation of law in Columbia County.

47. That if the actions needed to split the Augusta Judicial Circuit are not stopped, then the Plaintiff and other electors and citizens in the Augusta Judicial Circuit will suffer. Those funds will then be required to be restored to the Augusta Judicial Circuit if the Plaintiff prevails.

48. That in the past all three (3) counties have agreed that Richmond County would be the host county for both the District Attorney’s Office and the Public Defender’s Office.

49. That as the host county, there are numerous employees who are county employees and who work for the entire Circuit and have their health insurance and retirement provided under the host county.

50. That there is a joint 3-county ADR Program that has been handled out of the host county.

51. That the proponents of Senate Bill 9 have not considered the impact on the existing Augusta Judicial Circuit or the employees, their health insurance needs, or their

retirement, and have pushed this Circuit split based upon the fact that an African American candidate for the District Attorney won the election.

52. That if the actions needed to split the Circuit are not stopped, the public will be harmed, in that cases that have previously been assigned to a particular judge will have to be reassigned and the public will incur needless additional costs.

53. That it is in the best interest of the public that actions to split Columbia County from the Augusta Judicial Circuit be delayed and stopped pending the resolution of this action and that this Court issue a Temporary Restraining Order stopping any such Circuit split.

54. That the July 1, 2021 date for a Circuit split was arbitrarily selected and a delay and injunction favor the Plaintiff and the electors in Columbia County and the entire Augusta Judicial Circuit.

55. That the Plaintiff has a substantial chance of success in this action.

56. That in Part I, Section 1-1 of Exhibit “G,” three (3) current judges of the Augusta Judicial Circuit -- Judge Blanchard, Judge Jolly, and Judge Padgett, are named to be Judges of the Columbia Judicial Circuit, and in Part II, Section 2-1, Judge Brown, Judge Craig, Judge Flythe, and Judge Wright, and the successor to Judge Annis, and their successors, are named to be judges of the Augusta Judicial Circuit. The majority of these judges were not consulted prior to a decision being made by Columbia County to split the Circuit.

57. That there is currently pending in the Superior Court of Burke County, Georgia, a *Quo Warranto* action that raises legal questions as to the successor appointed by the Governor for the seat of the Honorable Michael N. Annis, being Case No. 2021V0015. This action raises the issue of whether the Governor of the State of Georgia had the power to fill the seat previously filled by the Honorable Michael N. Annis and whether this appointment was in violation of the Georgia Constitution, Article VI, Section 7, Paragraph IV.

58. That Judge Annis, Judge, Superior Court of the Augusta Judicial Circuit, submitted his letter of resignation in 2019 and it was accepted by the Governor in 2020. The term of the office of the Honorable Michael N. Annis for the 3-county judicial Circuit expired effective with his resignation being accepted and the Governor was authorized only to fill that seat for a limited time, as set forth in the Georgia Constitution Article VI, Section 7, Paragraph IV.

59. That if the Governor of the State of Georgia in appointing a replacement for the Honorable Michael N. Annis exceeded his authority in taking away the position that should have been open to the electorate of the three (3) counties of the Augusta Judicial Circuit then existing on January 1, 2021, then the Plaintiff, a resident of Columbia County, Georgia, would have been eligible for running for that seat in the 3-county Augusta Judicial Circuit and all electors in Columbia, Richmond, and Burke Counties could vote for someone running for that seat.

60. That the Plaintiff is African American.

61. That the Plaintiff, Willie Saunders, a resident of Columbia County, Georgia, would seek to run for that judicial slot if it were open to a resident of Columbia County, Georgia to run for a judge of the Superior Court of the Augusta Judicial Circuit.

62. That these named judges were elected by the electors of all three (3) counties to serve as judges of all three (3) counties for their respective Terms.

63. That by splitting the Circuit in the manner by which it has been split, without going through the policies enacted by the Judicial Council, the Plaintiff is denied his right to run for that particular seat, in that based upon his living in Columbia County would make it so that he could run only for Superior Court Judge in a majority White Columbia County, Georgia.

64. That according to the United States Census Bureau, as of July 1, 2019, it was estimated that the African American or African-American population was only 18.8% of Columbia County, Georgia – all as shown by Exhibit “H” attached hereto.

65. That the lack of planning by the drafters of Senate Bill 9 have failed to consider the effect on a substantial number of public servants and the public, as well as the economic impact to all taxpayers in all three (3) counties.

66. That according to the United States Census Bureau, as of July 1, 2019, the African American or African-American population in Richmond County, Georgia was 57.7% and the White population alone was only 33.7% -- all as shown by Exhibit "I" attached hereto.

67. That according to the United States Bureau of Census, as of July 1, 2019, the White alone (not Hispanic or Latino) and the African American alone in Burke County were approximately the same percentage of the population -- all as shown by Exhibit "J" attached hereto.

68. That the effect of a judicial Circuit split on the Plaintiff has the effect of creating a majority White single judicial Circuit in Columbia County, Georgia, which has adverse effects on the Plaintiff and other African American lawyers who live in Columbia County who may want to run for a Superior Court Judgeship and has the effect of suppressing the votes of African American electors in Columbia County, Georgia and disenfranchising African American voters in Columbia County, Georgia and nullifying the votes of African American voters who live in Columbia County and who voted for Jared Williams, the first African American District Attorney for the Augusta Judicial Circuit that includes Columbia County.

69. That the effect of a judicial Circuit split will be to create a majority White Columbia County Circuit and a majority African American Augusta Judicial Circuit.

70. That to create a judicial district by race is unconstitutional and in violation of the Voting Rights Act.

71. That race was the sole factor in passing and signing Senate Bill 9.

72. That the Supreme Court of Georgia has approved the Standing Committee on Judicial Workload Assessment -- all as shown by Exhibit "K" attached hereto.

73. That the Defendants, before seeking to have a separate judicial Circuit, have disregarded the mandate of the Supreme Court of Georgia in not going through the proper procedures first.

74. That the Augusta Judicial Circuit, as it currently exists, has a Drug Court, a Veterans Court, a Mental Health Court, and a Problem Solving Court, whereby individuals in all three (3) counties have the ability to resolve judicial problems and return to society without criminal records.

75. That those alternative courts are very efficient and work to the betterment of all citizens of all three (3) counties.

76. That Judges who sit in the Drug Court and Problem Solving Court are required to receive special training.

77. That by the passage of Senate Bill 9 without going through the proper procedures, the work of these alternative courts will be disrupted and the defendants in these counties will suffer harm.

78. That these issues about disrupting the alternative courts should have been addressed with the Judicial Council prior to the enactment of Senate Bill 9.

COUNT ONE

1. That the Plaintiff re-alleges the allegations contained in paragraphs 1 through 78 of this Complaint.

2. That this Count is based upon the provisions of Section 2 of the Voting Rights Act, 52 U.S.C. §10301 et seq.; 42 U.S.C. §1983, the Due Process Clause of the United States Constitution and the Due Process Clause of the Georgia Constitution. *See Houston Lawyers Assoc. v. Attorney General of Texas, 501 U.S. 419 (1991).*

3. That Section 2 of the Voting Rights Act prohibits vote denial, the use of voting laws, policies, and practices that deny, bridge or otherwise an African American individual access to or the right to be elected to a public office or the right of an African American elector to vote.

4. That Senate Bill 9 is a voting practice and procedure and policy that denies and infringes upon the votes of African American electors.

5. That the desire to create a separate judicial Circuit for Columbia County, Georgia has the effect of denying African American lawyers who live in Columbia County, Georgia, the right to run for a Superior Court Judgeship in a judicial Circuit, which considering the population of all three (3) counties and the racial makeup is closer to fifty (50%) percent as to opposed to a racial makeup of the new single Circuit, the Columbia Judicial Circuit that is majority White.

6. That the actions of creating a separate Circuit for Columbia County nullifies and disenfranchises the votes of African American citizens in Columbia County who are electors and who voted for Jared Williams, who was elected as the District Attorney for all three (3) counties.

7. That the separation of the Judicial Circuit of Columbia County, Georgia has the effect of disenfranchising African American lawyers such as the Plaintiff from being able to run for a Superior Court Judgeship, in that the racial makeup of this single majority White new Circuit would have adverse effect, and it would also have the effect of suppressing African American voters such as the Plaintiff if they wanted to have more diversity on the Superior Court bench in Columbia County, Georgia.

8. That race should not play any part in or be the basis for creating judicial Circuits.

9. That since economics are not the basis for creating a new single court Circuit in Columbia County, race is the factor.

10. That in November 2020, Columbia County voters, as part of the Augusta Judicial Circuit, voted for an African American District Attorney for a four (4) year Term, as the prosecuting attorney for the entire Circuit, including Columbia County. Senate Bill 9 nullifies the choice of voters of Columbia County, Richmond County, and Burke County as to that choice.

11. That had not the election of Jared Williams occurred, there would not have been an effort to separate Columbia County from the Augusta Judicial Circuit.

12. That had there been valid reason(s) for a Circuit split, in that race is not a valid reason, the proponents of a Circuit split would have followed the procedures of the Judicial Council.

COUNT TWO

1. That the Plaintiff re-alleges the allegations contained in paragraphs 1 through 78 of this Complaint.

2. That in passing Senate Bill 9 without going through the policies and procedures that the Legislature delegated to the Judicial Branch, the Legislature, in creating a Columbia Judicial Circuit, violated the Separation of Powers Doctrine set forth in the Georgia Constitution, Article I, Section 2, Paragraph II, and completely disregarded the fact that the Supreme Court of Georgia has approved of the Judicial Workload Assessment procedures in its Order of September 1, 2016 (Exhibit “K”).

3. That by disregarding the policies and procedures of the Judicial Council relating to Circuit Boundaries, as approved by the Supreme Court of Georgia, the passage of Senate Bill 9 violated the due process rights of the citizens of Burke County, Columbia County, and Richmond County, including the rights of the Plaintiff.

4. That in passing Senate Bill 9 by specifically naming the judges in the new Columbia Judicial Circuit and specifically naming the judges in the remaining Augusta Judicial Circuit, that Senate Bill violated the Separation of Powers Doctrine and the right of the electors in all three (3) counties who elected seven (7) of the eight (8) judges to be judges of the entire 3-county Augusta Judicial Circuit.

5. That by disregarding the Order of the Supreme Court approving the Judicial Workload Assessment Procedures, as approved by the Supreme Court of Georgia, the Legislature has disregarded the Doctrine of the Separation of Powers.

COUNT THREE

1. That the Plaintiff re-alleges the allegations contained in paragraphs 1 through 78 of this Complaint.

2. That this claim is brought under the provisions of the Due Process Clause of the Georgia Constitution and the provision of Article II, Section 1, Paragraph III of the Georgia Constitution.

3. That in our form of government, all power originates from the electors who elect officials in all three (3) branches of government – the Executive, the Legislative, and the Judiciary.

4. That in our democracy, no branch of the government has the power to nullify and void the will of the electors who, for all three (3) counties, voted for Jared Williams as their District Attorney.

5. That in connection with the Presidential election in 2020, Governor Kemp informed the Legislature at the Biennial Institute for Georgia Legislators that they did not have the power to override the vote of the electors – all as shown by Exhibit “L” attached hereto.

6. That once an election was held and Jared Williams was elected District Attorney for the 3-county Circuit, the Legislature did not have the power or authority to change the Circuit by creating a separate Columbia Count Circuit, which had the effect of nullifying the votes of the electors, including the Plaintiff.

7. That in order to separate a Circuit as Senate Bill 9 seeks to do, the legislation would have to be prospective and not effective until the terms of those elected for District Attorney had expired.

8. That the passage and signing of Senate Bill 9 abrogated and voided the vote of the Plaintiff for Jared Williams as District Attorney for the entire Augusta Judicial Circuit as it then existed.

9. That the Georgia General Assembly and the Governor of the State of Georgia do not have the power, after the electors have voted and an election certified, to retroactively change the effect of an election.

10. That Senate Bill 9 voided the vote of the Plaintiff and thousands of other electors who voted for Jared Williams as the District Attorney for the 3-county Augusta Judicial Circuit.

11. That this Court should declare Senate Bill 9 in violation of Article II, Section 1, Paragraph III of the Georgia Constitution and a usurpation by the Legislature and the Governor of the will of the electors.

COUNT FOUR

1. That the Plaintiff re-alleges the allegations contained in paragraphs 1 through 78 of this Complaint.

2. That this claim is brought under the provisions of the Due Process Clause of the Georgia Constitution.

3. That there is currently pending in the Superior Court of Burke County, Georgia, the case of Maureen O. Floyd v. Jesse C. Stone, Civil Action File No. 2021V0015, which raises the question of whether or not the seat of the Honorable Michael N. Annis should have been filled by appointment, in that that term had expired when the Governor of the State of Georgia made an appointment.

4. That if that case is successful either at the trial court or before the Supreme Court of Georgia and the position of the Honorable Michael N. Annis, who served on the Superior Court of the Augusta Judicial Circuit, would be open, then a Special Election should have been called effective January 1, 2021.

5. That the Circuit then existing on January 1, 2021, should have been the Circuit to which the Plaintiff would be eligible to run for this particular seat.

6. That the enactment of Senate Bill 9, by changing the Circuit Boundaries has the effect of denying the Plaintiff and other African American lawyers who live in Columbia County, Georgia the right to run for a Superior Court Judgeship – that is, to take the position of the Honorable Michael N. Annis.

7. That in the existing Augusta Judicial Circuit history has shown that an African American Judge, Carl C. Brown, Jr., can win against a White lawyer, Christopher Nicholson.

8. That African American voters in Columbia County will be denied their rights to have a competitive election for a judge if the appointment of the Governor is nullified and this seat is open for a Special Election.

9. That by creating a new judicial Circuit that is majority White has the effect of disenfranchising and suppressing African American electors.

10. That the Plaintiff's Due Process rights under the Georgia Constitution and under the United States Constitution have been denied.

WHEREFORE, Plaintiff prays:

(a) That the Court declare that the provisions of Senate Bill 9 creating a majority White judicial Circuit of Columbia County, Georgia, which was created in violation of the Rules and Regulations of the Judicial Council, be declared illegal and be stricken in violation of Section 2 of the Voting Rights Act of 1965, in that it disenfranchises the voters of Columbia County citizens and nullifies their votes for Jared Williams to be the District Attorney for the 3-county Augusta Judicial Circuit;

(b) That Senate Bill 9 be stricken as it is in violation of the Due Process rights of the citizens of Burke, Columbia, and Richmond Counties and in violation of the Separation of Powers Doctrine;

(c) That this Court should declare Senate Bill 9 in violation of the Due Process Clause of the Georgia Constitution and in violation of the Georgia Constitution Article II, Section 1, Paragraph III;

(d) That the respective counties be temporarily enjoined and restrained and permanently restrained from distributing funds or taking additional action to create a separate judicial Circuit for Columbia County, Georgia and for a judicial Circuit for Burke County and Richmond County, and from taking any actions to separate the Augusta Judicial Circuit;

(e) That the Attorney General of Georgia be served with a copy of this action along with all the Defendants;

(f) That the Plaintiff be granted such other and further relief as is just and equitable.

This 28th day of April, 2021.

s/ **John B. Long**

JOHN B. LONG, ESQ.

Georgia State Bar No. 457200

/s/ **Thomas W. Tucker**

THOMAS W. TUCKER, ESQ.

Georgia State Bar No. 717975

Attorneys for Plaintiff

OF COUNSEL:

TUCKER LONG, P.C.

P. O. BOX 2426

453 GREENE STREET

AUGUSTA, GA 30903

(706) 722-0771

(706) 722-7028 Fax

jlong@tuckerlong.com

ttucker@tuckerlong.com

**Judicial Council Policy on the Study of
Superior Court Judgeships and Circuit
Boundaries**

**Georgia Judicial Workload
Assessment (Appendix A)**

**Judicial Council Policy on the Submission
of Caseload Reports by Trial Courts**



Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

This policy governs the processes, procedures, and methodology used by the Judicial Council when considering requests for additional judgeships and circuit boundary alterations. The Judicial Council recognizes that the addition of a judgeship or circuit boundary alteration is a matter of great gravity and substantial expense to the state's citizens. Therefore, careful inquiry and deliberate study according to a rigorous methodology will lay the foundation for any recommended changes to circuit judgeships or boundaries.

The Judicial Council acknowledges the National Center for State Courts' (NCSC) subject matter expertise in case processing and workload methodology and its documented best practices for assistance in this policy (see Appendix B).

1.2 – Policy Statements

1. The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.
2. The Judicial Council will recommend circuit boundary alterations based only upon need demonstrated through the methodology contained herein.
3. The Judicial Council will not recommend part-time judgeships or single-judge circuits.

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

1. The Governor, members of the General Assembly, and superior court judges have standing to initiate judgeship and circuit boundary studies.
2. The AOC will notify the Governor, General Assembly, superior court judges, and district court administrators no later than May 1 that they may request studies in writing by June 1, or the next business day thereafter, prior to the session of the General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 will not be considered until the following year except upon approval by the Chair of the Judicial Council in consultation with the Chair of the Standing Committee on Judicial Workload Assessment for good cause shown. Under no circumstances will a request received more than five business days after June 1 be considered during the current year.

3. Requests for studies will be sent to the Director of the AOC. If anyone, other than a chief judge, requests a judgeship or circuit boundary study, the AOC will inform the chief judge of the same circuit, and any adjacent circuits in the case of boundary studies, that a request has been made. Any request by any party may be withdrawn by the same party at any time for any reason, and staff will notify all parties impacted by such a withdrawal.
4. The AOC will send the caseload and workload status of their respective circuits to all superior court judges and district court administrators no later than May 1 of each year.

2.2 – Judgeship Study Methodology

The Judicial Council approves the NCSC reported adopted by the Council on December 7, 2018 (see Appendix A). See Appendix B for the summary of all values. Furthermore, the Judicial Council approved an amendment to the Habeas Corpus and Civil Appeals case weights on December 11, 2020 (see Appendix C).

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.
2. The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* divided by the total number of authorized judgeships in the circuit meets or exceeds 1.2, then the circuit is qualified for an additional judgeship. If the *judge workload value* divided by the total number of authorized judgeships in the circuit is less than 1.2, then the circuit is not qualified for an additional judgeship. For purpose of analysis and reporting under this policy, workload values shall be rounded to the nearest tenth. When analyzing a circuit for multiple judgeships, the circuit shall first be analyzed to determine a need for one judgeship. If qualified, then the circuit shall be analyzed for one additional judgeship, giving the circuit credit for the additional judgeship need already qualified for. This process shall repeat itself until the circuit is not qualified or the request is exhausted.
3. A circuit that requests and qualifies for an additional judgeship will have its judgeship study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. Requestors will be notified of their status and the Committee process no later than June 15. The Standing Committee may forward the recommendation to the Judicial Council for consideration at the first meeting of the fiscal year as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a judgeship, the Standing Committee may consider that disagreement in their decisions to recommend new

judgeships to the Council. The Committee shall vote on request for multiple judgeships independently.

4. A circuit that requests and is not qualified for an additional judgeship has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. Requestors will be notified of their status and the Committee process no later than June 15. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.
5. The AOC will present annually to the Committee a list of all circuits whose *judge workload value* divided by the total number of authorized judgeships in the circuit is less than 0.90 and whose per judge workload value would not equal or exceed 1.2 upon reduction of a judgeship. The Committee Chair shall invite all judges from such circuits to appear at the next Committee meeting to discuss their caseload and workload data. The Committee shall provide technical assistance, with the assistance of the AOC and others so designated, to the affected circuits that may include, but is not limited to: a manual hand count of cases for a specified period of time, additional training for clerks and staff on proper case documentation, and a review of caseload reports and other case information. The AOC shall provide the Committee prior to the next year's annual reporting, a report of the technical assistance provided and any recommendations for further assistance. If a circuit is presented for the first time between 2020 and 2021 and is presented for five consecutive years, the Committee may consider and recommend any options it deems appropriate to the Council. If a circuit is presented for the first time on or after 2022 and is presented for three consecutive years, the Committee may take the same action.

2.3 – Circuit Boundary Study Methodology

A proposed circuit boundary alteration will cause study of the requesting circuit and all adjacent circuits. A circuit is qualified for a boundary alteration if, after the proposed alteration, the following conditions are met.

1. Caseload and Workload
 - a. Caseload is more evenly distributed across all circuits impacted by the alteration.
 - b. Workload in altered circuits does not vary significantly from the statewide average workload.
 - c. Caseload trend analysis of altered circuits does not project an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again in the near future.

2. Population

- a. Per judge population is more evenly distributed among circuits impacted by altered boundaries.
- b. Per judge population does not vary significantly from the statewide average in altered circuits.
- c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.
- d. The population of altered circuits is more evenly distributed than the original circuits.

3. Judges

- a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.
- b. Judges' travel time and/or distance between courthouses decreases in altered circuits.

4. Administrative

- a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered. These costs include, but are not limited, to the following:
 - i. Salaries and compensation for staff;
 - ii. Cost for items such as furniture, signage, and general startup expenses;
 - iii. Rent or the purchase of new office space;
 - iv. Purchase or lease of a vehicle; and
 - v. Conference and continued education costs.
- b. The operational and case assignment policies are not negatively impacted in altered circuits.

- i. Any current standing orders regarding case assignment should be submitted to the AOC; and
 - ii. Any item affecting the case assignment not specifically expressed in the Uniform Rules for Superior Courts should be submitted to the AOC.
 - c. The Circuit Court Administrator and/or District Court Administrator is required to submit the detailed Comprehensive Annual Financial Report to the AOC to be included within the analysis.
5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.
 6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.
 7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status no later than July 1.
 8. A circuit that qualifies for a boundary alteration will have its study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at its next meeting as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a circuit boundary alteration, the Standing Committee may consider that disagreement in their decisions to recommend circuit boundary alterations to the Council.
 9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council will make recommendations to the Governor and the General Assembly for judicial personnel allocations and circuit boundary alterations annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present all Committee recommendations on additional judgeships,

circuit boundary adjustments, and reduction of judgeships to the Council. Requestors will be notified of the Council process no later than August 1. The report will include the results of the judgeship and/or boundary studies, any letters of support from requesting circuits, any available *CourTools* data, and other information the AOC may deem beneficial to Judicial Council deliberations.

2. After reviewing the recommendations, the Judicial Council, in open session, may discuss the merits of each recommendation. Any Judicial Council member in a circuit or county affected by a recommendation will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be recognized to speak by the Chief Justice.
3. After deliberations, the Judicial Council will, in open session, approve or disapprove the recommendations. The Council shall vote on requests for multiple judgeships independently. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. The Council shall vote on requests for multiple judgeships independently. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
 - a. The ballots will be counted using the Borda count method. The Borda count determines the outcome of balloting by giving each circuit a number of points corresponding to the number of candidates ranked lower. Where there are n circuits, a circuit will receive n points for a first preference ballot, $n - 1$ points for a second preference ballot, $n - 2$ for a third preference ballot, and so on until n equals 1. Once all ballots have been counted, the circuits are then ranked in order of most to fewest points.
5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.
6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's

recommendations.

Georgia Judicial Workload Assessment

Final Report

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Cynthia G. Lee, J.D.
Lydia E. Hamblin, Ph.D.

Research Division
National Center for State Courts



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I. INTRODUCTION

The Georgia Administrative Office of the Courts (AOC) contracted with the National Center for State Courts (NCSC) to develop a method to measure judicial workload in Georgia's State and Superior Courts. A clear measure of court workload is central to determining how many judicial officers are needed to resolve all cases coming before the court. Adequate resources are essential if the Georgia judiciary is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judicial officers required to handle the caseload and whether judicial resources are being allocated and used prudently. In response, judicial leaders around the country are increasingly turning to empirically-based workload assessments to provide a strong foundation of judicial resource need in their state trial courts.

Different types of cases create different amounts of judicial work: for example, a felony case typically requires more judge time than a routine traffic case. Unlike methods of judicial resource allocation that are based on population or raw, unweighted caseloads, the weighted caseload method explicitly incorporates the differences in judicial workload associated with different types of cases, producing a more accurate and nuanced profile of the need for judges in each court.

The current study represents a comprehensive overhaul of the Georgia weighted caseload system to update the case weights to reflect developments in the law and court procedures. This effort is timely because Georgia's judicial weighted caseload system was last reviewed and updated more than fifteen years ago. Since the previous weighted caseload study, developments in statutes, rules, case law, case management practices, new technology, increasing complexity of cases, and the overhaul of the state's probation and public defender systems

have had a significant impact on the work of State and Superior Court judges, necessitating an update of the case weights. The current workload assessment incorporates a number of innovations in comparison with previous studies conducted in Georgia. Specifically, the current study:

1. Increases time study participation, soliciting statewide participation from all State Court and Superior Court judges, to more accurately estimate the time required to resolve cases.
2. Incorporates the workload of senior judges and magistrate judges for State and Superior Court cases.
3. Establishes weights for accountability courts, including felony drug court, mental health court, DUI court, veterans' court, and other state-recognized accountability courts.
4. Reassesses the amount of time available for case-related work, adjusting the judge day and year values to reflect current practice.
5. Assesses whether current practice is consistent with achieving reasonable standards of quality through a comprehensive quality adjustment process, using a sufficiency of time survey, site visits, and Delphi focus groups.
6. Develops a rounding convention that puts courts of all sizes on equal footing.

A. The Weighted Caseload Model

The weighted caseload method of workload analysis is grounded in the understanding that different types of court cases vary in complexity, and consequently in the amount of judicial work they generate. For example, a typical misdemeanor creates a greater need for judicial resources than the average traffic case. The weighted caseload method calculates judicial need based on each court's total workload. The weighted caseload formula consists of three critical elements:

1. Case filings, or the number of new cases of each type opened each year;
2. Case weights, which represent the average amount of judge or judicial officer time required to handle cases of each type over the life of the case; and
3. The year value, or the amount of time each judge or judicial officer has available for case-related work in one year.

Total annual workload is calculated by multiplying the annual filings for each case type by the corresponding case weight, then summing the workload across all case types. Each court's workload is then divided by the year value to determine the total number of full-time equivalent judges and/or judicial officers needed to handle the workload.

B. History of Weighted Caseload in Georgia

Judicial weighted caseload is well established in Georgia. For nearly two decades, the state has used the weighted caseload method to assess judicial resource needs and recommend judgeships to the Georgia General Assembly.

1. 2000 Judicial Workload Assessment

In 2000, NCSC conducted separate but coordinated workload assessments for Georgia's Superior, State, and Juvenile courts. Courts were divided into three strata—urban, suburban/small urban, and rural—to adjust for differences among the strata in non-case-related activity (e.g., travel, administration, community activities).

A two-month time study was conducted, sampling judges in jurisdictions representative of all three geographic strata. Participants included 62 Superior Court judges in 22 circuits and 26 State Court judges in 12 counties. The

time study data were used to develop case weights to be applied in all Georgia Superior Courts and State Courts.

Since 2000, the Workload Assessment Committee has periodically conducted time and motion studies to update the Superior Court weighted caseload model.

2. Annual Superior Court Workload Assessments

The Georgia Constitution provides the General Assembly with the authority to “abolish, create, consolidate, or modify judicial circuits and courts and judgeships” for the Superior Courts.¹ On an annual basis, the Judicial Council of Georgia makes recommendations to the General Assembly for new Superior Court judgeships based on judicial need. To determine judicial need, the Judicial Council's Workload Assessment Committee produces an annual workload assessment report for the Superior Courts. The report applies the Superior Court weighted caseload model to current case filings to calculate judicial workload in each circuit and identify circuits with sufficient judicial need to qualify for additional judgeships. The Judicial Council reviews the committee's findings and votes on judgeship recommendations for consideration by the General Assembly.

3. 2015 Gwinnett County Superior Court Workload Assessment

In 2015, the Gwinnett County Superior Court contracted with NCSC to conduct its own judicial workload assessment.² All judicial officers serving in the Superior Court participated in a 12-week time study that resulted in a court-specific weighted caseload model.

¹ GA. CONST. art. VI, § I, para. VII.

¹ NATIONAL CENTER FOR STATE COURTS, GWINNETT COUNTY, GEORGIA SUPERIOR COURT JUDICIAL WORKLOAD STUDY (2015).

4. Current Judicial Workload Assessment

In 2016, the Georgia AOC engaged NCSC to conduct a comprehensive update of the weighted caseload model for State Court and Superior Court judges. Updates to methodology include broader participation in the time study; a condensed, 4-week time study with web-based training; and a comprehensive quality adjustment process to ensure that the case weights ensure sufficient time for effective case handling. The new weighted caseload model accounts for important changes that have had an impact on the workload of Georgia's judiciary in recent years including the establishment of accountability courts, the movement to a statewide public defender system, an overhaul of the state's probation system, and changes in statutes, case law, and court procedures (e.g., changes to implied consent procedures in DUI cases,³ the First Time Offenders Act⁴).

To provide oversight and guidance on matters of policy throughout the project, the AOC appointed a 16-member Judicial Needs Assessment Committee (JNAC) consisting of 8 State Court judges and 8 Superior Court judges, representing judicial circuits of various sizes from all geographic regions of the state. JNAC's role was to advise NCSC on the selection of case types (e.g., criminal, civil, domestic) and the time study design, as well as to make policy decisions regarding the amount of time allocated to case-related and non-case-related work (judge day and year values and administrative adjustments) and quality adjustments to the model. Superior Court Judge Melodie Snell Conner and State Court Judge Joseph Iannazzone, both from Gwinnett County, served as co-chairs of JNAC.

The workload assessment was conducted in two phases:

1. A time study in which all Superior Court and State Court judges, as well as senior judges and magistrates serving in Superior Court and State court, were asked to record all case-related and non-case-related work over a four-week period. The time study provides an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.
2. A quality adjustment process to ensure that the final weighted caseload models incorporate sufficient time for efficient and effective case processing, including fulfilling the constitutional guarantee of the right to a speedy trial in criminal cases. The quality adjustment process included
 - a statewide sufficiency of time survey asking judges about the amount of time currently available to perform various case-related and non-case-related tasks;
 - site visits by NCSC and AOC staff to Superior Courts and State Courts in four circuits; and
 - a structured review of the case weights by a set of Delphi panels comprising experienced judges from across the state of Georgia.

³ Williams v. State, 296 Ga. 817 (2005).

⁴ O.C.G.A. § 42-8-60 et seq.

II. CASE TYPES AND EVENTS

At JNAC's first meeting on March 17, 2017, one of the committee's primary tasks was to establish the case type and event categories upon which to base the time study. Together, the case types, case-related events, and non-case-related events describe all of the work required and expected of Georgia's State and Superior Court judges.

A. Case Type Categories

JNAC was charged with establishing two sets of case type categories, one for State Court and one for Superior Court (based on their constitutionally mandated jurisdictions), which satisfied the following requirements:

- The case type categories are both mutually exclusive and collectively exhaustive, meaning that any given case falls into one, and only one, case type category;
- Categories are legally and logically distinct;
- There are meaningful differences among categories in the amount of judicial work required to process the average case;
- There are a sufficient number of case filings within the category to develop a valid case weight; and
- Filings for the case type category or its component case types are tracked consistently and reliably by the AOC.

Using the case type categories currently tracked by the AOC as a starting point, JNAC defined 12 case type categories for State Court and 17 for Superior Court (Exhibit 1). A significant

innovation was the addition of a case type category for statutorily defined Accountability Courts in both State Court and Superior Court.

Details regarding the specific case types included in each category are available in Appendix A (State Court) and Appendix B (Superior Court).

B. Trials

Citing a perceived increase in the duration of trials associated with increases in case complexity, JNAC determined that during the time study trial time would be tracked separately from other case-related work. Trial work was defined as all case-related activities specific to a bench or jury trial, as well as sentencing following conviction at a trial. Trial work did not include pre-trial activities (e.g., pre-trial hearings, conferences, dispositive motions).

C. Non-Case-Related Events

Work that is not related to a particular case before the court, such as court management, committee meetings, travel, and judicial education, is also an essential part of the judicial workday. To compile a detailed profile of judges' non-case-related activities and provide an empirical basis for the construction of the judge day and year values, JNAC defined nine non-case-related event categories (Exhibit 2). To simplify the task of completing the time study forms and aid in validation of the time study data, vacation and other leave, lunch and breaks, and time spent filling out time study forms were included as non-case-related events.

Exhibit 1: Case Type Categories

<u>State Court</u>	<u>Superior Court</u>
Criminal:	Criminal:
1. Non-Traffic Misdemeanor	1. Death Penalty/Habeas
2. Serious Traffic	2. Serious Felony
3. Other Traffic	3. Felony
4. Accountability Courts	4. Misdemeanor
5. Probation Revocation	5. Accountability Courts
	6. Probation Revocation
Civil:	Civil:
1. Complex Tort	1. Complex Tort
2. General Tort	2. General Tort
3. Landlord/Tenant	3. Contract/Real Property
4. Contract	4. Civil Appeals/Habeas Corpus
5. Civil Appeals	5. Other Civil (including reopened)
6. Garnishment	
7. Other Civil (including reopened)	Domestic:
	1. Divorce /Paternity/Legitimation
	2. Support (IV-D and private)
	3. Adoption
	4. Family Violence Petition
	5. Other Domestic
	6. Reopened Cases—Domestic

Exhibit 2. Non-Case-Related Events

Non-Case-Related Events

Non-Case-Related Administration

Judicial Education and Training

General Legal Reading

Committee, Conference, and Work Group Meetings and Related Work

Community Activities and Public Outreach

Work-Related Travel

Vacation, Sick Leave, and Holidays

Lunch and Breaks

NCSC Time Study

III. TIME STUDY

The time study phase of the workload assessment measured current practice—the amount of time judges currently spend handling cases of each type, as well as on non-case-related work. For a period of four weeks, all Georgia State and Superior Court judges, and senior or magistrate judges that were working on State or Superior Court cases, were asked to track all of their working time by case type and event. Separately, the AOC provided counts of filings by case type category and court. NCSC used the time study and filings data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights). The time study results also informed JNAC’s selections of day and year values for case-related work, as well as administrative adjustments for chief judges (who by statute have certain extra administrative duties).

A. Data Collection

1. Time Study

During a four-week period from October 16 through November 12, 2017, all State Court and Superior Court judges were asked to track all working time by case type category and trial status (for case-related work) or by non-case-related event (for non-case-related activities). Senior, Magistrate Court, and Juvenile Court judges were asked to record any time spent on State Court and Superior Court cases, and State Court judges were also asked to record time devoted to hearing cases in Superior Court. Participants were instructed to record all working time, including time spent handling cases on and off the bench, non-case-related work, and any after-hours or weekend work.

⁵ Separate counts of Serious Felony filings were available for Superior Court in 100 counties. In the 59 remaining counties, Serious Felony and Felony filings were reported in a single category. For these

Judges tracked their time in five-minute increments using a Web-based form.

To maximize data quality, all time study participants were asked to view a Web-based training module explaining how to categorize and record their time. In addition to the training modules, judges were provided with Web-based reference materials, and NCSC staff were available to answer questions by telephone and e-mail. The Web-based method of data collection allowed time study participants to verify that their own data were accurately entered and permitted real-time monitoring of participation rates, helping to maximize the quality and completeness of the time study data.

Across the state, 135 of 212 Superior Court judges (64 percent) and 81 of 92 State Court judges (88 percent) participated in the time study. This level of statewide participation, unprecedented in previous Georgia workload assessments, ensured sufficient data to develop an accurate and reliable profile of current practice in Georgia’s State and Superior Courts.

2. Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases of each type are filed on an annual basis. The AOC provided filings data for 2014, 2015, and 2016.⁵ The caseload data for all three years were then averaged to provide an annual count of filings within each case type category and court, shown in Exhibit 3. The use of an annual average rather than the caseload data for a single year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights.

counties, Serious Felony and Felony filings were estimated based on the statewide proportion of Serious Felony to Felony cases.

B. Preliminary Case Weights

Following the four-week data collection period, the time study and caseload data were used to calculate preliminary case weights. A preliminary case weight represents the average amount of time judges currently spend to process a case of a particular type, from pre-filing activity to all post-judgment matters. The use of separate case weights for each case type category accounts for the fact that cases of varying levels of complexity require different amounts of judicial time for effective resolution.

To calculate the preliminary case weights, the time recorded for each case type category was weighted to the equivalent of one year's worth of time for all judges statewide. The total annual time for each case type was then divided by the average annual filings to yield the average amount of hands-on time judges currently spend on each case. JNAC reviewed the preliminary case weights and adopted them as an accurate representation of current practice. Because Complex Tort, General Tort, and Accountability Court cases are very similar in subject matter and complexity in State Court and Superior Court, and because the time study results for these case types were virtually identical across the two court levels, JNAC elected to apply uniform case weights for these case types in State Court and Superior Court. Exhibit 3 shows the preliminary case weights for State and Superior Court as adopted by JNAC.

Exhibit 3. Filings and Preliminary Case Weights

State Court

	Annual Filings (average 2014 - 2016)	Preliminary Case Weight (minutes)
Non-Traffic Misdemeanor	94,889	22.0
Serious Traffic	29,472	56.0
Other Traffic	451,075	1.8
Accountability Courts	1,062	420.0
Probation Revocation	34,018	12.0
Complex Tort	246	850.0
General Tort	11,814	100.0
Landlord/Tenant	693	48.0
Contract	19,169	17.0
Civil Appeals	766	51.0
Garnishment	14,226	2.3
Other Civil (including reopened)	10,593	24.0
Total	668,023	

Superior Court

	Filings (average 2014 - 2016)	Preliminary Case Weight (minutes)
Death Penalty/Habeas	12	4,342
Serious Felony	4,659	565
Felony	79,724	49
Misdemeanor	31,002	19
Accountability Courts	2,612	420
Probation Revocation	50,172	9
Complex Tort	142	850
General Tort	6,649	100
Contract/Real Property	16,947	40
Civil Appeals/Habeas Corpus	3,769	44
Other Civil (including reopened)	24,960	29
Divorce/Paternity/Legitimation	50,555	61
Support (IV-D and private)	36,372	11
Adoption	2,959	55
Family Violence Petition	19,026	29
Other Domestic	18,841	44
Reopened Cases—Domestic	21,059	24
Total	369,459	

Note: In 59 counties, Superior Court Serious Felony and Felony filings were reported in a single category. In these counties, the proportion of Serious Felony and Felony filings was estimated on the basis of data from the remaining 100 counties.

IV. QUALITY ADJUSTMENT

The preliminary case weights generated during the time study measure the amount of time Georgia's State and Superior Court judges currently spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges should spend. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, judges across the state completed a Web-based sufficiency of time survey. NCSC and AOC staff made site visits to State and Superior courts in four circuits to interview judges, attorneys, and clerks. Finally, four expert panels of experienced judges reviewed the preliminary case weights to ensure that judges can devote the time required for the efficient and effective administration of justice in every case.

A. Sufficiency of Time Survey

To provide a statewide perspective on any areas of concern related to current practice, all State Court and Superior Court judges were asked to complete a Web-based sufficiency of time survey in February of 2018. For each case type, judges were asked to indicate in what percentage of cases additional judicial time is needed to ensure effective case processing, as well as how urgent the need is for additional time. Judges were then asked to identify specific case-related tasks, if any, where additional time would improve the quality of justice. The survey included questions about the sufficiency of time for non-case-related work, as well as space for judges to comment freely on their workload. Forty-nine State Court judges (53 percent) and 50 Superior Court judges (24 percent) completed the survey. Appendix C (State Court) and Appendix D (Superior Court) present the survey results in detail.

In both State Court and Superior Court, judges identified Accountability Court and Complex Tort cases as case types for which additional time would improve the quality of justice. State Court judges also indicated Serious Traffic and General Tort cases as high priorities for adjustment. In Superior Court, other case types identified as in need of additional time included Death Penalty/Habeas, Serious Felony, Felony, Divorce/Paternity/Legitimation, Other Domestic, and Family Violence Petition.

State Court judges indicated a need for additional time for pretrial motions and legal research in both criminal and civil cases. In State Court criminal cases, judges also highlighted trials as potentially benefiting from extra time. In Superior Court criminal and civil cases, areas of potential concern included trials, pretrial motions, pretrial and scheduling conferences, and addressing the needs of self-represented litigants. In domestic cases, Superior Court judges highlighted conducting and preparing findings and orders related to trials and final hearings, addressing the needs of self-represented litigants, reviewing and hearing motions for modification, and reviewing the case file and reports as activities for which more time would improve the quality of judicial decision-making. Both State Court and Superior Court judges indicated a need to devote additional time to Accountability Court work.

B. Site Visits

To gain an in-depth understanding of the issues judges face in the effective handling of their cases, NCSC and AOC staff visited State and Superior Courts in four circuits. Participating sites included urban, suburban, and rural courts from all geographic regions of Georgia.⁶ During the site visits, judges and trial court

⁶ Participating courts included the Douglas Judicial Circuit (Douglas County), the Mountain Judicial the Circuit (Habersham and Stephens Counties), the

Gwinnett Judicial Circuit (Gwinnett County), and Atlantic Judicial Circuit (Evans, Liberty, and McIntosh Counties).

administrators participated in structured group and individual interviews.

The interviews allowed project staff to document procedures and practices believed to increase efficiency and quality, as well as resource constraints that might inhibit effectiveness. Several common themes emerged during the interviews as well as in the comments of the sufficiency of time survey, as illustrated by quotes from interview and survey participants.

The unique needs of self-represented litigants require extra time and attention from judicial officers.

Both State Court and Superior Court judges reported that more and more litigants are appearing in court unrepresented by attorneys. To ensure that the rights of all parties are protected and that the case proceeds smoothly, judges must take additional time to ensure that self-represented litigants understand their rights, the legal process, and the rules of evidence. Self-represented litigants often appear in court unprepared or without statutorily required child support worksheets and materials, leading to delay and frustration for all concerned. These concerns are especially prevalent in family law and domestic violence cases, where a large proportion of parties is self-represented.

“I would take more time with pro se litigants to ensure the judicial process truly affords them the full opportunity to represent themselves.”

“The increase in pro se litigants requires more preparation for their cases since incorrectly prepared documents must be identified and pointed out to them for correction, much more so than in cases with attorneys.”

“I have to help them understand the process. I feel like a civics professor”

Accountability courts require extra time and attention from judicial officers.

The judicial work associated with an accountability court includes in-court time with participants, team meetings, collaboration across an array of agencies, and responding in a timely fashion to issues arising with participants. Judges reported a noticeable increase in workload after taking over an accountability court docket, not only during business hours but also after hours and on weekends. Many judges also noted that no adjustments were made to their regular dockets in consideration of this additional workload, although the state does allocate senior judge days to support some accountability courts. Despite these issues, judges reported a sense of purpose and responsibility towards accountability court participants.

“I spend a full day on accountability court per week: half a day on staffing and holding court, and half a day of responding to phone calls and other matters that come up.”

“The number of drug court participants has increased a great deal. We have a big meth problem [in this county]... I get texts all day about cases. I sign orders at home and scan them into the system for drug tests outside of business hours.”

“We need more time to think about those cases, the mental health or drug issues and their effects. As judges, we need to protect their interests and rights.”

“Additional time would allow for more in-depth research and greater opportunities to confer with treatment providers and community supervision before accountability court is held, resulting in better responses to problems.”

State Court often handles large and complex civil cases that require extra time and attention from judicial officers.

There is no jurisdictional limit on the value of civil cases filed in State Court, and judges reported that many attorneys prefer to file large

and complex civil cases in State Court rather than in Superior Court because statutory timelines in domestic cases can cause delay for other civil cases in Superior Court. In both State Court and Superior Court, judges have noticed an increase in the complexity of civil cases, particularly those involving scientific and economic evidence.

“What I love about hearing certain civil trials is the level of expertise and knowledge demonstrated by attorneys who regularly try cases in a particular specialized area of the law. I would love to have the additional time needed to meet them in the courtroom with a similar level of expertise.”

Law clerks and staff attorneys enhance the efficiency and quality of case processing in State and Superior Courts.

Law clerks and staff attorneys can perform many research, writing, and case management tasks, enhancing both the efficiency and the quality of judicial decision-making. Law clerks and staff attorneys assist judges in preparing for large trials, draft orders, research legal issues and review pleadings related to pre-trial motions in civil and criminal cases, review motions for post-conviction relief often filed by pro se inmates, assist with monitoring and dismissals for lack of prosecution, read “jail mail” from inmates in habeas corpus cases, and can act as “gatekeepers” to prevent ex parte communications. In smaller jurisdictions, judges report that law clerk and staff attorney resources are limited due to a lack of county funding. Many of these judges feel they would benefit from a law clerk’s assistance with legal research in more complex civil cases, case review, and order preparation.

“My law clerk reads everything that comes into the office before I do; it keeps me from being reversed on appeal.”

“Career-track staff attorney positions with competitive salaries are especially valuable because they allow judges to retain experienced

attorneys instead of starting fresh with a new law school grad every year.”

“[Staff attorneys] really allow us to maximize our court time.”

Judicial assistance from senior judges and magistrate judges enhances the efficiency and quality of case processing in State and Superior Courts, but there is disparity in their availability across jurisdictions.

Senior and magistrate judges are sometimes designated as State or Superior Court judges to assist with the caseload in those courts. The state funds a set number of senior judge days for each court annually, which can be supplemented by county funding. Magistrate judges can also be supplemented with county funding where available. During the site visits, judges pointed out disparities in access to judicial assistance based on county resources.

“Our primary resource [for handling the extra workload] is senior judges, but you only get so many senior judge days allotted each year, and they run out very quickly.”

A collaborative culture is essential to efficient and effective case processing.

Judges and court clerks all noted that teamwork among judicial officers and staff is a key ingredient in a court’s ability to handle its cases efficiently and effectively. Good communication between the bench and the clerk’s office, as well as a strong understanding of court processes on the part of the clerk and the clerk’s staff, leads to more efficient calendaring of cases. Within the bench, collegiality and cooperation enable judges to balance workloads, deal with absences and emergencies, mentor new colleagues, and share knowledge.

“Our public defender and prosecutor are always asking, ‘what’s the problem and how can it be addressed?’ Nobody says, ‘it’s not my job.’”

“The most important thing you can do as a lawyer or a judge is to know your clerks.”

“If a case breaks down [and the trial falls off the calendar], I will take jury cases for other judges.”

“Before the public defender system was established, all lawyers had to represent indigent defendants; everyone was forced through the criminal defense system and learned to participate together.”

C. Delphi Quality Adjustment Groups

To provide a qualitative review of the preliminary case weights, project staff facilitated a series of quality adjustment sessions with panels of State and Superior Court judges in June 2018. Each of the four groups consisted of between nine and 13 experienced judges selected from a representative variety of large and small judicial circuits across the state. Each group focused on a subset of case types, including State Court criminal, State Court civil, Superior Court civil and criminal, and Superior Court domestic. At the beginning of each quality adjustment session, NCSC staff provided group members with an overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey and site visit results.

Using a variant on the Delphi method—a structured, iterative process for decision-making by a panel of experts—each group engaged in a systematic review of the preliminary case weights. Group members drew on current practice (as measured by the time study), the perspective of judges from across the state (as expressed by the sufficiency of time survey and site visits), and their personal experience to make recommendations regarding the content of the final case weights. Each group was asked to follow a four-step process:

1. Review each preliminary case weight by case type and event and identify specific case types and activities where additional time would allow for more effective case processing, as well as areas where efficiency might be gained;
2. Within particular case types, recommend adjustments to the time allotted to specific case-related functions;
3. Provide an explicit rationale to support any proposed increase or reduction in judicial time; and
4. Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable.

This iterative, consensus-based review of the case weights was designed to ensure that all recommended adjustments were reasonable and designed to produce specific benefits to the public such as improvements in public safety, cost savings, increases in procedural justice, and improved compliance with court orders. The process also ensured that the statewide perspective gained from the sufficiency of time survey, along with the input of all group members, was incorporated into the final workload model.

In State Court, the quality adjustment panels recommended adding time to review the defendant’s history in Probation Revocation cases and to review pretrial motion briefs and prepare for pretrial motion hearings in Complex Tort cases. In criminal cases in Superior Court, the quality adjustment panel recommended adding time for dedicated pretrial motion hearings (Serious Felony), plea colloquies (Serious Felony and Felony), ability to pay determinations (Felony and Misdemeanor), review of requests for early probation termination (Felony), and staffing sessions (Accountability Court). In Superior Court domestic cases, the quality adjustment panel recommended adding time to explain rulings at

temporary hearings in
Divorce/Paternity/Legitimation cases, for trials
in contested custody cases
(Divorce/Paternity/Legitimation), to discern the
relevant facts during ex parte TPO hearings in
Family Violence Petition Cases, and to allow
parties to tell their stories during trials on
modifications (Other Domestic). JNAC
reviewed and adopted all of the panels'

recommended quality adjustments. To maintain
consistency, JNAC applied the panels'
recommended adjustments to the Complex Tort
and Accountability Court weights across both
court levels. Exhibit 4 shows the preliminary
and quality-adjusted case weights for State
Court and Superior Court.

Exhibit 4. Preliminary and Quality-Adjusted Case Weights

State Court

	Preliminary Case Weight (minutes)	Final Case Weight (minutes)
Non-Traffic Misdemeanor	22.0	22.0
Serious Traffic	56.0	56.0
Other Traffic	1.8	1.8
Accountability Courts	420.0	495.0
Probation Revocation	12.0	13.0
Complex Tort	850.0	868.0
General Tort	100.0	100.0
Landlord/Tenant	48.0	48.0
Contract	17.0	17.0
Civil Appeals	51.0	51.0
Garnishment	2.3	2.3
Other Civil (including reopened)	24.0	24.0

Superior Court

	Preliminary Case Weight (minutes)	Adjusted Case Weight (minutes)
Death Penalty/Habeas	4,342	4,342
Serious Felony	565	572
Felony	49	54
Misdemeanor	19	20
Accountability Courts	420	495
Probation Revocation	9	9
Complex Tort	850	868
General Tort	100	100
Contract/Real Property	40	40
Civil Appeals/Habeas Corpus	44	44
Other Civil (including reopened)	29	29
Divorce/Paternity/Legitimation	61	65
Support (IV-D and private)	11	11
Adoption	55	55
Family Violence Petition	29	41
Other Domestic	44	45
Reopened Cases—Domestic	24	24

V. JUDICIAL NEED

In the weighted caseload model, three factors contribute to the calculation of judicial need: caseload data (filings), case weights, and the year value. The year value is equal to the amount of time each full-time judge has available for case-related work on an annual basis. The relationship among the filings, case weights, and year value is expressed as follows:

$$\frac{\text{Filings x Case Weights (minutes)}}{\text{Year Value (minutes)}} = \text{Resource Need (FTE)}$$

Multiplying the filings by the corresponding case weights calculates the total annual workload in minutes. Dividing the workload by the year value yields the total number of full-time equivalent (FTE) judges needed to handle the workload.

A. Judge Year Values

To develop the year values for State Court and Superior Court judges, it was necessary to determine the number of days each judge has available for case-related work in each year (judge year), as well as how to divide the work day between case-related and non-case-related work (judge day value).

1. Judge Year

As shown in Exhibit 5, the judge year value was constructed by beginning with 365 days per year, then subtracting weekends, holidays, annual leave and sick leave, and full-day participation in statutorily mandated judicial training. The steering committee from the 2000 NCSC judicial workload studies adopted a judge year of 220 case-related days for both State and Superior Courts. During the current workload assessment, JNAC decided to incorporate additional time for judicial education to enhance

the quality of justice, resulting in a judge year of 215 case-related days for Superior Court and State Court judges.

Exhibit 5. Judge Year

Total days per year	365
Weekends	– 104
Holidays	– 12
Annual leave	– 15
Sick leave	– 9
Judicial education	– 10
Case-related days per year	215

2. Judge Day

The judge day value represents the amount of time each judge has available for case-related work each day. This value is calculated by subtracting time for lunch, breaks, and non-case-related work (e.g., administration, travel, training) from the total working day. The 2000 steering committee established separate judge day values for three geographic strata in Superior Court and two in State Court, resulting in five separate day values ranging from 5.5 hours to 6.9 hours. Based upon the time study data, JNAC adopted three judge day values for case-related work: 6.0 hours for State Court judges, 6.0 hours for Superior Court judges in circuits with 3 or fewer counties, and 5.5 hours for Superior Court judges in circuits with 4 or more counties. The smaller day value circuits with 4 or more counties reflects the additional travel required of Superior Court judges in these circuits.

3. Judge Year Values

To calculate the final year values for case-related work, the number of days in the working year was multiplied by the day value for case-related work. This figure was then expressed in terms of minutes per year. Exhibit 6 shows the calculation of the year values for State Court and Superior Court.

Exhibit 6. Judge Year Values

	Judge year (days)	x	Judge day (hours)	x	Minutes per hour	=	Year value (minutes)
State Court	215	x	6.0	x	60	=	77,400
Superior Court							
3 or fewer counties	215	x	6.0	x	60	=	77,400
4 or more counties	215	x	5.5	x	60	=	70,950

B. Administrative Adjustment

The time study revealed that statutorily mandated administrative responsibilities create additional non-case-related work for Superior Court chief judges. JNAC determined that each Superior Court should be credited with additional judicial need of 0.1 FTE to accommodate this work.

C. Judicial Need

To calculate the number of judges needed in each of Georgia's State and Superior Courts, the annual average filings count for each case type was multiplied by the corresponding case weight to calculate the annual judicial workload associated with that case type, in minutes. Judicial workload was summed across all case types, then divided by the judge year value, or the amount of time each full-time judge has available for case-related work in one year. This yielded the total number of judges required to handle the court's case-related workload, as well as judges' ordinary non-case-related responsibilities, in full-time equivalent (FTE) terms. In Superior Court, the chief judge administrative adjustment was then added to arrive at total judicial need.

In some courts, workload-based judicial need exceeds the number of currently allocated judicial positions. Under existing policy, a Superior Court qualifies for an additional judicial position if its per-judge workload exceeds a certain threshold, ranging from 1.35 FTE per judge in a two-judge court to 1.12 FTE per judge in a 25-judge court. After a thorough review of these thresholds, JNAC adopted a uniform threshold of 1.2 FTE workload per judge to qualify for a new judgeship in State and Superior Courts of all sizes.

Exhibits 7 (State Court) and 8 (Superior Court) present the final calculation of judicial workload and need, as well as the number of judges required to bring per-judge workload below the 1.2 FTE threshold, for each court.

Exhibit 7. Judicial Workload and Need, State Court

County	Total Case-Related Workload	Current Part-Time Judges	Current Full-Time Judges	Current Workload per Judge	Full-Time Judge Need with 1.2 FTE Workload per Judge Upper Bound
Appling	0.21	1			
Bacon	0.08	1			
Baldwin	0.76	1			
Bibb	2.05		2	1.02	2
Brooks	0.28	1			
Bryan	0.30	1			
Bulloch	0.94		1	0.94	1
Burke	0.63	1			
Candler	0.09	1			
Carroll	1.33		1	1.33	2
Catoosa	0.16		1	0.16	1
Charlton	0.15	1			
Chatham	4.14		3	1.38	4
Chattooga	0.34	1			
Cherokee	2.85		3	0.95	3
Clarke	1.86		2	0.93	2
Clayton	5.85		5	1.17	5
Cobb	8.69		12	0.72	12
Coffee	0.30	1			
Colquitt	0.37		1	0.37	1
Coweta	2.08		2	1.04	2
DeKalb	9.89		11	0.90	11
Decatur	0.17	1			
Dougherty	0.91		1	0.91	1
Douglas	2.15		2	1.07	2
Early	0.10	1			
Effingham	0.45		1	0.45	1
Elbert	0.31	1			
Emanuel	0.11	1			
Evans	0.07	1			
Fayette	1.32		1	1.32	2
Forsyth	1.89		2	0.94	2
Fulton	7.83		10	0.78	10
Glynn	1.38		1	1.38	2
Grady	0.20	1			
Gwinnett	7.43		6	1.24	7
Habersham	0.53	1			
Hall	2.79		3	0.93	3
Henry	3.74		4	0.93	4
Houston	1.78		1	1.78	2
Jackson	0.83	1			
Jeff Davis	0.22	1			
Jefferson	0.16	1			
Jenkins	0.13	1			
Liberty	0.61		1	0.61	1
Long	0.24	1			
Lowndes	3.38		2	1.69	3
McIntosh	0.48	1			
Miller	0.09	1			
Mitchell	0.17		1	0.17	1
Muscogee	2.56		2	1.28	3
Pierce	0.20	1			
Putnam	0.21	1			
Richmond	3.64		4	0.91	4
Rockdale	1.37		1	1.37	2
Screven	0.23	1			
Spalding	0.64		1	0.64	1
Stephens	0.70	1			
Sumter	0.56	1			
Tattnall	0.15	1			
Thomas	0.58	1			
Tift	0.71		1	0.71	1
Toombs	0.25	1			
Treutlen	0.12	1			
Troup	1.04		1	1.04	1
Turner	0.31	1			
Walker	0.93		1	0.93	1
Ware	0.26	1			
Washington	0.24	1			
Wayne	0.43	1			
Worth	0.20	1			
Total	98.16	36	91		100

Exhibit 8. Judicial Workload and Need, Superior Court

Circuit	Total Case-Related Workload	Current Judges	Current Workload per Judge	Judge Need with 1.2 FTE Workload per Judge Upper Bound
Alapaha	2.32	2	1.16	2
Alcovy	5.17	5	1.03	5
Appalachian	3.33	3	1.11	3
Atlanta	25.72	20	1.29	22
Atlantic	3.29	4	0.82	4
Augusta	7.63	8	0.95	8
Bell-Forsyth	2.58	3	0.86	3
Blue Ridge	3.47	3	1.16	3
Brunswick	5.75	5	1.15	5
Chattahoochee	6.48	7	0.93	7
Cherokee	5.02	4	1.26	5
Clayton	6.34	5	1.27	6
Cobb	13.34	10	1.33	12
Conasauga	3.92	4	0.98	4
Cordele	2.17	3	0.72	3
Coweta	9.33	7	1.33	8
Dougherty	2.90	3	0.97	3
Douglas	3.73	3	1.24	4
Dublin	2.47	3	0.82	3
Eastern	6.69	6	1.11	6
Enotah	3.41	3	1.14	3
Flint	4.28	3	1.43	4
Griffin	5.01	4	1.25	5
Gwinnett	14.83	10	1.48	13
Houston	2.10	3	0.70	3
Lookout Mountain	3.73	4	0.93	4
Macon	4.72	5	0.94	5
Middle	2.45	2	1.23	3
Mountain	2.25	2	1.13	2
Northeastern	5.53	5	1.11	5
Northern	3.79	3	1.26	4
Ocmulgee	5.16	5	1.03	5
Oconee	2.44	3	0.81	3
Ogeechee	4.62	3	1.54	4
Pataula	1.87	2	0.94	2
Paulding	3.04	3	1.01	3
Piedmont	4.12	4	1.03	4
Rockdale	2.10	2	1.05	2
Rome	4.34	4	1.09	4
South Georgia	2.00	2	1.00	2
Southern	6.37	5	1.27	6
Southwestern	2.42	3	0.81	3
Stone Mountain	12.26	10	1.23	11
Tallapoosa	2.21	2	1.11	2
Tifton	1.84	2	0.92	2
Toombs	1.36	2	0.68	2
Towaliga	2.09	2	1.04	2
Waycross	4.36	4	1.09	4
Western	4.00	4	1.00	4
Total	240.34	214		232

VI. RECOMMENDATIONS

The final weighted caseload model provides an empirically grounded basis for analyzing judicial workload and need in each of Georgia's State and Superior Courts. The following recommendations are intended to ensure the effective use of the weighted caseload model and to preserve the model's integrity and utility over time.

Recommendation 1

To account for jurisdiction-specific contextual factors, NCSC recommends that the Administrative Office of the Courts and the Judicial Council conduct a secondary analysis before recommending the creation of additional judicial positions in a court. Factors that should be considered during the secondary analysis include, but need not be limited to:

- Availability of judicial assistance (e.g., senior judges, magistrate judges) to perform Superior Court or State Court work;
- Geography and travel requirements; and
- Availability of law clerks and support staff.

Recommendation 2

A critical assumption of Georgia's State Court and Superior Court weighted caseload models is that case filings are counted consistently and accurately. NCSC recommends that Georgia's trial courts continue their efforts to improve the reliability of caseload reporting, including implementing a consistent definition of Serious Felony cases and reducing the number of cases with an unknown case type classification.

Recommendation 3

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. NCSC recommends that the Judicial Council of Georgia and the Administrative Office of the Courts conduct a comprehensive review of the State Court and Superior Court weighted caseload models every five to seven years. This review should include a time study and a comprehensive quality adjustment process. Between updates, if a major change in the law appears to have a significant impact on judicial workload, a Delphi panel can be convened to make interim adjustments to the affected case weight(s).

APPENDIX A. GLOSSARY OF TERMS, STATE COURT

CASE TYPE CATEGORIES

Criminal

1. Non-traffic misdemeanor
Includes all misdemeanors other than traffic offenses
2. Serious traffic
Includes serious traffic offenses such as misdemeanor DUI, homicide by vehicle, serious injury by vehicle, reckless driving, hit and run, aggressive driving, fleeing an officer
3. Other traffic
Includes less serious traffic offenses such as speeding, failure to stop at a stop sign, failure to signal
4. Accountability courts
Includes all statutorily recognized accountability court dockets
5. Probation revocation

Civil

1. Complex tort
Includes medical malpractice and product liability
2. General tort
Includes all other torts such as professional negligence, premises liability, libel, slander
3. Landlord/tenant
4. Contract
5. Civil appeals
Includes all civil appeals from a lower court
6. Garnishment
7. Other civil
Includes civil cases that do not fall into any other category
8. Reopened cases—civil
Includes contempt, modification

Superior Court Work

Includes all on-bench and off-bench work related to Superior Court cases heard by a State Court judge designated as a Superior Court judge.

TRIAL

Includes all on-bench and off-bench activity related to a bench or jury trial. Includes all research and preparation related to trials, as well as sentencing following conviction at trial. Does not include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- ☐ Jury selection
- ☐ Jury trial
- ☐ Bench trial
- ☐ Sentencing after conviction at trial
- ☐ Preparation of orders related to trials

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- ☐ Staff meetings
- ☐ Bench meetings
- ☐ Personnel matters
- ☐ Staff supervision and mentoring
- ☐ Court management

2. Judicial Education and Training

Includes all educational and training activities such as:

- ☐ Judicial education/continuing legal education
- ☐ Conferences

3. General Legal Reading

Includes all reading and research that is not related to a particular case before the court. Examples include:

- ☐ Reading journals
- ☐ Reading professional newsletters
- ☐ Reviewing appellate court decisions

4. Committee, Conference, and Work Group Meetings and Related Work

Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:

- ☐ Community criminal justice board meetings
- ☐ State committees, conferences, and work groups

5. **Community Activities and Public Outreach**

Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:

- ☐ Speaking at schools about legal careers
- ☐ Judging moot court competitions

6. **Work-Related Travel**

Work-Related Travel includes time spent traveling to or from a court other than your primary court. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is greater than the length of your commute between your home and your primary court. You should also record travel between two courts.

Record travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.

7. **Vacation, Sick Leave, and Holidays**

Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. **Lunch and Breaks**

Includes all routine breaks during the working day.

9. **NCSC Time Study**

Includes time spent filling out time study forms and entering time study data using the Web-based form.

APPENDIX B. GLOSSARY OF TERMS, SUPERIOR COURT

CASE TYPE CATEGORIES

Criminal

1. Death penalty/habeas
Includes all death penalty cases and death penalty habeas cases
2. Serious felony
Includes murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery
3. Felony
Includes all other felonies
4. Misdemeanor
Includes all misdemeanor offenses
5. Accountability courts
Includes all statutorily recognized accountability court dockets
6. Probation revocation

Civil

1. Complex tort
Includes medical malpractice and product liability
2. General tort
Includes all other torts such as professional negligence, premises liability, libel, slander
3. Contract
4. Real property
Includes boundary disputes
5. Civil appeals/habeas corpus
Includes all civil appeals from a lower court and felony habeas cases not involving the death penalty
6. Other civil
Includes civil cases that do not fall into any other category, such as mandamus, restraining petitions, and garnishments

7. Reopened cases—civil

Includes contempt, modification

Domestic

1. Divorce/paternity/legitimation

2. Support (IV-D and private)

Includes private and DHS child support cases

3. Adoption

4. Family violence petition

Includes cases involving family violence protective orders

5. Other domestic

Includes modification of custody and modification of visitation

6. Reopened cases—domestic

Includes contempt

TRIAL

Includes all on-bench and off-bench activity related to a bench or jury trial. Includes all research and preparation related to trials, as well as sentencing following conviction at trial. Does not include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- ☐ Jury selection
- ☐ Jury trial
- ☐ Bench trial
- ☐ Sentencing after conviction at trial
- ☐ Preparation of orders related to trials

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- ☐ Staff meetings
- ☐ Bench meetings
- ☐ Personnel matters
- ☐ Staff supervision and mentoring
- ☐ Court management

2. Judicial Education and Training

Includes all educational and training activities such as:

- ☐ Judicial education/continuing legal education
 - ☐ Conferences
- 3. **General Legal Reading**
Includes all reading and research that is not related to a particular case before the court. Examples include:
 - ☐ Reading journals
 - ☐ Reading professional newsletters
 - ☐ Reviewing appellate court decisions
- 4. **Committee, Conference, and Work Group Meetings and Related Work**
Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:
 - ☐ Community criminal justice board meetings
 - ☐ State committees, conferences, and work groups
- 5. **Community Activities and Public Outreach**
Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:
 - ☐ Speaking at schools about legal careers
 - ☐ Judging moot court competitions
- 6. **Work-Related Travel**

Work-Related Travel includes time spent traveling to or from a court other than your primary court. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is greater than the length of your commute between your home and your primary court.

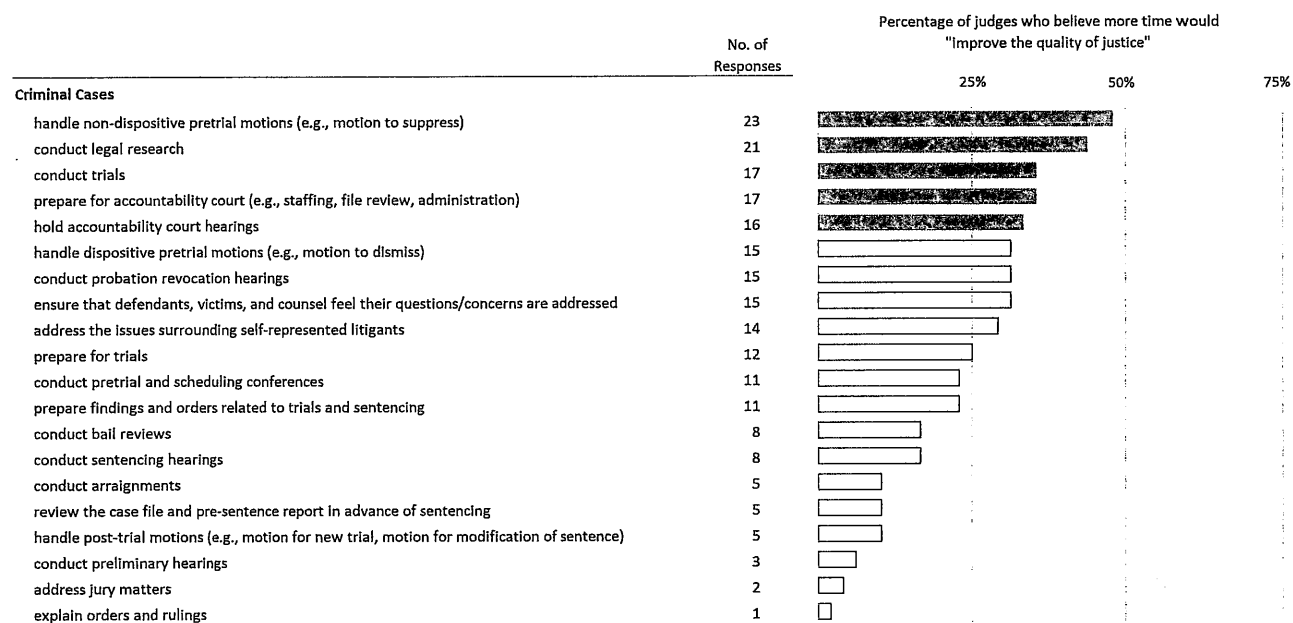
Record travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.
- 7. **Vacation, Sick Leave, and Holidays**
Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.
- 8. **Lunch and Breaks**
Includes all routine breaks during the working day.
- 9. **NCSC Time Study**
Includes time spent filling out time study forms and entering time study data using the Web-based form.

APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT

Criminal	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
	<div> <div>0 or 25%</div> <div>50%</div> <div>75 or 100%</div> </div>		
Accountability courts		24	71%
Serious traffic		39	56%
Non-traffic misdemeanor		29	28%
Reopened cases – criminal		36	25%
Other traffic		22	14%
Civil			
	<div> <div>0 or 25%</div> <div>50%</div> <div>75 or 100%</div> </div>		
Complex tort		30	77%
General tort		36	47%
Contract		31	19%
Garnishment		18	17%
Landlord/tenant		20	15%
Civil appeals		22	9%
Other civil		27	7%
Reopened cases – civil		18	6%
Note: Percentages are based on 48 respondents			

APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT (continued)

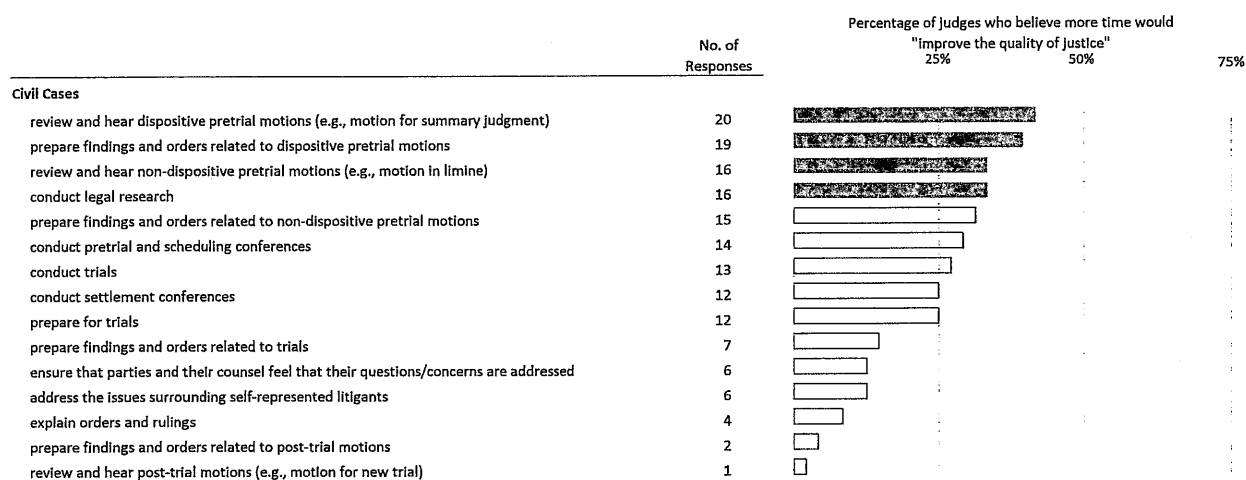
Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 48 respondents

APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT (continued)

Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 48 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT

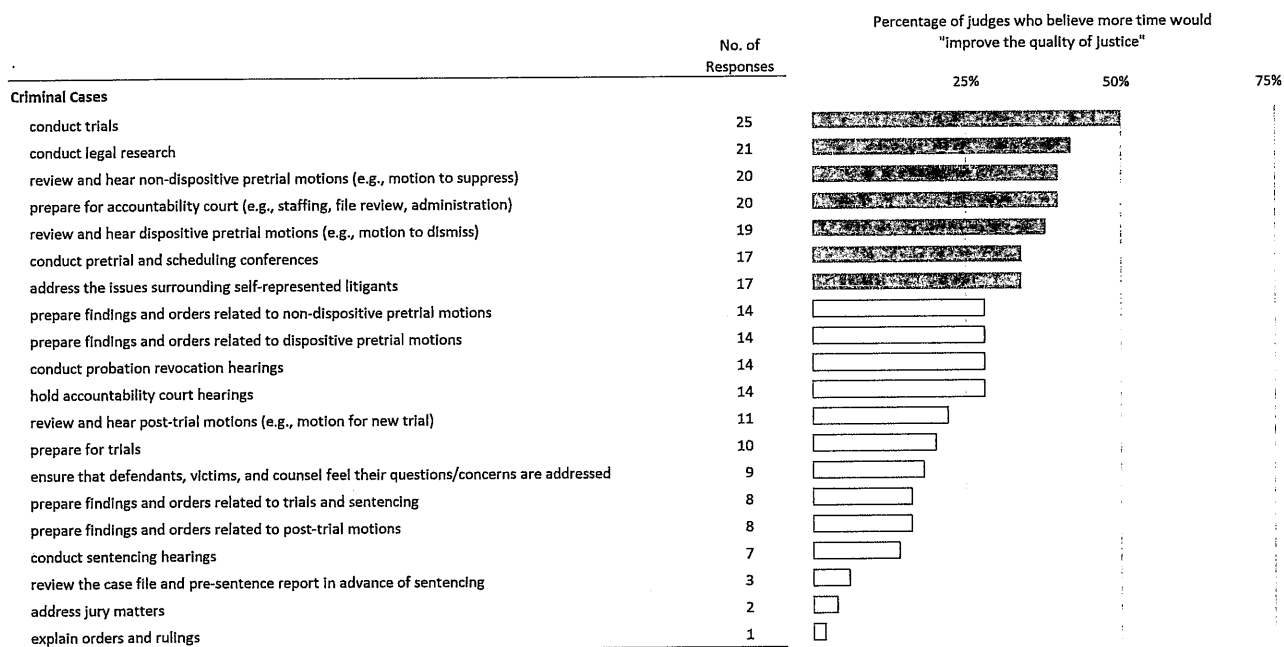
Criminal	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
	<div> <div>0 or 25%</div> <div>50%</div> <div>75 or 100%</div> </div>		
Death penalty/habeas		32	75%
Serious felony		43	67%
Felony		35	46%
Accountability courts		28	46%
Reopened cases – criminal		29	31%
Misdemeanor		17	12%
Civil			
	<div> <div>0 or 25%</div> <div>50%</div> <div>75 or 100%</div> </div>		
Complex tort		35	57%
Other civil		29	28%
Civil appeals/habeas corpus		28	25%
Reopened cases – civil		25	24%
General tort		31	16%
Contract		28	14%
Real property		30	10%
Note: Percentages are based on 50 respondents			

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

Domestic	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
	<div> <div>0 or 25%</div> <div>50%</div> <div>75 or 100%</div> </div> <div> <div>100%</div> <div>50%</div> <div>0%</div> </div>		
Divorce/paternity/legitimation		38	55%
Other domestic		37	49%
Family violence petition		30	43%
Adoption		14	43%
Reopened cases – domestic		32	38%
Support		22	23%
Note: Percentages are based on 50 respondents			

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

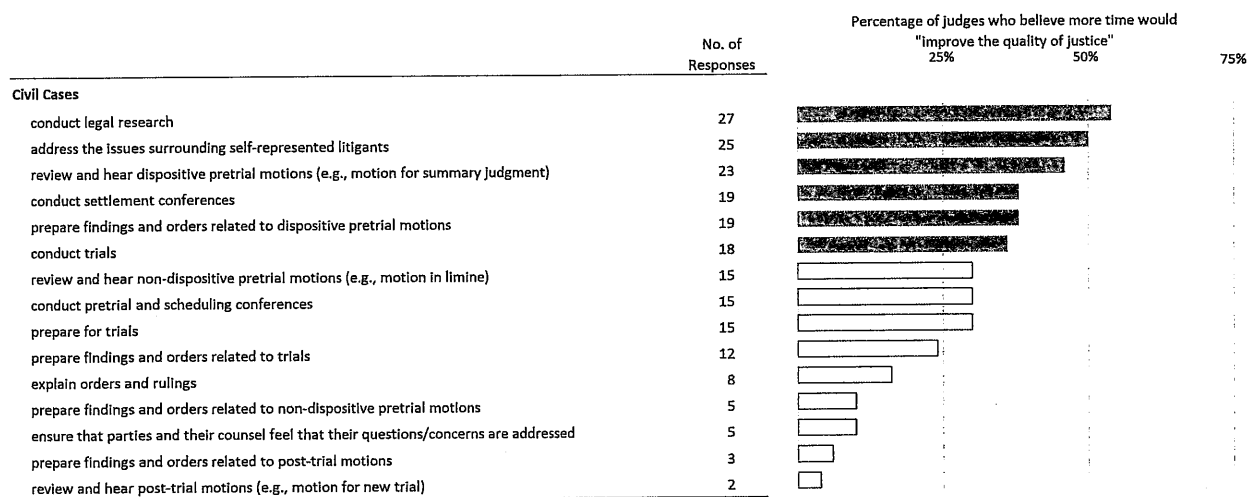
Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 50 respondents

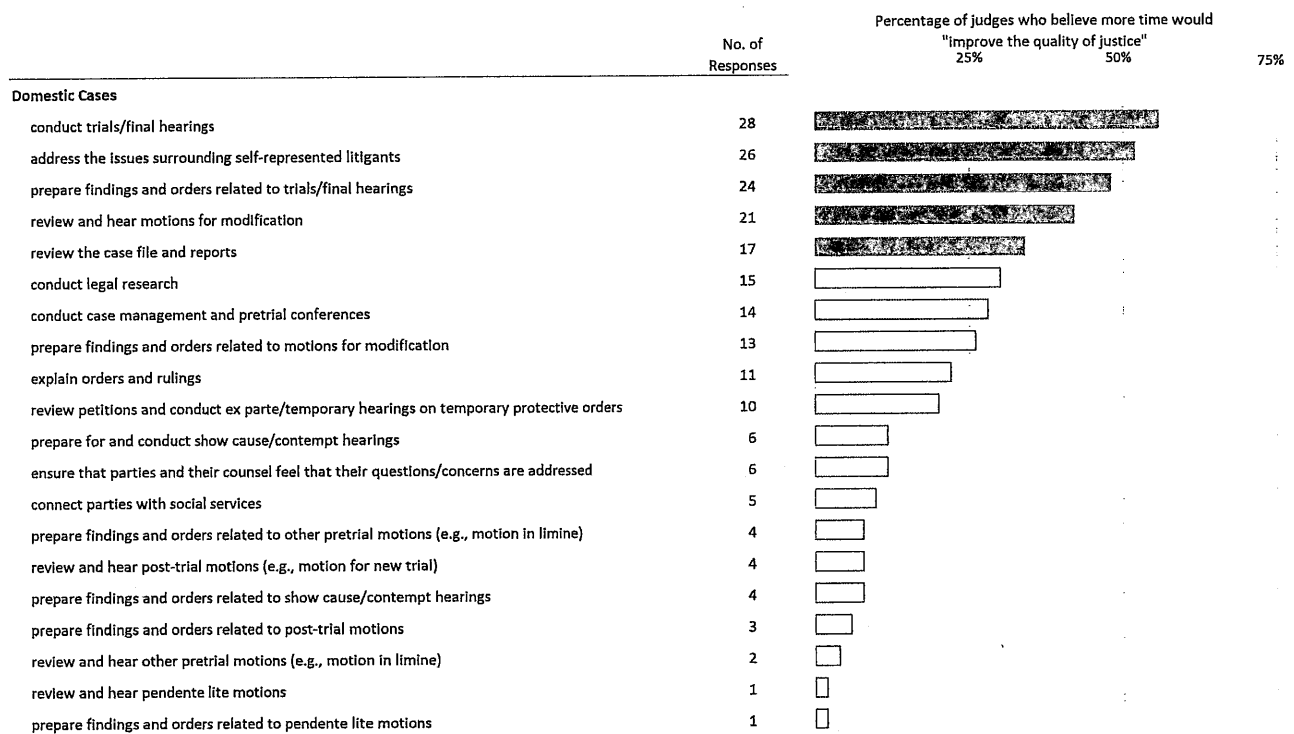
APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 50 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)



Note: Percentages are based on 50 respondents

Appendix B

Definitions

Total circuit caseload – The average (arithmetic mean) of the most recent three-years of civil case filings and criminal case defendants for each case type.

Case weight – The average number of minutes needed to dispose of a particular case type.

Total circuit workload – The sum of the total circuit workload for each case type multiplied by the case type's corresponding case weight.

Judge year value – The average number of minutes per calendar year a judge is available to do case work.

Classification – The category of circuits based upon whether the circuit has three (3) or fewer counties within its boundaries or 4 or more counties within its boundaries.

Judge workload value – The total circuit workload divided by the judge year value, representing the number of judges needed to do the work of the circuit during a year.

Judge threshold value – The value a circuit's judge workload value must meet or exceed to be qualified for an additional judgeship.

Appendix C



Judicial Council of Georgia **Administrative Office of the Courts**

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Chief Judge David Emerson, Chair

RE: Recommendations on New Habeas and Civil Appeals Case Weights

DATE: November 17, 2020

Introduction

Using the 2017 time and motion study data, the National Center for State Courts evaluated the case weights for habeas corpus and civil appeals with additional information gained from new interviews with judges and recent case filing data. See the current case weights below and a memo from the NCSC for reference.

Recommendation

Habeas Corpus Case Weight	136 Minutes
Civil Appeals Case Weight	42 Minutes

Approved by Judicial Council on 12/11/2020

Policy on the Submission of Caseload Reports by Trial Courts

Section 1 – Policy

1.1 – Introduction

This policy governs the Judicial Council's annual collection of caseload data from all trial courts. The intent of this policy is to ensure that the Administrative Office of the Courts (AOC) accurately and efficiently collects caseload reports for all trial courts, aggregates and publishes those reports, and adheres to statutory and uniform rule requirements for court data collection, transmission, and publication.

1.2 – Policy Statements

1. All trial courts will annually submit to the AOC their caseload reports as defined by the Standing Committee on Judicial Workload Assessment in consultation with each individual court council.
2. The Judicial Council will annually review and approve the data required of all trial courts.
3. All caseload reports submitted to the AOC will comply with applicable statutory and uniform rule requirements.

Section 2 – Caseload Reporting

2.1 – Initiation

1. For each class of trial court, the AOC will electronically notify all relevant parties no later than December 1 of the preceding year, of the caseload reporting information necessary to timely complete their reports.
2. Relevant parties will include but will not be limited to clerks of court, chief judges, district court administrators, and council executive directors.
3. Clerks of court are the source of truth for all caseload reports and all data are to be submitted by them except under extenuating circumstances as defined below.

2.2 – Collection and Monitoring

1. Caseload data will be collected by the AOC via an online tool. All caseload reports must be made in the AOC caseload portal by registered users. Alternative means of caseload reporting are not permitted, but the AOC will provide email and phone support to all courts requesting help.

2. Other than the initiation, the AOC will provide at least two notices of caseload reporting requirements to all relevant parties, though parties need not be further contacted once a report has been received.
3. The AOC will, as staffing permits, provide individual follow up to all courts submitting caseload reports.
4. All trial courts will submit final caseload reports no later than March 15 of each year.

2.3 – Corrections and Late Submissions

1. Corrections to caseload reports and late caseload report submissions are required to follow the procedure below.
2. Within 30 business days of March 15 of the reporting period, corrections and late submissions may be made by submitting a request to the AOC. The request must include the data to be corrected and an allowance that the AOC may enter the data into the online tool instead of the clerk.
3. Caseload report corrections and late submissions requested after 30 business days following March 15 must be accompanied by written approval from the chief judge and are subject to approval by the AOC after consultation with the Chair of the Standing Committee on Judicial Workload Assessment.
4. Caseload reports from previous years are not permitted unless requested in writing by the clerk of court and chief judge and are subject to approval by the Standing Committee on Judicial Workload Assessment after investigation by the AOC.

2.4 – Publication and Legislative Reporting

1. Caseload reports will be published by the AOC no later than June 1 of each year.
2. The AOC will include in its annual report a summary of all caseload data received during the year along with any relevant analysis.
3. The AOC will provide caseload data to other state agencies as required by law and uniform rule.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Senator Lee Anderson

CC: Chief Judge Carl C. Brown, Augusta Judicial Circuit
Cynthia H. Clanton, Director
Tracy Mason, Senior Assistant Director for Governmental and Trial Court Liaison

FROM: Christopher Hansard, Judicial Services Division Director
Jeffrey Thorpe, Judicial Caseload Data Specialist

RE: Workload Values for Columbia, Richmond, and Burke Counties - Substitute

DATE: December 4, 2020

Please find below the response to your research request. The analysis and conclusion discussed below are based on our understanding of the questions and data involved in this inquiry and on our research and analysis to date. Data are accurate as of the date retrieved and may not match previous or future publications due to additional reports, or corrections to previous reporting, or both.

Request

In a letter dated November 24, 2020, Senator Lee Anderson requested, using the most recent caseload data, the judicial workload value for Columbia County and a combined judicial workload value for Richmond and Burke counties. The Administrative Office of the Courts thanks Senator Anderson for his request.

Methodology

The methodology is found in the *Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries (Judicial Council Policy)*. The judgeships' locations are based upon the current judges' office location in the Augusta Circuit as listed on the circuit's website. This includes Judge Michael Annis, who is no longer a sitting judge but remains on the circuit website.



Analysis

The tables below show the total amount of time needed to dispose of cases (Caseload Minutes), the amount of time available for one judge to do judicial work in a year (Judge Year Value), the number of statutorily authorized judgeships (Number of Judges), and the percent of the total workload required to dispose of cases in a year (Judicial Workload Percent). For example, a Judicial Workload Percent of 1.0 means that each judge in a jurisdiction is working at 100 percent capacity. A Judicial Workload Percent of 1.5 means that each judge in a jurisdiction is working at 150 percent capacity. A Judicial Workload Percent of 0.8 means that each judge in a jurisdiction is working at 80 percent capacity.

2019 Augusta Circuit Workload Analysis

	Caseload Minutes	Judge Year Value	Number of Judges	Judicial Workload Percent
Augusta Circuit	734,942	77,400	8	1.2

The table above shows the current workload analysis for the Augusta Circuit in 2019. Per Judicial Council policy, the Circuit is qualified for an additional judgeship.

2019 Columbia County Workload Analysis

	Caseload Minutes	Judge Year Value	Number of Judges	Judicial Workload Percent
Columbia	207,759	77,400	3	0.9

The table above shows the workload analysis for Columbia County. The judicial workload percent is within the ideal range set by the *Judicial Council Policy*. Though the judicial workload percent is below 1.0, a two-judge county would create a workload percent above 1.2, qualifying the county for an additional judgeship.

2019 Richmond and Burke County Workload Analysis

	Caseload Minutes	Judge Year Value	Number of Judges	Judicial Workload Percent
Richmond and Burke	524,048	77,400	5	1.4

The table above shows the workload analysis for Richmond and Burke counties combined. Because Richmond and Burke's judicial workload percent is over 1.2, per Judicial Council policy, these counties would qualify for an additional judgeship.

Limitations

Note that due to how accountability court programs operate, there is a small discrepancy between the total caseload minutes of the whole Augusta Circuit (734,942) and the individual county minutes (207,759 and 524,048). Although most accountability court participants reside within the circuit, some participants may be residents in other counties but still participate in another circuit's program. For this analysis, participants in the Augusta Circuit's programs that did not reside in Burke, Columbia, or Richmond counties were removed from the calculation. Removing these participants did not impact the judicial workload percent of any county.

Conclusion

The tables above show the 2019 Augusta Circuit workload analysis and the workload analysis for its individual counties, combining Richmond and Burke. Note that these analyses are accurate based on the most current data available to the Administrative Office of the Courts. Also, note that this memo is not representative of and should not be construed as a full circuit boundary analysis as contemplated under *Judicial Council Policy*. This information only represents the actual workload values in these counties and not the administrative, logistical, budgetary, or other costs that may occur when dividing a circuit and are required to be analyzed before the Judicial Council will consider recommending a circuit boundary alteration.

For questions about this memo, please contact Tracy Mason at tracy.mason@georgiacourts.gov or 404-831-8368.

FOR SUBSCRIBERS

County manager: Augusta Judicial Circuit split would be best for Columbia County

Scott D. Johnson | Guest Columnist

The public deserves the best from its government.

While many people loathe government, it is an essential piece of our republic. Since the birth of our country, citizens have elected representatives at all levels of government that are ethically bound to serve the best interests of those that put them in office. And what happens when the elected official doesn't do that? They are promptly voted out of office. This is the essence of representative democracy.

This brings us to the discussion of the split of the Augusta Judicial Circuit. What is the real reason the elected officials have asked for it? Like you, I've heard many speculations – money, judicial philosophy, growing pains, racism, etc. As the Columbia County manager and the person tasked with seeing the legislation through on behalf of Columbia County, I can honestly say from my perspective that it's a matter of good public policy.

One definition of good public policy is “policy that solves public problems effectively and efficiently, serves justice, supports democratic institutions and processes, and encourages an active and empathic citizenship.” Let's take a look at these individually.

Solves Public Problems Effectively and Efficiently: It can be argued that the Augusta Judicial Circuit is in fact an “effective” circuit. We have outstanding judges, prosecutors and public defenders who do a commendable job of keeping our community safe. But what about the “efficiency” piece? In the case of the Augusta Judicial Circuit, Columbia County doesn't have the ability to offer efficiencies. For example, the budgets for the Superior Court and district attorney are set by the Augusta Commission. If additional personnel or equipment are needed, the requestor must convince Augusta of the need. If granted, Columbia County is

then billed at a negotiated rate without the benefit of consultation or the ability to deny the request outright.

And what if you don't have the money budgeted when you get the bill? This actually happens in our scenario. Augusta is on a Jan. 1-Dec. 31 budget cycle. Columbia County, July 1-June 30. If there is a request and Augusta decides to add, say, \$100,000 to each the Superior Court and district attorney on Jan. 1, Columbia County would receive an invoice for \$40,000. Although it would be in Augusta's new budget, for Columbia County two quarters would be completely unbudgeted.

Serves Justice: The current work in the Augusta Judicial Circuit is an example of serving justice. But what happens when there is a philosophical difference on how justice should be served? We see this in many communities in our state and around the country. Some places are extremely tough on crime and have a zero-tolerance attitude. Other places may have different philosophies that promote second chances and rehabilitation.

Which one is right? It depends on the community. That said, each community must select its own representatives to administer the type of justice that is expected.

Supports Democratic Solutions and Processes: Our system allows citizens to choose their representation. In this case, however, all of the candidates did not win every county. In the proposed judicial split Judges James Blanchard, Sheryl Jolly and Wade Padgett are slated to continue to serve Columbia County if approved. Although their election was the result of an overall win, it is important to note that each of these judges "won" Columbia County.

This is not the case with the new district attorney. Although Jared Williams won the overall race, he received 33% of the votes while his opponent received 66% in Columbia County. This is in no way a slight to our district attorney. I know him to be a fine man and I personally believe that he is very capable. This is simply a matter of allowing citizens to choose their representatives.

Encourages Active and Empathetic Citizenship: This will be the piece going forward. If the circuit is split, we must all do our best to ensure a smooth transition and see to it each judicial circuit is operating the best it can. If the circuit is not split, we must come together as a community to ensure that our judicial circuit continues to operate the best it can. Either way, the citizens must win. We must understand and appreciate the viewpoint of others while carrying out whatever tasks we are given.

Regardless of what's been said or printed, I see it this way from my seat at the table: While money is important, this isn't all about money. It isn't just about judicial philosophy. It absolutely isn't about the ethnicity of any candidate.

Good public policy is just that. Columbia County owes it to its citizens and should continue to strive for it.

The writer is Columbia County manager .



3/25/2021

Augusta Judicial Circuit split is a matter of good public policy.

The former Taxslayer building in Evans is where Columbia County has said it will house a new Columbia Judicial Circuit District Attorney's office. "Good public ... **Show more** ▼

JOE HOTCHKISS/THE AUGUSTA CHRONICLE



STAFFING OF A NEW JUDICIAL CIRCUIT FOR COLUMBIA COUNTY

It has been suggested that Columbia County would experience a savings (of \$1 million) by withdrawing from the Augusta Judicial Circuit. The following information and analysis will provide some insight into the costs incurred to operate a judicial system as an independent circuit. The information is being developed strictly for the purpose of comparison of costs incurred by Columbia County as a part of the Augusta Circuit and as an independent, one-county circuit. It should be understood, therefore, that these costs and comparisons relate only to the operation of those functions conferred on the various circuits as defined by the Constitution of Georgia, which functions do not include the operation of the county courts – magistrate courts, probate courts, or the various municipal courts that might exist within the boundaries of each county¹. Because the court functions of the constitutionally-formed judicial circuits are State, and not County, entities, the Georgia legislature provides a base level of funding. In addition, the Georgia Constitution requires the various counties of a circuit to supply necessary office space, office furniture, supplies and necessary utilities (including electronic and telephonic information systems).

Because the base level of funding by the State has proven inadequate throughout the State, all of the counties of every judicial circuit have historically funded additional personnel and necessary, ancillary costs to ensure the functionality of their courts. For example, the salary scale for Assistant District Attorneys (who must be members of the State Bar of Georgia) provides for a starting salary of \$49,000.00 per year. Georgia's 49 judicial circuits employ approximately 1200 attorneys. Much of the work performed by prosecutors requires high levels of educational skill and substantial courtroom and appellate experience. In order to compete with salary and benefit packages available in the broader economy, and to maintain a constant staffing level of proficient prosecutors, it is necessary for the counties to provide supplemental compensation to the state salary.

In addition to the necessity to supplement salaries in order to employ staff attorneys, the number of attorneys paid a state salary in each office is fundamentally inadequate. In each circuit, the State provides a salary for a district attorney, one assistant district attorney for each Superior Court judge, and three special-purpose assistant district attorneys. In the Augusta Judicial Circuit, State funding without county supplementation would supply a total of eleven (impracticably low-paid) prosecutors to serve the needs of three counties with a population of 400,000 people. More illustrative – it would require each prosecutor to carry a felony caseload of approximately 500 cases per year. The National Prosecution Standards provide that no prosecutor should be responsible for more than 150 felony cases per year. Applying those standards, the counties of the Augusta Circuit would be expected to fund a total of 40 assistant district attorneys, as well as a commensurate level of support staff – secretaries, investigators, and victims' assistance personnel.

Although the governments of the Augusta Circuit have always provided significantly less funding to the District Attorney's office than that prescribed by National Prosecution Standards (and only a fraction of the funding provided by other metro circuits in Georgia), past District Attorneys have developed efficiencies that have produced exemplary levels of service to the

¹ Seventy-three of Georgia's 159 counties operate State Courts which do not have jurisdiction over felony criminal cases or over civil cases involving divorce, child custody, property rights, constitutional issues or claims in equity. Such courts decide misdemeanor cases and civil cases involving only issues of damages. In counties without State Courts, traffic cases typically are decided by the Probate Court and other misdemeanor cases are decided in Magistrate Court. Richmond and Burke Counties have State Courts but Columbia County does not



citizens of the circuit, as measured by comparative crime rates, conviction rates, and retention rates of experienced professionals and support staff. Those efficiencies can be found in the form of a “prosecution staff model” employed in the Augusta Circuit that has proven so effective that it is employed, not only by the Augusta Circuit Public Defender’s office, but also by prosecution offices far and wide. The model is commonly known as the “trial team” or the “courtroom-assigned team” model, where teams of three lawyers are permanently assigned to a particular judge’s calendar of cases.² The model coincides (but does not restrict) with the maximum capacity for rate of administration of cases by the presiding judge. Therefore, the model can be effectively integrated into a case-count model employed by the Administrative Offices of the Courts in order to reliably predict the number of courtroom prosecutors and public defenders that will be necessary to staff an entire judicial circuit.

In addition to the funding of a district attorney’s office in each circuit, Georgia has adopted a state-funded public defender system to provide representation to accused persons, the vast majority of whom have income and assets far below the average wage-earner in the State. The threshold for qualifying for indigent defense services in the State is 150% of the poverty rate established by the Department of Health and Human Services. The duties and breadth of service of the Circuit Public Defender are not a “mirror image” of the duties of the District Attorney.

Besides being assigned the duty to carry the burden of proof beyond a reasonable doubt in every case (for which there is no corresponding duty of the defense), some of the duties constitutionally-assigned to the District Attorney, for which there is no corresponding function of the Public Defender are: attendance to the work of the grand juries of each of the counties, advising law enforcement agencies during the course of investigations (including preparation of search warrants and other court-supervised surveillance of criminal activity), representing the State of Georgia in asset forfeiture actions related to criminal activity, and serving continuously in the accountability courts established over the past 12 years – Drug court, Veterans Court, and Mental Health Court. Notwithstanding the incongruence in their constitutional duties, the counties of the Augusta Circuit have chosen to fund the offices of the Circuit Public Defender in parity with the District Attorney’s Office (and beyond).

Under the State Constitution, the Juvenile Court for each county is also administered on a circuit-wide basis. Columbia County has served as the “host county” for office of the presiding juvenile court judge of the circuit; however, Richmond County has provided the offices of the other four Juvenile Court judges and each county has paid the extensive support staff housed in both counties. Those costs are not likely to change significantly from those currently incurred by each of the respective counties.

Last, but certainly not least, the Constitution provides that there will be judges of the Superior Court of each circuit. Like the funding for the District Attorney and Circuit Public Defender, the State supplies a base salary for each judge and one secretary. The State does not provide funding for the indispensable cost of court reporting or management of the court processes – trial calendars, mediation services, alternative dispute resolution, facilities scheduling, coordination with courthouse security (including courtroom bailiffs), and, even more prominently, management of electronic presentations for remotely located parties. All of those services are provided at the expense of the counties of each circuit. Court reporting is a significant, necessary cost that is incurred whenever any court is in session. In 2009, the Augusta Circuit was the first in Georgia to address the unpredictable and sometimes-budget-breaking expenses of court

² When recently hired lawyers are assigned to a team, the team should ideally be expanded from three to four in order to ensure the most effective training process without negatively impacting the quality of the work product.

reporting. The solution, which has generated predictable and manageable costs for take-down and transcription of court proceedings in criminal cases, was to place the court reporters on a hybrid compensation system consisting of a salary for criminal proceedings and sun-contract compensation by the litigants in criminal cases.

The Judicial Council of Georgia is charged with advising the legislature regarding caseloads throughout the State to ensure that each judicial circuit is provided funding for Superior Court judgeships that facilitate the orderly and uniform administration of justice among all of the judicial circuits. This analysis, therefore, will outline what is provided to a circuit by the State, and what every circuit has found to be necessary, additional expenses to provide for the effective administration of the courts.

It should be noted that Richmond County has served as the “host county” for the offices of the District Attorney, the Public Defender, and six of the eight Superior Court Judges. Although the operational expenses of those offices have been largely pro-rated and billed to Burke and Columbia Counties on a quarterly basis (based on the most recent year’s percentage of caseloads), the cost of providing office space, utilities, and maintenance have not been charged to Burke and Columbia counties. Instead, Richmond County has borne those costs with only minimal office space provided by Burke and Columbia counties.³ In addition, the capital expenditures necessary for operation of the offices of the Superior Court judges, the District Attorney and Circuit Public Defender have been borne almost entirely by Richmond County as the “host county” of the Augusta Circuit. Such expenses include computers and information technology services, vehicles, office furniture and fixtures, and the buildings occupied by the judges, district attorney and circuit public defender.

It is estimated that Columbia County presently has a population of approximately 180,000. The population has grown 900% since 1970. In contrast, the populations of Richmond and Burke Counties have remained relatively constant since 1970. It is not the population of a community that relates directly to the demand for judicial services. Instead, it is the nature of the activity – crime rates, business and industrial activity, and even the prevalence of marriage – that occurs within the community which determines the need for judicial resources to resolve legal problems. Therefore, the case counts, and the slope of change in case counts (that are readily available in the offices of the Clerk of Superior Court of each county) allow for a reliable prediction of the judicial resources that will be needed in any county – immediately, and with great accuracy for at least a decade in the future.

Since 1970, the Judicial Council has recommended (and the legislature has implemented and funded) increases in the number of Superior Court judges in the Augusta Circuit, from two judges in 1970 to eight judges in 2020. As the number of judges has increased (and with the creation of a state-wide Circuit Public Defender system, the state has also funded additional assistant district attorneys and public defenders. As stated above, the state only funds one assistant district attorney per judge, leaving it to each circuit to fund not only the majority of assistant district attorneys, but also every administrative assistant, investigator, and victims’ assistance coordinator except for two state-paid secretaries per office. The offices cannot function without administrative support – highly skilled employees who maintain and provide data-entry for all case files, prepare most documents for the attorneys, direct all communication with numerous law enforcement

³ Because Columbia County does not have a State Court, the District Attorney prosecutes misdemeanor cases in the Superior Court of Columbia County. For case-count purposes, misdemeanor cases are given one-fourth the weight of felony cases. The District Attorney maintains a permanent office for one (and sometimes two) prosecutors and one (and sometimes two) support staff and investigators in the Columbia County courthouse.

agencies, serve as educators and “point of contact” for thousands of witnesses and crime victims, type complex briefs and other documents for every case that reaches Georgia’s appellate courts, and maintains personnel records for every attorney and staff member. A bare minimum level of support staff for a district attorney’s office (and public defender) would include one secretarial assistant for every two lawyers, one appellate secretary, one investigator for each trial team (one team per judge), one victims’ assistance coordinator for each trial team, and an administrative assistant capable of managing personnel, purchasing, and as executive secretary to the district attorney (and public defender)

The following cost projections for establishing a separate circuit in Columbia County are based on the foregoing models. As stated above, these staffing models were developed by necessity in light of the minimal funding historically provided to the three entities (judges, district attorney and public defender) by the Augusta Circuit. Any other model would result in significantly greater costs than those included in this projection. After projecting the costs at a “minimalist” or “base” staffing level, the current, pro-rata caseload contributions will be inserted to determine the comparative cost of maintaining a separate circuit in Columbia County.

**Cost Projection for
Columbia County District Attorney's Office**

Position	Number of Employees	State Paid	County Pay/Supplement plus Benefits (@ 35%- including payroll tax)	Net County Cost
District Attorney	1	✓	\$42,000.	\$42,000.
Chief Assistant District Attorney	1		\$75,000.	\$75,000.
Drug/Veterans/Mental Health Court Asst. D.A.	1	✓	\$5,000.	\$5,000.
Juvenile Court Asst. D.A.	1	✓	\$5,000.	\$5,000.
Victims' Assistance Asst. D.A.	1	✓	\$5,000.	\$5,000.
Asst. D.A.	6		\$75,600.	\$453,600.
D.A. Investigator	1	✓	\$5,000.	\$5,000.
D.A. Investigator	3		\$67,500.	\$202,500.
D.A. Secretaries	2	✓	\$35,000.	\$70,000.
D.A. Secretaries	6		\$47,250.	\$283,500.
Victims' Assistance Coordinator	1	✓	\$8,000.	\$8,000.
Victims' Assistance Coordinator	2		\$40,500.	\$81,000.
Receptionist	1		\$31,000.	\$31,000.
Asst. D.A. Misdemeanor Intake	1		\$75,600.	\$75,600.
Sub-total personnel expenses				\$1,342,200.00
Non-personnel operational expenses (excluding office space)				+ \$364,061.
Projected cost for District Attorney only				\$1,706,261.00

For 2019, the contribution of Columbia County to the cost of operations of the Augusta Circuit District Attorney's Office was \$1,169,522.00. Columbia County's pro-rata share of the total costs was 35.66%. The casual observer would note (and question why) the projected cost for the operations of the District Attorney in a separate circuit is \$536,739.00 more than the current, pro-rata expense. The answer is that there are fixed expenses that must be borne by every judicial circuit for the operations of the District Attorney. For partial example, every circuit must fund, house, and supply operational costs and supplemental compensation for a state-paid district attorney, a chief assistant district attorney, a juvenile court ADA, a Drug Court ADA, and a Victims' Assistance ADA, two secretaries, one investigator, and one victims' assistance coordinator. Although the three counties of the circuit have contributed to those singular costs as a circuit, Columbia County will have to bear those expenses for its own circuit.

Having provided the analysis for the District Attorney's Office of a separate Columbia County Circuit, the corresponding computations for the Circuit Public Defender can be accurately measured by factoring the comparative expenses paid for those mandated services in the Augusta Circuit, employing the foregoing comparative factor for the District Attorney's Office. The same analysis can be employed to project the expenses of the Superior Court judges and administrative staff for a separate Columbia County Circuit.⁴

Projected Costs for a Columbia County Circuit Public Defender

In 2019 (the last year for which full-year costs are available), Columbia County contributed \$681,138.00 to the total cost of operations of the Augusta Judicial Circuit's Public Defender's Office. The cost of the single-county circuit for Columbia County is therefore 1.459 times its prior contribution to the three-county circuit. Using the foregoing factor of 1.459 times that contribution yields the projected, fixed costs for establishing, staffing, and operating a Public Defender's Office in a separate Columbia County Circuit:

$$\text{\$681,138.00} \times 1.459 = \text{\$993,780.00}$$

Projected Costs for the Offices of the Superior Court of a Columbia County Circuit

The proposed Columbia County Circuit would have three Superior Court judges. In order to staff the Court, each judge must have an administrative assistant. Each judge must also have a court reporter. The Court Reporting model employed by the Augusta Circuit for the past 11 years has proven much more cost effective, and ensured much more reliable attendance and coverage, than any other model employed elsewhere. Conservatively, the employment/free-lance hybrid model has save the circuit at least \$1 million, and possibly several million dollars over 11 years. Because one calendar clerk is assigned per two judges, it will be necessary to employ two calendar clerks. For the work of the Columbia County court. Finally, a base-level of staffing for court services

⁴ The Constitution of Georgia prohibits the reduction in compensation for a Superior Court Judge during his/her term of office. The provision applies to all compensation and benefits paid to a Superior court Judge. Therefore, the "resulting circuits" after the formation of a new circuit must bear the entire cost of those judges who reside in the counties of the newly formed circuit.

must include an Alternative Dispute Resolution Director, a Drug Court coordinator, a court administrator. The staffing of the Augusta Circuit court support services reflects the same ratio of such expenses as that employed in computing the costs of the District Attorney and the Public Defender:

$$\$619,958.00 \times 1.459 = \$904,518.00$$

**Summary and Comparison of
Additional Costs to Columbia County
For a Separate Judicial Circuit**

The foregoing computations have intentionally omitted the costs to be borne by a new Columbia County Circuit for Juvenile Court. No Juvenile Court costs or ancillary expenses have been included in these computations. Likewise, none of the computations reflect any expenses for office space, computer purchases, computer maintenance, or information technology software purchases and installation. It is obvious that office space would be necessary to accommodate the base staffing levels explained herein. Omitting those expenses and capital outlays, the total cost for base level operations for the three entities discussed herein (District Attorney, Public Defender, and Superior Courts (Judges and support staff) totals **\$3,604,559.00**.

Subtracting the contributions most recently paid by Columbia County to the foregoing operations of the Augusta Circuit yields the following, net additional costs for the formation of a new circuit, excluding the cost of office space, computers, vehicles (if any) and information technology services and personnel:

$$\$3,604,559.00 - \$2,470,618.00 = \underline{\$1,133,941.00} - \text{net additional annual cost to Columbia County for creation of a new circuit}$$

In light of these costs, computed at a base level of service, it is suggested that the comparative level of service should be considered before Columbia County's leadership and legislative delegation would ask the taxpayers to assume a recurring (and ever-increasing) additional, annual cost of \$1,133,941.00 for operation of a separate judicial circuit. While there is no reliable predictor for the efficacy of a separate circuit before its formation, there is ample historical data regarding the level of service supplied to Columbia County through the Augusta Circuit, in comparison to the quality and efficacy of service provided in every other circuit in Georgia. While those statistics are more prudently the topic of another paper, they will demonstrate without any exception, that the Columbia County community has received exemplary service through the present time that reflects no backlog in case administration, an excellent (near perfect) conviction rate by the Augusta Circuit District Attorney's Office.

**Summary and Comparison of
Additional Costs to Richmond County and Burke County
For a Separate Judicial Circuit**

In the foregoing analysis, it was demonstrated that the fixed costs associated with the functions of a multi-county judicial circuit, when spread among three counties, yields a significant cost-savings (economies of scale). As stated above, every circuit must fund (or supplement funding for) the number of judges allotted to the circuit based on case counts, an elected district attorney, a chief assistant district attorney, three special-purpose assistant district attorneys, an appointed public defender, and certain support staff. These are “fixed costs” that each circuit is required to maintain and support. Therefore, if the proposed Columbia county circuit were formed, the same fixed costs that have been spread among three counties of the Augusta Circuit must be borne in full in both of the resulting circuits – Columbia County’s Circuit bearing the full, fixed expenses and the remaining Augusta Circuit (including Burke County) also bearing the full, fixed expenses. The result is that the pro-rata contributions of Richmond and Burke Counties will also increase in a similar way (but with a different “factor” or ratio) as seen above for Columbia County. The factor is different because the Augusta Circuit will continue to share those fixed expenses with Burke County (which, in the most recent fiscal year, contributed 6.7% to the costs of the Augusta Circuit and because the nature of the caseload in Richmond County is different than the nature of the caseloads in Columbia and Burke Counties.

The necessary staffing of the two-county Augusta Circuit (after separation of Columbia County) is affected by many factors, and is not a simple matter of subtracting the proposed Columbia County circuit staff from the current Augusta circuit staff. Instead, the resulting staffing of the reduced-size Augusta Circuit must account for the fixed costs of mandatory, state-paid positions and is also significantly impacted by the complexity of cases that manifest from Augusta’s identity as an urban center where industry, poverty, a major research university and density of population yield litigation and crime unlike that of counties which do not host such phenomena. With those factors considered, the following chart will reflect the base-level staffing for a two-county, resulting Augusta Judicial Circuit, and yield the “factor” that will be used to compute the cost to Richmond and to Burke County:

**Cost Projection for
Two-County Augusta Circuit District Attorney's Office**

Position	Number of Employees	State Paid	County Pay/Supplement plus Benefits (@ 35%- including payroll tax)	Net County Cost
District Attorney	1	✓	\$42,000.	\$42,000.
Chief Assistant District Attorney	1		\$75,000.	\$75,000.
Drug/Veterans/Mental Health Court Asst. D.A.	1	✓	\$5,000.	\$5,000.
Juvenile Court Asst. D.A.	1	✓	\$5,000.	\$5,000.
Victims' Assistance Asst. D.A.	1	✓	\$5,000.	\$5,000.
Asst. D.A.	12		\$75,600.	\$907,200.
D.A. Investigator	1	✓	\$5,000.	\$5,000.
D.A. Investigator	5		\$67,500.	\$337,500.
D.A. Secretaries	2	✓	\$35,000.	\$70,000.
D.A. Secretaries	8		\$47,250.	\$378,000.
Victims' Assistance Coordinator	1	✓	\$8,000.	\$8,000.
Victims' Assistance Coordinator	3		\$40,500.	\$121,500.
Receptionist	1		\$31,000.	\$31,000.
Sub-total personnel expenses				\$1,990,200.00
Non-personnel operational expenses (excluding office space)				+ \$546,092.
Projected cost for District Attorney only				\$2,536,292.00

For 2019, the combined contribution of Richmond and Burke Counties to the cost of operations of the Augusta Circuit District Attorney's Office was \$1,754,284.00. The contributions of Richmond and Burke Counties to a two-county circuit, after withdrawal of Columbia County is 1.446 times their combined contributions to the three-county circuit. Applying that factor (1.446) to compute the new contributions of the proposed, two-county circuit (Richmond and Burke) to the Public

Defender's Office and the Offices of the Superior Court (judges and administration of the circuit) yields the following costs for the two counties (Richmond and Burke), including the foregoing costs of the District Attorney's Office:

Circuit Public Defender Cost:	\$2,803,979.00
Superior Court Administration (including judges):	\$1,344,688.00
District Attorney's Office Cost:	<u>\$2,536,292.00</u>
Total Richmond and Burke County Expenses	<u>\$6,684,959.00</u>

The ratios of caseloads for Burke and Richmond Counties, without Columbia County, will also alter the pro-rata contribution of Richmond and Burke County. While the pro-rata contributions of Richmond and Burke Counties in 2019 were 52% and 8% respectively, the new contributions to the cost of a two-county circuit will be 84.62% and 15.38%, respectively. Using those ratios to the projected total cost of a two-county circuit yields the following comparative costs for Burke and Richmond Counties as part of a two-county, Augusta Circuit:

Richmond County Cost in a Two County Circuit = \$6,684,959. x .8462	=	\$5,656,812.00
Richmond County Cost in 2019	=	<u>\$4,022,966.00</u>

Net Increase to Richmond County (After Withdrawal of Columbia County)= \$1,633,846.00

Burke County Cost in a Two County Circuit = \$6,684,959. x .1538	=	\$1,028,147.00
Burke County Cost in 2019	=	<u>\$ 600,383.00</u>

Net Increase to Burke County (After Withdrawal of Columbia County) = \$ 427,764.00

To summarize the foregoing analysis, the **total increase in costs to all three counties** of the Augusta Judicial Circuit for the proposed creation of a single-county circuit in Columbia County will be a minimum of **\$3,195,551.00**. However, these are only the costs to be borne by the counties themselves. In addition, the State of Georgia will incur mandatory, constitutional costs for the creation of a new Circuit in Columbia County. The charts included in this analysis have indicated the State-paid positions that the State of Georgia must fund for every judicial circuit. The State salaries for a District Attorney, one Assistant District Attorney for each judge, three additional, specialized Assistant District Attorneys, two secretaries, one Victims' Assistance Coordinator, and one investigator. In addition, corresponding positions are funded in each Circuit's Public Defender's Office. **The total cost to the State of Georgia to fund those positions for a new judicial circuit in Columbia County are conservatively estimated to be \$1.2 million.**

The aggregate, additional costs to the three counties of the current Augusta Circuit and to the State of Georgia is not less than \$4,395,551.00.

The Augusta Chronicle

LOCAL

Analysis shows judicial split might cost Augusta-area taxpayers millions of dollars

Cost of splitting Augusta Judicial Circuit likely to cost taxpayers millions more

Sandy Hodson and Joe Hotchkiss Augusta Chronicle

Published 7:00 a.m. ET Dec. 19, 2020 | Updated 10:38 a.m. ET Dec. 19, 2020

Anyone who has had a divorce knows it's expensive. The same would be true for the breakup of the Augusta Judicial Circuit, according to a detailed cost analysis.

Columbia County commissioners voted earlier this month to pursue splitting from the Augusta Judicial Circuit – comprised of Columbia, Richmond and Burke counties – to form its own judicial circuit.

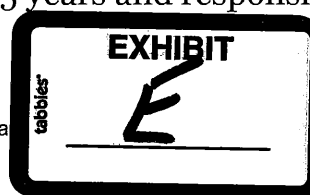
More: Separate judicial circuit for Columbia County is not a new idea

"The issue needs to be studied. It's a work in progress," said state Sen. Lee Anderson of Grovetown. The Republican has requested the most recent study of the workload of the circuit's Superior Court judges.

Three of the current Superior Court judges live in Columbia County, and according to the Dec. 4 report from the Judicial Council of Georgia to Anderson, the 2019 caseload of cases in Columbia County is within the range of accepted policy for three judges.

Before the decision becomes final — a process that would need the recommendation of the Judicial Council and approval of the General Assembly and governor — taxpayers in all three counties of the Augusta Judicial Circuit might want to consider a cost analysis prepared by Superior Court Judge Daniel J. Craig that concludes the split would cost additional millions of dollars for taxpayers locally, not to mention statewide.

Before his appointment to the bench, Craig, who holds a degree in accounting in addition to a law license, was district attorney for 15 years and responsible for preparing a budget for the office annually.



The judges themselves are only a sliver of the cost in a judicial circuit. For every judge, there are public defenders, prosecutors, secretaries, administrative assistants, court reporters, law clerks, investigators, victim assistant professionals, courtroom security, clerks and coordinators. Costs include continuing education, license fees, computers and other electronic equipment and services, office space, fixtures, furniture and travel expenses. Salaries and salary supplements are funded by both county and state taxpayers for some positions, and many are just paid out of county coffers.

More: Plan for new Columbia County judicial circuit could face opposition, controversy

Take the cost of staffing a separate district attorney's office: Columbia County contributed \$1,169,522 last year. Paying for the necessary staff at a minimum level would cost \$1,706,261, Craig calculated.

Paying for its own public defenders would cost Columbia County taxpayers an additional \$312,642 every year, he calculated.

Bottom line of Craig's analysis:

Columbia County taxpayers could expect an annual additional expense of \$1,133,941. For Richmond County taxpayers, a split would mean an additional annual expense of \$1,633,846.

For Burke County taxpayers, it means an additional \$427,764.

"This is like a divorce," said attorney Jack Long, a critic of splitting the circuit. He represents divorcing clients, and the one thing everybody sees eventually is "We can't afford this," Long said.

That there would be an additional cost to taxpayers if the circuit was split shouldn't surprise anyone, said state Sen. Harold Jones, D-Augusta. When it's been bantered about in the past, cost has always been a factor, he said.

Tracy J. BeMent, the district court administrator for the 10th Judicial Administrative District, to which the Augusta circuit belongs, said via email: "To suggest that there would be a cost savings to split a circuit is very likely not the case due to efficiencies of staffing in a larger circuit."

In its proposal to approve a split, Columbia County commissioners contend county taxpayers would save about \$900,000 annually.

Earlier this week, The Augusta Chronicle sent a copy of Craig's analysis to Columbia County Commission Chairman Doug Duncan. By email he responded: "After a quick review of the analysis, we respectfully disagree with cost assumptions. We believe there are many efficiencies that can be realized. That said, we will take the time to thoroughly analyze the package and ensure our numbers are accurate."

Jones also said he wanted more time to digest Craig's analysis, and that it would be good to have the counties' finance offices examine the numbers, too. All governments involved need to take an active role in evaluating the proposed split, he said.

Superior Court Chief Judge Carl C. Brown Jr. said this week that he believes the combined circuit is the best way to manage cases efficiently and effectively at the least cost possible. Keeping the courthouse doors open during the pandemic has been possible because of the teamwork in all three counties, Brown said.

"The combined, collective talent and experience got us where we are," he said.

The system might not be perfect, but it is best for all three counties, he said.

The Augusta Chronicle

NEWS

The proposed Augusta Judicial Circuit split won't be even. Here's a hard look at the numbers

Sandy Hodson Augusta Chronicle

Published 6:00 a.m. ET Feb. 1, 2021

If the Augusta Judicial Circuit is split, there will be more work for judges in Richmond and Burke counties and less work in Columbia County. What's true for all three counties' taxpayers is they can expect to pay more for the same services.

A bill pending in the Georgia Legislature calls for the creation of a separate circuit for Columbia County, leaving Richmond and Burke counties behind 151 years after the three counties were combined into the Augusta Judicial Circuit.

If the circuit is split as the bill requires, Richmond and Burke county taxpayers, mostly Richmond County taxpayers, will be left alone to pay supplements that help fund the working prosecutors and public defenders. Columbia County would have to decide whether it will pay extra for front-line prosecutors and public defenders, too.

This year, the counties are paying – outside of the state-paid salaries for judges and some prosecutors and defense attorneys – \$10.8 million. Columbia and Burke counties are kicking in just over a combined \$3.8 million while Richmond County pays the rest.

Each of the counties is now entitled to draw from the services of eight Superior Court judges, although the circuit has been down one judge for over a year with the retirement of Judge Michael N. Annis. An appointment to replace Annis is still awaiting Gov. Brian Kemp's approval.

If the circuit splits as the bill intends, Columbia County would have three judges, working just below what the Administrative Office of the Courts considers a full workload. Richmond and Burke counties would not only be down one judge until Kemp fills the empty position, but the four judges would also have a workload that should be shared by six judges, according to the Administrative Office of the Courts.

Of pending criminal cases in the three counties, Richmond has 57%, Columbia has 31% and Burke has 12%, according to court records.

Superior Court Judge Daniel J. Craig, a former district attorney with a degree in accounting whom Chief Judge Carl C. Brown Jr. notes is the circuit's "numbers man," isn't concerned with the workload but the cash and demographics. He has crunched the numbers looking at more than just the flat current budget numbers.

"The taxpayers are simply being asked to pay \$4.3 million more for the same level of service (in the three counties of the circuit)," Craig wrote via email.

Sen. Harold Jones, D-Augusta, said he has been a supporter of splitting the judicial circuit for years, based on the population sizes of Richmond and Columbia counties. The counties have other separate courts, so it doesn't make sense to keep the counties together for Superior Court, he said. It's obvious to him running two judicial circuits will cost more, Jones said.

But Columbia County Commission Chairman Doug Duncan said county leaders have looked over Craig's analysis and disagree with his projections.

"The bottom line boils down to the number of people required to run the circuit and efficiencies we believe we can achieve by operating on our own," Duncan said.

Columbia County leaders contend the move will save their taxpayers money, like \$1 million. They won't have to kick in money to Richmond County to pay a share of the circuit costs but will have to cover the cost of much of the court staff, prosecutors and public defenders as well as pay for daily expenses to run those offices.

Columbia County's taxpayers will have more expenses, approaching another \$1 million, because they will have to provide office space for personnel that have typically worked from Richmond County facilities, Craig figured in his analysis. Columbia County officials have pointed to the purchase of the former TaxSlayer building to provide office space. But Craig didn't include office space in his cost analysis, only the cost of keeping those offices running every day.

"In addition, utilities, fixtures, equipment and computer systems for even a minimal staffing level, together with the amortization of the capital outlay for the building, will easily exceed \$1 million per year – probably more than \$2 million per year. Thus, together with the cost increase attributed solely to staffing ... the additional annual cost to Columbia County (over what it is now paying) will far exceed \$2.2 million," Craig wrote.

Of Columbia County officials' stated claim that the split would mean a \$1 million savings, Craig wrote: "Basic arithmetic tells you that is a \$3.2 million lie."

The split would not only change the finances of the local governments and the judges' workloads, but it would also leave one mostly white circuit in Columbia County and one circuit split nearly equally between white and Black residents in Richmond and Burke counties.

Columbia County government officials have bristled over suggestions that their desire to split the circuit has anything to do with race following the election of the first Black district attorney in the Augusta Judicial Circuit.

According to the U.S. Census Bureau, Columbia County's Black population is 18.8% compared with Richmond County's 57.7% and Burke County's 46.9%.

CONFERENCE COMMITTEE SUBSTITUTE TO H.B. 81 A BILL TO BE ENTITLED AN ACT

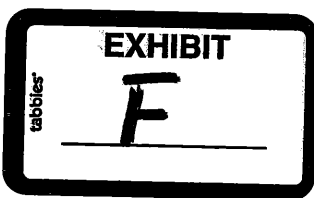
To make and provide appropriations for the State Fiscal Year beginning July 1, 2021, and ending June 30, 2022; to make and provide such appropriations for the operation of the State government and its departments, boards, bureaus, commissions, institutions, and other agencies, for the university system, common schools, counties, municipalities, and political subdivisions, for all other governmental activities, projects, and undertakings authorized by law, and for all leases, contracts, agreements, and grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: PART I

The sums of money hereinafter provided are appropriated for the State Fiscal Year beginning July 1, 2021, and ending June 30, 2022, as prescribed hereinafter for such fiscal year:

HB 81 (FY 2022G)

	Governor		House		Senate		CC	
	Revenue	Change	Revenue	Change	Revenue	Change	Revenue	Change
TOTAL STATE FUNDS	\$27,244,931,148	\$1,332,513,768	\$27,252,569,596	\$1,340,152,216	\$27,252,569,596	\$1,340,152,216	\$27,252,569,596	\$1,340,152,216
State General Funds	\$23,268,529,675	\$1,127,062,308	\$23,276,168,123	\$1,134,700,756	\$23,276,168,123	\$1,134,700,756	\$23,276,168,123	\$1,134,700,756
State Motor Fuel Funds	\$1,960,036,957	\$216,197,599	\$1,960,036,957	\$216,197,599	\$1,960,036,957	\$216,197,599	\$1,960,036,957	\$216,197,599
Lottery Proceeds	\$1,319,161,131	\$17,842,517	\$1,319,161,131	\$17,842,517	\$1,319,161,131	\$17,842,517	\$1,319,161,131	\$17,842,517
Tobacco Settlement Funds	\$148,469,132	(\$62,089,929)	\$148,469,132	(\$62,089,929)	\$148,469,132	(\$62,089,929)	\$148,469,132	(\$62,089,929)
Brain & Spinal Injury Trust Fund	\$1,362,757	(\$68,772)	\$1,362,757	(\$68,772)	\$1,362,757	(\$68,772)	\$1,362,757	(\$68,772)
Safe Harbor for Sexually Exploited Children Fund	\$351,005	\$351,005	\$351,005	\$351,005	\$351,005	\$351,005	\$351,005	\$351,005
Nursing Home Provider Fees	\$159,928,774	\$2,763,018	\$159,928,774	\$2,763,018	\$159,928,774	\$2,763,018	\$159,928,774	\$2,763,018
Hospital Provider Fee	\$387,091,717	\$30,456,022	\$387,091,717	\$30,456,022	\$387,091,717	\$30,456,022	\$387,091,717	\$30,456,022
TOTAL FEDERAL FUNDS	\$15,305,935,379	\$78,818,909	\$15,508,843,006	\$281,726,536	\$15,508,843,006	\$281,726,536	\$15,508,843,006	\$281,726,536



HB 81 (FY 2022G)

23.6	Increase funds for costs associated with the additional judgeship in the Cobb Judicial Circuit.		\$64,497	\$64,497
State General Funds				
23.7	Increase funds for costs associated with the additional judgeship in the Flint Judicial Circuit.		\$64,497	\$64,497
State General Funds				
23.8	Increase funds for costs associated with the additional judgeship in the Ogeechee Judicial Circuit.		\$64,497	\$64,497
State General Funds				

23.9	Increase funds for support costs for the Columbia County Judicial Circuit.		\$1,375,425	\$1,375,425
State General Funds				

23.100 District Attorneys

The purpose of this appropriation is for the District Attorney to represent the State of Georgia in the trial and appeal of criminal cases in the Superior Court for the judicial circuit and delinquency cases in the juvenile courts per Gov. Const., Art. VI, Sec. VIII, Para 1 and OCGA 15-18.

TOTAL STATE FUNDS	\$81,807,379	\$80,131,074	\$78,887,038	\$79,985,685
State General Funds	\$81,807,379	\$80,131,074	\$78,887,038	\$79,985,685
TOTAL INTRA-STATE GOVERNMENT TRANSFERS	\$2,021,640	\$2,021,640	\$2,021,640	\$2,021,640
State Funds Transfers	\$219,513	\$219,513	\$219,513	\$219,513
Agency to Agency Contracts	\$219,513	\$219,513	\$219,513	\$219,513
Federal Funds Transfers	\$1,802,127	\$1,802,127	\$1,802,127	\$1,802,127
Federal Funds Transfers Not Itemized	\$1,802,127	\$1,802,127	\$1,802,127	\$1,802,127
TOTAL PUBLIC FUNDS	\$83,829,019	\$82,152,714	\$80,908,678	\$82,007,325

Prosecuting Attorneys' Council

The purpose of this appropriation is to assist Georgia's District Attorneys and State Court Solicitors.

Continuation Budget

TOTAL STATE FUNDS	\$6,556,664	\$6,556,664	\$6,556,664	\$6,556,664
State General Funds	\$6,556,664	\$6,556,664	\$6,556,664	\$6,556,664
TOTAL PUBLIC FUNDS	\$6,556,664	\$6,556,664	\$6,556,664	\$6,556,664

24.1 Increase funds for operations to reflect a restoration of funds from furloughs. (H and S:increase funds to restore personnel reductions)

State General Funds	\$57,667	\$57,667	\$57,667	\$57,667
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24.2 Increase funds for operations to reflect a restoration of funds for the prosecutor case management system.

State General Funds	\$17,884	\$17,884	\$17,884	\$17,884
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24.3 Increase funds for operations to reflect a restoration of funds for training for prosecutors and investigators.

State General Funds	\$173,928	\$130,446	\$130,446	\$130,446
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24.4 Increase funds for operations to reflect a restoration of funds for legal research and analysis.

State General Funds	\$35,000	\$35,000	\$35,000	\$35,000
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24.100 Prosecuting Attorneys' Council

The purpose of this appropriation is to assist Georgia's District Attorneys and State Court Solicitors.

Appropriation (HB 81)

TOTAL STATE FUNDS	\$6,841,143	\$6,797,661	\$6,797,661	\$6,797,661
State General Funds	\$6,841,143	\$6,797,661	\$6,797,661	\$6,797,661
TOTAL PUBLIC FUNDS	\$6,841,143	\$6,797,661	\$6,797,661	\$6,797,661

Section 9: Superior Courts**Section Total - Continuation**

TOTAL STATE FUNDS	\$72,209,945	\$72,209,945	\$72,209,945	\$72,209,945
State General Funds	\$72,209,945	\$72,209,945	\$72,209,945	\$72,209,945
TOTAL AGENCY FUNDS	\$137,170	\$137,170	\$137,170	\$137,170
Intergovernmental Transfers	\$17,170	\$17,170	\$17,170	\$17,170
Intergovernmental Transfers Not Itemized	\$17,170	\$17,170	\$17,170	\$17,170
Sales and Services	\$120,000	\$120,000	\$120,000	\$120,000
Sales and Services Not Itemized	\$120,000	\$120,000	\$120,000	\$120,000
TOTAL PUBLIC FUNDS	\$72,347,115	\$72,347,115	\$72,347,115	\$72,347,115

Section Total - Final

238.3 *Increase funds for an assistant public defender to reflect the new judgeship in the Flint Judicial Circuit starting January 1, 2022, per HB786 (2020 Session).*

State General Funds

\$41,901 \$41,901 \$41,901

238.4 *Increase funds for an assistant public defender to reflect the new judgeship in the Ogeechee Judicial Circuit starting January 1, 2022, per HB786 (2020 Session).*

State General Funds

\$41,901 \$41,901 \$41,901

238.5 *Increase funds for five juvenile assistant public defenders.*

State General Funds

\$470,500 \$470,500 \$470,500

238.6 *Increase funds for leave payouts.*

State General Funds

\$400,000 \$400,000 \$400,000

238.7 *Increase funds for personnel for ongoing recruitment and retention of assistant public defenders.*

State General Funds

\$746,422 \$746,422 \$746,422

238.100 Public Defenders

Appropriation (HB 81)

The purpose of this appropriation is to assure that adequate and effective legal representation is provided, independently of political considerations or private interests, to indigent persons who are entitled to representation under this chapter, provided that staffing for circuits are based on O.C.G.A. 17-12; including providing representation to clients in cases where the Capital Defender or a circuit public defender has a conflict of interest.

TOTAL STATE FUNDS	\$51,404,328	\$53,667,994	\$53,021,250	\$53,667,994
State General Funds	\$51,404,328	\$53,667,994	\$53,021,250	\$53,667,994
TOTAL AGENCY FUNDS	\$31,500,000	\$31,500,000	\$31,500,000	\$31,500,000
Intergovernmental Transfers	\$31,500,000	\$31,500,000	\$31,500,000	\$31,500,000
Intergovernmental Transfers Not Itemized	\$31,500,000	\$31,500,000	\$31,500,000	\$31,500,000
TOTAL PUBLIC FUNDS	\$82,904,328	\$85,167,994	\$84,521,250	\$85,167,994

Section 38: Public Health, Department of

Section Total - Continuation

TOTAL STATE FUNDS	\$284,031,024	\$284,031,024	\$284,031,024	\$284,031,024
State General Funds	\$268,881,635	\$268,881,635	\$268,881,635	\$268,881,635
Tobacco Settlement Funds	\$13,717,860	\$13,717,860	\$13,717,860	\$13,717,860
Brain & Spinal Injury Trust Fund	\$1,431,529	\$1,431,529	\$1,431,529	\$1,431,529
TOTAL FEDERAL FUNDS	\$395,951,809	\$395,951,809	\$395,951,809	\$395,951,809
Federal Funds Not Itemized	\$366,475,845	\$366,475,845	\$366,475,845	\$366,475,845
Maternal & Child Health Services Block Grant CFDA93.994	\$16,864,606	\$16,864,606	\$16,864,606	\$16,864,606

Senate Bill 9

By: Senators Anderson of the 24th, Burns of the 23rd, Strickland of the 17th, Miller of the 49th, Mullis of the 53rd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To create a new judicial circuit for the State of Georgia, to be known as the Columbia
2 Judicial Circuit and to be composed of Columbia County; to provide for the judges and the
3 district attorney of said new circuit and their terms, selection, and compensation; to transfer
4 certain judges from the Augusta Judicial Circuit to the Columbia Judicial Circuit; to provide
5 for the transfer of certain funds from the Augusta Judicial Circuit to the Columbia Judicial
6 Circuit; to provide for and allocate circuit-wide costs and expenditures; to conform the
7 county salary supplements for the judges of the Augusta Judicial Circuit; to amend Article 1
8 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to general
9 provisions regarding the superior courts, so as to revise the composition and terms of court
10 of the Augusta Judicial Circuit; to provide for the composition, terms of court, and number
11 of judges of the Columbia Judicial Circuit; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 9

- 1 -



14

PART I

15

SECTION 1-1.

16 Effective July 1, 2021, there is created a new judicial circuit of the superior courts of this
17 state to be known as the Columbia Judicial Circuit, which circuit shall be composed of
18 Columbia County. There shall be a district attorney and three judges of the Columbia
19 Judicial Circuit. The offices of the judges and district attorney of the Columbia Judicial
20 Circuit shall be subject to the following provisions:

21 (1) The district attorney of the Columbia Judicial Circuit shall be appointed by the
22 Governor for a term beginning July 1, 2021, and expiring December 31, 2022. A
23 successor to the district attorney so appointed shall be elected by the voters of the
24 Columbia Judicial Circuit at the 2022 general election, and at the general election
25 quadrennially thereafter, for a term of four years. A candidate for appointment or
26 election to this office in 2021 or thereafter shall be a resident of Columbia County;

27 (2) The Honorable James G. Blanchard, Jr., the Honorable Sheryl B. Jolly, and the
28 Honorable J. Wade Padgett, currently judges of the Augusta Judicial Circuit and residents
29 of Columbia County, shall become judges of the Columbia Judicial Circuit. Each judge,
30 respectively, shall serve out their current term of office for which he or she was selected,
31 and his or her successor shall be elected by the voters of the Columbia Judicial Circuit
32 at the nonpartisan judicial election next preceding the expiration of their term of office,
33 and at the nonpartisan judicial election quadrennially thereafter, for a term of four years.

34 A candidate for election to these offices shall be a resident of Columbia County; and

35 (3) The active judge who is senior in time of service shall serve as chief judge of the
36 Columbia Judicial Circuit.

SECTION 1-2.

37
38 All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court
39 of Columbia County at such time as it was a part of the Augusta Judicial Circuit, including
40 all complaints, pleadings, petitions, indictments, special presentments, summonses,
41 processes, motions, writs, and mesne and final proceedings, together with all books and
42 records of any kind or character belonging to or issued, returnable, filed, pending, or
43 commenced in such county, shall relate to, become a part of, and be transferred to the
44 Columbia Judicial Circuit and its jurisdiction.

SECTION 1-3.

45
46 In addition to the salary and expenses paid from state funds, and notwithstanding any other
47 provision of law, each judge of the superior court of the Columbia Judicial Circuit shall
48 receive from the funds of Columbia County an additional supplement to such salary and
49 expenses in an amount equal to the aggregate total of additional supplements to the salary
50 and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by the
51 counties of the Augusta Judicial Circuit on January 1, 2021.

SECTION 1-4.

52
53 In addition to the salary and expenses paid from state funds, the district attorney of the
54 Columbia Judicial Circuit shall receive from the funds of Columbia County an additional
55 supplement to such salary and expenses equal to the aggregate total of additional
56 supplements to the salary and expenses of the district attorney of the Augusta Judicial Circuit
57 then in effect and paid by the counties of the Augusta Judicial Circuit on January 1, 2021.

SECTION 1-5.

58
59 The governing authority of Columbia County shall be authorized, but not required, to
60 authorize the employment of assistant district attorneys, deputy district attorneys, or other

61 attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance
62 personnel, and other employees or independent contractors, as authorized under Code
63 Section 15-18-20 of the Official Code of Georgia Annotated.

64 **SECTION 1-6.**

65 (a) Effective with the creation of the Columbia Judicial Circuit, the Augusta Judicial Circuit
66 shall transfer to the Columbia Judicial Circuit the sum equal to 25 percent of the amount it
67 holds as of January 1, 2021, for costs collected pursuant to Code Section 15-23-7 of the
68 Official Code of Georgia Annotated for court connected or court referred alternative dispute
69 resolution programs.

70 (b) Effective with the creation of the Columbia Judicial Circuit, the district attorney of the
71 Augusta Judicial Circuit shall pay over to the district attorney of the Columbia Judicial
72 Circuit the sum equal to the amount he or she holds as of January 1, 2021, that was secured
73 pursuant to condemnation or forfeiture actions from criminal cases that originated from a
74 violation of law in Columbia County.

75 **SECTION 1-7.**

76 All staffing for all judicial circuits referenced herein shall be governed pursuant to Code
77 Section 15-18-28.

78 **PART II**

79 **SECTION 2-1.**

80 Effective with the creation of the Columbia Judicial Circuit, the judges of the Augusta
81 Judicial Circuit shall be composed of the five remaining judges of the Augusta Judicial
82 Circuit, namely, the Honorable Carl C. Brown, Jr., the Honorable Daniel J. Craig, the
83 Honorable John Flythe, the Honorable Ashley Wright, and the successor to the Honorable

84 Michael N. Annis, and their successors. Each judge shall serve out their current term of
85 office for which he or she was selected, and his or her successor shall be elected by the voters
86 of the Augusta Judicial Circuit at the nonpartisan judicial election next preceding the
87 expiration of their term of office, and at the nonpartisan judicial election quadrennially
88 thereafter, for a term of four years. A candidate for election to these offices shall be a
89 resident of Richmond County or Burke County.

90 **SECTION 2-1A.**

91 Effective upon the creation of the Columbia Judicial Circuit, the district attorney of the
92 Augusta Judicial Circuit shall be the Honorable Jared T. Williams and his successors. Mr.
93 Williams shall serve out his current term of office for which he was elected, and his
94 successor shall be elected by the voters of the Augusta Judicial Circuit at the general election
95 next preceding the expiration of his term of office, and at the general election quadrennially
96 thereafter, for a term of four years. A candidate for election to this office shall be a resident
97 of Richmond County or Burke County.

98 **SECTION 2-2.**

99 (a) Except as provided for under Sections 2-3 and 2-4 of this Act:

100 (1) Ninety percent of the circuit-wide costs and expenditures of the Augusta Judicial
101 Circuit shall be paid by Richmond County; and

102 (2) Ten percent of the circuit-wide costs and expenditures of the Augusta Judicial Circuit
103 shall be paid by Burke County.

104 (b) The percentages provided for under subsection (a) of this section may be revised by an
105 agreement in writing executed between the governing authority of Richmond County and the
106 governing authority of Burke County.

SECTION 2-3.

(a) In addition to the salary and expenses paid from state funds, and notwithstanding any other provision of law, each judge of the superior court of the Augusta Judicial Circuit shall receive from the funds of Richmond County and Burke County additional supplements in proportions provided for under subsection (b) of this section.

(b)(1) Richmond County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Richmond County on January 1, 2021; and

(B) Eighty percent of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

(2) Burke County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Burke County on January 1, 2021; and

(B) Twenty percent of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

SECTION 2-4.

(a) In addition to the salary and expenses paid from state funds, the district attorney of the Augusta Judicial Circuit shall receive from the funds of Richmond County and Burke County an additional supplement in proportions provided for under subsection (b) of this section.

(b)(1) Richmond County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Richmond County on January 1, 2021; and

(B) Eighty percent of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

(2) Burke County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Burke County on January 1, 2021; and

(B) Twenty percent of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

PART III

SECTION 3-1.

Senior or retired judges of the Augusta Judicial Circuit who, as of June 30, 2021, receive a retirement supplement or have been paid a retirement supplement from Columbia County, Richmond County, and Burke County shall continue to receive such supplements from such counties in the same amounts and in the same ratios as such supplements are paid as of June 30, 2021.

SECTION 3-2.

Any judge of the Augusta Judicial Circuit who is in active service as of July 1, 2021, or who shall be appointed or elected as a judge of the Augusta Judicial Circuit on or after July 1, 2021, shall, upon his or her retirement from active service and eligibility for retirement

155 payments under a State of Georgia retirement system, receive a retirement supplement from
156 the county or counties that comprise the Augusta Judicial Circuit as of the date such judge
157 discontinues active service. Such retirement supplement shall be in an amount equal to the
158 percentage that his or her State of Georgia retirement payments are to his or her last salary
159 from the State of Georgia as an active judge of the Augusta Judicial Circuit, multiplied by
160 the aggregate county salary supplement then paid to active judges as of the date of such
161 judge's retirement from active service.

162 **SECTION 3-3.**

163 Any judge of the Columbia Judicial Circuit who is in active service as of July 1, 2021, or
164 who shall be appointed or elected as a judge of the Columbia Judicial Circuit after July 1,
165 2021, shall, upon his or her retirement from active service and eligibility for retirement
166 payments under a State of Georgia retirement system, receive a retirement supplement from
167 the county or counties that comprise the Columbia Judicial Circuit as of the date such judge
168 discontinues active service. Such retirement supplement shall be in an amount equal to the
169 percentage that his or her State of Georgia retirement payments are to his or her last salary
170 from the State of Georgia as an active judge of the Columbia Judicial Circuit, multiplied by
171 the aggregate county salary supplement then paid to active judges as of the date of such
172 judge's retirement from active service.

173 **SECTION 3-4.**

174 Any retirement supplements due under this part by a judicial circuit made up of more than
175 one county shall be paid in the same proportions as those counties divide the payment of
176 salary supplements to active judges of that judicial circuit.

PART IV

SECTION 4-1.

Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding superior courts, is amended by revising paragraph (5) of, and adding a new paragraph to, Code Section 15-6-1, relating to composition of judicial circuits, as follows:

"(5) Augusta Judicial Circuit, composed of the Counties of Burke, ~~Columbia~~, and Richmond;"

"(11.1) Columbia Judicial Circuit, composed of the County of Columbia;"

SECTION 4-2.

Said article is further amended by revising paragraph (5) of, and adding a new paragraph to, Code Section 15-6-2, relating to number of superior court judges, to read as follows:

"(5) Augusta Circuit 8 5"

"(11.1) Columbia Circuit 3"

SECTION 4-3.

Said article is further amended by revising paragraph (5) of, and adding a new paragraph to, Code Section 15-6-3, relating to terms of court, as follows:

"(5) **Augusta Circuit:**

(A) Burke County — Fourth Monday in April and October.

(B) ~~Columbia County — Fourth Monday in March and September.~~

(~~C~~) Richmond County — Third Monday in January, March, May, July, September, and November."

"(11.1) **Columbia Circuit:**

Columbia County — Fourth Monday in March and September."

201

PART V

202

SECTION 5-1.

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

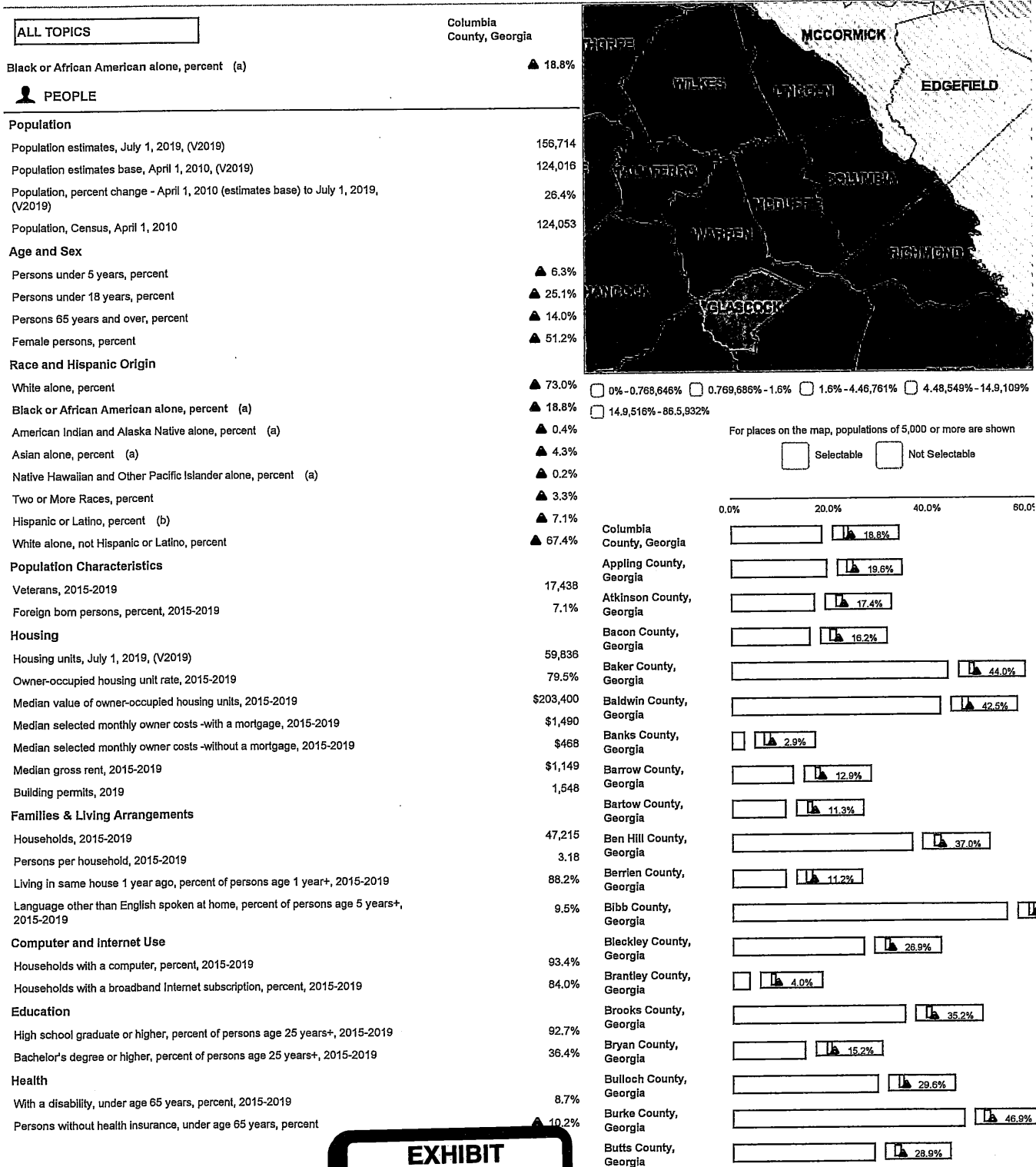
QuickFacts

Columbia County, Georgia

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

Dashboard - Columbia County, Georgia

Black or African American alone, percent (a)



EXHIBIT

tables

H

Economy

In civilian labor force, total, percent of population age 16 years+, 2015-2019	61.6%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	57.6%
Total accommodation and food services sales, 2012 (\$1,000) (c)	153,214
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	254,365
Total manufacturers shipments, 2012 (\$1,000) (c)	2,023,663
Total merchant wholesaler sales, 2012 (\$1,000) (c)	382,192
Total retail sales, 2012 (\$1,000) (c)	1,580,571
Total retail sales per capita, 2012 (c)	\$12,008

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2015-2019	26.6
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Income & Poverty

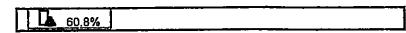
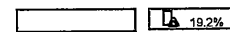
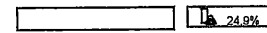
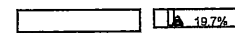
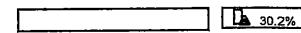
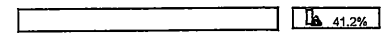
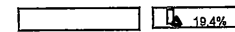
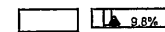
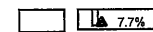
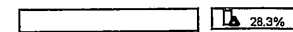
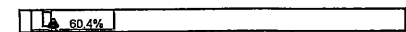
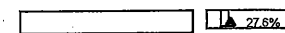
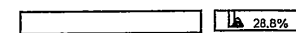
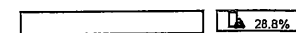
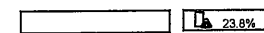
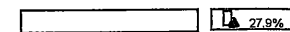
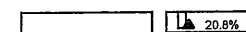
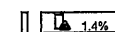
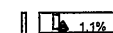
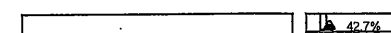
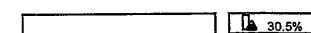
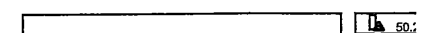
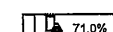
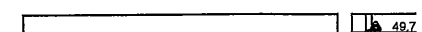
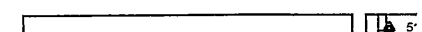
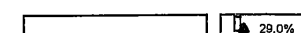
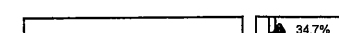
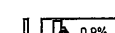
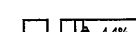
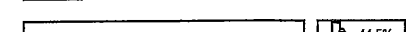
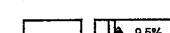
Median household income (in 2019 dollars), 2015-2019	\$82,339
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$34,579
Persons in poverty, percent	▲ 5.6%

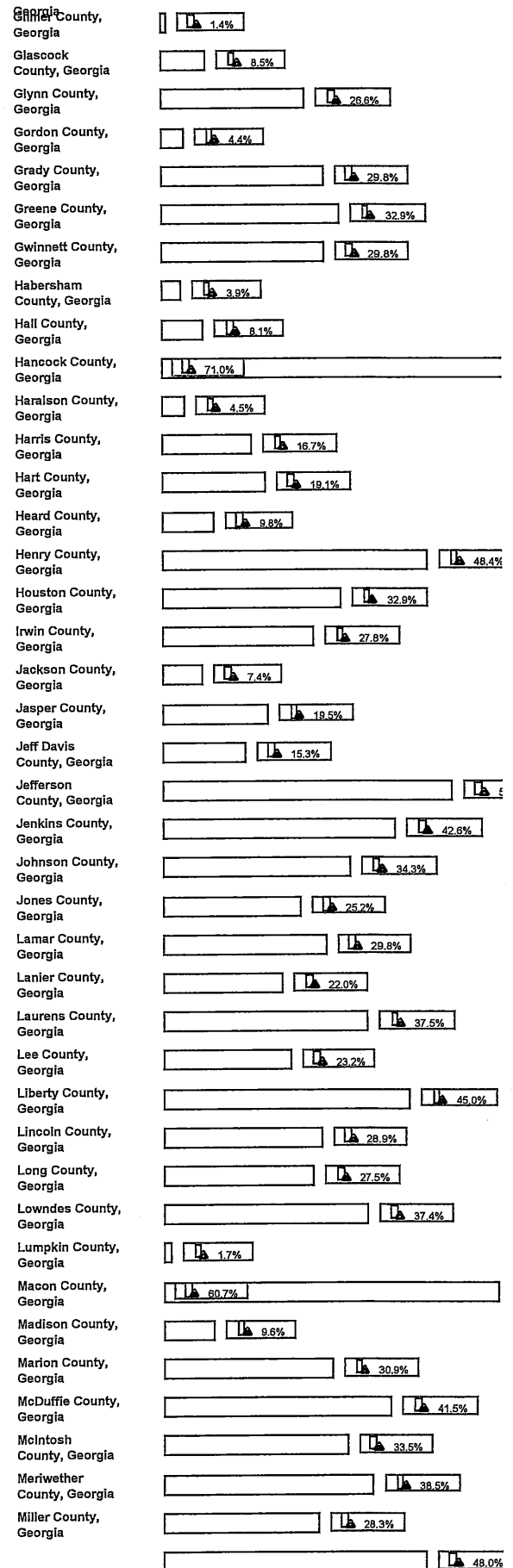
BUSINESSES**Businesses**

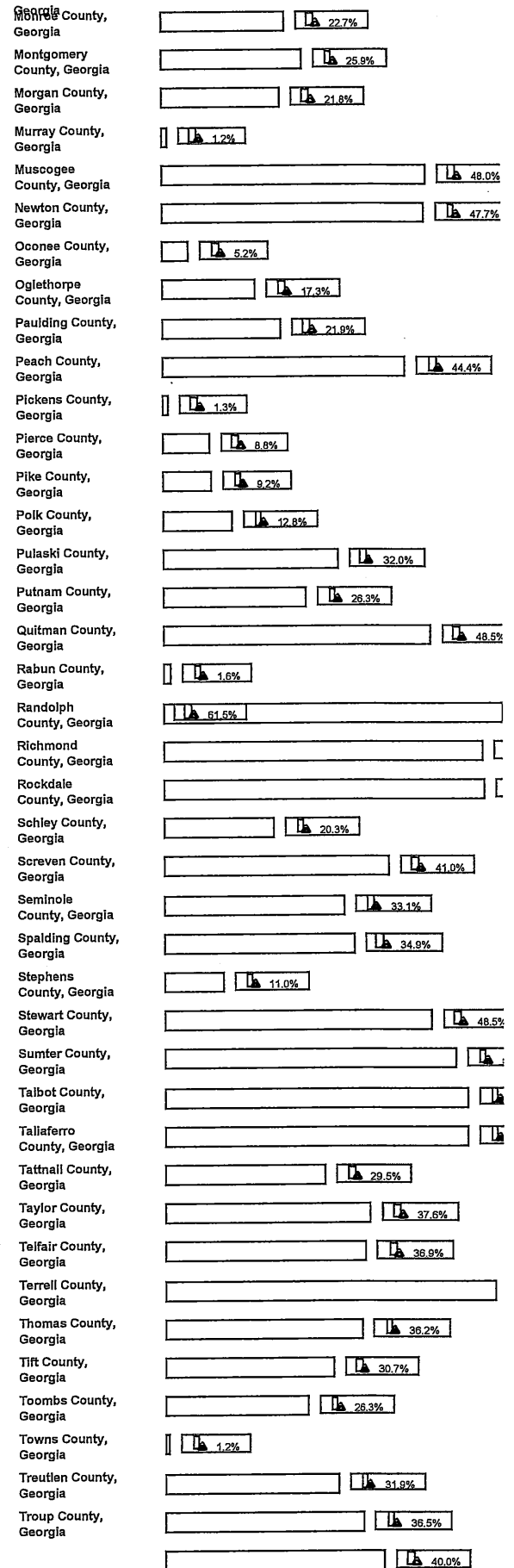
Total employer establishments, 2018	2,446
Total employment, 2018	31,080
Total annual payroll, 2018 (\$1,000)	1,170,451
Total employment, percent change, 2017-2018	-2.3%
Total nonemployer establishments, 2018	11,171
All firms, 2012	9,544
Men-owned firms, 2012	5,002
Women-owned firms, 2012	3,673
Minority-owned firms, 2012	2,412
Nonminority-owned firms, 2012	6,917
Veteran-owned firms, 2012	1,177
Nonveteran-owned firms, 2012	7,884

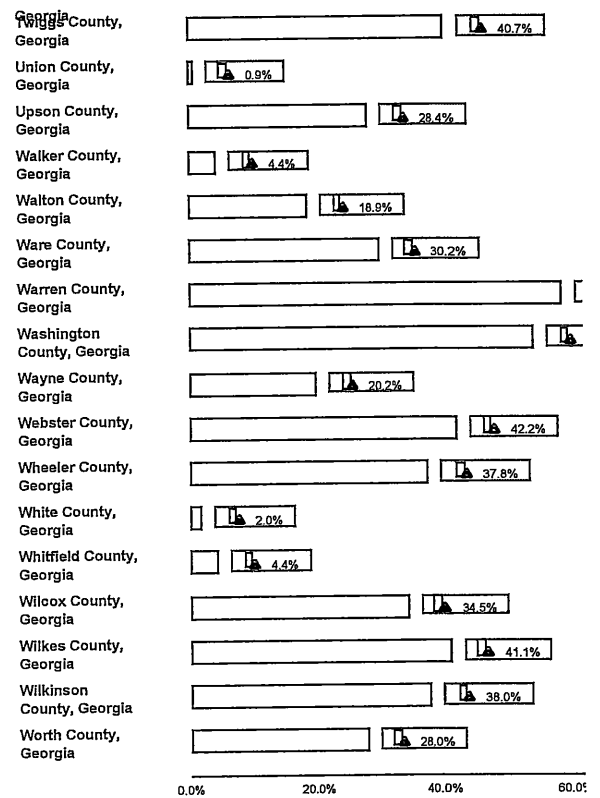
GEOGRAPHY**Geography**

Population per square mile, 2010	427.6
Land area in square miles, 2010	290.09
FIPS Code	13073


Calhoun County,
GeorgiaCamden County,
GeorgiaCandler County,
GeorgiaCarroll County,
GeorgiaCatoosa County,
GeorgiaCharlton County,
GeorgiaChatham County,
GeorgiaChattahoochee
County, GeorgiaChattooga
County, GeorgiaCherokee
County, GeorgiaClarke County,
GeorgiaClay County,
GeorgiaClayton County,
GeorgiaClinch County,
GeorgiaCobb County,
GeorgiaCoffee County,
GeorgiaColquitt County,
GeorgiaCook County,
GeorgiaCoweta County,
GeorgiaCrawford
County, GeorgiaCrisp County,
GeorgiaDade County,
GeorgiaDawson County,
GeorgiaDecatur County,
GeorgiaDeKalb County,
GeorgiaDodge County,
GeorgiaDooly County,
GeorgiaDougherty
County, GeorgiaDouglas County,
GeorgiaEarly County,
GeorgiaEchols County,
GeorgiaEffingham
County, GeorgiaElbert County,
GeorgiaEmanuel County,
GeorgiaEvans County,
GeorgiaFannin County,
GeorgiaFayette County,
GeorgiaFloyd County,
GeorgiaForsyth County,
GeorgiaFranklin County,
Georgia








Value Notes

 Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info  in row in TABLE view to learn about sampling error.

The vintage year (e.g., V2019) refers to the final year of the series (2010 thru 2019). *Different vintage years of estimates are not comparable.*

Fact Notes

- (a) Includes persons reporting only one race
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
- (b) Hispanics may be of any race, so also are included in applicable race categories

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or open ended distribution.
- F Fewer than 25 firms
- D Suppressed to avoid disclosure of confidential information
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- FN Footnote on this item in place of data
- X Not applicable
- S Suppressed; does not meet publication standards
- NA Not available
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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Value Notes

▲ Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info ⓘ in row in TABLE view to learn about sampling error.

The vintage year (e.g., V2019) refers to the final year of the series (2010 thru 2019). *Different vintage years of estimates are not comparable.*

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- (b) Hispanics may be of any race, so also are included in applicable race categories

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or open ended distribution.
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CONNECT WITH US

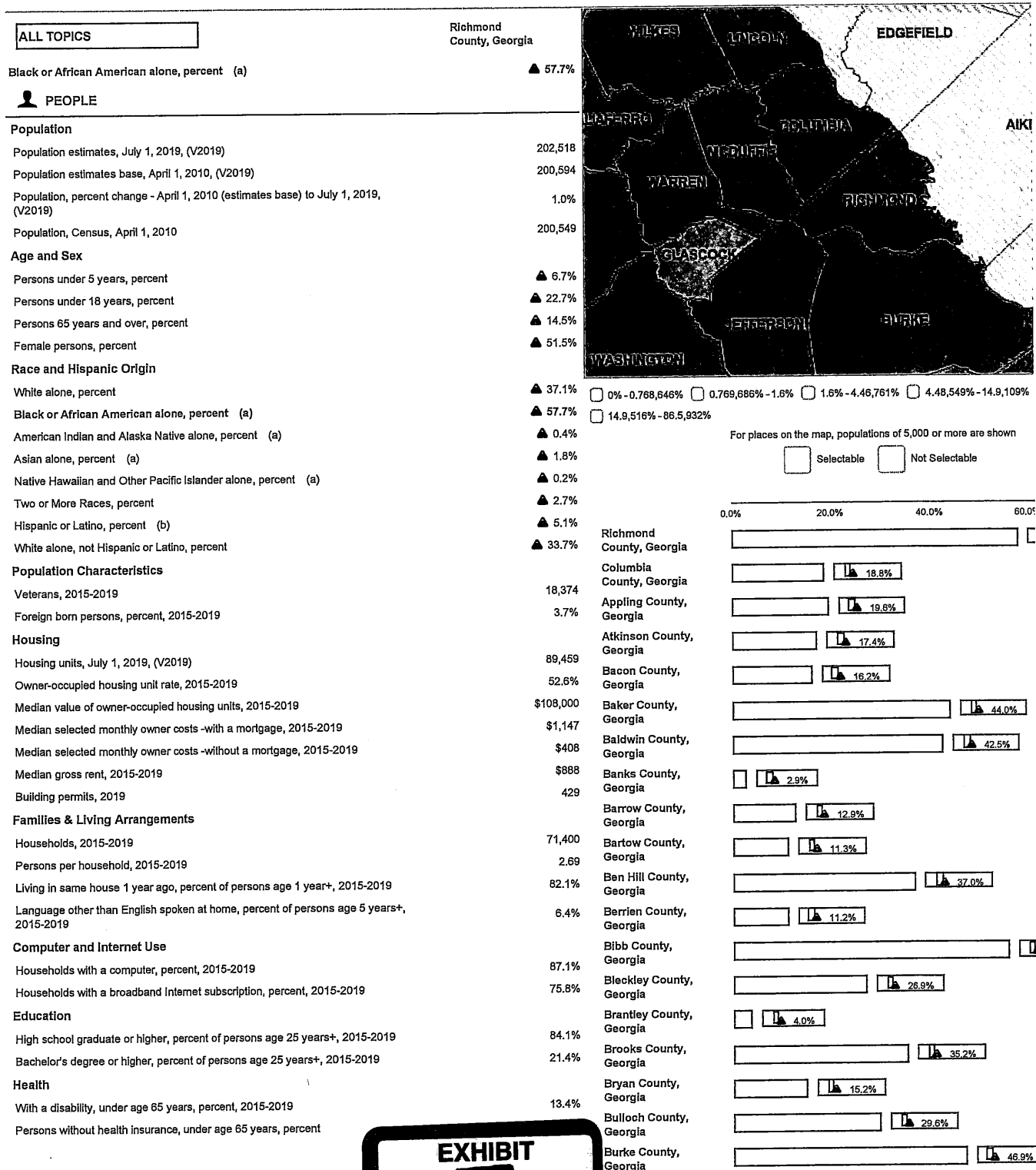
[Accessibility](#) | [Information Quality](#) | [FOIA](#) | [Data Protection and Privacy Policy](#) | [U.S. Department of Commerce](#)

Richmond County, Georgia; Columbia County, Georgia

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

Dashboard - Richmond County, Georgia

Black or African American alone, percent (a)



Economy

In civilian labor force, total, percent of population age 16 years+, 2015-2019	56.3%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	56.4%
Total accommodation and food services sales, 2012 (\$1,000) (c)	446,961
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	3,260,377
Total manufacturers shipments, 2012 (\$1,000) (c)	5,452,204
Total merchant wholesaler sales, 2012 (\$1,000) (c)	864,737
Total retail sales, 2012 (\$1,000) (c)	2,627,283
Total retail sales per capita, 2012 (c)	\$12,969

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2015-2019	21.3
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Income & Poverty

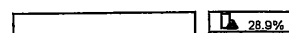
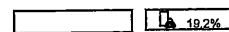
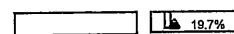
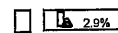
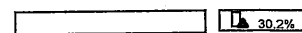
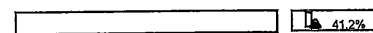
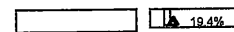
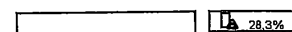
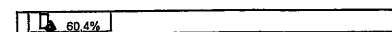
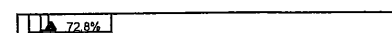
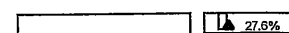
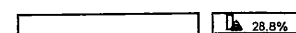
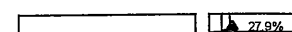
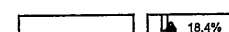
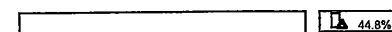
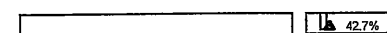
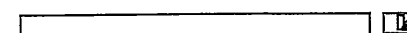
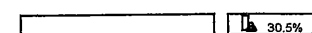
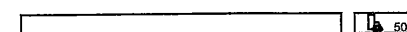
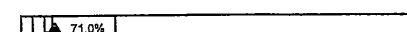
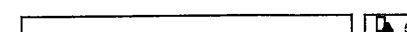
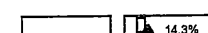
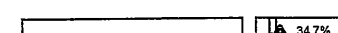
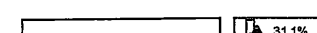
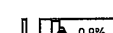
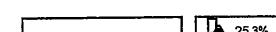
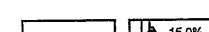
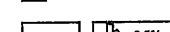
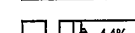
Median household income (in 2019 dollars), 2015-2019	\$42,728
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$22,787
Persons in poverty, percent	▲ 21.7%

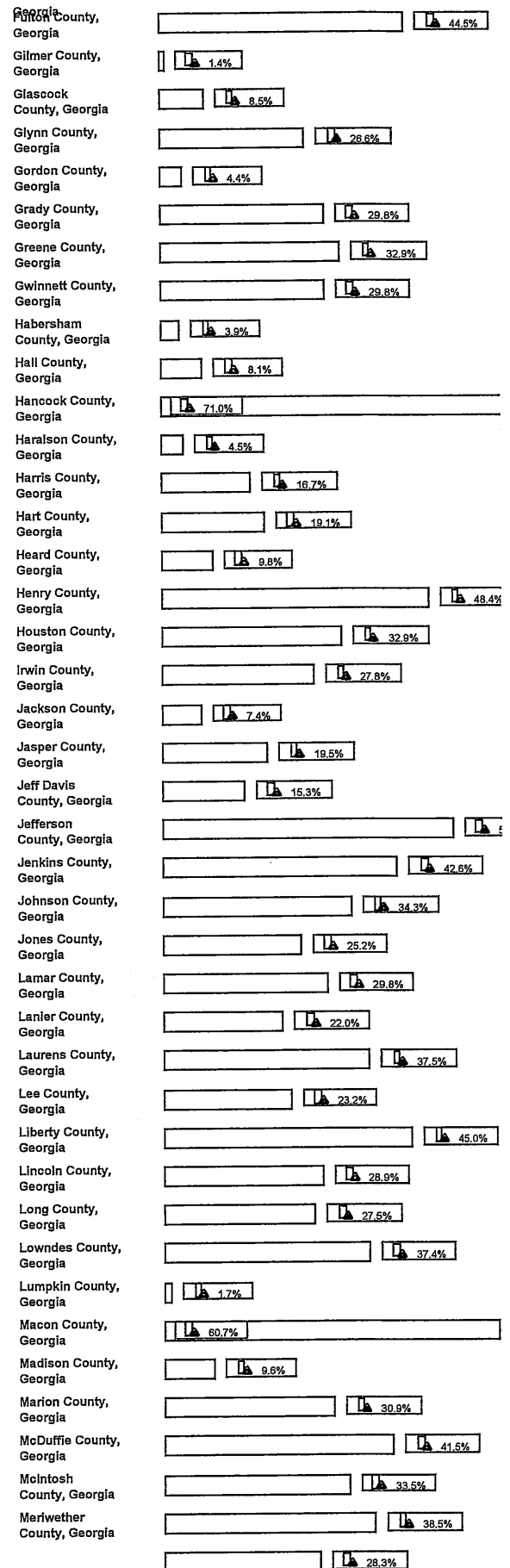
BUSINESSES**Businesses**

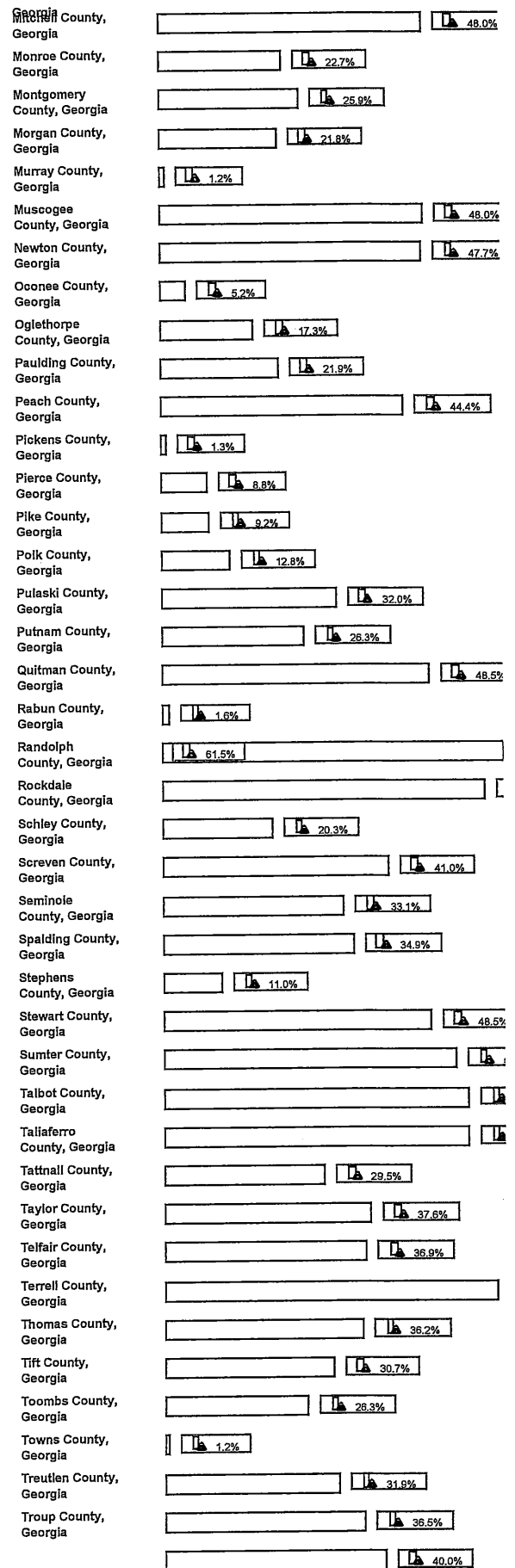
Total employer establishments, 2018	4,237
Total employment, 2018	86,391
Total annual payroll, 2018 (\$1,000)	3,777,137
Total employment, percent change, 2017-2018	1.6%
Total nonemployer establishments, 2018	13,144
All firms, 2012	16,003
Men-owned firms, 2012	6,974
Women-owned firms, 2012	7,489
Minority-owned firms, 2012	8,522
Nonminority-owned firms, 2012	6,714
Veteran-owned firms, 2012	1,944
Nonveteran-owned firms, 2012	12,919

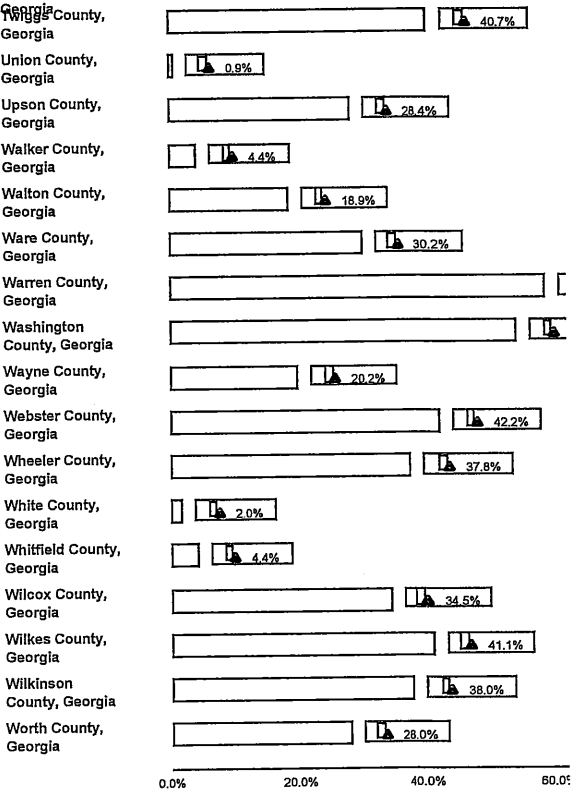
GEOGRAPHY**Geography**

Population per square mile, 2010	618.4
Land area in square miles, 2010	324.33
FIPS Code	13245

Butts County,
GeorgiaCalhoun County,
GeorgiaCamden County,
GeorgiaCandler County,
GeorgiaCarroll County,
GeorgiaCatoosa County,
GeorgiaCharlton County,
GeorgiaChatham County,
GeorgiaChattahoochee
County, GeorgiaChattooga
County, GeorgiaCherokee
County, GeorgiaClarke County,
GeorgiaClay County,
GeorgiaClayton County,
GeorgiaClinch County,
GeorgiaCobb County,
GeorgiaCoffee County,
GeorgiaColquitt County,
GeorgiaCook County,
GeorgiaCoweta County,
GeorgiaCrawford
County, GeorgiaCrisp County,
GeorgiaDade County,
GeorgiaDawson County,
GeorgiaDecatur County,
GeorgiaDeKalb County,
GeorgiaDodge County,
GeorgiaDooly County,
GeorgiaDougherty
County, GeorgiaDouglas County,
GeorgiaEarly County,
GeorgiaEchols County,
GeorgiaEffingham
County, GeorgiaElbert County,
GeorgiaEmanuel County,
GeorgiaEvans County,
GeorgiaFannin County,
GeorgiaFayette County,
GeorgiaFloyd County,
GeorgiaForsyth County,
Georgia







Value Notes

▲ Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info ⓘ in row in TABLE view to learn about sampling error.

The vintage year (e.g., V2019) refers to the final year of the series (2010 thru 2019). *Different vintage years of estimates are not comparable.*

Fact Notes

- (a) Includes persons reporting only one race
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
- (b) Hispanics may be of any race, so also are included in applicable race categories

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or open ended distribution.
- F Fewer than 25 firms
- D Suppressed to avoid disclosure of confidential information
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- FN Footnote on this item in place of data
- X Not applicable
- S Suppressed; does not meet publication standards
- NA Not available
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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QuickFacts**Burke County, Georgia**QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.**Table****ALL TOPICS****Burke County,
Georgia**

Population estimates, July 1, 2019, (V2019)

22,383

**PEOPLE****Population**

Population estimates, July 1, 2019, (V2019)

22,383

Population estimates base, April 1, 2010, (V2019)

23,326

Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)

-4.0%

Population, Census, April 1, 2010

23,316

Age and Sex

Persons under 5 years, percent

▲ 6.8%

Persons under 18 years, percent

▲ 25.7%

Persons 65 years and over, percent

▲ 16.0%

Female persons, percent

▲ 52.4%

Race and Hispanic Origin

White alone, percent

▲ 50.3%

Black or African American alone, percent (a)

▲ 46.9%

American Indian and Alaska Native alone, percent (a)

▲ 0.5%

Asian alone, percent (a)

▲ 0.6%

Native Hawaiian and Other Pacific Islander alone, percent (a)

▲ 0.1%

Two or More Races, percent

▲ 1.6%

Hispanic or Latino, percent (b)

▲ 3.5%

White alone, not Hispanic or Latino, percent

▲ 47.8%

Population Characteristics

Veterans, 2015-2019

1,494

Foreign born persons, percent, 2015-2019

2.4%

Housing

Housing units, July 1, 2019, (V2019)

10,161

Owner-occupied housing unit rate, 2015-2019

70.8%

Median value of owner-occupied housing units, 2015-2019

\$88,700

Median selected monthly owner costs -with a mortgage, 2015-2019

\$1,123

Median selected monthly owner costs -without a mortgage, 2015-2019

\$360

Median gross rent, 2015-2019

\$616

Building permits, 2019

59

Families & Living Arrangements

Households, 2015-2019

8,193

Persons per household, 2015-2019

2.72

Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019

91.8%

Language other than English spoken at home, percent of persons age 5 years+, 2015-2019

3.2%

Computer and Internet Use

Households with a computer, percent, 2015-2019

84.6%

Households with a broadband Internet subscription, percent, 2015-2019

72.3%

Education

High school graduate or higher, percent of persons age 25 years+, 2015-2019

80.1%

Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019

13.2%

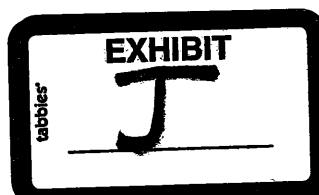
Health

With a disability, under age 65 years, percent, 2015-2019

9.7%

Persons without health insurance, under age 65 years, percent

▲ 14.0%



Economy

In civilian labor force, total, percent of population age 16 years+, 2015-2019	58.6%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	51.3%
Total accommodation and food services sales, 2012 (\$1,000) (c)	D
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	D
Total manufacturers shipments, 2012 (\$1,000) (c)	196,974
Total merchant wholesaler sales, 2012 (\$1,000) (c)	210,729
Total retail sales, 2012 (\$1,000) (c)	196,658
Total retail sales per capita, 2012 (c)	\$8,504

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2015-2019	27.8
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Income & Poverty

Median household income (in 2019 dollars), 2015-2019	\$44,151
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$22,173
Persons in poverty, percent	▲ 23.6%

**BUSINESSES****Businesses**

Total employer establishments, 2018	340
Total employment, 2018	9,414
Total annual payroll, 2018 (\$1,000)	629,235
Total employment, percent change, 2017-2018	-1.2%
Total nonemployer establishments, 2018	1,535
All firms, 2012	1,511
Men-owned firms, 2012	737
Women-owned firms, 2012	655
Minority-owned firms, 2012	754
Nonminority-owned firms, 2012	706
Veteran-owned firms, 2012	132
Nonveteran-owned firms, 2012	1,282

**GEOGRAPHY****Geography**

Population per square mile, 2010	28.2
Land area in square miles, 2010	826.97
FIPS Code	13033

About datasets used in this table

Value Notes

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SUPREME COURT OF GEORGIA

Atlanta, September 1, 2016

(Nunc Pro Tunc July 1, 2016)

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

In accordance with the Bylaws of the Judicial Council, standing committees exist to address issues of ongoing, long-term importance to the Council, and their membership shall be determined by Supreme Court order.

Upon consideration, the Court hereby establishes the Standing Committee on Judicial Workload Assessment, as a successor to the Judicial Council's Judicial Workload Assessment Committee, with the mission of determining the methodology for collection and analysis of data received through trial court caseload reporting and recommending to the Judicial Council the need for additional judicial personnel.

The following members are hereby appointed to the Standing Committee on Judicial Workload Assessment for terms beginning July 1, 2016, and ending as specified below:

- Judge of a Superior Court, chosen by the Supreme Court, Chair, ending June 30, 2019;
- Judge of Superior Court, chosen by the Supreme Court, Vice-Chair, ending June 30, 2019;
- Ten Judges of Superior Courts, one from each Administrative District, chosen by the Administrative Judge, ending June 30, 2018;
- Judge of a State Court, chosen by the President of the Council of State Court Judges, ending June 30, 2019;
- Judge of a Juvenile Court, chosen by the President of the Council of Juvenile Court Judges, ending June 30, 2019;



- Judge of a Probate Court, chosen by the President of the Council of Probate Court Judges, ending June 30, 2019;
- Judge of a Magistrate Court, chosen by the President of the Council of Magistrate Court Judges, ending June 30, 2019; and
- Judge of a Municipal Court, chosen by the President of the Council of Municipal Court Judges, ending June 30, 2019.

At the conclusion of a member's term as specified above, his or her successor and all subsequent successors will serve a term of three years. Members will serve until their successors are chosen.

In accordance with the Bylaws of the Judicial Council, committee membership may include advisory members appointed, as needed, by each Standing Committee Chair. Advisory members may be heard but shall not be entitled to vote.

Portions of this Court's previous orders inconsistent with the foregoing are hereby revoked.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk 's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 Clerk



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Gov. Brian Kemp to state legislators: Picking presidential electors 'not an option'

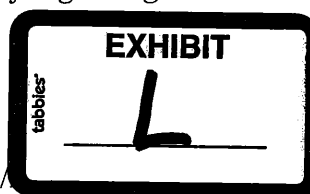
by [John Van Brimmer](#) | Savannah Morning News



[Watch Video: In Georgia, Loeffler again refuses to say Trump lost](#)

ATHENS -- Georgia Gov. Brian Kemp issued a stern reminder to Georgia's state legislators about the limits of their powers on Monday, specifically in regards to a push by six members of the Georgia General Assembly to convene a special session to select a separate slate of presidential electors.

Speaking to lawmakers at the Biennial Institute for Georgia Legislators, a legislative session primer held every two years at Athens' The Classic Center, Kemp reiterated a statement issued late Sunday regarding election challenges.



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More: Kemp to Trump: State law prohibits governor's interference in Georgia election results

President Donald Trump, who lost the Nov. 3 election in Georgia by approximately 12,000 votes to Joe Biden, recently appealed to Gov. Kemp to convene a special session in hopes the Republican-controlled Legislature would designate Trump loyalists to award the state's 16 Electoral College votes on Dec. 14. When Kemp refused, Sens. Brandon Beach, Greg Dolezal, Burt Jones and William Ligon and House Reps. Colton Moore and Vernon Jones called for the special session.

Kemp told lawmakers Monday doing so "is not an option" under Georgia law. A statute enacted in 1960 prohibits the Georgia General Assembly from choosing delegates to the Electoral College except in cases where an election cannot be held.



"You all will be taking an oath to uphold the laws and constitution of our state, and now more than ever, it is important to remember that thousands of brave men and women have paid the ultimate sacrifice for those laws, that constitution and all that they protect," Kemp said.

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"I'm confident that each of you will live up to the words and greater calling regardless of political consequences. That's what I've been doing."

More: Donald Trump targets Georgia Republicans even amid contentious Senate runoffs



The judicial system, not the Georgia Capitol, is the appropriate venue to decide election challenges, Kemp said.

Gov. Kemp, along with Secretary of State Brad Raffensperger, Georgia's top elections official, have been frequently criticized by the Trump campaign and their supporters since the initial election results were released. Georgia has conducted a hand audit of ballots and a recount in the time since and last week certified the results.

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Kemp's comments Monday came just hours after a panel of lawyers, including a Georgia Supreme Court justice, told legislators that attempting to subvert the election results and choose its own presidential electors would be "highly unlikely" to withstand legal challenges. The discussion was part of a program focused on "powers vested to the General Assembly."

Kemp received a standing ovation from the approximately 200 members of the Georgia General Assembly in attendance for his lunchtime address.

"I applaud the governor's efforts when it comes to upholding Georgia's Constitution and his authority. He has shown the citizens of Georgia neither he nor his office will be bullied by outside influences," said Sen. Lester Jackson (D-Savannah). "Gov. Kemp has chosen to stand for people rather than politics."

The governor also received praise from Georgia Speaker of the House David Ralston, and not just for his handling of the post-election controversy.

"Being governor of a state is never easy, but in just the last few months he has managed through a pandemic and a suddenly smaller state budget," Ralston said. "I appreciate more than he knows his leadership and his friendship both to me and every legislator here today."



STATE OF GEORGIA)
)
COUNTY OF RICHMOND)

VERIFICATION

Personally appeared before the undersigned attesting authority, duly authorized to administer oaths, WILLIE SAUNDERS, who after first being duly sworn, states that he has read the attached *Complaint*, and the facts contained therein are true and correct.

This 28th day of April, 2021.

Sworn to and subscribed before me)
this 28th day of April, 2021.)

Notary Public, Richmond County,)
State of Georgia)

My Commission Expires 3-21-22)

Willie Saunders
WILLIE SAUNDERS