

**Judicial Council of Georgia**  
**Access, Fairness, and Public Trust and Confidence Committee**  
Meeting Summary-Wednesday, November 4, 2015  
Judicial Conference Room  
244 Washington Street, S.W. Suite 500  
Atlanta, Georgia 30334

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The meeting was called to order at 12:19 p.m. and was adjourned at 2:00 p.m.

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**Access, Fairness, and Public Trust and Confidence Committee members present:** Justice Robert Benham, Justice Carol W. Hunstein, Chief Judge Sara L. Doyle, Judge Cassandra Kirk, Judge Robert Rodatus (by phone), Ms. V. Sharon Edenfield (by phone), Ms. Lori Gelchion (by phone), Mr. Coy Johnson, Jr. (by phone), Mr. David M. Sneed (by phone), Judge Gail Tusan, Judge LaTisha Dear Jackson; Ms. Monica Khant.

**Others Present:** Ms. Karlise Grier, AFPTC Staff Attorney; Ms. Cynthia Clanton, Director, Administrative Office of Courts (AOC); Ms. Michelle Barclay, AOC; Mr. Bucky Askew, Georgia State College of Law; Ms. Jacqueline Bunn, Criminal Justice Coordinating Council (CJCC); Ms. Patricia Buonodono, AOC; L'Tanya Keith-Robinson; Ashley Garner, AOC; Paula Myrick, AOC; Michael Monahan, State Bar of Georgia Access to Justice Committee; Mr. Mike Galifianakis, Statewide ADA Coordinator for the Georgia State Finance and Investment Commission

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## **Welcome and Introductions**

Justices Benham and Hunstein thanked everyone for serving on the committee and encouraged input in dealing with the issues at hand.

## **Project and Community Updates**

### **(1) ADA Handbook update**

Mr. Mike Galifianakis spearheaded a project on behalf of the committee to update the ADA Handbook as it pertains to Georgia courts for the first time since 2004. Mr. Galifianakis presented a draft of the updated handbook to account for the regulatory and case law changes that have occurred over the last 11 years. The draft will be put on <http://afptc.georgiacourts.gov> for review. After a call for volunteers to assist with revision, Mr. David Sneed offered to follow up with Mr. Galifianakis to help along with Ms. Patricia Buonodono of the AOC.

### **(2) Human Trafficking work done by the Georgia Executive Branch and Nationally**

Ms. Michelle Barclay gave an overview of the Georgia Executive Branch's activities to fight human trafficking including increasing penalties and improving expungement laws for those trying to escape the sex worker trade. Ms. Barclay also noted a push for special courts to address human trafficking issues and allow people charged with prostitution a broader array of opportunities to get out of that type of life. A livestream of a symposium on the topic is available at <https://livestream.com/accounts/7043450/events/4369263>.

Ms. Jacqueline Bunn gave an overview of the Criminal Justice Coordinating Council (CJCC). CJCC has taken on a leading role in Georgia's response to Commercial Sexual Exploitation of Children (CSEC), specifically by providing monetary support for several multidisciplinary trainings throughout Georgia with the goal of gaining a better understanding of the needs of CSEC victims and to learn how to respond when exploitation is identified. An overview of the CJCC's CSEC Task force is available at <https://cjcc.georgia.gov/task-force-overview>.

Ms. Barclay asked Ms. Bunn what she thought the Judicial Branch could do to assist with this work, to which Ms. Bunn replied they could train members to recognize victims so that they are treated as victims and not as criminals. No specific training towards judges in Georgia exists regarding this matter but the State Justice Institute has made a commitment to work with states who are interested in replicating the national conference material on a state level by issuing grants. Funding could be obtained through the CJCC and their grants writing unit for training as well as specialized courts. Additional funding from the Victims of Crime Act is also being allocated to the CJCC but it will need to be reviewed for availability.

A human trafficking bench book for judges authored by a guest of the committee was discussed in a meeting last year. Ms. Monica Khant will follow-up on the human trafficking bench book. The state of New York was mentioned as having a superb lawyer's manual on the topic of human trafficking.

Judge Gail Tusan mentioned a tool kit with information to review. She will share the tool kit with Ms. Karlise Grier and Ms. Barclay.

### **(3) NAWJ conference**

The National Association of Women Judges will hold their conference in Atlanta in 2017. A call is scheduled for November 18 to discuss how to move forward with hosting the conference. More information will be available at the next meeting. Justice Hunstein and Chief Judge Doyle are the co-chairs of the Atlanta NAWJ 2017 Conference.

### **(4) Lawyers for Equal Justice (Law School Incubator Project)**

Mr. Bucky Askew gave an overview about what a Law School Incubator is. It is a post-graduate training and resource program for recent law school graduates who are interested in setting up small practices and serving communities of need. Last year Justice Hunstein organized a meeting of the five law school deans in Georgia to consider starting an incubator. There are about 50 incubators in the country, however, most are run by a single law school and are relatively small. In Georgia, the law schools agreed to collaborate and each committed \$25,000 to the first year's effort along with \$85,000 committed by the State Bar of Georgia for rent for the project for each of the first three years.

The program will recruit 10 law school graduates every 6 months to receive a substantial amount of training and mentoring in practice and management to help them establish, build and maintain a sustainable law practice that would serve people in need.

### **(5) State Bar of Georgia Access to Justice Committee Report**

Mr. Michael Monahan gave an update on the State Bar of Georgia's Access to Justice Committee. The Access to Justice Committee has been active in one form or another for the past several years and

was put as a top priority for the State Bar's Strategic Planning Committee in October 2015. Some goals of the Access to Justice Committee are to enhance the use of technology to expand and serve clients where there are fewer lawyers, effectively use the State Bar to lobby on behalf of access to justice, and encourage members to contribute pro bono services. Strategies taken to achieve these goals are to develop an annual lobbying plan to increase funding for programs, implement mandatory pro bono reporting, establish court or Bar based legal self-help resources, to develop a professionalism credit for 2017 centering on access to justice, and to develop a permanent commission with the Supreme Court of Georgia to promote and develop initiatives.

There are four subcommittees for the Access to Justice Committee: Pro bono, Collaboration for Access, Law School, and ATJ Commission. Some things these subcommittees are working on are developing rules to assist pro bono clinics deal with complex issues, develop an awareness campaign for rules 6.1 and 6.5, expanding pro bono opportunities for local bar associations, to provide more incentives for pro bono lawyers, develop training, facilitate pro bono reporting, develop court forms, receive technology grants, involve law students with legal aid intakes, and to raise awareness of access to justice issues within the legal community.

## **Update on Missouri's Ferguson Commission Report**

### **(6) Reflections on Missouri's Ferguson Commission Report**

Ms. Karlise Grier highlighted some aspects of the report for the Access, Fairness, and Public Trust and Confidence Committee that could be used as a starting point for some of the committee's 2016 activities.

#### **a. Justice for All Calls to Action – Municipal Court Reform**

Recommendations in the report that relate to courts are record keeping and access to records, consolidating municipal courts into regions, and increasing awareness of rights and procedures. Conflicts of interest were also shown for practicing attorneys who also serve as judicial officers. Some conversations that could take place to help this committee stay in front of issues were how to effectively administer courts to ensure constitutional rights, redefine court responses to nonviolent offenses by rebalancing criminal versus administrative action, exploring community based alternatives opposed to traditional sentencing.

#### **b. Justice for All Calls to Action – Law Enforcement Training**

The Atlanta Bar Association is putting together a training on January 14, 2016, for law enforcement. An opportunity exists for the committee to present a piece at this training on stops relating to reasonable articulable suspicion and probable cause. This could also be presented at a 2016 Law Day event.

## **2016 Goals and sub-committees**

### **(7) Open Discussion of 2016 Committee Goals and Sub-Committees**

#### **a. Best Practices Handbook for Courts and Court-Related Personnel**

##### **1. Accountability Courts**

All accountability courts in Georgia currently operate under the same set of standards and are currently developing a peer review system that bears watching for effectiveness.

Justice Benham indicated that he would like for the committee to assist various counties and municipalities to examine the economic benefits of these courts to better promote them, especially in the political arena. Ms. Grier will follow-up with independent council regarding accountability courts.

## **2. Municipal Courts (start with suggestions in Ferguson report)**

Judge LaTisha Dear Jackson stated that there is no best practices handbook for municipal court judges however there is an interest in developing one. The major obstacle for this is the wide variance of circumstances that different regions have. Judge Jackson volunteered to serve on a committee to help develop a draft to take to the Council of Municipal Court Judges as a suggestion. Judge Gail Tusan agreed to assist on the committee as well.

## **3. Court-Based Self-Help Programs**

Judge Cassandra Kirk agreed to run the concept of using the settlement funds for self-help centers past her council.

- i. Magistrate Courts (garnishment/creditor collections actions)**
  - **None currently in existence**
  - **Possible pilot project with Chase Settlement Funds**
  - **Suggested counties to consider include Fulton and Henry**

Georgia's Attorney General's office received approximately 2 million dollars for this settlement that, according to state law, must go into the general fund. The funds are intended to be used for consumer education about their rights when they are subject to debt collection. The State Bar's Access to Justice Committee wants to use the Bar's lobbying powers to ensure the funds are used as intended. This presents an opportunity for this Committee to explore using some of these funds to establish some self-help court centers for consumers. Thomas Worthy, who is the State Bar's Legislative Affairs Director, has asked that any proposals be submitted by November 30 to be considered at the December 10 State Bar meeting.

Some of the court-based self help centers that currently exist include:

- i. Probate Courts – Fulton County**
- ii. Superior Courts (family law cases) – Appalachian Circuit**
- iii. Family Law Information Center – Fulton and DeKalb**

A conversation was held in an effort to best approach the growing pro se litigant numbers in family law cases. Several circuits such as Cobb and Gwinnett have established Family Law Information Centers and hold monthly seminars to assist pro se litigants. A challenge the committee could choose to take on is to package the experiences and successes of different circuits and to produce a guide for effective implementation and services.

Judge Robert Rodatus and Ms. Sharon Edenfield will report on how many circuits have legal advocates. Judge Gail Tusan suggested that Ms. Janet Edmonson work on this topic, as well.

**b. Sub-committee and sub-committee membership suggestions**

**1. Best Practices Handbooks**

**2. Ferguson Report – Training for agencies whose work impacts the Public Trust and Confidence of Judicial System ( e. g. Law Enforcement, sheriff's, probation)**

**3. NAWJ Conference**

Volunteers to assist with the NAWJ conference are Justice Hunstein, Chief Judge Doyle, Ms. Sharon Edenfield, Judge Gail Tusan, and Ms Monica Khant.

- **Planning Committee (judges and lawyers)**
- **Host/Finance Committee (lawyers only)**

**4. Human Trafficking Court Pilot Project – Justice Hunstein Ms. Grier continue to monitor what courts are doing in terms of Human Trafficking pilot projects.**

**5. Magistrate Court Self-Help Center Pilot Project – Ms. Grier will have further discussions with Judge Kirk to determine if this is a possibility if some funding is available for it from the Chase Settlement Funds.**

**(8) Old Business**

**(9) New Business & Next Meeting**

The next meeting is scheduled for February 10<sup>th</sup>, 2016 at 12:00 p.m.

**Adjourn**