

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee
Wednesday, February 10, 2016
11:30 a.m. – 2:00 p.m.
Judicial Conference Room
244 Washington Street, S.W.
Suite 500
Atlanta, Georgia 30334

- (1) **Welcome and Introductions – 5 minutes**
 - Justice Robert Benham & Justice Carol W. Hunstein, Co-Chairs
- (2) **Written Reports**
 - Summary of November 4, 2016, Meeting
 - Future Meeting Dates – Please Mark Your Calendars
 - **May 11, 2016**, 11:30 a.m. to 2:00 p.m.
 - **September 14, 2016**, 11:30 a.m. to 2:00 p.m.
 - **November 9, 2016**, 11:30 a.m. to 2:00 p.m.

Project and Community Updates – 60 minutes

- (3) Introduction to the Georgia Council of Accountability Court Judges – 10 minutes
 - Taylor Jones
 - <http://www.gaaccountabilitycourts.org/>
 - <http://www.ndci.org/training/advanced-training/cultural-proficiency>
 - <http://www.nadcp.org/learn/about-nadcp/awards/cultural-leadership-award>
- (4) Lawyers for Equal Justice (Law School Incubator Project) – 10 minutes
 - Stephanie Everett
 - <http://w2.georgiacourts.gov/journal/index.php/january-2015/317-lawyers-for-equal-justice>
 - <https://www.facebook.com/LawyersForEqualJustice/>
- (5) NAWJ conference – 10 minutes
 - Justice Carol W. Hunstein and Judge Sarah Doyle, Co-Chairs
- (6) Equal Justice in Law Enforcement Symposium Information – 10 minutes
 - Justice Robert Benham
 - <http://www.atlantabar.org/events/EventDetails.aspx?id=713861&group=124739>
- (7) Georgia Appleseed Report on Race, Law Enforcement and the Law – 10 minutes
 - Rob Rhodes
 - <https://gaappleseed.org/initiatives/race-law-enforcement-and-the-law>
- (8) ADA Handbook update – 5 minutes
 - Karlise Y. Grier/Patricia Buonodono
- (9) Human Trafficking Summit Grant Proposal – 5 minutes
 - Patricia Buonodono

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2016 Goals and sub-committees – Organizational Meetings – 30 minutes

(10) 2016 Sub-Committees

- 1. Council of Accountability Court Judged Collaboration on training and best practices – Justice Benham
 - 2. Municipal Courts - Best Practices Handbook for Courts and Court-Related Personnel – Judge Dear-Jackson
 - 3. Court-Based Self-Help Programs – Judge Rodatus
 - i. Probate Courts – Fulton County
 - ii. Magistrate Courts (garnishment/creditor collection actions)
– none currently in existence
– possible pilot project with Chase Settlement Funds
 - iii. Superior Courts (family law cases) – Appalachian Circuit
 - 4. Law Day Theme – Miranda
http://www.americanbar.org/groups/public_education/initiatives_awards/lawday2016.html
 - 5. NAWJ 2017 Conference – Justice Hunstein/Judge Doyle
- (11) Old Business – 5 minutes
- (12) New Business & Next Meeting – 10 minutes
- (13) Adjourn

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

New Committee Order/Continued Committee Service



SUPREME COURT OF GEORGIA

Atlanta February 4, 2016

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

Upon consideration, the Court hereby establishes the Judicial Council Access, Fairness, Public Trust and Confidence Standing Committee with the mission of improving the public's trust in the judicial branch by focusing on access and fairness through the elimination of systemic barriers related to gender, race, ethnicity, sexual orientation, national origin, disability, indigence, and language. This Committee is created as a successor to the Access, Fairness, Public Trust and Confidence Standing Committee which shall sunset on February 9, 2016. The Administrative Office of the Courts shall provide staff support to the Committee.

In accordance with the Bylaws of the Judicial Council of Georgia, membership shall include at least one current Judicial Council member. Future membership terms shall run concurrent to the Judicial Council strategic plans. The following members are hereby appointed to the Judicial Council Access, Fairness, Public Trust and Confidence Standing Committee for terms ending June 30, 2018:

Justice Robert Benham	Supreme Court of Georgia
Justice Carol W. Hunstein	Supreme Court of Georgia
Chief Judge Sara L. Doyle	Court of Appeals of Georgia
Judge Horace J. Johnson, Jr.	Superior Court, Alcovy Circuit
Judge Gail S. Tusan	Superior Court, Atlanta Circuit
Judge Jason B. Thompson	State Court of Fayette County
Judge Cassandra Kirk	Magistrate Court of Fulton County
Judge Sherry Moore	Probate Court of Jackson County
Judge LaTisha Dear Jackson	Municipal Court of Stone Mountain
Presiding Judge Robert V. Rodatus	Juvenile Court of Gwinnett County
Tracy Johnson	Clerk/Court Administrator Representative 1
Will Simmons	Clerk/Court Administrator Representative 2
V. Sharon Edenfield, Esq.	State Bar of Georgia Young Lawyers Division

Joy Lampley-Fortson, Esq.
Lori Gelchion, Esq.
Coy Johnson, Jr., Esq.
Monica Khant, Esq.
David M. Sneed, Esq.

Ga Association of Black Women Attorneys
Georgia Association of Women Lawyers
Gate City Bar Association
Ga Asian Pacific American Bar Association
State Bar of Georgia

Justice Robert Benham and Justice Carol W. Hunstein shall serve as Co-Chairpersons until further designated.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby 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

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

Summary of November 4, 2015 Meeting

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

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

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

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 10th, 2016 at 12:00 p.m.

Adjourn

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

**Introduction to the Georgia Council of
Accountability Court Judges**

O.C.G.A. § 15-1-15

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*** Current Through the 2015 Regular Session ***

TITLE 15. COURTS
CHAPTER 1. GENERAL PROVISIONS

O.C.G.A. § 15-1-15 (2015)

§ 15-1-15. Drug court divisions

(a) (1) Any court that has jurisdiction over any criminal case which arises from the use, sale, possession, delivery, distribution, purchase, or manufacture of a controlled substance, noncontrolled substance, dangerous drug, or other drug may establish a drug court division to provide an alternative to the traditional judicial system for disposition of such cases.

(2) In any case which arises from the use, addiction, dependency, sale, possession, delivery, distribution, purchase, or manufacture of a controlled substance, noncontrolled substance, dangerous drug, or other drug or is ancillary to such conduct and the defendant meets the eligibility criteria for the drug court division, the court may assign the case to the drug court division:

(A) Prior to the entry of the sentence, if the prosecuting attorney consents;

(B) As part of a sentence in a case; or

(C) Upon consideration of a petition to revoke probation.

(3) Each drug court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, public defenders, community supervision officers, and persons having expertise in the field of substance abuse. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the drug court division. The work plan shall include drug court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that drug court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The drug court division shall combine judicial supervision, treatment of drug court division participants, and drug testing.

(4) (A) The Council of Accountability Court Judges of Georgia shall establish standards and

practices for drug court divisions taking into consideration guidelines and principles based on current research and findings published by the National Drug Court Institute and the Substance Abuse and Mental Health Services Administration, relating to practices shown to reduce recidivism of offenders with drug abuse problems. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the drug court field. Each drug court division shall adopt policies and practices that are consistent with the standards and practices published by the Council of Accountability Court Judges of Georgia.

(B) The Council of Accountability Court Judges of Georgia shall provide technical assistance to drug court divisions to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in drug court divisions.

(C) The Council of Accountability Court Judges of Georgia shall create and manage a certification and peer review process to ensure drug court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and shall create a waiver process for drug court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. In order to receive state appropriated funds, any drug court division established on and after July 1, 2013, shall be certified pursuant to this subparagraph or, for good cause shown to the Council of Accountability Court Judges of Georgia, shall receive a waiver from the Council of Accountability Court Judges of Georgia.

(D) On and after July 1, 2013, the award of any state funds for a drug court division shall be conditioned upon a drug court division attaining certification or a waiver by the Council of Accountability Court Judges of Georgia. On or before September 1, the Council of Accountability Court Judges of Georgia shall publish an annual report listing certified drug court divisions.

(E) The Council of Accountability Court Judges of Georgia and the Georgia Council on Criminal Justice Reform shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all drug court divisions. The Council of Accountability Court Judges of Georgia shall identify elements necessary for performance measurement, including, but not limited to, recidivism, the number of moderate-risk and high-risk participants in a drug court division, drug testing results, drug testing failures, participant employment, the number of participants who successfully complete the program, and the number of participants who fail to complete the program.

(F) On or before July 1, 2015, and every three years thereafter, the Council of Accountability Court Judges of Georgia shall conduct a performance peer review of the drug court divisions for the purpose of improving drug court division policies and practices and the certification and recertification process.

(5) The court instituting the drug court division may request the prosecuting attorney for the jurisdiction to designate one or more prosecuting attorneys to serve in the drug court division and may request the public defender, if any, to designate one or more assistant public defenders to serve in the drug court division.

(6) The clerk of the court instituting the drug court division or such clerk's designee shall serve as the clerk of the drug court division.

(7) The court instituting the drug court division may request community supervision officers and other employees of the court to perform duties for the drug court division. Such employees shall perform duties as directed by the judges of the drug court division.

(8) The court instituting the drug court division may enter into agreements with other courts and agencies for the assignment of personnel from other courts and agencies to the drug court division.

(9) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such drug court division, federal grant funds, and funds from private donations.

(10) As used in this Code section, the term "risk and needs assessment" means an actuarial tool, approved by the Council of Accountability Court Judges of Georgia and validated on a targeted population, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior.

(b) (1) Each drug court division shall establish criteria which define the successful completion of the drug court division program.

(2) If the drug court division participant successfully completes the drug court division program prior to the entry of judgment, the case against the drug court division participant may be dismissed by the prosecuting attorney.

(3) If the drug court division participant successfully completes the drug court division program as part of a sentence imposed by the court, the sentence of the drug court division participant may be reduced or modified.

(4) Any plea of guilty or nolo contendere entered pursuant to this Code section may not be withdrawn without the consent of the court.

(c) Any statement made by a drug court division participant as part of participation in such court, or any report made by the staff of the court or program connected to the court, regarding a participant's substance usage shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, if the participant violates the conditions of his or her participation in the program or is terminated from the drug court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise

disposing of the participant's case.

(d) Nothing contained in this Code section shall be construed to permit a judge to impose, modify, or reduce a sentence below the minimum sentence required by law.

(e) Notwithstanding any provision of law to the contrary, drug court division staff shall be provided, upon request, with access to all records relevant to the treatment of the drug court division participant from any state or local government agency. All such records and the contents thereof shall be treated as confidential, shall not be disclosed to any person outside of the drug court division, and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the drug court division and originating court in a confidential file not available to the public.

(f) Any fees received by a drug court division from a drug court division participant as payment for substance abuse treatment and services shall not be considered as court costs or a fine.

(g) The court may have the authority to accept grants and donations and other proceeds from outside sources for the purpose of supporting the drug court division. Any such grants, donations, or proceeds shall be retained by the drug court division for expenses.

HISTORY: Code 1981, § 15-1-15, enacted by Ga. L. 2005, p. 1505, § 2/HB 254; Ga. L. 2012, p. 899, § 2-1/HB 1176; Ga. L. 2015, p. 422, § 5-2/HB 310; Ga. L. 2015, p. 519, § 5-1/HB 328.

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O.C.G.A. § 15-1-16

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*** Current Through the 2015 Regular Session ***

TITLE 15. COURTS
CHAPTER 1. GENERAL PROVISIONS

GO TO GEORGIA STATUTES ARCHIVE DIRECTORY

O.C.G.A. § 15-1-16 (2015)

§ 15-1-16. Mental health court divisions

(a) As used in this Code section, the term:

(1) "Developmental disability" shall have the same meaning as set forth in Code Section 37-1-1.

(2) "Mental illness" shall have the same meaning as set forth in Code Section 37-1-1.

(3) "Risk and needs assessment" means an actuarial tool, approved by the Council of Accountability Court Judges of Georgia and validated on a targeted population, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior.

(b) (1) To achieve a reduction in recidivism and symptoms of mental illness among mentally ill offenders in criminal cases and to increase their likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, any court that has jurisdiction over a criminal case in which a defendant has a mental illness or developmental disability, or a co-occurring mental illness and substance abuse disorder, may establish a mental health court division to provide an alternative to the traditional judicial system for disposition of such cases. A mental health court division will bring together mental health professionals, local social programs, and intensive judicial monitoring.

(2) In any criminal case in which a defendant suffers from a mental illness or developmental disability, or a co-occurring mental illness and substance abuse disorder, and the defendant meets the eligibility criteria for the mental health court division, the court may refer the case to the mental health court division:

(A) Prior to the entry of the sentence, if the prosecuting attorney consents;

(B) As part of a sentence in a case; or

(C) Upon consideration of a petition to revoke probation.

(3) Each mental health court division shall establish a planning group to develop a written work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or their designees, public defenders, community supervision officers, and persons having expertise in the field of mental health. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the mental health court division. The work

plan shall include mental health court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that mental health court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The mental health court division shall combine judicial supervision, treatment of mental health court division participants, and drug and mental health testing. Defendants charged with murder, murder in the second degree, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the mental health court division, except in the case of a separate court supervised reentry program designed to more closely monitor mentally ill offenders returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph.

(4) (A) The Council of Accountability Court Judges of Georgia shall establish standards and practices for mental health court divisions taking into consideration guidelines and principles based on current research and findings published by expert organizations, including, but not limited to, the United States Substance Abuse and Mental Health Services Administration, the Council of State Governments Consensus Project, and the National GAINS Center, relating to practices shown to reduce recidivism of offenders with mental illness or developmental disabilities. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the mental health court field. Each mental health court division shall adopt policies and practices that are consistent with the standards and practices published by the Council of Accountability Court Judges of Georgia.

(B) The Council of Accountability Court Judges of Georgia shall provide technical assistance to mental health court divisions to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in mental health court divisions.

(C) The Council of Accountability Court Judges of Georgia shall create and manage a certification and peer review process to ensure mental health court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and shall create a waiver process for mental health court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. In order to receive state appropriated funds, any mental health court division established on and after July 1, 2013, shall be certified pursuant to this subparagraph or, for good cause shown to the Council of Accountability Court Judges of Georgia, shall receive a waiver from the Council of Accountability Court Judges of Georgia.

(D) On and after July 1, 2013, the award of any state funds for a mental health court division shall be conditioned upon a mental health court division attaining certification or a waiver by the Council of Accountability Court Judges of Georgia. On or before September 1, the Council of Accountability Court Judges of Georgia shall publish an annual report listing certified mental health court divisions.

(E) Pursuant to Code Section 15-5-24, the Administrative Office of the Courts shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all mental health court divisions. The Council of Accountability Court Judges of Georgia shall identify elements necessary for performance measurement, including, but not limited to, recidivism, the number of moderate-risk and high-risk participants in a mental health court division, drug testing results, drug testing failures, the number of participants who successfully complete the program, and the

number of participants who fail to complete the program.

(F) On or before July 1, 2015, and every three years thereafter, the Council of Accountability Court Judges of Georgia shall conduct a performance peer review of the mental health court divisions for the purpose of improving mental health court division policy and practices and the certification and recertification process.

(5) The court instituting the mental health court division may request the district attorney for the judicial circuit or solicitor-general for the state court for the jurisdiction to designate one or more prosecuting attorneys to serve in the mental health court division and may request the circuit public defender, if any, to designate one or more assistant public defenders to serve in the mental health court division.

(6) The clerk of the court instituting the mental health court division or such clerk's designee shall serve as the clerk of the mental health court division.

(7) The court instituting the mental health court division may request other employees of the court to perform duties for the mental health court division. Such employees shall perform duties as directed by the judges of the mental health court division.

(8) The court instituting the mental health court division may enter into agreements with other courts and agencies for the assignment of personnel from other courts and agencies to the mental health court division, including probation supervision.

(9) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such mental health court division, federal grant funds, and funds from private donations.

(c) (1) Each mental health court division shall establish written criteria that define the successful completion of the mental health court division program.

(2) If the mental health court division participant successfully completes the mental health court division program prior to the entry of judgment, the case against the mental health court division participant may be dismissed by the prosecuting attorney.

(3) If the mental health court division participant successfully completes the mental health court division program as part of a sentence imposed by the court, the sentence of the mental health court division participant may be reduced or modified.

(4) Any plea of guilty or nolo contendere entered pursuant to this Code section shall not be withdrawn without the consent of the court.

(d) Any statement made by a mental health court division participant as part of participation in such court, or any report made by the staff of the court or program connected to the court, regarding a participant's mental health shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that if the participant violates the conditions of his or her participation in the division or is terminated from the mental health court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise disposing of the participant's case.

(e) Nothing contained in this Code section shall be construed to permit a judge to impose, modify, or reduce a sentence below the minimum sentence required by law.

(f) Notwithstanding any provision of law to the contrary, mental health court division staff shall be provided, upon request, with access to all records relevant to the treatment of the mental health court division participant from any state or local government agency, except records

declared confidential by Code Section 49-5-40 to which access may be obtained pursuant to Code Section 49-5-41. All records and the contents thereof shall be treated as confidential, shall not be disclosed to any person outside of the mental health court division, and shall not be subject to Article 4 of Chapter 18 of Title 50 or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the mental health court division and originating court in a confidential file not available to the public.

(g) Any fees received by a mental health court division from a mental health court division participant as payment for mental health treatment and services shall not be considered as court costs or a fine.

(h) The court shall have the authority to accept grants and donations and other proceeds from outside sources for the purpose of supporting the mental health court division. Any such grants, donations, or proceeds shall be retained by the mental health court division for expenses.

HISTORY: Code 1981, § 15-1-16, enacted by Ga. L. 2011, p. 224, § 1/SB 39; Ga. L. 2012, p. 899, § 2-2/HB 1176; Ga. L. 2014, p. 444, § 2-1/HB 271; Ga. L. 2014, p. 866, § 15/SB 340; Ga. L. 2015, p. 5, § 15/HB 90; Ga. L. 2015, p. 422, § 5-3/HB 310; Ga. L. 2015, p. 519, § 5-2/HB 328.

NOTES: THE 2014 AMENDMENTS. --The first 2014 amendment, effective July 1, 2014, inserted "murder in the second degree," near the middle of the next-to-last sentence in paragraph (b) (3). The second 2014 amendment, effective April 29, 2014, part of an Act to revise, modernize, and correct the Code, inserted paragraph (b)(4) designation preceding the subparagraph (b) (A).

THE 2015 AMENDMENTS. --The first 2015 amendment, effective March 13, 2015, part of an Act to revise, modernize, and correct the Code, redesignated former paragraph (b)(10) as present paragraph (a)(3), and in that paragraph, substituted "'Risks and needs assessment'" for "As used in this Code section, the term 'risk and needs assessment'" at the beginning. The second 2015 amendment, effective July 1, 2015, substituted "community supervision officers" for "probation officers" in the second sentence of paragraph (b)(3). See editor's note for applicability. The third 2015 amendment, effective July 1, 2015, in paragraph (b)(4), substituted "Council of Accountability Court Judges of Georgia" for "Judicial Council of Georgia" throughout, substituted "The Council of Accountability Court Judges of Georgia" for "On or before January 1, 2013, the Judicial Council of Georgia" at the beginning of subparagraph (b) (4)(A), substituted "The Council of Accountability Court Judges of Georgia" for "On and after January 1, 2013, the Judicial Council of Georgia" at the beginning of subparagraph (b)(4)(B), substituted "The Council of Accountability Court Judges of Georgia" for "On or before July 1, 2013, the Judicial Council of Georgia" at the beginning of subparagraph (b)(4)(C), and deleted "of" following "report listing" in the last sentence of subparagraph (b)(4)(D); and substituted "Council of Accountability Court Judges of Georgia" for "Judicial Council of Georgia" in paragraph (b)(10) (now paragraph (a)(3)).

EDITOR'S NOTES. --Ga. L. 2012, p. 899, § 9-1(a)/HB 1176, not codified by the General Assembly, provides: "This Act shall become effective on July 1, 2012, and shall apply to offenses which occur on or after that date. Any offense occurring before July 1, 2012, shall be governed by the statute in effect at the time of such offense and shall be considered a prior conviction for the purpose of imposing a sentence that provides for a different penalty for a subsequent conviction for the same type of offense, of whatever degree or level, pursuant to this Act."

Ga. L. 2015, p. 422, § 6-1/HB 310, not codified by the General Assembly, provides, in part, that the amendment by this Act shall apply to sentences entered on or after July 1, 2015.

LAW REVIEWS. --For article on the 2011 enactment of this Code section, see 28 Ga. St. U.L. Rev. 293 (2011). For article, "Courts: General Provisions," 28 Ga. St. U.L. Rev. 293 (2011). For

article on the 2012 amendment of this Code section, see 29 Ga. St. U.L. Rev. 290 (2012).
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O.C.G.A. § 15-1-17

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*** Current Through the 2015 Regular Session ***

TITLE 15. COURTS
CHAPTER 1. GENERAL PROVISIONS

GO TO GEORGIA STATUTES ARCHIVE DIRECTORY

O.C.G.A. § 15-1-17 (2015)

§ 15-1-17. Veterans Court divisions

(a) As used in this Code section, the term:

(1) "VA" means the United States Department of Veterans Affairs.

(2) "Veteran" means a person who is a former member of the armed forces of the United States or a state's National Guard.

(b) (1) Any court that has jurisdiction over criminal cases may establish a veterans court division to provide an alternative to the traditional judicial system for disposition of cases in which the defendant is a veteran.

(2) In any criminal case in which a defendant is a veteran and the defendant meets the eligibility criteria for the veterans court division, the court may refer the case to the veterans court division:

(A) Prior to the entry of the sentence, if the prosecuting attorney consents;

(B) As part of a sentence in a case; or

(C) Upon consideration of a petition to revoke probation.

(3) Each veterans court division shall establish a planning group to develop a written work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or their designees, public defenders, community supervision officers, and persons having expertise in services available to veterans. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the veterans court division. The work plan shall include veterans court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The veterans court division shall combine judicial supervision, treatment of veterans court division participants, and drug and mental health testing. The work plan shall include eligibility criteria for the veterans court division. Defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the veterans court division, except in the case of a separate court supervised reentry program designed to more closely monitor veterans returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph.

(4) The Council of Accountability Court Judges of Georgia shall adopt standards and practices for veterans court divisions, taking into consideration guidelines and principles based on available current research and findings published by experts on veterans' health needs and treatment options, including, but not limited to, the VA and the Georgia Department of Veterans Service. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the veterans court field if any such research, findings, or developments are created. Each veterans court division shall adopt policies and practices that will be consistent with any standards and practices published by the Council of Accountability Court Judges of Georgia. Such standards and practices shall serve as a flexible framework for developing effective veterans court divisions and provide a structure for conducting research and evaluation for accountability. Such standards and practices are not intended to be a certification or regulatory checklist.

(5) The court instituting the veterans court division may request the district attorney for the judicial circuit or solicitor-general for the state court for the jurisdiction to designate one or more prosecuting attorneys to serve in the veterans court division and may request the circuit public defender, if any, to designate one or more assistant public defenders to serve in the veterans court division.

(6) The clerk of the court instituting the veterans court division or such clerk's designee shall serve as the clerk of the veterans court division.

(7) The court instituting the veterans court division may request other employees of the court to perform duties for the veterans court division. Such employees shall perform duties as directed by the judges of the veterans court division.

(8) The court instituting the veterans court division may enter into agreements with other courts and agencies for the assignment of personnel from other courts and agencies to the veterans court division, including probation supervision.

(9) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such veterans court division, federal grant funds, and funds from private donations.

(c) (1) Each veterans court division shall establish written criteria that define the successful completion of the veterans court division program.

(2) If the veterans court division participant successfully completes the veterans court division program prior to the entry of judgment, the case against the veterans court division participant may be dismissed by the prosecuting attorney.

(3) If the veterans court division participant successfully completes the veterans court division program as part of a sentence imposed by the court, the sentence of the veterans court division participant may be reduced or modified.

(4) Any plea of guilty or nolo contendere entered pursuant to this Code section shall not be withdrawn without the consent of the court.

(d) Any statement made by a veterans court division participant as part of participation in such court, or any report made by the staff of the court or program connected to the court, regarding a participant's mental health shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that if the participant violates the conditions of his or her participation in the division or is terminated from the veterans court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise disposing of the participant's case.

(e) Nothing contained in this Code section shall be construed to permit a judge to impose, modify, or reduce a sentence below the minimum sentence required by law.

(f) Notwithstanding any provision of law to the contrary, veterans court division staff shall be provided, upon request, with access to all records relevant to the treatment of the veterans court division participant from any state or local government agency, except records declared confidential by Code Section 49-5-40 to which access may be obtained pursuant to Code Section 49-5-41. All records and the contents thereof shall be treated as confidential, shall not be disclosed to any person outside of the veterans court division, and shall not be subject to Article 4 of Chapter 18 of Title 50 or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the veterans court division and originating court in a confidential file not available to the public.

(g) Any fees received by a veterans court division from a veterans court division participant as payment for veterans services shall not be considered as court costs or a fine.

(h) The court shall have the authority to accept grants, donations, and other proceeds from outside sources for the purpose of supporting the veterans court division. Any such grants, donations, or proceeds shall be retained by the veterans court division for expenses and shall be accounted for as set forth in subparagraph (b)(4)(F) of this Code section.

HISTORY: Code 1981, § 15-1-17, enacted by Ga. L. 2014, p. 79, § 2/SB 320; Ga. L. 2015, p. 422, § 5-4/HB 310; Ga. L. 2015, p. 519, § 5-3/HB 328.

NOTES: EFFECTIVE DATE. --This Code section became effective July 1, 2014.

THE 2015 AMENDMENTS. --The first 2015 amendment, effective July 1, 2015, substituted "community supervision officers" for "probation officers" in the second sentence of paragraph (b)(3). See editor's note for applicability. The second 2015 amendment, effective July 1, 2015, substituted "Council of Accountability Judges of Georgia" for "Judicial Council of Georgia" throughout paragraph (b)(4).

CROSS REFERENCES. --Returning Veterans Task Force, § 38-4-90 et seq.

EDITOR'S NOTES. --Ga. L. 2014, p. 79, § 1/SB 320, not codified by the General Assembly, provides that: "The General Assembly recognizes that veterans have provided and continue to provide an invaluable service to our country and this state. In connection with a veteran's service, some servicemen and servicewomen have incurred physical, emotional, or mental impairments which cause or contribute to behaviors that may draw a veteran into the criminal justice system. The General Assembly has determined that having dedicated veterans court divisions is important to address the specialized treatment needs of veterans and that there are resources, services, and treatment options that are unique to veterans that may best facilitate a veteran's reentry into society."

Ga. L. 2015, p. 422, § 6-1/HB 310, not codified by the General Assembly, provides, in part, that the amendment by this Act shall apply to sentences entered on or after July 1, 2015.

LAW REVIEWS. --For article, "The Emory Law Volunteer Clinic for Veterans: Serving Those Who Served," see 19 Ga. St. B. J. 26 (Feb. 2014).

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TOC: Georgia Code, Constitution, Court Rules & ALS, Combined > TITLE 15. COURTS >
CHAPTER 1. GENERAL PROVISIONS > **§ 15-1-18. Council of Accountability Court Judges of Georgia; creation; membership; funding; support**

Citation: **ocga 15-1-18**

O.C.G.A. § 15-1-18

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*** Current Through the 2015 Regular Session ***

TITLE 15. COURTS
CHAPTER 1. GENERAL PROVISIONS

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O.C.G.A. § 15-1-18 (2015)

§ 15-1-18. Council of Accountability Court Judges of Georgia; creation; membership; funding; support

(a) As used in this Code section, the term:

(1) "Accountability court" means a drug court division, mental health court division, or veterans court division.

(2) "Council" means the Council of Accountability Court Judges of Georgia.

(b) There is created an accountability court judges' council to be known as the "Council of Accountability Court Judges of Georgia." Such council shall be composed of the judges, senior judges, and judges emeriti of the accountability courts of this state.

(c) The council shall be authorized to organize itself and to develop a constitution and bylaws. The council shall promulgate rules and regulations as it deems necessary. The council shall annually elect a chairperson from among its membership. The council may appoint such committees as it considers necessary to carry out its duties and responsibilities, including appointing judges serving in other courts to serve in an advisory capacity to the council.

(d) It shall be the purpose of the council to effectuate the constitutional and statutory responsibilities conferred upon it by law and to further the improvement of accountability courts, the quality and expertise of the judges thereof, and the administration of justice.

(e) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose, from federal funds available to the council for such purpose, or from other appropriate sources. The council shall be authorized to accept and use gifts, grants, and

donations for the purposes of carrying out this Code section. The council shall be authorized to accept and use property, both real and personal, and services for the purposes of carrying out this Code section.

(f) The Criminal Justice Coordinating Council shall provide technical services to the council and shall assist the council in complying with all its legal requirements.

(g) The Administrative Office of the Courts shall provide the council with office space and administrative support, including staff for record keeping, reporting, and related administrative and clerical functions.

(h) Appropriations to the Administrative Office of the Courts for functions transferred to the Criminal Justice Coordinating Council pursuant to this Code section shall be transferred as provided in Code Section 45-12-90. Personnel previously employed by the Administrative Office of the Courts and equipment and facilities of the Administrative Office of the Courts shall likewise be transferred to the Criminal Justice Coordinating Council. Such transfers shall be as determined by the director of the Administrative Office of the Courts.

HISTORY: Code 1981, § 15-1-18, enacted by Ga. L. 2015, p. 519, § 5-4/HB 328.

NOTES: EFFECTIVE DATE. --This Code section became effective July 1, 2015.

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CHAPTER 1. GENERAL PROVISIONS > § 15-1-18. Council of Accountability Court Judges of
Georgia; creation; membership; funding; support

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The 10 Key Components of a Drug Court

1. Drug Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

Lawyers for Equal Justice
(Law School Incubator Project)

Lawyers for Equal Justice In a Nutshell

Lawyers for Equal Justice (LEJ) is an incubator program for newer lawyers to start innovative, socially conscious law practices providing affordable services to low and moderate income clients. The goal is to expand legal services to unrepresented persons by developing new market-based models through which lawyers in solo or small practices can sustainably provide affordable services to these clients. The State Bar of Georgia and the five ABA-approved law schools in Georgia have joined together to financially support the collaborative effort that has led to the creation of LEJ.

Lawyers participating in the LEJ are committed to developing practices providing quality legal services that are accessible and affordable. They will build sustainable, efficient and flexible practices by leveraging technology, offering fixed fees and a la carte services, and maximizing collaboration with their clients. The 18-month LEJ program provides training, resources and support to participants, highlighted by:

- Top-notch training on substance, skills and law practice management
- Assistance in establishing solo or small firm practices serving the legal needs of low and moderate-income individuals and small businesses
- Expert coaching and assistance on business issues and client development
- Mentoring by experienced and respected practitioners
- A structured pro-bono program providing legal experience and a better understanding of the legal aid community and the legal delivery system
- Shared office space in a collaborative environment fostering innovation and peer mentoring
- Practice resources, including law practice management technology
- Access to a variety of helpful networks through the State Bar, the legal aid providers and other partners
- Scholarships to all ICLE programs while participating in LEJ

LEJ participants are chosen through a competitive selection process that includes a personal statement and interview. LEJ will seek to identify talented, public interest-minded and entrepreneurial lawyers who want to build innovative practices that “break the mold” to provide cost-effective service. LEJ will bring in a new group of up to 10 participants every six months, with up to 30 participants total in the program at any time. All participants must be graduates of one of Georgia’s ABA-approved law schools.

For the first six months of the program, participants will be willing to provide pro bono services for a minimum of 40 hours per month, gaining valuable experience and connections in the legal community. At the same time, LEJ will be providing regular training to help them establish, develop and grow their practices. From the start and throughout the program, participants meet as a group regularly for training, information exchange and other programming.

As participants move through the program and prepare to take their practices into the community, participants focus more on working with their own clients and developing their practices, including establishing substantive expertise, practice management systems, and business development methods. At the same time, the LEJ programming and training focuses more on business development, new fee models and how to leverage technology to provide more cost-effective service.

There is no cost to participants during the first six months of the program. After that period, participants pay a participation fee (which includes rent for shared office space) of \$500 per month during the second six months and then \$750 for the last six months of the program.

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

NAWJ conference

The conference theme of *Access to Justice: Past, Present, and Future* will allow attendees to:

1. explore historical lessons about justice from the Civil Rights movement;
2. discuss present justice changes such as criminal justice reform
3. envision justice initiatives for years to come

The theme is also flexible and broad enough to encompass ideas from partners such as the ABA and SJI.

Date	Event
Wednesday 10-11-17 Late Afternoon	Board and Committee Meetings New Judges Welcome Reception International Judges Welcome Reception Sheraton Hotel
Wednesday 10-11-17 Early Evening	Opening Night Reception at Sheraton Hotel Bard Entertainment
Thursday 10-12-17 Morning	Breakfast Opening Plenary Continuing Judicial Education
Thursday 10-12-17 Lunch	Keynote Speaker possibly from Atlanta Legal Community
Thursday 10-12-17 Afternoon	Continuing Judicial Education
Thursday 10-12-17 Evening	Reception at the 11 th Circuit Court of Appeals/Carter Center Bard Entertainment
Friday 10-13-17 Morning	Keynote Breakfast Plenary Continuing Judicial Education
Friday 10-13-17 Lunch	Friends Luncheon – Suggested Speaker Justice Elena Kagan
Friday 10-13-17 Afternoon	Continuing Judicial Education
Friday 10-13-17 evening	Attorney Organized Reception for NAWJ at the Center for Civil and Human Rights/Carter Center (YLD, Multi-Bar Leadership Council) Bard Entertainment

Saturday 10-14-17 Morning	Breakfast/Brunch NAWJ Annual Business Meeting Plenary Session
Saturday 10-14-17 Afternoon	Free time for shopping or sightseeing
Saturday 10-14-17 Evening	NAWJ Reception and Annual Gala – Sheraton Hotel
Sunday 10-15-17 Morning	Farewell Breakfast

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

Equal Justice in Law Enforcement
Symposium

EQUAL JUSTICE IN LAW ENFORCEMENT INITIATIVE

Symposium Agenda Georgia State College of Law January 14, 2016

- 8:45-9:00am **Check In/Registration**
- 9:00-9:15am **Welcome and Opening Remarks**
Harold Franklin (President, Atlanta Bar Association)
- 9:15-10:45am **Georgia Appleseed Center for Law & Justice, Report Presentation with Q & A**
Rob Rhodes (Georgia Appleseed)
Teddy Reese (Georgia Appleseed)
- 10:45-11:00am *Morning Break*
- 11:00am-12:00pm **Police Citizen Encounter Issues, Panel Discussion, Part I:** (Understanding the Use of Force Continuum; Dangers Faced by Police; Strategies for De-escalation of Encounters with Police; Police Training; Citizen Review Boards and Internal Affairs Procedures; Procedural Justice and Racial, Cultural Differences; and Mental Health Considerations)

Moderator: Fredricka Whitfield (CNN)

Panelists:
Paul Howard (Fulton County District Attorney)
Frank Rotondo (Executive Director, Georgia Association of Police Chiefs)
Robin Shipp (Author, Justice While Black, Former State Representative)
L. Chris Stewart (Attorney, Stewart, Seay & Felton)
Ronald E. Hampton (National Police Accountability Project)
Michael Link (Regional Coordinator, Georgia Department of Behavioral Health & Developmental Disabilities)
- 12:00-12:15pm *Movement*
- 12:15-1:30pm **Lunchtime Speaker: Professor Craig B. Futterman**
(University of Chicago School of Law)
- 1:30-1:45pm *Movement*

1:45-2:45pm

Police Citizen Encounter Issues, Panel Discussion, Part II:

Moderator: Fredricka Whitfield (CNN)

Panelists:

Chief George Turner (Atlanta Police Department)

Ron Serpas (Loyola University)

John Horn (United States Attorney for the Northern District of Georgia)

Seth Kirschenbaum (Atlanta Citizen's Review Board)

Dan Grossman (Attorney)

Dumaka Shabazz (Assistant Federal Defender, Nashville, TN)

3:00-4:00pm

A View from the Bench, Judicial Panel Discussion

(in collaboration with the Judicial Council of Georgia Access Fairness Public Trust and Confidence Committee and its co-chairs Justice Carol W. Hunstein and Justice Robert Benham through Karlise Yvette Grier)

Moderator: Judge Glenda Hatchett, Retired

Panelists:

Justice Robert Benham (Georgia Supreme Court)

Judge M. Yvette Miller (Georgia Court of Appeals)

Judge Carla McMillian (Georgia Court of Appeals)

Judge Henry Newkirk (Fulton County Superior Court)

Judge Mark Anthony Scott (DeKalb County Superior Court)

Judge E. Clayton Scofield (United States Magistrate Court, Retired)

4:00-5:00pm

Changes in the Law, Panel Discussion

(Criminal Justice Reform; Proposed Grand Jury Changes; Treatment of traffic offenses; Juvenile Justice Reform)

Moderator: Judge Michael Boggs (Georgia Court of Appeals)

Panelists:

Professor Nirej Sekhon (Georgia State University College of Law)

Chuck Spahos (Prosecuting Attorney's Council of Georgia)

Teddy Reese/Rob Rhodes (Georgia Appleseed)

Thomas Worthy (Director of Government Affairs State Bar of Georgia)

Marissa Dodson (American Civil Liberties Union)

5:00-5:15pm

Closing Remarks, Harold Franklin

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

**Georgia Appleseed Report on Race, Law
Enforcement and the Law**



GEORGIA APPLESEED™

Center for Law & Justice

SEEKING THE BELOVED COMMUNITY: FOSTERING CRUCIAL CONVERSATIONS ABOUT RACE, LAW ENFORCEMENT & THE LAW

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Our Premise--All Georgians should live in communities that are safe and where we engage each other with the highest level of mutual dignity, respect and responsibility without regard to race or ethnicity. The recent highly publicized incidents of police encounters with citizens -- most often men and women of color -- nationally and in several Georgia communities (and the unrest that often followed) set the stage for crucial conversations and collaborative action. Such action must be designed to ensure that such tragedies are avoided to the fullest extent possible and that, if they do occur, the ensuing investigation and charging decision process is fair.

Our Process--In the Spring of 2015, the Georgia Appleseed Center for Law & Justice (“Georgia Appleseed”) began a process designed to seek the views of community members throughout Georgia---law enforcement personnel; prosecutors, defense lawyers, neighborhood associations, faith leaders, political leaders, nonprofits and others---to help in assessing the nature of police-community relations in our state and to seek recommendations for changes to law as well as policies and practices that could improve or enhance them.

Georgia Appleseed brought to this effort a firm commitment to objective, data driven assessment, a deep respect for the extraordinarily difficult, important and oftentimes dangerous service that law enforcement personnel provide to our society and an abiding belief that all of Georgia’s citizens must be afforded the rights to which they are entitled under the federal and state constitutions.

Preliminary research identified critical issues to be addressed based upon recommendations made by law enforcement community relations experts from around the country. These issues encompassed two broad areas of concern. First, what changes to law or policy would most likely improve law enforcement community relations in ways that would significantly reduce the likelihood of future encounters resulting in death or severe bodily harm to community members? Second, what law or policy reforms may be necessary to assure that investigations and criminal charging decisions triggered by any such future incidents are fair and also are perceived to be fair by the community?

Detailed legal and factual research was undertaken to understand the current state of law, policy and practice in Georgia in the identified critical issue areas. Approximately 140 individual stakeholder interviews were carried out to obtain the views of a broadly diverse group of Georgians on these critical issues. A stakeholder forum was held to foster further crucial conversations on these topics.

The research efforts and stakeholder input were compiled in a comprehensive report to be published on <https://gaappleseed.org/initiatives/race-law-enforcement-and-the-law>.

Our Findings and Recommendations

- Standard Operating Procedures (“SOPs”): The Georgia Association of Chiefs of Police (“GACP”) and other collaborating law enforcement agencies manage the voluntary Georgia Law Enforcement Certification Program, which includes a requirement for adopting and maintaining compliance with a wide range of SOPs. However, only a relatively small percentage of Georgia law enforcement agencies have sought and obtained certification.

The General Assembly should assess the extent to which Georgia law enforcement agencies have in place SOPs that are substantially equivalent to those recommended by the GACP. To the extent that it is determined that a significant number of agencies do not have adequate policies in place, the General Assembly should consider options designed to ensure that such deficiencies are corrected. This could potentially include mandating participation in the Georgia Law Enforcement Certification Program.

- Public Access to SOPs: The General Assembly should enact legislation requiring each law enforcement agency that maintains a website to provide public access to copies of all standard operating procedures on such website. To the extent that a department does not maintain a website, the law should require that such department make copies of its SOPs available at a public location such as a public library. The law should allow departments to withhold from public access those operating procedures the disclosure of which may put the safety of law enforcement personnel or the public in jeopardy.

- Clarifying Use of Force Law: Each Georgia law enforcement agency must have a clearly articulated policy on the use of deadly force. The GAPC Sample Policy on this topic and the individual departmental use of force SOPs that we have reviewed employ different language but the basic thrust of the policies is the same--deadly force may only be used if the police officer reasonably believes that the officer or a third party is immediately threatened with death or serious bodily injury.

Code Section 17-4-20(b) dealing with suspected felons, however, authorizes the use of deadly force in broader circumstances. In addition, Code Section 17-4-20(d) prohibits law enforcement agencies from adopting “...any rule, regulation, or policy which prohibits a peace officer from using that degree of force to apprehend a suspected felon which is allowed by the statutory and case law of this state.”

The General Assembly should evaluate Code Section 17-4-20(b) to determine if such a statute is necessary in light of the existing “self-defense” statutory provisions. If the General Assembly concludes that such a law is necessary, then we recommend that amendatory language be developed to clarify the scope of this law so that it does not authorize the use of deadly force except in circumstances when the officer reasonably believes that the suspect poses an immediate threat of death or great bodily injury to the officer or others.

- Officer Training Curriculum Review and Revision: While having comprehensive modern SOPs is very important, it is even more critical that police officers receive the necessary level of training in implementing these procedures.

The General Assembly should enact legislation directing the Georgia Peace Officers Standards and Training Council to review and revise the basic and annual law enforcement required training to

assure that the course content and educational delivery methods will assure that Georgia's law enforcement officers will be trained to meet the challenges critical to modern policing while assuring officer safety and wellness. Focus training topics should include, but not be limited to (1) use of force including utilizing modern interactive simulation tools, (2) conflict management and de-escalation techniques and (3) implicit bias and cultural responsiveness. The legislation should also create a multidisciplinary advisory council similar to the Crisis Intervention Training Advisory Council to participate in the assessment process. The review should be completed promptly so that any revised training requirements will be in place and effective as soon as practicable .

- Expanded Collection of Detention Information: Internal management oversight and external accountability for law enforcement agencies are critically dependent upon the use of accurate performance data. Substantial arrest data is currently being collected and reported. Incidents of concern, however, can often be an outgrowth of detentions that are short of arrest. In addition, there is worry that these detentions may have adverse impacts on community relations if they are, or are perceived to be, disproportionately imposed on minority men and women.

Recognizing that there may be logistical and cost challenges associated with expanding requirements for detention related data collection and reporting, we recommend that the Criminal Justice Reform Council assess the feasibility and cost of expanding law enforcement data collection requirements to provide for a more comprehensive collection and reporting of -and public access to- demographically disaggregated data on citizen detentions.

- Reporting Incidents of Concern: All law enforcement agencies prepare "use of force" reports on incidents in which community members suffer death or severe bodily injury ("incidents of concern"). No current law requires that this information be compiled and reported on a state-wide basis.

The General Assembly should enact legislation mandating immediate (effective 7-1-16) monthly reporting, including detailed data on all incidents of concern and require the publication of reports of such incidents on a state-wide basis and for each individual department every six months with the first report (for July-December 2016) due on or before February 1, 2017. The data could be collected and reported by GCIC, by the Administrative Office of the Courts, or another entity as determined by the General Assembly.

- Department Demographics: The existence of a diverse police force does not guarantee positive community trust and engagement. A wide discrepancy between a police department's diversity and that of the community it serves, however, has the potential to generate mistrust.

The General Assembly should enact legislation requiring that each law enforcement agency annually report and make publically available personnel demographics (age, race/ethnicity and gender) for the department as a whole and for senior leadership beginning by no later than December 31, 2016.

- Disclosure of Incident Information: Effective community engagement is vitally important in the immediate aftermath of an incident of concern. Prompt and transparent disclosure of information to the public can on the one hand foster trust in the fairness of the investigative response. On the other hand, premature disclosure of information can lead to charges of an unwarranted "rush to judgment."

We suggest that the GACP consider developing a model policy for the certification program that outlines best practices for disclosure of critical incident information to the public as well as to the family of the deceased or injured community member. Engaging prosecutors, representatives of the media and community members in the discussion could greatly enhance such an effort.

- Independent Investigations and Charging Decisions: We recognize that police departments can objectively investigate incidents of concern involving one of their own officers. We also recognize that local district attorneys can be capable of making objective charging decisions involving law enforcement officers that serve the prosecutor's jurisdiction. We are convinced though that the community perception of an inherent conflict of interest in these situations poses too much of a risk of undermining the necessary trust that community members should have in our justice system.

The General Assembly should enact legislation requiring that incidents of concern be investigated by an independent, uninvolved law enforcement entity and that charging decisions in these cases be made by an independent special district attorney.

- Peace Officer Grand Jury Participation: Georgia is the only state that provides extensive grand jury participation rights to peace officers charged with a crime allegedly committed in the course of duty. The stated rationale for this expansion of grand jury participatory rights is the potential for frivolous charges which could embarrass the officer and the officer's family.

The purpose of the grand jury is to decide whether there is probable cause to believe that a crime has been committed so that the accused must face trial on the ultimate question of guilt or innocence. The current law essentially can convert the grand jury proceeding into a proceeding in which the accused peace officer can powerfully assert innocence in the last words the jurors hear before deliberations without being subject to cross examination or rebuttal. We must conclude that any risk of a high volume of frivolous prosecutions (especially for incidents of concern) is so remote that these concerns and those of potential personal embarrassment cannot today justify providing these unique grand jury participatory rights to peace officers. Accordingly, we recommend that the General Assembly repeal Code Section 17-7-52.

ADA Handbook update

Access to Justice for People with Disabilities: A Guide for Georgia Courts

Judicial Council of Georgia

**Access, Fairness, and Public Trust
and Confidence Committee**

2015

DRAFT VERSION 2
November 8, 2015
From ADA One, LLC

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Acknowledgements

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This guide is based partly on an unpublished manual drafted by Jacqueline Barney Okin, J.D., and Irene Bowen, J.D., for the Southeast ADA Center (Center) (www.adasoutheast.org), a project of the Burton Blatt Institute at Syracuse University (www.bbi.syr.edu). The Center is one of ten regional resources in the National Network of ADA Centers funded by the U.S. National Institute on Disability, Independent Living, and Rehabilitation Research. The Centers provide information, training, technical assistance, and resources to assist those with rights and responsibilities under the Americans with Disabilities Act. Some of the information is also drawn from the handbook, “A Meaningful Opportunity to Participate: A Handbook for Georgia Court Officials on Courtroom Accessibility for Individuals with Disabilities,” developed by the Georgia Commission on Access and Fairness in the Courts in 2004 and available at http://municipal.georgiacourts.gov/sites/default/files/municipal_judges/ADAHandbk_MAY_05_800.pdf.

Judicial Council of Georgia
Access, Fairness, and Public Trust and Confidence Committee

Human Trafficking Summit Grant Proposal

**Judicial Council of Georgia's Administrative Office of the Courts
State Justice Institute's Technical Assistance Grant Program
Project Abstract**

The Judicial Council of Georgia's Administrative Office of the Courts (AOC) is pleased to submit this application to the State Justice Institute's Technical Assistance Grant program under the Priority Investment Area "Human Trafficking and the State Courts." The proposed project will build the capacity of Georgia's courts to "address the impact of federal and state human trafficking laws on the state courts, and the challenges faced by state courts in dealing with cases involving trafficking victims and their families." The AOC requests Technical Assistance (TA) grant funds for two activities: 1) to conduct a one-day Human Trafficking Summit for Georgia's state court judges in partnership with the Center for Court Innovation (the Center), and 2) to contract the Institute for Continuing Judicial Education (ICJE) to develop and deliver a class on human trafficking that will be offered to every judge across the state through the Judicial Council of Georgia's class schedule.

Funding will enable AOC to provide expert consultants to define the capacity of the courts to adjudicate, dispose and sentence human trafficking cases, identify any problems with the adjudication, disposition and sentencing of such cases, develop an effective response by developing content for the Summit and classes, and propose a viable plan to implement these educational strategies in Georgia. We anticipate that the project will result in a training opportunity at least once for every judge across the state. We anticipate training up to 30 judges at the Summit and 10-20 more through the livestream, 1,100 through the ICJE's semiannual conferences, and 200-300 through webinars and the self-paced online course during the grant period alone. To fulfill these objectives, the AOC requests \$34,182 for a statewide project from April 18, 2016 to March 31, 2018. AOC and its partners will fulfill the 50% match requirement through committing \$17,100 of in-kind and cash contributions to project activities, including \$5,000 in cash committed by the Georgia Attorney General.

In addition to the Georgia Attorney General's support, we are pleased to have the support of the state's Criminal Justice Coordinating Council, which operates the Governor's Human Trafficking Task Force, as well as the Office of the Child Advocate and victim service providers Wellspring Living and youthSPARK. According to the National Human Trafficking Resource Center's hotline statistics, there were 190 calls to report cases in Georgia during 2015 – the 6th highest in the nation. A 2014 report by the Urban Institute identified Atlanta as the number one city for sex trafficking in the U.S. Despite the urgent need to address cases involving human trafficking, there has never been a concentrated effort to provide judicial education on state and federal law and the role of the courts. The support of the State Justice Institute will enable us to undertake this important project to ensure accountability for offenders and justice for victims of human trafficking.