

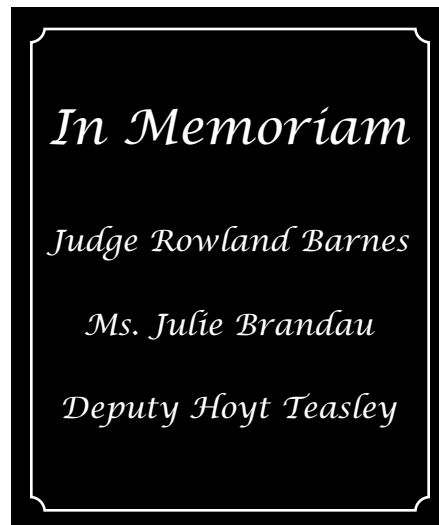
Judicial Community Mourns Judge, Court Reporter

The judicial community in Georgia and around the nation was stunned on March 11, 2005, as tragic events unfolded at the Fulton County Courthouse in Atlanta.

An inmate awaiting trial attacked a Fulton County Deputy, obtained a gun and entered the chambers of Judge Rowland Barnes. He subsequently opened fire into the courtroom while court was in session. Judge Rowland Barnes and court reporter Julie Ann Brandau died in the eighth-floor courtroom. Fulton County Sheriff's Deputy Hoyt Teasley was killed outside the courthouse as the inmate escaped the building.

The Judge

Judge Rowland Barnes was a well-respected, amiable jurist. A native of Wyoming, Judge Barnes earned his Bachelor's Degree from Lebanon Valley College in Annville, PA, in 1962 and his JD from Emory Law School in 1972. He was appointed to the superior court bench in 1998 by Governor Zell Miller. Judge Barnes previously served as a magistrate in Fulton County and as municipal court judge in Hapeville and Fairburn.



His memorial service was held on March 17 at the Georgia International Convention Center in College Park. Among the 3,000 mourners honoring Judge Barnes were approximately 200 Georgia judges. The group, representing all levels of court, filed into the service wearing their robes.

The Court Reporter

Julie Ann Brandau was known for her professionalism and warm heart. She baked treats for courtroom jurors and was profiled in a "home-baked" feature in the Atlanta Journal Constitution. Ms. Brandau, a native of Monks Corner, SC, had been a court reporter for 23 years.

The memorial service for Ms. Brandau was held on March 16, at

the Atlanta Botanical Garden. Many court reporters, judges, family, and friends paid tribute to her life. "Let the record reflect that in a court proceeding, there is nothing more important than the record," said Chief Judge Doris Downs, Atlanta Judicial Circuit, and "Brandau was among the most dedicated to that mission."

Other Victims

The March 11 tragedy also claimed the life of Deputy Hoyt Teasley, who was in pursuit of the suspect as he fled the Fulton County Courthouse. U.S. Customs Agent David Wilhelm was killed later that evening near Lenox Square Mall. Deputy Cynthia Hall sustained a head injury during her altercation with the suspect. ☪

INSIDE

- People, Places & Events pg 2
- Supreme Court Justices Honored pg 3
- Technology Report pg 3
- Courthouse Security pg 4
- Showcase: Chatham Co. DUI Court pg 6
- Access & Fairness Conf. pg 7

People, Places and Events ...

Swearing-in Ceremony for

Leah Ward Sears
as Chief Justice

&

Carol W. Hunstein
as Presiding Justice

3 p.m. • June 28, 2005
House Chambers
State Capitol

Transitions

* Chief Justice Norman S.

Fletcher will retire from the Supreme Court on June 30, after fifteen years on the court.

* On June 8, 2005, Governor Sonny Perdue announced his appointment of **Mr. Howard Melton** to the Supreme Court of Georgia. Mr. Melton now serves as Executive Counsel to the Governor. He will be sworn-in on June 23, 2005 at the State Capitol at 11:30 a.m.

In Memoriam

* **Judge J. Harvey Davis**, Tifton Judicial Circuit, died on May 20, 2005 after a battle with cancer. Judge Davis was elected to the superior court bench in 2000. He was formerly a partner in the Walters, Davis, and Pajadas law firm for 30 years.

* **Judge Lenwood A. Jackson**, City Court of Atlanta, died on May 18, 2005 from lung cancer. Judge Jackson acted as an attorney for the city of Atlanta before his 1992 appointment to the City Court.

Appointments

* At a ceremony held May 12, 2005 in the Senate Chambers in Atlanta, Governor Sonny Perdue administered the oath of office to **Judge W. James Sizemore**, Southwestern Judicial Circuit. Judge Sizemore was appointed to fill the unexpired term of the late Judge John V. Harper.



* Governor Sonny Perdue has appointed **Judge Jason J. Deal**, Northeastern Judicial Circuit, to fill the vacancy created by the retirement of **Judge John Girardeau**. Judge Deal served as the District Attorney for the Northeastern Circuit prior to his appointment.

* **Judge Craig L. Schwall, Sr.**, Atlanta Judicial Circuit, has been appointed by Governor Sonny Perdue to fill the vacancy created by the death of Judge Rowland Barnes. Judge Schwall has served on the State Court bench since 2003 and acted as a Fulton County magistrate. **Judge Fred C. Eady** succeeds Judge Schwall on the Fulton County State Court bench.

* Swearings-in for **Judge Jason Deal**, **Judge Craig L. Schwall, Sr.**, and **Judge Fred C. Eady** will be held on June 22, 2005 from 9:30 - 10:30 a.m. at the State Capitol.

* Five new superior court judgeships take effect January 1, 2006. New judgeships were created by HB 97 for the following circuits: **Appalachian, Cherokee, Flint, Gwinnett, and Southern.**

Honors

* On January 13, 2005 in Atlanta, **Judge Louisa Abbot**, Eastern Judicial Circuit, **Judge Kathleen Gosselin**, Northeastern Judicial Circuit, and **Judge Maureen Gottfried**, State Court of Muscogee County, were awarded the State Bar of Georgia **Justice Robert Benham Award.**

Of Note

* **Judge Warren Davis**, Chief Magistrate of Gwinnett County, was awarded the Master of Judicial Studies degree from the University of Nevada-Reno and the National Judicial College in May 2005.

"Equal Justice" Focus of New Commission

* The Supreme Court of Georgia has created an **Equal Justice Commission** to coordinate and collaborate with the Supreme Court Committee on Access and Fairness in the Courts and a newly-created **Committee on Civil Justice**. The Commission, to be chaired by the Chief Justice, will report to the Supreme Court annually. The Commission will recommend actions to further strengthen the civil justice system in the state.

Supreme Court Justices Honored

On March 13, 2005, Presiding Justice Leah Ward Sears was honored by the Georgia Senate. In a resolution her election as Chief Justice of the Supreme Court of Georgia and her unique position as the first African-American woman to hold the office of Chief Justice of a state supreme court was celebrated. The resolution was introduced by State Senators Steen Miles, Gloria Butler, Horacena Tate, Regina Thomas, Robert Brown, and Emanuel Jones.



Presiding Justice Sears speaks in the Senate Chamber as her husband and daughter look on.

Justice Robert Benham was honored by the University of Georgia Student Government Association with its first annual “Fulfilling the American Dream” award. Former Governor Roy Barnes presented the award to Justice Benham on April 7, 2005. Chief Judge John Ruffin and Judge Anne Elizabeth Barnes of the Court of Appeals of Georgia joined many Athens-area judges and other well-wishers at the event.



Former Gov. Roy Barnes presents the award to Justice Benham.

Technology Committee Reports to Supreme Court

The Supreme Court Committee on Court Technology presented its final report to the justices in a ceremony on May 17, 2005. The report states that coordinated technology improvements in Georgia’s court system are urgently needed to protect public safety and improve the efficiency of court operations.

Georgia’s judicial branch represents an intricate network of courts with different jurisdictions, funding sources, and levels of technology. Modern software to enable data conversion into standardized formats is needed.

Accepting the report, Chief Justice Norman S. Fletcher congratulated the Committee for its work. “Our judicial system and the citizens of Georgia deserve and need better court technology,” the Chief Justice said.



Chief Justice Norman S. Fletcher thanks Professor Jim Elliot for his work on the Technology Committee report.

Recommendations

Public safety and homeland security in our state are compromised because Georgia courts are often unable to share or receive up-to-date criminal arrest and disposition data online.

◆ Adoption of uniform standards for electronic filing in Georgia to enhance accessibility to records.

Georgia courts incur substantial administrative costs because cumbersome court record-keeping procedures slow the exchange of information.

◆ Creation of a Judicial Technology Coordinating Council (JTCC) to develop overall technology policies for Georgia courts.

◆ Establish a stable, ongoing funding source, not dependent on legislative appropriations, to fund technology improvements

The report can be viewed at <http://www.georgiacourts.org/aoc/publications/finalreport.pdf>

For more information about the commission contact Ms. Cynthia Clanton, AOC General Counsel, at 404-656-6692. ☪

Courthouse Shooting: Immediate Responses

In Georgia and throughout the United States discussions are underway to address the issue of courthouse security. With the deadly violence at the Fulton County Courthouse, the sense of security in courts across the nation was shattered.



The newly-named Lewis Slaton Courthouse in Atlanta where the courtroom shooting took place.

State Efforts

On May 2, 2005, the General Assembly's Public Safety Committee met at the State Capitol to evaluate a possible role for legislation to improve courthouse security. Judge Samuel Ozburn, Alcovy Judicial Circuit, spoke to the committee recommending against state mandates.

Since the March 11 events, the superior court judges of the Atlanta Judicial Circuit have hired two consulting groups to conduct security audits in the Fulton County Courthouse. The audit phase of the study included a week-long site visit in May. A detailed work plan for

improving security was provided to the judges the first week of June.

Fulton County Sheriff Myron Freeman created a task force to review the events of March 11 and suggest ways to increase security. The 24-member task force is made up primarily of law enforcement officers and judges

National Efforts

The National Center for State Courts held "The National Summit on Court Safety and Security Issues" on April 21, to evaluate and develop a plan for improving the safety and security of America's courts. Participants at the summit included state chief justices, judges, sheriffs, court administrators, and policy-makers from local, state, and federal levels.

Recommendations from the conference included: creating a clearinghouse on court safety and security to facilitate sharing of information and research; creating strategies for leveraging resources across stakeholder groups at all levels; and integrating court safety and security issues into Homeland Security planning and funding. A report on the conference is scheduled to be released in the fall. ☪

June Meeting of Judicial Council

New Values to Qualify for an Additional Judgeship Adopted

On June 8, 2005, the Judicial Council adopted the recommendation of the Judicial Workload Assessment Committee that an adjusted threshold be used for the judgeship studies that will be presented to the Council at its upcoming meeting in August.

The adjusted threshold will change the value needed to qualify for a new judgeship. The old threshold value required circuits to do the work of one additional judge to qualify. For instance, a circuit with two (2) judges

was required to do the work of three (3) judges to qualify. Each judge in a two (2) judge circuit needed to do an additional workload equal to one-half (0.50) a judge year. In contrast, a circuit with ten (10) judges was required to do only one-tenth (0.10) of an additional judge year of work.

The new threshold will reduce the amount of work required in a two (2) judge circuit by one-tenth (0.10) from 1.50 to 1.35. Each of the other circuits, regardless of the number of judges will have its workload adjusted by one-one hundredth (0.010).

Chief Judge William H. Craig, Flint Judicial Circuit, addressed the committee's concerns: "The threshold is not perfect, but it does move in the right direction to provide relief to the small circuits." The Judicial Workload Assessment Committee is currently in the planning stages to collect data to develop new case weights for the cases heard in the superior courts. Dr. Greg Arnold, Assistant Director of Research, remarked that the new threshold may require adjustments when the workload study is completed in late 2006. ☪

... Local Courthouse Security Efforts

Following the Fulton County tragedy, communities around the state have evaluated their own courthouse security issues. Here are examples of security measures for handling of inmate defendants. These descriptions were taken from newspaper accounts regarding courthouse security and do not wholly represent security measures in these counties.

Decatur County - Defendants change from prison clothes to street clothes at the jail and are then transported to the courthouse where they are taken directly to a holding cell located between the courtrooms.

Fayette County - Cameras in courtrooms, metal detectors, limited entrance and access to courtrooms and officials.

Cobb County - Only unarmed deputies have contact with defendants; two armed deputies stationed near defendant, another placed beyond the reach of defendant; list for judges and deputies of defendants who might be security risks.

Henry County - No contact rule between defendants and supporters; housed in basement cells at courthouse and taken to courtroom by dedicated elevator; defendant changes clothes in cell after being un-handcuffed, re-handcuffed before taken out of cell.

Clayton County - Courthouse attached to jail, no transport issue; inmates restrained with shackles or shock belt; mandatory searches prior to courthouse entry.

Habersham County - No holding cell for inmates; defendants brought into courtroom via public staircases and public doors.



Carroll County - Deputies are allowed guns in courtroom; some hearings held at the jail; defendants are classified according to crime, violation, accusation; no separate entrance for defendants.

Coweta County - Public enters through two doors; court personnel, defendants and attorneys enter through a separate door; metal detectors.

In Harris County, Chief Magistrate Jennifer Webb was attacked during a hearing held at the county jail. The defendant threw a chair at the judge and tried to climb over a counter. A jailer subdued the defendant. Judge Webb suffered a cut on her hand.

Hall County - Each courtroom has a holding cell, security cameras in courthouse.

Bulloch County - Security checkpoint for morning hours only; one deputy for state court, one for superior court; only one is armed with a taser gun.

Cherokee County - Defendants and public are segregated; number of deputies assigned depends on risk posed by defendant; video surveillance system in place.

White County - Five or six public entrances; not enough staff to man every door; no camera system.

Clarke County - Defendants shackled and escorted into courthouse by two deputies; shackles removed before jury enters courtroom; public must enter through X-ray machine manned by deputies. ⚖

In Augusta, a defendant threatened Judge J. Carlisle Overstreet, Augusta Judicial Circuit, during a probation revocation hearing. The defendant wrestled with deputies and was subdued in the courtroom.

Showcase: Chatham County State Court

Video Informs Citizens of DUI Court Program

The State Court of Chatham County has created an informative video about local DUI court procedures. The video features the court's Chief Judge Gregory Fowler who answers many of the questions asked by individuals who appear before him.



Chief Judge Greg Fowler, State Court of Chatham County, presides over DUI cases.

The video orients defendants to the different phases of the DUI court program and specifies the conditions for being accepted into and remaining in the program.

"Over time, we found that a good many offenders were entering the program without a full understanding of what would be required of

to make it easier for them to accept the goals of the program and cooperate with the support team assigned to them. In addition to Judge Fowler, the DUI team consists of Detective David Wood of the Savannah Police Department, Assistant District

Attorney Sarah Morehead, Case Manager Hope Byrd, defense attorney Thomas Edenfield, and Mr. Wayne Bland and Ms. Kristina Blessing, both of Recovery Place. Treatment providers and probation officers also participate.

The video, produced in collaboration with WSAV-TV of Savannah, is shown prior to arraignments. The video can also be viewed on the court's website, www.statecourt.org. Plans are being made to adapt the video's message into a 30-second public service announcement.

According to Mr. Blair, the video format is working. "We are seeing questions coming from offenders

"Over time, we found that a good many offenders were entering the program without a full understanding of what would be required of them."

that reflect the fact that they have seen and understand what is being asked of them," he said.

"The video reaches more people, more effectively, than the website alone."

The Chatham County DUI court was established in May 2003 through a grant from the National Highway Transportation Safety Administration.

For more information visit the program's website (www.statecourt.org/clerk_dui.shtml). ☪



www.statecourt.org/clerk_dui.shtml

them. By the time reality set in, some of those offenders became recalcitrant, which made the court's job of getting their attention even more difficult," said Mr. Carlton W. Blair, Jr., Chatham County State Court Clerk.

By providing more information to offenders early on, the court hopes

Fee Schedule for Official Reporters

Effective April 1, 2005, the per diem and page rates in the official court reporter fee schedule increased by 2% as approved by the Judicial Council of Georgia.

Per Diem	.....	\$175.84 to 8 hours
		\$196.91 to 9 hours
		\$211.01 maximum
Page Rates	.....	\$3.50 per page for Original + 2
Expedited	.....	\$5.26 per page for Original
Daily	.....	\$7.01 per page for Original
Copies	.....	\$1.40 per page
Civil Takedown	.....	\$40.07 per hour

Georgia Hosts Access & Fairness Conference

The Georgia Commission on Access and Fairness in the Courts recently hosted the 17th Annual Meeting of the National Consortium on Racial and Ethnic Fairness in the Courts. The conference was held April 13-16 at the Omni Hotel in Atlanta. This year's conference was one of the best-attended and well-organized.

Thirty-six states were represented at the Atlanta conference along with approximately 120 attendees. Delegations from as far away as the United Kingdom and Hawaii were present.

Justice Robert Benham, Supreme Court of Georgia, Judge Alvin T. Wong, State Court of DeKalb County, Ms. Phyllis Holmen and Ms. Lisa Krisher from Georgia Legal Services, and Ms. Gwen Keyes, Dekalb County District Attorney, were among the local officials who participated.

The plenary sessions focused on global subject matters such as Islamic and Tribal Law. Other breakout session topics included: Differential Sentencing among Minorities; The Impact of Poverty



Conference participants listen during one of the many breakout sessions.



Justice Carol W. Hunstein greets attendees as Georgia Attorney General Thurbert Baker looks on.

and Ethnicity in the Courts; Immigrants: Human Trafficking and Judicial Obstacles; Prosecutorial Discretion; and Removing Language and Access Barriers in the Courts.

Georgia Handbook

The Georgia Commission on Access and Fairness in the Courts presented *A Meaningful Opportunity to Participate: A Handbook for Georgia Court Officials on Courtroom Accessibility for Individuals with Disabilities*. The publication was produced with the assistance of Mr. Mike Galifianakis, State ADA Coordinator of the Georgia State Financing and Investment Commission. The handbook will be distributed to all classes of court, district court administrators, county commissioners and others. ♪

Disability Guide for Courts

A guide to assist Georgia courts in meeting the needs of individuals with disabilities has been published by the Georgia Commission on Access and Fairness in the Courts and the Administrative Office of the Courts.

A Meaningful Opportunity to Participate describes how to interact with people with disabilities, provides information on requesting a reasonable accommodation, and filing a grievance procedure.

For more information, or to obtain a copy of the manual, contact Stephanie Chambliss (404) 651-5171 or chamblis@gaoc.us ♪

People, Places cont.

* Mr. David Ratley, Director, Administrative Office of the Courts, has named **Mr. Steve Nevels** and **Ms. Lisa Durden** as Assistant Directors for the agency.

Mr. Nevels, now Assistant Director, Judicial Liaison, in the Court Services division, brings lengthy experience as a court administrator to the position. He will provide staff



Mr. Steve Nevels

support to the Councils of Probate, Municipal and Magistrate Court Judges.

Ms. Durden, the new Assistant Director, Regulatory Matters, will oversee the work of the Commission on Interpreters, the Board of Court Reporting, and the County and Municipal Probation Advisory Council. ♪



Ms. Lisa Durden

Board of Court Reporting Launches LEAP Program

On March 18, 2005 the Board of Court Reporting held its first *Learning*

Essentials About Professionalism (LEAP) seminar at the Georgia State Bar building in Atlanta.

The Judicial Council recently adopted the LEAP program into Board rules and regulations. The new rule states that all newly-certified court reporters must attend a LEAP session within 12 months of certification. The



LEAP participants take part in an exercise during the March 18 session.

seminar is designed to promote professionalism, educate, guide and mentor new court reporters.

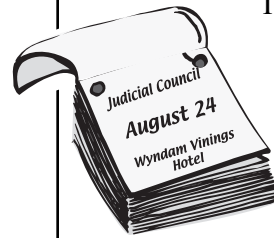
Attendees learn the fundamentals of professional conduct, including Board rules and regulations, fundamental office procedures, freelance and official fiduciary issues and proper preparation of transcripts.



The professionalism program is a hit with court reporters.

The next scheduled LEAP seminar will be September 9, 2005, at the Cobb Galleria in Atlanta. Please contact Clay Richardson, 404-651-8707, at the Board of Court Reporting for more information about LEAP. ♪

Save the Date



The next meeting of the **Judicial Council of Georgia** will be Wednesday, August 24, 2005 at the Wyndam Vinings Hotel in Atlanta.

Philippa Maister

Ashley G. Stollar

Billie Bolton

COURTS JOURNAL STAFF

Director

DAVID L. RATLEY

Chief Justice

NORMAN S. FLETCHER

PERMIT #1880
ATLANTA, GA
PAID
U.S. POSTAGE
STANDARD
PRESORT

Administrative Office of the Courts
244 Washington Street, S.W., Suite 300
Atlanta, GA 30334-5900

Georgia Courts Journal

