

COURT OF APPEALS OF GEORGIA

ADMINISTRATIVE BANC MEETING

Wednesday, February 18, 2009

10:30 a.m.

Court of Appeals Banc Room • Suite 501 • 47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

TALKING POINTS

- I. Call Meeting to Order at 10:00 a.m.
- II. Ask if there is a motion to approve the October 15, 2008 Banc Meeting Minutes.
- III. **Sheila Collins Letter and Response.** I asked Bill Martin to distribute to each of you a copy of Sheila Collins letter to Representative Calvin Hill. Judge Ellington's office obtained a copy of this letter. Bill Martin, Holly Sparrow and Jan Kelley and I prepared a response which has been sent to Representative Hill and the persons to whom he distributed it.

It is my understanding this letter was received by the Public Safety Appropriations Subcommittee as nothing but the sniping of a disgruntled former employee. Sheila's allegations are mostly incorrect, misinformed or outright falsehood. Also, she is contradictory throughout her ranting, but I felt it necessary to make a formal response, particularly during the budget cycle.

She has filed a complaint with the EEOC. We were served with interrogatories which must be responded to within 15 days of receipt.

If any of you have any comments or suggestions, I will be happy to hear from you.

- IV. **IT Report.** Call upon Judge Phipps and John Ruggeri for an IT update. I will have spoken to John about a very brief report to the Banc about how we will be able to move forward with our e-filing. If you prefer, I can give this report and we do not have to put John on the agenda.
- V. **Budget Report.** I will have prepared a very brief budget handout for Jan. I believe it is important to have Jan in the meeting in case there are some specific questions asked about the budget. I believe you should report that if we have to give up 8 percent, we can continue to operate without furloughs. If we have to go to 10 percent, we will have to furlough four days for the remainder of the year. I have previously given you some talking points on the furloughs. Likewise, you can tell them about the options available to us in 2010 if we have to give up 10 or 12 percent.

- VI. **Court E-Mail Policy.** You may wish to call upon Presiding Judge Blackburn and/or Presiding Judge Smith about a policy of having all Court-wide e-mails from staff cleared through Holly or me. As you indicated, Judge Ellington may disagree with this and feel that an email cleared through him should be sufficient for his staff. This will be a policy decision for the Banc.
- VII. **CLOB Post Office.** You may wish to call upon me to report the status of the CLOB Post Office relative to my conversations with DOAS. Even though I was told that a private concern was taking it over, it was "temporarily" closed yesterday afternoon so that Edwin had to take the mail over to the Twin Towers Post Office to get out the afternoon mail.
- VIII. **Legislative Report.** You may call upon Judge Ellington to bring us up to date on any legislative matters. If he does not discuss the Judicial Emergency Powers bill and Raising the Filing Fee Bill, you may wish to bring those up. I shall have you talking points on those bills.
- IX. **Coffee for the Banc Room.** I would suggest that you ask all of those who want to be included in the Coffee club to communicate that fact to you. I would suggest that you tell them we are going to buy a new coffee maker and a hot water pot and coffee, tea and supplies. The judges who are participating in the Coffee Club will be billed their portion of the share. It is estimated that the new coffee pot and hot water heater will probably run \$75.00 - \$80.00 and the coffee and tea will probably run another \$30.00 - \$40.00. This amount will be provided by those who are in the Coffee club and future re-supplies will be similarly shared. Then I would ask if any one has any comments.
- X. **Judges Travel.** I would suggest to the judges that they be very circumspect in their travel. We have told the Legislature that we have cut all non-essential staff travel. We have not stated we have stopped all judges travel, however, the Legislature is concerned about that.
- XI. **Distress.** This is a reminder that the Court's number one goal under our Strategic Plan is to have all opinions drafted prior to the artificial distress date. This becomes even more critical assuming we may have to furlough employees for up to four days for the balance of this Fiscal Year.
- XII. **Old Business.** Ask if there is any old business.
- XIII. **New Business.** Ask if there is any new business.
- XIV. **Announcements.** Ask if there are any announcements.
- XV. **Adjournment.**

BUDGET REPORT FY 2010

Because of the layoffs and reduction in spending and slashing operating costs, we can keep the Court open through a 6% and 10% budget reduction. Again, this assumes OPB does not take any of our existing monies.

Like in FY2009 budget, if the Court must absorb a 10% budget reduction in the FY2010 budget, it will have to furlough employees. We will probably have to furlough six (6) days in FY2010 at a 10% budget reduction, and should the budget reduction go to 12%, we will probably have to furlough 15 days.

Based upon my meetings with the House and Senate Budget Committees, the revenue shortfalls from this January compared to last January, I believe furloughs will occur. As a Court, we need to have a plan in place should they occur.



Court of Appeals

Memorandum

To: Chief Judge Miller
From: William L. Martin, III
Subject: Legislation
Date: February 16, 2009

After Judge Ellington has made whatever legislative report he deems appropriate, you might like to touch on the following bills, if he has not done so.

House Bill 185 - HB 185 will amend OCGA § 38-3-51 to strike the state courts, the Court of Appeals and the Supreme Court as a court where an individual or class may challenge a judicial emergency order. In other words, the order may be challenged in the superior court and then appealed to the Supreme Court, and not the Court of Appeals. I believe this is a good thing since a judicial emergency by all accounts will need to be decided quickly and should go directly to the Supreme Court. In Section II of that bill, OCGA § 38-3-60 is amended to strike the Chief Judge of the Court of Appeals of Georgia as an authorized judicial official under the act.

House Bill 283 & House Bill 331 - Both of these acts will increase the filing fee in the

Supreme Court of Georgia and the Court of Appeals of Georgia from the current \$80.00 fee to \$300.00. Also, the act was made effective upon the Governor's signature which means it is going to be difficult to get the word out to the attorneys that the filing fee has changed. This will be particularly important for people who are sending in applications, since the filing fee is necessary to docket applications and the time frames are jurisdictional.

I believe a July 1 date is better so everyone can get the word but I suppose the Legislature is seeking to get revenue as quickly as possible. This bill is sponsored by Representative Chuck Martin. There is also House Bill 283, sponsored by Rep. Chuck Martin and others. This will also raise the filing fee to \$300.00 for applications and appeals in the Supreme Court and the Court of Appeals of Georgia. This bill amends OCGA § 15-19-2 to remove the \$90.00 cap for applicants for admission to the Bar. The fee then would be set by the Supreme Court. This is an effort to make the bar admission process revenue neutral. The bill is also effective upon signature of the Governor.

House Bill 235 - HB 235 will amend OCGA § 50-18-20 as it relates to the publication of rules. This code section will be amended to provide that the rules compilation shall be contained in an electronic database as made accessible to the public through the internet or other suitable methods. The bill is silent as to who puts the rules on a database and who maintains them.

House Bill 185

By: Representatives Willard of the 49th, Ralston of the 7th, Golick of the 34th, and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated,
2 relating to emergency powers, so as to revise the courts to which a challenge of a quarantine
3 or vaccination order may be brought; to revise the manner of appealing orders concerning
4 such challenges; to remove the Chief Judge of the Court of Appeals from the definition of
5 authorized judicial officials; to extend the duration of a judicial emergency order when a
6 public health emergency exists; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
11 emergency powers, is amended by revising subsection (i) of Code Section 38-3-51, relating
12 to emergency powers of the Governor, as follows:

13 "(i)(1) The Governor may direct the Department of Human Resources to coordinate all
14 matters pertaining to the response of the state to a public health emergency including
15 without limitation:

16 (A) Planning and executing public health emergency assessments, mitigation,
17 preparedness response, and recovery for the state;

18 (B) Coordinating public health emergency responses between state and local
19 authorities;

20 (C) Collaborating with appropriate federal government authorities, elected officials of
21 other states, private organizations, or private sector companies;

22 (D) Coordinating recovery operations and mitigation initiatives subsequent to public
23 health emergencies;

24 (E) Organizing public information activities regarding state public health emergency
25 response operations; and

- 26 (F) Providing for special identification for public health personnel involved in a public
27 health emergency.
- 28 (2) The following due process procedures shall be applicable to any quarantine or
29 vaccination program instituted pursuant to a declaration of a public health emergency:
- 30 (A) Consonant with maintenance of appropriate quarantine rules, the department shall
31 permit access to counsel in person or by such other means as practicable that do not
32 threaten the integrity of the quarantine;
- 33 (B) An order imposing a quarantine or a vaccination program may be appealed but
34 shall not be stayed during the pendency of the challenge. The burden of proof shall be
35 on the state to demonstrate that there exists a substantial risk of exposing other persons
36 to imminent danger. With respect to vaccination, the state's burden of proof shall be
37 met by clear and convincing evidence. With respect to quarantine, the state's burden
38 of proof shall be met by a preponderance of the evidence;
- 39 (C) An individual or a class may challenge the order before any available judge of the
40 ~~state courts, the superior courts, the Court of Appeals, or the Supreme Court in the~~
41 county where the individual or a member of the class resides or in Fulton County. Such
42 judge, upon attestation of the exigency of the circumstances, may proceed ex parte with
43 respect to the state or may appoint counsel to represent the interests of the state or other
44 unrepresented parties. The judge hearing the matter may consolidate a multiplicity of
45 cases or, on the motion of a party or of the court, proceed to determine the interests of
46 a class or classes. The rules of evidence applicable to civil cases shall be applied to the
47 fullest extent practicable taking into account the circumstances of the emergency. All
48 parties shall have the right to subpoena and cross-examine witnesses, but in
49 enforcement of its subpoena powers the court shall take into account the circumstances
50 of the emergency. All proceedings shall be transcribed to the extent practicable. Filing
51 fees shall be waived and all costs borne by the state;
- 52 (D) The judge hearing the matter may enter an appropriate order upholding or
53 suspending the quarantine or vaccination order. With respect to vaccination, the order
54 may be applicable on notice to the department or its agents administering the
55 vaccination, or otherwise in the court's discretion. With respect to quarantines, the
56 order shall be automatically stayed for 48 hours;
- 57 (E) The department or any party may immediately appeal any order ~~within 24 hours~~
58 ~~to the Court of Appeals, the Supreme Court pursuant to Code Section 5-6-34. The~~
59 Supreme Court, or to any available judge Justice thereof, in the event that
60 circumstances render a full court unavailable, shall consider the appeal on an expedited
61 basis. If the trial judge has proceeded ex parte or with counsel appointed for the state,
62 the trial court shall either direct the filing of an appeal in its order or itself certify the

63 order for appeal. Filing fees for appeal shall be waived, all costs shall be borne by the
 64 state, and such appeals shall be heard expeditiously; and
 65 (F) No provisions of this paragraph shall be construed to limit or restrict the right of
 66 habeas corpus under the laws of the United States."

67 **SECTION 2.**

68 Said article is further amended by revising paragraph (1) of Code Section 38-3-60, relating
 69 to definitions regarding judicial emergencies, as follows:

70 "(1) 'Authorized judicial official' means any of the following officials when acting with
 71 regard to his or her respective jurisdiction:

72 (A) The Chief Justice of the Georgia Supreme Court;

73 ~~(B) The Chief Judge of the Georgia Court of Appeals;~~

74 ~~(C)(B)~~ A chief judge of a Georgia superior court judicial circuit; or

75 ~~(D)(C)~~ The replacement for or successor to any of the officials set forth in
 76 subparagraphs (A) through ~~(C)~~ and (B) of this paragraph, as determined by the
 77 applicable rules of incapacitation and succession, should such official become
 78 incapacitated or otherwise unable to act."

79 **SECTION 3.**

80 Said article is further amended by revising subsection (b) of Code Section 38-3-61, relating
 81 to declaration of judicial emergency, as follows:

82 "(b) An order declaring the existence of a judicial emergency shall be limited to an initial
 83 duration of not more than 30 days; provided, however, that the order may be modified or
 84 extended for no more than two periods not exceeding 30 days each unless a public health
 85 emergency exists as set forth in Code Section 38-3-51, in which case the Chief Justice of
 86 the Supreme Court of Georgia may extend the emergency order for so long as such
 87 emergency exists. Any modification or extension of the initial order shall require
 88 information regarding the same matters set forth in subsection (a) of this Code section for
 89 the issuance of the initial order."

90 **SECTION 4.**

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

House Bill 283

By: Representatives Martin of the 47th, Harbin of the 118th, Oliver of the 83rd, Smith of the 113th, and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated,
2 relating to general provisions pertaining to certiorari and appeals to appellate courts
3 generally, so as to change certain provisions relating to filing fees for appeals to the Supreme
4 Court and the Court of Appeals; to amend Code Section 15-19-2 of the Official Code of
5 Georgia Annotated, relating to the rules governing the board of examiners, expenses of the
6 board, and the amount and disposition of examination fees, so as to change certain provisions
7 relating to bar examination fees; to provide for related matters; to provide an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
12 general provisions pertaining to certiorari and appeals to appellate courts generally, is
13 amended in Code Section 5-6-4, relating to a bill of costs, payment of costs, filing of an
14 affidavit of indigence, and payment of costs or filing of an affidavit as a prerequisite to the
15 receipt of an application for appeal or brief by the clerk, as follows:

16 "5-6-4.

17 The bill of costs for every application to the Supreme Court for a writ of certiorari or for
18 applications for appeals filed in the Supreme Court or the Court of Appeals or appeals to
19 the Supreme Court or the Court of Appeals shall be ~~\$\$80.00~~ \$300.00. The costs shall be
20 paid by counsel for the applicant or appellant at the time of the filing of the application or,
21 in the case of direct appeals, at the time of the filing of the original brief of the appellant.

22 In those cases in which the writ of certiorari or an application for appeal is granted, there
23 shall be no additional costs. Costs shall not be required in those instances when at the time
24 the same are due counsel for the applicant or appellant shall file a statement that an
25 affidavit of indigence has been duly filed or file an affidavit that he or she was appointed
26 to represent the defendant by the trial court because of the defendant's indigency. The clerk

27 is prohibited from receiving the application for appeal or the brief of the appellant unless
28 the costs have been paid or a sufficient affidavit of indigence is filed or contained in the
29 record."

30 **SECTION 2.**

31 Code Section 15-19-2 of the Official Code of Georgia Annotated, relating to the rules
32 governing the board of examiners, expenses of the board, and the amount and disposition of
33 examination fees, is amended in subsection (b) as follows:

34 "(b) All fees paid by applicants for admission to the bar by examination shall be paid into
35 the general funds of the treasury. The Supreme Court, upon recommendation by the board,
36 shall by rule set the amount of the examination fee to be paid by the applicants for
37 admission to the bar by examination and shall direct to whom and when the fee shall be
38 paid. The examination fee shall be reasonable and shall be determined in such a manner
39 that the total amount of the fees charged and collected by the board in each fiscal year shall
40 approximate the direct and indirect costs to the state of administering the examination. ~~The~~
41 ~~amount of the fee to be paid by the applicant shall not exceed \$90.00."~~

42 **SECTION 3.**

43 This Act shall become effective upon its approval by the Governor or upon its becoming law
44 without such approval.

45 **SECTION 4.**

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

09 LC 35 1233

House Bill 331

By: Representative Martin of the 47th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions pertaining to certiorari and appeals to appellate courts generally, so as to change certain provisions relating to filing fees for appeals to the Supreme Court and the Court of Appeals; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions pertaining to certiorari and appeals to appellate courts generally, is amended by revising Code Section 5-6-4, relating to a bill of costs, payment of costs, filing of an affidavit of indigence, and payment of costs or filing of an affidavit as a prerequisite to the receipt of an application for appeal or brief by the clerk, as follows:

"5-6-4.

The bill of costs for every application to the Supreme Court for a writ of certiorari or for applications for appeals filed in the Supreme Court or the Court of Appeals or appeals to the Supreme Court or the Court of Appeals shall be ~~\$80.00~~ \$300.00. The costs shall be paid by counsel for the applicant or appellant at the time of the filing of the application or, in the case of direct appeals, at the time of the filing of the original brief of the appellant. In those cases

in which the writ of certiorari or an application for appeal is granted, there shall be no additional costs. Costs shall not be required in those instances when at the time the same are due counsel for the applicant or appellant shall file a statement that an affidavit of indigence has been duly filed or file an affidavit that he or she was appointed to represent the defendant by the trial court because of the defendant's indigency. The clerk is prohibited from receiving the application for appeal or the brief of the appellant unless the costs have been paid or a sufficient affidavit of indigence is filed or contained in the record."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

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

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House Bill 235

By: Representatives Powell of the 171st and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
2 relating to court reports, so as to remove the requirement of publishing a volume of rules
3 from the definition of reports; to provide for the maintenance of a rules compilation; to
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
9 court reports, is amended by revising Code Section 50-18-20, relating to definitions
10 pertaining to court reports, as follows:

11 "50-18-20.

12 As used in this article, the term:

13 (1) 'Publisher' means the state publisher of court reports who has been awarded the
14 contract as defined in this article.

15 (2) 'Reporter' means the reporter of the Supreme Court and Court of Appeals whose
16 duties are set forth in Chapter 4 of Title 15.

17 (3) 'Reports' means the official reports of the decisions of the Supreme Court or of the
18 Court of Appeals, together with the usual title pages, indexes, etc., as well as the advance
19 reports of the decisions of each court, ~~and a volume~~

20 (4) 'Rules compilation' means a compilation of rules applicable in the courts of this state.

21 The rules ~~volume~~ compilation shall include the Rules of the Supreme Court, the Rules
22 of the Court of Appeals, the Unified Appeal, the Uniform Transfer Rules, the Uniform
23 Rules for the various classes of courts, the Rules of the Judicial Qualifications
24 Commission, the Code of Judicial Conduct, the Bar Admissions Rules, the Rules for
25 Sentence Review Panel, the Rules and Regulations for the Organization and Government
26 of the State Bar of Georgia, and any other rules or amendments as promulgated by the

27 Supreme Court or the Court of Appeals, together with all applicable forms, title pages,
28 indexes, etc. ~~The rules volume shall consist of a post binder which will be updated~~
29 periodically. The rules compilation shall be contained in an electronic data base that is
30 made accessible to the public through the Internet or other suitable methods."

31 **SECTION 2.**

32 Said article is further amended by revising Code Section 50-18-26, relating to the content and
33 appearance of reports and number of volumes per year, as follows:

34 "50-18-26.

35 (a) The reports shall contain the decisions rendered in all cases presented to the Supreme
36 Court of Georgia and to the Court of Appeals of Georgia, ~~an index of all cases reported,~~
37 ~~the rules and forms described in paragraph (3) of Code Section 50-18-20,~~ and an index of
38 all cases reported ~~and all rules reported~~. No report shall contain any argument or brief of
39 counsel beyond a statement of the major points and authorities.

40 (b) The reporter has the duty to ascertain that the reports, ~~with the exception of the rules~~
41 ~~volume,~~ are uniform in size and appearance. Whenever it becomes necessary, due to a
42 variance in the number of decisions rendered, the reporter, in order to maintain the desired
43 uniformity, may provide for the production of more than one volume from either court in
44 any one year or may consolidate decisions of either court from two different years into one
45 volume, but in no case shall the decisions of the Supreme Court be combined in one
46 volume with the decisions of the Court of Appeals."

47 **SECTION 3.**

48 Said article is further amended by revising subsection (a) of Code Section 50-18-27, relating
49 to the responsibilities of the reporter, as follows:

50 "(a) The reporter shall furnish to the publisher the manuscript of the decisions, ~~rules, and~~
51 ~~forms,~~ read the proof and correct the same, and furnish for each volume an index of the
52 cases reported."

53 **SECTION 4.**

54 This Act shall become effective on July 1, 2009.

55 **SECTION 5.**

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

BUDGET REPORT FY 2009

After the layoffs, we can keep the Court open without any furlough days through a 6% and an 8% budget reduction. This is assuming OPB does not take any of our existing monies.

If the Court must absorb a 10% budget reduction, we will have to furlough four days beginning in March 2009. I suggest we furlough Tuesday, March 31, the day after distress; April 24, the Friday before Confederate Memorial Day on Monday; Friday, May 22, the Friday before Memorial Day on May 25; and one Friday in June.

If the Court is forced to furlough, I recommend we close the entire Court. We must pay the Judge's salaries, however, all other employees can take off the same day. If we stagger the furloughs, the general public does not know that we are suffering and we send a message to the Legislature that we are able to continue business as usual even in the face of furloughs. Also, I believe it provides less of a morale problem when everyone is off at the same time.

If the Court must absorb a 12% budget reduction, we are looking at furloughing six days between March 1 and June 30, 2009.



Court of Appeals

Memorandum

To: All Judges
From: Chief Judge M. Yvette Miller *mym*
Subject: Policy - Whole Court Email
Date: January 16, 2009

As a result of the recent situation regarding a whole court email about the Presidential Inauguration, I suggest the Court consider the following recommendation for a new personnel policy on whole court emails.

If a court employee would like to send an email regarding a special project or activity which will be held or conducted at the Court and/or in the courtroom, the email must be approved in advance by the *CD or his or her designee* Court Administrator or Deputy Court Administrator.

unanimous

I plan to place this item on the agenda for a discussion and a vote at the February Banc meeting.

cc: William L. Martin, III

3/16 2001

by the House and Senate Retirement Committees and then final approval by the House and Senate and, of course, signature by the Governor.

IV. EMERGENCY MOTION JUDGE EQUIPMENT:

Chief Judge Blackburn reported he had consulted with Bud Tirey, Head of Technical Services, and has provided for the Court a statewide pager for the Emergency Motion Judge as well as a laptop computer. This will enable the Emergency Motion Judge to be in constant contact with the Court. The laptop computer which is also available will have information on it regarding prior orders of the Court in dealing with various emergency motions. The Emergency Motion Judge equipment was then turned over to January's Emergency Motion Judge, Presiding Judge Pope.

Chief Judge Blackburn directed the clerk/court administrator to set up a procedure for rotating the Emergency Motion Judge equipment among the judges on the Court. Chief Judge Blackburn also said the laptop will have an e-mail address and sample orders available for use by the Court.

V. ORAL ARGUMENTS

Chief Judge Blackburn stated the Court had received the digital clock for the courtroom the purchase of which had been authorized by the Executive Council last Summer. He suggested the clock would benefit the Court and attorneys attending oral argument by having a clock which the judges and attorneys can plainly see with the time remaining in oral argument.

Chief Judge Blackburn also discussed the idea of tape recording all oral arguments in the Court for use of the Division hearing oral arguments or judges who are not present at oral argument on 7 judge or 12 judge cases. Chief Judge Blackburn said the oral argument tapes would also be available to staff attorneys or judges who wish to hear or rehear the oral arguments. Chief Judge Blackburn directed the clerk/court administrator to set up a procedure by which the clerk's office could be responsible for identifying the file folder and record of cases which have been orally argued and set up a procedure in which the oral argument tapes can be checked out. After a brief discussion, it was decided the tapes would only be available for use by Court personnel and not available to the public, attorneys or parties.

VI. RECORDING BANC MEETINGS:

Chief Judge Blackburn discussed the possibility of tape recording the Banc Meetings for judges who were not able to attend the Banc Meetings. After a brief discussion about the pros and cons of such action, Presiding Judge Johnson made a motion not to tape record the Banc Meetings. The motion was seconded by Judge Barnes and passed unanimously.

Presiding Judge Pope then urged the judges of the Court to be circumspect in their use and disposition of the Court's Administrative Banc Minutes. Presiding Judge Pope made a motion that no sensitive information be memorialized in the Minutes and that the Minutes be safeguarded or destroyed by the individual judges after each has read the Minutes.

Judge Miller seconded the motion and it passed unanimously.

Judge Miller, such amendment seconded by Presiding Judge Ruffin and agreed to by Judge Eldridge that the Court would take steps to acquire space on the Fifth Floor of the Health Building and the First Floor of the Health Building with an eye toward renovating the First Floor space for a suite of offices for a judge and judge's staff, and with the idea of looking toward taking the existing Chambers of Judge Eldridge to utilize for staff attorneys, while recognizing that it is the hope, common desire and intent of all the judges on the Court to eventually have enough space in the Judicial Building to have all judges in the Judicial Building and all judges in a suite of offices with their staff attorneys and administrative assistant.

All judges present voted in favor of the amended motion with the exception of Presiding Judge Andrews who voted against the motion and Presiding Judge Ruffin who abstained.

Since Presiding Judge Andrews stated he no longer wished to chair the committee, Chief Judge Smith appointed Presiding Judge Johnson as Chair of the Office Space Committee.

IV. REVENUE ENHANCEMENTS:

Chief Judge Smith called upon Mr. Martin to discuss the possibility of revenue enhancements for the Court. Mr. Martin stated he had contacted Thomson West Group as directed by the Banc regarding the purchase of the briefs filed in the Court of Appeals of Georgia. Mr. Martin reported Thomson West did not really want to pay for the briefs but wanted to trade West Law or otherwise barter for the briefs. Mr. Martin stated Tom Leighton in the West Group would be sending a written proposal.

Briefly, other items discussed as revenue enhancements were: selling non-published opinions; increasing certification fees; increasing Certificate of Good Standing fees, charging for Courtesy Appearances; raising admission fees; selling copies of oral argument tapes and raising copying costs.

Judge Miller made a motion the Court study the suggestions to enhance its revenue. The motion was seconded by Judge Eldridge and passed unanimously. Judge Barnes made a motion not to sell the oral argument tapes. The motion was seconded by Judge Eldridge with all judges voting in favor, except Presiding Judge Ruffin who opposed the motion.

V. LEGISLATION REPORT:

Mr. Martin stated no legislation passed that would affect the Court.



Court of Appeals

Memorandum

COPY

To: Chief Judge M. Yvette Miller
W.L. Martin

From: William L. Martin, III

Subject: Whole Court Photo Memo

Date: February 12, 2009

Attached please find a Whole Court Photo memo I have drafted for your approval.

Thank you.

/ld
Attachment



Court of Appeals

Memorandum

To: All Judges
From: Chief Judge M. Yvette Miller
Subject: Whole Court Photo
Date: February 13, 2009

This is a reminder that we will have our Whole Court photograph taken on Tuesday, February 17, 2009. Please be at the Courtroom at 10:30 a.m. with your robes.

The Court has an unwritten policy where the Court will pay for six (6) portrait shots for each judge every two years. Given the current budget crisis, I do not think it is a good idea for the State to be paying for individual portrait shots for the judges.

Our photographer will be available to take your individual portrait shots, but I believe those judges wanting individual portrait shots should pay for them themselves.

Below is a voting block. Please initial under the "yes" block if you think the judges should pay for the photographers themselves. Please initial under the "no" block if you think the Court should pay for the individual portrait shots.

Please return this to me as soon as possible.

Thank you.

/ld

YES	NO

COPY

February 12, 2009

The Honorable John J. Wiles
State Senator, 37th Senatorial District
324-B Coverdell Legislative Office Building
Atlanta, Georgia 30334

Dear Senator Wiles:

During the January 29, 2009 budget meeting, you questioned why the Court of Appeals did not use recent graduates of law schools as staff attorneys. Because of the press of time during the meeting, I was unable to give you as thorough or detailed an answer as I would like to have done. Therefore, I am using this letter to provide that explanation.

Few of our staff attorneys are hired without prior experience as practicing attorneys because of the size of the caseload and the time constraints under which we must work. Because of the workload, there is not enough time for extensive orientations or introductions as to how we process the caseload nor does the workload permit us to retrain the holders of these positions every year or two.

The way this Court processes its caseload is unique among other courts in the state and probably unlike any other intermediate appellate court in the nation. I estimate that when any new attorney is hired as a staff attorney there is a learning curve of approximately six months for that new attorney to fully acquaint themselves with how the Court processes and disposes of appeals. In addition, it then takes another six months for the new staff attorney to reach the speed of processing cases that is needed. If we had two-year clerkships, the new attorney would just reach a productive level at the end of the first year, and would possibly be searching for a new job before the end of the second year, maybe leaving the Court of Appeals even before the end of the two years. This training period is generally shorter with experienced attorneys than with law graduates, and they are generally committed to a career with the Court for a period longer than two years.

Although I appreciate your concern and suggestion, I do not believe that hiring inexperienced law graduates would be a viable alternative considering the caseload and time pressures in this Court. We must have experienced lawyers who can help us dispose of our cases in a more efficient and effective manner. Georgia has only one Court of Appeals for the entire state. Unlike Florida and Louisiana, which have regional Courts of Appeal, Florida with 61 intermediate appellate court judges and Louisiana with 53 intermediate appellate court judges, the caseload for the Georgia Court of Appeals is such that we must have seasoned lawyers and experienced staff attorneys to meet our Constitutional burden of deciding cases within two terms.

Letter to: Senator John J. Wiles
Date: February 13, 2009
Page: 2

You also inquired as to whether the Court of Appeals could use Georgia Casemaker, a legal research tool provided by the State Bar without cost to all members of the Bar. Since your inquiry, we have reviewed Georgia Casemaker and determined that it does not meet the needs of the Court for the following reasons.

(1) Casemaker does not provide a way to quickly determine if the case you are reading is currently good law and has not been overruled as do the Lexis Nexis and Thomson Reuters (West) products.

(2) Casemaker does not contain as comprehensive a database of cases as Lexis and Thomson which me and you may not be able to track the development of a particular area of case law.

(3) Casemaker does not contain the annotations to the Georgia Code and has historical information only from 2004.

(4) Casemaker has no secondary source material such as law reviews, journals, etc.

(5) The Casemaker Help Line is restricted to business hours Monday through Friday.

If I can provide you with any further information, please do not hesitate to contact me.

Sincerely,

M. Yvette Miller
Chief Judge
Court of Appeals

/ld

cc: Senator Preston Smith
Judge John J. Ellington
Bill Martin, Clerk
Jan Kelley, Fiscal Officer



House of Representatives

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**STANDING
COMMITTEES:**

APPROPRIATIONS, VICE-CHAIRMAN
BANKS & BANKING, VICE-CHAIRMAN
BUDGET & FISCAL AFFAIRS OVERSIGHT
SPECIAL RULES
STATE INSTITUTIONS & PROPERTY

February 10, 2009

Memorandum

TO: House Appropriations Chairman, Ben Harbin
House Appropriations Public Safety Subcommittee Members

Please find enclosed for your review and information correspondence from a former employee of the Georgia Court of Appeals. Mrs. Collins and I talked briefly by phone and at that time she advised of areas of concern and unnecessary spending in that State Agency.

I hope you will take time to review this information and perhaps we can find ways to save some money in some of the areas noted.

CH/jb

Enclosures

February 6, 2009
4344 Faye Court
Conyers, Georgia 30013

Representative Calvin Hill
18 Capitol Square
Suite 613
Atlanta, Georgia 30334

Dear Representative Hill"

I apologize for not including the additional items we talked about earlier today that need to be considered.

When there is a change of status of the judges, a new judge comes on the court, or a different judge becomes chief judge, they do what is referred to as a fruit basket turnover. The Judges decide which Judges will have the prime offices and they switch around to get a larger office or a corner office. When this happens, all the office doors involved must be re-lettered with gold leaf. This is very expensive.

The law clerks were given a couple of raises that were not authorized by the legislature. One raise was about August of 2008. Also, the Administrative Assistants to the Judges were given a salary increase without authorization about 18 months ago. The position of File Librarian and the position of a clerk in the Fiscal Office were added as unfunded about two years ago. The powers that be indicated that if the fiscal office could have a new clerk, then they would also find the money for the Clerk's office to have a File Librarian. They would find the money. The law clerk's, administrative assistants and others have received several raises in the past couple of years and some of the staff in the Clerk's Office have not had a raise in over seven years other than the cost of living given by the State. The Clerk's Office Staff, not including the Clerk/Court Administrator or his Deputy Administrator, work very hard. There are only about eight of these on the Clerk's staff and they are responsible to see that all cases are processed properly and are decided on a timely basis. They deserve better.

The day nine Court of Appeals employees were notified their jobs were to be ruffed, the Chief Judge told several of the ruffed attorneys they were losing their jobs, then asked then how they liked her new draperies. I cannot tell you how many times the judges had the Court purchase new drapes. There again, if a judge is moving to a new suite and does not like the drapes, they have the Court purchase new custom made drapes. If they do not like the carpet, they order new.

When a Judge hires you, it is understood that when s/he is defeated in election, resigns or retires that you are not guaranteed a job unless another Judge picks you up. Judge Ruffin retired as of December 31, 2008. The court held a vacant position open so Judge Ruffin's Administrative Assistant would have a job after his retirement effective January 1, 2009.

February 6, 2009
4344 Faye Court
Conyers, Georgia 30013

Representative Calvin Hill
18 Capitol Hill
Suite 613
Atlanta, Georgia, 30334

Dear Representative Hill:

I greatly appreciate you calling me as to the matter of the State Budget that we discussed earlier today.

I have attached copies of the 16 items I originally submitted to the Court for their consideration to cut the budget. I have also attached copies of other ways to cut the budget with details.

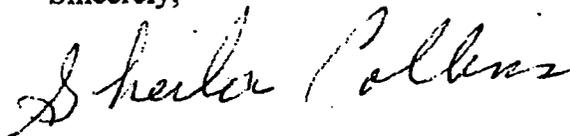
I apologize for the errors in the typing of these notes. I do not have ready access to a computer often.

I hope this information is helpful. I am very concerned with all the waste in State Government, especially in the Judicial System where I was employed for over 25 years with the Court of Appeals. I was Deputy Clerk from September 2002 until I was rified as of October 1, 2008.

If you need further information, please call me. I am generally home in the evenings after 5:00. I do a good deal of volunteer work now that I am retired. I will be working most of next week. My home phone number is 770 483-2397. I have left word with Mark Winnie's cell phone to contact me and referenced that I had talked to you and you were interested in this matter.

I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Collins".

Sheila H. Collins

Enclosures

Ways to save money

8/2000
for the Court of Appeals

1. Let all employees who are members of the State Bar pay their own Bar Dues.
2. Let all employees who must attend CLE pay for their own classes.
3. Let John Daniel use the scanner that are dry rotting to put the recycled cases on disc instead of sending the cases off to be microfilmed.
4. We have four people in the Fiscal office compared to one in the Supreme Court. Cut this staff by at least one employee. We had only one person in the fiscal office for many years.
5. We have no more cases now than we did in the 80's and we handled the case load with only 9 judges and at one time there were only two law clerks per judge. We only had word processes and no computers.
6. Abolish one holiday per year for all state employees.
7. Since we have not gotten too far with E-Filing, put it on hold along with the proposed new computer docket system that is to be compatible.
8. Have Banc planning session in the Banc room on Capitol Hill, not going to some off site location having to pay travel, room and meals.
9. Unless absolutely necessary, let all out of state meeting that require overnight stay be discontinued unless it is pay for by the person want to attend.
10. Cut out all pay for travel for employees that live out of town and are paid to come in.
11. Cut all funds for computers and equipment unless it is completely worn out. Do not replace/repair.
12. There are at least eight very nice chairs in the file room. If someone needs a new chair, let them choose one from the file room.
13. Have printed stationary, not engraves.
14. Reduce the size of the attorney certificates to 8 1/2 x 11
15. Abolish the practice of sending appreciation certificates to deceased judges.
16. If anyone on the court has received pay raises in excess of \$10,000 in the last five years, let their salary revert back to five years ago plus the max of \$10,000. Some people have not received a pay increase except for the across the board raise in over 7 years.

According to the Daily Report, Chief Judge Barnes estimates each judge handles 150 cases per year. If that be the case, divide 150 by three law clerks per judge and that equals 50 cases per year that each law clerk handles. Divide 50 cases by 52 work weeks and that come to a grand total of .96 cases per week that each law clerk handles. What a heavy workload they have. Realizing that some cases are harder than others, some only take a matter of a couple of hours at the most, this is still not a "heavy work load".

Central Staff in the past has been able to weed out cases that do not meet jurisdictional review and they were dismissed soon after docketing and the Judge's office did not have to do much of anything except sign off on the order of dismissal. Now that four of Central Staff's prime attorney have received their RIF notice, a good deal of the burden will now go to the Judge's staff to make that determination.

If the Court can cut nine prime positions, and all of these employees over the age of 40, and most with from 12 to 25 years of experience, evidently they did not need the positions to begin with and the Court of Appeals budget should be permanently reduced to the amount they are saving by this RIF.

1995 was the top year for docking in the last 25 years with a total case count for direct appeals of 2884. For the year 2008 there was a total of 2443 direct appeals. With over 440 cases less for the court to deal with, maybe we have too many judges and support staff in comparison for 1995.

There is one judge on the Supreme Court whose administrative assistant is retired, however still working for him part time. If one judge can utilize a part time administrative assistant, it seems that the others should do likewise on the Court of Appeals and the Supreme Court.

Someone needs to take a close look at the attendance of the personnel on the Court. Telecommuting is one thing, however some of the judges and their staff are seldom seen on the premises of the judicial building.

2/22/00

Notes:

The Court of Appeals is part of the Judicial Branch of Government along with the Executive Branch and the Legislative Branch. The Governor generally does not control it. The Governor may suggest that the Judicial adhere to cutbacks, but cannot mandate such.

The following are areas where the Court of Appeals should have thought about cutting expenses rather than a Reduction In Force (RIF).

1. There are two positions that are unfounded on the Court, a File Librarian in the Clerk's Office and a position in the Fiscal Office, who handles a portion of purchases. The positions have been on the Court for approximately 2 years.
2. Several years ago, the Court purchased two scanners. To this day, they have not been used and are actually dry rotting. It was suggested that our mail clerk, one of the persons who has received a RIF, be taught to use the scanner and put on DVD disk all the court records that are currently microfilmed. This microfilming cost many thousands of dollars per year, as the records must be transported to an outside vendor to perform the task. Many of the microfilm rolls are very poorly produced. The documents may be filmed up side down, crooked, the wrong side of the page or very blurred. Over the last several years this item alone would have saved the court enough money to save the one position on the court.
3. The Court Car is very seldom used. In August the Clerk and his Deputy Administrator drove the Car to Pennsylvania to Clerk's conference. They could have gone by air, however they thought it better to take the Court Car, as they needed to show that the car was used and need mileage to show. The trip took an extra day up and an extra day back over flying. Also there was the additional expense of two extra motel/hotel rooms, ~~x# of~~ extra meals and the price of gas at that time was near \$4.00 per gallon.
4. The Court currently pays State Bar Dues for all members there of on the Court, Judges, law clerks, Clerk/Court Administrator and his deputy. If these people were in private practice, they would be paying their own. At salaries of \$110,000 to \$165,000 per year for each of these position (roughly 60+ positions) this could be considerable savings. Most of the people involved here would be willing to pay their own bar dues in order to save the job of those who were in the RIF category.
5. Also the Court currently pays for CLE (continuing legal education) classes for all personnel on the Court who require such for maintaining their credentials. This also would be considerable savings. Here again, most of the attorneys on the Court are willing to pay for their own CLE classes.

6. The Clerk's Office now has three large copiers for use by 12 people. There is also one fully operational copier not even connected up for use. This is a very large waste. Inasmuch as each person in the Clerk's Office has their own desk printer, why do we need so many printers? *or copiers*
7. The Court uses expensive ENGRAVED stationary for the Judge's personal stationary, the Whole Court Stationary and the Clerk/Court Administrator stationary as well as envelopes. This is for the regular size as well as the executive size stationary. Engraved cost well in excess of \$1.25 per sheet. If this stationary is not used up by the time a judge is out of office, the top is cut off and the balance is used for scratch paper. What a waste. When a new judge becomes the Chief Judge, the Whole Court stationary must also be reprinted, and if not used up in two years, there again cut for scratch paper.
8. The certificates, which are issued to new attorneys, are extremely large and the paper is very expensive. Also, the large heavy enveloped that are presented in are costly, as well as the tubes for those, which must be mailed. The Federal Courts use a certificate approximately 8 1/2 by 11", which will fit into an ⁱⁿ expensive manila envelope. When we have mass swearing in for 200 to 400 attorneys, the cost of the certificates and folders can really run into the money. The Federal Court can bring their certificates in with a handcart, where the Supreme Court and the Court of Appeals has to have a van and large crates to handle their certificates.
9. The Supreme Court, which also handles the Bar Emission, the Reporters' of Decisions office and others, has only one person in their Fiscal Office. Why does the Court of Appeals need four people. (Now one of those has received RIF notice purely as a sacrificial lamb.)
10. When the Health Building 5th floor was renovated for the Clerk's Office, they went way over budget. Several of the employees said they did not need new furniture for their new offices, the furniture they had would suit them just time. The fiscal office insisted most everyone get new furniture. What a waste. Our old furniture was fully functional and was just shoved into storage.
11. There is so much wasted space in the Clerk's Office now. There are many unused rooms. And now that two people in the Clerk's Office have received RIF notice, there is additional unneeded space. When we first moved in to the spacious Health Building, it was said that we would need all that space for the employees they were expecting to hire in the future. Now say they can do with out 10 positions.

12. A little over a year ago, a special printer was bought in anticipation of a new computer system where the judge's office would put out opinions printed directly to this special printer. It was never used. Just recently, they have bought two new printers for the same purpose and the new computer system is nowhere near finished and it is understood that the funds for this new system have been deleted from the budget.
13. The entire budget of the Court of Appeals need to be looked at closely and an detailed audit made to see exactly where monies are spent.
14. Several of the Administrative Assistants and other personnel do not work a full week. We understand that some telecommute. But tell us how some telecommute, when they do not have computers at home. If you call some of them for information, their answer is, I'm out shopping, I will get back with ~~our~~ *you* tomorrow. Someone needs to follow these people around and see how much work they actually do on telecommute days. Do they sell real estate, go to soccer games etc.?
15. Judge's who live outside a certain radius of the Capitol receive a travel allowance to come and go to work. It is their choice to live outside of Atlanta and travel from Savannah, Albany etc. The State does not pay other employees who live outside that radius to come to work.
16. Just before the 2008 fiscal year budget closed, there were numerous pieces of equipment purchased just so they would not have to turn back any money to the State. This goes on in all departments. However, if all the departments would return unneeded funds and not just wildly spend at the end of the year, the State may not be in such financial difficulty at the current time.
17. Every department in State Government has meeting room for their use. If not, there are numerous meeting rooms on Capitol Hill, in the Education Center, Twin Towers etc. Why is it necessary for any department to travel to The Chateau Élan, or the Cloister to hold planning sessions. Figure the travel expense for 12 to 15 people, food, hotel, snacks, etc. They could hold their planning session in a meeting room and tell their staff, "Stay away". They could eat cafeteria food, and avoid the expensive meals.
18. The recent Reduction In Force that was devised by the Court of Appeals was strictly a witch-hunt. If you were not a favored employee, you got RIF. It did not matter that you had 25+ years with the Court and were the two most senior employees of the Court. We were told that is was a monetary judgment and that we were expendable. One is being replaced by someone with only five years of experience at less than half the salary. Someone with only two years experience and also at less than half the salary is replacing one person. There is a lot to be said for experience. There were others on the Court that had more time with the State and made a lot more money and were eligible for retirement and they kept

The work of the Court is going to suffer greatly with the ~~loss~~^{loss} of four key Central Staff attorneys. The two clerical personnel in the Clerk's office who will now be responsible for jurisdictional review have only five^{years} and 18 months experience on the Court. They have now legal training. This is greatly going to show in the work the Court puts out.

It is realized that the Judges are elected officials and you cannot control when they come to work. Someone should check and see just how often some of these judges actually show up for work. Some show up only one to two days per week. Some are here everyday. The State is paying high salaries for little attendance. It is said they are teleworking. It is hard to telework from a golf course.

Another bit regarding the Court Car. When lower court clerks send records to the Court of Appeals that include depositions, video and audio tapes, they are instructed to be sure they retain a copy of each of these exhibits as well as the record and/or transcripts. If any of these exhibits are lost in the mail or are misplaced in this Court, both the Court of Appeals and the lower court are up the creek to replace. The excuse to use the Court car and be out of the office for the Clerk/Court Administrator is to return the exhibits to the lower Court. This means trips in the Court Car to just about any of the 159 Counties in the State. These are usually all day trips to as far as Savannah, Dalton, Albany, Columbus, you name it. These trips are totally unnecessary as the lower Court has retained copies.

When Judges are appointed or elected to this Court, it is understood they should be qualified to hold a Judgeship position and have the qualification to be able to decide case on a basis of knowledge of the law. Why is it that almost as soon as they are sworn in, they head off to Virginia to attend Judge school at tax payers expense. One judge attended this school and saw another judge who had some nice writing instruments and was jealous of the pens. She called to her office and had them to order the pens on an emergency basis and have them shipped FEDEX to her in Virginia. She could have gone to the nearest Wal-Mart and purchased the pens for less than five dollars. The FEDEX was probably three times the cost of the pens. This is how poorly the Court manages. money.

*The Court of Appeals
Office of the Clerk
47 Trinity Avenue
Suite 501
Atlanta, Georgia 30334*

COPY

WILLIAM L. MARTIN, III
CLERK AND COURT ADMINISTRATOR

(404) 656-3450
martinw@gaappeals.us

February 12, 2009

Speaker Glenn Richardson
House of Representatives
State Capitol • Room 332
Atlanta, Georgia 30334

Dear Speaker:

Per our discussion in December 2008 about the possibility of funding our e-filing/new docket project by a bond issue, I have compiled, at Chief Judge Miller's request, cost figures for the project. These cost figures are attached. I have included the system maintenance figures as the Supreme Court provided to me as well as the Court of Appeals costs. The costs are also identified on the charts as either one-time fees or yearly maintenance costs. The costs are projected for a three-year period for the Supreme Court which is further along in the development of its system and a four-year implementation period for the Court of Appeals. The total estimated cost for the implementation of the system in both Courts is \$1,169,083.

The Court of Appeals costs include disaster recovery/continuity of business costs for the system since reliability of the system as it is developed will be extremely important. The figures included in the Court of Appeals chart for this purpose should cover the needs of both appellate courts.

I apologize for being so late in sending this information to you, but I wanted to make sure that the figures we are providing you are as accurate as we can predict.

This project is very important to the appellate courts. Its implementation will permit both Courts to be more productive and to operate in the manner expected by the parties and the public.

Should you have any questions about the attached charts or need any additional information, please do not hesitate to contact me or Chief Judge Miller.

Sincerely,



William L. Martin, III
Clerk/Court Administrator
Court of Appeals of Georgia

WLM, III/d
Enclosures

cc: Ms. Tee Barnes, Clerk, Supreme Court
bcc: Chief Judge Miller, Jan Kelley, Holly Sparrow, John Ruggeri, 

Court of Appeals of Georgia and Supreme Court of Georgia

Estimate Yearly Maintenance Costs for the Docket and E-Filing Project

	Year 1	Year 2	Year 3	Year 4	Four-Year Total
One Time Fees	\$289,790	\$200,000	\$30,000	\$25,000	
Yearly Maintenance Costs	\$149,495	\$171,915	\$186,857	\$116,026	
Grand Total for Both Appellate Courts	\$439,285	\$371,915	\$216,857	\$141,026	\$1,169,083

There may be additional costs to implement e-filing of the lower court records to the appellate courts, but this cannot be determined until Year 2 when a design study would be performed.

Court of Appeals of Georgia

Estimate Yearly Development and Maintenance Costs for the Docket and E-Filing Project

One Time Fees	Year 1	Year 2	Year 3	Year 4
Trivir - Docket/E-filing Development Vendor ***	147900	150000	75000>	>
Veristor - VMWare Development Vendor ***	25000			
Hardware - Servers ***	37000			25000
Hardware - Storage ***		50000		
Security Access Manager ** - Firewall / Security	27500			
VMWare Site Recovery Manager *** - Backup/Disaster Recovery	15000			
Identity Management Software * - Security/Attorney Status Updates			30000	
Total	252400	200000	30000	25000

Yearly Maintenance Costs	Year 1	Year 2	Year 3	Year 4
Liferay *** - Portal for Docket & E-Filing	15000	15000	15000	15000
Alfresco ** - Document Management	15000	15000	15000	15000
MySQL *** - Database for Docket & E-Filing	10000	10000	10000	10000
Jasper Reports * - Generates Automated Reports	4000	4000	4000	4000
Security Access Manager ** - Firewall/Security		7000	7000	7000
Kofax * - Automates Scanning	2000	2000	2000	2000
Scanner *	1200	1200	1200	1200
CyberSource ** - Secure Online Payment Processing	600	600	600	600
Vmware *** - Server Backup/Disaster Recovery		10800	10800	10800
Identity Management Software *** - Security/Attorney Status Updates			10000	10000
Trivir - Docket/E-filing Development Vendor ***	33000	35310	37781	40426
Total	80800	100910	113381	116026

Totals	Year 1	Year 2	Year 3	Year 4
One Time Fees	252400	200000	105000	25000
Yearly Costs	80800	100910	113381	116026
Totals	333200	300910	218381	141026

* Represents Docket Case Management

** Represents E-Filing

*** Represents Both

> Additional Costs - We will not know how much it will cost to implement E-Filing from the Counties until we perform a design study in Year 2

Supreme Court of Georgia
 Estimate Yearly Maintenance Costs for the Docket/E-filing Project

Yearly Costs (showing first 3 years only)	Year 1	Year 2	Year 3
Liferay *** - Portal for the Docket - Use instead of Vendor	\$15,000.00	\$15,000.00	\$15,000.00
Alfresco ** - Portal for the e-filing - Use instead of Vendor	\$15,000.00	\$15,000.00	\$15,000.00
MySQL *** - Database	\$10,000.00	\$10,000.00	\$10,000.00
Jasper * - Generates reports	\$12,000.00	\$12,000.00	\$12,000.00
Security Access Manager ** - Firewall	\$10,000.00	\$10,000.00	\$10,000.00
Kofax ** - Automates scanning	\$2,000.00	\$2,000.00	\$2,000.00
Scanner **	\$1,095.00	\$1,095.00	\$1,095.00
Cybersource ** - Secure online payments	\$600.00	\$600.00	\$600.00
Trivir - Vendor - (7% increase after first year) ***	\$33,000.00	\$35,310.00	\$37,781.00
TOTAL - Light blue numbers not added	\$68,695.00	\$71,005.00	\$73,476.00

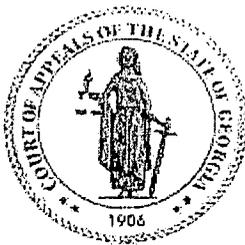
One Time Fees	Year 1	Year 2	Year 3
Security Access Manager **	\$27,500.00	—	—
Kofax **	\$9,800.00	—	—
Cybersource **	\$90.00	—	—
TOTAL	\$37,390.00	—	—

* Represents Case Management

** Represents E-Filing

*** Represents Both

Totals (showing first 3 years only)	Year 1	Year 2	Year 3
Yearly Costs	\$68,695.00	\$71,005.00	\$73,476.00
One Time Fees	\$37,390.00	—	—
Total	\$106,085.00	\$71,005.00	\$73,476.00



Court of Appeals
Memorandum

COPY

To: Chief Judge M. Yvette Miller
WLM

From: William L. Martin, III

Subject: Furloughs - Talking Points

Date: February 12, 2009

As we discussed in our meeting yesterday, if we have to furlough employees, and I believe we will, it may be best to close the entire Court as opposed to staggering the furloughs and keep operating. The reasons are as follows:

(1) By continuing to operate and staggering furloughs, neither the public nor the Bar know the consequences of our budget reduction. As far as they know, it is business as usual.

(2) Likewise, the Legislature make take the position that if we are able to carry on business as usual then we were overstaffed to begin with.

(3) By closing the entire Court, it will equalize the extra work everyone has to do, particularly in the clerk's office.

(4) Assuming the Court has to furlough four days for the balance of the Fiscal Year, the days can be spread out for one day in March, April, May and June, thus, lessening the economic impact with employees, particularly those on the lower end of the pay scale in the clerk's office. This way they will only have to miss one day's pay a month as opposed to two days pay in a month.

(5) The first day of furlough could be March 31, which is the day after distress. That is the day a lot of people need rest and recuperation and the day that many people do not work anyway.

I would suggest the three furlough days to be on a Friday since that seems to be a lighter day on the Court. Often judges are not here on Friday which lessens the impact on the clerk's office. Also, the clerk's office informs me that Friday tends to be a lighter day in terms of attorneys who

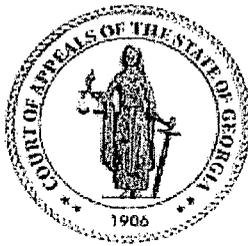


Memo to: Chief Judge M. Yvette Miller
Subject: Furloughs - Talking Points
Date: February 12, 2009
Page: 2

come into the clerk's office to work. By setting these furlough days on April 24 and May 22, it may help morale that it would give a four-day holiday to the staff, albeit one day not paid, since April 24th is the Friday before Confederate Memorial Day which will be celebrated the following Monday, April 27th and May 22nd is the Friday prior to Memorial Day which will be celebrated May 25th.

Thank you.

/ld



Court of Appeals

Memorandum

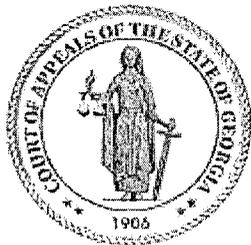
To: All Judges
From: 
William L. Martin, III
Subject: Letter from Sheila Collins
Date: February 12, 2009

Chief Judge Miller wanted to make sure each of you is aware of a letter Sheila Collins sent to Representative Calvin Hill, District 21, Canton. Representative Hill shared this with House Appropriations Chairman Ben Harbin and the House Appropriations Public Safety Subcommittee members: Chuck Martin, Joe Chambers, Terry Bernard, Burke Day, Gerald Greene, Tom Knox, Alan Powell, David Ralston, Wendell Willard and ex officio members, Richard Smith, Penny Houston, Chuck Sims and Larry O'Neal.

Thank you.

/ld

Enclosures



Court of Appeals

Memorandum

To: All Judges
From: 
William L. Martin, III
Subject: Letter from Sheila Collins
Date: February 12, 2009

Chief Judge Miller wanted to make sure each of you is aware of a letter Sheila Collins sent to Representative Calvin Hill, District 21, Canton. Representative Hill shared this with House Appropriations Chairman Ben Harbin and the House Appropriations Public Safety Subcommittee members: Chuck Martin, Joe Chambers, Terry Bernard, Burke Day, Gerald Greene, Tom Knox, Alan Powell, David Ralston, Wendell Willard and ex officio members, Richard Smith, Penny Houston, Chuck Sims and Larry O'Neal.

Thank you.

/ld

Enclosures



House of Representatives

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**STANDING
COMMITTEES:**

APPROPRIATIONS, VICE-CHAIRMAN
BANKS & BANKING, VICE-CHAIRMAN
BUDGET & FISCAL AFFAIRS OVERSIGHT
SPECIAL RULES
STATE INSTITUTIONS & PROPERTY

February 10, 2009

Memorandum

**TO: House Appropriations Chairman, Ben Harbin
House Appropriations Public Safety Subcommittee Members**

Please find enclosed for your review and information correspondence from a former employee of the Georgia Court of Appeals. Mrs. Collins and I talked briefly by phone and at that time she advised of areas of concern and unnecessary spending in that State Agency.

I hope you will take time to review this information and perhaps we can find ways to save some money in some of the areas noted.

CH/jb

Enclosures

February 6, 2009
4344 Faye Court
Conyers, Georgia 30013

Representative Calvin Hill
18 Capitol Square
Suite 613
Atlanta, Georgia 30334

Dear Representative Hill"

I apologize for not including the additional items we talked about earlier today that need to be considered.

When there is a change of status of the judges, a new judge comes on the court, or a different judge becomes chief judge, they do what is referred to as a fruit basket turnover. The Judges decide which Judges will have the prime offices and they switch around to get a larger office or a corner office. When this happens, all the office doors involved must be re-lettered with gold leaf. This is very expensive.

The law clerks were given a couple of raises that were not authorized by the legislature. One raise was about August of 2008. Also, the Administrative Assistants to the Judges were given a salary increase without authorization about 18 months ago. The position of File Librarian and the position of a clerk in the Fiscal Office were added as unfunded about two years ago. The powers that be indicated that if the fiscal office could have a new clerk, then they would also find the money for the Clerk's office to have a File Librarian. They would find the money. The law clerk's, administrative assistants and others have received several raises in the past couple of years and some of the staff in the Clerk's Office have not had a raise in over seven years other than the cost of living given by the State. The Clerk's Office Staff, not including the Clerk/Court Administrator or his Deputy Administrator, work very hard. There are only about eight of these on the Clerk's staff and they are responsible to see that all cases are processed properly and are decided on a timely basis. They deserve better.

The day nine Court of Appeals employees were notified their jobs were to be rified, the Chief Judge told several of the rified attorneys they were losing their jobs, then asked then how they liked her new draperies. I cannot tell you how many times the judges had the Court purchase new drapes. There again, if a judge is moving to a new suite and does not like the drapes, they have the Court purchase new custom made drapes. If they do not like the carpet, they order new.

When a Judge hires you, it is understood that when s/he is defeated in election, resigns or retires that you are not guaranteed a job unless another Judge picks you up. Judge Ruffin retired as of December 31, 2008. The court held a vacant position open so Judge Ruffin's Administrative Assistant would have a job after his retirement effective January 1, 2009.

February 6, 2009
4344 Faye Court
Conyers, Georgia 30013

Representative Calvin Hill
18 Capitol Hill
Suite 613
Atlanta, Georgia, 30334

Dear Representative Hill:

I greatly appreciate you calling me as to the matter of the State Budget that we discussed earlier today.

I have attached copies of the 16 items I originally submitted to the Court for their consideration to cut the budget. I have also attached copies of other ways to cut the budget with details.

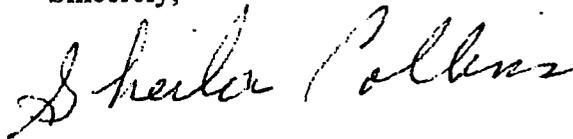
I apologize for the errors in the typing of these notes. I do not have ready access to a computer often.

I hope this information is helpful. I am very concerned with all the waste in State Government, especially in the Judicial System where I was employed for over 25 years with the Court of Appeals. I was Deputy Clerk from September 2002 until I was rified as of October 1, 2008.

If you need further information, please call me. I am generally home in the evenings after 5:00. I do a good deal of volunteer work now that I am retired. I will be working most of next week. My home phone number is 770 483-2397. I have left word with Mark Winnie's cell phone to contact me and referenced that I had talked to you and you were interested in this matter.

I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in cursive script that reads "Sheila H. Collins". The signature is written in dark ink and is positioned below the word "Sincerely,".

Sheila H. Collins

Enclosures

Ways to save money

- 8/2000
- for the Court of Appeals*
1. Let all employees who are members of the State Bar pay their own Bar Dues.
 2. Let all employees who must attend CLE pay for their own classes.
 3. Let John Daniel use the scanner that are dry rotting to put the recycled cases on disc instead of sending the cases off to be microfilmed.
 4. We have four people in the Fiscal office compared to one in the Supreme Court. Cut this staff by at least one employee. We had only one person in the fiscal office for many years.
 5. We have no more cases now than we did in the 80's and we handled the case load with only 9 judges and at one time there were only two law clerks per judge. We only had word processes and no computers.
 6. Abolish one holiday per year for all state employees.
 7. Since we have not gotten too far with E-Filing, put it on hold along with the proposed new computer docket system that is to be compatible.
 8. Have Banc planning session in the Banc room on Capitol Hill, not going to some off site location having to pay travel, room and meals.
 9. Unless absolutely necessary, let all out of state meeting that require overnight stay be discontinued unless it is pay for by the person want to attend.
 10. Cut out all pay for travel for employees that live out of town and are paid to come in.
 11. Cut all funds for computers and equipment unless it is completely worn out. Do not replace/repair.
 12. There are at least eight very nice chairs in the file room. If someone needs a new chair, let them choose one from the file room.
 13. Have printed stationary, not engraves.
 14. Reduce the size of the attorney certificates to 8 1/2 x 11
 15. Abolish the practice of sending appreciation certificates to deceased judges.
 16. If anyone on the court has received pay raises in excess of \$10,000 in the last five years, let their salary revert back to five years ago plus the max of \$10,000. Some people have not received a pay increase except for the across the board raise in over 7 years.

According to the Daily Report, Chief Judge Barnes estimates each judge handles 150 cases per year. If that be the case, divide 150 by three law clerks per judge and that equals 50 cases per year that each law clerk handles. Divide 50 cases by 52 work weeks and that come to a grand total of .96 cases per week that each law clerk handles. What a heavy workload they have. Realizing that some cases are harder than others, some only take a matter of a couple of hours at the most, this is still not a "heavy work load".

Central Staff in the past has been able to weed out cases that do not meet jurisdictional review and they were dismissed soon after docketing and the Judge's office did not have to do much of anything except sign off on the order of dismissal. Now that four of Central Staff's prime attorney have received their RIF notice, a good deal of the burden will now go to the Judge's staff to make that determination.

If the Court can cut nine prime positions, and all of these employees over the age of 40, and most with from 12 to 25 years of experience, evidently they did not need the positions to begin with and the Court of Appeals budget should be permanently reduced to the amount they are saving by this RIF.

1995 was the top year for docking in the last 25 years with a total case count for direct appeals of 2884. For the year 2008 there was a total of 2443 direct appeals. With over 440 cases less for the court to deal with, maybe we have too many judges and support staff in comparison for 1995.

There is one judge on the Supreme Court whose administrative assistant is retired, however still working for him part time. If one judge can utilize a part time administrative assistant, it seems that the others should do likewise on the Court of Appeals and the Supreme Court.

Someone needs to take a close look at the attendance of the personnel on the Court. Telecommuting is one thing, however some of the judges and their staff are seldom seen on the premises of the judicial building.

5/20/00

Notes:

The Court of Appeals is part of the Judicial Branch of Government along with the Executive Branch and the Legislative Branch. The Governor generally does not control it. The Governor may suggest that the Judicial adhere to cutbacks, but cannot mandate such.

The following are areas where the Court of Appeals should have thought about cutting expenses rather than a Reduction In Force (RIF).

1. There are two positions that are unfounded on the Court, a File Librarian in the Clerk's Office and a position in the Fiscal Office, who handles a portion of purchases. The positions have been on the Court for approximately 2 years.
2. Several years ago, the Court purchased two scanners. To this day, they have not been used and are actually dry rotting. It was suggested that our mail clerk, one of the persons who has received a RIF, be taught to use the scanner and put on DVD disk all the court records that are currently microfilmed. This microfilming cost many thousands of dollars per year, as the records must be transported to an outside vendor to perform the task. Many of the microfilm rolls are very poorly produced. The documents may be filmed up side down, crooked, the wrong side of the page or very blurred. Over the last several years this item alone would have saved the court enough money to save the one position on the court.
3. The Court Car is very seldom used. In August the Clerk and his Deputy Administrator drove the Car to Pennsylvania to Clerk's conference. They could have gone by air, however they thought it better to take the Court Car, as they needed to show that the car use used and need mileage to show. The trip took an extra day up and an extra day back over flying. Also there was the additional expense of two extra motel/hotel rooms, ~~x# of~~ extra meals and the price of gas at that time was near \$4.00 per gallon.
4. The Court currently pays State Bar Dues for all members there of on the Court, Judges, law clerks, Clerk/Court Administrator and his deputy. If these people were in private practice they would be paying their own. At salaries of \$110,000 to \$165,000 per year for each of these position (roughly 60+ positions) this could be considerable savings. Most of the people involved here would be willing to pay their own bar dues in order to save the job of those who were in the RIF category.
5. Also the Court currently pays for CLE (continuing legal education) classes for all personnel on the Court who require such for maintaining their credentials. This also would be considerable savings. Here again, most of the attorneys on the Court are willing to pay for their own CLE classes.

6. The Clerk's Office now has three large copiers for use by 12 people. There is also one fully operational copier not even connected up for use. This is a very large waste. Inasmuch as each person in the Clerk's Office has their own desk printer, why do we need so many printers? *or copiers*
7. The Court uses expensive ENGRAVED stationary for the Judge's personal stationary, the Whole Court Stationary and the Clerk/Court Administrator stationary as well as envelopes. This is for the regular size as well as the executive size stationary. Engraved cost well in excess of \$1.25 per sheet. If this stationary is not used up by the time a judge is out of office, the top is cut off and the balance is used for scratch paper. What a waste. When a new judge becomes the Chief Judge, the Whole Court stationary must also be reprinted, and if not used up in two years, there again cut for scratch paper.
8. The certificates, which are issued to new attorneys, are extremely large and the paper is very expensive. Also, the large heavy enveloped that are presented in are costly, as well as the tubes for those, which must be mailed. The Federal Courts use a certificate approximately 8 1/2 by 11", which will fit into an ⁱⁿ expensive manila envelope. When we have mass swearing in for 200 to 400 attorneys, the cost of the certificates and folders can really run into the money. The Federal Court can bring their certificates in with a handcart, where the Supreme Court and the Court of Appeals has to have a van and large crates to handle their certificates.
9. The Supreme Court, which also handles the Bar Emission, the Reporters' of Decisions office and others, has only one person in their Fiscal Office. Why does the Court of Appeals need four people. (Now one of those has received RIF notice purely as a sacrificial lamb.)
10. When the Health Building 5th floor was renovated for the Clerk's Office, they went way over budget. Several of the employees said they did not need new furniture for their new offices, the furniture they had would suit them just time. The fiscal office insisted most everyone get new furniture. What a waste. Our old furniture was fully functional and was just shoved into storage.
11. There is so much wasted space in the Clerk's Office now. There are many unused rooms. And now that two people in the Clerk's Office have received RIF notice, there is additional unneeded space. When we first moved in to the spacious Health Building, it was said that we would need all that space for the employees they were expecting to hire in the future. Now say they can do with out 10 positions.

12. A little over a year ago, a special printer was bought in anticipation of a new computer system where the judge's office would put out opinions printed directly to this special printer. It was never used. Just recently, they have bought two new printers for the same purpose and the new computer system is nowhere near finished and it is understood that the funds for this new system have been deleted from the budget.
13. The entire budget of the Court of Appeals need to be looked at closely and an detailed audit made to see exactly where monies are spent.
14. Several of the Administrative Assistants and other personnel do not work a full week. We understand that some telecommute. But tell us how some telecommute, when they do not have computers at home. If you call some of them for information, their answer is, I'm out shopping, I will get back with ~~you~~ *you* tomorrow. Someone needs to follow these people around and see how much work they actually do on telecommute days. Do they sell real estate, go to soccer games etc.?
15. Judge's who live outside a certain radius of the Capitol receive a travel allowance to come and go to work. It is their choice to live outside of Atlanta and travel from Savannah, Albany etc. The State does not pay other employees who live outside that radius to come to work.
16. Just before the 2008 fiscal year budget closed, there were numerous pieces of equipment purchased just so they would not have to turn back any money to the State. This goes on in all departments. However, if all the departments would return unneeded funds and not just wildly spend at the end of the year, the State may not be in such financial difficulty at the current time.
17. Every department in State Government has meeting room for their use. If not, there are numerous meeting rooms on Capitol Hill, in the Education Center, Twin Towers etc. Why is it necessary for any department to travel to The Chateau Élan, or the Cloister to hold planning sessions. Figure the travel expense for 12 to 15 people, food, hotel, snacks, etc. They could hold their planning session in a meeting room and tell their staff, "Stay away". They could eat cafeteria food, and avoid the expensive meals.
18. The recent Reduction In Force that was devised by the Court of Appeals was strictly a witch-hunt. If you were not a favored employee, you got RIF. It did not matter that you had 25+ years with the Court and were the two most senior employees of the Court. We were told that it was a monetary judgment and that we were expendable. One is being replaced by someone with only five years of experience at less than half the salary. Someone with only two years experience and also at less than half the salary is replacing one person. There is a lot to be said for experience. There were others on the Court that had more time with the State and made a lot more money and were eligible for retirement and they kept

The work of the Court is going to suffer greatly with the ~~loss~~^{loss} of four key Central Staff attorneys. The two clerical personnel in the Clerk's office who will now be responsible for jurisdictional review have only five^{and} 18 months experience on the Court. They have now legal training. This is greatly going to show in the work the Court puts out.

It is realized that the Judges are elected officials and you cannot control when they come to work. Someone should check and see just how often some of these judges actually show up for work. Some show up only one to two days per week. Some are here everyday. The State is paying high salaries for little attendance. It is said they are teleworking. It is hard to telework from a golf course.

Another bit regarding the Court Car. When lower court clerks send records to the Court of Appeals that include depositions, video and audio tapes, they are instructed to be sure they retain a copy of each of these exhibits as well as the record and/or transcripts. If any of these exhibits are lost in the mail or are misplaced in this Court, both the Court of Appeals and the lower court are up the creek to replace. The excuse to use the Court car and be out of the office for the Clerk/Court Administrator is to return the exhibits to the lower Court. This means trips in the Court Car to just about any of the 159 Counties in the State. These are usually all day trips to as far as Savannah, Dalton, Albany, Columbus, you name it. These trips are totally unnecessary as the lower Court has retained copies.

When Judges are appointed or elected to this Court, it is understood they should be qualified to hold a Judgeship position and have the qualification to be able to decide case on a basis of knowledge of the law. Why is it that almost as soon as they are sworn in, they head off to Virginia to attend Judge school at tax payers expense. One judge attended this school and saw another judge who had some nice writing instruments and was jealous of the pens. She called to her office and had them to order the pens on an emergency basis and have them shipped FEDEX to her in Virginia. She could have gone to the nearest Wal-Mart and purchased the pens for less than five dollars. The FEDEX was probably three times the cost of the pens. This is how poorly the Court manages. money.



Court of Appeals

Memorandum

To: Presiding Judge G. Alan Blackburn

From: Chief Judge M. Yvette Miller *myf*

Subject: Inauguration

Date: January 15, 2009

Thank you for your memorandum of January 14, 2009.

Vicki Bell came to my office and stated that several attorneys wanted to watch the Presidential Inaugural Ceremony while on their lunch hour. I did approve the idea of the employees viewing an American historical event in the courtroom during their lunch, granted Technology could make the necessary arrangements. While I do not believe Vicki acted in bad faith, the inappropriate e-mail that was sent court-wide clearly went beyond her initial request to me. Obviously I did not read or approve the e-mail before it was sent. If I had been aware of this e-mail prior to your memo, I would have certainly taken the necessary steps to correct the situation.

The e-mail invitation that was sent court-wide is rescinded. However, the Presidential Oath and the Inaugural Address will be available for viewing from 11:30 a.m. to 1:00 p.m. in the courtroom. To respond to what was previously stated in the e-mail, this will be a strictly non-partisan event, and those who attend should respect the dignity of the courtroom. Each Judge can decide how to proceed with his/her staff. Please note that I am also copying the Supreme Court Justices because it has come to my attention that the same e-mail invitation was sent separately to the Supreme Court.

Again, thank you for bringing this to my attention. Should this ever occur again, please contact me directly to discuss the matter, so that I may have the chance to rectify the situation directly.

cc: Court of Appeals Judges
Supreme Court Justices
William L. Martin, Clerk of Court
Ms. Vicki Bell
Mr. John Ruggeri



Court of Appeals

Memorandum

To: Dirk, Rob and Ida
Staff of G. Alan Blackburn

From: Presiding Judge Blackburn *GAB*

Subject: Inauguration Celebration

Date: January 14, 2009

In am writing in response to an e-mail I received from Vicki Bell and apparently approved by Chief Judge Miller, Judge Phipps and not objected to by Bill Martin. There are those who apparently feel it is appropriate to cheer, give standing ovations, hug people you don't really know and shed tears of joy as you come to the courtroom with your favorite campaign buttons or souvenirs.

The courts of Georgia are non-partisan, and I think such displays are inappropriate whether they are done in honor of democrats or republicans, especially since the participants and space are funded by the State of Georgia and we are in a budget crisis. As a caveat, I have no objection to this Court as a matter of course showing any president's inauguration ceremony (democrat or republican) for a limited period, i.e. 11:30 - 1:00. I don't think we are authorized to effectively take a day off and hold a celebration.

If any member of my staff wishes to attend or participate in this event, please schedule a days vacation for that day, which you are free to do.

GAB/sh
Encl.

cc: Judges, Court of Appeals
Jim Wooten
Randy Evans

From: Vicki Bell
To: Court of Appeals
Date: 1/13/2009 4:38 PM
Subject: Inauguration Day - Can't be in DC? Celebrate HERE!

***You are cordially invited to watch the
Inauguration of President-Elect Barack Obama
on January 20th
in the Courtroom of the Court of Appeals!***

Wear your favorite campaign buttons!
Show off your campaign souvenirs!
Dress in your patriotic best!

The festivities will be piped into the courtroom beginning at **10 am**. There will be speeches, music, and more, culminating in the Oath ceremony, which begins at **11:30 am (sharp)**. Following the oath of office, President Obama will deliver his inaugural address. The inaugural poem and music will follow, ending sometime between 1 and 1:30 pm. The parade will begin around 2:00 pm (perhaps a bit later), and should end by 3:30 - 4:00 pm.

Please feel free to come and go throughout the day while you experience this historic event with your friends and colleagues. **Don't forget to bring in your lunch in time for the 11:30 - 1:00 portion of the ceremony.*** Out of respect for the occasion and to ensure that everyone can enjoy the oath ceremony and inaugural speech, however, please silence your phones and keep conversations to a minimum during the 11:30 - 1:00 time period. (Of course, please feel free to cheer, give standing ovations, hug people you really don't know that well, and/or shed tears of joy as you feel the need.)

* Drinks and dessert will be provided. If you would be willing to make a small contribution toward the drinks or to bring in desserts, please contact Vicki Bell at 3-3023.

COURT OF APPEALS OF GEORGIA

ADMINISTRATIVE BANC MEETING

Wednesday, April 15, 2009

10:30 a.m.

Court of Appeals Banc Room • Suite 501 • 47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

A G E N D A

- | | | |
|-------|--|---|
| I. | Call Meeting to Order (1 min) | Chief Judge Miller |
| II. | Approval of February 2009 Banc Meeting Minutes (3 min) | Chief Judge Miller |
| III. | Recovery Grants (10 min) | Chief Judge Miller
Holly Sparrow |
| IV. | IT Report (3 min) | Judge Phipps
John Ruggeri
Bill Martin |
| V. | Budget Report (10 min) | Chief Judge Miller
Jan Kelley
Bill Martin |
| VI. | New Judicial Building (10 min) | Chief Judge Miller |
| VII. | EEOC Complaints - Sheila Collins and Janice Ward (5 min) | Bill Martin |
| VIII. | Old Business (5 min) | Chief Judge Miller |
| IX. | New Business (5 min) | Chief Judge Miller |
| X. | Announcements (1 min) | Chief Judge Miller |
| XI. | Adjournment (1 min) | Chief Judge Miller |

**COURT OF APPEALS OF GEORGIA
ADMINISTRATIVE BANC MEETING**

Wednesday, February 18, 2009

10:30 A.M.

Court Banc Room • Suite 501 • 47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

AGENDA

- | | | |
|-------|--|---|
| I. | Call Meeting to Order (1 min.) | Chief Judge Miller |
| II. | Approval of October 2008 Banc Meeting Minutes (3 min.) | Chief Judge Miller |
| III. | IT Report (5 min.) | Judge Phipps, John Ruggeri |
| IV. | Budget Report (10 min.) | Chief Judge Miller, Bill Martin, Jan Kelley |
| V. | Sheila Collins Letter - Response (10 min.) | Chief Judge Miller |
| VI. | Courtwide E-Mail Policy (5 min.) | Presiding Judge Smith |
| VII. | Legislative Report (5 min.) | Judge Ellington |
| VIII. | CLOB Post Office (5 min.) | Bill Martin |
| IX. | Coffee for the Banc Room (5 min.) | Chief Judge Miller |
| X. | Judges' Travel (5 min.) | Chief Judge Miller |
| XI. | Distress (5 min.) | Chief Judge Miller |
| XII. | Old Business (5 min.) | Chief Judge Miller |
| XII | New Business (15 min.) | Chief Judge Miller |
| XIV. | Announcements (1 min.) | Chief Judge Miller |
| XV. | Adjournment (1 min.) | Chief Judge Miller |

MINUTES OF THE BANC MEETING
OF THE COURT OF APPEALS OF GEORGIA

Wednesday, October 15, 2008 10:30 a.m.

The October Banc Meeting of the Court of Appeals of Georgia was held in the Court of Appeals Banc Room, Suite 501, 47 Trinity Avenue, S.W., Atlanta, Georgia at 10:30 a.m. on Wednesday, October 15, 2008. Those present were:

Chief Judge Anne Elizabeth Barnes
Presiding Judge John H. Ruffin, Jr.
Presiding Judge Edward H. Johnson
Presiding Judge J.D. Smith
Judge Gary B. Andrews
Judge M. Yvette Miller
Judge John J. Ellington
Judge Herbert E. Phipps
Judge A. Harris Adams
Judge Debra Bernes
Mr. William L. Martin, III, Clerk/Court Administrator

Not in attendance were:

Presiding Judge G. Alan Blackburn
Judge Charles B. Mikell

I. **CALL MEETING TO ORDER:**

Chief Judge Barnes called the meeting to order at 10:30 a.m.

II. **ASCERTAINMENT OF QUORUM:**

Chief Judge Barnes announced a quorum was present.

III. APPROVAL OF AUGUST 27, 2008 BANC MEETING MINUTES:

Chief Judge Barnes called for the approval of the August 27, 2008 Banc Meeting Minutes. Presiding Judge Smith made a motion to approve the Minutes as submitted which motion was seconded by Judge Ellington. The Minutes were approved unanimously.

IV. IT MEMO:

Chief Judge Barnes called upon Presiding Judge Ruffin for any comments regarding his memo to the Court regarding Technical Services. Presiding Judge Ruffin said he had not asked the matter be placed on the Agenda, however, he was concerned Technical Services had not been able to capture two important events dealing with his portrait unveiling in Burke County and the Court of Appeals Courtroom. There was a general discussion regarding the Court's ability to videotape special ceremonies. Chief Judge Barnes said she would check with Ashley Stollar of the Administrative Office of the Courts to see if she had video available of the Court of Appeals Portrait Unveiling Ceremony. Also, Chief Judge Barnes suggested Presiding Judge Ruffin make his speech available to post on the website. Finally, Chief Judge Barnes directed the clerk to identify a suitable storage space in the clerk's office to house archival material dealing with the Court and its judges.

V. BUDGET MATTERS:

Chief Judge Barnes called upon Presiding Judge Smith regarding current budget matters. Presiding Judge Smith reported he had spoken with Lieutenant Governor Casey Cagle and had written Lieutenant Governor Cagle asking to meet with him regarding the Court's budget. Presiding Judge Smith said he and the Chief Judge would meet with the Lieutenant Governor when, and if, they heard from him.

Judge Andrews suggested the Court suspend its internal requirement that the judges receive Continuing Judicial Education because of the budget crisis. After a general discussion, Judge Andrews made a motion to suspend the in-house mandatory Continuing Judicial Education requirements for judges on the Court of Appeals of Georgia, the Court carryover for two years prior Judicial Continuing Legal Education and such requirement be an individual choice of each judge. The motion was seconded by Presiding Judge Smith and passed unanimously.

VI. JUDGES' COST OF LIVING ADJUSTMENT:

Chief Judge Barnes reported the Office of Planning and Budget had rescinded its earlier letter stating the judges would receive a 2.5% cost of living allowance. Chief Judge Barnes stated the memo of Trey Childress was in the judge's handout materials.

VII. CENTRAL STAFF/FLOATING STAFF ATTORNEYS:

Chief Judge Barnes stated a copy of the reorganization memo from Judge Phipps and her was in the judges Banc materials. There was a general discussion as to how Central Staff would operate when Central Staff attorneys assigned to float in an individual judge's offices completed their assignments. After discussing several options, the Court decided Judge Phipps, as Judge in Charge of Central Staff, would issue a written report to the judges on how Central Staff was functioning under the present reorganization plan with recommendations as to how Central Staff should operate.

Presiding Judge Ruffin said he would be losing a staff attorney, however, the staff attorney would be with him through distress.

VIII. CHANGING ADMINISTRATIVE BANC MEETING DATE:

Chief Judge Barnes suggested the Court change the Administrative Banc Meeting date from the third Tuesday to the third Wednesday. She said it was particularly important when Banc Meetings followed Monday holidays. Also, she said she felt there was less traffic in the middle of the week and also better attendance could be had with a Wednesday meeting day.

After a brief discussion, Judge Barnes made a motion to change the Banc Meeting date from the third Tuesday of each month to the third Wednesday of each month. The motion was seconded by Judge Miller and passed unanimously.

IX. COFFEE FOR BANC MEETINGS AND ROBIN ROOM:

Chief Judge Barnes said she would purchase the coffee and send out to all the judges a notice for the cost of the coffee. Those judges who wish to contribute could do so and those who do not wish to do not have to contribute.

X. CLERK'S OFFICE ORGANIZATION:

Mr. Martin stated the clerk's office had reorganized after the lost of two personnel. He also stated the clerk's office, with Patty Bender, the new Deputy Clerk, and

Lynn Osborne, the Orders/Calendar/Bench Docketing Clerk, had taken over the duties that were previously exercised by Central Staff, of screening all direct appeals for jurisdictional review. Mr. Martin reported his two employees were doing an excellent job.

Mr. Martin said that in the handout materials there was a reorganization sheet of the clerk's office so the judges and their staff would know which person in the clerk's office was responsible for which area and who the two backups were in each area.

XI. OLD BUSINESS:

Chief Judge Barnes reminded the judges that the Mass Swearing-In is scheduled for 1:30 p.m. on Monday, October 27, 2008 in the Supreme Court Courtroom. Presiding Judge Ruffin will give the address for the Court of Appeals. Chief Judge Barnes urged all who could attend to do so.

XII. NEW BUSINESS:

Chief Judge Barnes recognized Judge Bernes' birthday. Judge Bernes was presented a cake baked and decorated by Linda Floyd and Judge Bernes was serenaded with "Happy Birthday" by the Banc.

Chief Judge Barnes recognized Judge Andrews who said he wish to make a motion. Judge Andrews moved for the election of Judge M. Yvette Miller as Chief Judge of the Court of Appeals of Georgia for a term beginning January 1, 2009 through December 31, 2010. The motion was seconded by Presiding Judge Johnson. Presiding Judge Johnson then made a motion that Judge Miller be elected by acclamation, which motion was seconded by Judge Ellington and passed unanimously.

Presiding Judge Ruffin said he wanted to thank the Court for his service on the Court, particularly during the last year. He again thanked Judge Andrews for allowing Presiding Judge Ruffin to finish his year on the Court as a presiding judge. He also thanked the Court for the support they have given to him at his Portrait Unveiling in Burke County and the Court of Appeals Courtroom, as well.

XIII. ADJOURNMENT:

There being no further business and upon hearing a motion to adjourn from Judge Andrews, Chief Judge Barnes adjourned the Banc Meeting at 11:10 a.m.

Respectfully submitted,

WILLIAM L. MARTIN, III
Clerk/Court Administrator
Court of Appeals of Georgia

Minutes approved by the Court
En Banc on the 18th day of
February, 2009.

February 12, 2009

Representative Calvin Hill
613 Coverdell Legislative Office Building
Atlanta, Georgia 30334

Dear Representative Hill:

It has come to my attention that a former employee of the Court, Ms. Sheila Collins, has communicated with you concerning what she considers could be cost savings in the Court. By this letter, I am addressing each of her contentions since they are not accurate. Ms. Collins, a former deputy clerk, was terminated from her position with the Court on September 30, 2008 as a result of the budget crisis. Ms. Collins is not an attorney. She was not privy to many of the decisions she speaks of in her letters and many of her comments appear to include hearsay and gossip which are not a true reflection of the court's processes or decisions.

1. A judge does not switch offices when he or she becomes the Chief Judge. Some judges may switch offices when a judge retires. For instance, when Judge John H. Ruffin, Jr. retired at the end of 2008, one of the current judges moved to Judge Ruffin's old office and newly elected Judge Sara L. Doyle took that judge's office. The lettering on the two judges' office doors was replaced.

Currently the judges' offices are not alike in terms of space and suitability to the work. When a suite is vacated due to the retirement of a judge, a more senior judge may move into that space, leaving his or her space for a more junior judge. The judge must accept the furniture, window treatments, etc. that come with the space. (See the letter to Steve Stancil addressing the need for a

new justice center and/or renovation of the Judicial Building to create self-contained suites and to address security needs attached.) When judges' offices are changed, the lettering on doors is replaced at a cost of approximately \$85 a door and the total moving cost of approximately \$1200 a judicial suite.

2. Law clerks have not been given any unauthorized raises. The 2008 salary increase for staff attorneys (law clerks) was a salary scale change authorized and funded by the legislature which became effective July 2008.

The Court of Appeals voted to adopt the Supreme Court Administrative Assistants salary scale effective January 1, 2007. This scale combined some of the pay steps and created a step for service twelve years and over which resulted in a pay adjustment for some individuals while others had to wait for a step increase based on the new scale. The new scale also lowered the pay grade for a new hire without previous experience by \$5,500. It was not funded by a legislative act.

In a cost reduction effort in 2008, the Court of Appeals adopted a new salary scale for all attorneys and administrative assistants that restricts new hires from being paid at a level above step three. The new scale increases the number of pay steps and reduces the percentage increase between steps which should promote employee longevity without significantly affecting the annual budget.

In the 1980s there was only one individual in the Court's fiscal office and duties such as purchasing were performed in the Clerk's office. In 1993 these duties were shifted to the fiscal office; the duties and an employee were reassigned. As the accounting responsibilities and the demand for accountability and documentation also increased, an additional position was assigned from an existing administrative position.

By 2006 other duties were assigned to the fiscal office including library services, space planning, strategic planning, facilities maintenance for three separate facilities. Also, the Court has 50% more employees than in 1980.

The Court voted to move a vacant administrative assistant position funded in FY2000 to the Fiscal Office to accommodate the increase in the workload. This office also handles purchasing, distribution of supplies, coordination of insurance and risk management services, space assignment and relocation, parking, motor vehicles, library services, asset management, emergency planning, security administration and key/cardkey access.

The position of a File Clerk (now titled File Librarian) was obtained in FY2000 and was vacant for a period of time due to work space constraints. The Court's appropriation was reduced in FY2006 due to a state decline in revenue. In FY2007 the Court's submission to the legislature included a request for restoration of these funds. Although the Court did not receive the funding, the Court was able to fill the positions using savings from temporary vacancies in other positions. No state funds were requested for these two positions in the FY2009 budget. A fiscal office position was lost in the Court's budget reduction made in October 1, 2008. Additionally, the Clerk's office lost the mail clerk whose duties were assumed by the File Librarian with the assistance of the other members of the Clerk's staff.

Many employees of the Clerk's office have received a merit increase within the last seven years including Ms. Collins. Employees are not entitled to a pay raise other than a cost of living raises granted by the legislature unless merited by performance or as a result of a promotion and then such increases must be funded from existing budgeted funds. Some members of the clerk's office may not have received a pay increase because of the newness of their hire, work performance issues,

or the individual reaching the maximum salary warranted for that position.

3. We only replace window treatments when they are worn out. Window treatments are only provided to judges' suites in the Judicial Building and not to any of the other Court offices including the Banc Room in the 47 Trinity Avenue Building. Window treatments are usually at least 14 years old before they are considered for replacement. The former Chief Judge did receive new window treatments with FY2008 funds because they had not been replaced since 1984 (24 years) and were worn out.

Judges do not receive new window treatments or furnishings just because they want them. However, sometimes when a judge moves to a different office, maintenance items are addressed which may have been ignored by the predecessor such as worn or stained carpeting. If and when repair and maintenance monies are available to refurbish a suite, it is done on an as needed basis.

4. One administrative assistant position was left vacant for the last few months of 2008 as a part of the budget cost reduction by the Court for FY2009. The Court chose an experienced administrative assistant (the former administrative assistant of retired Judge Ruffin) to fill the vacant position in January 2009.

5. The Court does pay the base State Bar dues for the attorneys employed by the Court. The Court does not pay for section dues or any other bar association dues. This is the same practice as the Supreme Court of Georgia, the state Law Department, and is the common practice of most law

firms. This ensures that the staff attorneys remain in good standing with the State Bar as is required for work in their positions.

6. Each attorney must have 12 hours of continuing legal education (CLE) annually to maintain his or her good standing. More than five years ago, the Court in cooperation with the Atlanta Bar Association began to hold an annual in-house continuing legal education course for all its attorneys in order to reduce the expenses for six hours of CLE and to tailor the instruction to the educational needs for the staff attorney position. The State Bar permits in-house training for only six hours.

The Court does pay for the remaining six hours of CLE as does the Supreme Court of Georgia. The Court does not pay for more than the required 12 hours of CLE annually. Paying for the instruction ensures that all the Court's attorneys are well trained and in good standing with the State Bar.

Although occasionally in the past, the Court has permitted a few staff attorneys to attend the training offered by the Council of Appellate Staff Attorneys in an out-of-state location, those who attended this training received partial scholarships when available. All staff attorney CLE has been in-state for the last few years.

7. The Court has microfilmed its cases in the past in accordance with its record retention policy and in order to maintain space for the current cases in its file room. As a part of the recent cost reductions, microfilming has not been included in the current year budget.

Although scanners were purchased to be used with the e-filing project that project has been delayed due to budgetary cuts. Additionally, there is insufficient staff to use the scanner on a regular

basis to image documents after the loss of the mail clerk and two administrative assistants in the budget reduction.

8. It is my understanding that the Supreme Court has two employees working in this area. Also, the Clerk of the Supreme Court has recently had to assume additional fiscal duties such as budgeting and financial management. The fiscal office duties in the Court of Appeals include numerous duties performed by other personnel in the Supreme Court. The Court of Appeals Fiscal Office has broader duties and responsibilities and supports a Court almost twice the size of the Supreme Court. One Court of Appeals Fiscal Office employee was terminated as a result of the October 1, 2008 budget reduction.

9. The 2007 caseload for the Court was 3,280 cases of which 2,509 were direct appeals. That is an average of 209 direct appeals per judge and equals 70 direct appeals per staff attorney. A national standard which was promulgated a number of years ago by the National Center for State Courts provided that an appellate judge should have a workload of no more than 125 cases per year. Using the 2006 caseload statistics shown in the most recent report compiled by the National Center for State Courts, Georgia ranks eighth in number of filings per judge and fourth in the number of opinions per judge among the nation's intermediate appellate courts.

In the mid-1990s, it is true that the caseload reached a peak. (See the attached caseload chart for the years 1991 through 2008.) At that time, the judges and staff were having to carry an exceptionally burdensome caseload as was recognized by the legislature when it increased the size of the Court to ten judges in 1996 and then twelve judges in 1999.

Although the caseload is not as high as in those years, it has become more complex with larger records which must be read, reviewed and studied, more parties and issues, and more pro se litigants. The staff attorney must be adept at researching the law, reading through voluminous case records, some in excess of 50 bankers' boxes. The staff attorney must also research motions filed with the court which are not shown by a mere case count, and must draft bench notes, orders and opinions. The staff attorney must interpret the writing of many pro se litigants, which are sometimes unschooled, almost illegible, and unintelligible, to try to determine what they seek and whether any errors did occur in the trial court. These are not simple tasks and require a substantial amount of time to perform.

10. The setting of state holidays is a matter for the state legislature and not a matter for the Court's decision.

11. The current docket the Court uses is more than 20 years old. Such a system cannot really serve the Court well, cannot aid in the productivity of the Court, and does not perform in a manner that meets the expectation of the persons having cases in this Court. The design phase of the e-filing/new docket system has made headway, but the Court has had to delay the completion and implementation of the system due to the recent budget reduction. Continued delay reduces the service the Court can offer the public and wastes resources that might be saved such as postage and paper costs.

12. The Court has had a planning session away from its offices three times in ten years largely

to comply with state budgetary planning requirements. For example, the last session, was held to develop the strategic plan which is a requirement outlined by the Governor's Office of Planning and Budget. (Please see the attached FY2009-2011 Strategic Plan.) The Court's strategic plan is supposed to drive the budget and business initiatives. These planning sessions have not only allowed the Court to comply with the Governor's request to develop a strategic plan, but have been extremely useful in determining the short and long term needs of the Court and how best to serve the citizens of Georgia. Having the session away from the Court, where there are so many distractions, permits the judges to focus on the task and complete it timely. The Court planning sessions have never involved more than one night away from the office and at locations within a reasonable distance of Atlanta.

13. The Court has already restricted judges' travel and reduced all staff travel to only essential travel.

14. Staff members are not paid for any travel from home to work and back. The Court pays commuting travel to the judges only as required by statute. See OCGA §15-3-5. Judges are reimbursed for one round trip per week from their homes to the Court if they live 50 or more miles from the Court at the same rate Georgia legislators receive for mileage.

15. The Court reduced funds for new equipment and computers in its FY2009 budget reduction.

16. Chairs are not replaced unless worn or if there is a problem that might result in a Worker's

Compensation claim. Furniture is rated for determining a need for replacement.

Extra chairs and other furniture in good condition are reused.

17. Court stationery is not engraved, but contains raised printing. The Judges' stationery has a gold seal as does the stationery of the heads of a number of other state agencies. The Court does print new stationery each time there is a new chief judge or new presiding judge. Since Judge Barnes was replaced as Chief Judge she has been reusing her Chief Judge's stationery by whiting out the word "Chief". The cost of the Judges' stationery is not \$1.25 a sheet, but is \$.34.

18. The cost of the certificate given as proof of an attorney's admission to practice in this Court is covered by the admission fee. In fact the fee is slightly more than the cost of the certificate and mailing so that there is actually a positive income to the state from an admission.

19. The Court sends an 8 1/2 inch x 11 inch memorial certificate to judges of the superior or state courts in Georgia that pass away during the year. There were 30 certificates sent in the last four years which cost the Court about \$25 per year including the postage.

20. As mentioned before, employees have received raises as determined by the judges for exemplary performance, promotion, and to attract and retain the best employees.

21. Please see the caseload in number 9 above. The workload required for the caseload of the Court is not solely measured by the number of cases, but also by the number and complexity of the

issues in the case, the size of the record and the time deadlines for the work. The Court is required by the Constitution to dispose of its cases within strict time constraints. See Article VI, Section IX, Paragraph II Georgia Constitution of 1983.

22. Central staff researches and prepares memoranda indicating whether this Court has jurisdiction of an appeal, and if it appears the Court does not have jurisdiction, then the central staff attorney will draft an order of dismissal. The three judges on that panel do not just sign off on the order, but review the work of the central staff before approving a dismissal order. The reduction in the number of central staff attorneys is affecting how efficient and thorough the work of the Court will be and increases the work of the judges and the other staff attorneys on the Court. However, the Court determined a reduction in Central staff as well as a reduction in staff in other departments of the Court was necessary to meet its burden of cost reduction. The work of the Court will suffer from the loss of the central staff attorneys, but the Court hopes to restore those positions in the future.

The Court had to consider a number of factors in determining positions to be cut, including but not limited to, salaries, years of experience, work performance, office morale, and adaptability of staff. For instance, in the clerk's office the two terminated employees had two of the higher salaries among the staff. If other Clerk's office employees had been terminated, four rather than two employees would have been terminated. The Court of Appeals is not privy to how the Supreme Court organizes its administrative staff and those duties, but the Court of Appeals has determined that each judge needs a full-time administrative assistant.

24. In accordance with state policy to encourage telecommuting the Court has provided the tools

and permitted staff attorneys and personal staff to telecommute upon the approval of the supervising judge. Physical presence at the Court five days a week by all staff attorneys is not needed to perform the job well. Telecommuting benefits the environment and can reduce employee absences and tardiness and improve employee morale. The work productivity of the individual employee rather than the number of days the employee is situated at the Court should be and is the measure by which the Court determines the value of the employee.

The Clerk's office staff does not telecommute.

25. The microfilm is not of poor quality. In one year, there was a problem and the microfilm was refilmed by the service provider at no cost to the Court. Also, it should be noted that the quality of the microfilm is subject to the quality of the paper and print of the document filmed which is received from the attorneys and parties. The quality of the microfilm is spot-checked by the Clerk's office each year. Microfilm has been an inexpensive way to maintain permanent records in lieu of renting additional space to house these documents. A copy of the microfilm has been sent to State Archives since 1992 when the Archives initiated a policy refusing to store paper documents.

26. The Court car is used primarily by the judges to go to bar meeting, speeches, court functions and occasionally in the past off-site oral arguments. The Court car is also used to return original records and exhibits to trial courts. It is more efficient and safer to return these documents in this way. Originals of records and exhibits cannot be replaced if lost. Large records would be very expensive to ship. Trips to return records are only taken when it is cost efficient in terms of the number of needed returns and the trips are arranged to minimize mileage.

The Court car was used by the Clerk/Court Administrator and Deputy Administrator to attend the National Conference of Appellate Court Clerks last year in Pittsburgh, Pennsylvania. The expenses for the trip were less than the cost if both persons had traveled by air and had to use taxi or shuttle service to travel from the airport to the conference site and back.

The Court car was used 8,416 miles for state business in 2008. The Court car is a 2001 model which was paid for in either 2001 or 2002. The operating cost in the last year was less than \$100 per month which was less expensive than it would be to use the leasing agent under the state contract or to reimburse the judges for using their personal vehicles.

27. The Clerk's Office does have three copiers. The Clerk's office began selling briefs to Lexis Nexis and Thomson Reuters in 2008 for \$1 a page. One of the copiers is used primarily to reproduce these briefs. The second copier is primarily used for the general office work. The third copier is an older model the Court has kept for overflows and as a backup for when the primary copier has a breakdown or jam so that the work can continue until repairs are made.

28. See 26 above. The Court purchased a van from state surplus for \$600 a few years ago when two of the judges were located in the Equitable Building on Peachtree Street to transport records, documents, and mail back and forth to the Court. The van is still used and has been used to move equipment to our off-site database location, to deliver records to and retrieve records from the trial courts and to deliver records to and retrieve records from the microfilm service provider.

29. The costs of the renovations were determined by Georgia Building Authority based on our

mission and space needs. Furniture was replaced only as needed because of wear and because some of it would have fallen apart if moved. The old reception cubicle was moved to the file room for use by the file librarian so that new furniture did not have to be purchased for the file librarian. Other furniture was repaired and refinished and sent to other offices in the Judicial Building; some desks were sent to state surplus. Not all the Clerk's employees nor other employees in the 47 Trinity Avenue Building received new furniture. The Clerk/Court Administrator, Deputy Administrator, and Central Staff Attorneys are using refurbished desks. Some furniture was purchased for the Clerk's office to solve ergonomic problems, improve the workflow and records storage, and to replace worn out items.

30. The Clerk's Office space in 47 Trinity Building was designed with Georgia Building Authority according to the mission and space needs of the Court. Prior to the reduction, only one office was unassigned (which had been designated for a new position the Court was seeking in the original FY2009 budget request). The reduction in force did result in some vacant space. Hopefully, in a few years, the Court will be able to recover these needed positions and the space will then be utilized.

31. The scanners the Court purchased for the e-filing project are being used although not frequently at this time. The Court hopes to use them more frequently as the court reviews what can be accomplished without the e-filing/new docket. The Court also purchased a special printer for the opinions in anticipation of the progress of the e-filing/new docket project. The suspension of the use of this printer and the e-filing/new docket project is a result of the budget crisis. As soon as

funds are available to complete the e-filing/new docket project, the equipment will be put to use, if not sooner, for other projects.

32. The budget of the Court of Appeals is scrutinized by the legislature each year and its financial activities are audited by the Department of Audits and Accounts annually. The Court's fiscal records are open to review by the appropriate state authorities at any time.

33. Each judge's office operates as that judge deems most appropriate and efficient for his/her office. As mentioned earlier, telecommuting is a part of the Governor's vision for a new Georgia. Judges' staffs are often able to work at home via computers, verifying the accuracy of citations, proofing drafts of office of the Reporter of Decisions.

I know of no instance when any judge's staff member was called at his or her home and received an answer that, "I'm out shopping".

34. As mentioned earlier in item 14, judges receive a statutory travel allowance for one round trip from their home to the Court per week, if they live 50 miles or more from the Court. This statute was passed by the legislature and signed by the Governor. No one, other than the judges who qualify under this statute, receives any funds to travel to and from work.

35. In FY2008 the Court made a request for supplemental funds to replace the appropriation for rent that was deleted in the previous year's budget. Because of the shortage of the rent funds, the Court had to divert other operating funds to the Georgia Building Authority in order to make the rent

payments which are required under the Appropriations Act. When the Court received the needed appropriation, the Court was able to utilize the original budget for those items which had previously supplemented the shortfall. Previously scheduled and postponed equipment, etc. were only able to be purchased when the appropriated funds were available.

36. The judges of the Court of Appeals live in all parts of the state. The Governor has encouraged state employees to telecommute and the Court has provided equipment so that the judges can work as well at home as at their desk. This equipment has been particularly valuable as two of the Court's judges have been undergoing treatment for cancer. Because of this equipment, those judges have been able to remain productive.

37. Several of the judges have attended the University of Virginia Masters of Law's in Judicial Process program. It is the only program of its type in the country and provides intensive continuing judicial education. Judges attend only by invitation. For the last ten years, the judges attending the program have obtained partial scholarships to attend. No judge of this Court has attended the program since 2003. All the judges who attended this program served several years on this bench before attending.

In regards to the shipping of supplies to a judge attending this school, if we did ship some supplies, they would have been for the judge to continue working while at the school and have been obtained from supplies on hand or purchased at a state discount and state sales tax free. If the supplies had been purchased at the school site, they would have had to be purchased at a higher retail rate including a state sales tax.

If you have any questions about these responses to Ms. Collins' allegations, please do not hesitate to contact me.

Sincerely,

M. Yvette Miller
Chief Judge

cc: Representative Ben Harbin, House Appropriations Chair
Members, Public Safety Subcommittee, House Appropriations



The State of Georgia Civil Rights Department -

The Georgia Commission on Equal Opportunity

Suite 1002 - West Tower
2 Martin Luther King, Jr. Drive, S.E.
Atlanta, Georgia 30334
404-656-1736 / 1-800-473-OPEN

FEB 13 2009

TRANSMITTED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT AND TIME-SENSITIVE DOCUMENTS

February 12, 2009

Honorable M. Yvette Miller, Chief Judge
Court of Appeals of Georgia
47 Trinity Avenue
Atlanta, GA 30334

Re: Sheila Collins v. Court of Appeals of Georgia, Georgia Commission on Equal
Opportunity Case No. A9-0004, U.S. EEOC Case No. 11B-2009-00066

Dear Ms. Miller:

Pursuant to the provisions and requirements of the Georgia Fair Employment Practices Act of 1978, as amended, Official Code of Georgia Annotated §45-19-20 et seq., I herewith am serving Respondent Court of Appeals of Georgia with the following enclosed documents in the above-captioned matter:

- (1) Complaint of Discrimination;
- (2) Administrator's First Interrogatories to Respondent; and
- (3) Verification form to be notarized and returned with answers to Interrogatories.

You, or your designee on behalf of Respondent Court of Appeals of Georgia, are required under said Georgia Fair Employment Practices Act to serve respondent's verified answers to the enclosed Administrator's First Interrogatories to Respondent within fifteen (15) calendar days of the date of your receipt of service hereof as shown on the Certified Mail Return Receipt executed in connection with your receipt of this mailing.

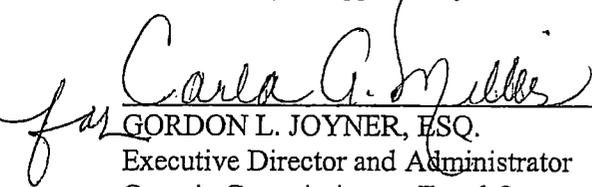
THE GEORGIA FAIR EMPLOYMENT PRACTICES STATUTE DOES NOT CONTAIN ANY PROVISION OR AUTHORIZATION FOR EXTENDING THE TIME SET FOR THE SERVICE OF ANSWERS TO INTERROGATORIES WHICH HAVE BEEN SERVED BY THE GEORGIA COMMISSION ON EQUAL OPPORTUNITY IN THE COURSE OF A COMPLAINT INVESTIGATION. ACCORDINGLY, EXTENSION OF THE TIME FOR THE SERVICE OF

Equal Opportunity is for *Everyone!*

INTERROGATORY ANSWERS IS NOT PERMITTED AND WILL NOT BE GRANTED. SAID ANSWERS ARE REQUIRED TO BE SERVED ON A TIMELY BASIS. THE DATE OF SERVICE OF INTERROGATORY ANSWERS IS THE DATE OF POSTMARK OR OF HAND-DELIVERY.

Respondent's said service shall be made upon me as Administrator. Please specifically note the statutory requirements referred to and incorporated in the preamble to said Interrogatories. Respondent's cooperation with the investigation by the Georgia Commission on Equal Opportunity of the herein complaint alleging unlawful employment discrimination is required by the Georgia Fair Employment Practices Act. Please feel free to contact Compliance Officer Carla Miller 404-656-5391 upon your receipt of service of this mailing if you have any questions and/or if your agency requests any technical assistance from the Georgia Commission on Equal Opportunity in the preparation of your response to the enclosed Interrogatories.

Yours for Equal Opportunity,


for GORDON L. JOYNER, ESQ.
Executive Director and Administrator
Georgia Commission on Equal Opportunity
Office of the Governor

Enclosures (3)
GLJ/cam

**GEORGIA COMMISSION ON EQUAL OPPORTUNITY
EQUAL EMPLOYMENT DIVISION
STATE OF GEORGIA**

SHEILA COLLINS)	
)	
Complainant,)	
)	GCEO Case No. A9-0004
v.)	U.S. EEOC Case No. 11B-2009-00066
)	
COURT OF APPEALS OF GEORGIA)	
)	
)	
)	
Respondent.)	

To: M. Yvette Miller, Chief Judge

ADMINISTRATOR'S FIRST INTERROGATORIES TO RESPONDENT

COMES NOW Gordon L. Joyner, Executive Director and Administrator of the Georgia Commission on Equal Opportunity, and pursuant to the Georgia Fair Employment Practices Act of 1978, as amended, O.C.G.A. § 45-19-20, et seq., hereby propounds the following Interrogatories to Respondent in the above-captioned matter of alleged unlawful employment discrimination. Respondent's Commissioner, or the express designee thereof, is required to answer said Interrogatories separately and fully in writing under oath (verified) and to serve a copy of said answers upon the Administrator within fifteen (15) days after service of these Interrogatories on Respondent.

THE GEORGIA FAIR EMPLOYMENT PRACTICES STATUTE DOES NOT CONTAIN ANY PROVISION OR AUTHORIZATION FOR EXTENDING THE TIME SET FOR THE SERVICE OF ANSWERS TO INTERROGATORIES WHICH HAVE BEEN SERVED BY THE GEORGIA COMMISSION ON EQUAL OPPORTUNITY IN THE COURSE OF A COMPLAINT INVESTIGATION. ACCORDINGLY, EXTENSION OF THE TIME FOR THE SERVICE OF INTERROGATORY ANSWERS IS NOT PERMITTED AND WILL NOT BE GRANTED. SAID ANSWERS ARE REQUIRED TO BE SERVED ON A TIMELY BASIS. THE DATE OF SERVICE OF INTERROGATORY ANSWERS IS THE DATE OF POSTMARK OR OF HAND-DELIVERY.

The Statute

The above-referenced statute (hereinafter referred to as “Georgia’s Fair Employment Law”), states and provides at § 45-19-21 thereof that the general purposes of this statute are to safeguard all individuals in public employment from discrimination in employment and to promote the elimination of discrimination against all individuals in public employment because of such individuals’ race, color, religion, national origin, sex, disability, or age. Said section further states and provides that this statute shall be broadly construed to further said general purposes.

Georgia’s Fair Employment Law states and provides at § 45-19-22(6) that “public employment” means employment by any department, board, bureau, commission, authority, or other agency of the State of Georgia, and said statute states and provides at § 45-19-36(a) that “respondent” means an employer charged with an alleged unlawful practice.

Georgia’s Fair Employment Law states and provides at § 45-19-27 that in the enforcement of this statute the Administrator shall have the power and duty to receive, initiate, investigate, seek to conciliate, and make determinations regarding complaints alleging violations of this statute, and that the Administrator shall have the power and duty to require answers to interrogatories, examine witnesses, and require the production of documents so long as it is relevant to the investigation of a complaint.

Georgia’s Fair Employment Law states and provides at § 45-19-44 that it shall be an unlawful practice for a person willfully to obstruct or prevent a person from complying with this statute or with any order issued under this statute or to resist, prevent, impede, or interfere with the Administrator or any of his representatives or employees in the lawful performance of duty under this statute, and that any person who willfully violates this Code section may be punished by a civil fine not to exceed \$1,000.00.

I. Definitions

The following definitions and directions apply to these Interrogatories:

- A. As used in these Interrogatories, the terms “you,” “your,” and “Respondent” include Court of Appeals of Georgia, its employees, personnel, staff, agents, representatives, investigators, attorneys, or any other persons who are in possession of or may have obtained information for Court of Appeals of Georgia or on its behalf, and any other persons known by said Respondent to be acting or purporting to act for said Respondent or on its behalf.

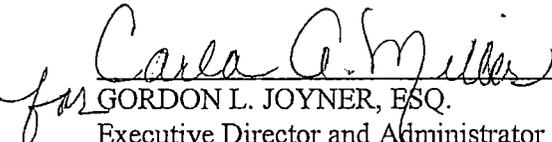
- B. As used in these Interrogatories, the terms “describe” and “identify” mean to fully explain the matter or circumstance asked about, including in the case of a natural person to state his or her full name and last known business and home addresses and telephone numbers.
- C. Protected activity is defined as having filed a complaint of unlawful employment discrimination and/or having opposed unlawful employment discrimination. Protected activity is also defined as having testified, assisted, or having participated in any manner in any investigation, proceeding, or hearing concerning unlawful employment discrimination. Any complaint, involvement in any proceeding or opposition to unlawful employment discrimination **must always** include one or more of the following unlawful bases: race, sex (including sexual harassment), color, national origin, religion, disability or age. Any request for reasonable accommodation due to a disability and/or due to one’s religion is also considered as having participated in protected activity.

II. Interrogatories

1. Identify each person who assisted or in any way participated in the preparation of the answers to these Interrogatories. Please include the position/job title for each.
2. Fully state respondent Court of Appeals of Georgia’s response to Complainant’s allegations that her position was eliminated and she was rified from her position, Deputy Clerk on or about August 27, 2008, because of her age, 60.
3. Identify and describe all documents that reflect the policies, procedures or established practices regarding reduction in force as alleged on the complaint of unlawful discrimination.
4. Identify all person(s) involved in the decision making process regarding the reduction in force decisions alleged by Complainant in her complaint of unlawful discrimination. Include the date of birth and the position/job title at the time of the employment actions for each person identified.
5. Identify all employees under William M. Martin III (including Complainant) whose position was eliminated or abolished from August 1, 2007 through January 31, 2009. For each person listed include the date of birth, position/job title and position number for each.
6. Identify a staffing pattern in organizational chart format of all employees under Martin (including Complainant and Martin) as of July 1, 2008 **and** October 1, 2008. For each person listed include the position/job title, date of birth, position number and yearly salary. Also, provide the date of hire to the Georgia Court of Appeals and years of service to the State of Georgia.

7. If Complainant's performance was a factor in Respondent's employment decision, identify and fully describe Complainant's areas of unsatisfactory performance and provide all supporting documentation, i.e. counseling sessions, reprimands, performance evaluations, etc.
8. Provide a statement from William Martin III, Clerk and Court Administrator of the Court of Appeals of Georgia responding to Complainant's assertion that he promoted a much younger person to the position of "Deputy Clerk" two weeks after Complainant's departure.
9. Identify all positions under Martin that were subjected to an intended and/or executed reduction in force between July 1, 2008 and January 31, 2009. Provide the job title, date of birth, effective date of separation, yearly salary at the time of separation and position number for each.
10. Identify and fully describe or provide a copy of the employment transaction form or Human Resources data for Complainant that includes the position title, position, description, and the position number.
11. Provide a statement that directly responds to paragraph two in Complainant's statement of harm regarding younger employees who were retained.
12. Provide a list of all persons who were not subject to an intended and/or executed reduction in force, who were subject to a change in job titles between July 1, 2008 and January 31, 2009. Please provide old job titles with position number and new job title with position number as well as the reason for the change. Also, include the date of birth, change in salary and date of change for each person affected.
13. Provide a list of the measurable criteria used to determine what positions/persons were to be subjected to a reduction in force. Please list all other criteria used in determining which position/person would be subjected to a reduction in force.

Respectfully submitted,


for GORDON L. JOYNER, ESQ.
Executive Director and Administrator
Georgia Commission on Equal Opportunity
Office of the Governor

Suite 1002 - West Tower
2 Martin Luther King, Jr. Drive S.E.
Atlanta, Georgia 30334
404-656-1736

VERIFICATION

COUNTY OF _____

STATE OF GEORGIA

Personally appeared before me, the undersigned officer duly authorized by law to administer oaths, _____, who, after first being duly sworn, deposes and says that she/he is the express designee of Respondent in the herein matter, that she/he has read Administrator's First Interrogatories To Respondent and the foregoing responses thereto, that she/he is competent to verify said responses and the information stated and contained therein, and that she/he does hereby verify said responses as being true, accurate, and correct based on her/his knowledge, information, and belief.

Respondent's Express Designee

Position Title with Respondent

Sworn to and subscribed
before me this _____
day of _____,
2009.

Notary Public

GEORGIA COMMISSION ON EQUAL OPPORTUNITY
IN THE EQUAL EMPLOYMENT DIVISION
STATE OF GEORGIA

Sheila Collins)
)
)
Complainant,)
)
v.) GCEO NO. A9-0004
) EEOC NO. 11B-2009-00066
)
Court of Appeals of Georgia,)
)
)
Respondent.)

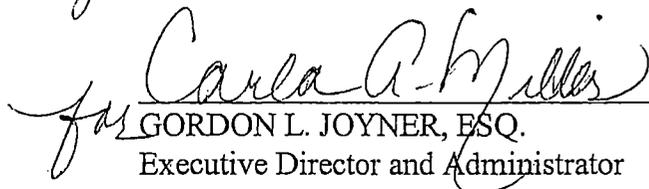
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing
Administrator's First Interrogatories to Respondent by depositing a copy of same in the U.S.

Postal Service addressed as follows for delivery to said Respondent:

Honorable M. Yvette Miller, Chief Judge
Court of Appeals of Georgia
47 Trinity Avenue
Atlanta, GA 30334

This 12th day of February, 2009


for GORDON L. JOYNER, ESQ.
Executive Director and Administrator

GEORGIA COMMISSION ON EQUAL OPPORTUNITY
Suite 1002 - West Tower
2 Martin Luther King, Jr. Drive S.E.
Atlanta, Georgia 30334

GCEO No.: A90004
EEOC No.: 11B-2009-00066C

Fields in this box to be completed only by GCEO officials

FEB 13 2009

revised 01/09

Employment Discrimination Complaint
Georgia Commission on Equal Opportunity

Please type or print legibly. Please note that attachments will not be accepted as a substitute for completion of this form.

1. Complainant Information

Mr. (Ms.) Sheila H. Caldwell
(circle one) First Name Middle Initial East Name
4344 Faye Ct
Street Address

Apartment, Post Office Box, Route Number, etc.

Conyers Ga 30013
City, State and ZIP code

NA
Work Telephone Number

11-22-82
Original Date of Hire

E-mail Address

770 483-2397
Home Telephone Number

Cell Telephone Number

Deputy Clerk
Job Title (Identify your job title at the time of the adverse employment action)

2. Respondent Information (Please fill in the contact information for the agency that you believe discriminated against you.)

Court of Appeals of Georgia
Agency Name

47 Trinity Ave
Agency Street Address

Atlanta Ga 30334
Agency City, State and ZIP code

404 656-2456
Agency Phone Number

3. Issues

Please check only those issues that reflect adverse employment action(s) taken against you within the last 180 days. Please include the relevant date(s) upon which you first became aware the action(s) had been taken in the space marked "Date of Action(s)." Please use month/date/year format for all dates.

Discharge Forced Resignation Date of action(s) _____

Demotion Involuntary Transfer Date of Action(s): _____

Position/job title from which you were demoted/transferred: _____

Position/job title to which you were demoted/transferred: _____

Failure to Hire Failure to Promote

For failure to hire and/or failure to promote give date(s) you became aware that you had not been selected for the position.

Date of Notification of Non-Selection : _____

The job title of the position for which you applied: _____

Disciplinary Action

Type of action (reprimand, suspension, letter of concern, etc.) _____

Date of action(s) _____

Denied Reasonable Accommodation of a Disability or for Religious Beliefs (Do NOT use this section unless you have been denied accommodation for your RELIGIOUS BELIEFS or your DISABILITY.)

Date of request for reasonable accommodation _____

Most recent date of denial of request for reasonable accommodation. _____

Brief description of reasonable accommodation requested _____

Other action(s) Type of action(s) Rifled Reduction in force Date of action(s) 8/27/2008 Notified
9/30/2008 effective

4. **Statement of Personal Harm** (Briefly describe the negative employment action[s] about which you are complaining including the reason[s] why you believe you were unlawfully discriminated or unlawfully retaliated against.)

On August 27, 2008, my immediate supervisor, William L. Martin III, Clerk and Court Administrator of the Court of Appeals of the State of Georgia, told me that due to the State budget crisis that I was being rifled. He stated that I was 60 years old and I had over twenty-five years toward my retirement and that I could retire.

I believe that the state budget "crisis" was used as a pretext or false excuse to terminate me from my employment. Eight other employees of the Court over the age of 40 were also rifled. Some of the rifled employees did the same work and made the same salaries as some of the younger employees who were not rifled. The rifled employees had considerable more experience than those retained.

My duties as Docket Clerk were given to a much younger person the day after I left the Court. She was promoted to the position I held of "Deputy Clerk" by Mr. Martin within about two weeks of my departure. My position was not eliminated, I was eliminated.

A letter to me from then Chief Barnes dated August 29, 2008 stated, "Unfortunately, this means that several staff positions will be eliminated as of October 1, 2008." The letter further stated, "As an employee terminated as a result of the reduction in force, ...".

I was forced to retire at age 60, despite the fact that I had been with the Court since 1982 and needed only four years and two months additional service time to obtain full retirement benefits. Other Court employees who earned much more money than I earned and were closer to, or had their full retirement met, were not rifled due to the so called budget "crisis".

In sum, I believe that I was unfairly the target of illegal age discrimination employment

5. Bases of Discrimination

Fill in the blanks ONLY for those categories you believe influenced the discriminatory actions taken against you. "I believe I was discriminated against because of..."

Race _____

Color Light or Dark
circle one

Religion _____

Disability

Age (40+) 07131148
if claiming age, you MUST give your date of birth: mm/dd/yy

Unlawful Retaliation *(For having participated in a protected activity as defined below.)

National Origin _____

**Protected activity is defined as having opposed unlawful employment discrimination in any manner and/or having requested reasonable accommodation for your disability or religion.*

Sex _____

VERIFICATION

I swear or affirm that the information provided in this complaint is true and correct to the best of my knowledge, information and belief. I further swear and affirm under penalty of law, that the information contained herein does not constitute a frivolous or unwarranted complaint of unlawful discrimination as described within the Fair Employment Practices Act of 1978 (O.C.G.A. §45-19-44[6] and §45-19-45[5]).

Sheila H Collins
Complainant's Signature

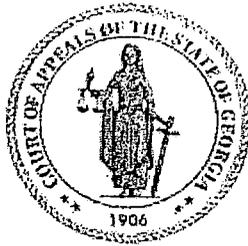
11/30/2009
Date

To be completed by a Notary Public:

COUNTY OF Henry
STATE OF GEORGIA

Personally appeared before me, the undersigned officer duly authorized by law to administer oaths, Sheila H Collins, who, after first being duly sworn and affirmed, (Complainant's name here) deposes and says that s/he is fully competent to verify and testify as to the matters referred to and inquired about herein and that s/he does hereby verify the foregoing information.

Sworn to and affirmed
before me this 30
day of November, 2009.
John K. Butler
Notary Public
Notary Public, Henry County, Georgia
My Commission Expires Sept. 20, 2009



Court of Appeals

Memorandum

To: Chief Judge M. Yvette Miller

From: Jan R. Kelley *JK*
Director, Fiscal Services

Subject: FY 2009 Budget Status

Date: April 3, 2009

Bill Martin has asked me to detail to you how we will be able to go forward with our docket upgrade absent the funds we requested from the House and Senate Appropriation Committees. Currently, my end of year budget projections for FY 2009 show we should have more than \$120,000 based upon our current spending levels. I also project we will receive another \$40,000 from our sale of briefs to Lexis-Nexis and WestLaw.

With the balance of \$120,000, which we expect to have based upon our ordinary expenditures and the additional \$40,000 we received from selling copies of our Briefs, we should have somewhere around \$160,000. Since the docket upgrade was projected to cost \$147,900, this should adequately cover the cost of the upgrade.

We are able to do this because the Court took action early with the reduction in force in October 2008, and because of the conservation efforts of all Court personnel in reducing spending in all areas. I have attached a budget analysis showing the current projected variance by each expense line item, if you are interested in that detail. Please note that the additional \$40,000 revenue figure previously mentioned is not shown on the budget analysis since it has not yet been received. Currently, we have outstanding receivables for copy fees already earned in the amount of \$21,961.

TO: Chief Judge M. Yvette Miller
SUBJECT: FY2009 Budget Status
DATE: April 3, 2009
PAGE: 2

The FY 2010 Appropriation Bill has reduced our budget by 7%. The Court had prepared for budget reductions between eight and ten percent. Also, the reduction in force in October 2008, left the Court with the ability to manage a reduction of nearly ten percent without furloughs. We cannot guarantee that the Legislature will not further reduce our 2010 appropriation in the next year supplemental budget, and of course that would be based on revenues the State receives, but it does leave us with the ability to address our docket upgrades with either FY 2009 or FY 2010 funds.

/ld

**COURT OF APPEALS OF GEORGIA
BUDGET PROJECTION - AMEND**

AS OF

March 31, 2009	7/1/08 - 6/30/09 REV/EXPENSES	PENDING COMMITMENTS	REQUESTS	COMMENTS	TOTAL COMMITTED	PROJECTED EXPENSES/REV	TOTAL PROJECTED EXPENSES/REV	BUDGET	VARIANCE	VARIANCE %
<u>REVENUE</u>										
APPROPRIATION	11,385,934	1,279,779			12,665,713		12,665,713	12,665,713	-	100%
REVENUE - COPY FEES	176,680				176,680		176,680	150,000	26,680	118%
OTHER FUNDS	-				-		-	-	-	0%
	176,680	-	-	-	176,680		176,680	150,000	26,680	118%
TOTAL REVENUE	11,562,614	1,279,779	-	-	12,842,393		12,842,393	12,815,713	26,680	100%
<u>EXPENSES</u>										
PERSONAL SERVICES										
REGULAR SALARIES	6,501,547	2,123,960		- POSTED	8,625,507		8,625,507	8,753,038	(127,531)	99%
ANNUAL LEAVE	133,399	-			133,399	20,010	153,409	30,000	123,409	511%
SUPPLEMENTAL PAY	-	-			-		-	-	-	0%
LABOR-PERMANENT	-	-			-		-	-	-	0%
LABOR-TEMPORARY	9,700	-		- POSTED	9,700		9,700	9,700	-	100%
									-	0%
EMPLOYER FICA	426,313	161,941		- POSTED	588,254	1,531	589,785	631,389	(41,604)	93%
EMPLOYER RETIREMENT	719,794	237,989		- POSTED	957,783	8,343	966,127	964,950	-	100%
EMPLOYER HEALTH INSURANCE	1,170,680	-			1,170,680	4,435	1,175,115	1,145,698	29,417	103%
PERSONAL LIABILITY INSURANCE	-	-			-		-	-	-	0%
UNEMPLOYMENT INSURANCE	7,480	-			7,480		7,480	6,482	998	115%
WORKER'S COMPENSATION	12,362	-			12,362		12,362	12,069	293	102%
MERIT SYSTEM ASSESSMENTS	14,333	-			14,333		14,333	13,818	515	104%
DRUG TESTING	-	-			-		-	-	-	0%
EMPLOYEE PHYSICAL EXAMS	-	-			-		-	-	-	0%
TOTAL PERSONAL SERVICES	8,995,607	2,523,890	-		11,519,497	34,319	11,553,816	11,567,144	(13,328)	100%

**COURT OF APEALS OF GEORGIA
BUDGET PROJECTION - AMEND**

AS OF

March 31, 2009	7/1/08 - 6/30/09 REV/EXPENSES	PENDING COMMITMENTS	REQUESTS	COMMENTS	TOTAL COMMITTED	PROJECTED EXPENSES/REV	TOTAL PROJECTED EXPENSES/REV	BUDGET	VARIANCE	VARIANCE %
OPERATING EXPENSES										
POSTAGE	19,730	-	-		19,730	10,625	30,355	33,550	(3,195)	90%
MOTOR VEHICLE EXPENSE	2,490	-	-		2,490	246	2,736	2,090	646	131%
PRINTING & PUBLICATIONS	7,025	100	-		7,125	8,184	15,309	18,250	(2,941)	84%
SUPPLIES & MATERIALS	55,485	2,292	-		57,777	25,789	83,567	103,859	(20,292)	80%
REPAIRS & MAINTENANCE	11,203	1,669	-		12,872	2,361	15,233	20,000	(4,767)	76%
EQUIPMENT >\$1K-<\$5K	-	-	-		-	-	-	-	-	0%
RENTS OTHER THAN REAL ESTATE	1,757	-	-		1,757	438	2,195	3,855	(1,660)	57%
INSURANCE & BONDING	2,512	-	-		2,512	-	2,512	2,570	(58)	98%
FREIGHT EXP	1,118	-	-		1,118	900	2,018	3,500	(1,482)	58%
OTHER OPERATING EXPENSES	21,855	-	-		21,855	38,094	59,949	59,682	267	100%
TRAVEL EXPENSES	38,472	-	-		38,472	15,865	54,337	78,000	(23,663)	70%
EQUIPMENT	-	-	-		-	-	-	-	-	0%
COMPUTER EQUIPMENT	10,933	-	-		10,933	-	10,933	15,000	(4,067)	73%
I.T. EXP - SUPPLIES & MATERIALS	2,614	-	-		2,614	3,450	6,064	12,000	(5,936)	51%

**COURT OF APEALS OF GEORGIA
BUDGET PROJECTION - AMEND**

AS OF

March 31, 2009	7/1/08 - 6/30/09 REV/EXPENSES	PENDING COMMITMENTS	REQUESTS	COMMENTS	TOTAL COMMITTED	PROJECTED EXPENSES/REV.	TOTAL PROJECTED EXPENSES/REV.	BUDGET	VARIANCE	VARIANCE %
I.T. EXP - REPAIRS & MAINTENANCE	11,018	-	-		11,018	570	11,588	10,050	1,538	115%
I.T. EXP - I.T. EQUIP <\$5K	905	25,988	-		26,893	-	26,893	10,787	16,106	249%
I.T. EXP - RENTAL NOT RE	6,720	-	-		6,720	4,000	10,720	12,000	(1,280)	89%
SOFTWARE CAPITALIZED	495	-	-		495	-	495	-	495	100%
SOFTWARE NOT CAPITALIZED	567	-	-		567	1,440	2,007	10,600	(8,593)	19%
SOFTWARE MAINTENANCE & SUPPOR	21,247	45	-		21,292	3,100	24,392	27,745	(3,353)	88%
REAL ESTATE RENTALS	513,890	-	-		513,890	171,297	685,187	685,187	(0)	100%
I.T. RENTALS	-	-	-		-	-	-	-	-	-
INFRASTRUCT & TELECOMMUNICATIO	-	-	-		-	-	-	11,648	(11,648)	0%
VOICE/DATA COMM SVC-GTA BILLINGS	41,762	-	-		41,762	15,965	57,727	49,000	8,727	118%
VOICE/DATA COMM SVCS-DATA-NOT G	3,097	-	-		3,097	1,501	4,598	4,600	(2)	100%
VOICE/DATA-OTHER NOT GTA	21,695	-	-		21,695	5,600	27,295	28,280	(985)	97%
PROFESSIONAL SVCS	1,176	-	-		1,176	588	1,764	1,800	(36)	98%
PROFESSIONAL SVCS-EXP	-	-	-		-	-	-	-	-	0%
PROFESSIONAL SVCS-I.T.	19,600	7,600	-		27,200	2,500	29,700	44,516	(14,816)	67%
PROFESSIONAL SVCS-I.T. EXP	-	-	-		-	-	-	-	-	0%
OTHER CONTRACTUAL SVCS	-	-	-		-	-	-	-	-	0%
TOTAL OPERATING EXPENSES	817,366	37,694	-	-	855,060	312,512	1,167,572	1,248,569	(80,997)	94%

**COURT OF APEALS OF GEORGIA
BUDGET PROJECTION - AMEND**

AS OF

March 31, 2009	7/1/08 - 6/30/09 REV/EXPENSES	PENDING COMMITMENTS	REQUESTS	COMMENTS	TOTAL COMMITTED	PROJECTED EXPENSES/REV	TOTAL PROJECTED EXPENSES/REV	BUDGET	VARIANCE	VARIANCE %
TOTAL EXPENSES	9,812,972	2,561,585	-	-	12,374,557	346,831	12,721,388	12,815,713	(94,325)	99%
REMAINING AVAILABLE	1,749,642	-	-	-	467,836	(346,831)	-	-	-	
	\$	-	VARIANCE							
TOTAL STATE FUNDS										
OTHER FUNDS										
EXCESS OTHER FUNDS										
TOTAL FUNDS							12,721,388	12,815,713	(94,325)	99%

PERSONAL SERVICES

+/- OBJ CLASS TRANSFER

PERSONAL SERVICES AFTER OBJECT CLASS TRANSFER

ADD: OTHER FUNDS

REVISED PERSONAL SERVICES BUDGET

TRF

11,553,816	11,567,144	(13,328)	100%
	-	-	
11,553,816	11,567,144	(13,328)	100%
	-	-	
11,553,816	11,567,144	(13,328)	100%

OPERATING EXPENSES

ADD: OTHER FUNDS

REVISED OPERATING BUDGET

1,167,572	1,248,569	(80,997)	94%
	26,680	(26,680)	
1,167,572	1,275,249	(107,677)	92%

TOTAL STATE FUNDS

PLUS/(MINUS): EXCESS/(DEFICIT) OTHER FUNDS

STATE FUNDS

12,721,388	12,815,713	(94,325)	99%
-	26,680	(26,680)	
12,721,388	12,842,393	(121,005)	99%

SHBP

VARIANCE

-
-

(121,005)



Court of Appeals

Memorandum

To: Bill Martin
From: John Ruggeri
Subject: IT Status Report 4/13/09
Date: April 13, 2009

eFaST Project Schedule - We are working on Phase I part 1 of our going forward plan with Trivir that will permit us to efile against our existing docket system. This phase allows us to register attorneys to e-file, allows them to e-file against direct appeals, we can collect fees, the clerk's office can review the e-filed documents and approve them. The approved filings will update our current docket system and the documents will be available to the Judge's office through a very basic document management tool.

The work for this phase begun last week in earnest. We have segmented the work for this phase 1.1 into 8 segments. We will test each segment as they are completed on a weekly basis. We anticipate phase 1.1 to be complete by June 15. We have built some time into the schedule to allow for feedback and corrections as we go.

We have projected out the following schedule for Phase 1:

- 1.1 - Attorney registration, efilings and clerk's office review - 6/15
- 1.2 - Scanning mailed filings and clerk's office review - 7/13
- 1.3 - Efilings of Court orders/ actions thru clerk's office to parties - 8/10
- 1.4 - Efilings of Court Opinions thru clerk's office to parties - 9/30

The plan is to complete these steps and integrate them against our current docket.

Since we will begin to docket to the Jan 10 calendar in mid August, we will be able to permit efilings for those cases in August. We will be far enough along the development path to encourage attorneys to register and efile documents in September 09.

Phase 2 of the current eFaST plan is to complete our New Docket requirements documentation. We plan on leveraging the work that is being done for phase 1 so that it helps us complete the New Docket requirements phase. We have not set a firm date to begin this phase because we do not want to pull our attention away from our work on phase 1. But, I expect to begin work on finishing the New Docket requirements by end of June. We should be working on the scanning of paper filings at that time, which will involve a separate contractor, this should free up some resources at Trivir to complete our New Docket requirements.

Phase 3 is the development and implementation of our New docket system. It requires a new contract with Trivir. The sooner that we sign a contract the better we can schedule its integration into our ongoing phases. If we signed a contract before the end of this current

fiscal year, we can then expect that we would have to option to convert to the New docket in the beginning of 2010. The way that we are designing our work on the existing docket and e-filing phases will permit us to begin e-filing in August, if the Court is ready, while we implement the New docket. We plan on having the ability to swap out the old and new dockets at anytime without having to redo the majority of work that was just completed in phase 1. The Court staff will need some training on the New docket so we anticipate our conversion in the beginning of the April 2010 term. Another advantage of signing our New docket contract as soon as possible, is that Trivir can be certain of its work and continue to schedule its developers to work on our projects. As a going concern, Trivir must schedule their resources to perform their work for their existing contracts. The sooner that we can sign a contract, the better our chances that we can keep Trivir's developers working on our projects on a continuous bases and not have further delays while Trivir finishes other contracts.

40b Motions in DTSearch - We just completed scanning in the 2009 emergency motions. We now have all of 2008 and are current with 2009. We plan on deploying the new emergency motions index into everyone's DTSearch tool on Wednesday 4/15. We have automated a way to deploy the index to all offices, we have gone through testing and have not had any negative feedback from the offices we have tested with.

Other - We continue to work on our running lists of miscellaneous projects and

maintenance items along with eFaST development and help desk support. As the end of the fiscal year approaches, I am working on all of our audits and negotiations for the renewal of our annual software and hardware maintenance contracts. As I do every year, I will be working with all of the members of the JBAN to refine our yearly maintenance purchases and reduce costs where ever we can. I will keep you posted as we get ready to submit those PO requests in June. Here is a list of the projects that we will be working on over the next 3-5 months:

- eFaST
- Annual Sw/Hw maintenance renewals
- Kofax Scanner installations
- GroupWise upgrade
- Checkpoint home firewall configurations
- Judge home fax machine installs
- Access Manager security gateway installation
- Clerk's office fax conversion
- Server Virtualization design and training (ESX)
- ZENworks 10 design, training and testing
- McAfee ePolicy Orchastrator
- Mirapoint Virus/Spam gateway futures
- Desktop Virus/Spam scanning futures
- EOY purchasing

Items we completed in March/ April:

- RAM upgrade NX5000 Laptops
- ZEN 7 server maintenance
- SAN Upgrade DC and Colo
- Checkpoint firewall Maint. extension to FY10
- eFaST cluster upgrade to OES2 SP1
- Efast Phase 1 project plan

Inventory of all IT items with Fiscal office
Server Virtualization of GroupWise Messaging Sync Server
Server Installation of Blackberry Enterprise Server
40b motions Index in DTSearch (complete 4/15)

**MINUTES OF THE BANC MEETING
OF THE COURT OF APPEALS OF GEORGIA**

Wednesday, February 18, 2009 10:30 a.m.

The February Banc Meeting of the Court of Appeals of Georgia was held in the Court of Appeals Banc Room, Suite 501, 47 Trinity Avenue, S.W., Atlanta, Georgia at 10:30 a.m. on Wednesday, February 18, 2009. Those present were:

Chief Judge M. Yvette Miller
Presiding Judge Gary B. Andrews
Presiding Judge Edward H. Johnson
Presiding Judge G. Alan Blackburn
Judge Anne Elizabeth Barnes
Judge John J. Ellington
Judge Herbert E. Phipps
Judge Charles B. Mikell
Judge A. Harris Adams
Judge Debra Bernes
Judge Sara L. Doyle
Mr. William L. Martin, III, Clerk/Court Administrator

Not in attendance was:

Presiding Judge J.D. Smith

I. **CALL MEETING TO ORDER:**

Chief Judge Miller called the meeting to order at 10:30 a.m.

II. **APPROVAL OF MINUTES:**

Judge Mikell made a motion to waive the reading of the Minutes and approve them as submitted. The Motion was seconded by Judge Adams and passed unanimously.

III. SHEILA COLLINS LETTER/RESPONSE:

Chief Judge Miller asked the indulgence of the Banc to take one item out of order, the letter from Sheila Collins and any proposed response. Chief Judge Miller also said late Friday afternoon she received interrogatories from an EEOC complaint from Ms. Collins. Chief Judge Miller said the matter has been turned over to the Attorney General's office and she or Mr. Martin would meet with the assigned attorney from the Law Department.

There was a brief discussion as to whether the Court should formulate a response. Presiding Judge Andrews said any response made by the Court should preserve the lines of separation of powers. He said the Legislature has the right to set our budget but does not have the right to dictate how the Court operates. Presiding Judge Johnson said until the Court hears from the Legislature, no response should be forthcoming.

Chief Judge Miller asked Judge Ellington how he came into possession of the letter. He said someone in the Legislature had sent a copy to his office while he was attending a seminar in Chicago and he had his administrative assistant deliver it to Mr. Martin who delivered it to Chief Judge Miller who directed it be distributed to all judges on the Court. Judge Ellington said the perception of the Legislature regarding the letter is simply a disgruntled employee lashing out.

Presiding Judge Andrews made a motion that a no response issue from the Court unless the Court is asked by the Legislature to respond to the allegations and, until such time, nothing in writing should be issued, except what is necessary under the EEOC complaint. The motion was seconded by Judge Mikell and passed unanimously.

IV. IT REPORT:

Mr. Martin reported he, Holly Sparrow and John Ruggeri have been working with Britt Courtney of Trivir in an attempt to move forward with the e-filing initiative even in the face of the budget cut. Mr. Martin distributed a report showing four parts to the e-filing initiative. The

first two can be accomplished with the existing docketing, however, parts 3 and 4 will require a new docket.

V. **BUDGET REPORT:**

Chief Judge Miller said she had attended budget meetings for the House and Senate subcommittees on the Court's budget. She stated she was well received and particularly, praised by the Senate for the Court's budget presentation and transparency of its budget. She reported she was doing her best to represent each and every judge on the Court to the utmost of her ability.

Chief Judge Miller called upon Mr. Martin who stated he had just received that morning news from Jan Kelley who said a House Budget Analyst had informed her the House was going along with the Governor's recommendation to limit further reduction of a Court of Appeals' budget to \$159,745. She anticipates the Senate will agree, and if this is the case, the Court will be able to finish out the fiscal year without any furloughs. Otherwise, the Court is looking at furloughing four days in FY2009 and six days in FY2010, should the Court have to take a ten percent budget reduction.

Presiding Judge Andrews inquired if the Court did have to furlough it would be left up to each judge's office how to furlough or there would be a Court-wide policy. After a brief discussion, it was decided the Court would deal with this issue later, should that eventuality arise.

VI. **COURT WIDE E-MAIL POLICY:**

Chief Judge Miller referred the judges to her memorandum of January 16, 2009 in which she suggested all Court wide e-mails from a Court employee should first be approved by the Court Administrator or the Deputy Court Administrator. Presiding Judge Blackburn suggested a change to that language to provide the email must be approved in advance by the Chief Judge or his/her designee. Judge Bernes made a motion to adopt the language as amended by Presiding Judge

Blackburn, which was seconded by Judge Adams and passed unanimously. Mr. Martin was directed to include that policy in the IOM.

VII. LEGISLATIVE REPORT:

Chief Judge Miller called upon Judge Ellington for a Legislative report. Judge Ellington said he did not have much to report other than the Legislature was approximately half way through the Session. He said the Legislature would be adjourning on Mondays and Fridays and meeting on Tuesdays, Wednesdays and Thursdays. He said all the legislation involving the Court was pretty bland. He said there were some Resolutions introduced which affect the Judiciary, but he thought the possibility of those passing were remote since it would take two thirds majority vote in each House just to get them on the ballot. Judge Ellington said he doubted the Resolutions would even get out committee.

Chief Judge Miller asked Mr. Martin to hand out a Legislative Report. She said the main legislation affecting the appellate courts were two bills introduced in the House which would raise the filing fee in the Supreme Court and Court of Appeals from \$80.00 to \$300.00. She said this would generate approximately \$400,000 in the Court of Appeals. Hopefully a portion of this revenue would be returned to the Court of Appeals to help fund its e-filing initiatives, new dockets and other projects.

VIII. CLOB POST OFFICE:

Chief Judge Miller called upon Mr. Martin for a report regarding the post office located on the ground level of the Coverdell Legislative Office Building. Mr. Martin passed out a memo from DOAS advising the post office would close and a letter from Chief Judge Miller to Brad Davis, Executive Director of the Department of Administrative Services (DOAS). Presiding Judge Andrews asked if any thought had been given to the costs to the varying state agencies and lost time of personnel if the post office was not available to the Capitol Hill agencies. Mr. Martin said Chief Judge Miller's letter outlined those issues. Mr. Martin said he had been in contact with Gene

Kirshbaum of DOAS who told Mr. Martin DOAS is in negotiations with a private concern to take over the post office.

IX. **COFFEE FOR BANC ROOM:**

Judge Doyle stated the Collegiality Committee had met. The goal is to have coffee Tuesdays, Wednesdays, and Thursdays in the Robing Room at 10:00 a.m. She said there was a new ice maker and she would also be providing soft drinks for those who preferred them to coffee. There was a brief discussion as to the ability of the Court to purchase a coffee machine. Presiding Judge Johnson said he had a brand new twelve cup coffee maker he would donate to the Court.

Judge Doyle said persons wishing to join the coffee club could contribute but it is not mandatory. She said even if you do not donate to the coffee club you are invited to join the group for coffee.

Chief Judge Miller said she has invited the Supreme Court justices to come for coffee next week and hopefully Cheryl Custer of the Judicial Qualifications Commission will attend in March to talk to the judges, informally.

X. **JUDGE'S TRAVEL:**

Chief Judge Miller just asked the judges to be circumspect with their travel. She said that has been a concern of the Legislature at every budget meeting she has attended.

XI. **DISTRESS:**

Chief Judge Miller reminded the Court that its Number One Priority at its Court's Planning Session was to try to have all cases drafted by the artificial distress date. The artificial distress date is 30 calendar days prior to the actual distress date.

XII. OLD BUSINESS:

Chief Judge Miller asked if the judges could accommodate the backup date of February 24th for the Whole Court photo. The Whole Court photo set for February 17th was postponed because of illness of Presiding Judge Smith's mother. Since there was at least one conflict with February 24th, Chief Judge Miller asked Mr. Martin to re-circulate a calendar of available dates for the Whole Court photo.

Presiding Judge Andrews asked the Court to consider identifying and placing some of the Whole Court photographs on the walls on the fourth floor of the Judicial Building. Mr. Martin said he would send a memorandum to the judges on the Court to see if they had some old Whole Court photographs they would like to donate for identification and display on the walls on the fourth floor of the Judicial Building.

Chief Judge Miller asked if the judges had a consensus as to whether the Court should pay for individual portrait shots. After a brief discussion, Judge Bernes made a motion for the judges to pay for their individual portrait shots. The motion was seconded by Judge Mikell and passed unanimously.

XIII. NEW BUSINESS:

Chief Judge Miller brought to the Court's attention that Jan Kelley and Carrie Anne Steele of the Fiscal Office had engaged in consulting work for Executive Branch agencies, in contravention to OCGA §16-10-9(a)(2). There was a general discussion by the judges of what was the most appropriate action to take. Mr. Martin was invited to step out of the Banc Meeting so the Court could go into Executive Session and discuss personnel matters.

Mr. Martin was invited back into the Banc room. Presiding Judge Blackburn made a motion the Court notify every employee it is a violation of the law for a Judicial Branch employee to accept or hold office or employment in the Executive Branch or any agency thereof or the

Legislative Branch of state government. Presiding Judge Blackburn further moved the Court send letters to Jan Kelley and Carrie Anne Steele advising them to cease any outside employment and to notify them that they were being reprimanded for their conduct. The motion was seconded by Judge Mikell and passed unanimously. Presiding Judge Blackburn also made a motion that Chief Judge Miller appoint a committee to study the matter and see what action, if any, should be taken. The motion was seconded by Judge Mikell and passed unanimously.

Chief Judge Miller appointed the committee of: Chief Judge Miller as Chair, Presiding Judge Andrews, Presiding Judge Johnson, Presiding Judge Blackburn, Judge Phipps, Judge Doyle and Bill Martin as Ex Officio member.

XIV. ANNOUNCEMENTS:

Presiding Judge Johnson made the announcement that Presiding Judge Smith's mother had taken a turn for the worse. He said Presiding Judge Smith said it was not necessary for the judges to come to Gainesville, but they could hug him when he returned.

Chief Judge Miller reminded the judges that the Bird Supper would be held at the Trolley Barn at 6:30 p.m. on this night.

XV. ADJOURNMENT:

There being no further business and upon hearing a motion to adjourn, Chief Judge Miller adjourned the meeting at 11:35 a.m.

Respectfully submitted,



WILLIAM L. MARTIN, III
Clerk/Court Administrator
Court of Appeals of Georgia

Minutes approved by the Court
En Banc on the _____ day of
_____, 2009



Court of Appeals

Memorandum

To: Chief Judge Miller

From: Presiding Judge Blackburn *JAB*

Subject: New Judicial Building or Renovate Existing Building

Date: April 13, 2009

I think that, on balance, this court would be better served by having a new judicial building if, in fact, we have a choice in the matter. With a new building, we would only have to move once, rather than twice as would be necessary in a renovation. If we moved to a new building, we would almost certainly lose our presence on capitol hill and parking arrangements would be uncertain.

Former Governor Barnes had mentioned the sinking archives building as a possible spot. Personally, I had always thought the old Fulton County Juvenile Court would be a great location if it is available. Our rent, however, would almost certainly go up considerably if we moved into a new facility.

The space for this court was the number one priority in Zell Miller's term as governor, yet we never did get new or appropriately renovated space. My opinion is that it is not likely

in these economic times that we will get a new or significantly renovated space through the political process. It is far more likely that it will simply be talked about, while any available money will be channeled by those with influence to other projects. I don't think we have the clout to influence the outcome of this process. I hope I am wrong and that you succeed in improving our space with a new building or by renovation.

cc: All judges
William L. Martin, III

COURT OF APPEALS OF GEORGIA

ADMINISTRATIVE BANC MEETING

Wednesday, April 15, 2009

10:30 a.m.

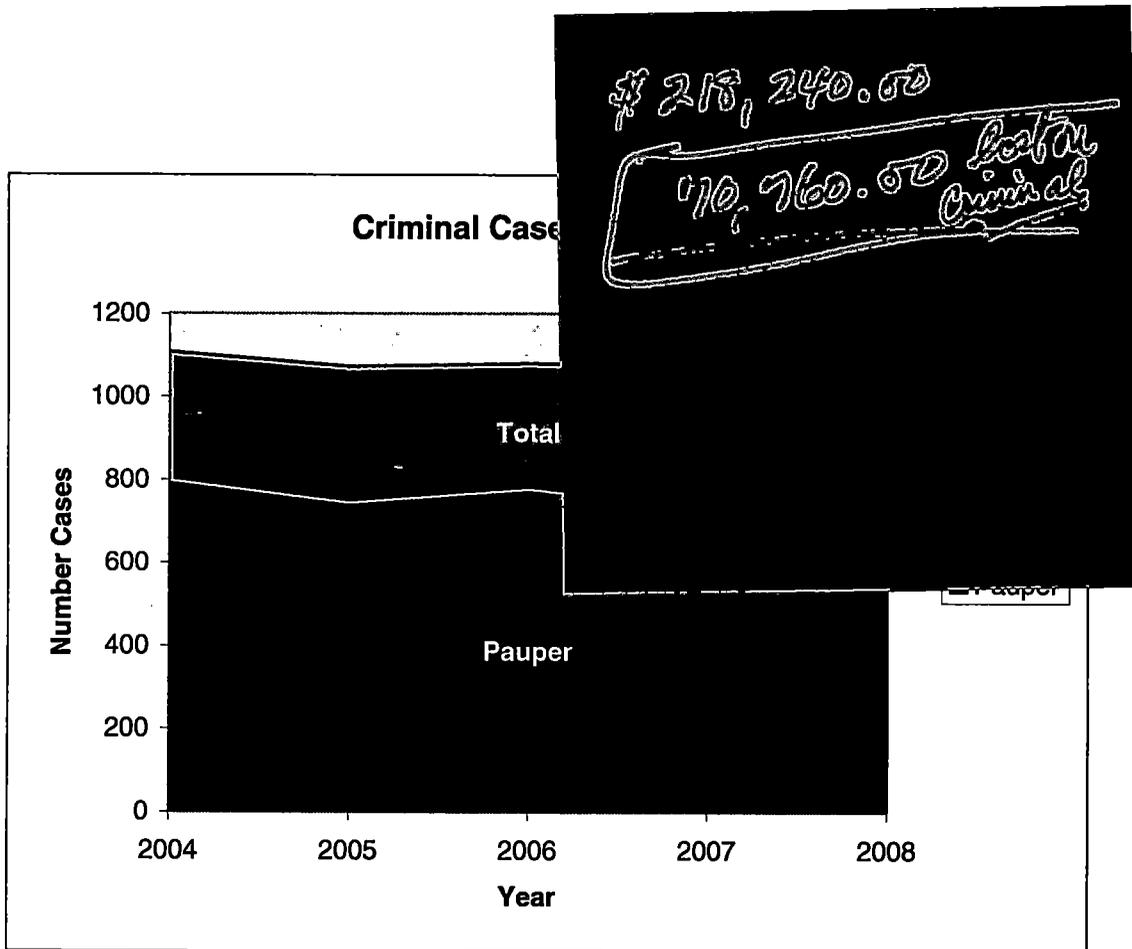
Court of Appeals Banc Room • Suite 501 • 47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

A G E N D A

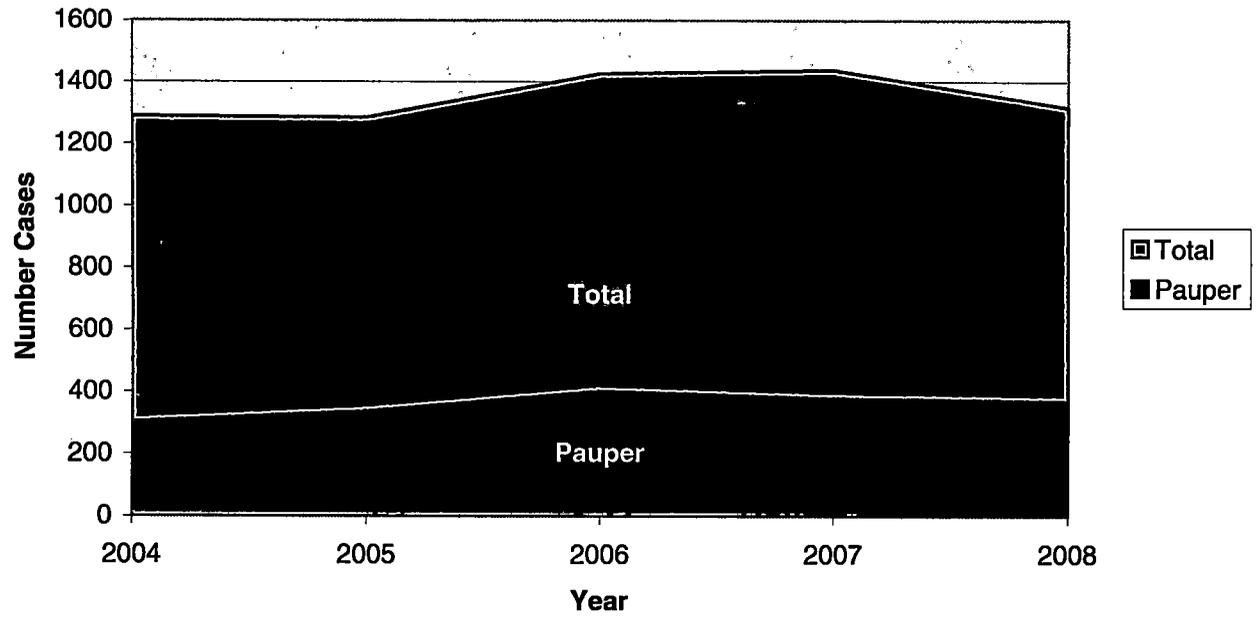
- | | | |
|-------|--|---|
| I. | Call Meeting to Order (1 min) ✓ | Chief Judge Miller |
| II. | Approval of February 2009 Banc Meeting Minutes (3 min) ✓ | Chief Judge Miller |
| III. | Recovery Grants (10 min) ✓ | Chief Judge Miller
Holly Sparrow |
| IV. | IT Report (3 min) ✓ | Judge Phipps
John Ruggeri
Bill Martin |
| V. | Budget Report (10 min) ✓ | Chief Judge Miller
Jan Kelley
Bill Martin |
| VI. | New Judicial Building (10 min) ✓ | Chief Judge Miller |
| VII. | EEOC Complaints - Sheila Collins and Janice Ward (5 min) ✓ | Bill Martin |
| VIII. | Old Business (5 min) ✓ | Chief Judge Miller |
| IX. | New Business (5 min) ✓ <i>David Hatley return -</i> | Chief Judge Miller |
| X. | Announcements (1 min) ✓ | Chief Judge Miller |
| XI. | Adjournment (1 min) | Chief Judge Miller |

Criminal and Civil Paupers by Year 2004-2008

Year	Total Criminal	Pauper Criminal	% Pauper Criminal	Total Civil	Pauper Civil	% Pauper Civil
2004	1107	791	71.45%	1286	302	23.48%
2005	1071	737	68.81%	1282	337	26.29%
2006	1079	770	71.36%	1426	402	28.19%
2007	1072	724	67.54%	1437	378	26.30%
2008	1129	823	72.89%	1314	369	28.08%
Average	1091.6	769	70.41%	1349	357.6	26.47%

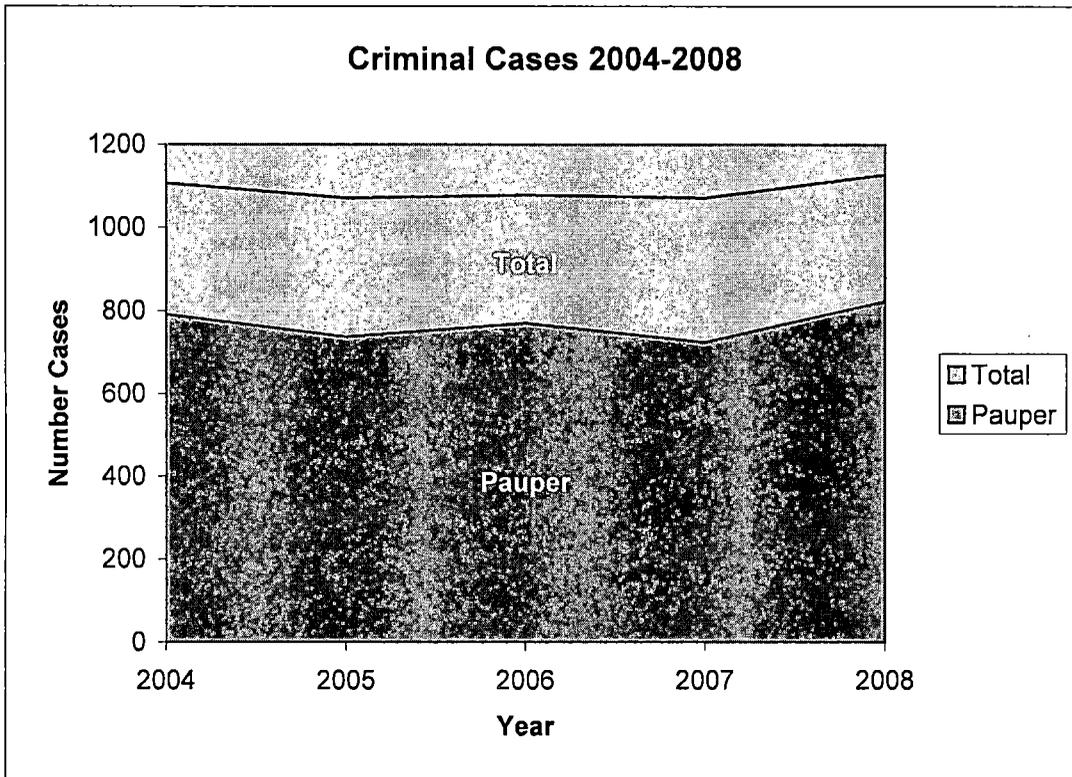


Civil Cases 2004-2008

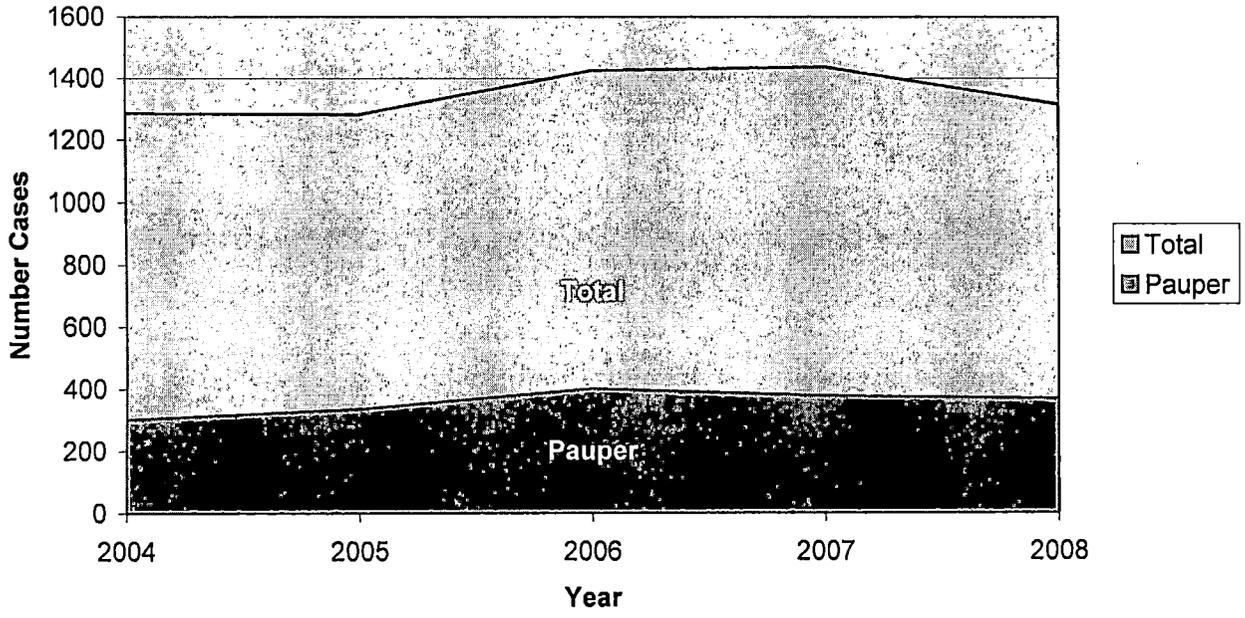


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Average	1091.6	769	70.41%	1349	357.6	26.47%



Civil Cases 2004-2008



From: Holly Sparrow
To: Yvette Miller
CC: Tyangye Harris
Date: 4/9/2009 3:16 PM
Subject: Meeting with Eden Freeman Concerning A Grant for Appellate Courts

Dear Chief Judge Miller,

Eden Freeman appears to be a very knowledgeable and cooperative person. She met with Bill, Bob McAteer (of the Supreme Court) and me this morning. She indicated that the Court would be unable to qualify for a grant under the Recovery Act Funds because of its restrictions, but might have a chance to qualify under a regular Byrne grant either to CJCC or for a competitive Byrne grant from the federal Bureau of Justice Administration (BJA). The requirements for these grants will probably be issued by the Obama administration in May, 2009. We will have until sometime in June or July 2009 to submit an application. Awards are usually announced at the end of the federal fiscal year, September 30th.

The case origination project (that is, the project to obtain trial court records electronically) could possibly meet the requirements of the BJA applications. Ms. Freeman stated, that to be successful, the application would probably need to be a joint project of the Court of Appeals with the Supreme Court. A 25% match which can be in-kind rather than in cash is likely to be required. Additionally, our vendor, Trivir, will have to comply with several requirements of all BJA grants related to electronic filings and the relatively short time permitted to accomplish the grant project. Additionally, we will need to obtain the cooperation of a couple of the superior courts in the project.

Over the next week or two, Bill and I will be discussing these issues with our IT staff and Trivir to determine if such a project is truly feasible under the conditions which will most likely be included in the grant application criteria. We will keep you informed about these discussions.

Holly

Bill Martin - Current Project List

From: John Ruggeri
To: Bill Martin
Date: 3/13/2009 9:20 AM
Subject: Current Project List

This is a list of projects that Tech Services currently have planned in addition to our regular maintenance and monitoring of Court infrastructure. We will add to this list as efast project requirements and time line become known. The items with "*" are efast project requirements.

March-

Efast Project Plan *
Searchable Emergency Motions
Upgrade RAM in Staff Attorney's NX5000 Laptops
SAN Upgrade *
Judge Fax Machine installs
Checkpoint Edge mini-VPN device Testing
Clerk's Office Fax conversion
Start Preparing Intern Images for D530 Desktops
Start efast Cluster Upgrade *

April-

Access Manager Migration *
Complete efast Cluster Upgrade *
Complete NX5000 upgrade
Complete Judge Fax Machine installs
Complete Intern Images for D530 Desktops
efast Kofax scanner Installs *
Virtualize GroupWise Mobile Server
Migrate ZenWorks Application Objects Mach 4 Server

May-

Continue Access Manager Migration *
GroupWise Upgrade to Version 8
Lab Testing of VMWare ESX software

June-

Continue ESX Testing
ZENWorks 10 Migration Planning and Testing

Regards,

John Ruggeri
Director of Technical Services.
Court of Appeals of Georgia
404-651-6417

Legislation of Interest Passing 2009 General Assembly

HB283 Increases civil case filing fee in Court of Appeals and Supreme Court to \$300

HB117 corrects reference to Senate Judiciary Committees in OCGA §9-10-150 concerning continuance for members of legislature in cases pending in trial or appellate courts.

HB123 adds to definition of child molestation electronic transmission of images

HB145 concerns low income deviation from child support guidelines

HB 167 additional Cherokee State Court Judge

HB 173 concerns validity of restrictive covenants on employment & commercial contracts

HB 202 changes provision concerning hiring retired state employees

HB221 relates to mandamus & prohibition and recusal; requires motion to recuse

HB452 eliminate postretirement benefit adjustments for new members after 7/1/2009

HB495 probate judge appointment of associate judges

SB13 concerning option for life without parole in death cases

SB24 administrative option to judicial probation revocation process

SB177 provides that after 7/1/2009 there will be no survivors benefits options in appellate judges' retirement plan

SB207 provides public access to certain juvenile court proceedings and changes provisions about sealing records

SB213 manufacturer's product liability; privity; marketshare theory of liability



Court of Appeals

Memorandum

To: Chief Judge M. Yvette Miller
From: William L. Martin, III
Subject: Administrative Banc Meeting Notes
Date: April 14, 2009

Below are some notes I have made for you for the Banc Meeting tomorrow.

- I. **Call Meeting to Order** - I believe you should call the meeting to order at 10:30 since we have an 11:30 meeting. As soon as we have a quorum I think you should go forward and those who are not present at 10:30 can come in late.

- II. **Approval of February 2009 Banc Meeting Minutes** - I suggest you ask if there is a motion to approve the Minutes as submitted.

III. **Recovery Grants** - Call upon Holly for a report of our meeting with E.B.

Freeman.

IV. **IT Report** - You can just state that you had asked me to hand out a report for the IT Department, which is with the judges materials.

V. **Budget Report** - For the FY 2009 Budget, the Court received an eight percent reduction, but because of the reduction in force and the conservation efforts of all Court personnel in reducing spending, we are able to finish out the Fiscal Year without furloughs. Likewise in FY 2010, we should be able to weather a nine to ten percent budget reduction without furloughs. The Legislature cut the FY 2010 budget by seven percent.

Again, because of our conservation efforts, because of reduction in force and because we were able to generate approximately \$60,000 from our sale of Briefs to LexisNexis and West, we should have enough money in the budget to FY 2009 to move into Phase III of our e-filing and docket upgrade initiative. This would enable us to contract for \$147,900 necessary to finish the docket upgrade to allow us to begin to receive filings electronically from attorneys who are registered with us.

The e-filing initiative and new docket is something the Court had committed to several years ago when Bud Tiréy was still contracting with us. I am asking if there is a motion to let the contract with TRIVIR, our vendor, if there is money

available in the budget at the end of the year. I believe that it is important that we act this year, because there is no guarantee that we will not lose funds in the supplemental budget process for FY 2010 if the State's economy does not pick up.

VI. **New Judicial Building** - I believe you should address the judges on this issue by stating that you and I have a meeting with GBA at 11:30. The issue the Court needs to decide is do we wish to have a Judicial Building or do we wish to renovate the existing Judicial Building and/or 244 and 254 Washington Street buildings. The second question is do the judges want to authorize an expenditure of \$33,333, if necessary, for our part of a programming study. We may spend the \$33,000 for a program study and not get a new building. However, without a programming study, no real change will come about.

VII. EEOC Complaints - Sheila Collins and Janice Ward - Just call on me to say

that I have the files there and if anyone would like to look at them or have me make copies of them.

I am assuming there is no Old Business or New Business.

VIII. Old Business

IX. New Business

X. Announcements

XI. Adjournment

/ld

09 LC 21 0368S/AP

House Bill 452 (AS PASSED HOUSE AND SENATE)

By: Representatives Buckner of the 130th, Meadows of the 5th, Maxwell of the 17th, and Gardner of the 57th

A BILL TO BE ENTITLED

AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide a statement of legislative intent; ~~to provide that certain members of the Employees' Retirement System of Georgia, Georgia Legislative Retirement System, and Georgia Judicial Retirement System shall not be eligible to receive any postretirement benefit~~ adjustment; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly is desirous of providing an established annual cost-of-living adjustment to all current active and retired members of the Employees' Retirement System of Georgia, the Georgia Legislative Retirement System, and the Georgia Judicial Retirement System. In order to do so, limiting future liability of the systems by adjusting the retirement expectations of persons who are newly employed is a regrettable but necessary step toward fiscal soundness.

SECTION 2.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is

amended by revising Code Section 47-2-29, relating to postretirement benefit adjustments under the Employees' Retirement System of Georgia, by adding a new subsection to read as follows:

~~"(c) Notwithstanding any other provision of this Code section, no member who becomes a member of this retirement system on or after July 1, 2009, shall be entitled to receive any postretirement benefit adjustment."~~

SECTION 3.

Said title is further amended by revising Code Section 47-6-80, relating to eligibility and application for a retirement allowance under the Georgia Legislative Retirement System, early retirement, amount of retirement allowance, and increases in retirement allowance, by adding a new subsection to read as follows:

"(g) Notwithstanding any other provision of this Code section, no member who becomes a member of this retirement system on or after July 1, 2009, shall be entitled to receive any postretirement benefit adjustment."

SECTION 4.

Said title is further amended by revising Code Section 47-23-21, relating to the authority of the Board of Trustees of the Georgia Judicial Retirement System, by adding a new subsection to read as follows:

"(e) Notwithstanding the provisions of subsection (d) of this Code section, no member who becomes a member of this retirement system on or after July 1, 2009, shall be entitled to receive any postretirement benefit adjustment."

SECTION 5.

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

LC 35 1541S

COMMITTEE OF CONFERENCE SUBSTITUTE TO HB 514

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding the judicial system, so as to provide for provisions regarding the assignment of senior judges; to provide for certain provisions regarding a senior judge's status; to change certain provisions relating to certain courts requesting assistance of a senior judge; to provide for conditions for such assistance; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding the judicial system, is amended by revising subsection (n) of Code Section 15-1-9.1, relating to requesting judicial assistance from other courts, as follows:

"(n) Notwithstanding the provisions of this Code section, ~~a senior judge shall not be assigned, designated, or preside in any;~~

(1) ~~criminal~~ Criminal case involving a capital offense for which the death penalty may be imposed once the state has filed a notice of its intention to seek the death penalty; provided, however, that a senior judge may be assigned, designated, or preside in such a case if the judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status; or

~~(2) Civil case involving a challenge to the constitutionality of any state statute or state~~

action, with the exception of habeas corpus actions; provided, however, that:

(A) A senior judge may be assigned, designated, or preside in such a case if such judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status; and

(B) If a challenge subject to this paragraph is raised by pleading later than 60 days after the filing of the complaint or within 45 days of the timely filing of the answer, an elected superior court judge of the circuit in which the case is pending shall determine whether, on the face of the challenge as raised and taking the facts as stated by the party asserting the challenge as true, the constitutional challenge is without merit. If when making a determination pursuant to this paragraph the elected superior court judge determines that the challenge has merit, the case shall be reassigned to an elected superior court judge; provided, however, that if when making such determination the elected superior court judge determines that the challenge is without merit, the case shall remain with the senior judge.

This paragraph shall not apply to any constitutional challenge raised after the entry of the pretrial order entered immediately prior to trial."

SECTION 2.

Said chapter is further amended by revising subsection (e) of Code Section 15-1-9.2, relating to senior judge status and requesting assistance from senior judges, as follows:

"(e) Notwithstanding the provisions of this Code section, a senior judge shall not be assigned, designated, or preside in any:

(1) Criminal ~~criminal~~ case involving a capital offense for which the death penalty may be imposed once the state has filed a notice of its intention to seek the death penalty; provided, however, that a senior judge may be assigned, designated, or preside in such a case if the judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status; or

(2) Civil case involving a challenge to the constitutionality of any state statute or state action, with the exception of habeas corpus actions; provided, however, that:

(A) A senior judge may be assigned, designated, or preside in such a case if such judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status; and

(B) If a challenge subject to this paragraph is raised by pleading later than 60 days after the filing of the complaint or within 45 days of the timely filing of the answer, an elected superior court judge of the circuit in which the case is pending shall determine whether, on the face of the challenge as raised and taking the facts as stated by the party asserting the challenge as true, the constitutional challenge is without merit. If when making a determination pursuant to this paragraph the elected superior court judge determines that the challenge has merit, the case shall be reassigned to an elected superior court judge; provided, however, that if when making such determination the elected superior court judge determines that the challenge is without merit, the case shall remain with the senior judge.

This paragraph shall not apply to any constitutional challenge raised after the entry of the pretrial order entered immediately prior to trial."

SECTION 3.

Said chapter is further amended by revising subsection (g) of Code Section 15-1-9.3, relating to senior judges of the state court, probate court, or juvenile court and requesting assistance of a senior judge, as follows:

"(g) Notwithstanding the provisions of this Code section, a senior judge shall not be assigned, designated, or preside in any:

(1) Criminal ~~criminal~~ case involving a capital offense for which the death penalty may be imposed once the state has filed a notice of its intention to seek the death penalty; provided, however, that a senior judge may be assigned, designated, or preside in such a case if the judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status; or

(2) Civil case involving a challenge to the constitutionality of any state statute or state action, with the exception of habeas corpus actions; provided, however, that:

(A) A senior judge may be assigned, designated, or preside in such a case if such judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status; and

(B) If a challenge subject to this paragraph is raised by pleading later than 60 days after the filing of the complaint or within 45 days of the timely filing of the answer, an elected superior court judge of the circuit in which the case is pending shall determine whether, on the face of the challenge as raised and taking the facts as stated by the party asserting the challenge as true, the constitutional challenge is without merit. If when making a determination pursuant to this paragraph the elected superior court judge determines that the challenge has merit, the case shall be reassigned to an elected superior court judge; provided, however, that if when making such determination the elected superior court judge determines that the challenge is without merit, the case shall remain with the senior judge.

This paragraph shall not apply to any constitutional challenge raised after the entry of the pretrial order entered immediately prior to trial."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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

This information is provided in electronic format by the Georgia general Assembly as a public service. This information does not constitute an official record of the General Assembly and no warranty or guarantee of any kind is provided.

09 LC 21 0004

Senate Bill 177

By: Senators Heath of the 31st and Murphy of the 27th

AS PASSED

AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that appellate court judges who become members of the Employees' Retirement System of Georgia, persons who become members of the Georgia Legislative Retirement System, ~~and persons who become members of the Georgia Judicial Retirement System on or after July 1, 2009, shall not be entitled to certain group term life insurance~~ benefits; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by revising subsection (a) of Code Section 47-2-162, relating to eligibility of persons who are members of the General Assembly during or after January 1, 1962, for survivors benefits, contributions for such coverage, and right to decline coverage, as follows:

"(a) Beginning in January, 1962, current and future members of the General Assembly shall make contributions to the retirement system for the limited purpose of providing survivors benefits under Code Sections 47-2-128 and 47-2-129, provided that any member of the General Assembly may reject such coverage, in which case no contributions shall be made by him or her; provided, further, that the provisions of this Code section shall not apply to any person who becomes or again becomes a member of the General Assembly on or after July 1, 2009."

SECTION 2.

Said title is further amended by revising Code Section 47-2-163, relating to group term life insurance for members and former members of the General Assembly and contributions, as follows:

"47-2-163.

Any other provisions of this chapter to the contrary notwithstanding, the board of trustees is authorized by rules or regulations to provide for group term life insurance protection for members and former members of the General Assembly; provided, however, that the provisions of this Code section shall not be applicable to persons who become or again become members of the General Assembly on or after July 1, 2009. The board of trustees may contract for such coverage with the State Employees' Assurance Department pursuant to the provisions of Chapter 19 of this title. The board of trustees shall determine the amount of such coverage and the employee contribution that shall be made for such coverage by the members of the General Assembly. The board of trustees shall also determine the employer contribution necessary for such group term life insurance protection for members of the General Assembly. Such employer contribution shall be paid from funds appropriated or available to the legislative branch of the state government. The employee and employer contributions shall be paid into the survivors benefit fund provided for in subsection (c) of Code Section 47-2-128."

SECTION 3.

Said title is further amended by revising subsection (i) of Code Section 47-2-244, relating to optional benefits available to appellate court judges, notice of election of benefits, eligibility for benefits, disability benefits, and survivors benefits, as follows:

"(i) Survivors benefits shall be available to appellate court judges at prevailing contribution rates and subject to provisions of law and regulations of the board of trustees; provided, however, that no person who becomes or again becomes subject to the provisions of this

Code section on or after July 1, 2009, shall be entitled to such survivors benefits."

SECTION 4.

Said title is further amended by revising subsection (b) of Code Section 47-23-29, relating to group term life insurance benefits for members of the Georgia Judicial Retirement System, as follows:

"(b) Pursuant to the provisions of this Code section and rules and regulations adopted for such purpose, the board of trustees may provide for survivors benefits for members, former members, and retired members of the retirement system; provided, however, that the provisions of this Code section shall apply only to persons who are active members of this retirement system on or after July 1, 2002; provided, further, that no person who becomes or again becomes a member of this retirement system on or after July 1, 2009, shall be entitled to survivors benefits under this Code section."

SECTION 5.

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

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09 LC 21 0364

House Bill 652

By: Representatives Hembree of the 67th, Bearden of the 68th, Brooks of the 63rd, and Bruce of the 64th

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating the Douglas Judicial Circuit, approved March 20, 1980 (Ga. L. 1980, p. 563), as amended, particularly by an Act approved March 14, 1983 (Ga. L. 1983, p. 412), so as to change the amount of the annual supplement paid to the superior court judges from funds of Douglas County; to authorize the governing authority to increase such amount; to provide an effective date; to repeal a specific law; to repeal conflicting laws; and for other purposes.

120,252.06

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Douglas Judicial Circuit, approved March 20, 1980 (Ga. L. 1980, p. 563), as amended, particularly by an Act approved March 14, 1983 (Ga. L. 1983, p. 412), is amended by revising subsection (a) of Section 2 as follows:

"(a)(1) The compensation and allowances of the judges of the Superior Court of the Douglas Judicial Circuit shall be as provided by law, and in addition thereto the salary of each judge shall be supplemented in the amount of \$43,318.00 per annum from the funds of Douglas County. Such supplement shall be payable in equal monthly installments. The governing authority of Douglas County is authorized and directed to pay the compensation provided for in this section. In addition to the provisions of this section, the governing

163,570.06

authority of Douglas County is authorized to pay the judges of the Superior Court of the Douglas Judicial Circuit such amount as shall be fixed by the governing authority. Any salary supplements paid to the judges of the Superior Court of the Douglas Judicial Circuit prior to the effective date of this Act are ratified.

(2) The governing authority of Douglas County shall be authorized to pay a supplement to any active superior court senior judge of said circuit who receives a benefit under the Georgia Judicial Retirement System. The amount of such supplement may be all or a portion of the supplement paid to active judges of the Douglas Judicial Circuit. Such amount shall be paid in equal monthly installments from the funds of Douglas County."

SECTION 2.

An Act amending an Act creating the Douglas Judicial Circuit, approved March 14, 1983 (Ga. L. 1983, p. 412), is expressly repealed.

SECTION 3.

This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or becomes law without such approval.

SECTION 4.

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

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LC 14 0127S

COMMITTEE OF CONFERENCE SUBSTITUTE TO HB 283

A BILL TO BE ENTITLED

AN ACT

To revise provisions relating to financing and operations of the judicial branch of government; to amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions pertaining to certiorari and appeals to appellate courts generally, so as to change certain provisions relating to filing fees for appeals to the Supreme Court and the Court of Appeals; to amend Article 1 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relating to attorneys, so as to change provisions relating to the expenses of the board and the amount and disposition of examination fees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions pertaining to certiorari and appeals to appellate courts generally, is amended by revising Code Section 5-6-4, relating to a bill of costs, payment of costs, filing of an affidavit of indigence, and payment of costs or filing of an affidavit as a prerequisite to the receipt of an application for appeal or brief by the clerk, as follows:

"5-6-4.

The bill of costs for every application to the Supreme Court for a writ of certiorari or for applications for appeals filed in the Supreme Court or the Court of Appeals or appeals to the

Supreme Court or the Court of Appeals shall be \$80.00 in criminal cases and in habeas corpus cases for persons whose liberty is being restrained by virtue of a sentence imposed against them by a state court and \$300.00 in all other civil cases. The costs shall be paid by counsel for the applicant or appellant at the time of the filing of the application or, in the case of direct appeals, at the time of the filing of the original brief of the appellant. In those cases in which the writ of certiorari or an application for appeal is granted, there shall be no additional costs. Costs shall not be required in those instances when at the time the same are due counsel for the applicant or appellant shall file a statement that an affidavit of indigence has been duly filed or file an affidavit that he or she was appointed to represent the defendant by the trial court because of the defendant's indigency. The clerk is prohibited from receiving the application for appeal or the brief of the appellant unless the costs have been paid or a sufficient affidavit of indigence is filed or contained in the record."

SECTION 2.

Article 1 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relating to attorneys, is amended by revising Code Section 15-19-2, relating to the rules of governing the Board of Bar Examiners, expenses of the board, and the amount and disposition of examination fees, as follows:

"15-19-2.

(a) It shall be the duty of the Justices of the Supreme Court to appoint and fix the number, terms, and compensation of the Board of Bar Examiners, whose powers and duties shall be as set forth by the Supreme Court by rule. All salaries, fees, and other expenses incurred in administering the Board of Bar Examiners and the examinations conducted by the board shall be paid by the Supreme Court ~~from an appropriation made to the Supreme Court for that purpose.~~

(b) ~~All fees paid by applicants for admission to the bar by examination shall be paid into the general funds of the treasury.~~ The Supreme Court, upon recommendation by the board, shall by rule set the amount of the examination fee to be paid by the applicants for admission to the bar by examination and shall direct to whom and when the fee shall be paid. The

examination fee shall be reasonable and shall be determined in such a manner that the total amount of the fees charged and collected by the board in each fiscal year shall approximate the direct and indirect costs ~~to the state~~ of administering the examination. ~~The amount of the fee to be paid by the applicant shall not exceed \$90.00."~~

SECTION 3.

Section 1 of this Act shall become effective on July 1, 2009, and Section 2 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

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

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