



MUNICIPAL COURT

Judges Bulletin

Spring 2001 • The Georgia Council of Municipal Court Judges Newsletter • Vol. 3, No. 4

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President's Corner



Our 2001 Legislative breakfast was a success. We had a good turnout by legislators from all over the state despite conflicts in schedules with other meetings.

Thanks to all of the municipal court judges who were in attendance. This is only the second year we've had the legislative breakfast and if attendance continues to increase, we should be able to develop a good rapport with legislators from around the state. A special thanks to Marla Moore and the staff from AOC for an outstanding job in putting the breakfast together.

I understand from Marla that the Municipal Court Directory is now complete, members of the executive committee will have an opportunity to see the directory at our meeting on April 20th and it will be mailed out to the judges shortly thereafter.

Legislative Update

Mickey Roberts

HB 385 has passed the House and is expected to be signed by Gov. Barnes; this bill makes important changes to DUI laws as follows:

1. Lowers the per se limit to .08;
2. Changes the BAC limit for administrative suspension to .08;
3. Passenger can be charged with open container violation;
4. On a 2nd DUI charge in 5 years, the minimum jail sentence is 5 days unless the judge orders an additional 30 days community service; defendant loses license and all driving for 12 months with limited driving thereafter for 6 months with interlock device. Defendant must also give up license on all cars registered in his name;

If you have not talked with the Superior Court Judge(s) in your county regarding getting the Council of Municipal Court Judges recognized and granted membership on the Judicial Council, please try to do so within the next couple of weeks. We need to really concentrate on getting support before the June meeting of the Judicial Council. If you need any information before talking with your Superior Court Judge, you may contact myself, Marla Moore or Margaret Washburn.

Plans are underway for the annual meeting in Savannah in July and I encourage as many of you as possible to make your plans to attend. In addition to the required CJE training, the annual meeting offers the opportunity to interact with fellow judges, participate in the golf tournament and be an active participant in the council. Remember, our council is only as strong as each of the members and we need everyone's support and participation.

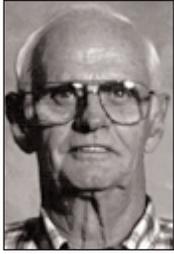
5. Under 21 convicted of mandatory revocation offenses now has his license suspended and may receive a learners permit;
6. Creates a new offense of aggressive driving which carries 6 points.

Case Law Update:

Keenum v. St. A00A1982 (2/20/01)
OCGA § 40-6-391(a)(6) only is unconstitutional as applied to marijuana cases;

Duke v. St. A00A2377 (1/9/01): is a case where Court found the stop was bad because officers did not see any traffic violations other than suspicious conduct; they stopped Duke based solely on lookout broadcast by undercover officers.

Money Watch



Frost Ward,
Treasurer
frostw@bellsouth.net

Will someone please cut off the hydrant. I feel like someone drinking water out of a fire hydrant with these checks coming in. Thank you, thank you, never have I seen this much money in all my life. You

as individuals and the cities have just been great responding with the checks for dues. At the end of January 2001, we had a balance of \$4,531.72. We did spend \$1,014.88 for the Legislative breakfast. Marla Moore did a great job preparing and directing the event. I had never attended a Legislative breakfast before. It was very informative and enjoyable, especially the food. As

someone who has been hanging around for a long time I feel the municipal courts have come a long way in establishing their presence. Many hard working and dedicated people have contributed to the enjoyment we as Judges experience today.

Again, thanks for your support in helping me do my job.

INVOICE



Council of Municipal Court Judges
Judge A. Frost Ward
8157 Tour Court
Jonesboro, GA 30236
(770) 960-3012

ANNUAL DUES JULY 1, 2000 - JUNE 30, 2001

Please remit dues in the amount of **\$30.00** for each judge.
Judges serving in more than one city need only to pay once.

Name _____

City (list all) _____

Please make checks payable to Council of Municipal Court Judges and send all payments to the address above. This invoice was also sent to all of the clerks of the municipal court. Please disregard this notice if payment for this year has already been made by you or by one of the municipalities you serve.

Side Bar Comments

by: LeRoy Burke, III,
Chatham County Rec. Court



This begins what I hope will be a series of short essays on maintaining fitness on the bench. By fitness I mean physical, social, psychological, spiritual, political, etc.

Hmmm... looks like minding one's P's and S's.

I must credit the idea for this series to Judge Margaret G. Washburn, whose "gentle" encouragement stirred me from my stupor long enough to capture these random thoughts and put them to paper. If you are looking for scientific or documented or tested, you can forget it. This comes straight from my admittedly myopic view of the world as a full time judge prohibited from the practice of law by my office. I also rank among the LEAST qualified persons physically, socially, psychologically, spiritually, politically, etc., to expound on these issues.

Straight to the head of the class, huh? So in the fine tradition of Leonard's Losers, I will weigh in on remaining physically fit on the bench. Children, do not attempt this at home without adult supervision.

Physical fitness, in my opinion, is relative to the dual proposition of exercise and diet. In our lifetimes, we are allocated so many hours for exercise. I used all of my exercise time up as a child. I played baseball, football, basketball, ripped and ran, and participated in the marching band as my main sources of activity. I wasn't too

good at the sports, but I participated to the best of my ability.

Unfortunately, I used all of my lifetime allotment of exercise time as a child. As a result, I have no time as an adult to exercise. Having already used my lifetime limit on exercise time, I find that, sometimes, I sit so perfectly still the only muscle functioning in my entire body is my heart. This is especially true when I hold my breath in anticipation of learning what ingenious argument I will hear from counsel who has no facts AND no law. In fact, I am encroaching on what precious few exercise seconds I have left as I type this commentary. Which brings me to diet.

There is a lifetime limit on eating also. If you stop eating, your lifetime ends. Therefore, if you are what you eat, I am deep fried. I must be immortal because I will not stop eating. I think that is what my cardiologist said. Grains? Fruits? Vegetables? Which end of the food chain do I occupy, anyway? Most people in the know will tell you it is not so much what you eat but how much you eat. Is it possible to eat two pounds of food and gain three pounds? My scales seem to think so. So does my cleaner who returns my clothes trimmed in size in anticipation of my dramatic weight loss.

We invite your comments. Until next time remember: Eat sensibly and exercise regularly because you ARE what you eat and you CAN improve your fitness through regular workouts of any duration and level.

Yours in good health,
LeRoy.

Politics as Usual

by: John Cicala, Judge
City of Auburn

It is a shame that phrase is so familiar. Politics, in some form, is invasive in every aspect of our lives, not just the government and corporate versions. It invades our churches, schools and the neighborhood swim and tennis association. Sometimes, I feel Rodney's pain. "Why can't we all just get along?????" (Rodney King). In a perfect world...Oh well. Back to reality.

We are judges. People look to us for justice. Gee, go figure. Is it any wonder that the public is disappointed to a greater extreme with a judge when they feel like they do not get "justice?" Let's face it. We are to the point in this country where the general public almost expects their elected legislative and executive officers to lie to them, among other brands of misconduct. But not the judiciary. I have found, in my limited experience, that the general public still has high expectations of what the system should be and should be able to deliver. Not just from watching Law and Order or Kojak reruns on television to figure out whether they should have been read their Miranda warnings. I am referring to educated, articulate persons, who are not involved with the legal system, yet have an idea of what the promise of the Constitution of the United States and the separation of powers is all about.

So how do we give the public what they want, what they need? I don't mean how do we rule to make them happy all the time. I mean

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Our Deepest Sympathy

Judge Jerrell Hendrix passed away March 22, 2001. Judge Hendrix was a municipal judge in Richmond Hill and served as District 1 Representative on the Executive committee for the Council of Municipal Court Judges. Our sympathies go to his family.

Politics as Usual *continued*

how do we deliver what the system was designed for. How do we do our jobs properly? How do we do our jobs well enough to look in the mirror every morning while we shave (or apply make-up)?

I don't have all the answers. Heck, I haven't even figured out half of the questions, yet. However, I have identified some things that seem to work for me, in my particular situation. This is going to sound way too simplistic (like the "Just Say No" campaign), but sometimes simple is better, less is more. Insulation. No, not the R-19, Pink Panther kind; the "I don't want to hear about it" kind. And when I say insulation, I don't mean keeping you away from reality, or coming off as aloof.

I have the luxury of running a very informal courtroom, most of the time. However, I never let the lack of formality clash with the necessity of proper protocol. People always know why they are in the courtroom, have been advised of their rights prior to trial, how they are to conduct themselves and the proper procedure for a trial, etc.

I have a central theme throughout the proceedings. The theme is fairness. Not friendliness; fairness. An explanation of my position as an impartial magistrate whose function it is to decide issues between the city and those accused of an infraction occurring within the city, is an important part of my opening remarks. In fact, my remarks almost always include the fact that I know nothing about their cases before I come into court, don't want to know anything about their cases before I

come into court, and want to forget about their cases as soon as I leave court. Why? Because it is not necessary to my job, to my functioning as an impartial magistrate. I don't know the mayor, don't know the councilman's brother-in-law, or if I do, it isn't because of anything pending in my court.

I explain that it does not matter to

**“ I ASK FOR
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I DEMAND IT. I GIVE
RESPECT, BEFORE I
EXPECT IT. ”**

me, as the judge, whether someone pleads guilty, not guilty, or nolo contendere. I get paid the same no matter what plea they enter. I explain that it does not matter to me if the defendant or the police officer does not "like me" after a trial because of what I decree from the bench. It is not a popularity contest. If they don't like my decision after a trial, that's okay, too. I'm human; I can make mistakes; I can be appealed. (2 times in 8 years; affirmed both times). I don't really give a darn if no one leaves court liking me.

What I do care about is that everyone, in so far as is humanly possible, leaves my court feeling like I tried to be fair to them. That is where justice comes in. That is how people like to be treated. That is how I want to be treated when I am in a courtroom on the other side of the bar.

Impartiality and fairness aside, making the court user friendly is important also. Letting people know that they can always have their say as long as they conduct themselves appropriately is important. Letting them know I have contempt power to enforce appropriate conduct is included in my comments. Just as quickly included is the fact that the only time I have had to hold someone in contempt since I have been on the bench is a police officer that would not comply with the solicitor's subpoena to appear in court.

I ask for cooperation, before I demand it. I give respect, before I expect it. Throughout, I let everyone know, I'm not your buddy, I'm not your pal, I am the judge here. That is my function. Get your legal advice from the person that can give it to you, the lawyer you hire to represent you. But, if you have any questions, don't be afraid to ask me, or anyone else in the courtroom.

So, bottom line, all this to say what? Tell small town politicians (or even large town politicians) to keep you out of pissing contests between two ex-mayors, or two council members, etc. Tell them to leave your side of the building alone, especially if it runs nice and smoothly. Don't look for the court to be a revenue producing animal to give you a cash crop like raising chinchillas or rabbits. Remember that your court is about fairness, not popularity. Also, remember that if you are fair, then the popularity is something you won't be able to avoid, anyway.

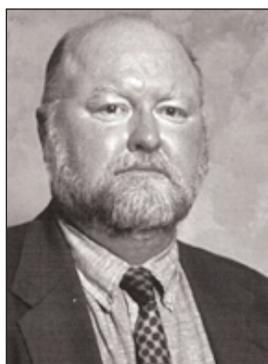
Atlanta Community Court

The Atlanta Community Court is a division of the Atlanta Municipal Court that deals with quality of life crimes, such as prostitution, disorderly conduct, panhandling, idling/loitering, and low-level drug offenses. Chief Judge Barbara A. Harris and Judge William F. Riley established the Community Court in March 2000 with the support of Mayor Bill Campbell and Central Atlanta Progress (CAP). The Community Court adjudicated approximately 1,100 offenders in its first ten months of operation.

The Community Court is committed to the dual principles of restorative justice, the idea that offenders should be held accountable to the community that has been negatively affected by their actions, and rehabilitation. Standard sentences — jail, fines, and probation — may punish offenders, but do little to restore the damage caused by the crime. The Community Court uses alternative sentencing options, such as community service, to ensure that low-level offenders compensate neighborhoods and give something back to the community. The Court partners with local neighborhoods, encouraging them to develop appropriate community service projects and initiatives for addressing local crime problems. The Community Court's emphasis on alternative sentencing that is both visible and compensatory, and on community involvement are intended to maintain community trust in the criminal justice system and to promote local solutions to neighborhood decay.

The Community Court takes a non-traditional approach to working with offenders, using sentencing alternatives and sanctions whenever possible to promote rehabilitation and address the underlying causes of criminality. The Court maintains that it has a clear interest, both ethical and financial, in seeing that offenders receive services that will

help curb future criminal behavior. Prior to arraignment, the Jail's Mental Health Unit assesses defendant's social service needs and makes sentencing recommendations to Judge Riley. When mental illness and/or substance abuse are identified as driving factors in an individual's antisocial or criminal behavior, that individual is often diverted from incarceration to appropriate treatment resources under the auspices of the Court. The Court takes a supervisory roll in offenders' treatment plans through frequent review hearings, assertive case coordination, and, when necessary, tough sanctions for noncompliance. In fact, close to 80% of the cases that come before the Community Court are review hearings to ensure that offenders are making progress with their treatment plans.



Judge William F. Riley

PROGRAMS:

Community Service: In 2000, the Community Court sentenced 330 offenders to community service. An additional 220 offenders were sentenced through a collaborative project with the Atlanta Traffic Court. Service assignments included clean-up projects with the Parks Department, MARTA, and the Atlanta Ambassadors Taskforce; and work details with the Atlanta Humane Society, the annual Toys for Tots Christmas program, and the Downtown Improvement District. Offenders completed over 16,198 community service hours in 28 communities.

Drug Calendar: In 2000, the Atlanta Community Court adjudicated 200 cases involving substance abuse. Judge William F. Riley, with the Jail's Mental Health Unit worked to develop appropriate treatment directives and sanctions. Seventy percent of the cases were diverted from incarceration to community treatment under the supervision of the Court. Offenders' treatment compliance was maintained through frequent review hearings and tight coordination between Judge Riley, the Jail's Mental Health Unit, the probation officers, and community providers. The Court partnered with inpatient and outpatient facilities to provide a continuum of treatment services for its population. An additional 20% of the cases were referred to the Men's Substance Abuse Program, an in-custody treatment program run by the Atlanta Department of Corrections. The Community Court projects that in 2001 it will screen and process as many as 400 cases involving substance abuse, doubling its caseload.

John's AIDS Awareness Program:

This is an education and community service project with AIDS Atlanta for men who have been charged with solicitation. The project was started in January 2001, and has already worked with 20 offenders. The Community Court expects to refer up to 100 offenders to this program in 2001.

Men's Substance Abuse Program:

The Atlanta Department of Corrections runs this in-custody psychotherapeutic/substance abuse program for adult males. The program serves approximately 180 offenders each year and provides a network of treatment and aftercare services for graduates upon release.

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Georgia Crime Information Center Customer Support Unit

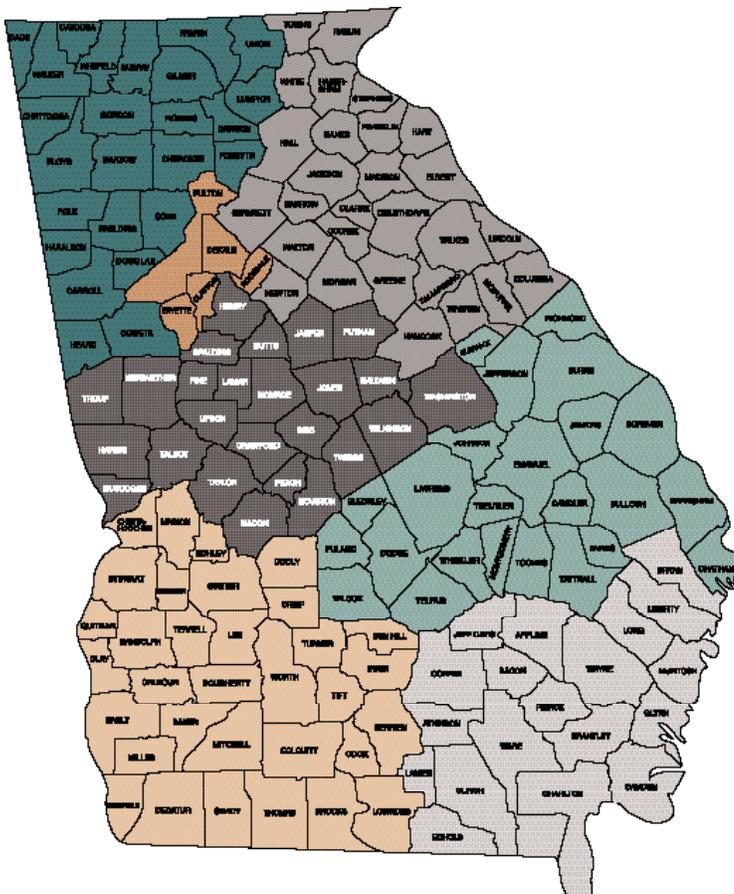
As a result of the GCIC reorganization in 1999, a new unit was formed to better serve GCIC's many customers. The unit is called the Customer Support Unit. David House manages a group of six employees consisting of one GCIC Training Coordinator and five

regional customer support representatives. The Training Coordinator, Kathy Harvey, is responsible for coordinating all GCIC related training programs. She serves as the contact person for enrolling in any GCIC sponsored training event. Each Customer Support

Representative is responsible for a specified area of the state and serves as the point of contact for all criminal justice agencies in that area requiring assistance in GCIC related matters. Below is a map of the customer support regions and customer support contact list:

GCIC Customer Support Contact List

Region	Representative	Contact Number (Beeper)
North West Georgia	Bill Tatum	404-655-4369
North East Georgia	Cheryl Ellington	404-382-5165
Metro Atlanta	LaSalle Smith	404-382-4082
Central West Georgia	Adrienne Smith	404-655-8708
Central East Georgia	Bonita (Bo) Preston	404-382-3400
South West Georgia	(currently vacant) call David House	404-655-3559
South East Georgia	(currently vacant) call David House	404-655-3559
Training Coordinator	Kathy Harve	404-655-1967
Customer Support Manager	David House	404-655-3559



- Bill Tatum
- Cheryl Ellington
- LaSalle Smith
- Adrienne Smith
- Bonita Preston
- Position Vacant
- Position Vacant

You may also dial 404-212-3010 to place a voice mail message for any of the above contacts. This voice mail automatically signals the representative's beeper that a message has been placed in their voice mailbox.

WE ARE HERE TO SERVE YOU

Council of Municipal Court Judges Annual Report

Calendar Year 2000

Who We Are

The Council of Municipal Court Judges (OCGA §36-32-40) was created to further the improvement of the municipal courts and the administration of justice. The council assists municipal court judges throughout the state in the execution of their duties and promotes and assists in their training.

All judges of municipal courts are members of the council. The Executive Committee is composed of five officers and two representatives from each of the 10 judicial administrative districts. The council holds its annual meeting during its summer training conference and holds other meetings as scheduled by the president.

The Year's Activities

The Council changed its bylaws this year, providing for a president-elect instead of a first vice president. This change allows a smoother transition from year-to-year. Most of the other councils of judges have this system for succession. The Council continues to seek membership in the Georgia Judicial Council as the municipal courts are the only courts of Georgia not represented.

The Training Council continued to provide a large selection of specialty and general courses for municipal judges to maintain certification.

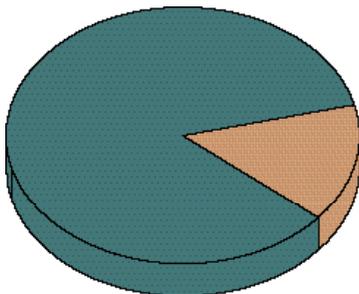
The Council published a quarterly newsletter, which informs municipal judges of the activities of the Council and updates in the law. The Council is also working on providing informational pamphlets and videos to explain the workings of municipal courts.

The Council held its first legislative breakfast, which was a success for a first-time effort. The Council will again hold another legislative breakfast for the 2001 legislative session. The Council also maintained a "Judge of the Day" program, where one municipal judge was present at the capital every day of the legislative session.

Because of the large number of municipal court judges—more than four hundred judges—the Council continually works to bring its many members together. With this in mind, the Council sponsored its first golf tournament. The Council also began work this year on a pictorial directory of its judges. A photographer came to the annual meeting to photograph judges, and municipal judges sent in photos and biographical information.

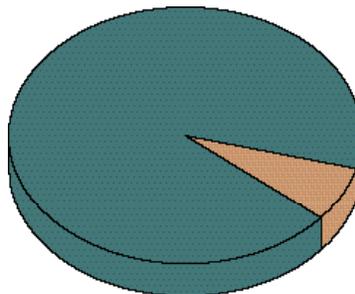
Basic Makeup of Municipal Court Judges

Male/Female Ratio



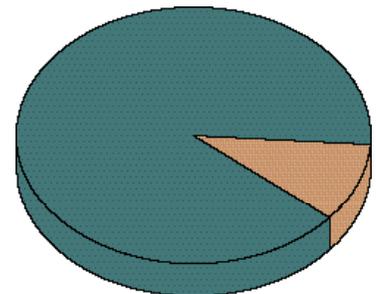
■ Male ■ Female

Racial Makeup



■ White ■ Black

Attorney/Non-Attorney Ratio



■ Attorney ■ Non-Attorney

Municipal Court Training Council Annual Report

Calendar Year 2000

Who We Are

The Georgia Municipal Courts Training Council (OCGA §36-32-22) prescribes minimum course requirements and training criteria for municipal court judges and supervises completion of the continuing education requirements. The council sets minimum qualifications for instructors, approves schools, keeps training records, and issues certificates of course completion.

Newly appointed or elected judges must attend a 20-hour certification course within twelve months of assuming office. All other municipal court judges must attend 12 hours of instruction annually to maintain their certification. All pro hac, vice, or pro tem appointees must also be certified.

The Year's Activities

The Council's main responsibilities lie in supervising training. The Council reviews all special considerations from municipal judges regarding training, such as requests for credit from other training sessions. At the end of the year, the Council reports any judges delinquent in their training to the Judicial Qualification Commission (JQC) and recommends action for the JQC to take.

With the Institute of Continuing Judicial Education (ICJE), the training council offered two initial certification courses and nine recertification courses in the last year. Judges may attend multiple courses at no extra cost on a space available basis. Courses sponsored by the training

council are usually creditable as mandatory continuing legal education hours for part-time judges who practice law.

This year, members of the Council traveled to Reno to participate in the Faculty Development Workshop at the National Judicial College. This workshop taught better methods of providing adult education in the traffic safety area, and hopefully it will improve the seminars the Council provides. The lessons learned were implemented into the Faculty Training and Course Development session for this year.

The Council adapted its bylaws to reflect actual practice. Terms were changed to begin September 1 and end August 31.

Municipal Courts Training Council Year 2000 Seminars

<u>Seminar</u>	<u>Location</u>	<u>Attendees</u>
<u>Basic Certification Courses</u>		
20-hour certification	Athens	24
	Athens	55
Traffic Survey Update Recertification	Savannah	87
	Savannah	56
<u>Specialty Courses (12 hours)</u>		
Judging and Humanities	Athens	25*
Highway Safety and Impaired Drivers	Cartersville	13
	Madison	16
	Dublin	17
	Albany	14
Fact Finding and Decision Making	St. Simons	39
Judicial Use of Computers	Athens	16
Domestic Violence	Columbus	47*
Local Ordinance	Gwinnett	11*
Pharmacology of Drugs	Athens	9

*These seminars were designed for both the municipal and magistrate courts. Not all of the attendees were

Atlanta Community Court *continued*

Mental Health Calendar: In 2000, the Atlanta Community Court adjudicated 163 cases involving mental illness or dual diagnosis. Judge Riley worked closely with the Jail's Mental Health Unit to develop appropriate treatment directives for each offender. Additionally, the Court reached out to community resources and pieced together a small network of public and nonprofit service providers to work with appropriate candidates. Almost half of the cases were diverted from incarceration to community treatment or placement as a condition of their probation, and Judge Riley assumed a supervisory role in offenders' treatment plans with frequent review hearings, assertive case coordination, and aggressive sanctions for noncompliance. The Community Court is currently working to improve its processing efficiency through the development of streamlined protocols and enrollment criteria. The

Court projects that in 2001, it will screen and process just under 400 cases involving mental illness or dual diagnosis, effectively making it one of largest Mental Health Courts in the country.

Women for Women Program: The Atlanta Department of Corrections runs this in-custody psychotherapeutic/substance abuse program for adult female prostitutes. The program serves approximately 90 offenders each year. Since May 1999, the program has graduated 56 women, 78% (43) have not been rearrested. Women for Women is partnered with Mary Hall Freedom House, a community based nonprofit organization that provides residential services and aftercare to offenders upon release from jail. The program is currently being modified for replication with adolescent offenders through the Fulton County Juvenile Court.

NEW INITIATIVES FOR THE ATLANTA COMMUNITY COURT

AIDS Awareness Program with the Hispanic Bar Association: This project will provide education about HIV and AIDS to Latino offenders with high-risk behaviors.

Community Court Information System (CCIS): The Court is currently using the Local Law Enforcement Block grant to develop a data management system to help with offender tracking and data evaluation.

Community Reparative Boards: The Court is working with the Pardon and Parole Board to create reparative boards in the Atlanta neighborhoods of Mechanicsville, a Weed-and-Seed site, and Old Fourth Ward, an empowerment zone. Boards will make recommendations to the Court regarding conditions of probation for neighborhood offenders.

Council of Municipal Court Judges

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