



The Bench and Beyond

C L A Y T O N J U D I C I A L C I R C U I T

MESSAGE FROM THE BENCH

Clayton County's Superior Court has been operating with four judges for the last twenty-four years. During that time our population has grown by 81%, bringing about, of course, an increase in filings in our Court. Because of this, we recently made a request to the Administrative Office of the Courts (AOC) to look at our caseload to determine whether Clayton County should be considered for a fifth superior court judge.



**Superior Court Chief Judge
Matthew O. Simmons**

Under the Judicial Council of Georgia's guidelines, our 2007 case count should have 5.09 judges to handle the more than 8,500 cases that come before the Court. Our request was given a thorough review by the Judicial Council of Georgia, which consists of 23 prominent judges from across the state, including the Chief Justice of the Supreme Court of Georgia. Judge John Carbo, as president of the Council of State Court Judges, and Judge Steven Teske, as president of the Council of Juvenile Court Judges, also serve on this body. The Judicial Council approved our request, along with requests made by nine other judicial circuits in the state. They then ranked the ten approved circuits in order of need. Clayton County was ranked third on this list. The recommendation of the Judicial Council will be forwarded to the legislature for consideration in their 2009 session.

We are excited about the possibility of obtaining a new judgeship so that our Court may continue to promptly dispose of the cases that are filed here. I would like to personally thank the court officials who helped prepare our presentation, specifically Court Administrator Yolanda Lewis, District Court Administrator Will Simmons, and Clerk of Superior Court Linda Miller. I would also like to thank the Clayton County Bar Association, and the county's legislators and representatives for writing letters of support to the Judicial Council.

Please continue to keep us informed about articles or information that you may like to include in future issues of *The Bench and Beyond*. You may send them via email to andrea.saxon@co.clayton.ga.us. ♦

JUDICIAL COUNCIL OF GEORGIA

The Judicial Council of Georgia was created in 1973 by the Georgia legislature to set policies and make recommendations to improve the state's courts. Many of the judges who sit on the Judicial Council serve as part of their duties as presidents for various statewide court councils.

Members of the Judicial Council include the chief justice and presiding justice of the Georgia Supreme Court; chief judge and presiding judge of the Court of Appeals; presidents and presidents-elect of superior, state,

magistrate, probate, and juvenile court councils; and ten district administrative judges.

Clayton County has two judges who currently sit on the Judicial Council. State Court Judge John Carbo and Juvenile Court Judge Steven Teske represent the state and juvenile court councils as presidents of their respective trial courts.

One of the Judicial Council's major responsibilities is to determine which counties need additional superior

court judges, and make such recommendations to the General Assembly. Once a county requests an additional judgeship, the Administrative Office



Judicial Council of Georgia

(Council, Continued on page 2)

(Council. Continued from page 1)
of the Courts compiles statistics for the Judicial Council to review. These reports contain information collected from the Georgia Superior Court Clerks Cooperative Authority and each county's Superior Court Clerk, District Court Administrator, District Attorney, and Chief Probation Officer. The Judicial Council considers each county's caseload, filings, number of jury trials, open cases, population, and the number of days a senior judge must come

to assist the court.

Other responsibilities of the Judicial Council are to make recommendations to the legislature on the budget of the judicial branches and on legislation that affects different classes of court. The Judicial Council also sets policy for case counting standards for the courts, and appoints judges to various commissions and projects. In June, the Judicial Council appointed State Court Judge Linda Cowen to

serve a second term as chair for the Board of Court Reporting of the Judicial Council of Georgia.

Judge Carbo, whose term on the Judicial Council ends in 2009 says, "It is an eye-opening experience being on the inside of the decision-making." ♦



Judge John Carbo

**PROVIDING ACCESS TO JUSTICE:
CCAP UPDATE
S A N D R A Y O U N G**

CCAP (Court and Community Access Program) was launched without a major marketing push on July 1, 2008, at the Headquarters Library. Within the first month of operation, a local reporter had an opportunity to see the program. He immediately expressed how easy the system was to use, stating the computers were "much better than the system in the law library."

Based on the great response to the CCAP desktop design, each computer in the Law Library at the Justice Center has been adapted to reflect a more streamlined approach for users. Since this change, countless self-represented litigants and attorneys have provided helpful feedback on their ability to quickly locate information in the Law Library.

Over the last forty-five days, more than 50 people have made about 1,000 views of information and documents using CCAP. The use of forms and information pertaining to domestic relations matters remain one of the most popular areas on the system.

Since its launch, CCAP has been nominated for the Georgia Council of Court Administrators Program of the Year Award. The award will be presented to the top finalist at the October GCCA conference. ♦

**STATE COURT JUDGE APPOINTED TO
STATEWIDE EVIDENCE REVIEW COMMITTEE**

Each Thursday for the past three months, State Court Chief Judge Harold G. Benefield has served as an advisor to the Georgia Legislature in their efforts to completely revise Title 24 of the Georgia Code relating to evidence. Judge Benefield was appointed to represent the Council of State Court Judges by Judge John C. Carbo, the Council's President.



closely mirror those of the Federal Rules of Evidence. At the weekly meetings of the Legislative committee, each proposed section of the statute is discussed, criticized, affirmed and often revised to conform with concerns and suggestions made by the advisory committee, members of the audience, or the legislators themselves.

The legislative committee is made of members of both the Georgia Senate and House of Representatives, and is chaired by Rep. Wendell Willard. The advisory committee includes one Superior Court Judge, one State Court Judge, a representative of the Prosecuting Attorney's Council, a member of the Georgia Criminal Defense Lawyers, an Assistant Attorney General, Professor Paul Milich of the Georgia State School of Law, and lawyers who repre-

sent plaintiffs and defendants in civil actions. In addition, lawyers throughout the state are invited to appear before the Committee to express their views on the various provisions under consideration.

This huge undertaking began more than a year ago when a blue ribbon committee of attorneys was created by the State Bar of Georgia for the purpose of creating a proposed revision of the Evidence Code which would

"As a trial judge, one of my primary responsibilities is to know, understand, and apply the rules of evidence for the purpose of discovering the truth in every matter before the Court. Over the thirty-two years of my practice as an attorney and service as a judge, I have taken the opportunity to seriously study these critical rules and have spoken to various legal groups concerning their proper appli-

(Evidence, Continued on page 4)

F O C U S O N : N A N C Y P A R K H O U S E

Nancy Parkhouse is the Director of Alternative Dispute Resolution at the Banke Justice Center. For more than 12 years, Nancy has managed the mediation program for the Superior, State, Magistrate, and Probate courts. She also supervises the parenting seminar program, and acts as a mediator in domestic and civil cases.



Prior to coming to Clayton County, Nancy worked for Cobb County Juvenile Court, as well as Cobb's Superior Court. While at Cobb, she proposed and implemented the "Children Cope with Divorce" program. This program "became a national model for educational programs for divorcing parents," said Nancy. She received a Certificate of Public Management from the Carl Vinson Institute of Gov-

ernment in 1988, and received the Liberty Bell Award in 2002.

Born in Natchez, Mississippi, Nancy received a psychology degree from the University of Alabama. She has lived in Clayton County for 16 years with her husband Keith, retired director of Clayton County's Juvenile Court Services. Her two daughters, Hillary and Laura, are graduates of Jonesboro High School. Nancy is an elder

on session at the First Presbyterian Church of Jonesboro. She plays in ALTA and USTA tennis leagues, and has been president of many local and state community groups.

What have you found to be the best way to relieve tension? Go out and hit a lot of tennis balls and laugh with friends.

Where would you go on your dream vacation? An around the world cruise, all expenses paid.

Do you own an iPod? If so, what songs are in your playlist? Don't have one, but if I did, songs by Billy Joel, Rod Stewart, Elton John, James Taylor, Kenny Loggins (old stuff from the '60s and '70s!). ♦

**L A W L I B R A R Y :
N E W S E R V I C E T O A T T O R N E Y S**

Attorneys - Have you ever needed to make copies in the Law Library, but had no change to pay? Well, you're in luck. The Law Library now provides a new service to you. With the Law Library Receipts Program, created by Sandra Young, you can open an account to prepay for your copies, prints, and faxes. For as little as \$10, we will get some basic information from you and create an account. You will be able to come in, do your business, and then just let the receptionist know your total number of pages. We will deduct the money from your account, and let you know when your balance gets low so that you can add additional funds. We can even print a receipt for you. No hassles, no worries! See Betty Jo in the Law Library to open your new account today. ♦

**L E G A L
L I N G O**

"Arraignment"

(Also known as "First Appearance")
The first time charges are read, a lawyer is appointed, and a plea is entered.

C O U R T C L E R K U P D A T E S

Superior Court

The office of the Clerk of Superior & Magistrate Courts is like any other county department in that sometimes the workload exceeds the workforce. Some tasks such as removing staples, shredding legally outdated material, alphabetizing and filing, which may be considered simple, can be time-consuming.

At the same time, the members of WorkTec on Stockbridge Road in Jonesboro struggle to find a work environment where they can learn new

skills as well as experience the responsibilities of having a job. WorkTec assists those with disabilities who desire to be trained and placed in a permanent job.

Linda Miller, Clerk of Superior & Magistrate Courts, has partnered with WorkTec to provide assistance both to her office as well as to WorkTec. Three days a week members of WorkTec are transported to the Clerk's office to assist in clerical as well as janitorial tasks. The members are given assignments to complete and

are assessed frequently based on their productivity, comprehension and willingness. Members are assigned to work in the Clerk's office for a period of eight weeks. Those members are then rotated to another job site and another group of WorkTec members are brought in. This allows many students to have the experience of working in an office in the judicial system - an opportunity they might not have had otherwise. The students are paid by WorkTec based on the number of hours they work.

(Clerks, Continued on page 4)

FOR THE RECORD ***SUPERIOR COURT**

- 969 criminal filings
- 458 domestic relations filings
- 261 general civil filings

STATE COURT

- 3,604 civil filings
- 4,520 criminal filings
- 6,340 traffic filings

DUI COURT

- 41 participants in Phase I
- 28 participants in Phase II
- 13 participants in Phase III
- 2 participants in Phase IV
- 9 participants graduated

INTERPRETERS

- 364 interpreter hours billed
- \$20,743 billed
- 9 languages used

ADR MEDIATION

- 249 cases closed
- 45% cases mediated
- 53% reached full or partial agreement

ADR PARENTING

- 5 seminars held
- 114 cases referred
- 134 seminar attendees

*for 3rd quarter of 2008

(Clerks, Continued from page 3)

This partnership between the Clerk's office and WorkTec has been on-going for over ten years. It's a win-win situation: The Clerk's office receives additional help and WorkTec students receive on-the-job training. If your office is interested in partnering with WorkTec, more information can be obtained at <http://www.clayton.k12.ga.us/facilities/otherdistrictfacilities/worktec/> or you can call 770-473-2840. ♦

PARENTS OF MURDERED CHILDREN
BARBARA FERNANDEZ



When your spouse dies you are a "widow" or "widower," but when your child dies, what are you? This is the question a lot of survivors are left with, when their children are murdered. In 2006, Clayton County was struck by 43 murders, and tragically in 2007 the number rose to 44. "It began out of our personal need, not out of any altruistic motives," says Charlotte Hullinger, national founder of POMC, Inc. "From it developed the realization that most people don't have any idea of what it's like to have a child murdered." Based on the idea that grief must be shared, Parents of Murdered Children was born.

Parents of Murdered Children – Clayton Chapter, holds monthly meetings, provides a telephone network of support, supplies information about the grief process, organizes a speakers bureau, and in conjunction with the DA's Victim-Witness Assistance Program, they provide emotional support for survivors who attend court proceedings. The Clayton County Chapter Leader for POMC is Rene Glaspie-Willis, mother of Javaun Forte, who was murdered on August 10, 2004. In the aftermath, Rene and her family decided to channel their efforts into a means by which other parents could express their grief, and in August of 2006 she started the Clayton Chapter of POMC.

Most meetings begin with introductions and each survivor telling of his/her loss. Often there is a topic to guide discussions such as the grief process, the criminal justice system, or favorite memories. Usually meetings revolve around group member's own knowledge and experiences but occasionally outside speakers are invited to present information and to learn from survivors.

One member said, "In the meetings, people are so supportive, you don't have to be afraid to say what you feel. No one is there to judge your feelings or to persuade you to think differently." You can grieve at your own pace.

As members help one another by sharing experiences, feelings and insights, and by allowing others to do the same, their grief is somehow lessened.

We acknowledge that anger, depression and other feelings are real, "we will simply be here beside you," says Ms. Glaspie-Willis. For more information about POMC, she can be reached at 404-242-8735. ♦

(Evidence, Continued from page 2)

cation. This is an area of the law that I truly enjoy working with. These are the rules that allow citizens before the Court to have their say in a manner that is designed to maximize the probability that critical decisions will be based upon trustworthy information. Every question that is asked, and virtually every word that is spoken in a courtroom, must pass through the filter of these rules. A real judge is not a passive observer of a trial, but is, instead, an active participant in the form of a highly specialized referee. It is not an easy task if done properly, but it is both fascinating and crucially important to the pursuit of justice."

The committee is scheduled to conclude its work in November and it is hoped that the full Legislature will have a proposed law to consider during the 2009 session. ♦

Superior Court
Chief Judge Matthew O. Simmons
Judge Deborah C. Benefield
Judge Albert B. Collier
Judge Geronda V. Carter

State Court
Chief Judge Harold G. Benefield
Judge John C. Carbo
Judge Linda S. Cowen
Judge Morris E. Braswell

Court Administrator
Yolanda L. Lewis

Editor
Andrea Saxon
Harold R. Banke Justice Center
9151 Tara Boulevard, Suite 3CA01
Jonesboro, Georgia 30236
Phone: 770-472-8190
Fax: 770-478-2381
E-mail: andrea.saxon@co.clayton.ga.us

Visit us at:
www.co.clayton.ga.us/courts

C L A Y T O N J U D I C I A L C I R C U I T

I N T E R N S I N T H E C O U R T
W E S L E Y S A N D E R S

"Do you need me to do anything? Coffee? Does your plant need watering? Should I sort through that 'Jack and the Beanstalk' size stack of files on your desk?" - Most may consider these to be the typical questions of an intern, but they are not typical of the interns in the Clayton County Courts. Instead of retrieving coffee or spending all day huddled over a file cabinet, we've found ourselves asking questions like "How did you want that plan brief formatted?" or "Will you look over this order I've drafted and make sure it looks acceptable?"

Some might say that the goal of an internship is to gauge one's aptitude in a particular field. If you were to ask any of the summer interns in the Clayton County Superior or State Court, it is highly doubtful that any of us would describe our experience as an 'aptitude test,' rather it has been com-

plete and total submersion into a field that we have taken interest. We'll admit, there *may* have been some times when we *might* have wished we had rethought our decision; but in the end, we could not have been happier with our choice to intern in Clayton County. We appreciate all the staff members who were forced to work with us, and are especially grateful to our bosses, who agreed to take us on. It is because of all of you that we now feel better prepared and more sure of our decision to pursue law. And yes, we know we've asked several dumb questions...but thanks for answering them anyway.

Our advice to future interns: Keep the dumb questions coming, no matter how many funny looks you get! Every person in the courthouse has something to teach you. ♦

Phillip Harry Mansell Jr.
Legal Intern to Judge Morris E. Braswell
Age 24, currently attending the John Marshall Law School

Dream job? Playing centerfield for the Atlanta Braves
Advice to future interns? My advice would be to ask as many questions as you can and really listen to the stories and advice the Judge gives you.
Where do you see yourself in 10 years? Hopefully retired, but probably still paying off student loans and working in litigation or prosecution.

Wesley Sanders
Intern to Court Administrator Yolanda L. Lewis
Age 20, currently completing undergraduate coursework at Mercer University

Favorite Superhero? Why? Batman - he is a self made Superhero; not having superpowers didn't stop him!
Advice to future interns? Take advantage of any and all opportunities to learn. Time spent in the courtroom is especially informative. Make it a goal to ask anyone who works in the courthouse at least one question; they all have something to teach you. Learn as much as you can while you're here because here, unlike school, the knowledge is free!

Michele Boothroyd
Legal Intern to Judge John C. Carbo
Age 23, currently attending the Mercer University Walter F. George School of Law

Dream job? Bigwig at a public interest environmental law organization
Favorite Superhero? Why? Ironman - the sheer ingenuity by a true human's brainpower is out of this world!
Most meaningful internship experience? Watching a bench trial all the way through, researching the law on point, and drafting the order. Editing the facts a few times with Judge's advice was so instructive. I have learned an incredible amount from him, Jennifer and Gail in such a short time. My time working here has been immeasurable in adding to my knowledge, and spending time in Judge Carbo's Office has been invaluable. I appreciate all of the guidance and advice I've received.