

ICJE

TRUSTEE'S HANDBOOK

FY 2003 -2004

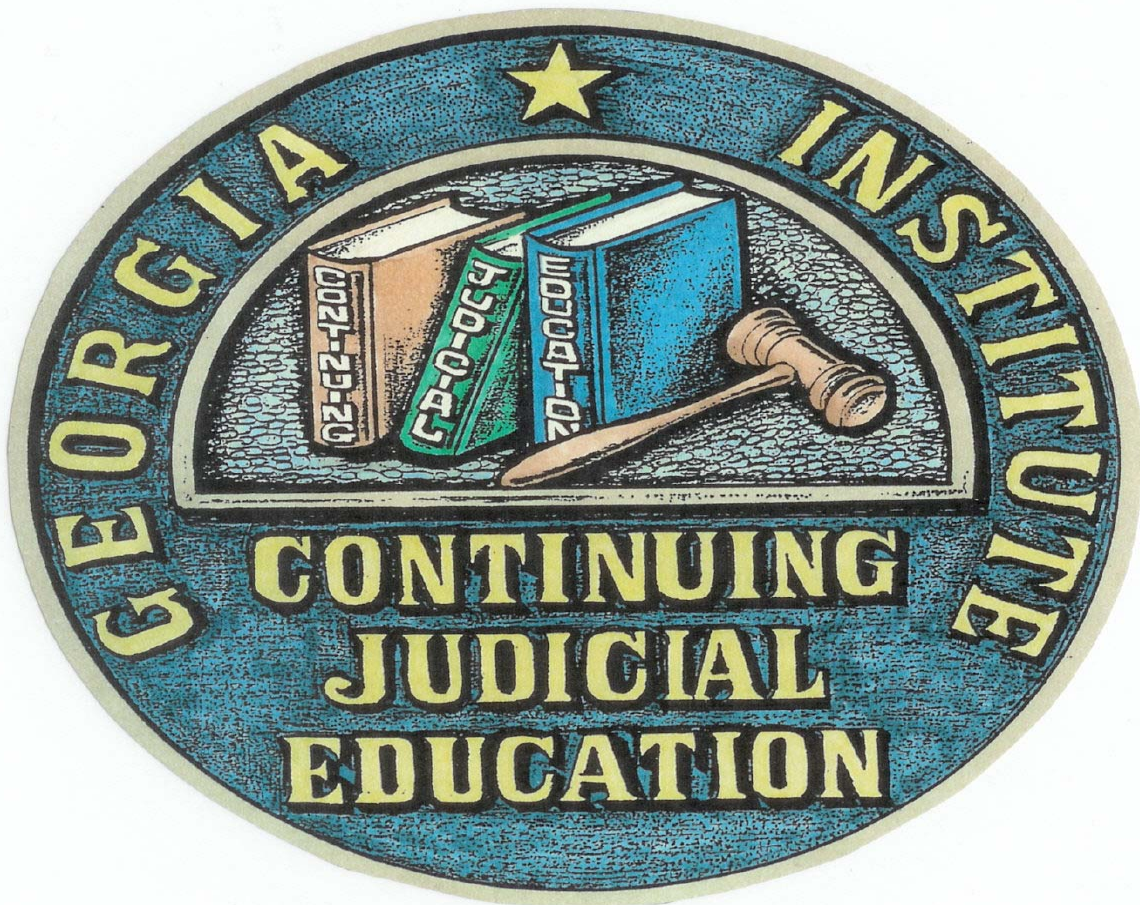


TABLE OF CONTENTS

	Page
PART I Current Operating Policies of the Institute of Continuing Judicial Education	1
General Provisions O.C.G.A. §15-1-11 & 15-6-32.....	3
Current Bylaws of the Institute of Continuing Judicial Education.....	4
Goals for Georgia Judicial Education.....	8
The Institute of Continuing Judicial Education Standards for the Conduct of Programs In-state	11
Standards for Instructional Activities.....	14
The Institute of Continuing Judicial Education Standards for Participation in Nationally-Based and Continuing Legal Education Training	15
Financial Aid Request for Nationally-Based Training or CLE	18
PART II Mandatory Continuing Judicial Education Operating Policies	21
Superior Court Judges Abstract	23
Uniform Superior Court Rule	23
Magistrate Court Judges Abstract.....	26
O.C.G.A. §15-10-137	26
Superior Court Clerks Abstract	28
O.C.G.A. §15-6-50 (c)	28
O.C.G.A. §15-6-50.1	30
Probate Court Judges Abstract.....	32
O.C.G.A. §15-9-1.1	33
Juvenile Court Judges Abstract	35
O.C.G.A. §15-11-4.1	35
Uniform Juvenile Court Rules 1.3	36
State Court Judges Abstract.....	37
Uniform State Court Rule 43.....	37
Supreme Court of Georgia Abstract.....	40
Rule XII	40

	Page
Administrative Law Judges Abstract	42
Uniform Administrative Law Judge Rule	42
Court of Appeals Abstract	44
Rule XXX.....	44
Mandatory Continuing Judicial Education, Court of Appeals.....	45
Municipal Court Judges Abstract	47
O.C.G.A. §36-32-27	47
Suggested Rule Regarding Mandatory Continuing Judicial Education (never adopted)	48
PART III History of the Institute of Continuing Judicial Education of Georgia	54
Narrative Description of the Institute of Continuing Judicial Education of Georgia	56
Supreme Court Request for Bylaws.....	58
Judicial Council Proposal of Bylaws	59
Exhibit A - By-Laws of the Board of Trustees of the Institute of Continuing Judicial Education of Georgia	61
Exhibit B - Proposed Duties and Obligations of the Institute of Continuing Judicial Education of Georgia.....	65
Exhibit C - Memorandum of Understanding between the University of Georgia School of Law and the Judicial Council of Georgia (June, 1978).....	66
Exhibit D - Current Membership of Board of Trustees of the Institute of Continuing Judicial Education of Georgia.....	70
Exhibit E - Parties to be Notified of this Submission.....	71
Supreme Court Order Creating the Institute for Continuing Judicial Education and Adopting Bylaws.....	73
Original Bylaws Adopted	74
Memorandum of Understanding between the University of Georgia School of Law and the Judicial Council of Georgia (June, 1982)	78
Judicial Qualifications Commission Opinion #15 regarding funding for the Judicial College	82

	PAGE
Memorandum of Understanding between the University of Georgia School of Law and the Judicial Council of Georgia (June, 1994)	85
List and Tenures of Current and Past Boards of Trustees	89
American Bar Association 1989 Education Award	95
American Bar Association Education Award Newspaper Article	96
American Bar Association 1999 Education Award	97
American Bar Association Education Award Newspaper Article	98
 PART IV Pertinent Outside Information	 99
Resolution - Guidelines for Judicial Education, Conference of Chief Justices, 1977	100A
Legal Education Perspective on Judicial Education Needs	100E
ABA Standards for Judicial Education and Training For State Trial Judges	100H
Article: <u>How Our Judicial Schools Compare to the Rest of the World</u>	102
Article: <u>Keeping Judges Awake to Contemporary Needs</u>	111
Article: <u>Basic Training for the Bench</u>	117
Narrative Description of Center for Judicial Education and Research (CJER).....	122
Article: <u>Judicial Education Today: State Programs - The State-National Fit</u>	124
Article: <u>Judicial Education and the State Justice Institute: Some Policy Considerations</u>	133
Article: <u>The Who and What of Judicial Education</u>	158
Article: <u>An Empirical Study of Judges' Reasons for Participating in Continuing Professional Education</u>	196
Sample Training Schedules	217
American Academy of Judicial Education	218
Institute of Court Management of the National Center for State Courts	220
National College of Juvenile and Family Law	223
National Judicial College	224

PART I

**CURRENT OPERATING POLICIES
OF THE
INSTITUTE OF CONTINUING JUDICIAL EDUCATION**

O.C.G.A. §15-1-11 GENERAL PROVISIONS

Attendance of judges and court personnel at educational programs authorized.

(a) Judges of the courts of this state, the clerks thereof, and the prosecuting officials and public defenders, both full-time and part-time, attached thereto are authorized to attend institutes, seminars, conferences, and other programs of an educational nature in order to become better informed and better qualified relative to the duties of their offices and the more effective administration thereof.

(b) The expense incurred in connection with the attendance at such institutes, seminars, conferences, and other programs shall be a proper expenditure of public funds. Any such person, prior to attendance at any of the above, must obtain approval therefor from the governing authority of any county or municipality located in whole or in part within the jurisdiction of the court to which the applicant is attached. When approval has been received, the expense of attendance shall be paid out of the public funds of such county or municipality or out of the funds provided for the operation of the court involved, upon the proper itemized expense voucher being submitted.

(c) This Code section shall be cumulative of other provisions of law and shall not be construed as repealing, restricting, or limiting alternative provisions for accomplishing the same purpose. (Code 1933, § 24-113, enacted by Ga. L. 1968, p. 1191, § 1; Ga. L. 1990, p. 8, § 15.)

O.C.G.A. § 15-6-32. Expenses for attendance at educational programs.

Any other law to the contrary notwithstanding, the judges and senior judges of the superior courts of this state are authorized to accept and receive from funds appropriated for the operation of the superior courts to the extent not eligible for reimbursement from funds appropriated for the operation of the Institute of Continuing Judicial Education or from funds appropriated for the operation of the Institute of Continuing Judicial Education reimbursement for the actual expenses of continuing judicial education within the state and out-of-state in the same manner as members of the General Assembly in attendance at conferences and meetings. Such reimbursement, whether for education within or outside the state, shall further include any tuition fees, registration fees, or other similar expenses necessary to receive such education. All requests for attendance at educational seminars shall be submitted to the Institute of Continuing Judicial Education for prior approval. (Code 1933. § 24-2606.3. enacted by Ga. L. 1978. p. 1370. § 1; GA. L. 1980.p. 596, § 1; Ga. L. 1986, p.794. § 2; Ga.L. 1987. p. 385. § 3.)

**CURRENT
BY-LAWS OF THE BOARD OF TRUSTEES
OF THE
INSTITUTE OF CONTINUING JUDICIAL EDUCATION
OF GEORGIA**

**Article I
Name and Purpose**

Section 1. This Board shall be known as the Board of Trustees of the Institute of Continuing Judicial Education of the Judicial Council of Georgia.

Section 2. The purpose of this Board shall be to direct the activities of the Institute of Continuing Judicial Education of Georgia which will have primary responsibility for the continuing education of the judiciary of the courts of record in Georgia.

**Article II
Membership**

Section 1. The membership shall be composed of thirteen members who shall be selected as follows:

(1) The Court of Appeals of Georgia shall name one member for an initial one-year term.

(2) The Council of Superior Court Judges shall name two judges as members. One shall serve for an initial one-year term and the other shall serve for an initial two-year term.

(3) The Association of State Court Judges shall name one judge as a member for an initial three-year term.

(4) The Council of Juvenile Court Judges shall name one judge for an initial term of one year.

(5) The Probate Court Judges Association shall name one judge as a member for an initial term of one year.

(6) The State Bar of Georgia shall name one member, a nonjudge, who shall serve for an initial two-year term.

(7) The Judicial Council of Georgia shall name one member, who shall serve for an initial three-year term.

(8) The Superior Court Clerks Association of Georgia shall name one member, who shall serve for an initial one year term.

(9) The Council of Magistrate Court Judges shall name one judge as a member, who shall serve for an initial two year term.

(10) The Council of Municipal Court Judges shall name one judge as a member. The first appointee shall serve a two-year term. Ex officio members:

(11) If not otherwise a member, the Immediate Past Chairman of the Board of Trustees of the Institute of Continuing Judicial Education of Georgia shall be an ex officio member of the Board.

(12) The Immediate Past Chairman of the Institute of Continuing Legal Education in Georgia shall serve for a one-year term. In the event of a vacancy in this position, either by resignation or otherwise, the Board of Trustees of the Institute of Continuing Legal Education in Georgia shall appoint a successor to serve the unexpired term.

(13) The Dean of the University of Georgia School of Law shall be an ex officio member of the Board.

(14) The Dean of the Emory University School of Law shall be an ex officio member of the Board.

(15) The Dean of Mercer University School of Law shall be an ex officio member of the Board.

(16) The Dean of the Georgia State University College of Law shall be an ex-officio member of the Board.

Section 2. At the conclusion of the specified term of any member, or upon the death, resignation, or disability of any member, the affected appointing group shall name his replacement either for a new term or for the remainder of the member's unexpired term. No regular member of the Board shall be eligible for reappointment after having served for two terms.

Section 3. The terms of the members shall begin July 1, 1979, and shall run from that date for the period specified in Section 1 of this Article.

Section 4. After the expiration of the initial terms provided for herein, the terms of the members shall be for a period of three years. The provision of this article shall not apply to ex officio members.

Section 5. The Supreme Court will assign a member of this court as liaison to the Board of Trustees. The liaison person will provide the Board with a direct means of communication with the Supreme Court. Whenever possible the liaison person will attend the meetings of the Board. The Board will keep their liaison person fully informed of their activities.

Article III Officers and their Duties

Section 1. The officers of the Board shall be a Chairman, a Vice-Chairman and a Secretary-Treasurer.

Section 2. Chairman. The Chairman shall call the meetings, notify members as required, preside at all meetings, name committees, represent the Board with respect to releases to the media and in dealing with private or governmental agencies, and perform such other duties and acts as usually pertain to his office.

Section 3. Vice-Chairman. The Vice-Chairman shall preside at meetings of the Board in the absence of the Chairman. Upon the death, resignation, or during the disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the Chairman's term or until his replacement shall have been named or until his disability ends, whichever first occurs.

Section 4. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the Board, including money. He shall keep a true record of the proceedings of all meetings of the Board. He shall attend, along with the Chairman, to the business of the Board and shall keep an accurate record of all monies appropriated to and expended for the use of the Board. He shall assist in the preparation of correspondence, notices, policy statements and opinions of the Board as directed. While the Secretary-Treasurer shall be primarily responsible for the aforesaid duties, he may delegate the same to and be assisted by the Executive Director.

Article IV Nomination and Election of Officers

Section 1. The Board shall annually elect its officers from its regular membership to serve a term of one year, said term to run from July 1 to June 30, immediately following the Board's annual meeting held in connection with the annual meeting of the State Bar of Georgia.

Article V Meetings

Section 1. Meetings of the Board shall be at such time and place as the Chairman may determine or upon written request of three members. The Board shall, in any event, meet no less than four times annually and shall meet for elections and other purposes at the State Bar Annual Meeting, when such meeting is conducted within the geographic boundaries of Georgia. Notices of all meetings other than the "annual" shall be given at least seven days in advance thereof. Notice shall include the time and place of said meeting.

Section 2. The members of the Board present, not less than seven, shall constitute a quorum.

Section 3. All binding action of the Board shall be by a majority vote of the members present and voting.

Article VI Committees

Section 1. There shall be an Executive Committee composed of the Chairman, Vice-Chairman and Secretary-Treasurer and one additional member of the Board to be designated by the Chairman. The Executive Committee shall have general supervisory

charge of the affairs of the Institute in the interim between meetings of the Board of Trustees of the Institute, subject to the general policy guidelines which may be established by the Board of Trustees of the Institute.

Section 2. It shall be the privilege of the Chairman to name such committees as shall from time to time be necessary to further the aims and goals of the board. Further, the Board may, in its judgment and discretion, establish standing committees where the need appears. Membership of the committees shall be fixed by the Chairman and shall be rotated annually unless otherwise decided by the Board.

Article VII Duties and Power of the Board

Section 1. The Board shall be the governing body of the Institute of Continuing Judicial Education of Georgia. It shall formulate policy, explore and secure sources of funding, and provide such supervision and administration as necessary in order that the Institute carry out its responsibility of continuing judicial education.

Article VIII Miscellaneous Provisions

Section 1. No salary or compensation shall be paid to any officer or member of the Board.

Section 2. Members shall receive, when funds are available, those actual and necessary expenses in carrying on the work of the Board.

Section 3. These by-laws may be amended at any meeting of the Board where the members have been given ten days previous notice in writing by a majority vote of the members of the Board present and voting. They shall become effective upon the approval by the Judicial Council and the Supreme Court.

Section 4. These by-laws shall become effective on July 1, 1984.

**INSTITUTE OF CONTINUING JUDICIAL EDUCATION
OF GEORGIA
GOALS FOR GEORGIA JUDICIAL EDUCATION**

"Improving the administration of justice" serves as judicial education's fundamental goal. Outside the judiciary, however, neither the administration of justice nor judicial education is well understood. Moreover, because the myth persists that judicial officers are somehow immune in their need for basic and continuing education, as compared to other professionals, judicial education lacks any readily apparent, appreciated and compelling reasons for public support.

Nevertheless, the instructional goals or learning objectives employed in judicial educational activities are standard, professional training objectives, oriented toward enhancing individual job performance. When properly planned and implemented, judicial educational programs achieve purposes such as: transmitting new knowledge; enhancing the understanding of existing knowledge; improving performance of duty-related skills; altering misguided or unformulated values; changing outmoded attitudes; satisfying specific interests and professional curiosity. The vehicles or methods for conducting training of judiciary personnel parallel those employed widely in other realms of vocational training, exhibiting characteristic traits as adult, collegial, professional, continuing, and basic education.

To illustrate more clearly, judicial education focuses on development of underlying knowledge and observable skills that enable judges:

1. to be freed from on-the-job, or trial and error, learning of discretion-laden judicial functions, such as: issuance of search and arrest warrants, decisions on pretrial release, acceptance of guilty pleas, incarceration or assignment to probation, deprivation of parental rights, establishment of custody and visitation rights, issuance of temporary restraining orders and injunctions, entry of summary judgments and judgments N.O.V., coercive commitment for treatment of mental illness or alcoholism, sentencing to death. The liberty and property interests of the citizenry, the general public or individuals, directly affected by these decisions hang in the balance during performance of such fundamental judicial tasks, which are guided by law only up to a point and thereafter by informed judicial discretion.

2. to more effectively employ the supportive resources of state and local agencies. Courts today are assisted in the resolution of disputes and the administration of justice by numerous public and private institutions performing public service roles in many fields, such as: child support enforcement, delinquency treatment, dependency and foster care, probation and parole supervision, DWI counter-attack education, forensic mental health evaluation and treatment, alternative commercial dispute resolution, family dispute mediation, divorce conciliation counseling, public guardianship.

3. to close gaps in the black letter law of evidence and the rules of procedure. For expediting decisions on questions arising daily in the two basic areas of judicial practice, judges should become jurisprudential experts on the state and national trends, as well as the short- and long-term consequences of their actions, encompassed by these topics.

4. to move cases out of or through the system faster during the pretrial phase. Especially in civil cases, where competing public safety interests of the State are not being directed by the District Attorney, judicial supervision of lawyers' access to the courts can expedite cases and, in a significant number of them, speed the parties to settlement of their differences. Similarly, careful and consistent judicial conduct in considering criminal pretrial settlements may save the courts many hours of trial time and much expense. Astute pretrial release practices, along with managing State preparations for trial, are the keys to avoiding both jail overcrowding and loss of convictions to speedy trial rules.

5. to carry out their responsibilities while exhibiting a demeanor of impartiality and fairness. The average citizen's perception of the dignity and credibility of the American system of justice, and thus the role of law in society, is significantly influenced by the manner in which judges run their courts and also their personal affairs. The ethical strictures on being a judge involve limitations and directives concerning conduct that are far more imperative than for any other professional.

6. to integrate brand new, and often problem-filled, practices into their array of duties. New judicial functions are derived most frequently from new legislative acts and then from holdings or rules of higher courts. Normally, they involve use of new concepts or employment of old skills in new ways, as when implementing reforms such as: multi-jurisdictional sentencing guidelines, prehearing detention criteria for juveniles, percentage of fault analyses under comparative negligence, disposition of juvenile traffic offenders, jury charges on lesser included offenses, guardian advocate services for the mentally retarded, equitable distribution of property in divorce cases, shared parental responsibility in custody fights, guardians as litem in dependency actions.

7. to be brought up to date, upon rotation into a new judicial assignment or division of court. Changes in substantive law, rules of procedure, as well as local legal and judicial practice, occur with such frequency that a judge should not comfortably rely on previous experience in a particular assignment area as his only preparation for reassuming those prior duties.

8. to commit fewer errors at trial prompting appeals, and if appealed, fewer errors justifying rehearing of a case. Ultimately, each judge serves as a general scholar of the law, and must be equipped to do so. Nothing assures that any judge's initial or predominate judicial assignment will correspond to his law practice specialty. Judicial education's basic courses should prepare: the former criminal prosecutor to perform in civil family court, the former plaintiff's lawyer to perform in probate or family court, the former estate and real property practitioner to perform in trials and hearings, etc.

9. to overcome the professional isolation imposed by the Code of Judicial Conduct. Judges automatically constitute a minority proportion of any community of lawyers and legal scholars. Georgia boasts fewer than 500 state, court of record, and federal judges serving a bar of more than 25,000 attorneys. The ethical canons governing judges' conduct prevents them from discussing with others pending judicial practice questions, in terms of specific cases, without disclosing these conversations to the pertinent litigating parties. The

canons dramatically reduce the resources of the regular legal community available to aid the judge desiring to test his conclusions preliminarily, before ruling, rather than awaiting the time consuming and costly judgment rendered by an appeal. Judicial education should provide a forum for discussing issues related to judicial practice.

10. to utilize optimally the insights, experience and training of qualified court administrators and court support personnel. The adjudicative responsibilities of judicial office are awesome, because liberty and property interests of individual citizens looking to the courts for timely, fair, and certain decisions inevitably bear the brunt of final judgment. Judges must be free to confront these adjudicative challenges, without being plagued by administrative encumbrances such as: jury management, budget preparation, law library maintenance, procurement of office supplies and accounting for expenditures, statistical reporting, arranging for business and educational travel, monitoring employee performance, maintaining case records, office space assignment and courtroom scheduling, managing contracts for office machines and EDP services, etc. Employment of qualified court administrators enables judges to devote their attention to adjudicative matters; yet even these administrators and support personnel must periodically receive training to stay abreast of developments in their areas of management and administrative expertise. A local or statewide system for justice administration is only as strong as its weakest link, and consequently the training needs of court support personnel should not be under emphasized. These needs, when ignored, are disregarded at peril to the public image of the judicial officers whom the citizenry regard as ultimately responsible for the efficient functioning of the justice system.

11. to encourage and sustain their fuller appreciation of the historical significance of judging, of the influence of their decisions on private human affairs, of the consequences for the commonweal of their work in the justice system and of their leadership role in the legal community. A minority, yet a substantial number, of judicial officers exhibit concern for the jurisprudential integrity of their work. Consequently, a significant portion of these individuals enjoy the intellectual refreshment of educational ventures delving into: legal history, philosophy of law and theories of judicial process, economics and law, the anthropology of law, sociology of knowledge such as legal truth versus scientific method, morality and law, comparative systems of law and adjudication, etc.

THE INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA STANDARDS FOR THE CONDUCT OF PROGRAMS IN-STATE

The Institute of Continuing Judicial Education of Georgia bears an obligation to the State and its citizens, the ABA accredited law schools with which the Institute is affiliated, and the judiciary for which it endeavors to produce useful educational opportunities. This duty is to maintain, and strive for continual improvement in, the educational integrity and instructional quality of activities conducted under its aegis. Therefore, the following standards for planning, conducting and participating in state-based judicial education activities apply to programs conducted under the Institute's name or employing its funds for administration, instructional support, travel, lodging, or meal reimbursement.

Ordinarily, encompassed training events include: the annual summer and fall seminars for Superior Court Judges, fall and spring seminars for Probate Court Judges, Superior Court Clerks, Juvenile Court Judges, Independent Juvenile Court Probation Staff, as well as annual seminars for State Court Judges, Court Administrators, Judicial Secretaries, Traffic Court Judges, Orientation for New Judges, certification and recertification seminars for Magistrates, and preparation of Instructor Judges. These activities constitute the core of Georgia's judicial educational effort, which is more fully established each year by the Board of Trustees in the process of adopting the program budget for the Institute of Continuing Judicial Education. Statutorily created administrative councils bearing a special interest in continuing judicial education include: The Executive Probate Judges Council, the Council of Juvenile Court Judges, the Superior Court Clerks Training Council.

1. **ACADEMIC FREEDOM** - In order to fulfill the Institute of Continuing Judicial Education's Goals for Georgia Judicial Education, Institute staff, educational program planning committee members, and instructors shall be accorded the right of academic freedom. Positive suggestions concerning issues and topics eligible for treatment in judicial educational activities shall be welcomed from all interested parties. Educational considerations such as topic timeliness, instructional leadership expertise, and adult educational soundness of program design shall be paramount elements of planning and conducting judicial educational activities. Discouraged are prohibitory suggestions on topic, teaching method, or instructor selection based on the non-educational preferences of leaders in the bar, or other professional membership associations, or administrative councils, or of personnel in the legislative or executive branches of government, or of officials primarily involved with tiers or divisions of court not targeted by the training. Any problems anticipated with the appropriateness of curriculum design, instructor selection, or method of program presentation will be resolved by the Institute's Board, consulting when necessary with appropriate administrative councils and planning committees.

2. **PROGRAM DESIGN PROCESS** - Mindful that program content selection necessarily involves input from the various groups within the Georgia judiciary targeted for training, but that short-term, ad hoc program efforts diminish the educational quality of a

training activity, the Institute's Board of Trustees endorses creation of a long-range curriculum plan and program execution cycle for each targeted group. This plan will allow

for input from each appropriate class or jurisdictional area of court, such as magistrates, probate, juvenile, state, superior or appellate courts in order to assure that all judicial functions germane to each court receive careful review once every four years for treatment in regular training activities. Curriculum planning and review committees, appointed by the Institute's Board Chairman or by his designee where appropriate, will work with the Executive Director in formulating each cyclical, long-range curriculum plan and, thereafter, in annually designing the Institute's routinely conducted educational activities. Upon adoption by the Board, each curriculum plan will serve as the foundation for topic selection in the Institute's routinely conducted educational activities.

3. PROGRAMS MATERIALS - Thorough, high quality, and carefully prepared written materials should be distributed to all attendees at or before the time each course is presented. While written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should be the exception and not the rule.

4. PROGRAM HOUR - Each educational program hour will be comprised of fifty (50) minutes of group oriented instructional activity, such as lectures, simulations, panels, discussion groups, workshops, field trips, certification exams, etc. An educational program hour will not include: study or problem-solving activities conducted on a self-instructional basis, committee meetings, business sessions, social affairs and recreational events.

5. MINIMUM DAY - Each instructional day will encompass a minimum of six (6) educational program hours, or three (3) hours for a half day in which the balance of the day is designated for travel to or from the program site. Mindful that the public expects its officials to conduct a standard workday, especially while enjoying a perquisite such as paid travel, this minimum shall not be the norm for program activities. The balance of each workday may be devoted to committee and business meetings.

6. MAXIMUM DAY - In the interest of combating learning fatigue, nine (9) hours of instructional activity is the maximum programmable for any day, so long as no more than eight (8) hours is the average for any series of consecutive days that include a nine (9) hour day.

7. EVALUATIONS - Individuals attending programs at state expense must complete and submit the form designated by the Institute for program evaluation, before becoming entitled to expense reimbursement.

8. REGISTRATION FEES - Reimbursable registration charges will be limited to those fees covering expenses reasonably connected with smooth execution of the educational program, such as costs for pertinent meals and incidental overhead services of the program site directly related to support of the instruction.

9. ATTENDANCE - Individuals attending programs at state expense should be present for and should participate in all instructional sessions of the educational activity. Allowance will be made for periods of excused absence due to personal and family medical emergencies, or emergencies related to professional responsibilities. Attendance of

spouses, friends, and family must not involve State expense. Persons not wishing to take part in the educational sessions should not attend; and individuals not adhering to the attendance policy may be asked to forfeit their State reimbursement.

10. PROGRAM SITE - Selection of program sites suitable to the activity will involve minimizing distractions presented by the site from the instructional activities, as well as curtailing meeting facility, lodging, and travel costs. The following characteristics are encouraged for program site selection. First, college or university meeting space with lodging; such meeting space convenient to commercial lodging. Second, governmental meeting space with convenient lodging. Third, private commercial meeting space and lodging at a central location with convenient access to state-wide transportation networks. Fourth, golf and tennis resorts or beach side hotels. Facilities where daily costs exceed per diem allowances authorized by the State shall be the least preferred locations for programs.

11. TRAVEL REIMBURSEMENT - Reimbursement requests received more than 30 days after the final day of a program ordinarily will not be accepted. Travel costs reimbursable from judicial educational funds will be limited to expenses for direct travel to and from the program site, in conformity with commercial carrier schedules when such transportation can be cost-effectively employed. Programs will be scheduled to minimize the need for travel on days prior to or after the actual meeting dates. Rental car costs will not be reimbursed; and no exceptions to this policy will be made without justification and prior approval from the Institute's Board.

12. NATIONALLY-BASED PROGRAMS - Expenditures of judicial educational monies for participation in nationally-based or out-of-state training will be limited to programs structured substantially in accord with these minimum standards, except as otherwise provided in the Standards for Participation in Nationally-Based Programs.

STANDARDS FOR INSTRUCTIONAL ACTIVITIES

Every ICJE instructional program should:

1. be prefaced by a **written statement** of the activity's **learning objectives**, articulated in behavioral terms that indicate what the participant will be able to better do as a result of taking part;
2. feature a principal instructor **thoroughly versed** in the **substantive contents** of the topic;
3. unfold according to a **learning plan** that incorporates **participatory activities** into the teacher's instructional design;
4. employ **visual aids** to instruction for **emphasis and clarification**;
5. prepare participants for taking part in a post-program **impact** assessment on some phase of the instructional activity, in order to evaluate its **effectiveness**.

To achieve these results, the ICJE staff stands ready to lend an assisting hand, to **discuss** with instructors useful alternative teaching methods, to help **produce** tools such as:

1. **overhead transparencies** to punctuate teaching points in presentations;
2. **critical event scenarios** for use in small group discussions or plenary problem analysis exercises;
3. **self-test exercises** to focus learner interest in an instructional activity.
4. **role-play activities** to involve learners in skill development and critique.

THE INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA STANDARDS FOR PARTICIPATION IN NATIONALLY-BASED AND CONTINUING LEGAL EDUCATION TRAINING

The Institute of Continuing Judicial Education of Georgia regards educational programs conducted by reputable national training agencies, whether outside the State of Georgia or within, as valuable and complementary to its in-state training activities. Therefore, the Institute accepts applications for financial aid to take part in such training from all personnel within the judicial branch of government. Because funds for nationally-based training are insufficient to meet all aid requests, the Institute's Board of Trustees has charged its Committee on Nationally-Based and Continuing Legal Education Training to apportion monies available among applicants according the following standards.

1. PREFERENCES AMONG ELIGIBLE PERSONNEL:

Generally, preference for funding goes to full-time members of the judiciary, followed by full-time court support personnel, and finally part-time judicial officers. Breadth of subject matter jurisdiction and geographic responsibility will bear a direct proportion to preference for funding, along with the primary service at the trial level of court.

2. PRIORITIES WITHIN THE CLASSES OF PREFERRED PERSONNEL:

First - New trial level judges who have:

- (a) attended the state-based orientation course,
- (b) accumulated at least one year of bench service prior to the starting date of the nationally-based course they wish to attend, and
- (c) applied to take part in a basic course, rather than a graduate or specialty course.

Second - Persons attending a nationally-based program, substantially related to a state-based teaching assignment, to enhance their ability to serve as an instructor in a state-based judicial educational activity.

Third - Individuals with more than three years' service in their current position, who've never taken part in a nationally-based judicial educational activity, so long as the course desired has not been substantially covered in the context of a state-based program within the 12 months immediately preceding the nationally-based course.

Fourth - Persons who've previously taken part in nationally-based programming, but have not done so within the three years immediately preceding the date on which the course they wish to attend begins, so long as the course desired has not been substantially covered in the context of a state-based program within the 12 months immediately preceding the nationally-based course.

Fifth - Individuals not fitting into the top four priority categories. Persons who've previously taken part in nationally-based programming *will rarely be approved for financial aid in two successive years, and then only under exceptionally justified circumstances, and never in three or more successive years.* Consequently, multi-year degree granting programs occupy a less than favored status among the courses for which funding will be granted.

Exceptions - The Chief Judge of a Circuit, with the approval of the Administrative Judge of his District, may request through use of a written explanation showing good cause that an individual be approved for nationally-based travel expense funding, despite the status he may occupy under this priority system.

3. **APPARENT EDUCATIONAL VALUE** of the program. Programs primarily business in nature (featuring plenary sessions, committee conclaves, membership caucuses, organizational business meetings, etc.) are not considered to be of educational value. Six hours of group-oriented instructional activity per day on the program site, three hours per half day, is the norm indicating apparent educational value.

4. **LOCATION AND DURATION** of the program. Because of travel costs, funding for short programs or activities at a great distance from Georgia is rarely granted. As a general rule, authorization is limited to programs a week in length or longer.

In addition to the foregoing considerations, the Committee has established the following administrative guidelines pertaining to financial aid for nationally-based training. Expenditures of judicial educational monies for participation in nationally-based or out-of-state training will be limited to programs structured substantially in accord with the minimum standards for the conduct of programs in state.

1. All requests should be submitted at least 60 days in advance of the training.
2. The Committee will establish specific reimbursement maximums for the following categories:

- lodging and food
- transportation
- mileage to and from an airport
- tuition/registration/conference charges
- taxi, parking, limo service and portage

3. The Committee will normally reimburse only 80% of the total of all category allowances. However, since limited funds have been specifically appropriated for nationally-based training of Superior Court judges who are in their first ten years in office, these judges will receive 100% funding of the total of the category allowances paid for from this specific appropriation for their initial attendance at a nationally-based basic course.

4. Reimbursement for lodging will be limited to the single rate for the program at the host or headquarters hotel, plus tax. Trainees may, however, stay wherever they choose.

5. Reimbursement for meals will be limited to \$28.00 per day, including gratuities. Individual meal limits are \$6.00 for breakfast, \$7.00 for lunch and \$15.00 for dinner.

6. The trainee may utilize whatever form of transportation he or she chooses, but reimbursement will be limited to the lesser of mileage (\$.25 per mile) or the least expensive airfare available at the time of travel.

7. Voluntary fees of whatever nature are not reimbursable.

8. Automobile rental will be reimbursed only in exceptional circumstances and only with prior authorization of the Committee.

9. All reimbursement requests must be submitted to the ICJE in care of University of Georgia, 123 Dean Rusk Hall, Athens, Georgia 30602, within 30 days of the completion of the program. Requests received more than 30 days after the final day of a program will ordinarily not be accepted. The request must be accompanied by a program evaluation, appropriate receipts and a copy of the certificate of completion issued by the training agency. Receipts are required for all transportation charges other than taxi and limo service, for tuition and registration fees, for lodging expenses and for parking charges. Meal receipts are not required.

FINANCIAL AID REQUEST FOR NATIONALLY-BASED TRAINING OR CLE
(USE INSTRUCTIONS ON OTHER SIDE)

SUBMIT TO: The Institute of Continuing Judicial Education of Georgia
The University of Georgia, 123 Dean Rusk Hall, Athens, GA 30602-6025
Phone: (706-542-7491)

NAME _____

TITLE _____ SS# _____

HOME ADDRESS _____ PHONE _____

COURT ADDRESS _____ PHONE _____

COURSE TITLE _____

COURSE SPONSOR _____ COURSE SITE (see ¶B.2.) _____

COURSE DATES (see ¶ C.1.) _____ TRAVEL DATES (See ¶ C.6.) _____

Please attach a copy of the promotional literature.

ESTIMATED EXPENDITURES

=====

Institute Use Only

Lodging and meals	_____	_____
Airfare (coach/saver)	_____	_____
Mileage to & from airport of departure	_____	_____
Tuition/Conference Fee	_____	_____
Misc. Expenses (Taxi, Parking, etc.)	_____	_____

TOTAL (See ¶ C.2.,3.,4.,5.,6.,7.,8.) _____

=====

Amount of Local or Other (SJI, NJC Scholarship) Contribution to Meet These Costs (See ¶C.3)

Date Applicant Last Attended A Nationally-Based Course (ICJE Funded) _____

(See ¶B.4.e.,d.,c.,a.)

Date Applicant First Assumed Current Position (See ¶ B.4.a.,c.) _____

Judicial practice or court administrative problem this course will help you resolve: _____

Applicant's Signature and Date _____

Approval of Chief Judge or other
Authorized Local Official and Date _____

=====

INSTITUTE USE ONLY

Priority DOAS Elig. Requested Authorized Recommended

Comments: _____

Decision of Committee: _____

FINANCIAL AID POLICIES

A. STANDARDS FOR PARTICIPATION IN NATIONALLY-BASED TRAINING AND CONTINUING LEGAL EDUCATION

1. The Institute of Continuing Judicial Education of Georgia regards educational programs conducted by reputable national agencies, whether outside the State or within, as valuable complements to in-state training activities. Therefore, the Institute accepts applications for financial aid to take part in such education from all judicial branch personnel. Because funds for this training are insufficient to meet all aid requests, the Institute's Board of Trustees has charged its Committee on Nationally-Based Training and Continuing Legal Education to apportion monies according to the following policies.

B. ELIGIBILITY RULES

1. **APPARENT EDUCATIONAL VALUE** of the program: Programs primarily business in nature (featuring plenary sessions, committee conclaves, membership caucuses, organizational business meetings, etc.) are not considered to be of educational value. Six hours of group-oriented instructional activity per day on the program site, three hours per half day, is the norm indicating apparent educational value.

2. **LOCATION AND DURATION** of the program. Because of travel costs, funding for short programs or activities at a great distance from Georgia is rarely granted. As a general rule, authorization is limited to programs a week in length or longer. Applications for educational travel outside the continental United States will not be considered by the committee.

3. **PREFERENCES AMONG ELIGIBLE PERSONNEL:** Preference goes to full-time members of the judiciary, followed by full-time court support personnel, and finally part-time judicial officers. Breadth of subject matter jurisdiction and geographic responsibility bears a direct proportion to preference for funding, along with the primary service at the trial level of court.

4. PRIORITIES WITHIN THE CLASSES OF PREFERRED PERSONNEL.

a. First - New trial level judges who have:
(1) attended the state-based orientation course.
(2) accumulated a reasonable amount of bench service prior to the starting date of the nationally-based course they wish to attend, and
(3) applied to take part in a basic course, rather than a graduate or

b. Second - Persons attending a nationally-based program to specifically enhance their ability to serve as an instructor in a state-based judicial educational activity, and so designated by ICJE.

c. Third - Individuals with more than three years' service in their current position, who've never taken part in a nationally-based judicial educational activity, so long as the course desired has not been substantially covered by a state based program within the 12 months immediately preceding the nationally-based course.

d. Fourth - Persons who've previously taken part in nationally-based programming, but have not done so within the three years immediately preceding the date on which the course they wish to attend begins, so long as the course desired has not been substantially covered by a state-based program within the 12 months immediately preceding the nationally-based course.

e. Fifth - Individuals not fitting into the top four priority categories. Persons who've previously taken part in nationally-based programming *will rarely be approved for financial aid in two successive years, and then only under exceptionally justified circumstances, and never in three or more successive years.* Consequently, multi-year degree granting programs occupy a less than favored status among the courses for which funding will be granted.

C. APPLICATION PROCEDURES

In addition to the eligibility considerations, the Committee has established the following application procedures pertaining to ICJE financial aid.

1. All requests should be submitted at least 60 day in advance of the training.

2. Specific reimbursement maximums will be fixed for the following categories of expense:

- lodging and meals
- transportation and mileage
- tuition/registration/conference charges
- taxi, parking, limo service and portage

3. Normally, reimbursement will be limited to 80% of the total of all category allowances. However, since some funds have been specifically appropriated for nationally-based training of Superior Court Judges during their first 10 years in office, for their initial attendance at a nationally-based basic course these judges will receive 100% of the total expenses paid for from this specific appropriation. Funding at less than 80% may be approved for applications not conforming to the minimum eligibility standards.

4. Reimbursement for lodging will be limited to the single room rate for the program at the host or headquarters hotel, plus tax. Trainees may, however, stay wherever they choose.

5. Reimbursement for meals will be limited to \$28.00 per day, including gratuities. Individual meal limits are \$6.00 breakfast, \$7.00 lunch, and \$15.00 for dinner.

6. The trainee may utilize whatever form of transportation he or she chooses, but reimbursement will be limited to the lesser of mileage (\$0.25) per mile or the least expensive airfare available at the time of travel, for the most cost-effective or direct round trip service.

7. Voluntary fees of whatever nature are not reimbursable. County or city paid tuition is not reimbursable---do not expect ICJE payment for tuition and conference fees paid in advance by a local governing authority.

8. Automobile rental will be reimbursed only in exceptional circumstances and only with prior authorization of the Committee.

9. Every reimbursement request must be accompanied by a program evaluation, appropriate receipts and a copy of the certificate of completion issued by the training agency. Receipts are required for all transportation charges other than taxi and limo service, for tuition and registration fees, for lodging expenses and for parking charges. Meal receipts are not required.

10. All reimbursement requests must be submitted to the ICJE in care of School of Law, The University of Georgia, Athens, Georgia 30602-6012, within 30 days of the completion of the program. Requests received more than 30 days after the final day of a program will ordinarily not be accepted.

PART II

**MANDATORY CONTINUING JUDICIAL EDUCATION
OPERATING POLICIES**

ABSTRACT

SUPERIOR COURT JUDGES SUPERIOR COURT RULE 43

A. BASIC REQUIREMENTS: Each superior court judge must complete the in-state basic orientation course.

1. **CONTINUING EDUCATION:** Each judge must complete an additional 12 hours per year. Excess hours may be carried over and credited to the next succeeding year.
2. **EXCEPTIONS:** A judge may receive credit for teaching.
3. **ETHICS:** Each superior court judge must complete 1 hour of training in ethics or professionalism every year.
4. **ATTENDEE EXPENSES:** none specified.
5. **RECOMMENDATIONS:** It is recommended that each judge also attend a nationally-based course for judges of courts of general jurisdiction.

B. AUTHORIZED PROVIDERS: The Institute of Continuing Judicial Education and the Institute of Continuing Legal Education are the authorized providers. In addition, any ICJE-approved nationally-based programs and any Georgia law school are also authorized providers.

C. ENFORCEMENT MECHANISMS: If a judge doesn't complete 24 hours in two years, the Education Committee of the Council on Superior Court Judges will issue a private admonition. If the judge has not completed the required training in three years, the President of the Council of Superior Court Judges will issue a public reprimand and a copy of the reprimand will be shown on the minutes of each county in the county in which the judge serves.

43. MANDATORY CONTINUING JUDICIAL EDUCATION (MCJE)

43.1 Program Requirements

(A) Every superior court judge, including senior superior court judges, shall attend approved creditable judicial education programs or activities, totaling a minimum of twelve hours every year. At least one hour of the mandated twelve hours per year shall be devoted to the topic of legal or judicial ethics or legal or judicial professionalism. If a judge completes more than twelve hours for credit in any calendar year, the excess credit shall be carried over and credited to the education requirements for the next succeeding year only.

(B) Each new judge must attend the pertinent Institute of Continuing judicial Education (ICJE) in-state program of instruction for new judges or its locally administered individual new judge orientation course. Either activity must be attended as soon as possible after the judge's election or appointment and, preferably, before hearing cases, but in any event, within one year after assuming office. Each new judge is also encouraged to attend a nationally-based basic course for general jurisdiction trial judges.

(C) Additionally, every judge is encouraged to attend national or regional specialty, graduate or advanced programs of judicial and legal education.

(D) Qualifying creditable judicial education programs and activities shall include:

- (1) Programs sponsored by the Institute of Continuing Judicial Education of Georgia;
- (2) Programs of continuing legal education accredited by the State Bar of Georgia's Commission on Continuing Lawyer Competency, such as all Institute of Continuing Legal Education (ICLE) programs;
- (3) Additional programs approved on behalf of the Council of Superior Court Judges by its Committee on Mandatory Continuing Judicial Education;
- (4) Courses at a Georgia-based law school, whether for credit or not, that qualify an individual for a degree to sit for the Georgia bar examination;
- (5) Teaching any of the above.
- (6) Service on the Judicial Qualifications Commission (JQC) or the State Bar Disciplinary Board for legal or judicial ethics or legal or judicial professionalism credit.

(E) For teaching, the following credits shall be given:

- (1) Three additional hours for each hour of instructional responsibility as a lecturer when no handout paper is prepared, and six hours for each hour of lecture when a handout paper is required.
- (2) Two hours for each hour as a panelist or mock trial judge.
- (3) When the same lecture or other instructional activity is repeated in a single calendar year, additional credit shall be given equivalent to the actual time spent.

43.2 Administration of the Program

Administrative implementation of this program of mandatory continuing judicial education shall be conducted solely by the Council of Superior Court Judges.

43.3 Council of Superior Court Judges Committee on Mandatory Continuing Judicial Education

The President of the Council of Superior Court Judges shall appoint a Committee on Mandatory Continuing Judicial Education, including at least one member of ICJE, which shall on behalf of the Council approve for credit judicial educational programs not otherwise automatically accredited by the MCJE rule, regardless of whether sponsored by a legal or judicial organization; and the committee shall impose the prescribed private and public sanctions on judges who fail to comply with the mandatory training plan.

43.4 Sanctioning Procedures

(1) In December of each year, the Committee on Mandatory Continuing Judicial Education will receive a report from the Council of Superior Court Judges detailing the creditable participation of judges on MCJE activities for that year. At the same time, every superior court judge will also receive from the Council of Superior Court Judges a report on his or her creditable activity.

Judges failing to attain the required twelve hours in any year will be notified by the committee chair that they have not met the MCJE participation requirement for that year. Following receipt of such notice, a judge shall submit a plan for making up any deficiency in education requirements. Education credit hours earned thereafter shall first be credited to the deficiency for any prior year.

(2) Judges who fail to earn a minimum of twenty-four hours over a two-year period shall receive a private administrative admonition issued from the Committee on Mandatory Continuing Education of the Council of Superior Court Judges detailing the consequences of failure to fulfill the training requirements.

(3) Upon a judge's failure to fulfill the training requirements at the end of three years, the President of the Council of Superior Court Judges shall issue a public reprimand, with a copy spread upon the minutes of each county in the circuit where the judge serves.

43.5 Exemptions

The Committee on Mandatory Continuing Judicial Education of the Council of Superior Court Judges shall receive and act upon requests for exemptions to MCJE requirements of these rules.

ABSTRACT

MAGISTRATE COURT JUDGES O.C.G.A. § 15-10-137

A. BASIC REQUIREMENTS: Each non-lawyer magistrate is required to complete an initial 80 hour training program during the two years following his election or appointment. Of this training, 40 hours is to focus on criminal law and procedure and 40 hours on civil law and practice.

1. **CONTINUING EDUCATION:** After completing the initial 80 hour course, each magistrate is required to complete 20 hours of additional training each year.
2. **EXCEPTIONS:** Any magistrate who is an active member of the State Bar of Georgia shall not be required to complete the initial 80 hour program, but shall complete the 20 hours of continuing education each year after the initial year.
3. **ETHICS:** none required.
4. **ATTENDEE EXPENSES:** Attendee expenses are to be paid by the county (see O.C.G.A. §15-10-25)
5. **RECOMMENDATIONS:** none specified

B. AUTHORIZED PROVIDERS: As approved by the Judicial Council (see O.C.G.A. §15-10-131).

C. ENFORCEMENT MECHANISMS: Report to the Judicial Qualifications Commission (see O.C.G.A. §15-10-25).

O.C.G.A. §15-10-137 MAGISTRATES

Training requirements of certified magistrates.

(a) Any person who takes office as a magistrate on July 1, 1983, and who was certified under the former Justice Courts Training Council shall satisfactorily complete 40 hours of training prior to December 31, 1984, in order to become certified under this article.

(b) Except as provided in subsection (a) of this Code section, any person who becomes a magistrate on or after July 1, 1983, shall satisfactorily complete 40 hours of training in the performance of his duties and shall attend the first scheduled training session held after the date of his election or appointment in order to become certified under this article. In order to become certified under this article, any person who becomes a magistrate on or after July 1, 1998, shall satisfactorily complete 80 hours of training specified by the council concerning the performance of his or her duties during the first two years after becoming a magistrate.

(b.1) Any person who becomes a magistrate on or after July 1, 1998, shall complete during the initial year of service as a magistrate, a program of orientation activities established by the

council and conducted under the guidance and supervision of an experienced adviser or mentor magistrate or judge.

(c) In order to maintain the status of a certified magistrate judge, each person certified as such shall complete 20 hours of additional training per annum during each calendar year after the year of his initial certification in which he serves as a magistrate judge.

(d) Notwithstanding any other provision of this article, any magistrate who is also an active member of the State Bar of Georgia shall be certified as a certified magistrate by the council without being required to complete any training otherwise required by subsection (b) of this Code section but shall be required to complete the mentor program of subsection (b.1) of this Code section and the annual training required by subsection (l) of this Code section.

ABSTRACT

SUPERIOR COURT CLERKS O.C.G.A. §§ 15-6-50, 15-6-50.1

A. BASIC REQUIREMENTS: Each clerk who has been appointed or elected must complete an initial 40 hour training program.

- 1. CONTINUING EDUCATION:** After the initial 40 hour course, each clerk must complete 15 hours of additional training each year.
- 2. EXCEPTIONS:** Anytime the requisite training has not been met, the clerk must complete the required training during the following year.
- 3. ETHICS:** none required
- 4. ATTENDEE EXPENSES:** The clerk should pay the expenses related to receiving the required training and should then be reimbursed by the county.
- 5. RECOMMENDATIONS:** none suggested.

B. AUTHORIZED PROVIDERS: The Institute of Continuing Judicial Education is the authorized provider.

C. ENFORCEMENT MECHANISMS: For each year that the training requirements are not met, the clerk will not receive credit for that year in determining eligibility for retirement.

O.C.G.A. §15-6-50 (c) CLERKS OF THE SUPERIOR COURT

Training requirements; filing of certificate of training; appointment of clerk pro tempore during training.

(c) (1) Any person who is elected or appointed as a clerk of the superior court after July 1, 1981, but before January 1, 2000, and who was not serving as a clerk of the superior court on July 1, 1981, shall satisfactorily complete 40 hours of training in the performance of his duties and shall place a certificate of training issued by the Institute of Continuing Judicial Education of Georgia on file with the judge of the probate court of the county in which he serves within one year from the date of his election or appointment in order to become a certified clerk of the superior court. On and after July 1, 1998, each person who is elected or appointed as a clerk of the superior court shall also enter upon the minutes of the superior court in which he or she holds office a copy of the certificate of training issued by the Institute of Continuing Judicial Education of Georgia. Any person subject to the provisions of this paragraph who does not satisfactorily complete the training required by this paragraph or who does not file a certificate of training issued by the Institute of Continuing Judicial Education of Georgia with the judge of the probate court and enter a certificate of training into the minutes of the superior court within the time period required shall become a certified clerk of the superior court upon completion of the requirements at any later time. For each year the training requirements required by this paragraph are not completed and the certificate is not placed on file, the clerk of the superior

court will not receive credit for that year of service for determining eligibility for retirement under the Superior Court Clerks' Retirement Fund of Georgia.

(2) Any person who is elected or appointed as a clerk of the superior court of any county of this state on or after January 1, 2000, shall satisfactorily complete 40 hours of continuing judicial education prior to taking office and assuming the duties and responsibilities of his or her office. The clerk of superior court shall file a certificate of training issued by the Institute of Continuing Judicial Education of Georgia with a probate court and shall enter the certificate on the minutes of the superior court in the county in which he or she hold office. Upon completing such 40 hour curriculum, the clerk shall become a certified clerk of the superior court. The training requirements of this paragraph shall not apply to persons subject to the provisions of paragraph (1) of this subsection. On and after July 1, 1998, the curriculum for all training programs required by this paragraph and paragraph (1) of this subsection shall be approved by the Superior Court Clerks Training Council.

(3) Effective July 1, 1983, after the initial year of training as required in paragraphs (1) and (2) of this subsection, each clerk of the superior court shall complete 15 hours of additional training per annum during each year in which he or she serves as a clerk of the superior court and shall file a certificate of additional training issued by the Institute of Continuing Judicial Education of Georgia with the judge of the probate court in his or her county. On and after July 1, 1998, the certificate of training shall be entered upon the minutes of the superior court in which the clerk of the superior court holds office. For each year the training requirements of this paragraph are not completed and the certificate is not filed as required by this paragraph, the clerk of the superior court will not receive credit for that year of service for determining eligibility for retirement under the Superior Court Clerks' Retirement Fund of Georgia; provided, however, that, if a clerk fails to take the required training in any given year, he or she may, upon written notice to the Superior Court Clerks Training Council, make up such deficiency in the next succeeding year. In such event, the clerk shall file the appropriate certificate of additional training in the manner provided in this paragraph.

(4) A clerk of the superior court may appoint an employee of his office as clerk pro tempore for a period not exceeding five days per year in order for the clerk to attend training authorized or required by this subsection or by any other Code section. If any clerk, because of a lack of personnel in his office, is unable to appoint an employee of his office as clerk pro tempore for this purpose, then the judge of the probate court shall serve as clerk pro tempore for such period. The appointment of clerk pro tempore shall be approved by the judge of the superior court and recorded in the minutes of the court.

(5) All reasonable expenses of training authorized or required by this subsection, including any tuition which may be fixed by the Institute of Continuing Judicial Education of Georgia, shall be paid by the clerk taking the training but shall be reimbursed from county funds by the county governing authority.

(6) The failure to file the certificate required by this subsection or the failure to complete the judicial education required by this subsection shall not invalidate any act or actions taken by the clerk. (Laws 1794, Cobb's 1851 Digest, p. 574; Code 1863, § 249; Code 1868, § 243 Code 1873, § 255; Code 1882, § 255; Civil Code 1895, § 4347; Civil Code 1910, § 4878; Code 1933, § 24-2701; Ga. L. 1981, O. 921, § 2; Ga. L. 1982, p. 3, § 15; Ga. L. 1983, p 1306, § 1; Ga. L. 1986, p. 213 §§ 1,2; Ga. L. 1989, p. 1091, § 1; Ga. L. 1998, p. 1159, § 6.)

O.C.G.A. §15-6-50.1 SUPERIOR COURT CLERKS

Superior Court Clerks Training Council

(a) The Superior Court Clerks Training Council is established. The council shall consist of nine voting members and two non-voting members and shall be composed as follows:

(1) Nine voting members shall be elected to a term of four years by the members of the Superior Court Clerks Association of Georgia or its successor organization; and

(2) Three non-voting members shall be judges of the superior courts appointed to a term of four years by the Judicial Council of Georgia; and

Membership on the training council does not constitute public office, and no member shall be disqualified from holding public office by reason of his or her membership.

(b) The business of the training council shall be conducted in the following manner:

(1) The training council at its initial meeting, which shall be held promptly after the appointment of its members, shall elect from among its members a chairperson, a vice-chairperson, and a secretary-treasurer who shall serve until the first meeting in the succeeding year. Thereafter, the chairperson, the vice-chairperson, and the secretary-treasurer shall be elected at the first meeting of each calendar year;

(2) Five voting members of the training council shall constitute a quorum for the transaction of business;

(3) The training council shall maintain minutes of its meetings and other such records as it deems necessary.

(c) The members of the training council shall receive no salary but shall be reimbursed for mileage incurred in the performance of their functions in accordance with state travel regulations if sufficient funds are appropriated by the state or accrue from contributions to the training council.

(d) The training council is vested with the following functions and authority:

(1) To meet at such times and places as it may deem necessary;

(2) To recommend to the Institute of Continuing Judicial Education of Georgia the curriculum, including the methods of instruction, composing the basic certification course for new clerks of superior courts and to approve such curriculum adopted by the institute;

(3) To recommend to the Institute of Continuing Judicial Education of Georgia the curriculum for the annual recertification training authorized for clerks of superior courts by Code Section 15-6-50 and to approve such curriculum adopted by the Institute of Continuing Judicial Education of Georgia; and

(4) To do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the power granted to it. (Code 1933, § 24-2701.1, enacted by Ga. L. 1981, p. 921, § 3; Ga. L. 1982, p 3, § 15; Ga. L. 1990, p 8, § 15; Ga. L. 1997, p. 520, § 1.)

ABSTRACT

PROBATE COURT JUDGES O.C.G.A. §15-9-1.1

A. BASIC REQUIREMENTS: Each probate judge must complete a required initial training course. The time, place and number of hours required shall be determined by the Institute of Continuing Judicial Education and the Probate Judges Training Council.

- 1. **CONTINUING EDUCATION:** Each probate judge shall complete additional training as required by the Institute of Continuing Judicial Education and the Probate Judges Training Council, which presently is set at 12 hours per year (Probate Judges Training Council 4-89).
- 2. **EXCEPTIONS:** none specified.
- 3. **ETHICS:** none required.
- 4. **ATTENDEE EXPENSES:** Each judge should pay the expenses related to obtaining the required training and should be reimbursed by the Institute of Continuing Judicial Education to the extent possible. If it is not possible for the Institute of Continuing Judicial Education to reimburse the judge, then the judge should be reimbursed by the county.
- 5. **RECOMMENDATIONS:** none suggested.

B. AUTHORIZED PROVIDERS: The Institute of Continuing Judicial Education and others approved by the Probate Judges Training Council of Georgia are the authorized providers.

The Probate Judges Training Council has approved the following seminars with the indicated number of credit hours to be used toward the requirement:

<u>Seminar</u>	<u>Credit Hours</u>
Traffic	5
Magistrate Court/Small Claims	5
National College of Probate Court Judges	5
National Judicial College	5
Elections	3
Vital Records	3
ICLE Fiduciary Program	3
Court Records Management	3

C. ENFORCEMENT MECHANISMS: Any judge who doesn't complete the required training for a particular year ultimately is subject to discipline by the Judicial Qualifications Commission and the Supreme Court.

O.C.G.A. §15-9-1.1 PROBATE COURT JUDGES

Required training courses; filing of certificate of completion; effect of failure to complete courses or file certificates; payment of and reimbursement of expenses.

(a) Any person who is or was elected, appointed, or made a judge of the probate court by operation of law on or prior to January 1, 1983, shall satisfactorily complete the required initial training course in the performance of his duties conducted by the Institute of Continuing Judicial Education of Georgia and shall file a certificate of such training issued by such institute with the secretary-treasurer of the Judges of the Probate Courts Retirement Fund of Georgia on or before December 31, 1983, in order to become a certified judge of the probate court. The time and place of such training course and number of hours shall be determined by the Probate Judges Training Council of Georgia and the Institute of Continuing Judicial Education of Georgia.

(b) Any person who is elected, appointed, or becomes a judge of the probate court by operation of law after January 1, 1983, and who does not satisfactorily complete the initial training course prescribed by the Probate Judges Training Council of Georgia and the Institute of Continuing Judicial Education of Georgia or who does not file a certificate of such training issued by the Institute of Continuing Judicial Education of Georgia with the secretary-treasurer of the Judges of the Probate Courts Retirement Fund of Georgia within one year after taking office as a judge of the probate court shall become a certified judge of the probate court upon completion of such requirements at any later time.

(c) Each judge of the probate court shall be required to complete additional training prescribed by the Probate Judges Training Council of Georgia and the Institute of Continuing Judicial Education of Georgia during each year of training and shall file a certificate of such additional training issued by the Institute of Continuing Judicial Education of Georgia with the secretary-treasurer of the Judges of the Probate Courts Retirement Fund of Georgia.

(d) Any judge who fails to become a certified judge within one year after taking office as a judge of the probate court or to earn the required cumulative annual minimal credit hours of training during any one-year period after the initial year of training may be given a six-month administrative extension by the Probate Judges Training Council during which to fulfill this requirement. Individual requests for extensions beyond the initial six-month extension for reasons of disability, hardship, or extenuating circumstance may be approved on a case-by-case basis by the Probate Judges Training Council. Upon failure to earn the required hours within the six-month extension period or additional extension period or periods granted, the Probate Judges Training Council shall promptly notify the Judicial Qualifications Commission which shall recommend to the Supreme Court removal of the probate judge from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the probate judge.

(e) All expenses of training authorized or required by the Code section, including any tuition which may be fixed by the Institute of Continuing Judicial Education, shall be paid by the probate judge or probate judge elect taking the training; but he shall be reimbursed by the Institute of Continuing Judicial Education of Georgia to the extent that funds are available to the institute for such purpose; provided, however, if such funds are not available, each probate judge or probate judge elect shall be reimbursed from county funds by action of the county

governing authority. (Code 1982, § 15-9-1.1, enacted by Ga. L. 1982, p. 682, § 1; Ga. L. 1988, p. 746, § 1; Ga. L. 1990, p 312, § 1; Ga. L. 1995, p. 768, § 1; Ga. L. 1998, p. 1090, § 1; Ga. L. 1999, p. 81, § 15.)

ABSTRACT

JUVENILE COURT JUDGES O.C.G.A. §15-11-4.1 UNIFORM JUVENILE COURT RULES 1.3

A. BASIC REQUIREMENTS: Each juvenile court judge must attend at least one seminar established by the Council of Juvenile Court Judges, in conjunction with the ICJE. Attendance must be certified.

1. **CONTINUING EDUCATION:** Each judge must attend at least one additional seminar each year, which shall consist of 12 hours of activity.
2. **EXCEPTIONS:** If a juvenile court judge is also a Superior Court Judge, the judge may attend seminars provided for Superior Court Judges by the Institute of Continuing Judicial Education to fulfill the required hours of training. Presently, this requirement consists of a minimum of 4 hours training.
3. **ETHICS:** none required.
4. **ATTENDEE EXPENSES:** The expenses are to be paid from state funds.
5. **RECOMMENDATIONS:** none suggested.

B. AUTHORIZED PROVIDERS: The Council of Juvenile Court Judges approves authorized providers. The Institute of Continuing Judicial Education a statutorily authorized provider when the juvenile court judge is also a superior court judge.

C. ENFORCEMENT MECHANISMS: A juvenile court judge who has not fulfilled the requisite training may not exercise juvenile court jurisdiction, unless the judge is in the first year of his initial appointment. If good cause is shown, the proper Council of Juvenile Court Judges may grant a 120 day extension.

O.C.G.A. §15-11-4.1 JUVENILE COURT JUDGES

Training seminars for judges and associate judges exercising juvenile court jurisdiction; expenses of seminar program; training requirements.

(a) The Council of Juvenile Court Judges, in conjunction with the Institute of Continuing Judicial Education of Georgia, shall establish seminars for all judges and associate judges exercising juvenile court jurisdiction and may make provisions relative to those seminars; provided, however, that all seminars will be held within this state.

(b) These seminars shall offer instruction and training in juvenile law and procedure, child development and psychology, sociological theories relative to delinquency and breakdown of the family structure, and such other training and activities as the council may determine would promote the quality of justice in the juvenile court system.

(c) Expenses of administration of this seminar program actual expenses incurred by the judges or associate judges in attending these seminars shall be paid from state funds appropriated for the council for that purpose, from federal funds available to the council for that purpose, or from other appropriate sources. These expenses for judges and associate judges shall not exceed the allowances allowed members of the General Assembly.

(d) Each judge exercising juvenile jurisdiction shall participate in at least one seminar established by the Council of Juvenile Court Judges each year. Superior court judges may meet this requirement by attending seminars held in conjunction with the seminars for superior court judges provided by the Institute for Continuing Judicial Education of Georgia. Such judges shall not exercise juvenile court jurisdiction after January 1, 1983, unless the Council of Juvenile Court Judges certifies that annual training has been accomplished or unless the judge is in the first year of his initial appointment. (Code 1933, § 24A-502, enacted by Ga. L. 1981, p.1390, § 1; Ga. L. 1990, p. 1691, § 3; Ga. L. 1995, p. 783, §§ 1, 2; Ga. L. 1998, p. 653, § 4.)

UNIFORM JUVENILE COURT RULES RULE 1.3

CERTIFICATION OF JUDICIAL OFFICERS

For the purposes of this rule judicial officers shall include judges and associate judges. Each judicial officer exercising juvenile court jurisdiction shall become certified after participation in at least one seminar established by the Council of Juvenile Court Judges each year. Superior court judges may meet this requirement by attending seminars held in conjunction with the seminars for superior court judges provided by the Institute of Continuing Judicial Education. Judicial officers shall not exercise juvenile court jurisdiction after January 1st of each year unless their Council certifies to the Administrative Office of the Courts that annual training has been accomplished or unless the judicial officer is in the first year of his initial appointment. The Council of Juvenile Court Judges shall certify the attendance of juvenile court judicial officers; the Council of Superior Court Judges shall certify the attendance of superior court judges who sit as juvenile court judges. Determination of certification will be based upon the completion of the requirements for certification set out in OCGA §15-11-4.1. Each Council shall notify each judicial officer of that class of courts of his or her status relative to certification. The period of certification shall begin on January 1st of the year following completion of the requirements and shall extend through December 31st of that same year. If, on January 1st of each year, certification has not been attained by a judicial officer, the appropriate Council of Judges may grant an extension of 120 days for the judicial officers to become certified, upon good cause shown.

ABSTRACT

STATE COURT JUDGES UNIFORM STATE COURT RULE 43

A. BASIC REQUIREMENTS: Each judge must obtain a minimum of 24 hours of judicial education every two years. In addition, each newly elected judge must attend the Institute of Continuing Judicial Education's program on new judge orientation.

1. **CONTINUING EDUCATION:** After completing the initial new judge orientation program, each judge is required to complete a minimum of 24 hours of additional training every two years.
2. **EXCEPTIONS:** none specified.
3. **ETHICS:** Each judge must obtain 2 hours of credit in judicial ethics every two years. These 2 hours are to be included in the 24 hours of education.
4. **ATTENDEE EXPENSES:** none specified.
5. **RECOMMENDATIONS:** It is recommended that each judge divide up the 24 hours of required education into 12 hours per year (1 hour of ethics). In addition, it is recommended that each new judge attend a nationally-based basic course for general jurisdiction trial judges.

B. AUTHORIZED PROVIDERS: As approved for credit by the Institute of Continuing Judicial Education.

C. ENFORCEMENT MECHANISMS: Judges who fail to obtain the required 24 hours over 2 year period may receive a private admonition detailing the consequences of failure to fulfill the requirements. If a judge fails to fulfill the training requirements for 3 years, a public reprimand shall be issued by the President of the State Court Judges Council.

UNIFORM STATE COURT RULES 43

A. Every state court judge (including senior judges who serve more than 30 days a year and any pro hac vice judge serving for more than 30 days a year, or any person serving as a state court judge for more than 30 days a year) shall attend approved MCJE courses and/or MCLE courses approved by ICJE for credit for judges, or other educational programs or activities approved by ICJE for credit for judges, totaling a minimum of 24 hours every two (2) years. At least two hours of the mandated 24 hours shall be approved ICJE "ethics studies."

B. It is recommended that judges acquire the judicial study at the rate of 12 hours per year, but sanctions do not apply if this annual recommendation is not met. It is further recommended that at least one of the two hours required in "ethics" be in the area of judicial ethics, but this is not mandated. For sitting judges, the two-year period shall begin January 1, 1988, and end December 31, 1989, and each two-year period thereafter. Any judge coming on the bench shall acquire pro rata educational credits as required. (For example, a judge coming on the bench in March, 1988, will be required to accumulate 21 credits before December 31, 1989).

A judge coming on the bench within the last five months of the educational period shall not be required to acquire credits for the remainder of the period, except for the educational requirements of new judges.

C. Each new judge must attend the pertinent Institute of Continuing Judicial Education (ICJE) in-state program of instruction for new judges or its locally administered individual new judge orientation course. Either activity must be attended as soon as possible after the judge's election or appointment, but, in any event, within one year after assuming office. Each new judge is also encouraged to attend a nationally-based basic course for general jurisdiction trial judges, as set forth in Paragraph D below.

ICJE's program of orientation for new judges is periodically available as a group-oriented, participative, instructional activity (usually in December of each election year), and is always available for self-study by use of audio or videotapes. Credit for new judges studies shall also apply to the requirement in Paragraph A above to the extent ICJE approves credits.

D. Additionally, every judge is encouraged to attend national or regional specialty, graduate or advanced programs of judicial and legal education and shall receive such credits as mandated by ICJE.

E. Sanctioning Procedures

(1) Judges who fail to earn a minimum of 24 hours over a two-year period may receive a private administrative admonition issued from the Education Committee of the State Court Judges Council detailing the consequences of failure to fulfill the training requirements.

In December of each year, the Committee on Mandatory Continuing Judicial Education will receive a report from ICJE detailing the creditable participation of judges in MCJE activities for that year. At the same time, every state court judge will also receive from ICJE a report on his or her creditable activity.

Persons failing to attain the required 12 hours in any year will be notified by that committee chair that they have not met the MCJE participation requirement for that year, and a copy of this notice will be furnished to the pertinent chief judge of the judicial administrative district.

Persons failing to earn 24 credit hours over any period of two successive years or, regardless of total hours, failing to earn two (2) hours credit in judicial ethics over any period of two successive years, will be notified by the committee chair that they have not met MCJE participation requirements and may receive a private letter of admonition issued from the committee detailing any deficiencies and consequences. A copy of this notice or admonition will be furnished to the pertinent chief judge of the judicial administrative district, and the President of the State Court Judges Council.

(2) Upon a judge's failure to fulfill the training requirements at the end of three years, the President of the State Court Judges Council shall issue a public reprimand, with a copy spread upon the minutes of each county in the circuit where the judge serves.

One month prior to the issuance of a public reprimand, the committee shall issue to any applicable judge a request as to why a public reprimand should not be issued.

ABSTRACT

SUPREME COURT JUSTICES SUPREME COURT RULE XII

A. BASIC REQUIREMENTS: Each Supreme Court Justice shall complete a minimum of 12 hours of continuing judicial or legal education per year. Compliance must be reported by January 31 of the year following the year in which the credits were obtained.

- 1. CONTINUING EDUCATION:** Each Supreme Court Justice shall complete a minimum of 12 hours of continuing judicial or legal education per year. Any excess credits obtained in one year may be carried forward to the following year only.
- 2. EXCEPTIONS:** A justice may be exempt from the continuing judicial education requirement, but not the reporting requirement, upon a showing of undue hardship.
- 3. ETHICS:** Each justice shall complete 2 hours per year of training in judicial or legal ethics. These 2 hours are to be included in, not in addition to, the 12 hour requirement. A maximum of 4 credit in ethics may be carried forward.
- 4. ATTENDEE EXPENSES:** none specified.
- 5. RECOMMENDATIONS:** none suggested.

B. AUTHORIZED PROVIDERS: The justice may receive credit from any one of the following providers: 1) programs of the Appellate Judges Conference sponsored by the American Bar Association; 2) programs sponsored by the Institute of Continuing Judicial Education; 3) programs approved by the Commission on Continuing Legal Competency; 4) programs sponsored by any accredited law school; 5) any other program of continuing judicial or legal education as approved by the Supreme Court of Georgia.

C. ENFORCEMENT MECHANISMS: If a justice fails to comply during a given year, he must submit a plan to make up the deficiency within 60 days of the reporting date. If the justice fails to submit the plan or fails to comply with the plan, the Supreme Court shall administer a reprimand. The reprimand may be reported in the Supreme Court Reporter.

SUPREME COURT JUSTICES SUPREME COURT RULE XII

XII. MANDATORY CONTINUING JUDICIAL EDUCATION

A. Minimum Continuing Judicial Education Requirement. Each Justice of the Supreme Court of Georgia shall complete a minimum of twelve (12) hours of actual instruction in an approved continuing judicial or legal education activity during each year beginning January 1, 1986. If a justice completes more than twelve hours in a year beginning January 1, 1986, the excess credit may be carried forward and applied to the education requirement for the succeeding year only.

Each justice shall complete a minimum of two (2) hours of continuing judicial legal education activity during each year beginning January 1, 1986, in the area of legal or judicial ethics. These hours are to be included in, and not in addition to, the twelve hour requirement. If a member completes more than two hours in ethics during a year, the excess ethics credit may be carried forward to a maximum of four (4) hours and applied to the ethics requirements for succeeding years.

The Supreme Court may exempt a justice from the continuing judicial education requirements but not from the reporting requirements of this rule for a period of not more than one year upon a finding by the court of special circumstances unique to that member constitutes undue hardship.

B. Reporting Requirements. On or before January 31 of each year commencing in 1987, each justice shall make and file with the Office of the Clerk of the Supreme Court evidence of compliance with the requirements of the program for mandatory continuing judicial education.

C. Creditable Activities. Continuing education programs for which a justice may receive qualifying credit shall include: (1) programs of the Appellate Judges Conference sponsored by the American Bar Association; (2) programs sponsored by the Institute of Continuing Judicial Education of Georgia; (3) programs of continuing legal education accredited by the Commission on Continuing Lawyer Competency of the State Bar of Georgia, including all programs of the Institute of Continuing Legal Education; (4) programs sponsored by any law school accredited by the American Bar Association; (5) such other programs of continuing judicial or legal education as may be approved by the Supreme Court of Georgia.

D. Credit for Teaching. For teaching in a program qualifying under Section C above, a justice shall be given three hours credit for each hour of instructional responsibility when no handout paper is required but preparation is necessary and is conducted, and six hours for each hour of instructional responsibility when a handout paper is required and prepared.

When the same lecture or instructional activity is repeated in a single fiscal year, additional credit shall be given equivalent to the actual time spent in delivering that presentation.

E. Noncompliance.

(1) In the event a justice shall fail to comply with the requirements of the rules for Mandatory Continuing Judicial Education at the end of an applicable period, such justice may submit to the Supreme Court a specific plan for making the deficiency of necessary hours within sixty days after the last day for the reporting of activities for the preceding year.

(2) In the event such plan is not submitted, or in the event a plan is submitted but not complied with during the sixty day period, the Supreme Court shall administer a reprimand to the noncomplying justice and the fact of such reprimand may be noted and published in the Supreme Court Reports.

ABSTRACT

ADMINISTRATIVE LAW JUDGES, OFFICE OF STATE ADMINISTRATIVE HEARINGS (OSAH)

A. BASIC REQUIREMENTS: Each judge of the Office of State Administrative Hearings must complete 12 hours of approved continuing judicial or continuing legal education every year.

1. CONTINUING EDUCATION: Each ALJ who earns more than 12 hours in a year may apply the excess to the subsequent year.

2. EXCEPTIONS: The OSAH Chief ALJ may exempt a judge from meeting these requirements upon a finding of undue hardship.

3. ETHICS: At least 1 of the 12 hours every year shall be dedicated to the area of judicial or legal professionalism and at least 1 hour to the Code of Judicial Conduct.

4. ATTENDEE EXPENSES: nothing specified

5. RECOMMENDATIONS: none

B. AUTHORIZED PROVIDERS: Georgia's OSAH, ICLE, ICJE and class of court councils shall be the primary program providers, with ABA accredited law schools and the National Judicial College also recognized as providers.

C. ENFORCEMENT MECHANISMS: Sanctions for failure to meet these requirements shall be implemented by the OSAH Chief ALJ after delinquency has occurred over any period of 2 successive years.

616-1-1-.05 Mandatory Continuing Judicial Education.

(1) The minimum continuing judicial education requirement for every ALJ is as follows:

(a) Every ALJ shall attend 12 hours of instruction in an approved continuing judicial or legal education program during each year beginning January 1, 1997.

(b) Any ALJ who earns more 12 hours of credit in a year beginning January 1, 1997, may apply the excess credit to the requirement for the succeeding year.

(c) At least 1 hour of the 12 hours of credit each year shall be dedicated to the area of judicial or legal professionalism and at least one hour shall be dedicated to the Code of Judicial Conduct.

(d) The Chief ALJ may exempt an ALJ from the continuing judicial education requirements upon a finding of undue hardship. ALJs who seek exemption under this provision shall file a request for exemption with the Chief ALJ no later than the first day of December for the year the exemption is sought.

(2) ALJs will receive credit by participating in OSAH's annual Continuing Judicial Education Programs. ALJs may receive credit by participating in one or more of the following programs: (a) programs sponsored by the Institute of Continuing Legal Education accredited by the State Bar of Georgia's Commission on Continuing Lawyer Competency; (b) programs sponsored by the Institute of Continuing Judicial Education; (c) programs approved for the Council of Superior Court judges, State Court Judges, and Juvenile Court Judges by their Committees on Mandatory Continuing Judicial Education; (d) courses at the National Judicial College or at any ABA accredited law school, whether for credit or not; and (e) other programs if they have secured the prior approval of the Chief ALJ. ALJs who seek credit for attending programs listed in subparagraphs (a) through (e) shall provide the Chief ALJ a description of each course that they desire to attend.

(3) ALJs shall receive one hour of credit for each hour of attendance in a program listed in paragraph (2), three hours of credit for each hour of teaching in such a program, six hours of credit for each hour of instruction when a handout is prepared and distributed, and two hours of credit for each hour as a panelist or mock trial judge.

(4) Every ALJ shall file a compliance report with the Chief ALJ no later than the end of the second week in December of the year for which the report is submitted.

(5) Any ALJ who fails to earn 24 credit hours over any period of 2 successive years may be notified by the Chief ALJ that they have not met the mandatory continuing judicial education requirements and may receive a private letter of admonition issued from the Chief ALJ detailing any deficiencies and consequences. The Chief ALJ may issue a public reprimand of an ALJ fails to earn required credits at the end of three years.

(6) As used in this Rule, the term ALJ means an administrative law judge appointed by the Chief ALJ and includes any Assistant ALJ, Special Assistant ALJ, and Associate ALJ as described in O.C.G. A. § 50-13-40(e). Authority O.C.G.A. § 50-13-40(e). Authority O.C.G.A. Sec. 50-13-40(C).

ABSTRACT

GEORGIA COURT OF APPEALS JUDGES RULE XXX

A. BASIC REQUIREMENTS: Each Georgia Court of Appeals Judge shall complete a minimum of 12 hours of continuing judicial or legal education per year. Compliance must be reported by January 31 of the year following the year in which the credits were obtained.

1. **CONTINUING EDUCATION:** Each Georgia Court of Appeals Judge shall complete a minimum of 12 hours of continuing judicial or legal education per year. Any excess credits obtained in one year may be carried forward to the following two succeeding years.
2. **EXCEPTIONS:** A judge may be exempt from the continuing judicial education requirement, but not the reporting requirement, upon a showing of undue hardship.
3. **ETHICS:** Each judge shall complete 2 hours per year of training in judicial or legal ethics. These 2 hours are to be included in, not in addition to, the 12 hour requirement. A maximum of 4 credit hours in ethics may be carried forward.
4. **ATTENDEE EXPENSES:** none specified.
5. **RECOMMENDATIONS:** none suggested.

B. AUTHORIZED PROVIDERS: The judge may receive credit from any one of the following providers: 1) programs of the Appellate Judges Conference sponsored by the American Bar Association; 2) programs sponsored by the Institute of Continuing Judicial Education; 3) programs approved by the Commission on Continuing Legal Competency; 4) programs sponsored by any accredited law school; 5) any other program of continuing judicial or legal education as approved by the Court of Appeals of Georgia.

C. ENFORCEMENT MECHANISMS: If a judge fails to comply during a given year, he must submit a plan to make up the deficiency within 60 days of the reporting date. If the judge fails to submit the plan or fails to comply with the plan, the Court of Appeals shall administer a reprimand. The reprimand may be reported in the Court of Appeals Reporter.

**MANDATORY CONTINUING JUDICIAL EDUCATION
COURT OF APPEALS**

A. MINIMUM

1. Each judge of the Court of Appeals of Georgia shall complete a minimum of twelve (12) hours of actual instruction in an approved continuing judicial or legal education activity during each year beginning January 1, 1986. If a judge completes more than twelve hours in a year, the excess credit may be carried forward and applied to the educational requirements for the succeeding two year period.
2. Each judge shall complete a minimum of two (2) hours of continuing judicial legal education activity during each year beginning January 1, 1986, in the area of legal or judicial ethics. These hours are to be included in, but not in addition to, the twelve hour requirement. If a member completes more than two hours in ethics during a year, the excess ethics credit may be carried forward to a maximum of four (4) hours and applied to the ethics requirements for two succeeding years.
3. The Court of Appeals may exempt a judge from the continuing judicial education requirements but not from the reporting requirements of this rule for a period of not more than one year upon a finding by the court of special circumstances unique to that member constituting undue hardship.

B. REPORTING

1. On or before January 31 of each year commencing in 1987, each judge shall make a file with the clerk/court administrator of the Court of Appeals evidence of compliance with the requirements of the program for mandatory continuing judicial education. If available, there shall be attached to such report a certification from the sponsor of the programs in which the reporting judge participated stating the fact of the participation.
2. Each judge shall keep his/her certificates of attendance, or file them with the clerk/court administrator along with the certificate of compliance herewith. Questions as to full or partial credit, or whether the course qualifies for credit, shall be left with each judge.

C. CREDITABLE ACTIVITIES

Continuing education programs for which a judge may receive qualifying credit shall include:

1. Programs of the Appellate Judges Conference sponsored by the American Bar Association;

2. Programs sponsored by the Institute of Continuing Judicial Education of Georgia;
3. Programs of continuing legal education accredited by the Commission of Continuing Lawyer Competency of the State Bar of Georgia, including all programs of the Institute of Continuing Legal Education.
4. Programs sponsored by any law school accredited by the American Bar Association;
5. Such other programs of continuing judicial or legal education as may be approved by the Court of Appeals of Georgia.

D. CREDIT FOR TEACHING

For teaching in a program qualifying under Section (C) above, a judge shall be given three hours credit for each hour of instructional responsibility when no handout paper is required but preparation is necessary and is conducted, and six hours for each hour of instructional responsibility when a handout paper is required and prepared. When the same lecture or instructional activity is repeated in a single fiscal year, additional credit shall be given equivalent to the actual time spent in delivering that presentation.

E. NONCOMPLIANCE

1. In the event a judge shall fail to comply with the requirements of the rules for Mandatory Continuing Judicial Education at the end of an applicable period, such judge may submit to the Court of Appeals a specific plan for making up the deficiency of necessary hours within sixty (60) days after the last day for the reporting of activities for the preceding year.
2. In the event such plan is not submitted, or in the event a plan is submitted but not complied with during the sixty (60) day period, the Court of Appeals shall administer a reprimand to the noncomplying judge and the fact of such reprimand may be noted and published in the Court of Appeals Reports.

ABSTRACT

MUNICIPAL COURT JUDGES O.C.G.A. § 36-32-20

A. BASIC REQUIREMENTS: Each municipal court judge is required to complete an initial 20 hour training program during the year following his election or appointment.

1. CONTINUING EDUCATION: After completing the initial 20 hour course, each municipal court judge is required to complete 12 hours of additional training each year.

2. EXCEPTIONS: None

3. ETHICS : none required

4. ATTENDEE EXPENSES: Attendee expenses are to be paid by the judge's local governing authority. (see O.C.G.A. §36-32-11)

5. RECOMMENDATIONS: none specified

B. AUTHORIZED PROVIDERS: As approved by the Judicial Council (see O.C.G.A. § 36-32-21).

C. AUTHORIZED PROVIDERS: Report to the Judicial Qualifications Commission (see O.C.G.A. 11).

O.C.G.A. §36-32-27 MUNICIPAL COURT JUDGES

(a) Any person who becomes a municipal judge on or after January 1, 1991, shall satisfactorily complete 20 hours of training in the performance of his duties, prior to December 31, 1991, and shall attend the first scheduled training session held after the date of his election or appointment in order to become certified under this article. Any person serving as a municipal judge prior to January 1, 1991, shall be exempt from completing these 20 hours of training.

(b) In order to maintain the status of a certified municipal judge, each person certified as such shall complete 12 hours of additional training per annum during each calendar year after the year of his initial certification in which he serves as municipal judge. (Code 1981, § 36-32-27, enacted by Ga. L. 1990, p. 882, § 2.)

**THE INSTITUTE OF CONTINUING JUDICIAL EDUCATION'S
SUGGESTED RULE REGARDING
MANDATORY CONTINUING JUDICIAL EDUCATION (MCJE)
(never adopted)**

Whereas improving the administrative of justice is a fundamental responsibility of judicial officers, as well as a primary goal of judicial education; and

Whereas the bar and bench of Georgia have diligently worked together to create a rich tradition of professional continuing education to enhance the public service capabilities of officers serving in the judicial branch of government; and

Whereas the Georgia Supreme Court, the Judicial Council and all the classes of court believe that more firmly establishing participation in professional continuing education for judges will further strengthen this desirable tradition of improved public service;

This program of mandatory continuing professional education for judges is inaugurated upon the demonstrated principles that judicial education develops underlying knowledge and practical skills enabling judges:

- a. to be freed from on-the-job, or trial and error, learning of discretion-laden judicial functions.
- b. to more effectively employ the supportive resources of state and local agencies.
- c. to close gaps in the black letter law of evidence and the rules of procedure.
- d. to move cases out of or through the system faster during the pretrial phase.
- e. to carry out their responsibilities while exhibiting a demeanor of impartiality and fairness.
- f. to integrate continuously new, and often problem-filled, practices into their array of duties.
- g. to be brought up to date, upon rotation into a new judicial assignment, division or class of court.
- h. to commit fewer errors at trial prompting appeals, and if appealed, fewer errors justifying rehearing of a case.
- i. to overcome the professional isolation imposed by the Code of Judicial Conduct.
- j. to utilized optimally the insights, experience and training of qualified court administrators and court support personnel.

k. to encourage and sustain their fuller appreciation of the historical significance of judging, of the influence of their decisions on private human affairs, of the consequence for the commonweal of their work in the justice system, and of their leadership role in the legal community.

1. Judicial Officers Encompassed by the Program - In addition to judges of the Supreme Court, the Court of Appeals, superior courts, state courts, juvenile courts, magistrate courts, and probate courts, this educational plan shall encompass the lawyer judges of municipal courts, county reporter's courts, or other legislatively created courts who are exempt from participation in the Georgia Bar's program of mandatory continuing legal education (MCLE). Senior or emeritus judges, masters, referees, judicial commissioners, protem judges, or others appointed by a standing order to assist any of the aforementioned courts by serving regularly, or more than 20 days per year, in a judicial capacity shall be subject to the training requirements of this plan.

2. Scope of Mandatory Judicial Education Requirements

A. Whether or not the attendance requirements of paragraph 2(B) are satisfied, every judicial officer actively serving as a judge more than 20 days per year shall attend over a period of every four years judicial or legal education programs totalling a minimum of forty-eight hours. For certain administrative purposes, a 12 hour annual minimal norm of participation will be observed (note paragraphs 7A & 8A). In no event will these minimums supersede any statutorily created minimum training requirement mandated for any class of judicial officers.

B. Each new judicial officer at a trial level class of court must attend the pertinent ICJE in-state program of instruction for new judge or its locally administered individual new judge orientation course. Either activity must be attended as soon as possible after the judge's election or appointment and, preferably, before hearing cases, but in any event, within one year after qualification. Each new judicial officer at a trial level court is encouraged to attend a nationally-based basic course for judges of his or her class of courts.

C. In addition to the programs prescribed in paragraphs 2(A) and 2(B) every judicial officer is encouraged to attend national or regional specialty, graduate or advanced programs of judicial and legal education.

3. Creditable Activities - Qualifying creditable activities shall include:

A. programs sponsored by the Institute of Continuing Judicial Education of Georgia;

B. programs of continuing legal education accredited by the Georgia Bar's Commission on Continuing Lawyer Competency, such as all ICLE programs;

C. programs approved for attendance by ICJE, most notably courses sponsored by reputable nationally-based MCJE organizations;

D. additional programs approved on behalf of each class of courts by an ICJE-designated body (note paragraph 6(B));

E. credit, audit or non-credit courses from a Georgia-based law school that qualify an individual to sit for the Georgia Bar Exam;

F. teaching in professional continuing educational programs for lawyers or judges recognized by this plan of mandatory continuing judicial education, and in basic education of law students.

4. Credit for Teaching

A. For teaching by a judicial officer, in professional continuing education programs (such as ICJE, ICLE, or nationally sponsored training) the following credits shall be given toward satisfying the mandatory training participation requirements: three (3) hours for each hour of instructional responsibility (lecturer, panelist, mock proceeding judge) when no handout paper is required by preparation is necessary and is conducted, and six (6) hours for each hour of lecture or panel discussion when a handout paper is required. When the same lecture or instructional activity is repeated in a single fiscal year, additional credit shall be given equivalent to the actual time spent in delivering that presentation.

B. When a judicial officer teaches for compensation a course at a law school, either ABA accredited or otherwise, as part of the regular curriculum, creditable hours shall not exceed the maximum annually established by each class of court for this activity, no matter how many presentation hours occur. Where practical, a judicial officer should be granted educational leave to teach, so long as it does not have an adverse effect on the caseload of other judges in his or her county, circuit or court.

5. Leave and Expenses

A. For participation in ICJE sponsored programs, educational leave shall be allowed and compensation for travel and living expenses may be provided as budgeted by ICJE.

B. For attendance at alternative MCJE activities, educational leave may be allowed when possible in the circuit, county or court, when due consideration for the workload effect on other judicial officers. Generally, program costs, travel and living expenses related to such activities shall be paid by the judicial officer or his county's or court's expense budget. However, pursuant to ICJE policies and guidelines, with prior ICJE approval upon application timely made, some or all such expenses may be provided by ICJE.

6. ICJE Administration of the Program

A. Administrative implementation of this program of mandatory continuing judicial education shall be conducted solely by the Institute of Continuing Judicial Education of Georgia (ICJE) pursuant to procedures it devises and promulgates. Additionally, ICJE shall shoulder principal responsibility and exercise primary authority to:

1. furnish for each trial level class of court a comprehensive program of judicial educational activity over a four year cycle encompassing judicial ethics, substantive law, procedural rules, professional practice and court administration;
2. allocate all state-appropriated funds for judicial education and impose fees necessary for conducting courses and managing the program;
3. establish accreditation standards for the creation and conduct of programs in-state;
4. establish accreditation standards for participation in nationally-based training programs;
5. monitor the general qualifying creditable activity requirements (see paragraph 3) and suggest appropriate changes in them;
6. recommend the suspension of all or parts of the MCJE program due to lack of sufficient financial resources;
7. maintain the official records for each judicial officer on MCJE hours completed.

B. Furthermore, the ICJE Board shall have the authority to select individuals or direct the designation of appropriate persons from each class of court to assist the Institute in the implementation of this program of mandatory continuing judicial education. Subject to the advice and consent of ICJE, these class of court committees may prescribe and enforce appropriate augmented training requirements for their respective classes of court; and they may approve various alternative educational opportunities to fulfill the basic training requirements. They shall impose the prescribed private and public sanctions on pertinent individuals who fail to comply with the mandatory training plan.

7. Class of Court Involvement in Administration

A. Each class of courts shall adopt for itself a four year standard of mandatory training hours, encompassing a minimum of twelve hours per year (State of Georgia fiscal year) or forty-eight hours every four years. Where applicable, the minimum shall not be less than that required by statute.

B. This adopted standard shall establish a self-imposed norm for participation in judicial education for each class of courts. Any standard exceeding the twelve hour minimum must have

ICJE approval. A class of courts may recommend non-mandatory MCJE hours paid for by it or by individual judges.

C. After adoption by the class of courts, and ICJE approval if appropriate, each judicial officer of the class is bound by that policy for the duration of the four year credit cycle. At the end of this four-year period, a designated committee for each class of court will evaluate the excuses for non-compliance, after notice and hearing, and enter any appropriate reprimand.

8. Enforcement and Sanctions

A. Judges who fail to earn the normative annual minimal twelve credit hours in any of the first three years of the training requirement cycle may be given a six month administrative extension by ICJE during which to achieve this norm. Upon failing to achieve the 12 hours within the extension period, a private admonition shall issue from the designated committee for the pertinent class of court, with a copy of such communication going to the Chief Justice of the Supreme Court of Georgia.

B. Upon a judge's failure to fulfill the training requirement at the end of four years, the designated committee for a each class of courts shall notify every judicial officer certified by ICJE as having failed to meet that class of courts' standard and conduct a show cause hearing. At the hearing, the committee shall determine whether a reasonable excuse exists for the judge's failure. If the committee determines the excuse was reasonable, it may grant an extension of up to twelve (12) months within which all unfulfilled mandatory training hours, together with current requirements, must be met. If the committee finds there was no reasonable excuse, it shall impose a reprimand and send it to the Supreme Court for approval. Under the rules of the Supreme Court oral arguments may be set. If the sanction is approved by the Supreme Court the reprimand shall be made public, through posting at each courthouse in the county or circuit where the judicial officer presides and publishing for thirty (30) days - once a week for four weeks - in the judicial organ(s) of the pertinent county(ies), circuit or the state.

9. Judicial Qualification Impact - Failure to fulfill the requirements of this program of mandatory continuing judicial education shall not disqualify any judicial officer from carrying out his or her duties. It shall not bear upon the judge's qualifications to hold office. No civil or criminal proceeding conducted before such a judicial officer shall be void or voidable for failure to satisfy the mandatory training requirements; nor shall such failure in any way impair an order or judgment entered in any case.

10. Effective Date - Beginning 1 July 1984, all judges of effected Georgia courts may fulfill the training requirements for the state's program of Mandatory Continuing Judicial Education (MCJE), by earning creditable participation in qualifying activities.

PART III

**HISTORY OF THE
INSTITUTE OF CONTINUING JUDICIAL EDUCATION
OF GEORGIA**

NARRATIVE DESCRIPTION OF THE ICJE

The Institute Of Continuing Judicial Education Of Georgia

The Institute Of Continuing Judicial Education Of Georgia (ICJE) is a resource consortium of the Georgia Judicial Branch, the State Bar of Georgia and the ABA accredited law schools of the State. Historically, the UGA Law School has provided the Institute headquarters space, administrative personnel, as well as other coordinating support.

The ICJE is a creation of the University Of Georgia Law School, the Judicial Council of Georgia and the Georgia Supreme Court. It was founded as the Georgia Judicial College in 1976, but became the Institute Of Continuing Judicial Education in 1979. It is the judicial branch agency designated to furnish continuing education for elected officials, employees and volunteer agents of the State judiciary.

Gus Cleveland, former State Bar President and a founding member of the Institute of Continuing Legal Education in Georgia (ICLE) during the 1960s, exerted leadership and support through the State Bar to create Georgia's initial organization for judicial continuing education. Superior Court (now Federal District) Judge Ernest Tidwell chaired the Judicial Council of Georgia, which supported this development in concert with the Supreme Court of Georgia, The UGA Law School, under the direction of Dean J. Ralph Beaird, asserted a leadership role in providing space and staff for the ICJE, just as it successfully had done (was doing) for the ICLE.

From 1972, federal grants to the Administrative Office of the Courts primarily from the Law Enforcement Assistance Administration (LEAA) and the National Highway Traffic Safety Administration (NHTSA), or the Office of Juvenile Justice and Delinquency Prevention (OJJDP), provided the financial means to deliver continuing education conferences in-state for judges and court support personnel. But, prior to creation of the Judicial College, there was no organization or staff of personnel in Georgia fully devoted to the task of designing and delivering judicial educational services for judges, court support personnel, or the volunteer agents of the State court system. The National Judicial College and several other providers of continuing judicial education offered courses regionally and nationally, and marketed services to states.

Transformation of the Judicial College in 1979 to the ICJE was a development within the UGA Law School. It included, for the first time, provision of an Executive Director who could work full-time in the field of judiciary continuing and basic education. Federal grants still largely furnished ICJE program funding. Throughout the formative years of the State Judicial College, as well as during the first five years of the Institute's existence, the State Bar of Georgia's representative to the judicial educational governing board was attorney Gus Cleveland. For the UGA Law School, Dean Ralph Beaird provided the constant force of vision and leadership.

By the year 1986, Georgia court professionals served by ICJE programs included: superior court judges, superior court clerks, state court judges, secretaries to superior and state court judges, juvenile court judges, probate court judges, magistrate court judges, and judge-faculty

used in the training of magistrate court judges. Nearly all of these groups experienced multi-day seminars of 12 to 20 hours duration at least two times each year.

Today, the Institute of Continuing Judicial Education of Georgia (ICJE) is still a public service and outreach commitment of Georgia's ABA-AALS accredited law schools, State Bar and judiciary. It bears primary responsibility for basic training and continuing education of elected officials, court support personnel and volunteer agents of the State's judicial branch. It is funded by the State. Its project output has more than tripled since the inception. It provides semiannual or annual programs for *judges of superior, state, juvenile, probate, magistrate and municipal courts*, together with training for *clerks of superior, state, juvenile, probate and magistrate courts*, as well as courses for *secretaries of both trial court judges and magistrates*, along with instruction for *trial court and appellate court law clerks, juvenile court probation officers, court administrators, and administrative law judges of the Office of State Administrative Hearings and the Workers Comp Board*, as well as for volunteer agents like *jury commissioners, foster care review panelists, and lawyer disciplinary hearing officers*. Conferences and seminars signify the products traditionally identified with the ICJE by its constituents. During a typical program year, more than 50,000 attendee contact hours of training will be delivered involving more than 3000 program participants.

In addition to its traditional seminars, the modern scope of products furnished ICJE constituents now includes: audio and videotapes (both ICJE produced and vendor supplied), benchbooks and monographs, periodic satellite teleconferences (several originated by the ICJE and others monitored from other sponsors), computer software (both commercial as well as custom-developed), and private vendor-supplied seminars.

During the past ten years, new constituent groups served by the ICJE through specifically targeted seminars have included: workers' compensation judges, administrative law judges of executive branch agencies, jury commissioners, secretaries and clerks to magistrate court judges, clerks of juvenile court, clerks of probate court, municipal court judges, special masters for lawyer disciplinary hearings, county law librarians.

Course refinements offered in this same period encompassed computer training for all judges and clerks of the various courts on specific software packages (e.g., WordPerfect, Lotus, Georgia Law On Disc, Went On-Line), as well as on administrative applications unique to the courts. Humanities & Judging Seminars have matched university scholars with superior, state, probate, magistrate, and juvenile court judges in study and discussion. A variety of originally scripted ICJE video tape productions have targeted: judicial disciplinary procedures, awareness of gender bias in the courts, orientation to the duties of a guardian for the property of a minor as well as on the guardian of the person of an elderly adult, introduction to clerking in magistrate court, overview and commentary on the duties of a jury commissioner. A small video tape library, maintained for self-study use by constituents, has been constituted of recordings of regular seminar instructional units, and has been augmented by selected purchases from out-of-state vendors of judicial educational products.

SUPREME COURT ORDER REQUESTING BYLAWS

SUPREME COURT OF GEORGIA

Atlanta, June 19, 1978

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

The Judicial Council of Georgia, acting by and through its lawfully appointed officers, filed with this Court on March 31, 1978, its petition reciting that it is authorized by its members to apply to this Court for an order:

(a) establishing, as an administrative arm of this Court, a program of training and continuing education for members of the judicial branch of the government in Georgia, to be known as the "Institute of Continuing Judicial Education of Georgia";

(b) approving bylaws for the organization and government of the Institute of Continuing Judicial Education of Georgia under supervision of the Judicial Council of Georgia;

(c) defining the duties and obligations of the Institute of Continuing Judicial Education of Georgia; and

(d) otherwise providing a mechanism for continuing education and training for members of the judicial branch of the government in Georgia.

The petition of the Judicial Council of Georgia is granted. It is hereby ordered that on or before the 15th day of September, 1978, the Judicial Council of Georgia shall submit to this Court in writing:

(1) proposed bylaws for the organization and government of the Institute of Continuing Judicial Education of Georgia under supervision of the Judicial Council of Georgia;

(2) a proposal as to the duties and obligations of the Institute of Continuing Education of Georgia;

(3) any other matter or matters that the Judicial Council of Georgia may deem appropriate for consideration by this Court relating to the establishment of the Institute of Continuing Judicial Education of Georgia; and

(4) a listing of all persons, or groups or organizations of persons, who are interested in the matters provided for in this order and a proposal as to how notice of these proceedings shall be given to all such interested persons.

JUDICIAL COUNCIL PROPOSAL OF BYLAWS

GEORGIA, FULTON COUNTY.

TO THE SUPREME COURT OF GEORGIA:

The Judicial Council of Georgia, Julian Webb, Chairman, James B. O'Connor, Vice-Chairman; Charles L Weltner, Secretary - Treasurer, and Francis W. Allen, Frank S. Cheatham, Jr., W. Marion Guess, Jr., Wilton D. Harrington, Charles H. Hyatt, Paul W. Painter, and Marion T. Pope, Jr., members, with Robert H. Jordan not participating, hereby makes its submission in accordance with the Order of this Court dated June 19, 1978, relating to the Institute of Continuing Judicial Education of Georgia.

1.

Attached hereto as to this submission and made a part hereof are proposed by-laws for the organization and government of the Institute of Continuing Judicial Education of Georgia, which are the by-laws under which the Institute has operated since its inception.

2.

Attached hereto as Exhibit B to this submission and made a part hereof is a proposal as to the duties and obligations of the Institute of Continuing Judicial Education of Georgia.

3.

Attached hereto as Exhibit C to this submission and made a part hereof is a copy of the Memorandum of Understanding which sets forth the existing agreement under which the Institute has been operating.

The Judicial Council of Georgia requests that the Court ratify the present membership of the Board of Trustees of the Institute of Continuing Judicial Education of Georgia, and the term of service of each member, as previously established by the by-laws and as shown as Exhibit D attached hereto and made a part hereof.

4.

Attached hereto as Exhibit E to this submission and made a part hereof is a proposed listing of all persons, groups and organizations who should be given notice of these proceedings, along with a recommendation as to how notice should be given in each case.

Respectfully submitted,

JUDICIAL COUNCIL OF GEORGIA

(duly executed)

by: Julian Webb, Chairman

ATTEST:

(duly executed)

Charles L. Weltner
Secretary - Treasurer

EXHIBIT A

BY-LAWS OF THE BOARD OF TRUSTEES

OF THE

INSTITUTE OF CONTINUING

JUDICIAL EDUCATION OF GEORGIA

ARTICLE I

Name and Purpose

Section 1. This Board shall be known as the Board of Trustees of The Institute of Continuing Judicial Education of Georgia.

Section 2. The purpose of this Board Shall be to Direct the activities of the Institute of Continuing Judicial Education of Georgia which will have primary responsibility for the continuing education of the judiciary of the courts of record in Georgia.

ARTICLE II

Membership

Section 1. The membership shall be composed of fifteen members who shall be selected as follows:

(1) The Supreme Court of Georgia shall name one member for an initial two-year term.

(2) The Court of Appeals of Georgia shall name one member for an initial one-year term.

(3) The Council of Superior Court Judges shall name two judges as members. One shall serve for an initial one-year term and the other shall serve for an initial two-year term.

(4) The Association of State Court Judges shall name on judge as a member for an initial three-year term.

(5) The Council of Juvenile Court Judges shall name on judge for an initial term of one year.

(6) The Probate Court Judges Association shall name one judge as a member for an initial term of one year.

(7) The State Bar of Georgia shall name one member, a non-judge, who shall serve for an initial two-year term.

Ex-officio Members

(8) If not otherwise a member, the Immediate Past Chairman of the Board of Trustees of the Institute of Continuing Judicial Education of Georgia shall be an ex-officio member of the Board.

(9) The Chairman and the Immediate Past Chairman of the Judicial Council of Georgia shall be ex-officio members. The Immediate Past Chairman of the Judicial Council shall serve for a period of one year or until his successor is elected and qualified. In the event of a vacancy in either of these positions by reason of resignation or otherwise, the Judicial Council shall designate a successor who shall serve the balance of the respective term involved.

(10) The Immediate Past Chairman of the Institute of Continuing Legal Education in Georgia shall serve for a one-year term. In the event of a vacancy in this position, either by resignation or otherwise, the Board of Trustees of the Institute of Continuing Legal Education in Georgia shall appoint a successor to serve the unexpired term.

(11) The Dean of the University of Georgia School of Law shall be an ex-officio member of the Board.

(12) The Dean of the Emory University School of Law shall be an ex-officio member of the Board.

(13) The Dean of Mercer University School of Law shall be an ex-officio member of the Board.

(14) The Director of the Administrative Office of the Courts shall be an ex-officio member of the Board.

Section 4. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the Board, including money. He shall keep a true record of the proceedings of all meetings of the Board. He shall attend, along with the Chairman, to the business of the Board and shall keep an accurate record of all monies appropriated to and expended for the use of the Board. He shall assist in the preparation of correspondence, notices, policy statements and opinions of the Board as directed. While the Secretary-Treasurer shall be primarily responsible for the aforesaid duties, he may delegate the same to and be assisted by the Executive Director.

ARTICLE IV

Nomination and Election of Officers

Section 1. The Board shall annually elect its officers from its membership to serve a term of one-year, said term to run from July 1 to June 30th, immediately following the Board's annual meeting held in connection with the annual meeting of the State Bar of Georgia. The election shall be held at said meeting. The Chairman shall be the representative member from the Judicial Council for the first year (7/1/77 to 6/30/78). Thereafter, the Chairman shall be elected from the membership for a term of one year, the same as other officers.

ARTICLE V

Meetings

Section 1. Meetings of the Board shall be at such time and place as the Chairman may determine or upon written request of three members. The Board shall, in any event, meet no less than four times annually and shall meet at the State Bar Annual Meeting for elections and other purposes. Notices of all meetings other than the "annual" shall be given at least seven days in advance thereof. Notice shall include the time and place of said meeting.

Section 2. The members of the Board present, not less than eight, shall constitute a quorum.

Section 3. All binding action of the Board shall be by a majority vote of the members present and voting.

ARTICLE VI

Committees

Section 1. There shall be an Executive Committee composed of the Chairman, Vice-Chairman and Secretary-Treasurer and one additional member of the Board to be designated by the Chairman. The Executive committee shall have general supervisory charge of the affairs of the Institute in the interim between the meetings of the Board of Trustees of the Institute, subject to the general policy guidelines which may be established by the Board of Trustees of the Institute.

Section 2. It shall be the privilege of the Chairman to name such committees as shall from time to time be necessary to further the aims and goals of the Board. Further, the Board may, in its judgement and discretion, establish standing committees where the need appears. Membership of the committees shall be fixed by the Chairman and shall be rotated annually unless otherwise decided by the Board.

ARTICLE VII

Duties and Power of the Board

Section 1. The Board shall be the governing body of the Institute of Continuing Judicial Education of Georgia. It shall formulate policy, explore and secure sources of funding, and provide such supervision and administration as necessary in order that the Institute carry out its responsibility of continuing judicial education.

ARTICLE VIII

Miscellaneous Provisions

Section 1. No salary or compensation shall be paid to any officer or member of the Board.

Section 2. Members shall receive, when funds are available, those actual and necessary expenses in carrying on the work of the Boards.

Section 3. These by-laws may be amended at any meeting of the Board by a majority vote of the members of the Board present and voting.

EXHIBIT B

PROPOSED DUTIES AND OBLIGATIONS OF THE INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA

The Institute of Continuing Judicial Education of Georgia is the primary agency for providing continuing education and training for members of the judicial branch of the government of the State of Georgia. As such, it has the responsibility to plan and conduct educational seminars and work shops for judges of Georgia's courts of record and for the support personnel of these courts and also for evaluating and, where appropriate, supporting attendance by court and support personnel at training programs conducted by reputable training agencies at locations without Georgia.

The Institute of Continuing Judicial Education of Georgia is further charged with the duty of consulting with organizations of judges and court support personnel in the development of its programs and with making its programs as conveniently accessible to the members of the judicial branch as possible.

The Institute of Continuing Judicial Education of Georgia is governed by a Board of Trustees who are selected in the manner prescribed in the by-laws approved by the Board and confirmed by the Supreme Court of Georgia. It has the authority and power to contract, to own property, to accept funds, grants and gifts from any public or private source for use in defraying the costs of the Institute and its activities, to employ such administrative, professional and clerical personnel as may be appropriate and necessary to fulfill its duties, and to do any and all acts as may be reasonable and necessary for the proper fulfillment of its purposes and duties.

EXHIBIT C

MEMORANDUM OF UNDERSTANDING BETWEEN
THE UNIVERSITY OF GEORGIA SCHOOL OF LAW
AND
THE JUDICIAL COUNCIL OF GEORGIA
SEPTEMBER 15, 1978
MEMORANDUM OF UNDERSTANDING

WHEREAS, the Judicial Council of Georgia, being conscious of its paramount and continuing obligation to seek diligently to provide ways and means for the improvement of the administration of justice and recognizing an obligation to make continuing judicial education available to the judiciary of Georgia, and the University of Georgia School of Law, recognizing the important contribution which it has to make to the continuing education of the judiciary, are convinced that a well organized, properly planned, and adequately supported program of continuing judicial education by which the members of the judiciary are afforded a means of familiarizing themselves with procedures and problems and keeping abreast of developments in the law and judiciary is of fundamental importance in fulfilling their responsibilities to the courts and the public,

WHEREAS, the Judicial Council of Georgia has previously established the Board of Trustees of the Institute of Continuing Judicial Education of Georgia,

WHEREAS, the Board of Trustees of the Institute of Continuing Judicial Education of Georgia shall function independently of, but subject to the general supervision of the Judicial Council of Georgia;

NOW THEREFORE:

(1) The JUDICIAL COUNCIL OF GEORGIA and THE UNIVERSITY OF GEORGIA SCHOOL OF LAW so hereby undertake to sponsor the "INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA."

(2) The Institute and its affairs shall be governed by a Board of Trustees to be composed of fifteen members. Said Board shall consist of the following members.

(a) The Supreme Court of Georgia shall name one member for an initial two-year term.

(b) The Court of Appeals of Georgia shall name one member for an initial one-year term.

(c) The Council of Superior Court Judges shall name two judges as members. One shall serve for an initial one-year term and the other shall serve for an initial two-year term.

(d) The Association of State Court Judges shall name one judge as a member for an initial three-year term.

(e) The Council of Juvenile Court Judges shall name one judge for an initial term of one year.

(f) The Probate Court Judges Association shall name one judge as a member for an initial term of one year.

(g) The State Bar of Georgia shall name one member, a non-judge who shall serve for an initial two-year term.

Ex-Officio Members

(h) The Chairman and the Immediate Past Chairman of the Judicial Council of Georgia shall be ex-officio members. The Immediate Past Chairman of the Judicial Council shall serve for a period of one year or until his successor is elected and qualified. In the event of a vacancy in either of these positions by reason of resignation or otherwise, the Judicial Council shall designate a successor who shall serve the balance of the respective term involved.

(i) The Immediate Past Chairman of the Institute of Continuing Legal Education shall serve for a one-year term.

In the event of a vacancy in this position, either by resignation or otherwise, the Board of Trustees of the Institute of Continuing Legal Education in Georgia shall appoint a successor to serve the unexpired term.

(j) The Dean of the University of Georgia School of Law shall be an ex-officio member of the Board.

(k) The Dean of the Emory University School of Law shall be an ex-officio member of the Board.

(l) The Dean of the Mercer University School of Law shall be an ex-officio member of the Board.

(m) The Director of the Administrative Office of the Courts shall be an ex-officio member of the Board.

(3) The Board of Trustees shall be authorized to promulgate and adopt such rules and regulations for and in connection with the affairs of the Institute, and for time to time to amend the same, as the Board of Trustees shall consider proper.

(4) The University of Georgia School of Law, so long as funds are available to it and the arrangement proves mutually satisfactory, will furnish the Institute a mutually acceptable

director and a secretary, who shall be employees of and paid by the University of Georgia. Further, the University will provide housing for the Institute.

(5) The Judicial Council of Georgia will make available to and for the use of the Institute the sum of Thirty Thousand Dollars (\$30,000.00). These funds shall be used for the operation of the Institute. The Institute by and through the Law School of the University of Georgia shall be entitled to draw against, charge to this fund expenditures for office equipment, supplies, Director's travel and for such other expenses as may be approved and authorized by the Board of Trustees of the Institute, subject to the general supervision of the Judicial Council. All parties to this agreement will use their best efforts in an attempt to secure the additional funds which will be necessary in order to properly fund and operate the Institute of Continuing Judicial Education of Georgia.

(6) The Director of the Institute shall be charged with the responsibility for implementation and administration of the program. The Director shall to that end plan, counsel, and work with the Judicial Council, the University of Georgia School of Law, the Administrative Office of the Courts, the Institute of Continuing Legal Education in Georgia, and the various judicial groups for whom programs are presented. The Director shall be accountable to the Board of Trustees.

(7) In each year it shall be the duty of the Director, after duly consulting with the members of the Board of Trustees and soliciting, receiving, and considering suggestions from the groups representing the judiciary, to make up and submit to the Board of Trustees for their approval a general schedule of the programs and other activities which are recommended for the Institute for the ensuing year, together with a proposed budget, an estimate of income to be received, and such other detailed information as may be prescribed by the Board of Trustees. All Continuing Judicial Education programs sponsored by the Institute shall first have the approval of the Board of Trustees. Any substantial change in an approved program shall itself be approved by the Board of Trustees or by the Executive Committee of the Institute. The Judicial Council and the Administrative Office of the Courts shall consult with and coordinate all education programs sponsored by these groups through the staff of the Institute.

(8) The Institute is a non-profit organization organized and operated exclusively for educational purposes, and shall promote a well organized, properly planned, and adequately supported program of continuing judicial education by which members of the judiciary are afforded a means of familiarizing themselves with the procedures and problems and keeping abreast of developments in the law and judiciary, so as to fulfill their responsibilities to the courts and the public. In furtherance thereof, the Institute shall accept in trust or otherwise any monies or other properties offered to the Institute as a contribution without the contributor thereby acquiring any interest in the Institute's affairs or its assets, and the funds of the Institute shall be kept, handled, and disbursed in such a manner as may be determined by the Board of Trustees; provided, however, that no part of such funds shall inure in whole or in part to the benefit of any Trustee or other person having a personal and private interest in the Institute. The Institute shall have the right to engage in any and

all activities allowed by law to non-profit organizations incidental to the foregoing purposes, except as restricted in these articles.

(9) At the conclusion of each year, the Director shall make up a detailed report of the programs, activities, and finances for the year. Copies of this report shall be mailed to each member of the Board of Trustees and the Judicial Council.

(10) Nothing herein shall be construed as authorizing the Board of Trustees to incur any obligations on behalf of the Judicial Council or to create any obligations on behalf of the University of Georgia School of Law without prior approval of the Dean.

(11) The Institute shall not carry on propaganda or attempt to influence legislation, and shall not participate in, or intervene in (including the publishing of statements), any political campaign on behalf of any candidate for public office. The Institute is not organized for the purpose of pecuniary gain and profit and not part of any pecuniary earnings or profits shall inure to the benefit of any Trustee or private individual.

(12) Upon dissolution of the Institute, whether voluntary or involuntary, after payment or provision for payment of all liabilities of the Institute, the assets of the Institute and any benefits by virtue of such dissolution shall be distributed and applied exclusively for educational purposes, and no part of such assets or benefits shall be distributed to or received by its Trustees.

JUDICIAL COUNCIL OF GEORGIA

INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA

UNIVERSITY OF GEORGIA SCHOOL OF LAW

EXHIBIT D

CURRENT MEMBERSHIP OF BOARD OF TRUSTEES OF THE INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA

1.	Chief Justice H. E. Nichols	Supreme Court	6/30/79
2.	Judge A. W. Birdsong, Jr.	Court of Appeals	6/30/81
3.	Judge John S. Langford, Jr.	Superior courts	6/30/79
4.	Judge Willis B. Hunt, Jr.	Superior Courts	6/30/81
5.	Judge H. Jack Short	State Courts	6/30/80
6.	Judge Rex R. Ruff	Juvenile Courts	6/30/81
7.	Judge Floyd E. Propst	Probate Courts	6/30/81
8.	A. G. Cleveland, Jr.	State Bar	6/30/79
9.	Judge G. Ernest Tidwell	Past Chairman, I.C.J.E.G.	Ex Officio
10.	Judge Julian Webb	Chairman, J.C.G.	Ex Officio
11.	Judge Marion T. Pope, Jr.	Past Chairman, J.C.G.	Ex Officio
12.	Harold G. Clarke	Past Chairman, I.C.L.E.G.	Ex Officio
13.	Dean J. Ralph Beard	Univ. of Georgia School of Law	Ex Officio
14.	Dean L. Ray Patterson	Emory Law School	Ex Officio
15.	Dean Bruce R. Jacob	Walter F. George School of Law	Ex Officio
16.	Robert L. Doss, Jr.	Director, A.O.C.	Ex Officio

EXHIBIT E

PARTIES TO BE NOTIFIED OF THIS SUBMISSION

1. Judges, Court of Appeals
2. Judges, Superior Courts
3. Judges, State Court
4. Judges, Juvenile Courts
5. Judges, Probate Courts
6. Judges, Small Claims Courts
7. Judges, Special Courts (e.g. Municipal Courts, Civil Court of Chatham County)
8. Members, Judicial Council of Georgia
9. Honorable George D. Busbee, Governor
10. Honorable Zell Miller, Lt. Governor
11. Honorable Arthur K. Bolton, Attorney General
12. Members of the Senate
13. Members of the House of Representatives
14. Members of the State Bar of Georgia
15. Trustees, Institute for Continuing Judicial Education of Georgia
16. Institute for Continuing Legal Education in Georgia
17. Clerks, Superior Courts
18. Official Court Reporters
19. District Court Administrators
20. Trial Court Administrators

21. Members State Crime Commission
22. Members, Georgia Justice Courts Training Council
23. Chairmen, County Commissions
24. Institute of Government, University of Georgia
25. Members Judicial Planning Committee
26. Board of Regents of the University System of Georgia
27. Chancellor of the University System of Georgia
28. President, University of Georgia
29. Georgia Center for Continuing Educations, University of Georgia

It is recommended that notice be published in the Georgia State Bar Journal and the Georgia Courts Journal. One or both of these publications are received by all parties except the last four listed, whom it is recommended be notified by letter.

**ORIGINAL ORDER CREATING THE INSTITUTE OF CONTINUING
JUDICIAL EDUCATION AND ADOPTING BYLAWS**

**SUPREME COURT OF GEORGIA
Atlanta, January 26, 1979**

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

On June 19, 1978, in response to a petition filed by the Judicial Council of Georgia on March 31, 1978, this Court ordered the Judicial Council of Georgia to file:

1. proposed bylaws for the organization and government of the Institute of Continuing Judicial Education of Georgia under supervision of the Judicial Council of Georgia;
2. a proposal as to the duties and obligations of the Institute of Continuing Judicial Education of Georgia;
3. any other matter or matters that the Judicial Council of Georgia may deem appropriate for consideration by this Court relating to the establishment of the Institute of Continuing Judicial Education of Georgia; and
4. a listing of all persons, or groups or organizations of persons, who are interested in the matters provided for in this order and a proposal as to how notice of these proceedings shall be given to all such interested persons.

The Judicial Council of Georgia has responded to the above order to this Court dated June 19, 1978. The Institute of Continuing Judicial Education of Georgia is created as an administrative arm of this Court, and the attached "By-Laws of the Board of Trustees of the Institute of Continuing Judicial Education of Georgia" are ordered adopted and approved by this Court.

**ORIGINAL
BY-LAWS OF THE BOARD OF TRUSTEES
OF THE
INSTITUTE OF CONTINUING JUDICIAL EDUCATION
OF GEORGIA**

**Article I
Name and Purpose**

Section 1. This Board shall be known as the Board of Trustees of the Institute of Continuing Judicial Education of the Judicial Council of Georgia.

Section 2. The purpose of this Board shall be to direct the activities of the Institute of Continuing Judicial Education of Georgia which will have primary responsibility for the continuing education of the judiciary of the courts of record in Georgia.

**Article II
Membership**

Section 1. The membership shall be composed of thirteen members who shall be selected as follows:

(1) The Court of Appeals of Georgia shall name one member for an initial one-year term.

(2) The Council of Superior Court Judges shall name two judges as members. One shall serve for an initial one-year term and the other shall serve for an initial two-year term.

(3) The Association of State Court Judges shall name one judge as a member for an initial three-year term.

(4) The Council of Juvenile Court Judges shall name one judge for an initial term of one year.

(5) The Probate Court Judges Association shall name one judge as a member for an initial term of one year.

(6) The State Bar of Georgia shall name one member, a nonjudge, who shall serve for an initial two-year term.

(7) The Judicial Council of Georgia shall name one member, who shall serve for an initial three-year term. Ex officio members

(8) If not otherwise a member, the Immediate Past Chairman of the Board of Trustees of the Institute of Continuing Judicial Education of Georgia shall be an ex officio member of the Board.

(9) The Immediate Past Chairman of the Institute of Continuing Legal Education in Georgia shall serve for a one-year term. In the event of a vacancy in this position, either by resignation or otherwise, the Board of Trustees of the Institute of Continuing Legal Education in Georgia shall appoint a successor to serve the unexpired term.

(10) The Dean of the University of Georgia School of Law shall be an ex officio member of the Board.

(11) The Dean of the Emory University School of Law shall be an ex officio member of the Board.

(12) The Dean of Mercer University School of Law shall be an ex officio member of the Board.

Section 2. At the conclusion of the specified term of any member, or upon the death, resignation, or disability of any member, the affected appointing group shall name his replacement with for a new term or for the remainder of the member's unexpired term. No regular member of the Board shall be eligible for reappointment after having served for two terms.

Section 3. The terms of the members shall begin July 1, 1979, and shall run from that date for the period specified in Section 1 of this Article.

Section 4. After the expiration of the initial terms provided for herein, the terms of the members shall be for a period of three years. The provision of this article shall not apply to ex officio members.

Section 5. The Supreme Court will assign a member of this court as liaison to the Board of Trustees. The liaison person will provide the Board with a direct means of communication with the Supreme Court. Whenever possible the liaison person will attend the meetings of the Board. The Board will keep their liaison person fully informed of their activities.

Article III Officers and their Duties

Section 1. The officers of the Board shall be a Chairman, a Vice-Chairman and a Secretary-Treasurer.

Section 2. Chairman. The Chairman shall call the meetings, notify members as required, preside at all meetings, name committees, represent the Board with respect to releases to the media and in dealing with private of governmental agencies, and perform such other duties and acts as usually pertain to his office.

Section 3. Vice-Chairman. The Vice-Chairman shall preside at meetings of the Board in the absence of the Chairman. Upon the death, resignation, or during the disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the Chairman's term or until his replacement shall have been named or until his disability ends, whichever first occurs.

Section 4. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the Board, including money. He shall keep a true record of the proceedings of all meetings of the Board. He shall attend, along with the Chairman, to the business of the Board and shall keep an accurate record of all monies appropriated to and expended for the use of the Board. He shall assist in the preparation of correspondence, notice, policy statements and opinions of the Board as directed. While the

Secretary-Treasurer shall be primarily responsible for the aforesaid duties, he may delegate the same to and be assisted by the Executive Director.

Article IV Nomination and Election of Officers

Section 1. The Board shall annually elect its officers from its regular membership to serve a term of one year, said term to run from July 1 to June 30, immediately following the Board's annual meeting held in connection with annual meeting of the State Bar of Georgia.

Article V Meetings

Section 1. Meetings of the Board shall be at such time and place as the Chairman may determine or upon written request of three members. The Board shall, in any event, meet no less than four times annually and shall meet at the State Bar Annual Meeting for elections and other purposes. Notices of all meetings other than the "annual" shall be given at least seven days in advance thereof. Notice shall include the time and place of said meeting.

Section 2. The members of the Board present, not less than seven, shall constitute a quorum.

Section 3. All binding action of the Board shall be by a majority vote of the members present and voting.

Article VI Committees

Section 1. There shall be an Executive Committee composed of the Chairman, Vice-Chairman and Secretary-Treasurer and one additional member of the Board to be designated by the Chairman. The Executive Committee shall have general supervisory charge of the affairs of the Institute in the interim between meetings of the Board of Trustees of the Institute, subject to the general policy guidelines which may be established by the Board of Trustees of the Institute.

Section 2. It shall be the privilege of the Chairman to name such committees as shall from time to time be necessary to further the aims and goals of the board. Further, the Board may, in its judgment and discretion, establish standing committees where the need appears. Membership of the committees shall be fixed by the Chairman and shall be rotated annually unless otherwise decided by the Board.

Article VII Duties and Power of the Board

Section 1. The Board shall be the governing body of the Institute of Continuing Judicial Education of Georgia. It shall formulate policy, explore and secure sources of funding, and provide such supervision and administration as necessary in order that the Institute carry out its responsibility of continuing judicial education.

Article VIII
Miscellaneous Provisions

Section 1. No salary or compensation shall be paid to any officer or member of the Board.

Section 2. Members shall receive, when funds are available, those actual and necessary expenses in carrying on the work of the Board.

Section 3. These by-laws may be amended at any meeting of the Board where the members have been given ten days previous notice in writing by a majority vote of the members of the Board present and voting. They shall become effective upon the approval by the Judicial Council and the Supreme Court.

Section 4. These by-laws shall become effective on July 1, 1979.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIVERSITY OF GEORGIA
SCHOOL OF LAW AND THE JUDICIAL COUNCIL OF GEORGIA (JUNE, 1982)**

AMENDED AND RESTATED
MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNIVERSITY OF GEORGIA
SCHOOL OF LAW AND THE JUDICIAL COUNCIL OF GEORGIA

WHEREAS, on the 15th day of June, 1978 the **JUDICIAL COUNCIL OF GEORGIA**, the **INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA** and the **UNIVERSITY OF GEORGIA SCHOOL OF LAW** entered into a Memorandum of Understanding concerning the operation of the Institute of Continuing Judicial Education of Georgia, and

WHEREAS, subsequently thereto on January 26, 1979 the Supreme Court of Georgia, following a petition by the Judicial Council of Georgia, entered an Order creating the Institute of Continuing Judicial Education of Georgia as an administrative arm of such Court and established bylaws creating the Board of Trustees of the Institute of Continuing Judicial Education of the Judicial Council of Georgia and setting forth the membership of such Board, the duties and powers of the Board and containing other pertinent provisions as set forth therein, and also

WHEREAS, certain provisions of the aforesaid Memorandum of Understanding have become outmoded and need revision,

NOW, THEREFORE, the Board of Trustees of the Institute of Continuing Judicial Education of the Judicial Council of Georgia and the University of Georgia School of Law, with the approval of the Judicial Council of Georgia, do hereby enter into this new, but in most respects restated, Memorandum of Understanding so that such amended and restated Memorandum of Understanding shall read as follows effective June 1, 1982:

WHEREAS, the **JUDICIAL COUNCIL OF GEORGIA** acting through the **BOARD OF TRUSTEES OF THE INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF THE JUDICIAL COUNCIL OF GEORGIA**, being conscious of its paramount and continuing obligation to seek diligently to provide ways and means for the improvement of the administration of justice and recognizing an obligation to make continuing judicial education available to the judiciary of Georgia and its support personnel, and the University of Georgia School of Law, recognizing the important contribution which it has to make to the continuing judicial education of the judiciary, are convinced that a well organized, properly planned, and adequately supported program of continuing judicial education by which the members of the judiciary and its support personnel are afforded a means of familiarizing themselves with procedures and problems and keeping abreast of developments in the law and judiciary is of fundamental importance in fulfilling their responsibilities to the courts and the public, and

WHEREAS, the Supreme Court of Georgia by an Order of January 26, 1979 has created the Institute of Continuing Judicial Education of Georgia as an administrative arm of

the Court to be operated by a Board to be known as the Board of Trustees of the Institute of Continuing Judicial Education of The Judicial Council of Georgia and which Institute is to function independently of, but subject to, the general supervision of the Judicial Council of Georgia,

NOW, THEREFORE, the Board of Trustees of the Institute of Continuing Judicial Education of the Judicial Council of Georgia and the University of Georgia School of Law do hereby agree as follows:

(1) The Board of Trustees of the Institute of Continuing Judicial Education of the Judicial Council of Georgia and the University of Georgia School of Law do hereby undertake to sponsor the Institute of Continuing Judicial Education of Georgia.

(2) The Institute and its affairs shall be governed by a Board of Trustees, the membership of which shall be as provided for in said Order of the Supreme Court of Georgia dated January 26, 1979 and as such Order may be amended from time to time.

(3) The University of Georgia School of Law, so long as funds and space are available to it and the arrangement proves mutually satisfactory, will furnish to the Institute certain assistance toward the compensation of the Institute's staff and certain space necessary for the Institute's office requirements.

The University of Georgia School of Law shall employ a mutually acceptable Executive Director and other staff personnel with the specific understanding that all such personnel shall be employees of the University of Georgia and that their salaries shall be paid by the University for which, however, the University may be reimbursed in whole or in part from appropriated or other funds made available to the Board of Trustees by the Judicial Council, or from other sources, for the operation of the Institute. It is further understood that the University of Georgia School of Law will provide appropriate housing for the Institute so long as mutually agreeable.

The parties hereto and the Judicial Council of Georgia will use their best efforts in an attempt to secure funds necessary to properly fund and operate the Institute.

(4) The Director of the Institute shall be charged with the responsibility for implementation and administration of the program. The Director shall to that end plan, counsel, and work with the Trustees of the Institute, the Judicial Council, the University of Georgia School of Law, the Administrative Office of the Courts, the Institute of Continuing Legal Education in Georgia, and the various judicial groups for whom programs are presented. The Director shall be accountable to the Board of Trustees.

(5) In each year it shall be the duty of the Director, after duly consulting with the members of the Board of Trustees and soliciting, receiving, and considering suggestions from the groups representing the judiciary, to make up and submit to the Board of Trustees for their approval a general schedule of the programs and other activities which are recommended for the Institute for the ensuing year, together with a proposed budget, an estimate of income to be received, and such other detailed information as may be prescribed by the Board of Trustees. All Continuing Judicial Education programs sponsored by the Institute shall first have the approval of the Board of Trustees. Any substantial change in an approved program shall itself be approved by the Board of Trustees or by the

Executive Committee of the Board. The Judicial Council and the Administrative Office of the Courts shall consult with and coordinate all education programs sponsored by these groups through the staff of the Institute.

(6) The Institute is a non-profit organization organized and operated exclusively for educational purposes, and shall promote a well organized, properly planned, and adequately supported program of continuing judicial education by which members of the judiciary are afforded a means of familiarizing themselves with the procedures and problems and keeping abreast of developments in the law and judiciary, so as to fulfill their responsibilities to the courts and the public. In furtherance thereof, the Institute shall accept in trust or otherwise any monies or other properties offered to the Institute as a contribution without the contributor thereby acquiring any interest in the Institute's affairs or its assets, and the funds of the Institute shall be kept, handled, and disbursed in such a manner as may be determined by the Board of Trustees; provided, however, that no part of such funds shall inure in whole or in part to the benefit of any Trustee or other person having a personal and private interest in the Institute. The Institute shall have the right to engage in any and all activities allowed by law to non-profit organizations incidental to the foregoing purposes, except as properly restricted.

(7) At the conclusion of each year, the Director shall make up a detailed report of the programs, activities, and finances for the year. Copies of this report shall be mailed to each member of the Board of Trustees and the Judicial Council.

(8) Nothing herein shall be construed as authorizing the Board of Trustees to incur any obligations on behalf of the Judicial Council or to create any obligations on behalf of the University of Georgia School of Law without prior approval of the Dean.

(9) The Institute shall not carry on propaganda or attempt to influence legislation, and shall not participate in, or intervene in (including the publishing of statements), any political campaign on behalf of any candidate for public office. The Institute is not organized for the purpose of pecuniary gain and profit and no part of any pecuniary earnings or profits shall inure to the benefit of any Trustee or private individual.

(10) Upon dissolution of the Institute, whether voluntary or involuntary, after payment or provision for payment of all liabilities of the Institute, the assets of the Institute and any benefits by virtue of such dissolution shall be distributed and applied exclusively for educational purposes, and no part of such assets or benefits shall be distributed to or received by its Trustees.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their duly authorized representatives this 24th day of May, 1982.

THE BOARD OF TRUSTEES OF THE INSTITUTE OF
CONTINUING JUDICIAL EDUCATION OF THE
JUDICIAL COUNCIL OF GEORGIA

(duly executed)

BY
UNIVERSITY OF GEORGIA SCHOOL OF LAW

(duly executed)

BY

The foregoing Memorandum of Understanding

is hereby approved this 9th day of June, 1982.
JUDICIAL COUNCIL OF GEORGIA

(duly executed)
By

JUDICIAL QUALIFICATIONS COMMISSION
AUGUST 30, 1977
OPINION NUMBER 15

A Superior Court judge, who is Chairman of the Board of Trustees of the Judicial College of Georgia, on behalf of the Trustees has requested an opinion concerning several items involving the activities of such College. The Judicial College of Georgia is an institution recently established by the Georgia Judicial Council to have responsibility for continuing judicial and legal education for the judges of all the courts of record in this State, including, by way of example, educational programs dealing with substantive rules of law, court procedure, and court administration. It is recited in the request for the opinion that the College is without sufficient funds to operate adequately and desires guidance and direction with respect to the solicitation of funds from various charitable foundations, lawyers and other sources from which such funds might be forthcoming, and the use thereof by the College.

The specific opinions requested at this point include (a) whether or not it would be proper for the judicial members of the Board of Trustees to solicit such funds, (b) whether or not the non-judicial members of the Board (two attorneys, members of the State Bar of Georgia) and other lawyers may solicit such funds, (c) whether or not it would be proper for the organized bar to undertake the solicitation and raising of funds for the purpose of education of the judiciary as conducted by the College, (d) whether or not it would be proper to solicit and receive contributions, either directly from individual lawyers or through the offices of the State Bar or to use the assets of the Georgia Bar Foundation for this purpose, and (e) any other opinions the Commission would deem appropriate regarding this general area.

There are a number of provisions of the Georgia Code of Judicial Conduct which the Commission feels are relevant to the inquiries made and they will be mentioned in the course of the various aspects of the opinions expressed. The various questions posed will not be discussed herein separately in the order as recited above but all will each be dealt with in the course of this opinion.

At the outset and in the way of a preamble to this Opinion the Commission is of the view that the pursuit by judges of so-called continuing judicial education is a worthwhile endeavor and commendable as being in furtherance of Canon 3 of the Georgia Code of Judicial Conduct which provides that a judge should perform the duties of his office impartially and diligently [sic]. While Canon 4, which deals with quasi judicial activities, does not specifically mention attendance at continuing judicial education programs, the Commission feels that subparagraph A of Canon 4 which sanctions a judge's participation "in other activities concerning the law, the legal system and the administration of justice" does impliedly approve such participation.

The threshold question, as the Commission sees it, must be whether or not it would be proper for judges to accept expenditure of contributions from foundations, lawyers and possibly others to partially defray the expenses of the operation of the College and to reimburse the judges for their expenses incident to their attendance at programs sponsored

by the College. Canon 5C(4) limits the acceptance by a judge of gifts, bequests, favors or loans and nowhere therein is there a specific exception for the receiving of expenses for their attendance at judicial education programs. However, Canon 6 does provide that a judge may receive compensation and reimbursement of expenses for quasi judicial and extra judicial activities permitted by the Code provided "the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety" and subject to a requirement of reasonableness of compensation, a limitation on expense reimbursement ~limited to the actual cost of travel, food and lodging and other necessary expense reasonably incurred by the judge and, where appropriate to the occasion, by his spouse" and possibly subject to the requirement of reporting as therein set forth. Based on these provisions of the Code, it is the opinion of the Commission that judges may in propriety receive the benefits, including expenses for their attendance at continuing judicial education programs, of contributions by charitable foundations and the like since such foundations are fairly infrequently involved in litigation and are generally known and recognized as making contributions to worthwhile causes without expectation of gain or benefit by such charitable foundations. Moreover, the Commission feels it would not be improper for the College to receive contributions from the Georgia Bar Foundation for such purposes because the assets of such Foundation are owned by the State Bar of Georgia as such and are not identified with any particular individual lawyer or law firm.

On the other hand, the Commission feels that gifts or contributions to this cause by individual lawyers known to the judges as making such contributions for their benefit might run the risk of there appearing to be the acceptance of a gift calculated to reflect adversely on the judge's impartiality (Canon 5C(1) and (4)). Rather it is the Commission's view that it would be a better approach for the State Bar as such to establish a system, as a part of its regular activities, under which voluntary contribution could be made by individual lawyers to a fund for the benefit of the Judicial College but without disclosure of the names of the individual lawyers or firms actually making such contributions. Further, the Commission feels that this effort should be identified with the general programs of the State Bar of Georgia rather than with individual lawyers who might be serving on the Board of Trustees of the College for the same reasons as stated above.

As to the question posed concerning the propriety of solicitation by the judicial members of the Trustees of the College, the Code of Judicial Conduct makes it clear, both with respect to quasi judicial activities (Canon 4C) and with respect to extra judicial activities (Canon 5B(2)), that a judge should not personally participate in public fund raising activities or personally solicit funds for such respective purposes.

To summarize, it is the opinion of the Commission:

(1) That it is permissible for the Judicial College of Georgia to use funds contributed or donated by charitable foundations and other philanthropic non-profit organizations to aid in defraying the expenses of its operations designed to furnish continuing judicial and legal education for judges in this State.

(2) That the same is true with respect to contributions by individual lawyers and law firms provided the names of such lawyers and law firms are not disclosed to the judges, and it further being the opinion of the Commission that it would be better for the solicitation of the State Bar of Georgia and not carried on by individual lawyers in their own name.

(3) That there should be nothing improper in the use by the College for the purposes discussed herein of funds contributed by the Georgia Bar Foundation, but the Commission, of course, expresses no opinion as to whether the Foundation can or should make such contributions.

(4) That funds so contributed as dealt with above and also as might be obtained from any other proper source could be used to defray the expenses of judges attending the programs of the College, provided the restrictions and reporting requirements (if applicable) of Canon 6 of the Georgia Code of Judicial Conduct are observed.

(5) That judges themselves should not personally participate in any way whatever in the fund raising activities dealt with herein.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIVERSITY OF GEORGIA
SCHOOL OF LAW AND THE JUDICIAL COUNCIL OF GEORGIA (JUNE, 1994)**

AGREEMENT BETWEEN STATE AGENCIES:

The Institute of Continuing Judicial Education of Georgia

&

The School of Law, University of Georgia

{The provisions of this contract substantially comply with the agreement form recommended by the Board of Regents of the University System of Georgia for use between units of that System and other State agencies.}

This agreement is made to become effective on July 1, 1994, by and between the Institute of Continuing Judicial Education of Georgia (hereafter called the Institute, or the ICJE), and the Board of Regents of the University System of Georgia (hereafter called the Regents), on behalf of the University of Georgia's School of Law (hereafter called the UGA Law School).

The purpose of this agreement is to reaffirm and refine the historical operating relationship between the UGA Law School and the judicial branch of Georgia government, in accord with which judicial education administrative support services are furnished to the State's judicial branch through an Institute affiliated with the UGA Law School. From its 1979 inception, the agreement has provided that resourcing the Institute is the joint responsibility of the judicial branch of Georgia government and the UGA Law School, with the precise terms of this shared support varying year-to-year according to the mutual consent of the ICJE Board of Trustees and the University of Georgia acting through the Dean of the UGA Law School. Nothing in this continuing contract to refine the upcoming fiscal year relationship contradicts the initial and longstanding agreement between the judicial branch of Georgia government and the UGA Law School.

In consideration of the following mutual promises, covenants and conditions, it is agreed as follows

The UGA Law School shall: (a) maintain the employees of the Institute as University of Georgia employees for purposes of compensation, fringe benefits, job classification and advancement, training and education, along with other personnel services; (b) establish the Institute as a department within the school for purposes of accessing the University of Georgia's motor pool, print shop and central duplicating facility, central mail service, central office supply, surplus property system, educational procurement, and other operations,

which are appropriate to advancing the quality and comprehensiveness of judicial branch education for the enhancement of Georgia's state courts; (c) provide without charge office space, furniture and other operating support as available to the UGA Law School, including utilities such as electricity, heating, cooling, and telephone equipment adequate to meet the programmatic requirements of the Institute. (d) through the UGA Contracts and Grants Office, invoice the Institute monthly for actual expenses incurred. (e) The UGA Law School further agrees, that with the aid of its clinical teaching resources and professional practice faculty, the Institute shall be afforded the opportunity to design and deliver practice exercises in which law students and teaching faculty assist in the orientation of new judges and others.

II

The Institute shall furnish financial support to cover the following types of expenses, when associated with furnishing administrative support services for judicial education in Georgia, including: (a) personnel salaries and fringe benefits; (b) compensation for hourly student work, as well as for independent contractual labor and consultants; (c) staff travel; (d) travel of governing board members and for contractual consultants, (e) telephone line and routine usage billings, together with charges for specialized services and installation fees uniquely connected with ICJE applications; (f) regular office supplies, as well as computer software; (g) postage and delivery services; (h) printing and photocopying; (i) maintenance of office equipment, including computer hardware and software; (j) purchase of new equipment (title to be vested in the UGA) and office furnishings. The Institute shall initiate payment to UGA upon receipt of invoice for actual expenditures incurred. The ICJE further agrees to coordinate utilization, monitor security, and maintain operability, on behalf of the UGA Law School and other appropriate users, for audio and video equipment employed throughout the UGA Law School and particularly in connection with the trial and appellate practice courtrooms. Nothing in this agreement or relationship shall be construed to obligate the Georgia judicial branch or the Institute for any overhead or other surcharge suggested by the Regents or the University of Georgia or the UGA Law School, apart from the services listed above for which payment is hereby agreed.

III

The ICJE and the UGA Law School agree to collaborate in brokering, procuring and securing financial resources from a variety of Georgia judicial branch agencies, departments, committees and commissions, for the purpose of underwriting, in accord with this contract, the financial cost of administrative services rendered by the Institute under the aegis of the UGA Law School, which shall include but not be limited to the following organizations: (a) the Court Reporters Training Council, (b) the Georgia Supreme Court Commission on Racial and Ethnic Bias in the Court System, (c) the Magistrate Courts Training Council, (d) the Municipal Courts Training Council, (e) the Supreme Court's Gender Equality Commission.

The ICJE and the UGA Law School agree to collaborate in brokering, procuring and securing financial resources in a variety of forms, for the purpose of underwriting, in accord with this contract, the financial cost of both administrative services and consumer products delivered by the Institute under the aegis of the UGA Law School, which shall include but not be limited to the following: (a) grants from private foundations, (b) grants from public agencies, (c) gifts from private corporations, to include in-kind contributions, (d) gifts from individual private persons, to include in-kind contributions, (e) registration, conference and tuition fees, (f) state general revenue appropriated funds, (g) contractual agreements with other agencies and departments of state and local government.

IV

For this fiscal year, the sum of money obligated by the Institute to cover the expenses enumerated under the terms of Section II, above, shall be not more than \$301,966. This is considered a cost reimbursable contract. The duration of this particular agreement shall be from July 1, 1994, to June 30, 1995.

V

This agreement may be modified at any time by mutual consent of the governing Board of the contracting parties; however, any modification must be in writing and acknowledged by both parties before taking effect.

VI

This agreement may be renewed annually. If the agreement is renewed without modification, such renewal may be evidenced by letter of agreement signed by the Executive Director of the Institute and by the Dean of the UGA Law School. If the agreement is renewed without modification as to the duties and responsibilities of the parties, but principally with regard to terms of the financial sum obligated under the contract, in accord with Sections II and IV, above, such renewal may be evidenced by letter of agreement in which the new financial terms are detailed according to the UGA chart of accounts, and signed by the Executive Director of the Institute and by the Dean of the UGA Law School.

VII

Neither party to this agreement will discriminate against any employee or applicant for employment or against any applicant for enrollment at any school or college or course opportunity, or against any student during that individual's course of study or training, because of race, skin color, sex, political or religious creed, national origin, age or disability status.

In affirmation and witness to all the terms stated above, this agreement is entered into by the parties indicated below, on the date denoted with each signature, to become effective on the date first written above.

Board of Regents of the
University System of Georgia

The Institute of Continuing Judicial
Education of Georgia

(executed)

(executed)

Charles B. Knapp, President
The University of Georgia

Judge John H. Ruffin , Jr.
Chair, ICJE Board of Trustees

(5/18/95)

(4/19/94)

Date

Date

executed

(executed)

Edward D. Spurgeon, Dean
UGA Law School

Richard D. Reaves,
Executive Director
ICJE of Georgia

(5/5/94)

(4/14/94)

Date

Date

**ICJE TRUSTEES
Current Board**

1999-2000

Judge Lawton E. Stephens, Chair
Dean David E. Shipley, Vice Chair
Judge N. Kent Lawrence, Secretary/Treasurer
Judge John H. Ruffin, Past Chair
Justice Norman S. Fletcher, Liaison Member
Judge Rita L. Cavanaugh
Dean Larry Dessem
Judge Deborah Edwards
Dean Janice Griffith
Judge Maurice Hilliard
Dean Howard Hunter
Rachael K. Iverson, Esq.
Clerk Bart Jackson
Linda A. Klein, Esq.
Mr. George Lange, III
Judge Walter J. Matthews
Judge John Wheaton

Emeritus Trustee

A. G. Cleveland, Jr., Esq.,

Past Boards

1998-1999

Judge Jack Ruffin, Chair
Dean David E. Shipley, Vice Chair
Judge N. Kent Lawrence
Secretary/Treasurer
Judge Robert Struble, Past Chair
Justice Norman S. Fletcher,
Liaison Member
Judge Rita L. Cavanaugh
Dean Larry Dessem
Ben F. Easterlin, IV, Esq.
Judge Deborah Edwards
Dean Janice Griffith
Judge Maurice Hilliard
Dean Howard Hunter
Rachael K. Iverson, Esq.
Clerk Bart Jackson
Mr. George Lange, III
Judge Walter J. Matthews
Judge Lawton E. Stephens
Judge John Wheaton

Emeritus Trustee

A. G. Cleveland, Jr., Esq.,

1997-1998

Judge Jack Ruffin,
Chair
Dean Edward D. Spurgeon,
Vice Chair
Judge N. Kent Lawrence
Secretary/Treasurer
Judge Robert Struble,
Past Chair
Justice Norman S. Fletcher,
Liaison Member
A. G. Cleveland, Jr., Esq.,
Advisory Member
Judge Rita L. Cavanaugh
Robert W. Chasteen Jr., Esq.
Dean Larry Dessem
Mr. Robert Doss, Jr.
Dean Janice Griffith
Dean Howard Hunter
Rachael K. Iverson, Esq.
Judge R. Michael Key
Clerk Kenneth Skinner
Judge Lawton E. Stephens
Judge John Wheaton
Judge Thomas D. Wilcox, Jr.

1996-1997

Judge Jack Ruffin, Chair
 Dean Edward D. Spurgeon,
 Vice Chair
 Judge N. Kent Lawrence
 Secretary/Treasurer
 Judge Robert Struble,
 Past Chair
 Justice Norman S. Fletcher,
 Liaison Member
 A. G. Cleveland, Jr., Esq.,
 Advisory Member
 Harold T. Daniel, Jr., Esq.
 Dean Larry Dessem
 Mr. Robert Doss, Jr.
 Dean Janice Griffith
 Dean Howard Hunter
 Rachael K. Iverson, Esq.
 Judge R. Michael Key
 Clerk Kenneth Skinner
 Judge Lawton E. Stephens
 Judge Johnny Warren
 Judge John Wheaton
 Judge Thomas D. Wilcox, Jr.

1995-1996

Judge Jack Ruffin,
 Chair
 Dean Edward D. Spurgeon,
 Vice Chair
 Judge Kenneth O. Nix
 Secretary/Treasurer
 Judge Robert Struble,
 Past Chair
 Justice Norman S. Fletcher,
 Liaison Member
 A. G. Cleveland, Jr., Esq.,
 Advisory Member
 Dean Larry Dessem
 Mr. Robert Doss, Jr.
 Dean Marjorie L. Girth
 Dean Howard Hunter
 Judge R. Michael Key
 John C. Mayoue, Esq.
 John Sammon, Esq.
 Judge Mitchell Scoggins
 Clerk Kenneth Skinner
 Judge Lawton E. Stephens
 Judge Johnny Warren
 Judge Thomas D. Wilcox, Jr.

1994-1995

Judge Jack Ruffin,
 Chair
 Dean Edward D. Spurgeon,
 Vice Chair
 Judge John Beam, Jr.,
 Secretary/Treasurer
 Judge Robert Struble,
 Past Chair
 Justice Norman S. Fletcher,
 Liaison Member
 A. G. Cleveland, Jr., Esq.,
 Advisory Member
 Dean Richard Creswell
 Judge Lee H. DeLoach
 Mr. Robert Doss, Jr.
 Dean Marjorie L. Girth
 Dean Howard Hunter
 Paul Kilpatrick, Jr., Esq.
 John C. Mayoue, Esq.
 Judge Kenneth O. Nix
 Judge Lawton E. Stephens
 Judge Johnny Warren
 Clerk Mary Ann Weatherby
 Judge Thomas D. Wilcox, Jr.

1993-1994

Judge Jack Ruffin,
 Chair
 Dean Edward D. Spurgeon,
 Vice Chair
 Judge John Beam, Jr.
 Secretary /Treasurer
 Judge Robert Struble,
 Past Chair
 Justice Norman S. Fletcher,
 Liaison Member
 A. G. Cleveland, Jr., Esq..
 Advisory Member
 Judge A. W. Birdsong, Jr.
 Judge Lee DeLoach
 Dean Marjorie L. Girth
 Dean Howard Hunter
 Charles T. Lester, Jr., Esq.
 John Mayoue, Esq.
 Judge Kenneth O. Nix
 Dean Philip Shelton
 Judge Johnny Warren
 Clerk Mary Ann Weatherby
 Judge Tommy D. Wilcox, Jr.

1992 - 1993

Judge Jack Ruffin,
Chair
Dean C. Ronald Ellington,
Vice Chair
Judge John Beam, Jr.
Secretary /Treasurer
Judge Robert Struble,
Past Chair
Justice Norman S. Fletcher,
Liaison Member
A. G. Cleveland, Jr., Esq..
Advisory Member
Judge A. W. Birdsong,. Jr.
Judge Lee DeLoach
Dean Marjorie L. Girth
Dean Howard Hunter
John Mayoue, Esq.
Judge Kenneth O. Nix
Judge Evans Plowden
Dean Philip Shelton
Judge Johnny Warren
Clerk Mary Ann Weatherby
Judge Tommy D. Wilcox, Jr.

1991 - 1992

Judge Robert Struble,
Chair
Dean C. Ronald Ellington,
Vice Chair
Judge Jack Ruffin,
Secretary /Treasurer
Judge Dorothy Robinson
Past Chair
A. G. Cleveland, Jr., Esq..
Advisory Member
Judge John W. Beam, Jr.
Judge A. W. Birdsong,. Jr.
Judge Hilton Fuller
Dean Marjorie L. Girth
Dean Howard Hunter
Charles Eugene E. Lawson
John Mayoue, Esq.
Judge Charles B. Mikell
Dean Philip Shelton
Judge Johnny Warren
Clerk Mary Ann Weatherby
Gene Mac Winburn, Esq.

1990 - 1991

Judge Robert Struble,
Chair
Dean C. Ronald Ellington,
Vice Chair
Judge Emmett Arnold,
Secretary /Treasurer
Judge Dorothy Robinson,
Past Chair
Justice George T. Smith,
Liaison Member
A. G. Cleveland, Jr., Esq.,
Advisory Member
Judge Harold Banke
Judge John W. Beam, Jr.
A. James Elliot, Esq.
Judge Hilton Fuller
Dean Howard Hunter
Dean Marjorie L. Knowles
Charles Eugene E. Lawson
John Mayoue, Esq.
Judge Jack Ruffin
Dean Philip Shelton
Judge Johnny Warren
Clerk Mary Ann Weatherby

1989 - 1990

Judge Dorothy Robinson, Chair
Dean C. Ronald Ellington,
Vice Chair
Judge Robert Struble,
Secretary /Treasurer
Judge Frank M. Eldridge,
Past Chair
Justice George T. Smith,
Liaison Member
A. G. Cleveland, Jr., Esq.,
Advisory Member
Judge Emmett Arnold, III
Judge Harold Banke
Judge John W. Beam, Jr.
Judge Hilton Fuller
Judge J. Littleton Glover, Esq.
Dean Howard Hunter
Judge Ronald Jayson
Dean Marjorie L. Knowles
Charles Eugene E. Lawson
Dean Philip Shelton
J. Dougals Stewart, Esq.
Clerk Mary Ann Weatherby

1988 - 1989

Judge Frank Eldridge, Chair
 Dean C. Ronald Ellington
 Vice Chair
 Judge Robert Struble,
 Secretary /Treasurer
 Judge Andrew Whalen, Jr.,
 Past Chair
 Justice George T. Smith,
 Liaison Member
 A. G. Cleveland, Jr., Esq.,
 Advisory Member
 Judge Emmett Arnold, III
 Judge Harold Banke
 Judge John W. Sognier
 Judge Martha K. Glaze
 Judge Hilton Fuller
 Judge Littleton Glover
 Dean Howard Hunter
 Judge Ronald Jayson
 Dean Marjorie L. Knowles
 Charles Eugene E. Lawson
 Dean Philip Shelton
 J. Douglas Stewart, Esq.
 Clerk Mary Ann Weatherby

1987 - 1988

Judge Andrew Whalen Jr.,
 Chair
 Dean C. Ronald Ellington,
 Vice Chair
 Judge Frank Eldridge,
 Secretary /Treasurer
 Justice George T. Smith,
 Liaison Member
 A. G. Cleveland, Jr., Esq.,
 Advisory Member
 Judge Emmett Arnold, III
 Dean David Epstein
 Jule W. Felton, Jr., Esq.
 Judge Martha K. Glaze
 Judge Marion Guess, Jr.
 Clerk Zadio B. King
 Dean Marjorie Knowles
 Dean Alan Pilcher
 Judge Dorothy Robinson
 Judge John W. Sognier
 J. Douglas Stewart, Esq.

1986 - 1987

Judge Andrew Whalen Jr.,
 Chair
 Dean J. Ralph Beaird,
 Vice Chair
 Judge Frank Eldridge,
 Secretary /Treasurer
 Justice George T. Smith,
 Liaison Member
 A. G. Cleveland, Jr., Esq.,
 Advisory Member
 Judge Emmett Arnold, III
 Bo Bradly, Esq.
 Dean David Epstein
 Judge Martha K. Glaze
 Judge Marion Guess, Jr.
 Clerk Zadio B. King
 Dean Ray Lanier
 Judge Wayne Phillips
 Judge Dorothy Robinson
 Judge John W. Sognier
 J. Douglas Stewart, Esq.
 Dean Karl P. Warden

1985 - 1986

Judge Andrew Whalen Jr.,
 Chair
 Dean J. Ralph Beaird,
 Vice Chair
 Judge Frank Eldridge,
 Secretary /Treasurer
 Justice George T. Smith,
 Liaison Member
 A. G. Cleveland, Jr., Esq.,
 Advisory Member
 Judge Emmett Arnold, III
 Bo Bradly, Esq.
 Dean David Epstein
 Judge Martha K. Glaze
 Judge Marion Guess, Jr.
 Clerk Zadio B. King
 Dean Ray Lanier
 Judge Wayne Phillips
 Judge Dorothy Robinson
 Judge John W. Sognier
 J. Douglas Stewart, Esq.
 Dean Karl P. Warden

1984 - 1985

Judge Andrew Whalen Jr.,
Chair
Dean J. Ralph Beard,
Vice Chair
Judge Frank Eldridge,
Secretary /Treasurer
Justice George T. Smith,
Liaison Member
A. G. Cleveland, Jr., Esq.,
Advisory Member
Judge Emmett Arnold, III
Bo Bradley, Esq.
Dean David Epstein
Judge Martha K. Glaze
Judge Marion Guess, Jr.
Dean Ray Lanier
Judge Dorothy Robinson
Judge John W. Sognier
J. Douglas Stewart, Esq.
Dean Karl P. Warden

1983 -1984

Judge Andrew Whalen Jr.,
Chair
Dean J. Ralph Beard,
Vice Chair
Judge Willis B. Hunt, Jr.
Past Chair
Judge Frank Eldridge,
Secretary /Treasurer
Justice George T. Smith,
Liaison Member
A. G. Cleveland, Jr., Esq.,
Advisory Member
Judge Emmett Arnold, III
Judge Martha K. Glaze
Judge Marion Guess, Jr.
Frank Love, Esq.
Dean Thomas Morgan
Judge Kelley Quillian
Judge Dorothy Robinson
Judge H. Jack Short
J. Douglas Stewart, Esq.
Dean Karl P. Warden

1982 -1983

Judge Willis B. Hunt,
Chair
Dean J. Ralph Beard
Vice Chair
Judge Floyd E. Propst,
Secretary/Treasurer
Judge A. W. Birdsong, Jr.,
Past Chair
Kirk McAlpin, Esq.
A. G. Cleveland, Jr., Esq.
Judge C. Cloud Morgan
Dean Thomas Morgan
Judge Rex R. Ruff
Judge H. Jack Short
Dean Karl P. Warden

1981 - 1982

Judge Willis B. Hunt,
Chair
Dean J. Ralph Beard
Vice Chair
Judge Floyd E. Propst,
Secretary/Treasurer
Justice George T. Smith,
Liaison Member
A. G. Cleveland, Jr., Esq.
Judge A. W. Birdsong, Jr.
Kirk McAlpin, Esq.
Judge C. Cloud Morgan
Dean Thomas Morgan
Judge Marion Pope
Professor James Rehberg
Judge Rex R. Ruff
Judge H. Jack Short

1980 - 1981

Judge A. W. Birdsong, Jr.,
Chair
Dean J. Ralph Beard
Vice Chair
Judge H. Jack Short,
Secretary/Treasurer
Justice George T. Smith,
Liaison Member
A. G. Cleveland, Jr., Esq.
Judge Willis B. Hunt
Dean Bruce R. Jacobs
Charles Hyatt, Esq.
Judge C. Cloud Morgan
Dean Thomas Morgan
Judge Marion Pope
Judge Floyd E. Propst
Judge Rex R. Ruff
Judge H. Jack Short

1979 - 1980

Judge A. W. Birdsong, Jr.,
Chair
Dean J. Ralph Beard
Vice Chair
Judge H. Jack Short,
Secretary/Treasurer
Justice George T. Smith,
Liaison Member
A. G. Cleveland, Jr., Esq.
Judge Willis B. Hunt
Charles Hyatt, Esq.
Dean Bruce R. Jacobs
Judge C. Cloud Morgan
Dean Thomas Morgan
Judge Marion Pope
Judge Floyd E. Propst
Judge Rex R. Ruff

1989 Education Award

Presented by

The National Conference of Special Court Judges
Judicial Administration Division

of

The American Bar Association

to the

State of Georgia

Institute of Continuing Judicial Education

For providing the highest quality of judicial education and training to judges of limited jurisdiction courts.

Awarded this fourth day of August, 1989
Honolulu, Hawaii

U.Ga. Institute education program garners top honor from Bar Assoc.

Special to Athens Daily News

Education and training programs for lower court judges developed by the University of Georgia's Institute of Continuing Judicial Education have been judged the best in the nation by a branch of the American Bar Association (ABA).

Richard D. Reaves, director of the U.Ga. Institute since 1982, will accept the 1989 Judicial Education Award August 4, at the ABA's annual meeting in Honolulu.

The award presented each year by the ABA's National Conference of Special Court Judges.

"The honor is especially significant because it comes from those who use our kind of programs - judges of lower courts." Reaves said "This ABA endorsement of our programs confirms our national leadership in continuing judicial education and encourages other states to follow our lead in this specialized field."

The Massachusetts continuing judicial education program placed second to Georgia's in the 1989 Judicial Education Award competition.

In the ABA competition a national panel of judges evaluated each state's education and training programs for judges of specialized lower courts, known as limited jurisdiction courts.

Limited jurisdiction courts are Probate Courts, Magistrates Courts, Juvenile Courts, State Courts, Municipal Courts, and Worker Compensation Courts.

"These lower courts are important because they give most people their first and most lasting impression of our justice system, since they are the courts most people use," Reaves said.

The Institute of Continuing Judicial Education, a part of the university's School of Law, offers training and professional education programs throughout the year for Georgia trial judges and court support workers such as clerks of superior court, court administrators, juvenile court probation officers, and judicial secretaries.

More than 1,000 judges and court clerks participated in continuing judicial education programs sponsored by the institute last year.

Judges and court workers in the state's court system are required to participate in programs of continuing judicial education every year, Reaves said. Thus training is in addition to the annual continuing legal education requirements mandated by the state bar for all Georgia lawyers.

Among the courses offered by the institute are regularly scheduled twice-yearly programs for sitting judges of various courts. The content of each course is tailored to the specific needs and issues that are raised in each court.

For example, juvenile crime and the occult and youth gangs were studied in 1988 ICJE programs for Juvenile Court judges, while several courses for State Court judges examined the control of media access to the court and its records, among other topics.

Reaves came to the university from Tallahassee, FL, where he coordinated education and training for the Florida courts system.

**1999 Judicial Education
Award**

presented by the

**ABA Judicial Division
National Conference of Special
Court Judges**

of the

**INSTITUTE OF
CONTINUING JUDICIAL
EDUCATION OF GEORGIA**

for its commitment to providing
judicial education and training

**AWARDED THE SIXTH DAY OF
AUGUST
NINETEEN HUNDRED AND NINETY
NINE
ATLANTA, GEORGIA**

ICJE Receives 2nd National ABA Education Award

For the second time in a decade, the Institute of Continuing judicial Education of Georgia (ICJE), head quartered at the University of Georgia, has been awarded the American Bar Association Judicial Education Award. The award, sponsored by the Judicial Division: National Conference of Special Court Judges, recognizes accomplishment in the design and delivery of continuing educational services and training to state court system judges and support personnel. ICJE's award was formally present at the American Bar Association's meetings in Atlanta in August. Present for the presentation were ICJE executive director, Richard Reaves; Superior Court Judge Lawton Stephens, ICJE board chair; State Court Judge Kent Lawrence, ICJE secretary-treasurer; and ICJE support staff, Sherry Carson, Becky Elkins, Bill Haynes, and Kathy Mitchem.

ICJE initially won the award in 1989. This year's entry marked the first re-application since that time.

ICJE, founded in 1976, is a cooperative effort involving the Georgia bench, bar and the state's accredited law schools. Its mission is to provide continuing education to Georgia's judges, court clerks and other support personnel.

PART IV

PERTINENT OUTSIDE INFORMATION

PERTINENT OUTSIDE INFORMATION IS NOT AVAILABLE IN THIS EDITION