



# The Bench and Beyond

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

## MESSAGE FROM THE BENCH

It has been my privilege to serve as a Superior Court Judge in Clayton County since 1993. Over that time I have been impressed by the work of my colleagues and our court staff as we strive to handle cases as fairly and efficiently as possible. Sometimes, however, we focus so much on managing our caseloads that we don't tell our stories as well as we should.



Superior Court Chief Judge  
Matthew O. Simmons

*The Bench and Beyond*, our new quarterly newsletter, is an attempt to keep you informed about the work that your courts are doing. The newsletter, published by Court Administration, will highlight new court programs, accomplishments, and community involvement, along with court statistics.

Our country's judicial system is the best in the world, and Clayton County is the home of some of the state's finest judges. We should be proud of the work that our courts are doing as they administer justice for countless citizens. Thanks to the hard work and dedication of the many people involved in the court system, I know we are making a difference.

I hope that you enjoy our inaugural issue. Please let us know if you have articles that you would like to include in future newsletters. You may send the articles or other suggestions to: [andrea.saxon@co.clayton.ga.us](mailto:andrea.saxon@co.clayton.ga.us). ♦

## A GLIMPSE INTO GROWTH:

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

A Monday morning visit to the Harold R. Banke Justice Center can be a sobering observation of the growth in Clayton County. As 3,500 people file into the courthouse in two lines that stretch outside the doorway of the building, the guards at the security checkpoint operate without any regard to the volume of people: today is business as usual.

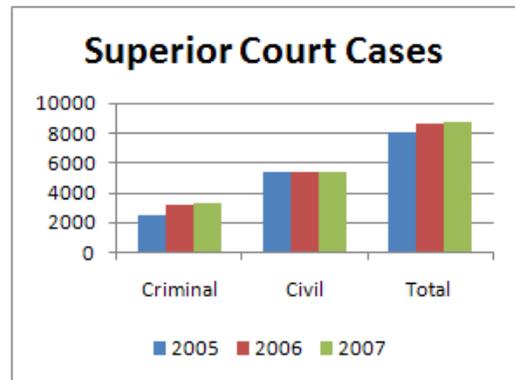
Over the past ten years the county has experienced a notable change in population. In 2000, the population in Clayton County peaked at about 236,500. But, seven years later, the population is estimated to have increased by more than 15 percent to approximately 272,200. The county is slated to reach well over the 300,000 mark over the next three

years.<sup>1</sup>

Although there is a visible increase in people and economic development, the work of the courts has quietly grown with the surrounding expansion. In Superior Court, consider for instance that the criminal cases grew by an 18 percent margin from 2005 to 2006.<sup>2</sup> In 2006, each member of the bench averaged 2,081 cases per judge. This per judge average is slightly more than at least three other large metropolitan counties with a minimum of 9 judges serving the court. Preliminary figures indicate that the county's Superior Court, which operates with 4 judges, handled nearly 8,800

filings in 2007.<sup>3</sup>

The State Court has also experienced a sharp increase in caseload. In calendar year 2006, the court handled 38,259 cases, 8,598 of which were non-traffic misdemeanors (e.g., shop-

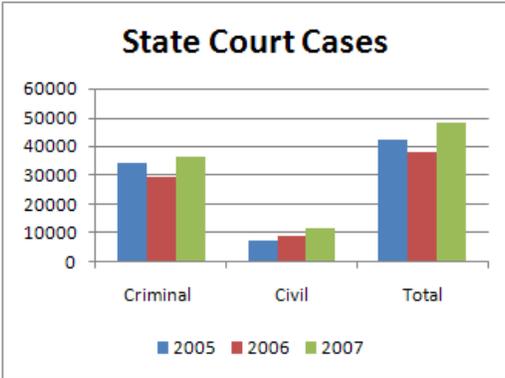


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(*Transition, Continued from page 1*) lifting, simple battery).<sup>4</sup> Caseload figures for 2007 indicate an astounding increase, with the court managing more than 48,300 cases, an approxi-

mate 15 percent increase in volume in a single year. Based on the current census estimates, the judge to citizen ratio stands at 1 judge to every 68,000 local citizens.

Benefield confirms, "Finding the best way to administer justice that is fair, impartial and effective is non-negotiable, regardless of the current growth or lack of resources. That is why we are here."



As the sheer volume of people and cases continue to rise, the court remains in a proactive posture with reference to administering judicial resources. Whether exploring more efficient case management practices or making information more accessible, the transition into addressing the needs of an expanding court are well in motion. As Chief Judge Harold

<sup>1</sup>United States Census Bureau, [www.census.gov](http://www.census.gov). April 28, 2008.  
<sup>2</sup>Administrative Office of the Courts, 2006 Annual Report. [www.georgiacourts.org](http://www.georgiacourts.org).  
<sup>3</sup>Data provided by the Clayton County Superior Court Clerks Office, [www.co.clayton.ga.us](http://www.co.clayton.ga.us).  
<sup>4</sup>Data provided by the Clayton County State Court Clerks Office, [www.co.clayton.ga.us](http://www.co.clayton.ga.us). ♦

**REGION JUDGES OF THE YEAR**

Two Superior Court Judges were honored as Region Judges of the Year for their work with the Clayton County Child Support Office. Judge Albert B. Collier and Judge Matthew O. Simmons were honored by Georgia Child Support Services for their work with the Jonesboro department. Both Judge Collier and Judge Simmons have a strong history of working with children and believe in the importance of stable families. They bring more than 23 years of experience hearing domestic

cases involving children.

The Clayton Office of Child Support enforces parental responsibilities and financial support to children throughout the county. Staff of the Jonesboro office describe the judges as "supportive" individuals who treat each issue of child support as a "valid and important legal action." ♦

**LAW DAY  
HONOREES**  
*Program was held in the Ceremonial Courtroom at the Justice Center*

Emmett (Jerry) Arnold &  
Constance Daise  
**Pro Bono Awards**

Cathy Roark  
**Liberty Bell Award**

Honorable Steven C. Teske  
**Community Service**

Jan Watts  
**Excellence in Bar Leadership**

Honorable Robert B. McNeese  
**Cornerstone Award**

**A YEAR AND COUNTING: CLAYTON DUI COURT**

The Clayton County DUI/Drug Court is a highly specialized team program which includes the judge, prosecutor, program coordinator, probation, and treatment providers all working together. Participants appear regularly before the judge and are required to undergo intensive treatment, submit to frequent drug testing, obtain jobs, pay their fines and complete other requirements set by the court.

DUI/Drug Court targets non-violent offenders convicted of their second DUI in five years, or their third or more DUI in life. The program is rigorous by design, requiring completion of four phases which take a year or more as mandated by the court. Rewards for progress and swift sanc-

tions for behaviors that negate program goals are critical to the recovery process.

The DUI/Drug Court began in February 2007 and received funding from the Clayton County Board of Commissioners, the U.S. Department of Justice, and the Governor's Office of Highway Safety to support its first year of operation. "This has been the most rewarding program I have been involved with during my 12 years as a State Court Judge in Clayton County," Judge Linda S. Cowen said. "I know that we are making a difference in the lives of these participants, and that we are making Clayton County a safer place to live."

The State Court will hold its first DUI/Drug Court graduation on June 5<sup>th</sup> at 4:00 PM, in the Ceremonial Courtroom. Judge Cowen will preside over the commencement ceremony for the six graduating participants. Clayton County DUI/Drug Court currently serves 101 participants. ♦



**F O C U S O N : A L B E R T B . C O L L I E R**

The Honorable Albert B. Collier, Superior Court Judge, has been a part of the Clayton County justice system since 1976. He was a probation officer for Juvenile Court for seven years, and an Assistant District Attorney for fifteen years before becoming a Superior Court Judge in 1999.



County Marriage and Family Initiative, and the Paralegal Studies Advisory Committee for College of Professional Studies at Clayton State University. Judge Collier has previously served as an adjunct professor of Criminal Law in the School of Technology, Paralegal Studies, at Clayton State University.

Judge Collier, who was born in Griffin, Georgia, has been a resident of Clayton County since 1966. He lives here with his wife, Patricia, a fifth grade teacher at Creekside Christian Academy, and they have three children. Judge Collier is a member of the First Baptist Church in Jonesboro, where he is a Deacon and member of the Celebration Choir.

A graduate of Valdosta State College, Judge Collier maintains a Bachelor of Science in Sociology, with an emphasis in Criminal Justice. He received a Juris Doctorate, and afterward a Master of Laws in Litigation from Woodrow Wilson College of Law.

He is a member of the Clayton

Judge Collier is most recently known over the airways as one of the 2008 "Get Fit Challenge" participants, sponsored by WSB TV. Judge Collier says his goal for the challenge is "to get in shape and hopefully motivate others to get in shape as well." ♦

**J U D G E S E R V E S A S P R E S I D E N T O F S T A T E C O U N C I L**

State Court Judge John C. Carbo has been elected President of the Georgia Council of State Court Judges. He began his term as President on May 15, 2008. After first serving the County as a Solicitor, Judge Carbo has been a Clayton County judge for the past 20 years.

Among its responsibilities, the Council of State Court Judges was created to improve this class of courts across the state and enhance the educational development of judges. The Executive Committee, to which the judge was elected, sets policies for the Council. The entity addresses issues such as technology, educational programming, and strategic planning through extensive committee work.

The Council is composed of more than 100 judges, senior judges, and judges emeriti in 71 counties. ♦

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

**"Pro Se"**  
*A person who represents him- or herself in court without the help of a lawyer*

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

**Superior Court**

The Superior Court Clerk, Linda T. Miller, is exploring ways to best approach the possibility of electronic filing in child support cases. The Clerk, Court Administration, Information Technology and representatives from the Administrative Office of the Courts will meet soon to discuss E-filing applications. The purpose of the meeting is to go through the development process, identify specific requirements, and determine the most suitable installation option.

There were more than 1,600 child support cases filed in Superior Court in 2007. One of the major challenges with the manual or paper process is the need to meet set timeframes as specified by law. Once in place, the virtual environment will allow a more streamlined approach for child support filings. For more information about this initiative, contact the Superior Court Clerk's Office at (770) 477- 4565. ♦

**State Court**

The Clayton County Court Case In-

quiry is now on-line to search civil and criminal databases. Go to [www.co.clayton.ga.us](http://www.co.clayton.ga.us) and click on Courts and then Court Case Inquiry.

Regarding civil cases filed in the State Court, plaintiffs and /or their attorneys no longer have to wait for sheriff's entry of service forms to be returned by mail. They can now access the Court Case Inquiry web page to check the service date and view or print the actual image of the document. ♦

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**FOR THE RECORD \*****SUPERIOR COURT**

- 3,346 criminal filings
- 1,539 domestic relations filings
- 996 general civil filings

**STATE COURT**

- 11,638 civil filings
- 8,953 criminal filings
- 27,713 traffic filings

**DUI COURT**

- 44 participants in Phase I
- 25 participants in Phase II
- 10 participants in Phase III
- 6 participants in Phase IV

**INTERPRETERS**

- 1,878 interpreter hours billed
- \$97,000 billed
- 17 languages used

**ADR MEDIATION**

- 991 cases closed
- 39% cases mediated
- 51% reached full or partial agreement

**ADR PARENTING**

- 22 seminars held
- 433 cases referred
- 573 seminar attendees

\*for calendar year 2007

*(Clerks, Continued from page 3)*

During the annual spring training for Superior and State Court Clerks held in St. Simons Island, Georgia on May 22, 2008, Brenda Smith, State Court Clerk, was awarded the certificate of completion from the Carl Vinson Institute of Government for successful completion of the Court Clerks' Certificate program. To receive the certificate, clerks must attend and successfully complete both required and elective courses, and complete a project paper which demonstrates what they have learned and how they will apply the knowledge to their office. ♦

Ashley Bright and Chanae Clemens repre-

sented the State Court Clerk's Office in the Mundy's Mill Career Day presentation on April 16. The Deputy Clerks each presented twenty minute speeches to two classes of juniors and one class of seniors. Bright, a Deputy Clerk from the State Court Traffic Division, informed the students on the requirements and responsibilities to become a deputy clerk. Clemens, a Deputy Clerk assigned to State Court Judge Carbo's Courtroom, spoke to the students about the consequences of their actions as youth, and the effect they carry. The importance of a quality education was the most significant topic of discussion for all three of the classes. ♦

**MOCK TRIAL CHAMPIONS**

On May 10<sup>th</sup>, the Jonesboro High School mock trial team won their second national title at the National High School Mock Trial Championship, held this year in Wilmington, Delaware. The team defended their 2007 title, making Jonesboro High one of two schools to win two titles in the championship's 25 year history. After winning the state title against more than 100 teams, the students competed against 42 teams in the championship.



Many of the Superior, State, and Magistrate Court Judges are involved in coordinating various levels of the mock trial competition. The Council of State Court Judges donate both time and funds throughout the year in support of the state's mock trial teams. Superior Court Judge Deborah Benefield, State Court Judge John Carbo, Henry County Assistant Solicitor Tasha Mosley, and law student Katie Powers served as attorney coaches for this year's winning team. Carbo, who has coached the team for nine years, said, "It's an honor to be associated with such a group of dedicated young people. They were determined from the beginning to repeat as national champions, even though several key members of last year's team had graduated." The team is expected to participate in ceremonies during the next month to honor their success. ♦

**57<sup>TH</sup> ANNUAL NATIONAL DAY OF PRAYER**

Judges of the Clayton County Superior and State Court Bench gathered with local citizens, and county and state officials to participate in the 2008 National Day of Prayer Breakfast. The event sponsored by the Clayton County Conference of Ministers was held at the National Archives Building for the Southeast Region in Morrow. Chief Judge Matthew Simmons of Superior Court shared that "this was a good opportunity to

fellowship with other members of our community."

The featured speaker for the program was Judge Steven C. Teske, of the Clayton County Juvenile Court. Partial proceeds from the program are provided to support "Kidz to Kamp," a program co-sponsored by the Ministers' Conference and Clayton County Juvenile Court. ♦

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

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

**Court Administrator**  
Yolanda L. Lewis

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

### COURTSIDE EVENTS

**June 5th**  
**DUI/Drug Court Graduation**  
4:00 PM  
Ceremonial Courtroom  
4th Floor

**June 19th**  
**Legal Research Training—  
Westlaw**  
11:00 AM - 1:00 PM  
Contact Court Administration  
770- 477-3415

**June 25th— 26th**  
**Annual "Law Library Book  
Sale"**  
Court Administration  
3rd Floor

### P R O V I D I N G A C C E S S T O J U S T I C E

The Court and Community Access Program (C.C.A.P.) is an outreach initiative sponsored by Superior and State Court and the Clayton County Library System. This program will assist, to the extent possible, individuals who are seeking legal help or need to complete legal forms but have fewer transportation options or other personal obstacles associated with visiting the Law Library. This project will allow citizens to access all forms associated with Superior and State Court cases online, and provide specialized tutorials and links currently available at the Law Library.

The first pilot site, expected to be running in July, will be the Library System Headquarters located at 865 Battle Creek Road in Jonesboro. The Courts, along with Court Administration, will provide gently used computers for the public and training for the library staff. The library will provide a designated space for the computers and internet access via its current public access network.

Judges and court staff recognize that there are economic gaps that cannot be bridged, and the financial means needed to secure an attorney are often out of reach. This project, in general, is a good faith effort to ensure that citizens have adequate access to court information, since legal assistance continues to be an enormous challenge for the public.

It is the hope of the Courts that C.C.A.P. will improve the quality of information and accessibility of law materials used by the public, and allow them to actively participate in court matters where they choose to represent themselves. ♦

### W H A T T O E X P E C T I N C O U R T ?

Court users are now receiving some additional information about what to expect in court. The Help Desk located in the atrium of the Justice Center entrance now provides the *Basic Rules of Court Conduct Brochure* which explains general policies and procedures of the court. The publication includes tips about dressing appropriately for court, how to address the judge, and other frequently asked questions. The brochure is available in English and in Spanish and is provided courtesy of the Administrative Office of the Courts. ♦

### BASIC RULES OF COURT CONDUCT

