

CASELOAD SUMMARY REPORT

Fiscal Year 1977

for

Georgia's Principal Trial Courts

Prepared for

The Judicial Council of Georgia

by the

Administrative Office of the Courts

NCJRS

MAR 19 1979

ACQUISITIONS

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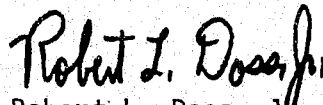
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FOREWORD

This second Caseload Summary Report of the Administrative Office of the Courts provides a comprehensive state-level analysis of the work of Georgia's four principal trial courts. As such, it is another step in the development of a base of information from which management decisions can be made for the state's court system and serves to inform the public about the increasing demands on its courts.

The information included in this year's Caseload Summary Report is the most accurate collected to date. Efforts by the Case Definition Committee of the Judicial Council have improved data collection procedures and provided more precise definitions of the cases to be counted in each case category. Data collection efforts by District Court Administrators, who are familiar with local records systems, also helped to insure accuracy.

As the caseloads of Georgia's courts have increased, the need for more sophisticated caseload information has also increased. Caseload serves as an indicator to predict the need for additional judicial manpower and court support personnel, and is crucial in identifying present and future demands on facilities and records systems. This report is presented as one of a series of reports designed to assist in predicting court needs.


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February 1, 1979

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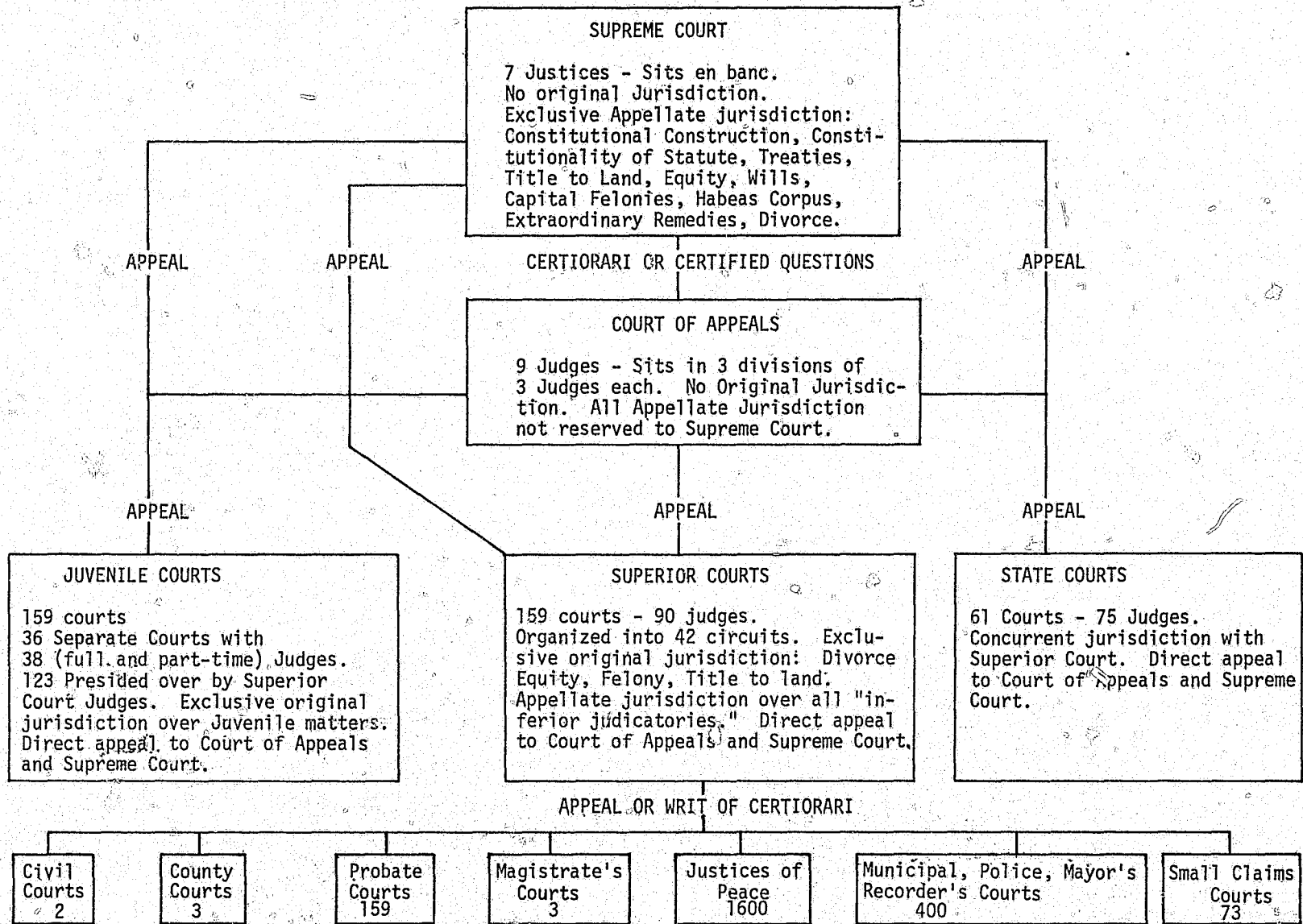
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JUDICIAL SYSTEM OF GEORGIA*



* As of June 30, 1977



INTRODUCTION

A. Purpose

Since the creation of the Administrative Office of the Courts in 1973, the collection of caseload data from the Georgia trial courts has been a major and essential responsibility of the office. The need for statistical information on the operations of the trial courts was acknowledged by the Governor's Commission on Judicial Processes and recognized in law by the General Assembly in the act creating the Judicial Council of Georgia and the Administrative Office of the Courts. Most recently, on June 12, 1978, the Judicial Council was established as an administrative arm of the Georgia Supreme Court by judicial order.

...under the supervision and direction of the Judicial Council, the Administrative Office of the Courts shall perform the following duties...

(c) Compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which shall be provided by the courts (Ga. Code Ann., §81-1603 (1973)).

Since this 1973 act, the Administrative Office of the Courts has annually collected caseload data from the judicial circuits and, with the assistance of the district administrative assistants in recent years, has compiled annual statewide caseload statistics for all the Superior, State, Probate and Juvenile Courts. This data now serves as a valuable data base on the operations of these principal trial courts in the state. At last, sufficient data is available to plot trends in case filings from year to year, as well as trends in dispositions and open cases. Essentially, the first few years of caseload data simply permitted descriptive inferences concerning the current status of the

trial courts with respect to caseload. Now the statistics permit inferences regarding the present and past position of the courts and future direction with respect to caseload.

As required by the act creating the Administrative Office of the Courts, the caseload data collected by this office and the district administrative assistants is used for several purposes, including:

- 1) Judicial Council recommendations concerning the need for additional Superior and State Court judgeships.
- 2) Judicial Planning Committee assessment of the current and future needs of the Georgia Court System.
- 3) Assessments of the individual needs of each district by the District Administrative Judges; and
- 4) Presentation of court workload information to the public and non-judicial personnel.

The Administrative Office of the Courts, therefore, has submitted this report to the Judicial Council of Georgia which has authorized its distribution to the public.

While there are over two thousand trial courts of ten different types in the state of Georgia (Organizational Chart, p. i), the great majority are limited jurisdiction trial courts. Of these ten types, three--the Superior Courts, Juvenile Courts and Probate Courts--have been established statewide (one in each county of the state). Along with the

State Courts, these courts are the four principal trial courts of the state. The Superior Court is the trial court of general jurisdiction, while the other three courts are limited jurisdiction courts.

There are two judicial bodies in Georgia which are exclusively appellate courts: the Supreme Court and the Court of Appeals. The Supreme Court is the highest judicial body in Georgia.

For a more detailed discussion of the components of the Georgia judicial system and their interrelationships, reference should be made to Appendix B.

B. Format

At present this report remains in a developmental stage. In the future, the Administrative Office of the Courts hopes to expand its data collection efforts and this report to include more of the courts in Georgia's judicial system. This enlargement of the study may include the caseload of the myriad of limited jurisdiction courts such as Justices of the Peace, Recorder's, Municipal, and City Courts; and possibly the caseload of the appellate courts, the Court of Appeals and the Supreme Court of Georgia.

Just as a whole cannot be fully understood by one of its parts, the Georgia Court System cannot be completely understood from knowledge of the four trial courts under study here. Therefore, any inferences resulting from the data included in this report are restricted in application only to the courts under study. However, appreciation of the interdependence of all courts in the system is an essential requirement for correct interpretation of the data included here. The factors that contribute to the volume and the types of cases filed in a certain court are determined

not only by the level of criminal and civil litigation within a jurisdiction, but also by the number of courts and the subject matter jurisdiction of these courts. For example, in counties that have a State Court, many misdemeanor and civil cases are handled in the State Court that would otherwise be filed in the Superior Court. Similarly, in counties that have a separate Juvenile Court, all juvenile cases which would otherwise be heard by the Superior Court judge are handled by the Juvenile Court.

The introduction of this report, read in conjunction with Appendix B, describes the judicial system of Georgia with special emphasis on the original and appellate subject matter jurisdiction for each class of courts. It not only provides the reader with a working knowledge of the courts of Georgia, but also points out the interdependence of the four courts under study.

Part II of the report deals with the absolute caseload and relative workload of the four courts under study. Again, understanding the interdependence of these courts is essential for full appreciation of the data contained in this section. The jurisdiction of the Superior Courts places the most serious, complicated and time-consuming cases within its workload. Such cases as felonies, domestic relations and many complicated civil cases, which can (and often do) present issues requiring a great deal of time to resolve, fall within the exclusive jurisdiction of the Superior Courts. While these cases constitute a caseload which is numerically less than the caseload of the State Courts, individually these cases are of a more time-consuming nature. On the other hand, while many of the classes of cases heard in the

State Courts can be disposed of in a shorter period of time, the vast volume of such cases constitutes a substantial workload upon the courts. Therefore, the workload of the Superior Courts is more a function of the "weight" of the individual cases it must hear while the workload of the State Courts is a function of the aggregate volume of cases it must handle.

Part III of this report illustrates the entire caseload of the four classes of courts under study for the case types studied. Total filings, dispositions and historical trends in filings and dispositions are observed for these courts taken together, as if they were one court. Since the total caseloads of the courts are combined, certain inferences concerning the level of criminal and civil litigation are permissible.

In the final portion of the report, Part IV, the caseload characteristics of each court are viewed separately. Here, certain inferences concerning the level of criminal and civil litigation within courts are permissible. It is in this section where understanding of the interdependence of these four courts is most important for appreciation of the data. Increases and decreases in caseload in any one court are influenced by the existence (i.e., creation or abolition) of other courts, subject matter jurisdiction of other courts, and changes in the forums selected for filing by attorneys when there is concurrent jurisdiction between the Superior Court and courts of limited jurisdiction.

C. Selection of Case Categories

The caseload data in this report is organized for this study into categories which follow legal tradition, modified somewhat by data availability and manageability. The presentation of methodology in Appendix A gives a detailed description of the categories utilized. Because there is a wide variation throughout the state in record-keeping systems, attempts to create caseload profiles more detailed in design than those

presented in this report have met with varying success from county to county. Therefore, the case type classifications have been kept as broad as possible without sacrificing meaningful distinctions between case types. The collection of data on juvenile cases exemplifies the problems encountered in categorization of case types. Although statistics are collected for sub-categories of juvenile cases in each county, they have not been consistently available; therefore, they are not useful in a statewide presentation at the present time. Juvenile cases are, therefore, treated as a single unit in this report.

D. Data Limitations

It is important to bear in mind what the data on filings and dispositions can and cannot tell the reader. The tables present only statewide data from Georgia's four principal trial courts. Data from Magistrate's Courts, Recorder's Courts and other courts of municipal jurisdiction is not included. Therefore, the tables do not present all violations of the Georgia traffic code, but only those violations filed in the courts under study. Similarly, the misdemeanor and civil caseloads in this report do not include all such cases filed in the state. Finally, the data on the Probate Courts includes only the share of their caseload which falls under their criminal jurisdiction. It excludes their civil proceedings, such as wills and estates which generally constitute the bulk of their caseload.

The data does present some useful descriptive statistics: numbers of filings; numbers of dispositions; dispositions as a percentage of filings by case type (Table 1, p. 12); and numerical and percentage

increases in filings and dispositions by case type between each pair of years (e.g., 1971 and 1977), which adequately describe statewide trends in caseload in Georgia's four main trial courts and which allow certain inferences to be drawn concerning the caseload of these courts.

E. Methodological Changes

Two changes in methodology have changed the format of this report as compared to previous reports. A civil case category for which data had not been collected in previous years, independent motions, is now counted. For criminal cases, the collection of docket numbers and all counts charged to a defendant is also a new procedure. Prior to FY1977, the AOC staff counted criminal cases only in terms of the number of defendants and according to the most serious charge filed. The use of docket numbers rather than defendants or charges allows a direct comparison of filings and dispositions between criminal and civil case types.



SUMMARY OF CONCLUSIONS

In fiscal year 1977 there were more than six hundred seventy thousand cases filed in Georgia's four principal trial courts. This represents an increase in filings of two and four tenths per cent over fiscal year 1976. The largest portion of this increase was traffic cases.

The State Courts continue to bear the greatest burden of caseload in terms of case volume. On the other hand, the weighted caseload concept shows the Superior Courts handle a much heavier burden - the Superior Court weighted caseload is five times greater than that of the State Courts - in terms of time necessary to process their caseload. This is partially a result of the different case types that comprise the workload of each court. Traffic cases comprise a large portion of State Court case volume and generally require less time to process than domestic relations, felonies and general civil cases, which comprise a large portion of the Superior Court caseload.

The four principal trial courts disposed of a slightly higher proportion of their caseload in fiscal year 1977 than in fiscal year 1976. Statewide dispositions as a percentage of filings for fiscal year 1977 were 93%. The disposition rate of the Superior Court remained almost constant from 1976 through 1977, but the disposition rate of the State Court increased substantially over fiscal year 1976, exceeding the increase in filings for that fiscal year.

In the Superior Court there was a large increase in felony (21.5%) and domestic relations (8.9%) filings in fiscal year 1977. If this increase continues at the present pace, it will require a concentrated

effort by the Superior Court to prevent an increased accumulation of pending cases. Dispositions of all types of cases in State Court closely paralleled or outnumbered the respective filings in fiscal year 1977. The disposition rate of the Probate Courts which hear traffic cases has increased slightly since fiscal year 1976.

COMPARISON OF JUDICIAL CASELOAD AND WORKLOAD: WEIGHTED CASELOAD CONCEPT

While it is understood that each case filed in the state judicial system consumes different amounts of time and resources than every other case filed, it is apparent that there is generally a greater difference in time and resources consumed in processing cases of different types than in processing cases of the same type. For example, the difference in judicial time spent disposing of a traffic case as compared to the time spent disposing of a felony case is greater than the differences in time required to dispose of another traffic case. Distinct types of cases require different amounts of time to be processed. (For a discussion of the various case types and their definitions, see "Report Methodology," Appendix A.)

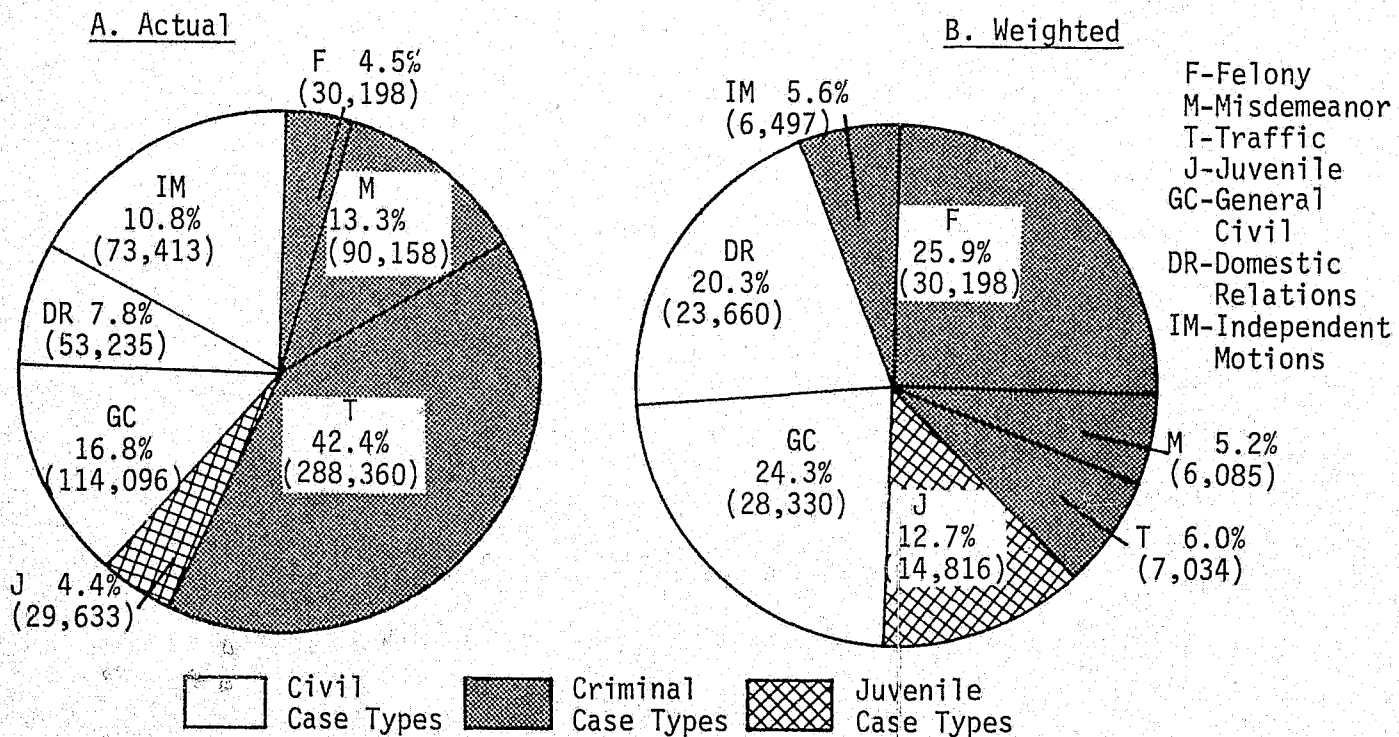
Although the caseload data collected clearly shows where the highest volume of cases is filed, the data does not necessarily represent the actual amount of time required to process these cases. In order to present a complete picture of the nature of the caseload data, the concept of weighted caseload is utilized in this report. This concept identifies the actual workload, in terms of time required to process cases, which confronts the state's judicial system.

The basis of the weighted caseload concept is the determination of a standard for comparison of all case types within all courts studied. The caseload weights used in this report were derived from information provided by Georgia judges and represent the best estimates now available. (See Appendix C for a detailed explanation of the calculation of these caseload weights.) Although the techniques used in deriving the caseload

weights have not yet been perfected, the weighted caseload figures (Figures 1, 2 and 3 of this report) are intended to provide a comparison of the burdens imposed on the system by the processing of various case types and to roughly sketch the judicial workload of the four trial courts studied herein.

In Appendix C, the caseload weights have been used to translate the actual number of case filings within each case type to felony-equivalents for each class of courts studied. For example, in the Superior Courts, 1.5 general civil cases are equivalent to one felony case in terms of judicial time required to process the case. In the State Courts, 12.73 general civil cases are equivalent to one felony case filed in the Superior Court.

Figure 1: Actual and Weighted Caseload by Case Type: FY1977 (Defendants)

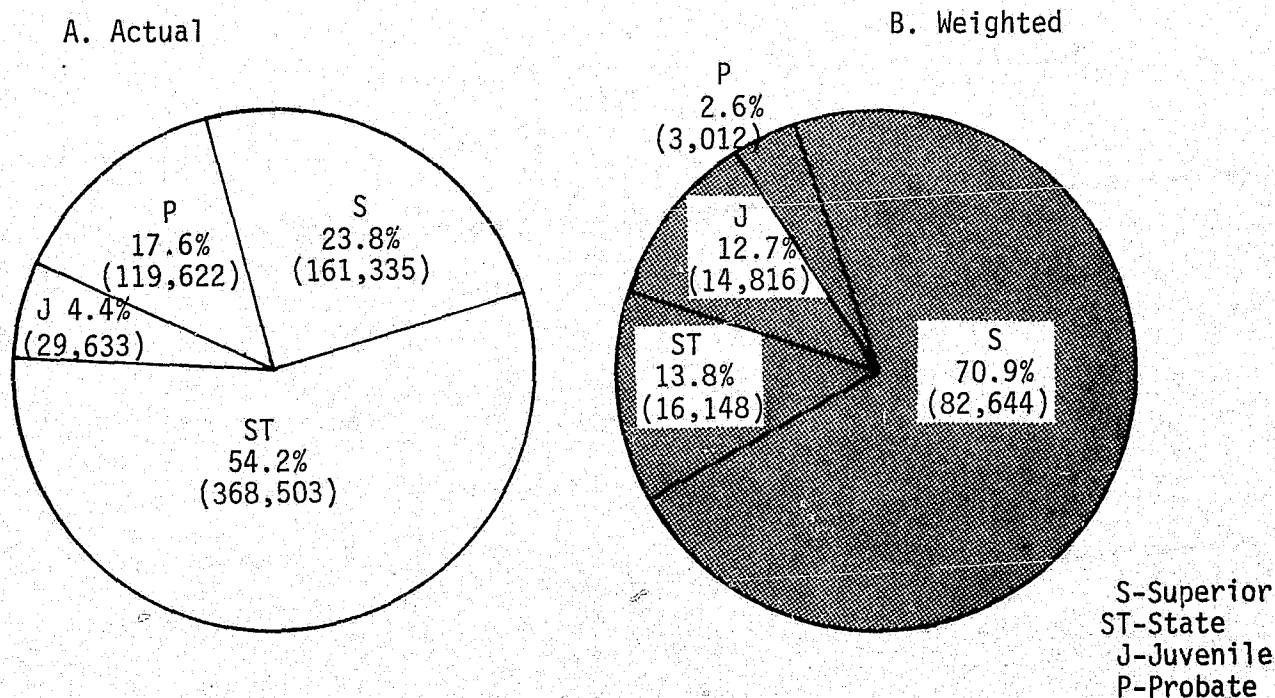


A. Actual and Weighted Statewide Caseload by Case Type

Figure 1 shows the statewide actual caseload and weighted caseload for fiscal year 1977 by case type. Criminal caseload accounts for 60.2% of the actual statewide filings, but only for 35.5% of the weighted caseload. In contrast, civil cases constitute more than one-half of the weighted caseload, but less than 40% of the actual caseload.

The greatest number of cases filed in 1977 within any case type are traffic cases 288,360 (42.4%), but in the weighted caseload method traffic cases are only 6.0% of the statewide totals. Thus, despite the immense volume of traffic cases, these cases are less burdensome to the judiciary of these four courts in terms of time consumption than other case types. Felony, general civil and domestic relations cases rank first, second and third, respectively, in the weighted caseload system. It is apparent that the nature of the case types filed, as well as the volume of cases filed greatly affect the judicial workload.

Figure 2: Actual and Weighted Caseload by Court: FY1977 (Defendants)



B. Actual and Weighted Caseload by Court

The State Courts had the greatest volume of cases of the courts studied in 1977: 368,503 cases, which were 54.2% of the statewide totals. (See Figure 2.)

Despite the large number of cases handled by the State Courts, the weighted caseload concept illustrates that the total caseload of the State Courts is less time-consuming than the caseload of the Superior Courts. This is due in part to the fact that the greatest portion (43.7%) of the State Courts' caseload is traffic cases (161,028 cases). These cases are less complicated than most other case types and are generally disposed in a short period of time. The largest portion of the weighted caseload is general civil cases (39.5%) although there were only one-half as many absolute general civil filings as traffic filings.

Figure 2 shows that the weighted caseload of the Superior Courts is five times greater than that of the State Courts, 82,644 as compared to 16,148. The weighted caseload of the Superior Courts is considerably greater than the State Courts not only because of the difference in time consumed for various case types, but because there are 159 Superior Courts, one per county, and only 64 State and County Courts. In addition, over 75% of the State Court judges (49 judges) are part-time judges.

The Superior Courts have the greatest portion of the statewide weighted caseload (70.9%) of all the courts studied, although their share of the number of actual case filings is only 23.8% of the statewide totals. The case type jurisdiction of the Superior Courts requires that the Superior Courts hear cases such as felonies and domestic

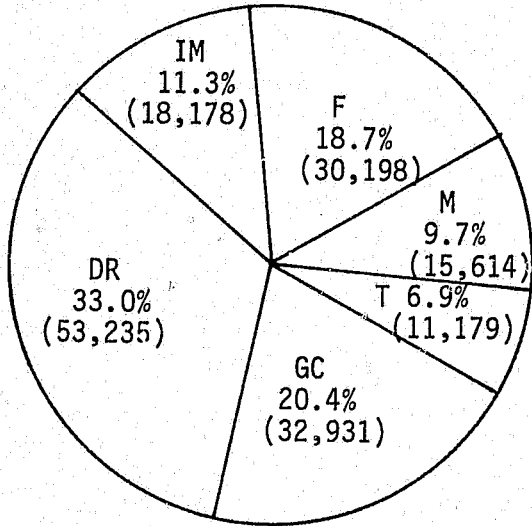
relations cases which generally have more numerous and more complex issues to be resolved. Since there may be a dollar limit on the ex delicto actions -- actions brought out of fault or misconduct for which damages are sought -- the State Courts may hear, the Superior Court in a county where there is also a State Court will often handle those civil cases in which the amount in controversy exceeds the State Court limit. Generally, where the claim or controversy is greater, the issues in the case will be more time-consuming or more complicated. This would tend to increase the Superior Courts' workload (weighted caseload) in comparison with the State Courts' workload for the same case type.

C. Actual and Weighted Caseload by Court and Case Type

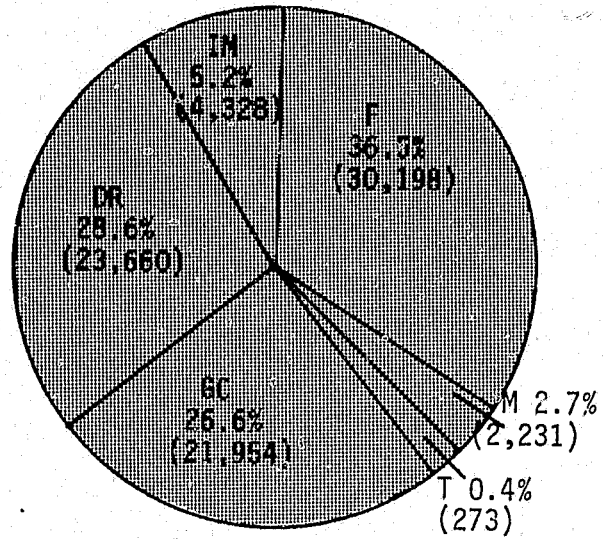
Figure 3 shows the actual and weighted caseload by court and case type. Only Superior and State Courts are shown in Figure 3 since only the criminal portion (traffic and misdemeanor cases) of the workload of the Probate Courts is collected, and since the juvenile case types have not been segregated for this report. In Figure 3 (A.1), the actual number of case types filed in the Superior Court are presented as percentages of the total Superior Court caseload. The broad category of civil cases is 64.7% of the total caseload. The largest single case type is domestic relations which comprises one third of the total caseload (53,235). When converted to weighted caseload, the category of civil cases still outweighs all other categories; but domestic relations no longer ranks as the largest percentage. Domestic relations cases (28.6%) are now second to felony filings (36.5%) with general civil cases third. These three case types are 72.1% of actual filings and 91.7% of the weighted caseload. The remaining case types rank in the same order in

Figure 3: Actual and Weighted Caseload by Court and Case Type: FY1977 (Defendants)

A. Superior



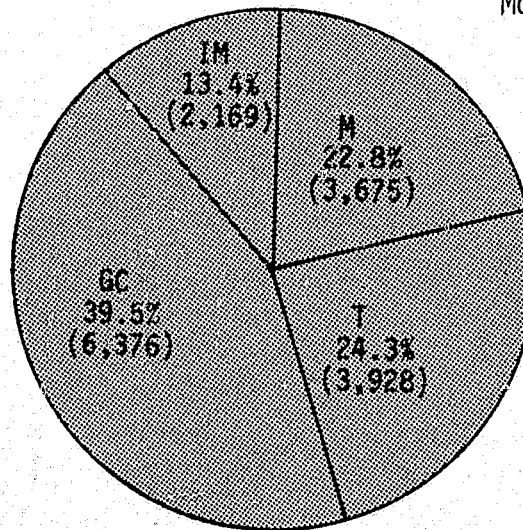
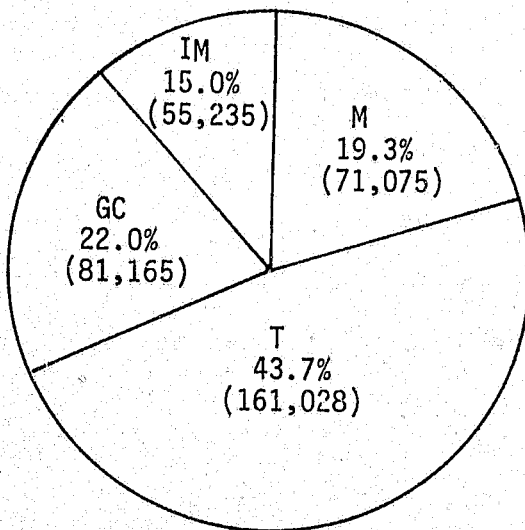
1. Actual



2. Weighted

F-Felony
M-Misdemeanor
T-Traffic
GC-General Civil
DR-Domestic Relations
IM-Independent
Motions

B. State



both actual and weighted figures although the respective percentages of total caseload differ. Together they comprise only 8.3% of the weighted caseload.

As previously mentioned the greatest portion of actual caseload filings in the State Courts fell within the traffic case type, but in the weighted caseload method general civil was the case type which was the largest portion of the courts' workload.

The case types misdemeanor and independent motions remain in the same rank order (third and fourth, respectively) for both (1) and (2) of Figure 3.

SUMMARY OF CASELOAD BY CASE TYPE

A. Relationship of Case Types to Courts

This section of the report presents data in terms of case categories momentarily disregarding the court which actually exercised jurisdiction. Statistics on felony cases, in fact, reflect only the Superior Court caseload, since that court's power to try this class of case is exclusive. However, misdemeanors may be heard in any one of three courts - Superior, State or Probate - exercising concurrent jurisdiction. Broadly, the courts are related to the categories of cases used in the caseload study as follows:

1. Felonies are tried only in Superior Court.
2. Misdemeanors are tried in Superior, State or Probate Court.
3. Traffic violations are tried in Superior, State, Probate or Juvenile Court.
4. General Civil cases are tried in Superior or State Court.
5. Domestic Relations cases are heard in Superior Court only.
6. Independent Motions are tried in Superior and State Court.

For a more detailed description of the jurisdiction, exclusive and concurrent, of the subject courts, see Appendix B, page 49.

B. Filings

In 1977, the caseload of Georgia's four major trial courts was almost 675,000 cases. Almost 60% of the total filings were criminal cases. Civil cases numbered 240,744 (35.7% of all filings) and juvenile cases numbered 29,633 (4.4% of filings). Traffic cases dominated the caseload profile, accounting for 288,144 filings and 42.8% of all filings. General civil and misdemeanor cases ranked second and third, respectively. There were 114,096 general civil and 89,534 misdemeanor cases filed; these two categories comprised 16.9% and 13.3%, respectively, of the FY1977 filings. In-

dependent motions were the fourth largest number of filings, 73,413 (10.9% of all filings). Domestic relations and felony cases, the two types of cases for which the Superior Courts have exclusive jurisdiction, were fifth and seventh places, respectively, with 7.9% and 3.8% of all filings. Juvenile cases were sixth in frequency with 29,633 (4.4% of the filings).

Table 1. Filings, Dispositions and Dispositions as Per Cent of Filings by Case Type: FY1977 (Docket Entries)

Case Type	Filings	Disposed	Dispositions as Per Cent of Filings
Total	673,577	626,272	93.0
Total Criminal	403,200	385,013	95.5
Felony	25,522	23,419	91.8
Misdemeanor	89,534	80,231	89.6
Traffic	288,144	281,363	97.6
Total Civil	240,744	213,254	88.6
General Civil	114,096	102,209	89.6
Domestic Relations	53,235	47,270	88.8
Independent Motions	73,413	63,775	86.9
Total Juvenile	29,633	28,005	94.5

C. Dispositions

The numbers of dispositions by case type follow the same rank order as the numbers of filings: traffic (44.9%), general civil (16.3%), misdemeanor (12.8%), independent motions (10.2%), domestic relations (7.5%), juvenile (4.5%) and felony (3.7%).

Figure 4: Filings and Dispositions by Case Type: FY1977 (Docket Entries)

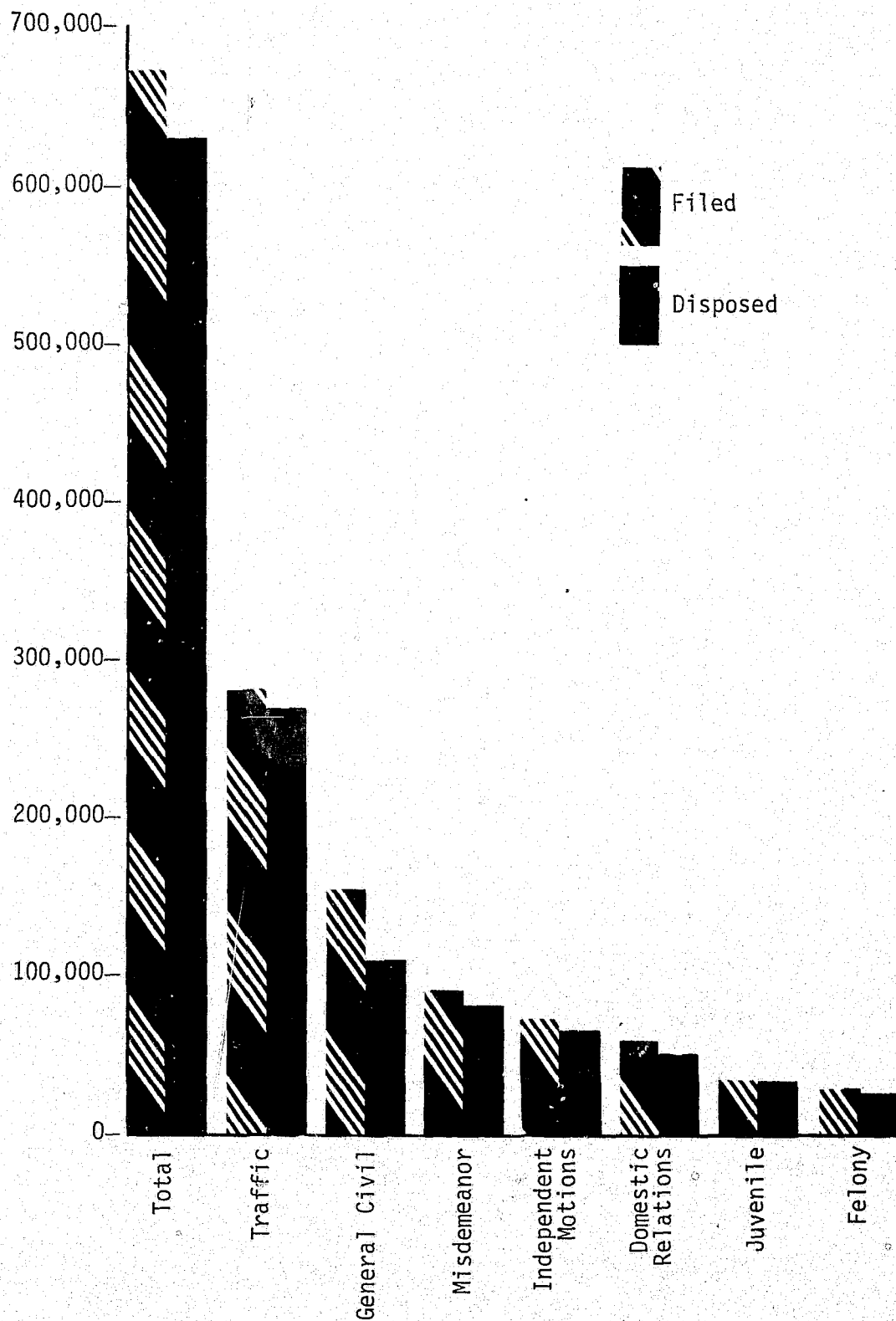


Table 1 shows that dispositions amounted to 93.0% of filings in fiscal year 1977. As might be anticipated from the summary process by which most traffic cases are disposed, this type of case has the highest disposition rate, 97.6%. Juvenile and felony cases have disposition rates greater than 90%, 94.5% and 91.8% respectively. Misdemeanors and all three types of civil cases have disposition rates below 90%, with independent motions having the lowest rate, 86.9%.

These disposition figures do not necessarily mean that, for example, 89.6% of the general civil cases filed in fiscal year 1977 have been disposed since a certain portion of the cases disposed in fiscal year 1977 had been filed in fiscal year 1976 or earlier. This fact should be borne in mind when examining the disposition numbers and percentages.

D. Growth/Increase in Caseload by Case Type

Table 2 presents the increases and decreases in cases filed and disposed in Georgia's four main trial courts for the period 1971 to 1977. Unlike Table 1, which presents filings and dispositions by docket numbers, Table 2 presents filings and dispositions by numbers of defendants for criminal cases. This distinction is due to a change in the data collection methods observed in FY1977. While information on docket numbers better represents the actual number of formal indictments and accusations filed (both ordinarily correspond to numbered entries in docket books), the number of defendants is the only element for which criminal data has consistently been collected in all years. Consequently, the number of defendants is the only element for which longitudinal criminal data is comparable.

Table 2. Trends in Filings/Dispositions by Case Type, 1971-1977:
Actual and Per Cent Change Between Latter Year and Former Year (Defendants)

Case Type	*	Change in Filings/Dispositions							
		1971-1973		1973-1976		1976-1977		1971-1977	
		Number	PerCent	Number	PerCent	Number	PerCent	Number	PerCent
Total	f	32,290	7.4	110,031	22.8	14,062	2.4	157,383	35.1
	d	23,758	5.9	111,691	26.0	26,666	4.9	162,115	40.0
Felony	f	824	3.9	2,830	12.9	5,348	21.5	9,002	42.5
	d	1,853	11.0	4,631	24.9	4,402	18.9	10,886	64.9
Misdemeanor	f	8,670	12.7	12,687	16.4	276	0.3	21,633	31.6
	d	5,428	8.4	11,055	15.8	-214	-0.3	16,269	25.2
Traffic	f	11,443	6.3	81,013	41.9	13,994	5.1	106,450	58.5
	d	11,561	6.4	70,857	36.9	18,998	7.2	101,416	56.3
General Civil	f	-992	-0.9	11,309	9.9	-11,607	-9.2	-1,290	-1.1
	d	-5,951	-6.5	14,417	16.8	1,835	1.8	10,301	11.2
Domestic Relations	f	5,443	14.3	5,372	12.3	4,333	8.9	15,148	39.8
	d	8,688	28.1	5,496	13.9	2,190	4.9	16,374	53.0
Juvenile**	f	7,902	34.1	-3,180	-10.2	1,718	6.2	6,440	27.8
	d	2,179	10.3	5,235	22.5	-545	-1.9	6,869	32.5

*f = filings/d = dispositions. Number = latter year minus former year. Per Cent = number divided by former year

** Juvenile caseload data is incomplete for prior years. To ascertain statewide trends in juvenile caseload, estimates were made for the following number of counties in which juvenile data was unavailable.

	CY1971	CY1973	FY1976	FY1977
Filings	21	16	11	0
Dispositions	10	13	4	1

Table 2 excludes the civil case type, independent motions, which was counted for the first time in fiscal year 1977 and for which no trend has yet been determined.

Figure 5A presents the trends in filings and dispositions for 1971 to 1977 for the total statewide caseload, excluding independent motions from the 1977 totals. Figure 5B shows statewide trends for the particular case types.

The total number of cases filed in Georgia continues to increase, although at a slower rate than in previous time periods. After a 1973-1976 increase in caseload of 110,031 (22.8%), the 1976-1977 increase in caseload was only 14,062 (2.4%). The increase in filings between 1971 and 1977 was 157,383 (35.1%).

Figure 5A: Trends in Filings/Dispositions, 1971-1977 (Defendants)

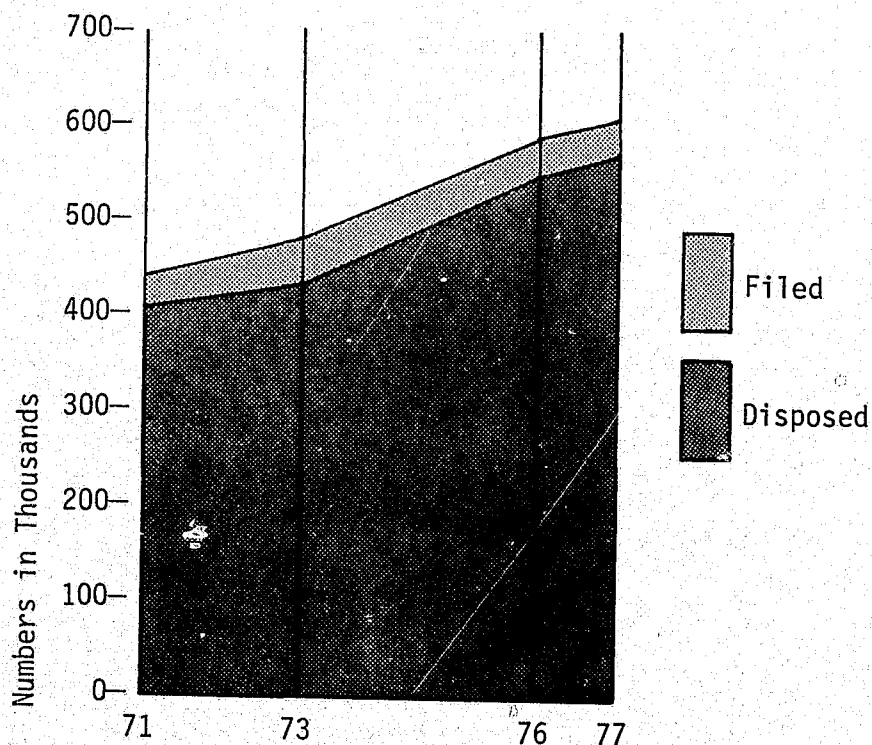
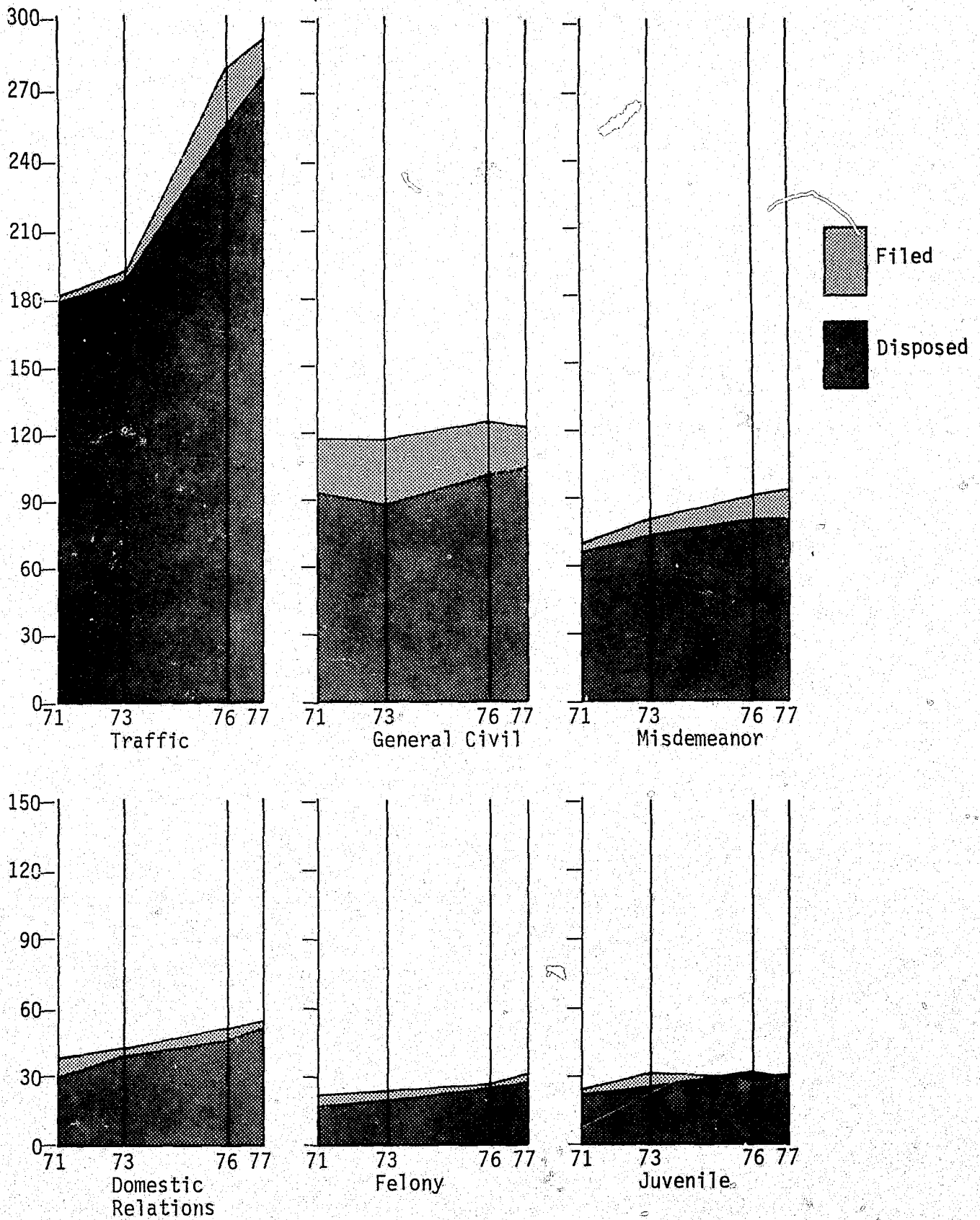


Figure 5B: Trends in Filings/Dispositions by Case Type, 1971-1977 (Defendants)



The largest portion of the increase in filings is traffic cases, which account for 67.6% of the increase from 1971 to 1977 and 99.5% of the increase from 1976 to 1977. Traffic cases increased by 13,994 from 1976 to 1977; filings in all other case types showed a net increase of only 68 cases.

The case type category of general civil cases showed the largest declines in filings from 1976 to 1977 and from 1971 to 1977, 11,607 and 1,290, respectively. The 1976-1977 decline more than offset an increase of 11,309 filings between 1973 and 1976.

The decline from 1976 to 1977 may in part be due to a change in case-counting methodology from 1976 to 1977, however. Some actions that were counted as general civil cases in prior years which are now counted as independent motions may have contributed to the decrease in general civil cases filings from 1976 to 1977.

Misdemeanors showed the second largest increase in filings from 1971 to 1977, 21,633. The largest part of the increase in filings was between 1973 and 1976 - 12,687. Only a small portion of this increase (276 cases or 0.3%) came in 1976 to 1977. While this small increase in misdemeanor filings occurred in 1976-1977, there was a very large 1976-1977 increase in felony filings, 5,348 filings, or a 21.5% increase, over 1976. Overall, felony filings increased by 9,002 (42.5%) from 1971 to 1977. The numerical and percentage increases have grown larger and larger: 824 (3.9%) from 1971 to 1973; 2,830 (12.9%) from 1973 to 1976; and 5,348 (21.5%) from 1976 to 1977.

Domestic relations filings have increased by 15,148 (39.8%) from 1971 to 1977. The increase from 1971 to 1973 was 5,443 (14.3%); from 1973 to 1976, 5,372 (12.3%); and from 1976 to 1977, 4,333 (8.9%).

Prior to fiscal year 1977, juvenile caseload was not available for all Georgia counties. Trends in juvenile data were calculated on the basis of available data. This greatly affected the trends derived since a greater amount of disposition data was unavailable than filing data. In fiscal year 1977, the caseload effort succeeded in collecting juvenile data for all counties. As a result, estimates could be calculated on the basis of all available data for the data unobtainable in prior years. These estimates provide the data necessary to make a meaningful comparison of juvenile caseload over the six year period 1971-1977 (Table 2).

Juvenile filings have increased by 6,440 between 1971 and 1977, although filings decreased by 3,180 between 1973 and 1976. The largest part of the increase was between 1971 and 1973 when there was an increase of 7,902 filings (34.1%); the second largest part of the increase was between 1976 and 1977 when there was an increase of 1,718 filings (6.2%).

The number of all cases disposed has increased by 162,115 (40.0%) from 1971 to 1977. The increases have been 23,758 (5.9%) from 1971 to 1973; 111,691 (26.0%) from 1973 to 1976; and 26,666 (4.9%) from 1976 to 1977. The differences between the number of cases disposed from one year to the next have exceeded the differences in the number of cases filed from one year to the next for 1973-1976, 1976-1977 and 1971-1977. These facts, plus the fact that the rate at which cases have been disposed has risen from 90.4% in 1971 to 91.4% in 1976 to 93.7% in 1977, indicate that open cases are accumulating at a lower

rate than previously.

E. Disposition Rates and Accumulation of Open Cases

The following paragraphs will explain more precisely the status of open cases for each case type.

Dispositions of traffic cases rose by 101,416 from 1971 to 1977, an increase of 56.3%. The major portion of this increase came between 1973 and 1976 - 70,857 (36.9%). The increase in dispositions from 1976 to 1977 exceeded the increase in filings between these two years. This corresponds to an increase in dispositions as a percentage of filings from 95.7% in 1976 to 97.7% in 1977.

Although misdemeanor dispositions have increased by 16,269 (25.2%) from 1971 to 1977, there were actually 214 (-0.3%) fewer dispositions in 1977 than in 1976. Misdemeanor dispositions increased by 5,428 (8.4%) from 1971 to 1973 and by 11,055 (15.8%) from 1973 to 1976. Dispositions as a percentage of filings have decreased from 94.2% in 1971, to 90.6% in 1973, to 89.6% in 1977. As a result, open misdemeanor cases have been steadily accumulating at a rate of 10% of filings.

Dispositions of domestic relations cases have increased by 8,688 (28.1%) from 1971 to 1973; 5,496 (13.9%) from 1973 to 1976; and by 2,190 (4.9%) from 1976 to 1977. The increase from 1971 to 1977 was 16,374 (53.0%). Dispositions as a percentage of filings increased from 81.1% in 1971, to 90.9% in 1973 and to 92.2% in 1976, but then fell to 88.8% in 1977.

Dispositions of felony cases increased by 1,853 (11.0%) from 1971 to 1973; 4,631 (24.9%) from 1973 to 1976; and 4,402 (18.9%) from 1976 to 1977. The increase from 1971 to 1977 was 10,886 (64.9%). Disposi-

tions as a percentage of filings increased from 79.2% in 1971 to 84.6% in 1973, and to 93.6% in 1976, but then decreased to 91.6% in 1977.

Domestic relations and felony cases have both shown greater increases in dispositions than in filings from 1971 to 1977. However, from 1976 to 1977, the increases in filings have exceeded the increases in dispositions.

The increases in the number of Superior Court judgeships have no doubt played a part in increasing the disposition rates in felony and domestic relations cases. The 1978 General Assembly created six new judgeships which should help decrease the rate at which open cases accumulate in fiscal year 1979.

The number of dispositions of general civil cases increased by 10,301 (11.2%) from 1971 to 1977 although the number of filings decreased by 1,290 (-1.1%). Dispositions decreased by 5,951 (-6.5%) from 1971 to 1973, increased by 14,417 (16.8%) from 1973 to 1976, and increased by 1,835 (1.8%) from 1976 to 1977. Although the previously mentioned methodological problem concerning general civil cases weakens the inference, it seems that the trial courts are accumulating open general civil cases at a much reduced rate. Dispositions were 89.6% of filings in FY1977, a much higher rate than FY1976 (79.9%), CY1973 (75.1%), or CY1971 (79.7%).

Dispositions of juvenile cases have increased by 6,869 (32.5%) from 1971 to 1977. Dispositions increased by 2,179 (10.3%) from 1971 to 1973, by 5,235 (22.5%) from 1973 to 1976, but declined by 545 (-1.9%) from 1976 to 1977. The increase in dispositions from 1973 to 1976 contrasts with a 3,180 (-10.2%) decrease in filings during this period. Dispositions as a

percentage of filings were 91.1% in 1971, 75.0% in 1973, 102.3% in 1976, and 94.5% in 1977.

SUMMARY OF CASELOAD BY COURT

A. Distribution of Courts

This chapter of the caseload summary focuses on the courts themselves. It shows how the state's caseload is divided among the four major courts of record, as well as the makeup of each court's caseload.

Table 6 (Appendix D) indicates the allocation of judicial manpower in Georgia as of January, 1977, thereby implying the actual distribution of courts (i.e., a State Court judge implies a State Court). Tables 7A and 7B give a historical perspective to these figures by displaying those Superior and State Courts in which changes in judgeships occurred during the period studied.

There is a Superior Court in every county, although one Superior Court judge may serve a multi-county circuit or a single-county circuit. The number of judges per circuit ranges from one to eleven.

State Courts are established by local legislation passed by the Georgia General Assembly and generally exist only in the more populous counties to relieve the caseload burden on the Superior Courts. Except for the State Courts of the metropolitan Atlanta counties and Chatham County, there is only one judge per State Court (Table 6). There are three County Courts (Echols, Baldwin and Putnam counties) in Georgia. Since their jurisdictions are similar to that of the State Courts, they are considered in this report as components of the State Court system.

Along with the Superior Courts, there is a Probate Court in every county, with one probate judge presiding in each court. In counties where there is a State Court, the Probate Court does not exercise jurisdiction to hear traffic cases. Although the criminal caseload of those Probate Courts exercising traffic jurisdiction comprises only a portion of the work confronting each probate judge (most work involves wills, estates and guardianships), it is the only part of the Probate Courts' caseload which this report examines.

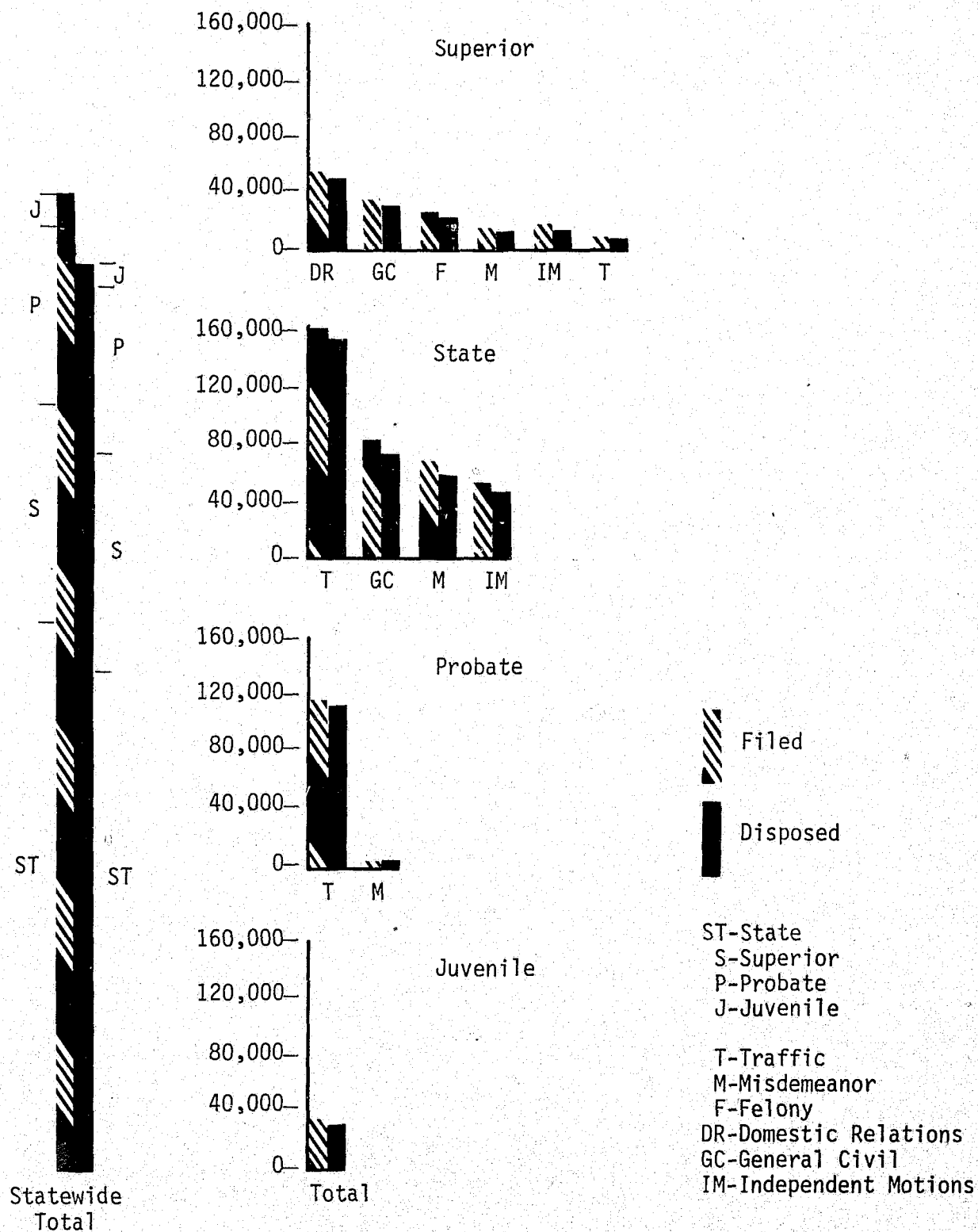
Technically, there is also a Juvenile Court in each county, though a truly self-contained court is established by statute only in larger counties or in those electing to establish one. Elsewhere, the Superior Court judge hears juvenile cases, assisted in some instances by appointed referees.

B. Filings

Figure 6 illustrates the percentages of total filings and total dispositions in each of the four principal trial courts as well as the distribution of filings and dispositions by case type within each court for fiscal year 1977. Table 3 (p. 27) displays numbers of filings and dispositions by case type (according to docket entries) and dispositions as percentages of filings for the four courts for fiscal year 1977.

Almost one-fourth of the reported statewide total caseload was filed in the Superior Courts. Felony and domestic relations cases, over which the Superior Courts have exclusive jurisdiction, made up half of this share of total filings. The other 50% of Superior Court caseload was comprised mostly of general civil cases (21.1%), with independent motions, misdemeanor and traffic filings together constituting the remaining 28%.

Figure 6: Filings and Dispositions by Court: FY1977 (Docket Entries)



The 64 State and County Courts had more than half (54.7%) of the total caseload of Georgia's principal trial courts and had more than twice the number of cases filed as the Superior Courts. They accounted for the great majority of total misdemeanor filings (79.3%), general civil cases (71.1%), and independent motions (75.2%), as well as most of the traffic filings (55.8%) in the state.

When the State Courts' caseload is broken down by case type, it can be seen that traffic cases (160,867) made up the largest portion of the 368,226 filings there (Table 3). General civil cases comprised 22% of the State Court caseload, while misdemeanors accounted for 19.3% and independent motions were 15% of State Court filings.

Criminal cases filed in Probate Court accounted for 17.8% of all cases and 29.6% of all criminal cases filed in the four main trial courts. The preponderance of these were traffic cases - 116,150 out of 119,613 or 97.1%. In excluding a significant portion of the Probate Courts' workload (i.e., wills and estates), the collection of caseload data included only those cases under the Courts' jurisdiction concurrent with the other major trial courts. In addition to traffic, misdemeanor cases (i.e., fish and game and litter violations) were counted in the Probate Courts. They amounted to about 3% of filings there.

The Juvenile Courts had the remaining 4.4% of the FY1977 filings in Georgia's courts of record. It is important to note that juvenile cases can be heard by Superior Court judges or by Juvenile Court referees as well as by appointed Juvenile Court judges. While this 4.4% is referred

to as total juvenile caseload, it should be remembered that it includes juvenile cases heard by judges with jurisdiction to hear other cases as well.

Table 3. Filings, Dispositions and Dispositions as Per Cent of Filings by Court: FY1977 (Docket Entries)

Case Type	*	Superior		State		Probate		Juvenile	
		Number	PerCent	Number	PerCent	Number	PerCent	Number	PerCent
Total	f	156,105		368,226		119,613		29,633	
	d	139,173	89.2	341,054	92.6	118,040	98.7	28,005	94.5
Felony	f	25,522							
	d	23,419	91.8						
Misdemeanor	f	15,112		70,959		3,463			
	d	14,067	93.1	62,670	88.3	3,494	100.9		
Traffic	f	11,127		160,867		116,150			
	d	11,006	98.9	155,811	96.9	114,546	98.6		
General Civil *	f	32,931		81,165					
	d	28,570	86.8	73,639	90.7				
Independent Motions	f	18,178		55,235					
	d	14,841	81.6	48,934	88.6				
Domestic Relations	f	53,235							
	d	47,270	88.8						
Juvenile	f							29,633	
	d							28,005	94.5

*f = filings/d = dispositions. Number=latter year minus former year. PerCent = number divided by former year.

C. Dispositions

Dispositions as a percentage of filings (disposition rates) for fiscal year 1977 are also displayed in Table 3 by court and by case type. While these percentages are computed on the basis of FY1977 filings, it should be kept in mind that the dispositions do not necessarily reflect action taken on FY1977 filings. FY1977 dispositions refer to those cases disposed in FY1977, regardless of when the cases were filed. Total dispositions as a percentage of statewide

total filings for fiscal year 1977 were 93.0% (Table 1, p. 12). By reviewing each court's disposition rate, it can be seen how this overall disposition rate resulted.

Dispositions in the Superior Courts were 89.2% of total filings there. Traffic and misdemeanor cases showed the two highest disposition rates (98.9% and 93.1%), followed by felonies (91.8%), domestic relations (88.8%), general civil (86.8%) and independent motions (81.6%). Although domestic relations cases had a fairly high disposition rate, they accounted for the greatest share of Superior Court pending cases (5,965) due to the large number of filings (Table 3). Similarly, it is easy to see why traffic cases had such a high disposition rate. Not only are traffic cases ordinarily disposed of more quickly than other cases (e.g., by the payment of fines), but there were fewer filings than in any other case type in the Superior Court.

State Court dispositions were 92.6% of that court's total filings. As should be expected because of their methods of disposition, traffic cases had the highest disposition rate, 96.9%. General civil cases showed the second highest rate, 90.7%; independent motions and misdemeanors had slightly lower disposition rates, 88.6%, and 88.3%, respectively. It is interesting to note that although there were many more general civil cases and independent motions filed in the Superior Courts, the disposition rates for these case types were much higher in the State Courts. One reason may be that civil cases filed in the State Courts require less processing time than cases filed in Superior Courts. (See Part 1 for a discussion of judicial workload and the weighted caseload concept.) Although traffic filings far exceeded those in any other case type in the State Courts, open cases are accumulating more slowly here than in other areas. Misdemeanors are

contributing the largest share of any case type to the accumulation of pending cases in the State Courts.

The Probate Courts show a very high overall disposition rate of 98.7%, as most of the cases are traffic cases. The Probate Courts' disposition rate for these traffic cases is 98.6%; the disposition rate for misdemeanor cases is 100.9% for the 3,463 misdemeanors filed.

Juvenile Court dispositions amounted to 94.5% of Juvenile Court filings in fiscal year 1977; the actual number of disposed cases was 28,005.

D. Growth/Increase in Caseload by Court and Accumulation of Open Cases

To observe the changes in caseload that have occurred from 1971 to 1977, data which has been consistently collected in that time period is examined in the following analyses. The essential element used for filings and dispositions for criminal cases is in terms of defendants, instead of docket entries as used in the preceding pages of this chapter. In order to observe trends in filings and dispositions, only those case types which have regularly been counted and considered to comprise "total caseload" are looked at in this section. Since FY1977 is the first year in the year which independent motions were counted, changes in filings or dispositions in this case type have not yet been determined. Therefore, no discussion of independent motions themselves, nor as a component of FY1977 caseload, is included below.

Filings in Georgia's four courts of record grew by more than 150,000 cases (35.1%) in the span of the six year period. Increases in State Court filings accounted for over half of this increase in the statewide

total, while the rise in Probate Court filings made up 31.3% of the total increase. The Superior and Juvenile Courts, while also showing increasing trends, have exhibited more steady overall increases since 1971 (Figure 8A, p. 33). The Superior Courts' share of the statewide total increase in filings was 14.6%. The Juvenile Courts accounted for about 4% of the overall increase.

Dispositions likewise increased across the state and those increases outnumbered the increases in filings by over 4,700 cases. Table 4 displays both the total and per court trends in caseload and shows the very encouraging trend of dispositions increasing at a greater rate than filings. Indeed, since 1971, there has been a 42.1% increase in dispositions as opposed to a 35.5% increase in filings. This increase in dispositions may largely be due to the addition of a number of judges (courts) in the past seven years; twenty-four Superior Court judges and five State Court judges (Tables 7A and 7B) have been added into the judicial system to combat the challenge presented by an increasing caseload.

The State Courts accounted for 49.9% of the 162,115 increase in total dispositions; changes in dispositions in the Probate Courts made up 29% of the total increase. While the percent increases in dispositions in both these courts closely paralleled their respective increases in filings, the Superior Courts saw a 8.9% greater increase in dispositions than filings since 1971. There, the increase in dispositions outnumbered the increase in filings by over 5,000 cases, narrowing considerably the gap between filings and dispositions. The 1971-1977 increase in dispositions in Juvenile Court made up just over 4% of the statewide total increase in dispositions.

Table 4. Trends in Filings/Dispositions by Court, 1971-1977:
Actual and Per Cent Change Between Latter Year and Former Year (Defendants)

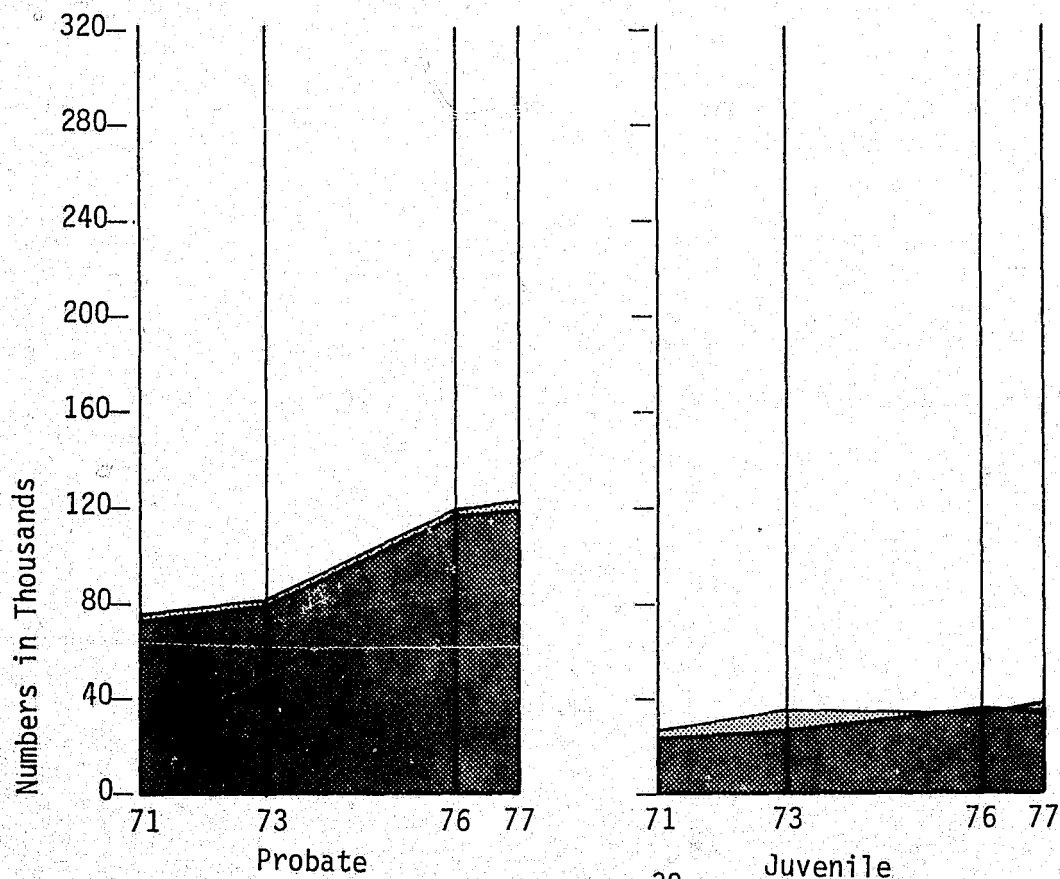
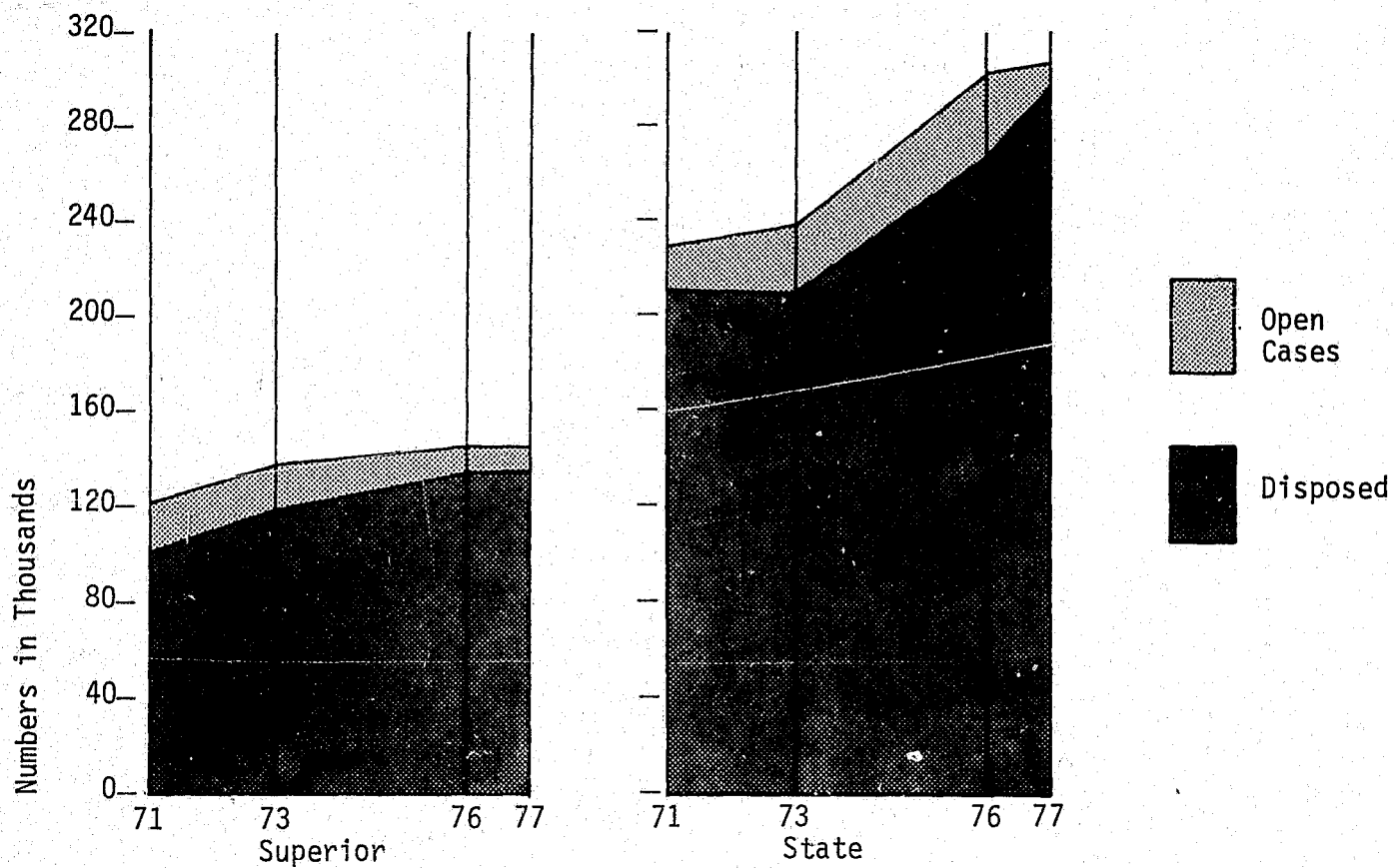
Court	*	Change in Filings/Dispositions							
		1971-1973		1973-1976		1976-1977		1971-1977	
		Number	PerCent	Number	PerCent	Number	PerCent	Number	PerCent
Total	f	32,290	7.4	110,031	24.6	14,062	2.4	151,383	35.1
	d	23,758	5.9	111,691	26.0	26,666	4.9	162,115	40.0
Superior	f	13,745	11.4	8,771	6.5	-455	-0.3	22,061	18.2
	d	16,187	15.9	11,152	9.5	1	0	27,340	26.9
State	f	5,085	2.2	66,245	28.0	10,149	3.3	81,479	35.2
	d	-1,399	-0.7	57,274	27.3	25,057	9.4	80,932	38.3
Probate	f	6,558	9.1	38,195	48.5	2,650	2.3	47,403	65.6
	d	6,791	9.6	38,030	48.8	2,153	1.9	46,974	66.1
Juvenile**	f	7,902	34.1	-3,180	-10.2	1,718	6.2	6,440	27.8
	d	2,179	10.3	5,235	22.5	-545	-1.9	6,869	32.5

*f = filings/d = dispositions. Number = latter year minus former year. Per Cent = number divided by former year. ** Juvenile caseload data is incomplete for prior years. To ascertain statewide trends in juvenile caseload, estimates were made for the following number of counties in which juvenile data was unavailable:

	CY1971	CY1973	FY1976	FY1977
Filings	21	16	11	0
Dispositions	10	13	4	1

It can be seen from Figure 7 that regardless of the increases in filings in each court and especially after the sharp rise in State Court and Probate Court caseloads from 1973 to 1976, dispositions have generally managed to increase at similar or greater rates. The 1976-1977 period has seen a slightly lower rate of increase in total filings while disposition rates have continued to rise, thereby meeting the challenge of the dramatic filing increases in the previous period. A more detailed analysis of these trends can be found in the following paragraphs, where per court caseload is examined in terms of case types.

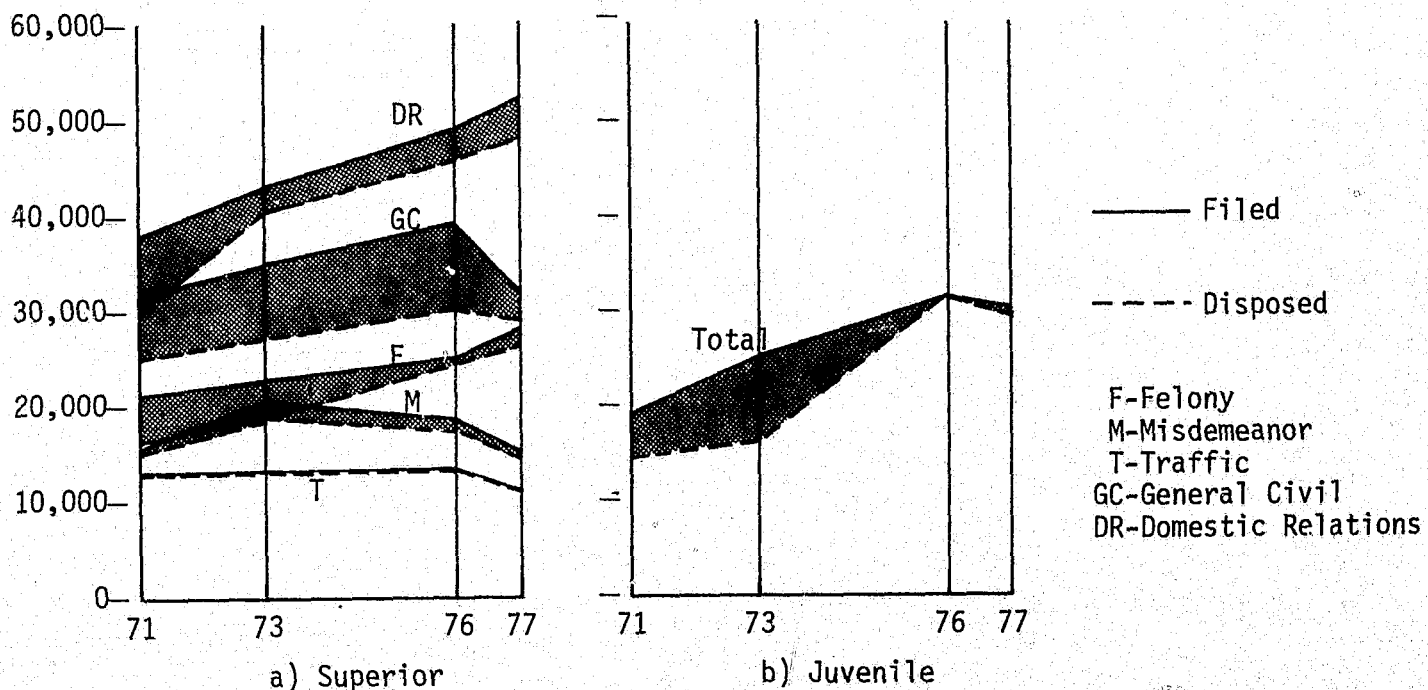
Figure 7: Trends in Filings/Dispositions by Court, 1971-1977 (Defendants)



Superior Court

The most salient characteristic of the caseload in Georgia's Superior Courts is the dramatic increase in filings in two of the courts' exclusive jurisdiction case types. The number of felony defendants filed has risen 42.5% (9,002) since 1971, exhibiting an increasing trend in every time period studied to date (Figure 8A (a)). Felony dispositions, although still increasing in actual number, are no longer increasing as a percentage of filings. After growing from 79% of filings in 1971 to 93.6% in 1976, the felony disposition rate remained about the same (91.6%) in 1977. Consequently, more open felony cases are accumulating. There exists a similar situation with respect to domestic relations cases. The number of filings has climbed sharply (39.8%) since 1971, but the domestic relations disposition rate, after reaching a high of 92.2% in 1976, dropped to 88.8%.

Figure 8A: Trends in Caseload by Court and Case Type, 1971-1977 (Defendants): Superior and Juvenile Courts



After displaying a pattern of an increasing number of filings and a disposition rate which remained at about 80%, the general civil case-load in Superior Court decreased from 1976 to 1977; filings decreased by 5300 and dispositions went down by 1884. Such a decrease may be partly attributed to a change in the case counting methodology of the same year (Appendix A). This decrease in general civil filings and dispositions occurred as the new case type, independent motions, was counted. As Table 5A indicates, the recent decrease resulted in an overall net increase of 1001 (3.1%) general civil filings from 1971 to 1977: this increase was more than matched by a 12.1% increase in dispositions in that time period.

Table 5A. Trends in Superior Court Filings/Dispositions by Case Type, 1971-1977:
Actual and Per Cent Change Between Latter Year and Former Year (Defendants)

Case Type	*	Change in Filings and Dispositions							
		1971-1973		1973-1976		1976-1977		1971-1977	
		Number	PerCent	Number	PerCent	Number	PerCent	Number	PerCent
Total	f	13,745	11.4	8,771	6.5	-455	-0.3	22,061	18.2
	d	16,187	15.9	11,152	9.5	1	0	27,340	26.9
Felony	f	824	3.9	2,830	12.9	5,348	21.5	9,002	42.5
	d	1,853	11.0	4,631	24.9	4,402	18.9	10,886	64.9
Misdemeanor	f	4,456	27.3	-2,654	-12.8	-2,498	-13.8	-696	-4.3
	d	3,925	26.1	-2,017	-10.6	-2,410	-14.2	-502	-3.3
Traffic	f	-377	-2.8	321	2.4	-2,338	-17.3	-2,394	-17.6
	d	-749	-5.5	541	4.2	-2,297	-17.2	-2,505	-18.4
General Civil	f	3,399	10.6	2,902	8.2	-5,300	-13.9	1,001	3.1
	d	2,470	9.7	2,501	8.9	-1,884	-6.2	3,087	12.1
Domestic Relations	f	5,443	14.3	5,372	12.3	4,333	8.9	15,148	39.8
	d	8,688	28.1	5,496	13.9	2,190	4.9	16,374	53.0

*f = filings/d = dispositions. Number = latter year minus former year. Per Cent = number divided by former year.

Following an initial rise from 1971 to 1973, misdemeanor filings and dispositions have continued to decrease ever since. As with the traffic caseload, which had remained stable until 1976, the misdemeanor caseload dropped considerably in 1977. This decrease may be due in part to changes in jurisdiction exercised by some courts, as some Superior Courts in single-county circuits may hear fewer misdemeanor and traffic cases because these are filed instead in the State or Probate Courts. At the same time, disposition rates were held steady; 99.1% of the traffic cases (defendants) filed were disposed in 1977, while 93.2% of the misdemeanor cases filed were disposed. Therefore, the Superior Courts are disposing of fewer of these types of cases at the same rate.

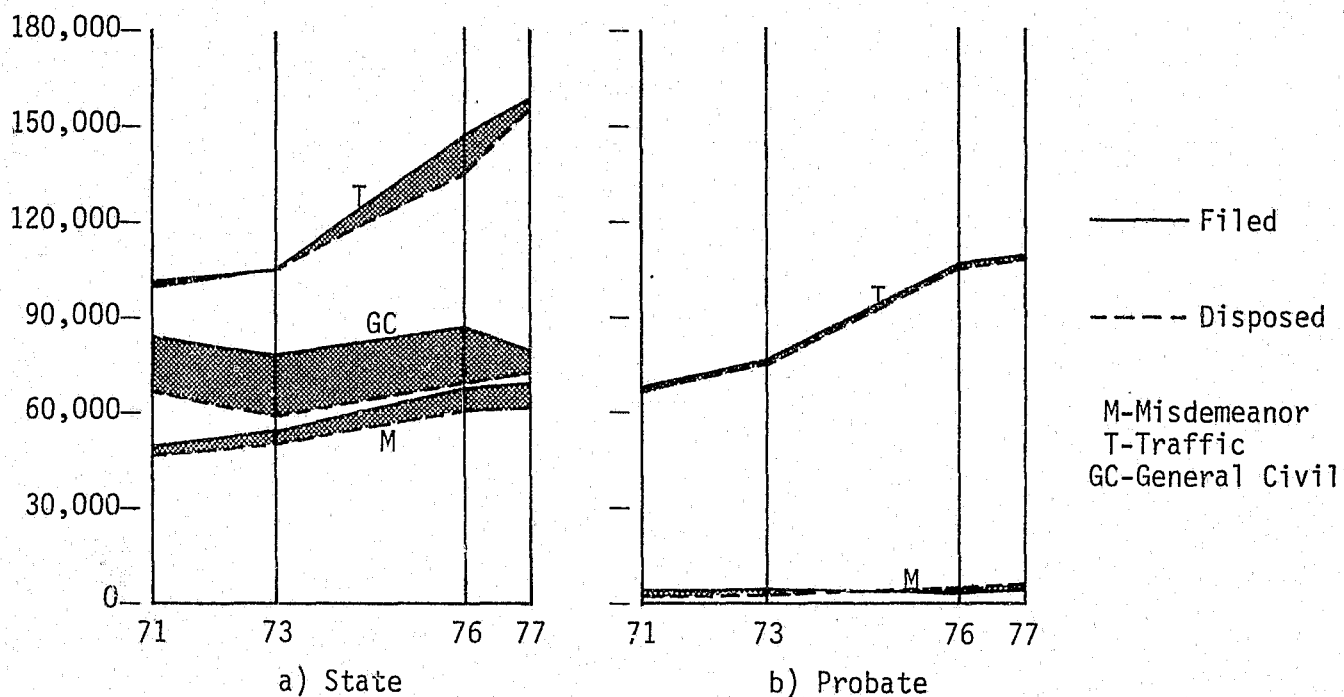
Overall, the Superior Courts are working to dispose of more cases than ever before. Table 5A shows that from 1971 to 1977, increases in cases disposed outnumber cases filed both in actual number and in percent increases; the number of filings has grown by 18.2%, whereas dispositions have increased by 26.9%.

General civil and domestic relations cases are contributing the greatest share of cases to the Superior Courts' accumulation of pending cases. Even with the decrease in general civil filings, the disposition rate still stands at 86.8%. Domestic relations cases, as well as felonies, are adding to the number of open cases primarily because filings in these case types have increased so sharply.

With the decrease in filings of concurrent jurisdiction case types (i.e., misdemeanor and traffic) the courts may be provided with such resources to minimize the gaps between filings and dispositions in

other areas. However, a continued increase in domestic relations and felony filings as has been seen thus far will certainly outweigh any benefit provided by the decrease in misdemeanor and traffic filings.

Figure 8B: Trends in Caseload by Court and Case Type, 1971-1977 (Defendants): State and Probate Courts



State Court

A noticeable and quite promising trend in Georgia's State Courts is the general civil disposition rate. Although dispositions decreased from 1971 to 1973, thereby lowering the disposition rate to 73.4%, they have increased steadily ever since. Even with the 10.6% rise in general civil filings from 1973 to 1976, dispositions rose 20.5% (Table 5B).

Of course, consideration must be given to the effect of changes in

the number of State Court judgeships (Table 7B) and the case counting methodology upon changes in filings and dispositions. However, coupled with the apparent decrease in filings in the last period, general civil dispositions now stand at 90.7% of filings.

An examination of the trend in traffic filings and dispositions (Figure 8B(a) p. 33) shows that, since 1973, filings have increased to the point where dispositions can no longer maintain the rate indicated in the first time period. However, after a 7% drop in the disposition rate from 1973 to 1976, the gap between traffic filings and dispositions has narrowed again.

While misdemeanor dispositions in the State Courts continue to rise, they are increasing at a slower pace than filings. Table 5B compares an overall 46.1% rise in misdemeanor filings to a 36.6% rise in dispositions since 1971. Although increases in filings outnumbered increases in dispositions by 34% from 1971-1976, in the last period increases in filings and dispositions were the same.

Table 5B. Trends in State Court Filings/Dispositions by Case Type, 1971-1977:
Actual and Per Cent Change Between Latter Year and Former Year (Defendants)

Case Type	*	Change in Filings/Dispositions							
		1971-1973		1973-1976		1976-1977		1971-1977	
		Number	PerCent	Number	PerCent	Number	PerCent	Number	PerCent
Total	f	5,085	2.2	66,245	28.0	10,149	3.3	81,479	35.2
	d	-1,399	-0.7	57,274	27.3	25,057	9.4	80,932	38.3
Misdemeanor	f	4,231	8.7	15,571	29.5	2,632	3.8	22,434	46.1
	d	1,567	3.4	13,187	27.8	2,046	3.4	16,800	36.6
Traffic	f	5,245	5.3	42,267	40.3	13,824	9.4	61,336	61.5
	d	5,455	5.5	32,171	30.8	19,292	14.1	56,918	57.4
General Civil	f	-4,391	-5.3	8,407	10.6	-6,307	-7.2	-2,291	-2.7
	d	-8,421	-12.7	11,916	20.5	3,719	5.3	7,214	10.9

*f = filings/d = dispositions. Number = latter year minus former year. Per Cent = number divided by former year.

With the higher disposition rates in the general civil and traffic case types in 1977, the State Courts are seeing a slower accumulation of pending cases than in any other year. The overall disposition rate now stands at 93.3% which is even higher than the 1971 rate (91.2%) which was based on 81,000 fewer filings.

Probate Court

Even with the astounding increase in the number of traffic cases filed in Probate Court since 1973 (Table 5C), the disposition rate remains steady. As Figure 8B(b) shows, traffic filings and dispositions have multiplied by like percentages in every time period since 1971. This is especially significant when considered along with the fact that misdemeanor filings have remained essentially the same, with misdemeanor dispositions just outnumbering filings in fiscal year 1977. Although no specific cause can be pinpointed for the increase in traffic filings, it should be noted that certain factors such as a reduced speed limit and the completion of interstate highways within the state may account for a large part of the increase.

Table 5C. Trends in Probate Court Filings/Dispositions by Case Type, 1971-1977:
Actual and Per Cent Change Between Latter Year and Former Year (Defendants)

Case Type	*	Change in Filings/Dispositions							
		1971-1973		1973-1976		1976-1977		1971-1977	
		Number	PerCent	Number	PerCent	Number	PerCent	Number	PerCent
Total	f	6,558	9.1	38,195	48.5	2,650	2.3	47,403	65.6
	d	6,791	9.6	38,030	48.8	2,153	1.9	46,974	66.1
Misdemeanor	f	-17	-0.5	-230	-6.5	142	4.3	-105	-2.9
	d	-64	-1.8	-115	-3.3	150	4.5	-29	-0.8
Traffic	f	6,575	9.6	38,425	51.1	2,508	2.2	47,508	69.2
	d	6,855	10.1	38,145	51.3	2,003	1.8	47,003	69.6

*f = filings/d = dispositions. Number = latter year minus former year. Per Cent = number divided by former year.

The rise in dispositions in the Probate Courts is notable. Although the number of open cases have been accumulating steadily in every time period, they have been accumulating at a rate of less than 2%.

Juvenile Court

Juvenile Court caseload as considered in this report includes all juvenile cases filed in the state, regardless of the additional responsibilities of the judge hearing the case. While filings and dispositions increased similarly in absolute number since 1971, dispositions have increased by a higher percentage (32.5%) than filings (27.8%).

The greatest increase in filings came between 1971 and 1973; the following period saw a 10% decrease in filings. When this decrease is considered together with a large increase in dispositions (22.5%) in the same period, it is understandable that the Juvenile Court disposition rate rose to 102% in 1976. With another increase in filings and a slight decrease in dispositions from 1976-1977, the disposition rate dropped to 94.5%.

After having such a high disposition rate in 1976, the Juvenile Courts saw a greater accumulation of open cases in 1977. While filings increased by over 1700 from 1976-1977, dispositions dropped by 500.

CONCLUSION

In fiscal year 1977, Georgia's total reported caseload for the four major courts of record has climbed to over 670,000 cases filed. Dispositions as a percent of filings stand at 93%, slightly higher than the 1976 disposition rate. Criminal cases (felony, misdemeanor and traffic), which comprise 60% of the total caseload, have a combined disposition rate of 95.5%. Civil cases (general civil, domestic relations and independent motions) have a somewhat lower disposition rate of 88.6%. For the almost 30,000 juvenile cases filed in fiscal year 1977, the dispositions as a percent of filings figure stands at 94.5%.

Despite a statewide increase in the number of defendants filed of over two percent from fiscal year 1976 to fiscal year 1977, the number of defendants disposed rose by over four percent. Although total dispositions are increasing at a more rapid rate than total filings, this is primarily due to the increase in dispositions in two case types, general civil and traffic. For every other case type, filings are still increasing at a faster rate than dispositions.

The State Courts were the only one of the four trial courts studied for which the increase in dispositions was greater than (by almost 15,000 cases) the increase in filings from 1976-1977. Although the disposition rate of the Superior Courts did not increase in fiscal year 1977, the rate remained almost constant.

From the comparison of actual and weighted caseload, it is clear the State Courts have continued to bear the greatest burden in terms of

actual case volume; 79% of all misdemeanors, 75% of all independent motions, 71% of all general civil cases and 56% of all traffic cases filed in the state in 1977 were filed in the State Courts. However, traffic cases, which are generally disposed in a short period of time, comprised 43.7% of State Court filings. Conversely, 50% of the Superior Court caseload was made up of felony and domestic relations cases, which ordinarily require more judge time. From this it is apparent that the Superior Courts handle a heavier burden in terms of the time necessary to process their caseload.

The trends identified in this caseload summary report outline in broad strokes the workload of the state's principal trial courts from the available information. Each year the quality and availability of information for the caseload study improves as data collection definitions and techniques and procedures for analysis are refined. This improvement will provide more useful and accurate data to assist management of and planning for Georgia's judicial system.

APPENDICES

APPENDIX A

REPORT METHODOLOGY

Data Collection

Representatives of the Administrative Office of the Courts collected all data for the caseload studies conducted in calendar years 1971 and 1973, and fiscal year 1976. In fiscal year 1977, the Administrative Office of the Courts, with the cooperation of the Administrative Judges from the Judicial Districts, directed the data collection efforts of the eight Assistants to the Administrative Judges, as well as those of members of its own research staff.

Fiscal year 1977 brought the most complete set of caseload data ever collected in Georgia. The data collection conformed to a single methodology as recommended by a study committee of Superior Court judges.

The methods of data collection used were designed for broad application to accommodate the various docketing systems and court practices found throughout the state. The main objectives of the methodology were to assure that the caseload data was collected uniformly throughout the state and that the data would accurately reflect the judicial workload in all courts under study.

All 1977 caseload data has been collected directly from the clerks' offices of Georgia's four principal trial courts of record: the Superior, State, Probate and Juvenile Courts.

The objective of the data collection effort was to measure the level of judicial activity in each court during a particular period. For 1971 and 1973 this "counting" period was the calendar year, while in 1976 and 1977 it was the fiscal year (July 1 - June 30). All cases filed, disposed or remaining open as of the end of these counting periods were counted. In order to insure that all dispositions and open cases were accounted for, cases filed five years prior to the beginning of each counting period were also checked. Since many of the disposed and open cases were from filings in previous years, disposition and open data for any year should not be interpreted as the status of a year's filings.

Filing Categories

All cases counted in the studies fall into one of three general filing types: criminal, civil and juvenile. Each filing type is then subdivided into a number of case types. The criminal case types are felonies, non-traffic misdemeanors and traffic offenses. Civil case types are general civil cases, domestic relations cases and independent motions. Independent motions, which were first counted in 1977, are generally those actions that occur after a final judgment or verdict has been issued or certain original actions that are thought to consume less judge time than the general civil or domestic relations case types. Juvenile cases were counted according to four case types for the 1971 and 1973 studies: delinquent, unruly, traffic, and deprived. Juvenile caseload was further broken down in 1976 with the inclusion of a fifth case type, special proceedings. To give comparable data for all years, however, only total juvenile caseload data is presented.

Identical procedures were used to count each case type within the same filing type, but each filing type was counted differently. In 1977, three data elements were collected for every criminal case filed, disposed or open: docket entries, defendants and counts. This was a change from the previous caseload studies (1971, 1973 and 1976) when data was collected for defendants only.

Civil cases were counted every year in terms of a single data element, docket entries. Although two additional data elements were counted for criminal cases than for civil cases, there were other complications in collecting civil caseload data. Many cases which fall into the independent motions case type did not appear as separate docket entries, but were instead filed with the original case. At the same time, not all actions recorded as docket entries were counted as cases. However, all civil cases that were considered cases for purposes of the caseload studies were counted in terms of one data element.

Fiscal year 1977 also brought a change in the counting of juvenile cases. Filings and dispositions for years prior to 1977 were counted in terms of one data element (number of children). In 1977, juvenile data was collected for filings in terms of the number of children and the number of charges while dispositions were counted in terms of the number of charges disposed only. To make the 1977 disposition data comparable to that of previous years, a ratio between charges and children was computed to determine the number of children for whom the charges filed against them were disposed.

While all open cases were counted for the three filing types, certain open cases were identified as pending cases for purposes of the caseload data collection. Open criminal cases less than four (4) months old, and open civil and juvenile cases less than six (6) months old at the end of

the fiscal year were considered pending. In this summary report, however, no distinction has been made between pending cases and the remainder of the open caseload in any area; the terms "pending" and "open" have been used synonymously and interchangeably to designate open caseload.

APPENDIX B
OUTLINE OF THE JUDICIAL SYSTEM OF GEORGIA

This section of the Caseload Summary Report presents a short overview of the judicial system of Georgia by looking at the nature and number of courts composing the system, the jurisdiction of these courts and the major lines of appellate review. In addition, this section reviews each class of courts and its relationship to the collection of caseload data for the annual study conducted by the Administrative Office of the Courts.

A. Trial Courts of Georgia

1) Superior Courts

The Superior Court is a constitutionally established court. This is the trial court of general jurisdiction in Georgia, and there is a Superior Court in each of the one hundred fifty-nine (159) counties (Ga. Code Ann. §2-3301).

Exclusive Jurisdiction: The Superior Court has exclusive jurisdiction in the following subject areas: divorce, equity, title to land and felonies. (Ga. Code Ann. §2-3301 and §2-3304).

Concurrent Jurisdiction: The Superior Court can hear all cases not specifically reserved to other courts. Thus, the Superior Court generally has concurrent trial jurisdiction with all the limited jurisdiction trial courts in the state. Juvenile matters and probate and estate matters are an exception to the rule. The Juvenile Court and Probate Court, respectively, have exclusive original jurisdiction in these subject matters.

Appellate Jurisdiction: The Superior Court is an appellate body as well as a trial court. Its review power extends to all the "inferior judicatories," those trial courts of limited jurisdiction which have not been provided by statute or by the Constitution with a right of direct review to the Court of Appeals or Supreme Court.

The application for a writ of certiorari from the Superior Court is a constitutional right general to all such "inferior judicatories" (Ga. Code Ann. §2-3304). On the other hand, the Constitution requires that specific legislation must define the right of direct appeal to the Superior Court, if any, from these lower trial courts. Various statutes have provided direct appeal: Ga. Code Ann. §6-201, the Probate Courts; Ga. Code Ann. §6-101 and 6-301, Justices of the Peace; and Ga. Code Ann. §92A-510, Police and Recorder's Courts. Appeal proceedings in the Superior Court arising from cases initiated in one of the "inferior judicatories" are generally de novo proceedings.

In addition, the Superior Court has the authority to review decisions by certain administrative bodies (Ga. Code Ann. §3A-120 and §114-710). These proceedings are in the nature of an appeal although they are not designated as such.

Relationship to Caseload Study: The Superior Court is one of the four trial courts which is examined in the caseload study. Because of the exclusive original jurisdiction of this court, felonies, equity, divorce and title to land cases are only heard and reported at the trial level in the Superior Court data. The caseload at this time does not segregate data on the basis of the trial work versus the appellate work of the Superior Courts.

2) State Courts

Original Concurrent Jurisdiction: In 1970, Ga. Code Ann. Chap. 24-21a was enacted for the purpose of unifying a group of courts of similar jurisdiction. Originally many of these courts were created as city courts by local legislation to relieve the caseload pressures of a particular Superior Court. They were not established statewide. Ga. Code Ann. Chap. 24-21a states that these courts are of county-wide jurisdiction and share concurrent subject matter jurisdiction with the Superior Court in most civil cases and misdemeanors. There is no uniformity of jurisdiction of these courts in ex delicto (tort) actions. The local act creating each court controls the extent of ex delicto jurisdiction (usually a dollar claim limit). These courts have no original exclusive jurisdiction and generally no appellate jurisdiction.

Right of Review of Decisions of State Courts: Petitioners in the State Courts have the right of direct review by the Court of Appeals and Supreme Court (Ga. Code Ann. §24-2107a). The 1970 legislation designated the State Courts as "other like courts," which refers to that term in the Judicial Article of the Constitution (Ga. Code Ann. §2-3108). The State Courts are courts below the level of and having specified concurrent jurisdiction with the Superior Courts.

Relationship to Caseload Study: The subject areas within the jurisdiction of the State Courts fall within the caseload study categories of misdemeanors, traffic and general civil cases. State Courts have no caseload data for domestic relations and felony cases since they have no jurisdiction in those subject areas.

Although the three County Courts in Georgia (Putnam, Baldwin and Echols) do not, strictly speaking, fall within the class of State Courts, these courts have similar jurisdiction and were created for similar purposes as the State Courts. They are counted in the caseload study as State Courts. In contrast to the State Courts, an appeal must be taken to the Superior Court from the County Courts.

3) Juvenile Courts

The Juvenile Court is a statutory court (Ga. Code Ann. §24-2401) and purely a trial court. Technically, there is one court per county. In actuality, the majority of these courts are not truly separate judicial bodies. Only in counties having a population of fifty thousand (50,000) persons or more and in a few other counties upon special recommendation of two successive grand juries are these courts created as separate bodies.

In 1977 there were 42 counties which had thirty-six (36) independent Juvenile Courts; in the remaining counties a Superior Court judge, or a State Court judge appointed by a Superior Court judge, heard the juvenile cases.

Whatever the structure of the court, the jurisdiction of each court is identical.

Exclusive Jurisdiction: All proceedings involving any individual under the age of seventeen years and alleged to be delinquent (except when the delinquent act is considered a capital crime when committed by an adult), unruly or in need of treatment for mental illness, or under sixteen years of age and alleged to have

committed a traffic offense are heard by the Juvenile Court. The court has the authority to hear actions for termination of parental rights and other special proceedings. The Juvenile Court also has exclusive jurisdiction in proceedings alleging any individual under the age of eighteen to be a deprived child. (Ga. Code Ann. §24A-301).

Concurrent Original Jurisdiction: The Juvenile Court has concurrent jurisdiction with the Superior Court to hear alleged delinquent acts which constitute capital offenses when committed by an adult. The Juvenile Court may transfer a case involving conduct designated a crime to the appropriate trial court if the juvenile was fifteen (15) years old at the time the alleged crime was committed or if the child was thirteen (13) years or older and is charged with a capital felony.

In custody cases, concurrent jurisdiction is said to exist since a Juvenile Court can determine the custody and support issues of a case when it is transferred to the Juvenile Court by an order of the Superior Court.

Right of Review of Decisions of Juvenile Courts: By virtue of specific constitutional provisions, the decisions of the Juvenile Courts are reviewed directly by the Court of Appeals or Supreme Court. The case of Whitman v. State, 96 Ga. App. 731 (1957), resolved a conflict concerning appellate review from the Juvenile Courts. This case struck down the validity of Ga. L. 1956, p. 69, as in conflict with a 1956 constitutional amendment (Ga. L. 1956, p. 652). The decision assured that Juvenile Court decisions would follow the same route of appellate review whether the Juvenile Court is an independent court or an arm of the Superior Court.

Relationship to Caseload Study: Juvenile Court caseload as reviewed in this report refers to all juvenile data collected, whether from an established Juvenile Court or from a court in which a Superior Court judge hears juvenile cases. While Juvenile Court caseload data was collected according to five case types, this report presents juvenile caseload in terms of total filings and total dispositions.

4) Limited Jurisdiction Courts/"Inferior Judicatories"

In Georgia there are a variety of courts each having some civil and criminal jurisdiction. These courts include: Probate Courts, Small Claims Courts, Justices of the Peace, Recorders Courts, Magistrate's Courts, Civil Courts, and Municipal, Mayor's and Police Courts. Excluding the Probate Courts and Justices of the Peace which are constitutional courts, these courts have been established by specific legislative acts of the General Assembly or by city charter.

For example, each Small Claims Court is established by special and separate legislation. Each local act determines where a Small Claims Court will be established by population limits. These population limits are generally tailored to suit only one county (e.g., Ga. L. 1957, p. 263). The specific legislative enactment delineates the original jurisdiction of the court and the rights of review from that particular court.

Original Jurisdiction: Generally all these courts have concurrent jurisdiction with the Superior Courts and State Courts in some civil matters and pertaining to some misdemeanors. In civil matters,

jurisdiction is often limited by the dollar amount of the claim.

In criminal matters jurisdiction may be limited to guilty or nolo contendere pleas and traffic cases.

a) Probate Courts

Unlike the other "inferior judicatories," the Probate Court has exclusive original jurisdiction; such jurisdiction refers to probate and estate matters.

The Probate Court is empowered to hear cases arising from violations of law relating to traffic upon public roads (including litter violations) and violations of game and fish laws. This traffic subject matter jurisdiction is concurrent with that of the Superior Court, but there is no traffic jurisdiction exercised in the Probate Court if a State Court is located in that county. Traffic jurisdiction is then exercised by the State Court. (Ga. Code Ann. §92A-501, §92A-502 and §92A-511).

b) Justices of the Peace

The original jurisdiction of these judicial officers primarily consists of the disposition of civil cases of two hundred dollars (\$200.00) or less, the issuance of warrants and the conduct of committal hearings.

c) Special Courts

While Justices of the Peace were all originally elected according to militia districts, some such offices have been abolished and these courts have been established by the legislature in lieu thereof.

These courts include: Civil Courts (Richmond and Bibb Counties); Municipal Courts (Savannah and Columbus) and Magistrate's Courts (Clarke, Glynn and Rockdale Counties). The jurisdiction of these courts consists of civil cases within a dollar value range from one thousand to ten thousand dollars and criminal cases which are within the jurisdiction of a Justice of the Peace. Some of these courts also have the authority to hear any misdemeanor case in which the defendant consents and enters a plea of guilty or nolo contendere.

d) Small Claims Courts

The Small Claims Courts are similar to the Justices of the Peace. They have civil case jurisdiction generally under one thousand dollars in value, the power to issue units of garnishment and attachment, and the general jurisdiction granted to Justices of the Peace.

e) Mayor's and Recorder's Courts

There are approximately four hundred Mayor's, Recorder's and Police Courts. Created by city charter, these courts have the power to hear ordinance and traffic violations and have the criminal jurisdiction of a Justice of the Peace.

Right of Review of Decisions of "Inferior Judicatories:" As previously stated, the Constitution provides an identical right of review by writ of certiorari from the Superior Courts to all these courts. The specific legislative enactments establishing these judicatories determine whether there is a right of direct appeal.

Although the Superior Court is generally the court of direct appeal, separate legislation has resulted in varied appellate processes.

- a) Probate Court decisions are reviewed by writ of certiorari or direct appeal to the Superior Court.
- b) In one of these limited jurisdiction courts, the Justices of the Peace, there exists an internal statutory appeal (Ga. Code Ann. §6-401). The right of appeal is determined by the amount in controversy, that is, if fifty dollars (\$50.00) or more is in controversy there may be either a direct appeal to the Superior Court or internally to a Justice Jury. The appropriate review is further determined by the particular claim of error whether it be a matter of law or fact.
- c) Some of the Civil Courts and Municipal Courts have a direct right of review to the Court of Appeals as well as the writ of certiorari from the Superior Court.
- d) The writ of certiorari from the Superior Court is generally the only review procedure available from a decision of a Small Claims Court.
- e) As well as the writ of certiorari from the Superior Court, the decisions of Mayor's, Police and Recorder's Courts can generally be reviewed by the Board of Alderman and Mayor sitting as a body.

Relationship to Caseload Study: At the present time, the caseload study measures only one court's caseload from this varied group of "inferior judicatories," and in this court only a fraction

of the caseload is collected. The one court is the Probate Court and only the traffic and misdemeanor cases within the jurisdiction of the court are measured. The Probate Court (formerly the Court of Ordinary) is an integral part of the state judicial system. There is a Probate Court in each county; it is established by Constitutional provision and has been a part of the state system since 1852. Its history is rooted in the Inferior Courts established in Georgia in the 1700s. It is anticipated that future caseload studies will measure the total caseload of this court.

The slight variation in jurisdiction of the myriad of "inferior judiciaries," the absence of uniform creation of these courts and the sheer number of courts have precluded inclusion in the present study. It is anticipated that, as methodology and collection procedures become more sophisticated, surveys of some of these courts may be accomplished in the future.

B. Appellate Courts of Georgia

The appellate process is an integral part of the judicial process. At this time the caseload of the appellate courts is not studied in the caseload count of the Administrative Office of the Courts. However, a review of the jurisdiction of the Supreme Court and Court of Appeals does provide an outline of the composition of the caseload of each court and of the differences in jurisdiction exercised by them.

1) Supreme Court

Scope of Review: The Supreme Court has no original jurisdiction. The Court's appellate power of review is established by the Constitution and encompasses review of decisions from:

1. The Superior Courts;
2. City courts of Atlanta and Savannah, as they existed on August 16, 1916;
3. Such "other like courts" (as 2.) as have been or may be hereafter established in other cities;
4. Juvenile Courts; and
5. Court of Appeals (Ga. Code Ann. §2-3104 and §2-3109).

As previously mentioned, in 1970, the legislature titled certain existing lower courts having similar subject-matter jurisdiction to the Superior Courts as "State Courts" and designated them as "other like courts" (Ga. Code Ann. §24-2107a). Therefore, their decisions may be reviewed by the Supreme Court. The Juvenile Courts are by amendment to the Constitution given access to the Supreme Court (Ga. Code Ann. §2-3109).

Supreme Court review is by:

1. writ of certiorari or certified question from the Court of Appeals, or
2. direct appeal from lower courts.

Exclusive Appellate Jurisdiction: The Supreme Court has exclusive review in designated subject areas. The Constitution sets out the following categories in which appeals must be made direct from the trial court to the Supreme Court. In these cases there is no appeal to the Georgia Court of Appeals.

1. Constitutional Construction (Georgia or U.S.);
2. Treaties between U.S. and foreign governments;
3. Constitutionality of Statute (Georgia or U.S.);

4. Title to Land;
5. Equity;
6. Validity or Construction of Wills;
7. Conviction of a Capital Felony;
8. Habeas Corpus;
9. Extraordinary Remedies (e.g., injunction); and
10. Divorce and Alimony (Ga. Code Ann. §2-3104).

Certiorari/Certified Questions: All cases in any other subject area come before the Supreme Court from the Court of Appeals by writ of certiorari or by certified question. The writ of certiorari is an order to an inferior court to return the records of the case to a higher court for review. The certified question is a question to a higher court requesting instruction on a point of law in a particular case. The Supreme Court also has the jurisdiction to decide cases transferred from the Court of Appeals when the Court of Appeals, sitting as a body is equally divided on a decision (Ga. Code Ann. §2-3104).

In 1977, the General Assembly passed legislation removing review of kidnapping, robbery and rape cases to the Court of Appeals and enlarging the Supreme Court jurisdiction to include cases involving state revenue, contested elections, and the validity of municipal legislative enactments. The constitutionality of this statute was reviewed by the Supreme Court in Collins v. State, 239 Ga. 400 (1977). The Court concluded that the legislature did not have authority to change existing jurisdiction by this statute, but that:

1. The Supreme Court would exercise the power of certiorari by a continuing order to the Court of Appeals in all cases concerning state revenue, contested elections, and validity of municipal legislation transferring them to the Supreme Court, and
2. The cases of rape, kidnapping and robbery would no longer fall within the exclusive jurisdiction of the Supreme Court which includes conviction of a capital felony because these cases are no longer capital felonies (decisions based on the eighth amendment of the U.S. Constitution struck down the death penalty in these cases).

2) Court of Appeals

The Court of Appeals, like the Supreme Court, is a Constitutional court. The courts within the scope of its review are identical to the Supreme Court. Therefore, a direct line of review from the Superior, State, Juvenile and Constitutional City Courts exists. The subject matter appellate jurisdiction of the Court of Appeals includes those controversies which do not fall within the exclusive appellate jurisdiction of the Supreme Court.

C. Summary

There are elements both of unity and diversity in the Georgia Judicial System. The Superior and Probate Courts are uniform statewide. In contrast, there is a wide diversity of limited-jurisdiction courts with varying but similar jurisdictional limits. These courts have been created on a one by one basis to relieve the burden of the caseload of the Superior Courts and to provide a more efficient forum for particular local demands on the judicial system. Thus, it can be seen that one

must have an understanding of the whole judicial system to comprehend the significance of caseload data in any particular court or class of state courts.

APPENDIX C
WEIGHTED CASELOAD CONCEPT AND PROCEDURE

Separate equivalence factors are derived for caseload weights in Superior and State Courts. The equivalence factor is simply the estimated number of cases in each case type required to equal one equivalent unit. In Superior Court, the felony case was selected as the equivalent unit. The equivalence factors, then, are the estimated number of cases in each case type (i.e., misdemeanor, traffic, general civil, independent motions, domestic relations, and juvenile) required to equal one felony case in terms of judge time.

The felony case was selected as the equivalent unit in superior court for a number of reasons:

- 1) As a case type category, felony cases are, on the average, the most time-consuming cases. Calculating an equivalence factor in felony units is simply more efficacious than setting felony cases equivalent to some other category.
- 2) Also, a weighted caseload average set in felony units adds interpretive meaning to the results. In other words, it is believed the reader will have a better grasp of the time consumption required for a felony case than a misdemeanor or civil case.

Obtaining equivalence factors for State Court weights were approached with two things in mind:

- 1) Equivalence factors for the State Courts should accurately reflect the distribution of workload among the four case type categories (misdemeanor, traffic, general civil, and independent motions) in the State Court.
- 2) The equivalence factors had to be comparable to the Superior Court weights so that a comparison of the distribution of judicial workload between courts could be made.

The following methodology was employed in obtaining the respective caseload weights. The reader is reminded that methods of obtaining weighted equivalence factors are still in an experimental stage, and are going through the process of testing and refinement. The methodology

presented is the best currently available, but is subject to change as the process becomes more sophisticated.

Procedure for Superior Court and Juvenile Court Weights:

The equivalence factors for the superior court weights were derived from interviews with a sample of five Superior Court judges from both urban and rural areas of the state. Each judge was asked the following questions:

- 1) On the average, how many misdemeanor cases can be processed in the time it takes to process one felony case?
- 2) On the average, how many traffic cases can be processed in the time it takes to process one felony case?
- 3) On the average, how many general civil cases can be processed in the time it takes to process one felony case?
- 4) On the average, how many domestic relations cases can be processed in the time it takes to process one felony case?
- 5) On the average, how many independent motions can be processed in the time it takes to process one felony case?
- 6) On the average, how many juvenile cases can be processed in the time it takes to process one felony case?

The equivalence factors for each case type were calculated by averaging the responses for each question. These equivalence factors for the Superior Court are reported in this appendix (p. 70) for each case type, and can be interpreted as the estimated average number of cases in each case type that are equivalent to one felony case in terms of judge processing time. For example, the equivalence factor for the case type misdemeanor is (7) seven; the interpretation of this figure is that on the average approximately seven misdemeanors can be processed in the time it takes to process one felony case.

The actual caseload data in each case type is divided by the respective equivalence factor to obtain a weighted average for each case

type. The weighted averages for each case type were then summed resulting in the total weighted caseload in felony units.

State and Probate Court Weights

The procedure for calculating State and Probate Court weights is more involved than for the Superior Court weights. State Court weights had to be derived in such a manner as to render them both applicable to State Court workload and comparable to the Superior Court equivalence factors so that the distribution of workload between the State and the Superior Court could be compared. It was not possible to directly apply the Superior Court equivalence factors to the State Court case types for two reasons:

- 1) The equivalent unit in the Superior Court is the felony case and State Courts do not have jurisdiction in felony cases;
- 2) The civil cases filed in the State Court are, on the average, of a less sophisticated nature than civil cases filed in the Superior Court. The Superior Court general civil case type includes several types of cases that are within the exclusive jurisdiction of the Superior Court. These include such actions as equity and title to land, which can be time-consuming cases. Also, State Courts often have jurisdiction in civil cases limited by a certain monetary amount. It is likely that as the value of the contested suit increases, so will the time required to process the case.

Under these circumstances, an equivalent unit had to be selected from a case type of concurrent jurisdiction in the Superior Court and State Courts. The traffic case type was selected as the common equivalent unit because a traffic case in the State Court is most likely to be equal to a traffic case in the Superior Court in terms of judge time. Eleven full-time State Court judges from eight State Courts were interviewed by telephone to obtain the equivalence factors.

Procedure

- A) Each State Court judge was requested to estimate the proportion of his time spent in each of the four case types in State Court (i.e., misdemeanor, traffic, general civil, independent motions). For example, a judge may spend 40% of his time on general civil cases, 10% on independent motions, 40% on misdemeanors, and 10% on traffic. In all responses, the sum of the proportions equals 100% of the judge's time. The responses of these eleven judges were averaged, and these average figures were used in all future calculations.
- B) The next step was to calculate an estimated proportionate time per case (EPT/C) for each case type category. This was calculated by dividing the average estimated proportions provided by eleven judges for each case type by the FY1977 caseload of these eight State Courts. For example, if the average estimated proportion of time spent on general civil cases was 40% and there were four hundred (400) general civil cases then the estimated proportionate time per case would be $40/400$ or .1. A similar calculation was conducted for the misdemeanor, traffic and independent motions categories.
- C) Since the traffic case type was selected as the common equivalent unit between the Superior and State Courts, the next step required setting the general civil, independent motions and misdemeanor case types, as multiples of the traffic case type. This was accomplished by deriving a factor

which set traffic equal to one (1) unit so that general civil, independent motions and misdemeanors could be set as multiples of one traffic unit. The method of this calculation was to first divide the estimated proportionate time per case for the traffic case type into one, resulting in what has been conveniently referred to as a k-factor. The k-factor can be interpreted as the estimated number of traffic cases required to account for 1% of the judge's time. A similar k-factor was calculated for each case type, thereby determining the number of cases in each case type equivalent to 1% of the judge's time.

Each k-factor was divided into the traffic k-factor setting each case type as multiple ratios of traffic cases. To elaborate further, the k-factor can be interpreted as the estimated number of cases in each case type required to be equivalent to 1% of the judge's time. If one hundred (100) traffic cases equal 1% of the judge's time and ten (10) misdemeanors equal 1% of the judge's time, then $100/10$ or ten (10) traffic cases are as time-consuming as one misdemeanor, and misdemeanors are approximately ten (10) times as time-consuming as one (1) traffic case. A multiple ratio (MRt) for general civil and independent motions cases was calculated by the same procedure. These figures can be interpreted as the multiple ratios of misdemeanor, general civil and independent motions case types to the traffic case type where each is set equal to 1% of the judge's time. The actual multiple ratios calculated from the responses of the eleven judges and the caseload of the eight State Courts represented

as follows:

Traffic	= 1.00
Misdemeanor	= 2.12
General Civil	= 3.22
Independent Motions	= 1.61

The numbers can be read as follows:

- a misdemeanor in the State Court is, on the average approximately 2.12 times as time-consuming as 1 traffic case in the State Court.
- a general civil case in the State Court is, on the average approximately 3.22 as time-consuming as a traffic case in the State Court.
- an independent motion in the State Court is, on the average, approximately 1.61 times more time-consuming as a traffic case in the State Court.

D) The final step was to convert these State Court equivalence factors into figures comparable to the Superior Court weights. Referring to the Superior Court equivalence factors (see this appendix, p. 70) we see that the equivalence factor for Superior Court traffic cases is 41 (i.e., 41 traffic cases are equivalent to one felony). If misdemeanors in the State Court are 2.12 times as time-consuming as traffic cases, general civil cases in the State Court are 3.22 times as time-consuming as traffic, and independent motions are 1.61 times as time-consuming as traffic cases, (and traffic cases in the State Court are equal to traffic cases in Superior Court), then the State Court common equivalent units (EFt) would be $41/2.12$ or 19.34 $41/3.22$ or 12.73 and $41/1.61$ or 25.47, respectively.

Therefore, State Court equivalence factors converted into comparable Superior Court felony units are:

Misdemeanor	= 19.34
General Civil	= 12.73
Independent Motions	= 25.47
Traffic	= 41.00 (same as Superior Court)

These State Court common equivalence factors can be interpreted as follows:

19.34 misdemeanor filings in the State Court are, on the average, equivalent to one felony case in the Superior Court.

12.73 general civil cases in the State Court are, on the average, equivalent to one felony case in Superior Court.

25.47 independent motions in the State Court are, on the average, equivalent to one felony case in Superior Court.

41 traffic cases in both the State and Superior Courts are, on the average, equivalent to one felony case in the Superior Court.

The actual State Court caseload in each case type category was then divided by the above common equivalence factors to obtain the State Court weights. The same equivalence units were used for misdemeanor and traffic cases in Probate Court.

Equivalence Factors for Superior Court Weights

<u>1</u>	Felony	=	
<u>7</u>	Misdemeanors	=	
<u>41</u>	Traffic Cases	=	
<u>1.50</u>	General Civil Cases	=	<u>1</u> WEIGHTED CASE (Felony - Equivalent)
<u>2.25</u>	Domestic Relations Cases	=	
<u>4.20</u>	Independent Motions	=	
<u>2</u>	Juvenile Cases	=	

EXAMPLE:

Superior Court Filings - FY1977

	Actual		Conversion Factor		Weighted
Felony	30,198	÷	1	=	30,198
Misdemeanor	15,614	÷	7	=	2,231
Traffic	11,179	÷	41	=	273
Gen. Civil	32,931	÷	1.50	=	21,954
Dom. Relations	53,235	÷	2.25	=	23,660
Ind. Motions	18,178	÷	4.20	=	4,328

Juvenile Court Filings - FY1977

Juvenile	29,633	÷	2	=	14,816
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Equivalence Factors for State Court Weights

<u>19.34</u>	Misdemeanors	=	
<u>41.00</u>	Traffic Cases	=	<u>1</u> WEIGHTED CASE (Felony - Equivalent)
<u>12.73</u>	General Civil Cases	=	
<u>25.47</u>	Independent Motions	=	

State Court Filings - FY1977

	Actual		Conversion Factor		Weighted
Misdemeanor	71,075	÷	19.34	=	3,675
Traffic	161,028	÷	41.00	=	3,928
General Civil	81,165	÷	12.73	=	6,376
Independent Mot.	55,235	÷	25.47	=	2,169

Probate Court Filings - FY1977

Misdemeanor	3,469	÷	19.34	=	179
Traffic	116,153	÷	41.00	=	2,833

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APPENDIX D
ADDITIONAL TABLES

Table 6. DISTRIBUTIONS OF JUDICIAL POSITIONS: SUPERIOR, STATE AND JUVENILE COURTS BY CIRCUIT AND COUNTY--DECEMBER 31, 1977

CIRCUIT	COUNTY	SUPERIOR		STATE		JUVENILE**		REFEREE
		FULL TIME	PART TIME	FULL TIME	PART TIME	FULL TIME	PART TIME	
Alapaha	Atkinson							
	Berrien							
	Clinch		1					
	Cook							
	Lanier							
	Circuit Total	2	1					
Alcovy	Newton						1	
	Walton						1	
	Circuit Total	1					2	
Atlanta	Fulton	11	8			2		2
Atlantic	Bryan		1					
	Evans		1					
	Liberty		1					
	Long		1					
	McIntosh							
	Tattnall		1					
	Circuit Total	2	5					
Augusta	Burke		1					1
	Columbia							
	Richmond		1					1
	Circuit Total	4	1	1				2
Blue Ridge	Cherokee		1/2*					1
	Fannin							
	Forsyth		1/2*					
	Gilmer							
	Pickens							
	Circuit Total	2	1					1
Brunswick	Appling		1		**			
	Camden						1	1
	Glynn		1				1	
	Jeff Davis							1
	Wayne		1		**			
	Circuit Total	2	1	2			2	2

*Fractions indicate that a single judge serves more than one county.

**State Court judges hearing juvenile cases.

Table 6. DISTRIBUTIONS OF JUDICIAL POSITIONS: SUPERIOR, STATE AND JUVENILE COURTS BY CIRCUIT AND COUNTY--DECEMBER 31, 1977

CIRCUIT	COUNTY	SUPERIOR		STATE		JUVENILE**		REFEREE
				FULL TIME	PART TIME	FULL TIME	PART TIME	
Chattahoochee	Chattahoochee							
	Harris							
	Marion							
	Muscogee		1				1	
	Talbot							
	Taylor							
	Circuit Total	4	1				1	
Cherokee	Bartow						1	
	Gordon						1	
	Circuit Total	1					2	
Clayton	Clayton	3	1			1		
Cobb	Cobb	3	3			1		1
Conasauga	Murray							
	Whitfield						1	
	Circuit Total	2					1	
Cordele	Ben Hill							
	Crisp						1	
	Dooly							
	Wilcox							
	Circuit Total	1					1	
Coweta	Carroll				1	**		
	Coweta				1	**		
	Heard							
	Meriwether						1	
	Troup				1		1	
	Circuit Total	2			3		2	
Dougherty	Dougherty	2	1				1	1
Dublin	Johnson				1			
	Laurens				1		1	
	Treutlen				1			
	Twiggs							
	Circuit Total	1			3		1	
Eastern	Chatham	3	2			1		1

*Fractions indicate that a single judge serves more than one county.

**State Court judges hearing juvenile cases.

Table 6. DISTRIBUTIONS OF JUDICIAL POSITIONS; SUPERIOR, STATE AND JUVENILE COURTS BY CIRCUIT AND COUNTY--DECEMBER 31, 1977

CIRCUIT	COUNTY	SUPERIOR		STATE		JUVENILE **		REFEREE
		FULL TIME	PART TIME	FULL TIME	PART TIME	FULL TIME	PART TIME	
Flint	Butts					1/2*		
	Henry					1		
	Lamar					1/2*		
	Monroe							
	Circuit Total	2				2		
Griffin	Fayette					1/4*		
	Pike					1/4*		
	Spalding		1			1/4*		
	Upson					1/4*		
	Circuit Total	2	1			1		
Gwinnett	Gwinnett	3	1			1		
Houston	Houston	1	1			**		
Lookout Mtn.	Catoosa					1		
	Chattooga							1
	Dade					1		
	Walker		1			1		
	Circuit Total	2	1			3		1
Macon	Bibb		1			1		
	Crawford							
	Peach							
	Circuit Total	3	1			1		
Middle	Candler		1					
	Emanuel		1					1
	Jefferson		1					
	Toombs		1					1
	Washington		1					2
	Circuit Total	2	5					4
Mountain	Habersham		1					
	Rabun							
	Stephens		1					
	Towns							
	Union							
	Circuit Total	1	2					

*Fractions indicate that a single judge serves more than one county.

**State Court judges hearing juvenile cases.

CONTINUED

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Table 6. DISTRIBUTIONS OF JUDICIAL POSITIONS: SUPERIOR, STATE AND JUVENILE COURTS BY CIRCUIT AND COUNTY--DECEMBER 31, 1977

CIRCUIT	COUNTY	SUPERIOR		STATE		JUVENILE**		REFEREE
			FULL TIME		PART TIME	FULL TIME	PART TIME	
Northeastern	Dawson							
	Hall		1				1	
	Lumpkin							
	White							
	Circuit Total	2	1				1	
Northern	Elbert				1			1
	Franklin							
	Hart							
	Madison							
	Oglethorpe							
	Circuit Total	2			1			1
Ocmulgee	Baldwin				1			
	Greene							
	Hancock							
	Jasper							
	Jones							
	Morgan							
	Putnam				1			
	Wilkinson							
	Circuit Total	2			2			
Oconee	Bleckley							
	Dodge							
	Montgomery							
	Pulaski							
	Telfair							
	Wheeler							
	Circuit Total	2						
Ogeechee	Bulloch				1			
	Effingham				1			
	Jenkins				1			
	Screven				1			
	Circuit Total	1			4			

*Fractions indicate that a single judge serves more than one county.

**State Court judges hearing juvenile cases.

Table 6. DISTRIBUTIONS OF JUDICIAL POSITIONS: SUPERIOR, STATE AND JUVENILE COURTS BY CIRCUIT AND COUNTY--DECEMBER 31, 1977

CIRCUIT	COUNTY	SUPERIOR		STATE		JUVENILE**		REFEREE
		FULL TIME	PART TIME	FULL TIME	PART TIME	FULL TIME	PART TIME	
Pataula	Clay							
	Early		1					
	Miller		1					
	Quitman							
	Randolph							
	Seminole							
	Terrell						1	
	Circuit Total	1	2				1	
Piedmont	Banks						1/3*	
	Barrow						1/3*	
	Jackson		1				1/3*	
	Circuit Total	1	1				1	
Rome	Floyd	2					1	1
South Georgia	Baker							
	Calhoun							
	Decatur		1					
	Grady		1					
	Mitchell		1					
	Circuit Total	1	3					
Southern	Brooks							
	Colquitt		1				1	
	Echols		1					
	Lowndes		1				1	
	Thomas		1				1	
	Circuit Total	3	4				3	
Southwestern	Lee							
	Macon		1					
	Schley							
	Stewart							
	Sumter		1				1	
	Webster							
	Circuit Total	1	1	1			1	
Stone Mountain	DeKalb		3			2		1
	Rockdale							1
	Circuit Total	7	3			2		2

*Fractions indicate that a single judge serves more than one county.

**State Court judges hearing juvenile cases.

Table 6. DISTRIBUTIONS OF JUDICIAL POSITIONS: SUPERIOR, STATE AND JUVENILE COURTS BY CIRCUIT AND COUNTY-- DECEMBER 31, 1977

CIRCUIT	COUNTY	SUPERIOR		STATE		JUVENILE**		REFEREE
				FULL TIME	PART TIME	FULL TIME	PART TIME	
Tallapoosa	Douglas							1
	Haralson							
	Paulding							
	Polk			1		**		
	Circuit Total	3		1				1
Tifton	Irwin							
	Tift				1			1
	Turner							
	Worth				1			2
	Circuit Total	1			2			3
Toombs	Glascock							
	Lincoln							
	McDuffie							
	Taliaferro							
	Warren							
	Wilkes							
	Circuit Total	1						
Waycross	Bacon							
	Brantley							
	Charlton							
	Coffee				1			1
	Pierce				1			
	Ware				1		1	
	Circuit Total	2			3		1	1
Western	Clarke				1	1		
	Oconee							
	Circuit Total	2			1	1		
TOTAL		96		27	49	8	30	24

*Fractions indicate that a single judge serves more than one county.

**State Court judges hearing juvenile cases.

Table 7A. Changes in Superior Court Judgeships by Circuit: 1971-1977 .

Circuit	Number of Judges by Year						
	1971	1972	1973	1974	1975	1976	1977
Alapaha	1	1	1	1	1	1	2
Alcovy	(created 1972)		1	1	1	1	1
Atlanta	10	10	10	11	11	11	11
Chattahoochee	3	3	3	3	3	3	4
Clayton	2	2	2	2	2	2	3
Cobb	2	3	3	3	3	3	3
Conasauga	1	1	1	2	2	2	2
Coweta	1	1	1	2	2	2	2
Dougherty	1	1	1	2	2	2	2
Flint	1	1	1	1	2	2	2
Griffin	1	1	1	1	1	1	2
Gwinnett	1	2	2	2	2	2	3
Houston	(created 1971)		1	1	1	1	1
Middle	1	1	1	1	1	1	2
Northern	1	1	1	1	1	1	2
Oconee	1	1	1	1	1	2	2
Rome	1	2	2	2	2	2	2
Southern	2	2	2	2	3	3	3
Stone Mountain	5	7	7	7	7	7	7
Tallapoosa	2	2	2	2	2	2	3
Waycross	1	1	1	2	2	2	2
Western	1	1	1	1	1	2	2

Table 7B. Changes in State Court Judgeships by Circuit: 1971-1977

Circuit	County	Number of Judges by Year						
		1971	1972	1973	1974	1975	1976	1977
Atlanta	Fulton	7	7	7	7	7	8	8
Blue Ridge	Cherokee & Forsyth			(created 1974)		1	1	1
Cobb	Cobb	2	2	2	3	3	3	3
Dougherty	Dougherty			(created 1974)		1	1	1
Eastern	Chatham	1	1	1	1	1	2	2
Lookout Mountain	Chattooga	1 (abolished 1972)						
Rome	Floyd	1 (abolished 1972)						
Stone Mountain	DeKalb	2	2	2	2	2	2	3
Tifton	Tift	(created 1971)	1	1	1	1	1	1

END