

February 5, 2010

Mayor & Commission  
Unified Government of Athens-Clarke County  
City Hall  
301 College Avenue  
Athens, Georgia 30601

Subject: Review of the Office of the Clerk of Superior and State Courts

Enclosed is the Review of the Office of the Clerk of Superior and State Courts conducted as part of the 2009 Auditor's Office Work Plan. An Executive Summary is provided at the beginning of the report and summarizes the major recommendations, which can be found at the end of the report in chapter VII.

I hope you find the report useful and I look forward to discussing it at the next Audit Committee meeting scheduled for Monday, February 8, 2010 at 9:00 a.m. Should you have any questions prior to the meeting, please do not hesitate to contact me.

I wish to thank Beverly Logan and the entire staff of the Clerk of Courts' Office for their excellent cooperation, assistance, and patience during the course of this review. I would also like to recognize the efforts of Tommy Houseman and Jean Asta of my office.

Very truly yours,

John A. Wolfe  
Auditor

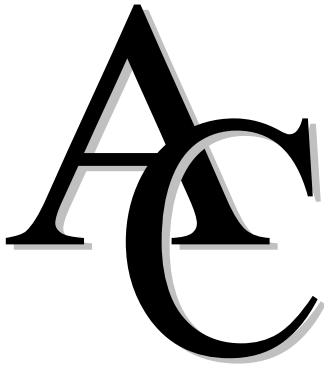
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**OFFICE OF THE AUDITOR**



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**REVIEW OF**

**THE OFFICE OF THE**

**CLERK OF SUPERIOR AND STATE COURTS**

*Report to the Mayor & Commission*

**February, 2010**

**Prepared by:**

*Auditor's Office*  
*Unified Government of Athens-Clarke County*

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## EXECUTIVE SUMMARY

An audit of the Office of the Clerk of Superior and State Courts, commonly referred to as the Clerk of Courts' Office, was undertaken at the request of the Clerk of Courts and approved by the Mayor & Commission. The purpose of the audit was to review the staffing needs of the Clerk of Courts' Office, to analyze the potential impact on staffing and revenue if the indexing of real estate documents were to be privatized, and to examine the delay in the docketing of sentences imposed by the courts served by the office.

### *Overview of the Clerk of Courts' Office*

At the beginning of FY10 the Clerk of Courts' Office was staffed with 17 positions. In January, 2010 Athens-Clarke County was awarded a STOP Violence Against Women Act (VAWA) grant to provide funding for the Clerk of Courts' Office for an additional position to focus on domestic-violence-related cases. Staff is organized into five work units: real estate, civil, criminal, bookkeeping, and jury/auxiliary services.

The FY10 operating budget for the Clerk of Courts' Office totals \$1,042,000 and the office is projected to generate approximately \$420,000 in revenue from fees and charges, a decrease of approximately \$170,000 since FY08. This decrease is largely the result of decreased real estate filing fees and associated taxes.

### *Analysis of Indexing of Real Estate Records*

In September, 2009, the Clerk of Courts' Office submitted an agenda report to the Mayor & Commission requesting \$50,000 from the general fund operating contingency to privatize the indexing of real estate records. The purpose of the request was to outsource the most time-consuming tasks associated with recording real estate transactions so that two of the four positions in the real estate unit could be reassigned to assist the other units with the backlog of case processing.

In evaluating the proposal as part of the audit, it was found that the reassignment of two positions to the other units would result in a further backlog in the processing of the real estate records even if indexing were out-sourced. In addition, privatization of the indexing function would result in approximately \$72,000 annually in lost revenue for ACC, whereas the cost to provide the service in-house is estimated to be approximately \$50,000. Therefore, it is recommended that the real estate unit remain at a staffing level of four full-time positions.

### *Analysis of Work Load for Civil and Criminal Units*

Analysis shows that the work load for the civil and criminal units in the Clerk of Courts' Office has increased markedly for all areas. New case filings in Superior and State Court have increased by 43% since 2005, from 8,452 in 2005 to 12,098 in 2009. The number of cases

disposed has also increased by approximately 43%, from 8,245 in 2005 to 11,787 in 2009. The increase in work load has caused case processing delays in the office.

In the criminal unit, the large number of court proceedings that need to be processed daily has resulted in a 15 day delay in the entry of case dispositions, which delays the processing of paperwork to initiate transfers of applicable inmates to the Georgia Department of Corrections (GDC). This delay impacts the ACC Jail population by reducing the number of beds available to local inmates, thus increasing the number of local inmates that must be housed out-of-county. It is recommended that one additional position be funded for the Clerk of Courts' Office to provide for the processing of criminal cases. It is further recommended that a 48-hour timeframe be established for having the disposition of criminal cases entered into the case management system and for transmitting "prisoner packages" to the GDC.

The cost for an additional position is estimated at approximately \$37,200 annually. This cost potentially would be offset by approximately \$69,700 in annual savings by reducing the number of nights that an inmate eligible for transfer to a state correctional facility would spend in the ACC Jail, thereby reducing the number of beds/nights that ACC pays to house inmates out-of-county.

#### *Civil Unit*

As mentioned above, in January, 2010, a grant was awarded to the Clerk of Courts' Office which provided for one additional Court Clerk position to work with domestic violence cases in both the civil and criminal units. Should the grant not be renewed, an additional position would likely be needed to replace it in order to avoid recurring case processing backlogs.

#### *Work Environment*

During work observations and interviews, it was noted that numerous distractions arise from walk-in customers, both internal and external, and make it difficult for the clerks to focus on their duties because of the open-office floor plan. In addition, there is no mechanism to prevent unauthorized, unaccompanied customers from accessing the space behind the counter where case files and records are stored. With the sensitive nature of the information in the office and the fact that cash is handled, several recommendations address necessary improvements to the work environment.



# **I. PROJECT OVERVIEW**

## **A. PURPOSE AND AUTHORITY OF THE AUDIT**

This audit of the Office of the Clerk of Superior and State Courts was conducted at the request of the Clerk of Courts. The project was undertaken as an amendment to the 2009 work plan for the Auditor's Office as approved by the Mayor & Commission in September, 2009. The review was conducted pursuant to Article IV, Section 4-104 and Article VII, Section 7-410 of the Charter of the Unified Government of Athens-Clarke County (ACC), Georgia, and the ordinance and policies guiding the conduct of reviews.

## **B. PROJECT SCOPE**

The scope of this project included:

- the staffing needs of the Office of the Clerk of Courts
- the potential impact on staffing if the current indexing of real estate documents is privatized
- the delay in docketing of sentences imposed by the courts served by the office

## **C. METHODS AND TASKS**

- Interviewed staff to gain an understanding of job responsibilities and assignments
- Conducted work observations to document workflow and processes
- Developed flowcharts to represent the steps involved with recording and indexing real estate records and docketing and disposing of cases
- Gathered and analyzed work load data of clerical tasks required for processing and disposing of cases
- Analyzed the cost associated with indexing real estate records
- Compiled statistical summaries of case filings and dispositions
- Met with representatives of the Athens-Clarke County judiciary to gain an understanding of the issues facing the courts in terms of clerical needs
- Reviewed state requirements and mandates related to the Clerk of Courts' Office

- Reviewed financial management and case management techniques employed by the Clerk of Courts' Office
- Provided a draft report to the Clerk of Courts' Office for review and comment

## **D. OVERVIEW OF THE OFFICE OF THE CLERK OF COURTS**

The Clerk of Courts is an elected position responsible for maintaining the official records of all criminal and civil actions filed in the Superior and State Courts of Athens-Clarke County. The position is also the custodian for all land records in Athens-Clarke County as required by state law.

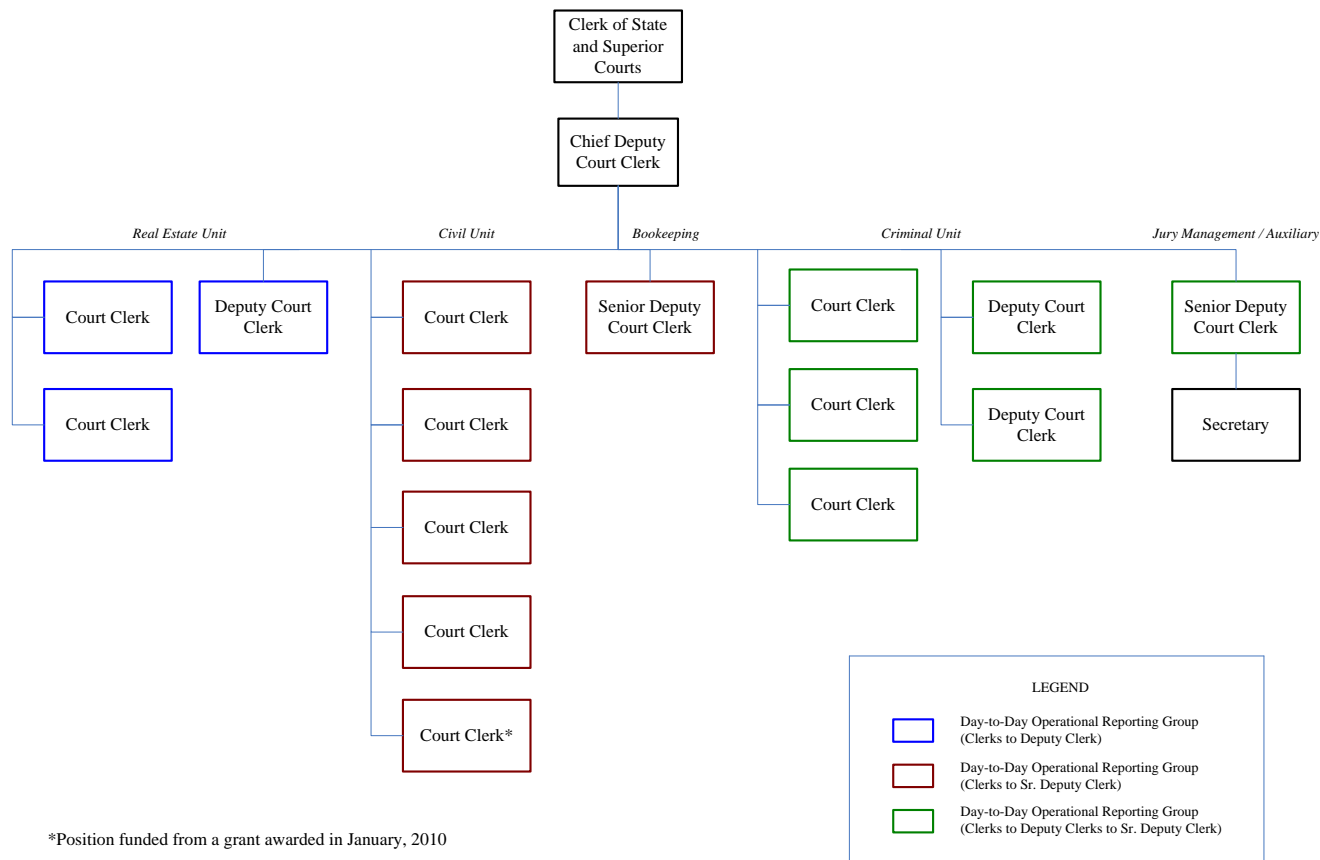
The Clerk of Courts' Office has an operating budget of approximately \$1,042,600 in FY10 and is projected to generate revenue from fees and charges of approximately \$420,000, a decrease of more than 40% over the past five years. This reduction in revenue is largely the result of the decline in the number of property deed filings and the fees attached to these filings, which is discussed later in this report.

At the beginning of FY10, the Clerk of Courts' Office consisted of 17 full-time employees: the Clerk of Courts, the Chief Deputy Clerk, two Senior Deputy Clerks, three Deputy Clerks, nine Court Clerks and a Secretary. In January, 2010, a grant was awarded which provided for the addition of another Court Clerk to concentrate on domestic-violence-related cases. Overall responsibility for management of the office rests with the Clerk of Courts and the Chief Deputy Clerk. The organization of the office is depicted in Figure 1.

The Office is organized into five units: real estate, civil, criminal, bookkeeping, and jury/auxiliary services. A brief summary of each unit's area of responsibility and the current staffing assigned to each follows. A detailed explanation of the work processes involved for each unit can be found later in the report.

- Real Estate – This unit consists of a Deputy Clerk and two Court Clerks who are responsible for processing and maintaining all real estate deeds and plats, property liens, Uniform Commercial Code liens, and Hospital liens. At the beginning of FY10 there was a fourth position in the real estate unit, which was transferred to the criminal unit.
- Civil – At the beginning of FY10, the civil unit was staffed with four Court Clerks who process court actions related to civil matters such as child support cases, divorce cases, and Temporary Protective Orders (TPOs). In January, 2010, a grant award partially funded an additional Court Clerk position to handle domestic-violence-related case processing, bringing the staffing level in the civil unit to five. It is anticipated that this position will also assist the criminal unit with “fast-track” domestic violence cases.

**Figure 1: Organizational Chart for the Office of the Clerk of Courts**



\*Position funded from a grant awarded in January, 2010

- **Criminal** – The criminal unit records and processes all court actions filed in criminal cases under the jurisdiction of Superior and State Courts. At the beginning of FY10 there were two Deputy Court Clerks and two Court Clerks in the criminal unit. In the fall of 2009 a Court Clerk position was transferred from the real estate unit to the criminal unit.
- **Bookkeeping** – Bookkeeping consists of a Senior Deputy Clerk who balances the cash drawer and prepares the deposit for all of the preceding day’s drawer receipts. Bookkeeping is also responsible for the disbursement of all garnishments, refunding of bond payments, and remittance of surcharges to the appropriate fund such as the Law Library, Sheriff’s Retirement Fund, and the Peace Officer’s Indigent Defense Fund. This Senior Deputy Clerk serves as ‘floor supervisor’ to the clerks in the civil unit when not in court.
- **Jury/Auxiliary** – The jury/auxiliary services unit is responsible for coordinating the jury selection process, daily payment of jurors when a jury trial is being held or the Grand Jury is in session, and managing the off-site storage of closed case files. The

unit is staffed with a Senior Deputy Clerk and a Secretary, who acts as the office receptionist. This Senior Deputy Clerk serves as ‘floor supervisor’ to the clerks in the criminal unit when not in court.

Only the Clerk of Courts, the Chief Deputy Clerk, the Senior Deputy Court Clerks, and the Deputy Court Clerks attend court proceedings. On a monthly basis three of these positions are each assigned to one of the three Superior Court judges and one is assigned to both of the State Court judges to attend court proceedings.

## **II. WORK LOAD ANALYSIS**

### **A. OVERVIEW**

The work load for the Clerk of Courts' Office was analyzed in two parts. First, the time and effort required to record and index records in the real estate unit was examined. Second, the work load for processing civil and criminal cases was studied.

When reviewing the work load statistics that follow, it is important to recognize that they do not form a complete picture of the work required by the staff in the Clerk of Courts' Office. There are a number of other issues that require staff attention during the day.

#### *Work Environment and Facilities*

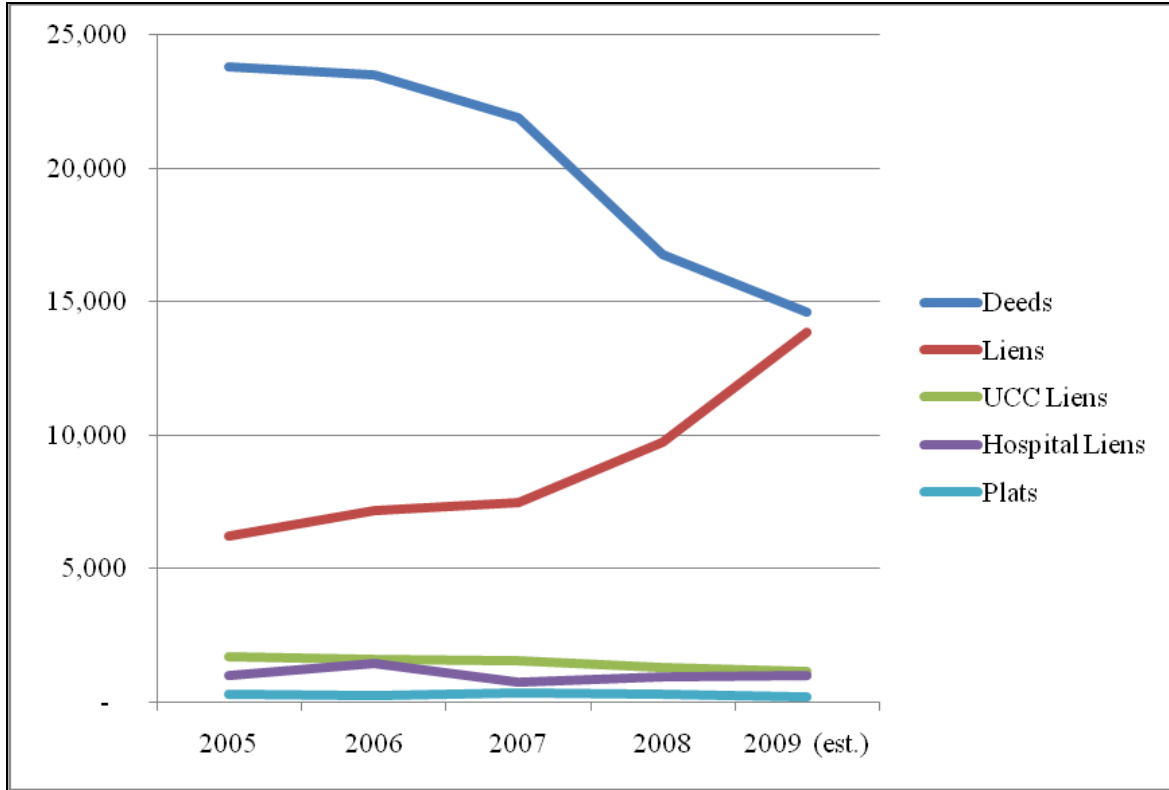
Walk-in customers and phone calls occupy a significant portion of the daily work load activities. The Clerk of Courts' Office has both internal and external customers and may have several people at the counter at any one time. It was observed during the course of the audit that the open counter configuration and lack of private work spaces for the Deputy Clerks and Court Clerks meant walk-in customers or other issues created significant disturbances and distractions for all of the staff, not just the staff member(s) responding to an inquiry. Additionally, some internal customers entered the area behind the work counter without waiting for assistance from staff.

The work environment is also impacted by the lack of space available for file storage in the Clerk of Courts' Office. Changes in policies in the Central Services Department have meant that it takes additional time to get boxes of files moved off-site. Plus, limited space in the Courthouse's records room has put additional strain on storage space in the Clerk of Courts' Office. The conference room is currently being used for file storage, limiting its availability for staff use.

### **B. REAL ESTATE UNIT**

Figure 2 depicts the change in work load for the real estate unit since 2005. The overall volume of documents filed with the Clerk of Courts' Office is projected to decline by approximately 6.7%, from 32,995 in 2005 to an estimated 30,789 in 2009. Uniform Commercial Code (UCC) liens, hospital liens, and plats filed with the Clerk of Courts' Office have remained relatively constant in terms of the overall documents processed in any given year. They accounted for approximately 9% of the documents filed in 2005 whereas they are projected to account for approximately 7.5% in 2009.

**Figure 2: Real Estate Filings 2005 - 2009 (projected)**



The most notable change in the unit's work load has occurred in terms of deeds and liens. Since 2005 there has been a marked decline in the number of deeds processed and a marked increase in the number of liens filed. Deed filings have decreased by an estimated 38%, from 23,801 in 2005 to less than 15,000 in 2009. However, lien filings have increased from 6,206 in 2005 to an estimated 13,852 in 2009, an increase of more than 120%.

The change in the volume of deed and lien filings directly impacts the staffing requirement for the real estate unit. Typically, deeds are multiple pages and can involve multiple parties such as sellers, buyers, and lending agencies. They generally require more time to process, scan, and index than a lien, which can be only a single page and only two parties. All documents are indexed by the real estate unit except for UCC liens. The estimated time to index a document depends on the type. Assuming there are no interruptions from walk-in traffic or phone calls, a simple one page lien may take less than a minute to index and a multi-page deed two to five minutes.

Table 1 depicts the estimated number of staff hours required to index the deeds, liens, hospital liens, and plats for 2009. The maximum amount of time to index a deed was estimated at five minutes and the maximum amount of time to index a hospital lien or plat was estimated at two minutes. The maximum amount of time to index a lien was also estimated at two minutes. However, the majority of the liens are a single page and require a minute or less to index according to staff estimates and work observations. Assuming that half the liens require one

minute to index and the remaining liens require two minutes to index, the total time required for indexing liens would be 20,775 minutes and the total time to index all documents would be approximately 96,255 minutes, which is equivalent to 1,604 staff hours.

**Table 1: Estimated Staff Hours Required for Indexing**

2009 Estimated Documents	Estimated Number	Time per Document to Index (est.)	Total Time (est.)
Deeds	14,600	5 minutes	73,000 minutes
Hospital Liens, Plats	1,240	2 minutes	2,480 minutes
Liens	13,850	1 to 2 minutes	20,775 minutes
Total Documents	29,690	Total Minutes	96,255 minutes
		Total Hours	1,604 hours

In order to accommodate 1,604 staff hours slightly more than one full-time equivalent employee would be required. Table 2 depicts the estimated number of staff hours available for a full-time employee with five to 10 years of service, assuming that the employee took every available hour of sick leave and vacation leave during a year and devoted three days for training. The estimate of available hours also assumes that approximately one hour per day is devoted to non-indexing activity. Based on these assumptions, only 1,561 staff hours would be available, which would require approximately 43 additional hours.

The salary and benefit cost of a Deputy Clerk position paid at the mid-point of the position's pay grade is \$48,853 annually. Assuming that overtime had to be used to accommodate the deficit in staff hours, the cost for 43 hours of overtime would be approximately \$1,515. Hence the estimated salary, benefit, and overtime costs to have a single employee dedicated to indexing documents processed by the real estate unit would be approximately \$50,368.

The anticipated cost to contract with a private vendor to perform the indexing function of the real estate unit is \$2.50 per document indexed. Assuming there are 29,690 documents to be indexed during a year as projected by current trends, the cost to privatize the function would be \$74,225 or an estimated \$23,857 more than keeping the function in-house.

**Table 2: Estimated Available Staff Hours for a Full-Time Employee**

	Hours
Total Annual Hours For One Full-Time Employee (FTE)	2,080
Less Holiday Hours	-80
Less Vacation Leave	-96
Less Sick Leave	-96
Less Training	-24
Less Admin. @ One Hour per Day	-223
Total Hours Available for One FTE	1,561

### **C. CIVIL AND CRIMINAL UNITS**

There are numerous steps performed by the Clerk of Courts' Office in the processing of a criminal case. The length of time from the initiation of a case to final disposition can take years and involve multiple court proceedings. In between processing steps, case files are placed in case number order on one of the "pending walls," which is a set of open filing shelves. One is located near the civil unit staff, where civil case files are kept, and one is located near the criminal unit staff, where criminal case files are kept. This way a file can be easily located when it is requested by a judge's office or when new paperwork on the case is received. Depending on what happens with a case, it may cycle onto and off of one of the pending walls multiple times before the case is disposed of.

The time required to process a civil or criminal case (receive it, docket the information, scan documents into the case management system, and perform any additional required steps) varies greatly depending on the type of case and the actions that the attorneys or judge may take. For example, in a criminal case, if a defendant cannot be located for arrest, the case will remain on the criminal unit's pending wall until such time as the defendant is located.

There are three primary indicators for civil and criminal case work load for the Clerk of Courts' Office:

- (1) the number of total new case filings during a calendar year
- (2) the number of case dispositions during a calendar year
- (3) the number of cases that are pending at the beginning of a new year



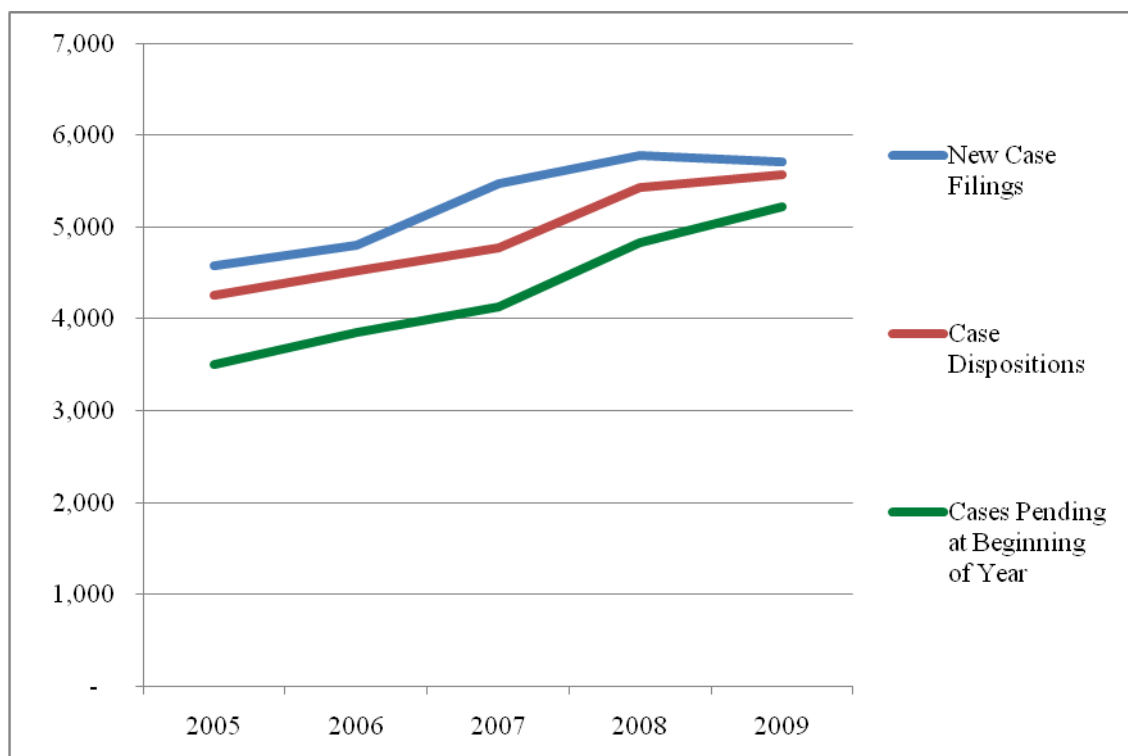
New case filings refer to cases that are opened during a calendar year. Case dispositions pertain to those cases that came to a judicial conclusion during the year. Cases active at the beginning of a new year refer to cases where an accusation or indictment was filed at some point during the previous year or in an earlier year.

### *Superior Court*

Figure 3 summarizes the number of new case filings, the case dispositions and the number of active cases pending on Superior Court's docket at the beginning of each year from 2005 and estimated through 2009. Since 2005 the total new case filings has increased by approximately 25% from 4,583 in 2005 to 5,716 in 2009. However, the number of new Superior Court case filings is largely the result of civil cases, which saw an increase of nearly 41% during the five-year period, from 2,359 to 3,322, and probation revocations, which increased from 974 cases in 2005 to 1,091 cases in 2009, or 12%. The number of new felony case filings increased by approximately 4%, from 1,250 to 1,303.

The number of Superior Court cases disposed from 2005 to 2009 increased by an estimated 31%, from 4,262 to 5,567. However, the indicator that experienced the most dramatic increase was the number of cases pending at the beginning of each year. In 2005 there were 3,500 active cases at the beginning of the year compared to 5,226 in 2009, a 49% increase.

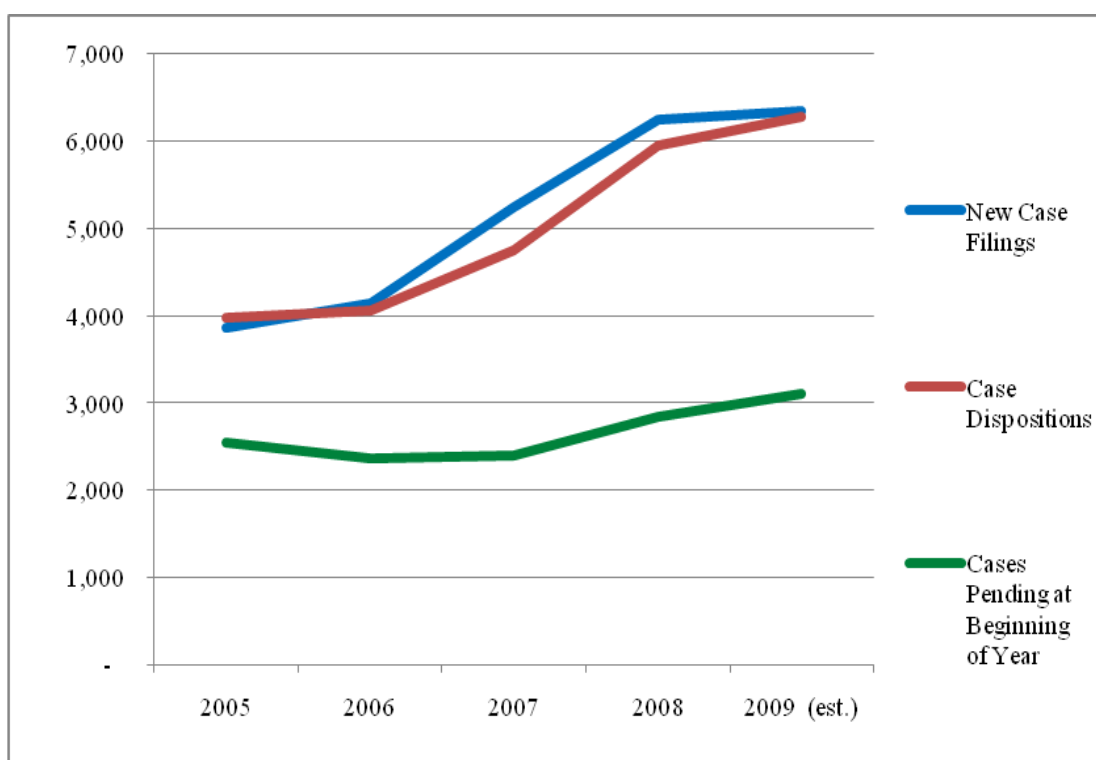
**Figure 3: Clerk of Courts' Office Work Load Indicators – Superior Court 2005 – 2009**



### State Court

Case work load for the Clerk of Courts' Office has experienced similar increases for State Court. New case filings have increased by an estimated 65% since 2005 in State Court, from 3,869 in 2005 to an estimated 6,382 in 2009. The number of cases disposed during a year increased approximately 56%, from 3,983 in 2005 to approximately 6,220 in 2009. The number of pending cases at the beginning of a year increased from 2,546 in 2005 to an estimated 3,110 in 2009, or 22%. Figure 4 summarizes the number of new case filings, the case dispositions, and the number of cases pending on the State Court's docket at the beginning of each year from 2005 and estimated through 2009.

**Figure 4: Clerk of Courts' Office Work Load Indicators – State Court 2005 – 2009 Estimated<sup>1</sup>**



<sup>1</sup> Clerk of Courts' Office work load indicators for State Court civil cases are based on 11 months of data.

### **III. REAL ESTATE UNIT**

#### **A. DOCUMENTS FILED**

The real estate unit is responsible for processing and maintaining five distinct types of documents: deeds, liens, Uniform Commercial Code (UCC) liens, hospital liens, and plats. Each type is docketed and indexed so that they can be researched by the public. Electronic copies of all documents are produced by the Clerk of Courts' Office, which transmits them to a private vendor for conversion to microfiche, a copy of which is transmitted to the Georgia Secretary of State's Office. The documents must be maintained in perpetuity in both hard copy and on microfiche in the Clerk of Courts' Office. Each of these types of documents is discussed below.

DEEDS - The two most common types of deeds are warranty deeds and security deeds. A warranty deed is issued when the title to a piece of property is transferred from one party to another. A transfer tax in the amount of \$1.00 per \$1,000 value of the property is collected. For example, someone purchasing a home for \$200,000 would pay a transfer tax of \$200.

A security deed is issued when money is borrowed on property. An intangible recording tax in the amount of \$3 per \$1,000 of the amount borrowed over the original amount is collected. For example, someone purchasing a home for \$150,000 would pay an intangible tax of \$450. If that same person later refinances the home for \$175,000, they would pay an intangible tax on the difference between the amount refinanced and the original purchase price, or \$75. If the security deed is for a short-term note of less than three years, there is no intangible tax owed.

Both the transfer taxes and intangible recording taxes are allocated to Athens-Clarke County, the Clarke County Board of Education, and the State of Georgia based on the millage rate adopted by each. The cities of Winterville and Bogart and the Athens Downtown Development Authority also receive a portion of the taxes if the property being transferred or financed is within their jurisdictions. No taxes are collected on foreclosures.

LIENS - A lien may be filed against an individual as a means to collect a debt. Frequently, the lien is attached to a party's property. If the property is sold or transferred to another party, the lien must be satisfied.

HOSPITAL LIENS - A hospital lien may be filed by a hospital or nursing home to recover amounts owed for the provision of medical services, usually when a person is anticipating a settlement from a third party resulting from an injury. Hospital liens are filed in both the county where the hospital is located and the county where the person lives.

UNIFORM COMMERCIAL CODE (UCC) LIENS - The Uniform Commercial Code (UCC) is a set of laws that has been adopted by most states to cover routine business transactions such as the sale of goods. A UCC lien may be filed in any county in Georgia, regardless

of where the parties are located. The equipment or inventory the lien is attached to cannot be sold to a third party unless the lien is satisfied. UCC liens are docketed by the Clerk of Courts' Office but are indexed by the Georgia Superior Court Clerks Cooperative Authority (GSCCCA).

**PLATS** - Whenever the legal boundary of a parcel of land is changed, a plat must be recorded with the Clerk of Courts' Office indicating the geographic dimension of the new parcel(s). Most often plats are associated with the subdivision of land. However, if two adjoining parcels are combined, a combination plat must be recorded indicating the geographic dimensions of the new single parcel.

To offset the cost associated with recording and maintain the documents, state law requires the collection of filing fees, which vary depending on the type of document filed. Fifty cents of the fees collected for all documents must be remitted to the Georgia Superior Court Clerks Retirement Fund and \$5.00 of the fees collected for deeds and UCC liens must be remitted to the GSCCCA. The balance of the fees is allocated to the ACC General Fund. In FY09 ACC received \$247,631 in filing fees.

The filing fees for deeds and UCC liens are \$10.00 for the first page and \$2.00 for each additional page. The fees for liens and hospital liens are \$5.00 for the first page and \$2.00 for each additional page. There is an \$8.00 fee per page for recording plats. For deeds, liens, and hospital liens, there is also a \$2.00 charge for each cross-referenced document. However, this charge is prohibited by law on UCC liens.

## **B. DOCUMENT PROCESSING**

### *Recording of Documents*

Documents are accepted by mail or in person. All documents are stamped as received with the date and time and payment is required for processing to begin. Payment is receipted and is entered into the office's case management system along with the required information for each deed, lien, UCC lien, hospital lien, and plat. A book and page number are automatically assigned to each document. All of a document's pages are inserted into a validating machine, which stamps the book and page numbers as well as the time and date that the document was recorded.

Each clerk in the real estate division has a desk-top scanner that accommodates documents up to 8 ½" x 14" as well as access to a shared scanner that will accommodate documents up to 11" x 17". Plats that are larger than 11"x17" are sent to a private vendor, ICON™, twice per month for scanning. The vendor scans the documents directly into the associated document's case management system file and returns the documents to the Clerk of Courts' Office for indexing. No documents larger than 17" x 24" are accepted.

The Senior Deputy Clerk over bookkeeping reviews all scanned documents to ensure their accuracy. The review includes verifying that all pages were scanned in the appropriate order, that the size is correct, that the document is legible, and that any notary or other stamps are visible.

### *Indexing*

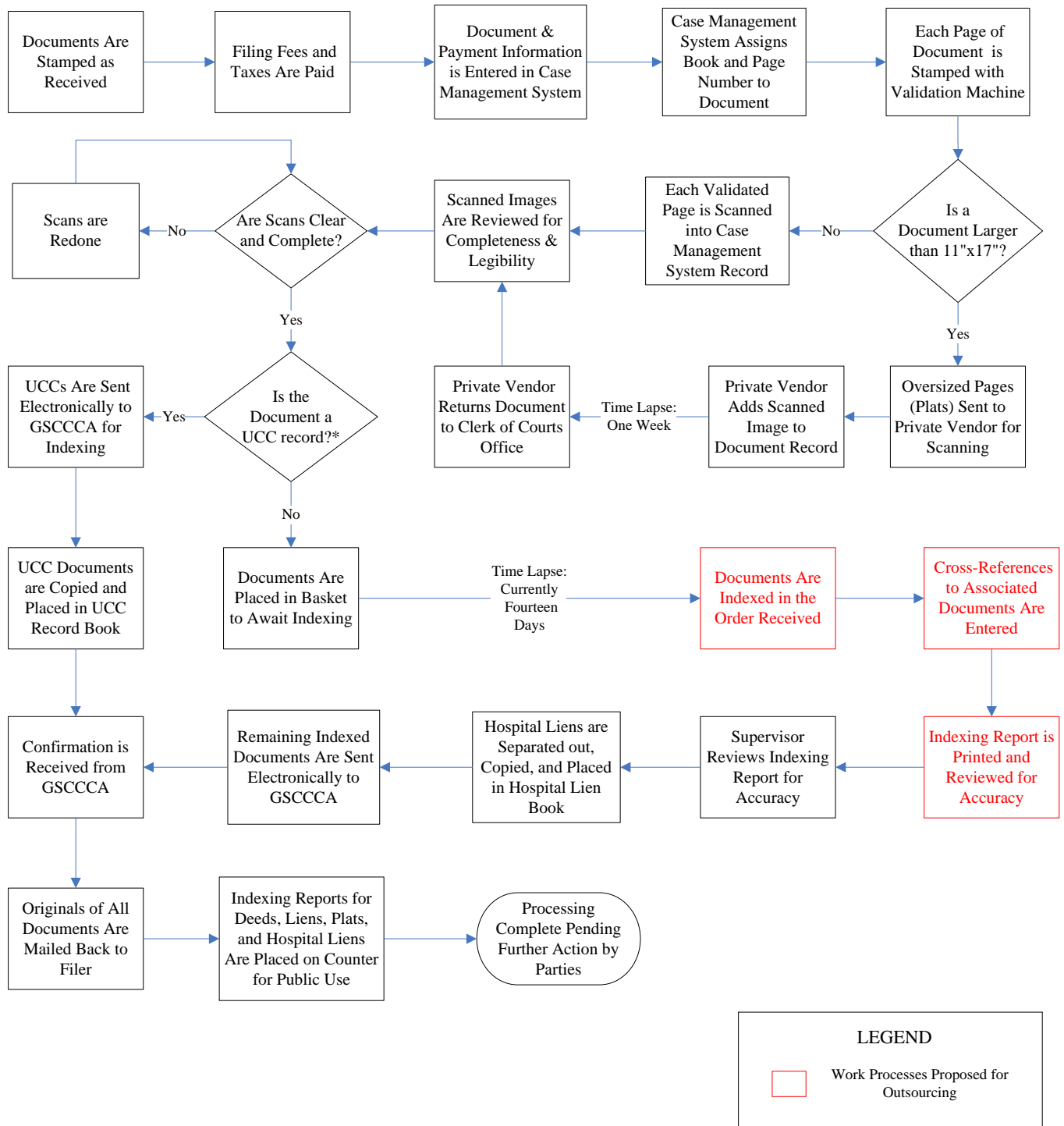
Validated and scanned documents are indexed according to strict GSCCCA standards. The indexing of scanned documents is approximately 14 days behind. The amount of time required to index a document depends on the amount of information that must be entered. For example, a simple lien may take 30 seconds to one minute while a security deed consisting of multiple pages may take two to five minutes to index.

Typically, documents are indexed using a two-sided screen. One side of the screen displays the scanned document while the other side of the screen has blank fields that must be populated with the information required to create an index of each document. The index is based on the grantor and grantee names but will generally include additional information such as the physical property address, lot number, block, subdivision name and other information pertinent to the type of document being indexed.

When a document has been indexed a verification report is printed and a second clerk verifies that the information is correct. If the index is correct, it is transmitted to the GSCCCA. Once a transmittal acceptance has been received from the GSCCCA the original documents are sent back to the filer and a copy is sent to the relevant parties. Index reports are printed out as mandated by state law and eventually placed in labeled books in the real estate records area. Reports not yet in a book are placed on the counter in the real estate area for public viewing.

Figure 5 provides an overview of the steps involved in the receipt, entry, validation, and indexing of these documents. From work observations and interviews, the indexing function, depicted in red on the figure, appears to represent only a small portion of the work involved in processing a document.

**Figure 5: Real Estate Unit Document Process**



\*If the filer specifically requests it, a UCC may be filed and processed as a lien.

## **IV. CIVIL UNIT**

### **A. OVERVIEW**

The civil unit is responsible for processing over 20 different kinds of civil cases and proceedings. Some of the most common case types involve issues regarding contracts or accounts, dispossessory actions, child support, or post-judgment garnishments. Since 2005, new civil case filings have increased by approximately 38%, from 3,313 to an estimated 4,731 in 2009.

Civil cases can take years to be fully adjudicated and may eventually be dismissed if no action ever happens after a complaint is filed or if proof of service is not obtained. Even after disposition, a complaint can be filed again depending on the judge's ruling. Case files are required to be kept on-site for seven years and then may be transferred to off-site storage.

### **B. FILING A CASE IN CIVIL COURT**

Most civil cases can be filed in either Superior or State Court. However, all adoption, divorce, child support, name change, Temporary Protective Orders (TPOs), and real property dispute cases must be filed in Superior Court. Individuals may file civil complaints *pro se*, without an attorney, or may have an attorney file the case on their behalf. Every civil case requires that every party involved be served notice of the complaint or that the recipient waive the right to be served. Proof of service must be obtained and added to the civil case file.

The filing fee is \$80 in both Superior and State Courts. In addition, a \$25 fee is assessed to the plaintiff for each party that must be served. If service is required to a party outside of Athens-Clarke County, the plaintiff is instructed to write a check to the appropriate county and the Clerk of Courts' Office sends it and the request for service to the appropriate authority of that county. After the papers are served, that county returns the proof of service to the Clerk of Courts' Office for entry into the case management system.

Once a case is filed, no additional fees are assessed on a case unless a served defendant fails to answer within the specified time. If this happens, the defendant will be assessed the filing and service fees and the complainant may request a refund of the original filing and service fees. State and federal government agencies don't pay filing fees upfront. If the agency loses the case, it will be charged filing fees but if it wins the case, the fees will be charged to the defendant.

### **C. CASE PROCESSING**

The time required to process a civil case (receipt it, enter information in the record, perform any additional required steps) varies greatly depending on the type and complexity of a case. The Clerk of Courts' Office staff estimates that some civil cases may require four or more hours to process. Figure 6 shows the basic work process for civil cases in Superior and State Courts.

Upon receipt of a filing, the documents are stamped as received and then placed in a case folder for processing. There is currently a six-day delay from when a filing is received and when a clerk opens a case in the case management system.

Service papers are processed when a case is opened, unless a *pro se* filer or plaintiff's attorney requests that service be held until the *rule nisi* (grant for a hearing) is issued by the presiding judge and returned to the civil unit with a hearing date. This allows all of the relevant parties to be served at one time. There must be either acknowledgement of service or a waiver of service from all parties in order for a case to move forward. The courts will occasionally have 'no service calendar' days when cases that have no proper proof of service will be dismissed.

Cases are assigned to judges on a rotating basis in accordance with Uniform Superior Court Rules 3.1 and 3.2. If immediate judicial action is required, the case file is sent to the assigned judge's office. All other cases are placed on the pending wall. A case is considered open and actions may be filed until the case is dismissed or a final judgment is issued by the presiding judge.

When docketing new proceedings, the paperwork isn't immediately filed with the case file on the pending wall. Each clerk puts their completed paperwork in a 'to be filed' stack. Filing of the docketed proceedings into the case files takes place in the order in which they were received as time allows. Once a case is resolved a court clerk will enter the relevant information into the case management system and close out the case.

### *Garnishments*

In the state of Georgia a plaintiff who has received a money judgment against a defendant is entitled to recover those funds through the process of garnishment. The plaintiff must file an affidavit, which includes information on the judgment, including the case number, with the Clerk of Courts' Office. The Clerk of Courts' Office issues a summons of garnishment to the defendant's employer (the garnishee) that is valid for 195 days.

The garnishee must be served personally by the Sheriff's Office, while the defendant is notified by certified mail. If the garnishee fails to respond to the garnishment notice within 45 days they assume responsibility for the judgment.

A defendant may challenge a garnishment by requesting a traverse hearing before a judge. If the defendant fails to challenge a garnishment order, or has their challenge denied, the Clerk of Courts' Office will distribute answer forms to the garnishee. These forms must be processed and returned to the Clerk of Courts' Office each pay-period within the 195 day garnishment period until the balance of the judgment is paid in full. If a balance is owed after the 195 day period the plaintiff must file a new garnishment action with the Clerk of Courts' Office.

Garnishments are disbursed once per week by the Senior Deputy Clerk over bookkeeping, typically on Friday. Generally there are between 20 to 40 checks disbursed per week which,



combined with processing new garnishment requests, requires significant administrative activity on the part of the Senior Deputy Clerk and other Clerk of Courts' Office staff.

### *Temporary Protective Orders (TPO) and Emergency Hearings*

A Temporary Protective Order (TPO) is filed in the Clerk of Courts' Office when a party feels that there is a threat of danger from a second party. A TPO must be filed in the county where the person being filed against resides. There is no charge to file a TPO.

When a TPO is filed, it is treated as an emergency by Clerk of Courts' Office staff. The complainant is worked into a Superior Court judge's schedule that same day. If the presiding judge grants the protective order, the complainant returns to the Clerk of Court's Office afterwards so that the documents can be prepared for service of the order. The order contains the hearing date on which the defendant must appear to answer to the order.

A staff member will escort the complainant to the Sheriff's Office so that the service of the order can be initiated. A copy of the TPO is faxed to the ACC Police Department in case a call is fielded that may be a violation of the order. In addition, the TPO information is immediately transmitted to the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA), which is the custodian of the Georgia Bureau of Investigations' (GBI) Protective Order Registry. The GBI will make the protective order available for search statewide by law enforcement and judicial agencies.

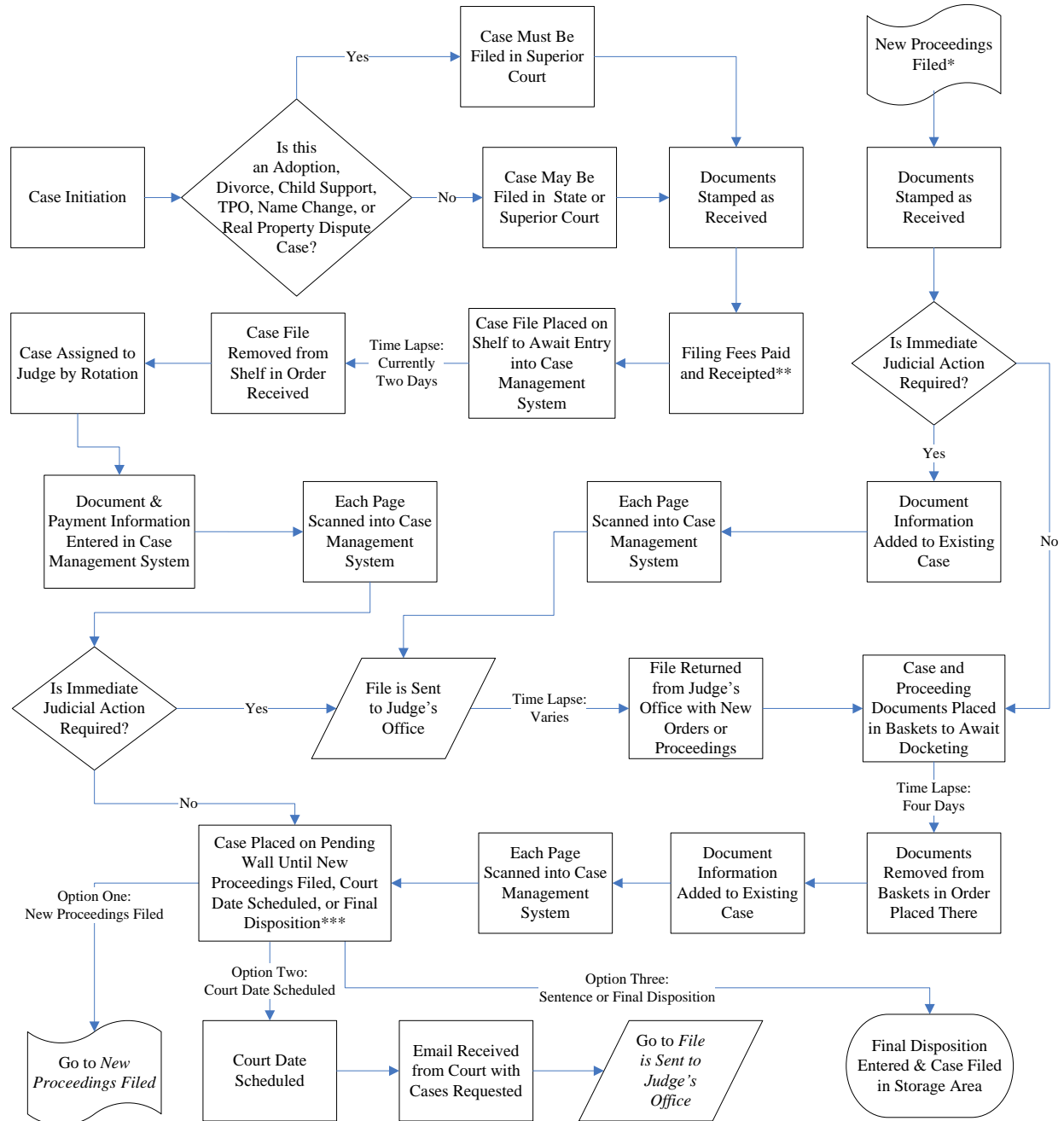
### *Divorce Cases*

In 2009 the civil unit disposed of approximately 336 divorce/annulment cases. State law requires the Clerk of Courts' Office to compile and send a report to the Vital Records Division of the Georgia Department of Human Resources (DHR) of all divorces/annulments on a monthly basis. The current work load of the division has sometimes resulted in a delay of over a month in the compilation and transmission of the report.

### *Filing of Partnership Agreements and Trade Names*

Business partnerships and trade names must be recorded in the Clerk of Courts' Office civil unit. They are considered a recordation rather than a filing and are handwritten records. No electronic or computerized version exists. Filing a business partnership costs \$80 for the first filing and \$80 for any changes or amendments to an existing filing. Trade names cost \$30 to file and the person filing is responsible for first checking the hand-written registers to ensure the name is not already in use. In 2009 there were two partnerships filed and approximately 140 trade names were filed.

### Figure 6: Civil Unit Case Process

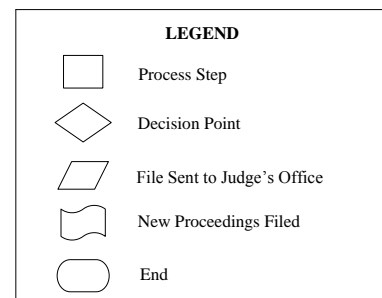


\*Proceedings documents can be added to the case multiple times and any time while the case is active.

**\*\*Plaintiffs that are government agencies are not required to pay filing fees upfront. They will be billed when the case is disposed of. If the payment was received by mail, it will not be receipted until payment information is entered into the case management system.**

\*\*\*After a period of several years, if activity on case has ceased it will be dismissed by the court

Note: Service documents will be prepared and sent to Sheriff's Office at the appropriate time depending on the type of case and proceedings filed



## V. CRIMINAL UNIT

### A. OVERVIEW

The criminal unit is responsible for processing all criminal cases that are under the jurisdiction of Superior and State Courts. The primary responsibilities of the criminal unit are to ensure that criminal cases are docketed in time to issue the official court calendar(s), to maintain an accurate file of all criminal case proceedings, and to ensure that the disposition of cases are filed in accordance with state law.

#### *Staffing and Division of Work*

There are five clerks working in the criminal section, plus a Senior Deputy Clerk who also has responsibility for jury management. All criminal unit staff report to the Clerk of Courts and the Chief Deputy Clerk.

Unlike in the civil unit, cases and paperwork are not always processed on a first-in, first-out basis. Instead, each month two clerks are assigned to the State Court judges and the remaining three clerks are each assigned to a specific Superior Court judge. The clerks are responsible for processing all cases for their assigned judge(s). Exceptions are appeal cases, which are spread out to everyone regardless of judge assignment. The assignments rotate on a monthly basis. The clerks must prioritize their work so that the most pressing actions are handled first. For example, dispositions do not take the same priority as processing a new case where a defendant has yet to be arrested or has been arrested but is awaiting arraignment.

Walk-in customers are served by whoever responds first. All staff can accept payments for fines, fees, and court costs. Spanish-speaking customers can be a challenge since no one in the office speaks Spanish. Staff can contact the Solicitor General's Office, which has a Spanish-speaking staff member, and request assistance. However this is typically only done with the permission of the Clerk of Courts or the Chief Deputy Clerk.

#### *Assignment of Cases to Judges*

When a case is opened, a sequential case number is assigned. For State Court, odd case numbers go to one judge and even case numbers go to the other judge. For Superior Court, the case arrives from Magistrate Court with the judge assignment on the back of the warrant. The exception is when a case is outside of the jurisdiction of Magistrate Court. In these cases, the Chief Deputy Clerk assigns the case to the judges on a rotating basis in accordance with Uniform Superior Court Rules 3.1 and 3.2.

#### *Offender Based Tracking System (OBTS)*

Each offender booked into the jail is assigned an Offender Tracking Number (OTN) by the Georgia Crime Information Center (GCIC) when GCIC accepts the fingerprints taken at the jail during intake. The OTN is used by the Clerk of Courts' Office to print an Offender Based Tracking System (OBTS) form, which lists all charges associated with the arrest and booking of

a defendant. A case cannot be cleared with GCIC unless the disposition of each charge on the OBTS form is entered. It is estimated by Clerk's Office staff that as many as 20% of the case files received from the jail do not have the OTN number listed, which delays the entry of case file information.

### *Final Disposition of Cases*

Once a final disposition is adjudicated for a case, the case file and sentencing information is returned to the Clerk of Courts' Office. Sentences are sorted into baskets to await processing in order according to the day they were received back in the Clerk of Court's Office. The Clerk of Courts' Office has as a goal to have sentences entered within one week of receipt of the sentence. However, due to increasing work load this time frame has not been met in over two years. Currently, there is a 15 day delay from the disposition of a case to its entry into the case management system.

Sentences must be entered into the system by count in order to properly dispose of the case. For example, one count may have changed from its original charge by being reduced or dismissed. Fines, confinement, or probation may be assessed per count and must be entered to reflect the sentence accurately. The sentence form is completed with sentencing information, recorded on the docket and scanned into the computer file before the OBTS is given to the Clerk of Courts for transmission to the GCIC.

Additional actions may be required to dispose of a case. For example, a report may need to be sent to the state sex offender registry. Or, for DUIs, the sentence may include additional requirements such as:

- Issuing a notice of conviction in the legal organ where the defendant resides
- Processing paperwork for the order/installation of the Interlock breathalyzer device
- Paperwork for driver's license suspension
- Reporting driving convictions to the Department of Drivers Services

## **B. STATE COURT CASE PROCESSING**

### *Origin of Cases*

State Court criminal cases initially enter the Clerk of Courts' Office from three primary sources:

- They are transferred from Magistrate Court after a bond amount has been set or denied for a defendant

- They arrive as a citation that is required to be heard in State Court such as hunting without a license
- They are bound over from Municipal Court prior to arraignment in Municipal Court because a defendant requests a jury trial

The steps necessary to process a case vary depending on where the case originated. Figure 7 provides an overview of the different processes that may be involved in handling a State Court criminal case<sup>2</sup>.

Misdemeanor cases from Magistrate Court are stamped as received and placed in a temporary file where they await review by the Solicitor General's Office, which decides whether or not to file an accusation. Once an accusation is filed, a permanent case file is created.

Cases bound over from Municipal Court are placed on the next State Court arraignment calendar with notice given by Municipal Court staff. The case file is transferred to the Clerk of Courts' Office where it is stamped as received and a permanent case file is established.<sup>3</sup>

Citations under the jurisdiction of State Court that don't involve an arrest are forwarded directly to the Clerk of Courts' Office. All documentation related to the citation is placed in a temporary folder for review by the Solicitor General's Office. If the Solicitor General files an accusation, a permanent file is created.

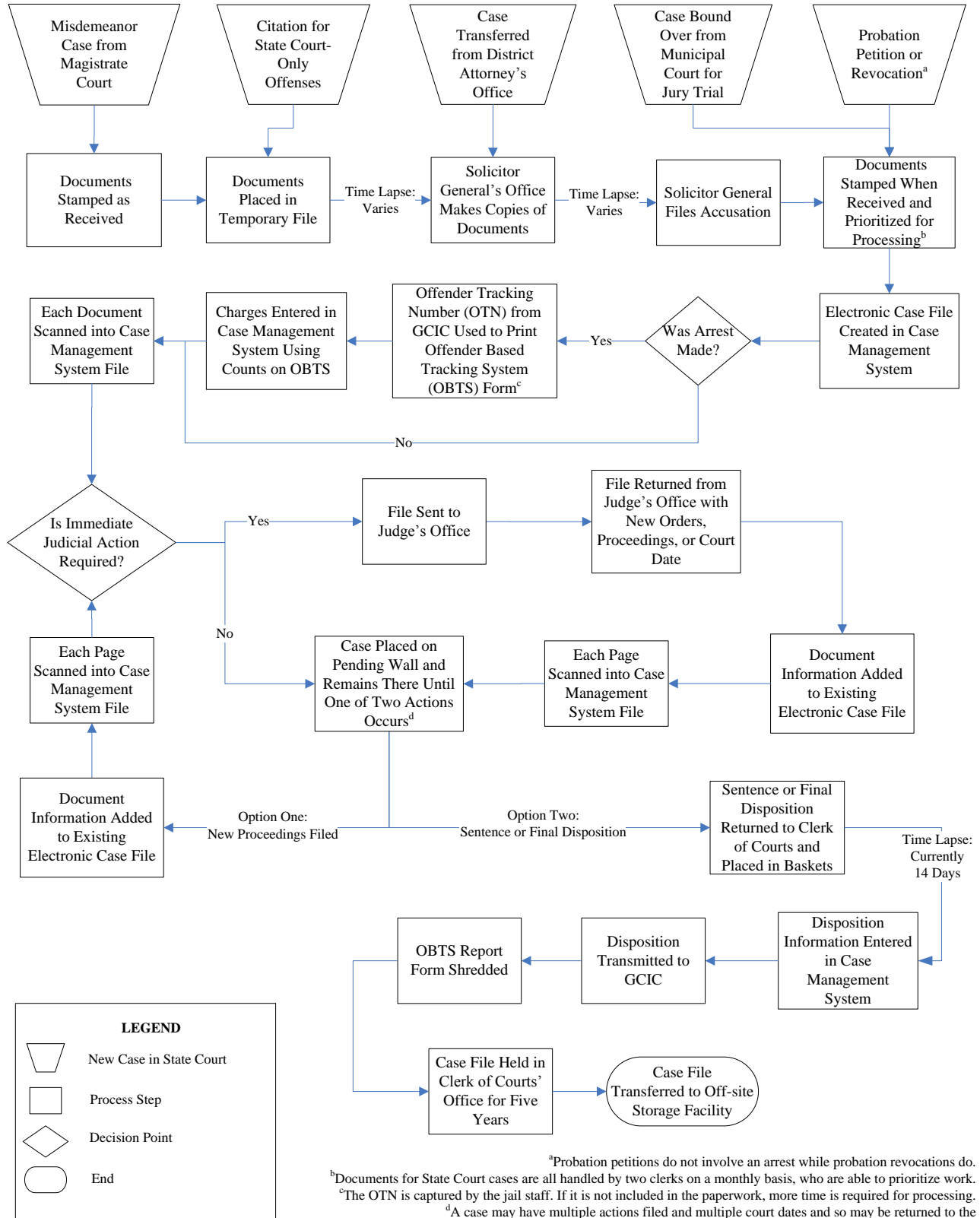
Regardless of the case's origin, all of the pertinent information from case documents is entered into the Clerk of Courts' Office case management system and the documents are scanned into the system after an accusation is filed. The information and documents entered and scanned into the system include items such as the arrest booking report, bond sheet, a copy of the arrest warrant, copies of the citation or accusation, charges listed on the OBTS form, and all motions filed on the case. Probation cases requiring immediate judicial action, such as a request for an arrest warrant, are forwarded to the judge's office. All other cases are placed on the "pending wall" in the criminal unit until new paperwork is filed, a court date is scheduled or there is a final disposition.

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<sup>2</sup> The flow of steps is similar for all cases, although additional steps are required when there is an arrest made. For a probation petition or violation case, the answer to the question "was an arrest made" refers to an arrest for the new probation violation, not for the original case for which the probation sentence was issued.

<sup>3</sup> The citation issued by arresting officers, "Georgia Uniform Traffic Citation, Summons and Accusation," serves as the accusation for most Municipal Court cases and doesn't require an accusation to be filed by the Solicitor General's Office. Two charges under the jurisdiction of Municipal Court where the citation does not serve as the accusation are possession of marijuana and shoplifting. Generally, other than for marijuana and shoplifting charges, the only times that the Solicitor General's Office files an accusation in Municipal Court are when a case is transferred from the District Attorney's Office to Municipal Court and when the Solicitor General's Office seeks to amend the charges in a case.

**Figure 7: Criminal Unit State Court Case Process**



## C. SUPERIOR COURT CRIMINAL CASE PROCESSING

The primary responsibility of the clerks assigned to Superior Court is to ensure that indictments and accusations are docketed in time to issue the official court calendar, the deadline for which is usually two to three weeks before the next scheduled court date. Figure 8 illustrates the main steps in the processing of Superior Court criminal cases.

### *Origin of Cases*

Superior Court criminal cases initially enter the Clerk of Courts' Office from three primary sources:

- An indictment by the Grand Jury
- An accusation filed by the District Attorney
- A probation petition or revocation case

In Superior Court, a defendant may or may not have been arrested prior to an indictment or accusation being filed. However, in every case except a probation petition or revocation, the defendant still must be formally accused by the District Attorney or indicted by the Grand Jury for a case to move forward. If that person cannot be located in order for a warrant to be served, a case could remain active for an extended period without any additional activity. Otherwise, the steps between arrest and disposition are the same as for State Court. After disposition, Superior Court cases have a major difference when a defendant is eligible for transfer to the state penal system. The Clerk of Courts' Office must play a role in this process.

### *Role of Clerk of Courts' Office in Prisoner Transfer*

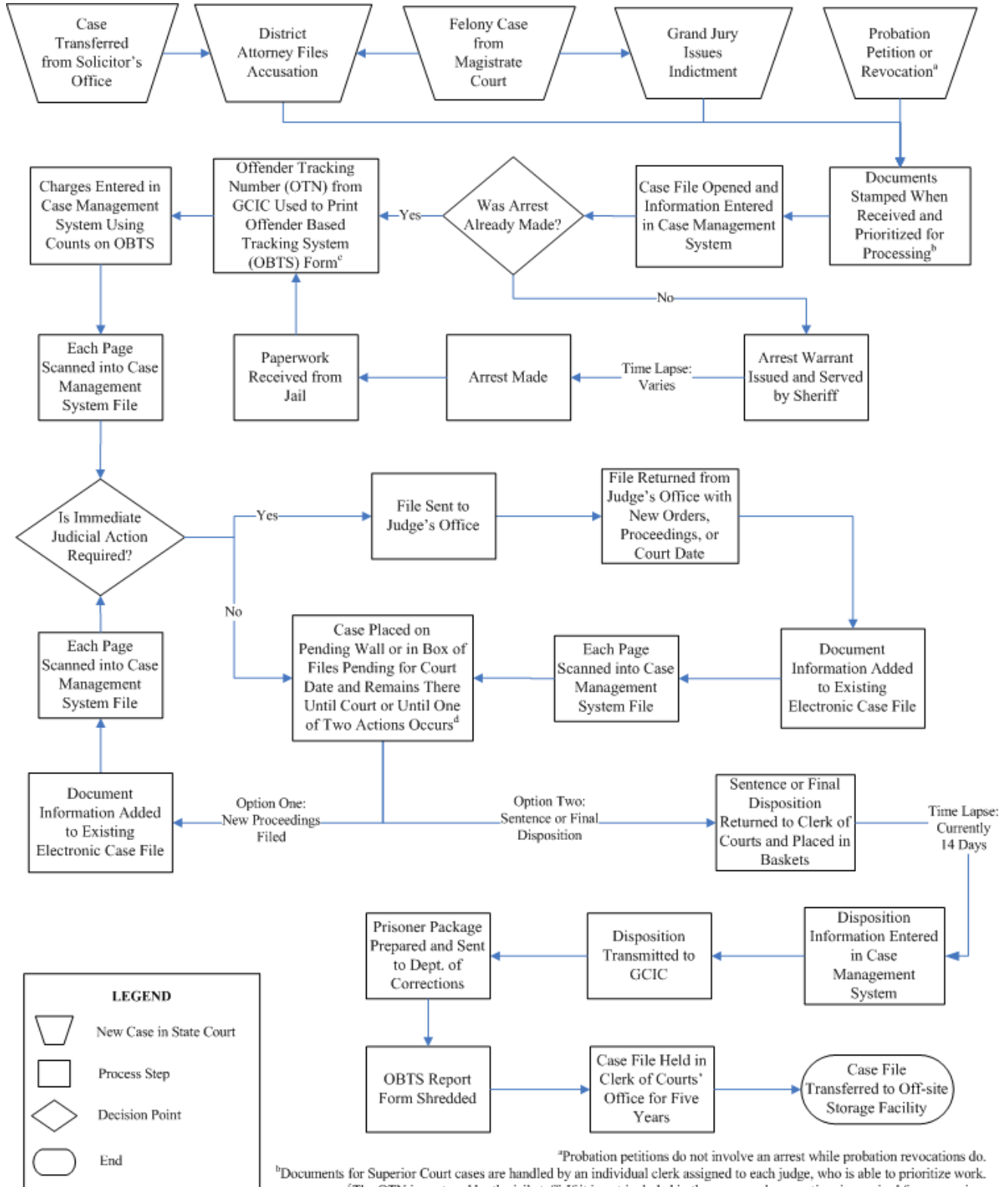
In 2009 an estimated 117 defendants were convicted of crimes in Athens-Clarke County that resulted in incarceration in a Georgia Department of Corrections facility (GDC).<sup>4</sup> Typically, such defendants are already inmates in the Clarke County Jail or are taken into custody at their sentencing to await transfer to a state facility.

In order to initiate a prisoner transfer, Jail personnel must forward a completed "Prisoners Personal History Sheet" to the Clerk of Courts' Office. The sheet includes the pertinent information about the prisoner as well as the case number and the dates the prisoner has been incarcerated at the Jail. See Appendix A for an example of a Prisoners Personal History Sheet.

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<sup>4</sup> Prisoner count based on 11 months of data from the ACC Sheriff's Office extrapolated to the 12<sup>th</sup> month.

**Figure 8: Criminal Unit Superior Court Case Process**





Once the Clerk of Courts' Office receives the Prisoners Personal History Sheet from the jail, it is date stamped and placed in a basket until the sentence can be processed and a "prisoner package" can be completed for submission to the GDC. The prisoner package includes the Prisoners Personal History Sheet, the sentencing form, and, if applicable, any other information related to sentencing such as a Memorandum of Plea Agreement or Petition to Enter a Guilty Plea. Two certified copies of the prisoner package are sent to the GDC. After the GDC accepts the prisoner package, the prisoner is eligible for transfer. The GDC compensates Athens-Clarke County \$22.25 per day until the prisoner is transferred to a state facility, though compensation from the state does not begin until 16 days after acceptance of the prisoner package.

Currently, approximately 15 days lapse from the Clerk of Courts' Office's receipt of the Prisoners Personal History Sheet from the ACC Jail to the processing of the disposition of a case and the completion of a "prisoner package" for submission to the GDC. It is estimated that prisoner case dispositions and "prisoner packages" could be processed more quickly if additional staffing resources were available in the Clerk of Courts' Office. Assuming that the prisoner packages could be completed in 48 hours rather than 15 days, approximately \$69,700 in cost for housing prisoners out-of-county potentially would have been avoided.<sup>5</sup>

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<sup>5</sup> Based on the cost of housing 117 prisoners out-of-county for 13 nights each, or a total of 1,521 nights, at a cost of \$45.85 per night.

## **VI. OTHER MAJOR FUNCTIONS**

There are three major functions that are not specific to a single unit within the Clerk of Courts' Office but that still take a significant portion of staff time. They are:

- Preparation and management of criminal court calendars
- Bookkeeping
- Jury/Auxiliary Services

### **A. COURT CALENDARS**

There are four types of criminal court calendars that are prepared and distributed each month for each Superior and State Court judge: an arraignment calendar, a jail call calendar (status calendar in Superior Court), a call calendar, and a trial calendar. The criminal calendars for the three Superior Court judges are prepared by the Chief Deputy Clerk. Based on information provided by the Clerk of Courts' Office, State Court staff prepare and distribute the call and trial calendars. Both Superior and State Court prepare and distribute their own civil court calendars.

#### *Calendars and the Criminal Unit*

The work flow in the criminal unit is centered on meeting the requirements of the judges' calendars. Each judge has their own preferences for the steps used in adjudicating a case. For example, in addition to arraignments, some judges may have a call calendar or attorney status date scheduled (Superior Court only) prior to the trial date. Calendars may go through multiple drafts before being approved by the corresponding judge.

A case is normally arraigned 30-45 days after it is docketed in the Clerk of Courts' Office. The actual date is determined by a host of factors including when the defendant was arrested, any delay by the defendant's attorney, and the needs of the Offices of the District Attorney or Solicitor General.

#### *State Court Criminal Calendars*

Arraignment dates for State Court are preset by the State Court Judge based on arrest date. Arraignments are held for three consecutive days, normally Tuesday through Thursday once per month. If the Solicitor General's Office isn't ready to move forward with the original arraignment date, the Clerk of Courts' Office is notified and the defendant is sent a notice of the new arraignment date. A case may be added to the docket the day of arraignment if the defendant waives his or her "formal notice period," which is five days, so that all pending charges against a defendant may be arraigned at the same appearance.

Jail Call is held every week on Wednesday or Thursday, except for the week of arraignments when it is held on Friday. Defendants arrested since the previous jail call have an opportunity to come before the assigned judge and request a reduction in bond or a release from jail. Call calendars are scheduled to provide defendants an opportunity to enter their plea agreement and to advise defendants who have no representation about obtaining an attorney. DUI and domestic violence cases are ‘fast track’ cases. They are heard on Fridays and usually within two weeks of arraignment.

### *Superior Court Criminal Calendars*

The Clerk of Courts’ Office is heavily involved in preparing and maintaining all calendars for the Superior Court judges. The process for preparing each calendar is labor intensive and requires a number of steps. Staff must:

- Sort through the boxes of pending cases and pull the files. For trial calendar or calendar calls, staff may have to search for the case file, which could be in the judge’s office
- Enter the hearing dates and docket the information in the case management system
- Generate the calendar in the case management system
- Print all notices
- Separate the notices into those that need a signature and those that do not
- Get notices signed that require it
- Make a copy of all signed notices
- Scan all notices into the appropriate files in the case management system
- Put a copy of the notices in the appropriate case file
- Separate notices into those that need to be mailed and those that don’t
- Batch the notices that are not mailed by the appropriate office (District Attorney’s Office, Solicitor General’s Office, Public Defender’s Office, etc.) and prepare for distribution
- Batch the notices that do get mailed by bondsmen and attorneys in order to save on postage
- Address, stuff, and mail envelopes

Superior Court judges do not generally schedule jail calls, but their “Status Calendar” serves a similar purpose and can help move defendants through the judicial system. Attorney status dates may be scheduled for Superior Court judges in order for the presiding judge to receive an update on the status of their pending cases. The judge may ask the parties in a case whether they are able to settle a case or whether they would like to proceed to trial.

## **B. BOOKKEEPING**

### *Receipting and Daily Deposit*

The Clerk of Courts’ Office uses one register drawer for receiving and receipting funds for all transactions. Payments of filing fees, copy and notary fees, and fines and surcharges are accepted via cash, credit cards, and money orders. Checks are accepted, but under limited

circumstances. For example, attorneys may use a check to pay filing costs, but their clients cannot use a check to pay any fines associated with a criminal conviction.

The receipts for each transaction are scanned into the correct case file and the funds are recorded in the receipting screen for the appropriate case. Second to the accounting software, a hand-written tally of payments is also maintained by the Senior Deputy Clerk in bookkeeping in the case file for judicial review. For transactions that are not related to a case, such as for payment for a copy of a deed, a receipt is generated and is included on the daily transaction report.

Each morning, a deposit for all of the preceding day's drawer receipts is prepared. A report is generated that lists all transactions and the total of cash, check, and credit card payments received. If there is a discrepancy between the register total and the drawer total the Senior Deputy Clerk will undertake an audit to determine the cause of the discrepancy. Deposits are kept in a secure location until they are deposited by the Clerk of Courts.

### *Surcharges & Remittances*

For each case, the Senior Deputy Clerk in bookkeeping prepares a spreadsheet to track fine payments and their allocation across multiple funds. Surcharges are assessed on the base fine depending on the type of charge and are distributed to entities and agencies as mandated by Georgia law. See Appendix B for a listing of recipients from the escrow fund. The base fine plus all surcharges will be the total fine due from the defendant. The Senior Deputy Clerk in bookkeeping completes a remittance form for each fund and then issues a check to each fund, which is sent with a copy of the remittance form.

### *Registry and Escrow Accounts*

The Clerk of Courts' Office maintains two bank accounts: a registry account and an escrow account. The registry account holds funds that have been paid to the court, but are due to another party. A court order is required to release these funds and the account may have a significant amount of carryover from month to month. The escrow account is the pass through account for the fines, fees, and surcharges collected and should have a zero balance at the end of each month. In FY10, \$420,000 is budgeted for ACC's general fund from this account.

The Clerk of Courts performs the bank reconciliation and enters the information into Quicken to help balance the escrow and registry accounts while the Chief Deputy Clerk prepares the general ledgers for the Finance Department each month and enters the information into the ACC Eden financial system. If the disbursement and intake columns are balanced, the Senior Deputy Clerk in bookkeeping issues the remittance checks.

As a check-and-balance mechanism, the registry account has a hand-written ledger with a page for each case showing deposits and disbursements. The information is entered in Quicken and the receipts for payments and for disbursements are docketed. Payment information is also hand-written on the judge's order and on the tally sheet in the case file. After five years, if nothing has

been filed in the case, the funds in the registry account for that case are turned over to the Unclaimed Funds Division of the Georgia Department of Revenue.

## **C. JURY/AUXILIARY SERVICES**

### *Jury Selection Management*

The Senior Deputy Clerk in Jury/Auxiliary Services coordinates the jury selection process for grand juries and traverse juries. The time required to seat a jury varies depending on what court the trial is being held in. Generally, multiple juries may be seated in one day for State Court trials while it may take an entire day to seat a jury for a Superior Court trial.

Two databases of eligible jurors are maintained and repopulated every two years. The grand jury pool contains approximately 2,000 names of eligible potential jurors while the traverse jury pool, from which eligible potentials jurors are selected for State and Superior Court trials, has approximately 28,000 names.

State law requires that a jury summons be sent 25 calendar days before a jury selection date. On average there are three traverse-jury weeks a month (the number of potential jurors varies) for Superior Court and three traverse-jury weeks a month (usually 100-125 potential jurors per week) for State Court. A grand jury is summoned every 12 weeks.

The traverse jury pool is particularly large because ACC has a large transient population and many of the summonses are returned. Based on state law and local judicial order, potential jurors may be temporarily or permanently deferred from service under limited circumstances. The Senior Deputy Clerk is present for the selection of Superior and State court jurors and prepares and distributes the service checks to jurors.

### *Auxiliary Services – Off-site Records Storage*

State law requires that most records under the custody of the Clerk of Courts' Office be retained in the courthouse after the conclusion of a case for a minimum of five years for criminal cases and a minimum of seven years for civil cases. At the end of the applicable retention period most records can be stored off-site provided an electronic or microfiche copy is available in the Clerk of Courts' Office. Space limitations in the Clerk of Courts' Office and in the records room of the courthouse resulted in the microfilming of case files as part of ACC's Space Allocation Project so that they could be stored off-site. Since 2002 case files have been electronically scanned and are easier to research than the microfiche records.

Currently, the Clerk of Courts' Office has 3,166 boxes of files stored at a storage facility operated by a private vendor. The storage cost is approximately \$9,000 annually and there is an additional charge for record retrieval. There are approximately 200 additional boxes of files in the Clerk of Courts' Office waiting to be scanned, processed and sent off-site as time allows.

Because of the cost and time associated with requests to retrieve hard copies of records dating prior to 2002 from the storage facility, the Clerk of Courts' Office has as a goal to create electronic versions of the most frequently requested records, those dating from 1992 to 2002.

## VII. RECOMMENDATIONS

### *Staffing*

- Return the staffing level in the real estate unit to four full-time positions<sup>6</sup> and retain the indexing function in-house.<sup>7</sup>
- Retain staffing levels in the criminal unit at five full-time positions and establish a 48-hour timeframe for having the disposition of criminal cases entered into the case management system and “prisoner packages” transmitted to the Georgia Department of Corrections.<sup>8</sup>
- Consider upgrading one position in the civil unit to a Deputy Court Clerk to increase the number of staff members that can serve in court.
- Consider requesting Spanish-language training for staff should time and budget allow.

### *Work Space*

- Reconfigure the Clerk of Courts’ Office to create an environment that minimizes work disruptions.
- Create a single point of contact for walk-in customers by redesigning the customer service counter to facilitate workflow.
- Create a private work space that an employee can use while indexing records in the real estate unit.

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<sup>6</sup> In September of 2009 a position from the real estate unit was reassigned to the criminal unit in anticipation of privatizing the real estate unit’s indexing function. This decreased the number of employees in the real estate unit from four to three and increased the number of employees in the criminal unit from four to five.

<sup>7</sup> The proposal to privatize the indexing function in the real estate unit assumed that two of the four positions assigned to the unit could be transferred to the criminal unit to help address the backlog in processing case files and case depositions. Analysis indicates that the real estate unit requires a minimum of three positions to operate even if indexing were outsourced. In addition, privatization of the indexing function would result in approximately \$72,000 annually in lost revenue for ACC, whereas the cost to provide the service in-house is estimated to be approximately \$50,000.

<sup>8</sup> The annual cost to implement this recommendation would be approximately \$37,200 in salary and benefits based on the FY10 work rate for a new Court Clerk position. However, \$69,700 in cost potentially could be avoided by not having to pay for 1,521 nights that an inmate was housed out-of-county based on 2009 estimates.

- Implement a system that limits the access of non-Clerk of Courts' Office employees to the area behind the customer service counter.

### *Operations*

- Request that the ACC Sheriff's Office coordinate with the Clerk of Courts' Office to reduce the number of Arrest/Booking Reports that are transmitted to the Clerk of Courts' Office without an Offender Tracking Number (OTN).
- Work with the Central Services Department to develop a records retention plan that will expedite the removal of processed case files from work areas that are not designed for records storage.



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## **APPENDIX A:**

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Facilitate Double-Sided Copying*

### PRISONERS PERSONAL HISTORY SHEET

To be **furnished** to the Georgia Department of Corrections, Atlanta, Ga, by Clerks of the Superior Court of the State of Georgia at the same time notice of sentence *is* furnished.

#### SENTENCE DATA:

From Superior Court of ATHENS County CLARKE Term 2010  
Name of Prisoner: \_\_\_\_\_

#### IDENTITY OF PRISONER NOTE: BOXED AREA MUST BE COMPLETED

Race: \_\_\_ Sex: \_\_\_ DOB: \_\_\_ SSN: \_\_\_ OTN: \_\_\_  
State any defects or medication required: FORM ATTACHED

Was subject picked up from Department of Corrections to answer these charges? Yes \_\_\_ No \_\_\_  
If yes, which Institution?  
From what jail can Department of Corrections assume custody of this subject? CLARKE COUNTY JAIL

FBI No. \_\_\_\_\_ S.I.D. No. \_\_\_\_\_ Finger Print: \_\_\_  
Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_ Distinguishing marks and scars: \_\_\_\_\_

Last home address? \_\_\_\_\_  
Marital Status: \_\_\_\_\_ Spouse's Name \_\_\_\_\_  
Name, Address, and relation of nearest relative or friend: \_\_\_\_\_

### AFFIDAVIT OF CUSTODIAN

I, the **undersigned** custodian of the defendant, do swear and affirm that the following is true and correct to the best of my knowledge.

Name of defendant: \_\_\_\_\_

was confined on case number(s) \_\_\_\_\_ on the following dates:

Entered _____	Departed _____	Reason _____
Entered _____	Departed _____	Reason _____
Entered _____	Departed _____	Reason _____

COMMENTS: SENTENCED

\_\_\_\_\_  
Custodian CLARKE Georgia  
County

I, the undersigned (Deputy) Clerk of the Superior State Court, in and for said county, do hereby **certify** that the above is a true and complete copy of the affidavit of custodian, a part of the official record of the trial of said defendant, as appears of record and from the minutes of said court.

Given under my official signature and the seal of said court this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_  
(Deputy) Clerk

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Facilitate Double-Sided Copying*

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## **APPENDIX B:**

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## ESCROW FUND

Fines and Fees receipted as inflows are distributed as outflows in next month. All funds are distributed to agencies as mandated by Georgia Law. Below are the descriptions of acronyms used in report and the agencies or entities the funds are distributed to.

IRS – INTERNAL REVENUE SERVICE  
ADR – ALTERNATIVE DISPUTE RESOLUTION PROGRAM  
BRAIN & SPINAL – BRAIN AND SPINAL TRUST FUND  
CHILDTRUST – CHILDREN'S TRUST FUND  
CIVIL IDF – INDIGENT DEFENSE FUND  
CLARKE COUNTY – CLARKE COUNTY GENERAL FUND  
CLERK RETIRE – GEORGIA SUPERIOR COURT CLERKS' RETIREMENT FUND  
CVEF – CRIME VICTIMS EMERGENCY FUND  
DEEDS – GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTH (GSCCCA)  
DETF – DRIVER EDUCATION TRAINING FUND  
INDIGENT DEFENSE FEE – PUBLIC DEFENDERS FUND (GSCCCA)  
INTANGIBLE TAX – INTANGIBLE RECORDING TAX PAID TO ENTITIES  
NOTARY PUBLIC – GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTH  
POAB FUND – PEACE OFFICERS ANNUITY AND BENEFIT FUND  
POPIDF – PUBLIC DEFENDERS INDIGENT DEFENSE FUND  
POPTF – PEACE OFFICERS AND PROSECUTORS TRAINING FUND (GSCCCA)  
SHERIFF RETIRE – GEORGIA SHERIFF'S RETIREMENT FUND  
TRANSFER TAX – RECORDING TRANSFER TAX PAID TO ENTITIES  
UCC – UNIFORM COMMERCIAL CODE FINANCING STATEMENTS (GSCCCA)

## REGISTRY FUND

The Court Registry account is a trust fund that the court uses to deposit the collections of garnishments, back rents, cash bonds, etc. These collections are from parties that the court orders and collects on the behalf of other parties. Receipts of this nature come from both Superior and State Courts. All monies are distributed by court order except garnishments, which can be distributed after 15 days upon request by plaintiff.

Source: ACC Clerk of Superior and State Courts' Office