

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Senior Judge Funding

DATE: April 9, 2021

BUDGET INFORMATION:

ANNUAL- \$10,000

CAPITAL-

(X) RECOMMENDATION

() POLICY DISCUSSION

() STATUS REPORT

() OTHER

COMMISSION ACTION REQUESTED ON: April 19, 2021

PURPOSE: Request approval of funding of senior judge expenses for superior court in the amount of \$10,000. This would allow each superior court judge to use 5 or 6 senior judge days for the remainder of the 2021 calendar year. The senior judge days would be scheduled to allow civil cases to be heard while Judge Caudell and Judge Smith are scheduled to be in criminal trial or court.

BACKGROUND / HISTORY: The Covid-19 pandemic has created many challenges for the judicial system. Throughout the pandemic, the Mountain Judicial Circuitry Courts have continued to operate using technology to hear cases virtually when they have not been able to do so in-person. When it has been possible to live court hearings, they have successfully done so using safety protocols developed with the assistance of the District Health Director. This has been accomplished with the consistent support and cooperation of the County Commission, the Sheriff, the District Attorney, the Public Defender and all the other stakeholders including the Clerks of Courts and their staff. Although the court has empaneled grand juries in each county, they have not been able to hold jury trials since the beginning of the pandemic. To address the resulting backlog of criminal cases, Judge Caudell and Judge Smith are focusing their efforts through the end of the calendar year primary on criminal matters, especially criminal jury trials. As a consequence, there are limited number of days available to hear civil cases such as divorce and custody matters.

Traditionally courts have had access to state funding to pay senior judges to assist with the business of the Superior Court. Senior judges are retired judges who qualify and have been appointed by the governor to hear cases. While the court has a greater need for this funding than every before, the funding for senior judges was substantially reduced in the state budget. Therefore, the superior court is requesting an allocation of \$10,000 for the Superior Court budget to be used to pay senior judge expenses throughout the end of the 2021 calendar year. This would allow each superior court judge to use 5 or 6 senior judge days in each county in the circuit. These days would be scheduled to allow cases to be heard when Judge Caudell and Judge Smith are scheduled to be in trial or court.

FACTS AND ISSUES:

- 1) The Covid-19 pandemic has created many challenges for the judicial system. Throughout the pandemic, our judicial circuit has continued to operate using technology to hear individual cases when in-person court was not possible.
 - 2) judge Caudell and Judge Smith are focusing their efforts through the end of the calendar year 2021 primarily on criminal matters, especially criminal jury trials.
 - 3) As a consequence of this, the superior court judges do not have days available to hear civil court cases (such as divorce and custody matters).
 - 4) Traditionally, the court has had access to state funding to pay senior judges to assist with the business of Superior Court.
 - 5) While there is a greater need for this funding during this calendar year, funding for senior judges has been substantially reduced in the state budget.
 - 6) Therefore, the Superior Court is requesting that each county in the circuit allocate \$10,000 to the Superior Court budget to pay for senior judge expenses through the end of the calendar year 2021. This funding would allow each judge to use 5 or 6 senior judge days in the county.
-
-

OPTIONS:

- 1) Approve the Superior Court judge request for a \$10,000 allocation to pay for senior judge expenses.
 - 2) Deny the Superior Court judge request for senior judge funding.
 - 3) Commission defined alternative.
-
-

RECOMMENDED SAMPLE MOTION:

Move to approve \$10,000 allocation to the superior court budget to fund senior judge expenses through the end of the 2021 calendar year.

DEPARTMENT:

Prepared by:

Director. _____

ADMINISTRATIVE**COMMENTS:** _____

County Manager

DATE: _____

SUPERIOR COURTS
Mountain Judicial Circuit
Russell W. Smith, Judge

Leann Ivester
Judicial Secretary
706-886-7525
[Email: livester.scsec@gmail.com](mailto:livester.scsec@gmail.com)

Post Office Box 758
70 North Alexander Street Suite 301
Toccoa, Georgia 30577
Phone (706) 866-7525
Fax (706) 886-1259

Anita W. Moore
Court Reporter
706-779-2295
[Email: awmooreccr@gmail.com](mailto:awmooreccr@gmail.com)

April 9, 2021

VIA EMAIL ONLY - PSuttonOhabershamga.com

Habersham County Board of Commissioners
c/o Phil Sutton, County Manager

RE: Senior Judge Funding

Honorable Commissioners:

The Covid-19 Pandemic has created many challenges for the judicial system. Throughout the Pandemic the Mountain Judicial Circuit Courts have continued to operate using technology to hear cases virtually when we could not do so in-person. When it has been possible to hold live court hearings we have successfully held court using safety protocols developed with the assistance of our District Health Director. This could not have been accomplished without the consistent support and cooperation of the County Commissions, the Sheriffs, the District Attorney, the Public Defender and all the other stakeholders, including the Clerks of Court and their staff.

Although we have empaneled grand juries in each county, we have not been able to hold jury trials since the beginning of the Pandemic. To address the resulting backlog in criminal cases Judge Caudell and I are focusing our efforts through the end of the year primarily on criminal matters, especially criminal jury trials.

As a consequence, we do not have the days available to hear civil cases (such as divorce and custody matters). Traditionally we have had access to state funding to pay senior judges to assist with the business of the Superior Courts. Senior judges are retired judges who are qualified and have been appointed by the Governor to hear cases. While we have a greater need for this funding this year than ever before, funding for senior judges was substantially reduced in the State budget.

Habersham County Board of Commissioners

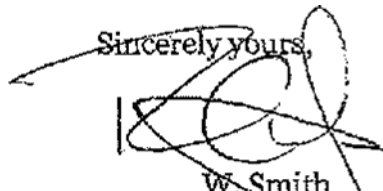
April 9, 2021

— Page 2

We are requesting that each County allocate an additional \$10,000 for the Superior Court budget to be used to pay senior judge expenses through the end of the current calendar year. This would allow each Superior Court judge the use of 5 or 6 senior judge days in each county. These days would be scheduled to allow cases to be heard when Judge Caudell and I are already scheduled to be in trial or in court elsewhere.

We have also requested federal stimulus funds for use to pay senior judges, but it is not clear at this point whether those monies are available for that purpose. If we are awarded sufficient stimulus funds, we will not use the county monies requested. This request is made as a direct result of the impact of the Pandemic. We have never before requested that the counties provide funding for senior judges and do not intend to do so again in the future.

If you have any questions, I would be happy to address them. We appreciate your support and your consideration of this request.

Sincerely yours,

W. Smith Russell
Chief Judge, Multin Judicial Circuit

RWS/lci

cc: The Honorable B. Chan Caudell