



# Georgia Department of Audits and Accounts

## Performance Audit Division

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### Why we did this review

This follow-up review was conducted to determine the extent to which the Administrative Office of the Courts (AOC) and the court councils addressed recommendations presented in our December 2014 special examination (Report #14-04).

The 2014 special examination was conducted at the request of the House Appropriations Committee. We were asked to evaluate the organizational structure of AOC and court councils, as well as the operations of AOC. In order to evaluate staffing, we also reviewed the court system's governance structure.

### About AOC and the court councils

The Administrative Office of the Courts (AOC) was created in 1973 to serve as the staff of the Judicial Council, a statewide policymaking body for the court system.

Each of Georgia's six trial courts (superior, state, juvenile, magistrate, probate, and municipal) has a council comprised of member judges and led by an executive committee. Broadly, statute charges these councils with improving their class of court. Five of the councils have executive directors, with two having additional full-time staff. The remaining trial court council is supported by AOC.

Since the release of the original report, the General Assembly created the Council of Accountability Court Judges, which has its own staff.

## Follow-Up Review

### Administrative Office of the Courts & Court Councils

#### Improved cooperation reported despite few changes to governance or staffing

#### What we found

Since our 2014 special examination, the General Assembly, Judicial Council, and Administrative Office of the Courts (AOC) have taken few steps to address report recommendations.

The original examination noted that Georgia did not have a well-defined governance structure over court system policy and administration, which led to vague responsibilities and ineffective collaboration on judicial branch initiatives. Options to address this issue included assigning greater responsibility to a single entity, more clearly defining the duties and authority of multiple governing entities, and reducing the number of governing entities whenever possible. The duties of the various entities are largely unchanged, and the number of governing entities increased with the General Assembly's 2015 creation of the Council of Accountability Court Judges. The new council is responsible for establishing accountability court standards and distributing grants, consolidating tasks previously assigned to the Judicial Council and the Governor's Accountability Courts Funding Committee.

While the formal governance structure has not changed, the Judicial Council has taken steps to improve its policymaking ability and increase collaboration between the court councils. For example, the Judicial Council established bylaws in 2015 to clarify internal roles, improve transparency, and ensure a uniform process as members change. It increased the frequency of its meetings to increase collaboration among members and improve members' familiarity with court system administration. While the Judicial

Council previously met three times per year, the bylaws now require at least four meetings per year. For fiscal years 2015 through 2017, the Judicial Council has met or plans to meet at least five times each year. The Judicial Council also enhanced the role of its standing committees. Several court council representatives credited these committees as having more representative memberships and helping to improve collaboration among Judicial Council members. Each trial court class has at least one representative on each standing committee. Additionally, the President of the State Bar of Georgia was added to the Judicial Council as a non-voting member.

Most court council representatives we spoke with agreed that there have also been informal, cultural changes that improved relationships between the court classes. However, because the roles of the various organizations continue to overlap in statute, the current relationship among the councils is dependent on the willingness of those in leadership positions.

The staffing model in place at the time of the original examination remains largely unchanged, though the Council of Probate Court Judges now has its own executive director. The executive director provides programmatic support to the Council, while AOC now provides administrative support only. With the exception of the Council of Municipal Court Judges, the remaining court councils still maintain their own staff, ranging from one to 15 employees, with some councils receiving administrative support from AOC. The Council of Municipal Court Judges does not employ its own staff and is dependent on AOC for both administrative and programmatic support.

AOC has taken steps to increase its communication and improve its service to the courts and court councils. For example, the AOC director has visited courts throughout the state, and AOC staff regularly attend court council meetings. Additionally, AOC holds a weekly conference call during the legislative session to provide updates to the court councils' executive directors and legislative committee chairs. At judges' request, AOC staff attend legislative committee meetings and provide notes on the proceedings. Representatives from the court councils generally indicated that AOC service to the courts has improved.

Regarding performance measures, the National Center for State Courts (NCSC) recommends courts use performance measures and evaluation to improve transparency and accountability. Accordingly, NCSC developed 10 performance measures known as CourTools. However, our original examination noted that Georgia judges were generally not utilizing data to evaluate performance or guide operations at the system level or within individual courts. While AOC conducted CourTools training in 2014, no initiatives from the Judicial Council or any of the court councils included in the original report have attempted to increase courts' usage of performance measures since then. Additionally, none of these entities are monitoring performance measure utilization. As a result, no information is currently available to determine whether performance measure usage has increased or decreased or which measures are being used.

The usefulness of performance measures is recognized for accountability courts. Measures such as recidivism, drug testing results, and participant employment status are reported to the Council of Accountability Court Judges by the courts subject to its oversight. Prior to the council's creation, this information was collected by AOC and the Criminal Justice Coordinating Council. The council plans to issue statewide and court-specific reports starting with fiscal year 2017 data. The number of accountability courts subject to performance measurement has grown from 100 in 2014 to 139 as of January 2017.

***Administrative Office of the Courts Response:*** AOC indicated that the follow-up review "provides a good assessment for our agency for continuous improvement." It noted that there will be an increased focus on "[i]mprovements in measuring the work of individual courts or the courts as a whole" in 2017, and several performance measure initiatives are part of the Judicial Council Strategic Plan for fiscal years 2017 through 2019. Finally, AOC noted that it would "continue to focus on improving our services and collaboration with trial court council partners."

***Council of Accountability Court Judges (CACJ) Response:*** The council expressed its belief that the creation of CACJ “resulted in more clearly defined duties and authority over the state’s accountability courts” by consolidating duties previously assigned to the Judicial Council and the Governor’s Accountability Courts Funding Committee. The council noted that its creation was consistent with the original audit’s recommendation to have governing entities with clearly defined duties.

***Council of Magistrate Court Judges:*** “In the last 18 months since the original report, the Judicial Council and our Council have worked diligently on the communication and transparency issues addressed in the report, as those are paramount to the success of any changes. Any changes that have been made so far have been both purposeful and positive.”

***Council of Superior Court Judges Response:*** The council noted its “belief that many improvements have been made in the relationships among all Judicial Branch entities and in addressing many of the issues identified in the 2014 performance audit” and stated that “the follow-up review does not adequately acknowledge those improvements.” It also took exception with the “statement regarding little use of performance measures,” arguing “that the implementation of performance measures is one of [the] most important goals” of the Judicial Council’s Strategic Planning Committee. It pointed to the passage of Senate Bill 132 in 2017, which will give “the Judicial Council more flexibility in promulgating and altering court forms as needed to capture such information as disposition rates, which have not been addressed in the past.”

**Auditor’s Response:** The audit team spoke with each court council, AOC staff, and the Chief Justice of the Supreme Court, none of which identified any initiatives undertaken to increase courts’ usage of performance measures. While the current Judicial Council strategic plan includes initiatives related to performance measures, similar initiatives were included in the strategic plan in place during the original examination. Regarding Senate Bill 132, the legislation eliminates statutory requirements for civil case reporting forms in state and superior courts and delegates the responsibility for these forms to the Judicial Council. It is unclear how this legislation would increase courts’ usage of performance measures, and none of the individuals we spoke with identified it as having an impact.

***Council of Probate Court Judges Response:*** The council stated, “Since the previous audit, the Administrative Office of the Courts has made a concerted effort to increase collaboration among all classes of court and the respective councils, including ours. The Council of Probate Court Judges of Georgia fully supports their continued efforts, as they enjoy our full confidence. We look forward to, along with them, working toward increasing the level of collaboration and cooperation with all of the judiciary’s stakeholders, especially the Georgians who are directly impacted by our courts.”

***Council of Municipal Court Judges Response:*** The council noted that the Administrative Office of the Courts is “an excellent organization” that serves “all the municipal courts in Georgia in a timely and efficient manner. Communication is almost instantaneous and our issues are addressed in a professional and skilled manner.” It noted that while AOC supports municipal courts, it should not be seen as a criticism of AOC when courts do not utilize AOC services.

The council disagreed with points made in the original report that serve as a basis for the follow-up review. Specifically, the council disagreed that a lack of cooperation or collaboration between court councils existed and that the state’s judicial system has a “fragmented administrative authority.” The council also stated that the audit addressed items out of the courts’ control, such as performance standards. The council noted that judges must provide all litigants with their day in court and are “constitutionally restrained in many financial aspects.”

**Auditor’s Response:** In 2014, the Council did not disagree with statements made in the original report. In addition, the original report did not suggest that the courts meet particular performance standards. Instead, the report recommended performance measures (e.g., time to disposition, cost per case, age of active pending caseload) that would allow judges to compare their courts in relation to its own historic trends or to similar courts. Some Georgia courts already use performance management systems, and a majority of municipal court judges responding to the 2014 survey stated that most of

the performance measures suggested by the National Center for State Courts would provide useful information to them.

***Additional Entities:** A draft copy of the report was also provided to the Chief Justice of the Supreme Court and the Council of State Court Judges, who declined to respond.*

The following table summarizes the findings and recommendations in our 2014 report and actions taken to address them. A copy of the 2014 special examination report (14-04) may be accessed at <http://www.audits.ga.gov/rsaAudits>.

<b>Administrative Office of the Courts &amp; Court Councils</b> <b>Follow-Up Review, May 2017</b>	
<b>Original Findings/Recommendations</b>	<b>Current Status</b>
<p><b>Georgia's complex governance structure has led to fragmented administrative authority over the state's court system.</b></p> <p>We recommended that judicial leaders and the General Assembly consider simplifying the governance structure of the court system. This could entail designating greater responsibility to a single entity and/or more clearly defining the duties and authority of multiple governing entities, as well as reducing the number of governing entities whenever possible.</p> <p>We also recommended that the Judicial Council continue its efforts to strengthen its policymaking ability.</p>	<p><b>Partially Addressed</b> – Little action has been taken to simplify the governance structure of the court system. However, the Judicial Council has taken steps to strengthen its policymaking ability.</p> <p>Neither judicial leaders nor the General Assembly have simplified the court system's governance structure by reducing the number of governing entities. Legislation passed in 2015 increased the number of governing entities by creating a new court council—the Council of Accountability Court Judges, but the new council does have clearly defined duties previously performed by two entities. The new council establishes accountability court standards and distributes grants, duties previously assigned to the Judicial Council and the Governor's Accountability Courts Funding Committee, respectively.</p> <p>To help improve its policymaking ability, the Judicial Council has written bylaws and increased the frequency of its meetings. It has also enhanced its committee structure by increasing the number of standing committees and ensuring representation from each trial court class. Court council representatives generally agreed that the Judicial Council committee changes had helped to improve relationships between the court classes.</p>
<p><b>Georgia's court governance inhibits the creation of a staffing model that efficiently and effectively serves both the system and individual court classes.</b></p> <p>We recommended that, if the General Assembly wished to consider an alternative staffing model for council support, decision makers should consider the impact on the state budget, the ability of councils to fulfill their statutory mission, and whether the change would encourage a system-wide (non-siloed) approach to court administration matters.</p>	<p><b>Not Addressed</b> – No significant changes have been made to the overall staffing model for the court councils.</p> <p>The staffing model used for the court councils remains inconsistent, with councils receiving varying levels of support from council staff and AOC staff. Staffing remains essentially unchanged for five of the six trial court councils. The Council of Probate Court Judges, which previously had no staff, has hired its own executive director to provide programmatic support.</p> <p>Like most of the trial court councils, the Council of Accountability Court Judges, created in 2015, has its own staff.</p>
<p><b>Due to the court system structure and limited resources, AOC has limited ability to impact the system or support individual courts.</b></p> <p>We recommended that AOC develop measures to assess the impact of its work. This could include surveying judges and other court staff as well as obtaining additional data related to its programs.</p>	<p><b>Not Addressed</b> – AOC has not implemented performance measures to assess the impact of its work.</p> <p>As discussed in the previous findings, there have been no changes to the court system's governance structure or the court councils' staffing model. As a result, AOC's ability to impact the system and support individual courts remains limited.</p> <p>Additionally, the staff was unable to identify any performance measures being used by AOC, and no surveys of judges or court staff have been conducted. While AOC has not implemented performance measures, it has taken steps to improve the service it provides to the courts.</p>

<b>Administrative Office of the Courts &amp; Court Councils Follow-Up Review, May 2017</b>	
<b>Original Findings/Recommendations</b>	<b>Current Status</b>
<p><b>Court councils employ varying levels of staff to fulfill their constitutional and statutory duties.</b></p>	<p><b>No recommendations</b></p>
<p><b>Judicial leaders do not routinely use performance measures to manage individual courts or the court system as a whole.</b></p> <p>We recommended that the Judicial Council work toward developing a system-wide performance measurement program and that judges consider utilizing objective measures to assess the performance of their courts.</p> <p>We also recommended that judges and clerks ensure current data submitted to AOC is complete and accurate to provide a valid picture of court activity.</p>	<p><b>Partially Addressed</b> - AOC and the Judicial Council have taken some limited steps to increase the availability of performance data and benchmarks, as well as to improve reported data. However, there have been no new initiatives to increase courts' usage of performance measures.</p> <p>AOC now collects case filing and disposition data that allows for the calculation of clearance rates, which is one of 10 NCSC-recommended performance measures. Additionally, the Judicial Council has created and approved Model Time Standards for the superior courts. The Standards provide a voluntary goal for the percent of cases disposed within a certain time frame.</p> <p>However, no information is available to determine whether courts' usage of performance measures has changed. Neither the Judicial Council nor any of the trial court councils included in the original report monitor how many courts are using performance measures or which measures are used. Additionally, none of these entities have undertaken initiatives to increase performance measure usage. It should be noted that all accountability courts under the Council of Accountability Court Judges' oversight are required to submit certain performance data.</p> <p>To improve data quality, AOC conducted eight training sessions on caseload reporting since January 2015. Training was provided for magistrate court judges, probate court judges, state court judges, superior court clerks, and municipal court clerks. Additionally, the Council of Probate Court Judges and AOC staff worked together to develop a new reporting form to more accurately reflect probate case workloads and national standards.</p>
<p><b>5 Findings</b></p>	<p><b>0 Fully Addressed</b></p> <p><b>2 Partially Addressed</b></p> <p><b>2 Not Addressed</b></p> <p><b>1 No Recommendations</b></p>

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The Performance Audit Division was established in 1971 to conduct in-depth reviews of state-funded programs. Our reviews determine if programs are meeting goals and objectives; measure program results and effectiveness; identify alternate methods to meet goals; evaluate efficiency of resource allocation; assess compliance with laws and regulations; and provide credible management information to decision makers. For more information, contact us at (404)656-2180 or visit our website at [www.audits.ga.gov](http://www.audits.ga.gov).