

This Sample Municipal Court Judge and Clerk Annual Report & Affirmation was developed by Georgia Municipal Association, Inc. after public presentation at municipal court judges' training and with input from municipal court judges. ***It should not be used "as is."*** Review this document with the City Attorney before use. Consider including City Attorney in discussions with judge or clerk of any "no" answers.

Chief Judge: _____ Municipal Court Clerk: _____
 Annual Report to the Governing Authority for the City of _____
 Date: _____ For Year: _____

Caseload Report (same data as reported to the AOC or the GSCCCA)

Ordinance violations _____
 Minor Traffic Violations _____
 Serious Traffic Violations _____
 Non-Traffic State Offenses _____

Narrative (Describe noteworthy activities of the court, accomplishments of court personnel):

| Affirmation | Discussed room for improvement with primary contact for the Governing Authority? Yes/No/Not Needed | Yes/No | Initials |
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| Independence and Professionalism | | | |
| I have completed all mandatory training required for the past year. (judge, clerk) (attach proof of training) | | | |
| During the last year, I have requested changes to court operations to align with changes in or clarifications to the law that I learned during training. (judge) During the last year, I have implemented changes to court operations to align with changes in or clarifications to the law that I learned during training, or which were requested by the judge. (clerk) | | | |
| It is conveyed to the public, through signage, seating arrangements, and conduct in the courtroom, that the judicial operations of the court are independent from the executive and legislative functions of the city government. (judge) (clerk) | | | |
| I understand that I may seek guidance directly from the city attorney if I have questions or concerns about court operations, procedures, and matters related to private probation companies. (clerk) | | | |
| The court has a survey, feedback form, or other standard method for those who interact with the court to provide feedback about their experience in court. Feedback collected is promptly provided to [supervisor of clerk] and the judge for review. (clerk) I review all feedback about court operations and determine whether any changes are warranted. (Summary of top areas of feedback attached if appropriate) (judge) | | | |

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| Approved Forms | | | |
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| I have approved use of a financial considerations form that gives me sufficient information to make judicial determinations that involve consideration of a defendant's or a pre-trial detainee's financial resources (judge) | No AOC form yet | | |
| I have approved use of a form describing a defendant's rights, which is used to document a waiver of those rights, and I affirm that this form accurately describes those rights and the consequences of waiving them. (judge) | AOC form is in bench book | | |
| I have approved use of a form for defendants to use to enter pleas. (judge) | AOC form is in bench book | | |
| I affirm that all forms approved for use in the court meet current legal standards. | | | |
| Notification of Rights/Waiver of Rights | | | |
| The rights waiver form approved by the judge is provided to every defendant, and defendants are instructed to read the form carefully and bring it with them when they speak to the judge. (clerk) | | | |
| <p>I orally inform every defendant individually of the information in the approved rights form, and I only ask the defendant to sign the waiver form after making a determination that the waiver is voluntary and informed. (judge)</p> <p>I make sure that every defendant has a copy of the approved rights form and ask the defendant to take the form when approaching the judge. (clerk)</p> | | | |
| I engage individually with each defendant to make sure he or she understands the charges and the consequences of making a plea of guilty or nolo contendere (judge) | | | |

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| Court Operations | | | |
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| I have notified the primary contact for the Governing Authority of any Judicial Emergency Orders that require changes to court operations, and have requested resources necessary to comply with such Orders. (judge) | | | |
| Court operations comply with applicable Judicial Emergency Orders, which are published on www.georgiacourts.gov . (judge) | | | |
| I have reviewed all standing orders of the court, including those issued by other judges, and affirm that they are lawful and appropriate. | | | |
| <p>I have approved a record retention schedule for all recordings of court proceedings and all documents collected or created through the operation of the court and I affirm that the schedule is in accordance with the requirements of the Uniform Rules of Municipal Court. (judge)</p> <p>All court proceedings are recorded (either by audio-recording, video-recording or court reporting) and recordings are maintained in accordance with a record retention schedule approved by the judge. (clerk)</p> | | | |
| <p>I receive copies of any Notice of Appeal, Petition for Certiorari, or Application for Discretionary Review in a timely manner (judge).</p> <p>I promptly forward copies of any Notice of Appeal, Petition for Certiorari, or Application for Discretionary Review to the judge and prosecutor (or, if no prosecutor, to the city attorney). (clerk)</p> | Number of Appeals, petitions for Cert., applications for discretionary review for the year: _____ | | |
| I promptly forward copies of discovery requests to the prosecutor (or, if no prosecutor, to the city attorney). (clerk) | | | |
| I promptly forward any correspondence addressed to the judge or prosecutor. (clerk) | | | |
| I promptly forward any correspondence addressed to the public defender, and I ensure that the system for delivery of such correspondence maintains the confidentiality of the communication between the public defender and any defendant he or she may represent or be asked to represent. (clerk) | | | |
| I follow a written procedure approved by [_____] when handling fine money and recording payments. I was last trained on this procedure on _____. I understand that | | | |

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| following this procedure ensures proper handling of payments and prevents issuance of erroneous warrants. (clerk) | | | |
| I use approved court software, and I have completed all appropriate training for the current version of this software. I last received training on use of the software on _____. (judge, clerk) | | | |

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| Public Defender | | | |
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| I affirm that the the process for determining eligibility for appointment of free legal counsel due to indigency meets current legal standards. (judge) | | | |
| I affirm that I consistently use the approved financial consideration form and follow the process for gathering information needed for the judge to determine eligibility for appointment of free legal counsel. (clerk) | | | |
| Interpreter/Hard of Hearing | | | |
| When I determine that a pre-trial detainee or a defendant is entitled to an interpreter, I ensure that a qualified and certified interpreter is present during all communications with the court at no cost OR I reschedule the defendant’s case and ensure that a qualified and certified interpreter will be present on the rescheduled date at no cost to the defendant. | | | |
| Our court follows the guidelines of the Bench Cards entitled “Working with Limited English Proficient Persons and Foreign-Language Interpreters in the Courtroom” and “Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom,” as posted here on the website of the Administrative Office of the Courts. (judge, clerk) | | | |
| Mental Illness | | | |
| When mental illness in the courtroom appears to be a factor, I observe and consider the matters set forth in the Bench Card entitled “Judge’s Guide to Mental Illness in the Courtroom,” as posted here on the website of the Administrative Office of the Courts. (judge) | | | |
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| Bail | | | |
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| If I have issued or approved a bail schedule, I affirm that it is appropriate and lawful. (judge) | | | |
| Our court follows the guidelines set forth in the Bench Card entitled " Georgia Misdemeanor Bail Practices, " as posted here on the website of the Administrative Office of the Courts. (judge, clerk) | | | |
| I have issued a Standing Bail Order that directs the release of pre-trial detainees on their own recognizance (without payment of any bond) if a first appearance by a judicial officer has not occurred within 48 hours of pre-trial detention. (judge) | See Calhoun Standing Bail Schedule (approved as constitutional by 11 th Circuit) | | |
| To the best of my knowledge, a judicial officer conducts a first appearance hearing of all pre-trial detainees that includes determination of indigent status and setting of appropriate bail in accordance with the bail considerations below within 48 hours (no warrant)/72 hours (warrant). (judge) | | | |
| <p>Bail considerations. When determining bail for an individual person who is detained pre-trial, I do not impose excessive bail and I only set conditions reasonably necessary to ensure such person attends court appearances and to protect the safety of any person or the public given the circumstances of the alleged offense and the totality of circumstances.</p> <p>When determining bail, I consider: (A) The accused's financial resources and other assets, including whether any such assets are jointly controlled; (B) The accused's earnings and other income; (C) The accused's financial obligations, including obligations to dependents; (D) The purpose of bail; and (E) other factors I deem appropriate. (judge)</p> | | | |

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| Sentencing |
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| <p>I affirm that each defendant has been afforded due process of law in conformity with standards of the United States Constitution and the Constitution of the State of Georgia and that sentences entered in this Court are in compliance with the laws of the State of Georgia and the United States. (judge)</p> | | | |
| <p>The court follows the guidelines of the Bench Card entitled “Georgia and U.S. Constitutional Law Regarding Misdemeanor Probation” as posted here on the website of the Administrative Office of the Courts, to determine whether it is necessary to waive or reduce the fines/fees or impose community service as an alternative to fines/fees. (judge, clerk)</p> <p>If a “presumption of significant financial hardship” exists, and if the judge has not waived or reduced the fines and fees or converted to community service, the judge makes a record of why no significant financial hardship exists. (judge, clerk)</p> | | | |

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| Probation |
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| <p>I make all determinations about whether to issue an arrest warrant related to violation of a probation condition, and I enter the issue date on such warrants. (judge)</p> <p>I do not schedule hearings for revocation of probation unless the probation company is able to provide notice at least 72 hours in advance. (clerk)</p> <p>At every petition for revocation hearing, I confirm that the defendant received at least 72 hours of notice before the hearing. If not, I reschedule the hearing or obtain a written waiver of notice. (judge)</p> | | | |
| <p>I have received and reviewed all quarterly and annual reports provided to me by the private probation company and there is no indication in these reports that the private probation company has provided services that were not authorized by me. (judge)</p> | <p>Legally mandated quarterly reports of Probation company were received on these dates _____</p> | | |
| <p>I reviewed any audit report about the probation services company that was provided to me by the Misdemeanor Probation Oversight Division of the Department of Community Supervision and forwarded a copy of it to the primary city contact for the probation services company contract, along with my comments. (judge)</p> | <p>Audit reports (if any) were provided on these dates _____</p> | | |