

# **CLERK OF COURT TOM LAWLER**

All duties performed by the Clerk of Court's office are statutory and can be found throughout the entire Official Code of Georgia, but 19 general duties are specifically listed at O.C.G.A. 15-6-61. The Clerk does not perform any duties that are not mandated by state law and we have no special programs or services.

## **GENERAL MANDATED DUTIES:**

15-6-61(a) It is the duty of a clerk of superior court:

(1) To keep the clerk's office and all things belonging thereto at the county site and at the courthouse or at such other place or places as authorized by law;

(2) To attend to the needs of the court in the performance of the duties of the clerk;

(3) To issue and sign every summons, writ, execution, process, order, or other paper under authority of the court and attach seals thereto when necessary. The clerk shall be authorized to issue and sign under authority of the court any order to show cause in any pending litigation and any other order in the nature of a rule nisi, where no injunctive or extraordinary relief is granted;

(4) To keep in the clerk's office the following dockets or books:

(A) An automated civil case management system which shall contain separate case number entries for all civil actions filed in the office of the clerk, including complaints, proceedings, Uniform Interstate Family Support Act actions, domestic relations, contempt actions, motions and modifications on closed civil actions, and all other actions civil in nature except adoptions;

(B) An automated criminal case management system which shall contain a summary record of all criminal indictments in which true bills are rendered and all criminal accusations filed in the office of the clerk of superior court. The criminal case management system shall contain entries of other matters of a criminal nature filed with the clerk, including quasi-civil proceedings and entries of cases which are ordered dead docketed at the discretion of the presiding judge and which shall be called only at the judge's pleasure. When a case is thus dead docketed, all witnesses who may have been subpoenaed therein shall be released from further attendance until resubpoenaed; and

(C) A docket, file, series of files, book or series of books, microfilm records, or electronic data base for recording all deeds, liens, executions, lis pendens, maps and plats, and all other documents concerning or evidencing title to real or personal property. When any other law of this state refers to a general execution docket, lis pendens docket, or attachment docket, such other law shall be deemed to refer to the docket or other record or records provided for in this subparagraph;

(5) To keep all the books, papers, dockets, and records belonging to the office with care and security and to keep the papers filed, arranged, numbered, and labeled, so as to be of easy reference;

(6) To keep at the clerk's office all publications of the laws of the United States furnished by the state and all publications of the laws and journals of this state, all statute laws and digests, this Code, the Supreme Court and Court of Appeals reports, and all other law books or other public documents distributed to him, for the public's convenience; provided, however, the clerk may consent that these publications be maintained in the public law library;

(7) To procure a substantial seal of office with the name of the court and the county inscribed thereon, if this has not already been done;

(8) To make out and deliver to any applicant, upon payment to the clerk of legal fees, a correct transcript, properly certified, of any minute, record, or file of the clerk's office except for such records or documents which are, by provision of law, not to be released;

(9) Upon payment of legal fees to the clerk, to make out a transcript of the record of each case to be considered by the Supreme Court or the Court of Appeals and a duplicate thereof numbered in exact accordance with the numbering of the pages of the original transcript of the record to be transmitted to the Supreme Court and the Court of Appeals;

(10) To make a notation on all conveyances or liens of the day they were left to be recorded, which shall be evidence of the facts stated. Beginning July 1, 1998, all liens or conveyances left to be filed shall have a three-inch margin at the top to allow space for the clerk's notation required by this paragraph. If any lien or conveyance shall be presented for filing without sufficient margin, the clerk shall attach a piece of paper sufficient to give such margin at the top of the filing. Such notation may be made by the clerk or the clerk's deputy or employee by written signature, facsimile signature, or mechanical printing;

(11) To attest deeds and other written instruments for registration;

(12) To administer all oaths required by the court and to record all oaths required by law;

(13) To transmit to the Georgia Superior Court Clerks' Cooperative Authority or its designated agent within 24 hours of filing of any financing statement, amendment to a financing statement, assignment of a financing statement, continuation statement, termination statement, or release of collateral, by facsimile or other electronic means, such information and in such form and manner as may be required by the Georgia Superior Court Clerks' Cooperative Authority, for the purpose of including such information in the central indexing system administered by such authority; provided, however, that weekends and holidays shall not be included in the calculation of the 24 hour period;

(14) To remit to the Georgia Superior Court Clerks' Cooperative Authority a portion of all fees collected with respect to the filings of financing statements, amendments to

financing statements, assignments of financing statements, continuation statements, termination statements, releases of collateral, or any other documents related to personal property and included in the central index, in accordance with the rules and regulations of such authority regarding the amount and payment of such fees; provided, however, that such fees shall be remitted to the authority not later than the tenth day of the month following the collection of such fees, and the clerk shall not be required to remit such fees more often than once a week;

(15) To participate in the state-wide uniform automated information system for real and personal property records, as provided for by Code Sections 15-6-97 and 15-6-98, and any network established by the Georgia Superior Court Clerks' Cooperative Authority relating to the transmission and retrieval of electronic information concerning real estate and personal property data for any such information systems established by such authority so as to provide for public access to real estate and personal property information, including liens filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of the superior court shall provide to the authority or its designated agent in accordance with the rules and regulations of the authority such real estate information concerning or evidencing title to real property and such personal property information or access to such information which is of record in the office of clerk of the superior court and which is necessary to establish and maintain the information system, including information filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of the superior court shall provide and transmit real estate and personal property information filed in the office of the clerk of superior court, including information required by Code Section 44-2-2 and maps and plats, to the authority for testing and operation of the information system at such times and in such form as prescribed by the authority;

(15.1) To participate in any network established by the Georgia Superior Court Clerks' Cooperative Authority relating to the transmission and retrieval of electronic information concerning carbon sequestration results and related transactions for any such information systems established by such authority for purposes of the carbon sequestration registry established pursuant to Article 5 of Chapter 6 of Title 12, so as to provide for public access to carbon sequestration registry information. Each clerk of the superior court shall provide to the authority or its designated agent in accordance with the rules and regulations of the authority such information evidencing carbon sequestration results and related transactions and access to such information which is of record in the office of clerk of the superior court and which is necessary for purposes of the carbon sequestration registry. Each clerk of the superior court shall provide and transmit carbon sequestration results and related transaction information filed in the office of the clerk of superior court to the authority for testing and operation of the electronic information system for the carbon sequestration registry at such times and in such form as prescribed by the authority. Each clerk shall charge and collect such fees as may be established by the Georgia Superior Courts Clerks' Cooperative Authority, which shall be paid into the county treasury less and except any sums as are otherwise directed to be paid to the authority, all in accordance with rules and regulations adopted by the authority pursuant to Code Section 15-6-97.2;

(16) To file and transmit all civil case filing and disposition forms required to be filed pursuant to subsection (b) of Code [Section 9-11-3](#) and subsection (b) of Code [Section 9-11-58](#);

(17)(A) To transmit to the Superior Court Clerks' Cooperative Authority within 30 days of filing the civil case filing and disposition forms prescribed in Code [Section 9-11-133](#).

(B) To electronically collect and transmit to the Georgia Superior Court Clerks' Cooperative Authority all data elements required in subsection (g) of Code [Section 35-3-36](#) in a form and format required by the Superior Court Clerks' Cooperative Authority and The Council of Superior Court Clerks of Georgia. The electronic collection and transmission of data shall begin no later than January 1, 2002. The data transmitted to the authority pursuant to this Code section shall be transmitted to the Georgia Crime Information Center in satisfaction of the clerk's duties under subsection (g) of Code [Section 35-3-36](#) and to the Georgia Courts Automation Commission who shall provide the data to the Administrative Office of the Courts for use of the state judicial branch. Public access to said data shall remain the responsibility of the Georgia Crime Information Center. No release of collected data shall be made by or through the authority;

(18) To participate in agreements, contracts, and networks necessary or convenient for the performance of the duties provided in paragraphs (16) and (17) of this subsection; and

(19) To perform such other duties as are or may be required by law or as necessarily appertain to the office of clerk of the superior court.

(b) Nothing in this Code section shall restrict or otherwise prohibit a clerk from electing to store for computer retrieval any or all records, dockets, indices, or files; nor shall a clerk be prohibited from combining or consolidating any books, dockets, files, or indices in connection with the filing for record of papers of the kind specified in this Code section or any other law, provided that any automated or computerized record-keeping method or system shall provide for the systematic and safe preservation and retrieval of all books, dockets, records, or indices. When the clerk of superior court elects to store for computer retrieval any or all records, the same data elements used in a manual system shall be used, and the same integrity and security maintained. Regardless of the automated or computerized system elected, each clerk shall maintain and make readily available to the public complete, printed copies of the real estate grantor and grantee indices updated regularly, prepared in compliance with paragraph (15) of subsection (a) of this Code section and Code [Section 15-6-66](#).

**SERVICE LEVELS FOR MANDATED DUTIES:**

The preferred service level for the clerk's office in Gwinnett varies depending on the duty required. We are not meeting the preferred service level in the area of civil and criminal filings.

**Real Property Division:** The preferred service level for the indexing and filing of deeds, liens, plats, UCCs and other instruments is three working days from the filing of the instrument. The minimum service level would be five working day. We are currently meeting the minimum level of service in this Division.

**Jury Division:** The minimum level would be immediate. We are meeting the minimum level with current staffing levels but having difficulty on days with high jury volume.

**Civil and Criminal Divisions:** The preferred service level for civil and criminal docketing and filing is same day. The minimum level would be the next day. We are not meeting this level of service at this time and are behind in processing and filing of the documents and orders, as much as fourteen (14) days.

**Transmission of prisoner release Orders and Criminal Records:** The mandated service level for transmitting orders to the Detention Center for release of inmates is immediately upon filing. The minimum is the same. We are currently meeting this level of service. The mandated service level for transmitting to GCIC and Drivers Services is 24 hours from docketing the final sentence. The minimum is the same. We are meeting this level of service.

**Family Violence Cases and Arrest Warrants:** The preferred service level for filing and processing of Family Violence Cases and Arrest Warrants is immediate. The minimum would be the same. We are meeting this level of service at this time at our offices located at the Detention Center.

**Courtroom Attendance and Jury Selection:** The preferred service level for attending court and jury selection is immediate. The minimum would be the same. We are meeting this level of service at this time but it leaves public service levels short on any given day.

**Responding to Public Inquires by Phone or In Person:** The preferred service level for responding to inquires from the public is immediate. The minimum would be the same. We are meeting this level of service at this time, although there is always a backlog of phone calls and lines at front counters due to demands for assistance from the public, attorneys, and jurors. This would include the issuing of notary public certificates and trade names.

#### **NON-MANDATED SERVICES:**

The Clerk of Courts' office does not perform any non-mandated services.

#### **EMPLOYEE FUNCTIONS:**

See attached Organization Chart with listing of each employee and job function. The Clerk of Court has four (4) Administrative positions. The Chief Deputy Clerk is responsible for the day-to-day operations of the office, budget preparation and management, and all accounting functions. There is an Office Manager and Executive

Assistant that manage personnel matters, timesheets, purchasing and invoicing, and other miscellaneous administrative duties. There is one part-time project manager responsible for the current renovation and construction of our office space. There are seven (7) Division Directors that manage the five court divisions, one jury division and the courts' technology division. There are six (6) technology associates and the remaining eighty-nine (89) deputy clerks are responsible for performing all the mandated duties listed above.

**ORGANIZATION:**

Attached is a high level organizational chart and mission statement.

**BUDGET SUMMARY:**

**CLERK OF COURT 2006 - 2009  
BUDGET VERSUS WORKLOAD**

	<b>BUDGET</b>	<b>JUDICIAL CASES*</b>	<b>LAND RECORDS</b>	<b>STAFF</b>
<b>2006</b>	\$8,327,578.00	117,892	272,406	93
<b>2007</b>	\$8,412,935.00	127,967	254,163	97
<b>2008</b>	\$8,758,590.00	141,073	214,211	99
<b>2009</b>	\$9,066,998.00	138,805	238,137	107
<b>2010</b>	\$8,952,582.00	141,581	242,900	107

\*includes Notary, Tradenames & Appeals

**TRENDS:**

Attached is the Clerk of Court's goals, performance measures, revenues and staffing issues.

**CRITICAL ISSUES:**

Clerk of Court's staffing levels are comparatively low to other metro counties. A comparative study was done with Cobb County for 2007 service levels with the following results below. We are not meeting past service levels with docketing of court case pleadings and dispositions. Prior levels were same or next day. We have been as much as fourteen days behind. Consequences for not timely performing our duties may result in law suits against the Clerk and/or county, criminal prosecution for failure to timely report revenues to the State, prisoners being held at the county jail at county expense rather than being transported to state facilities, someone being detained in jail who has been ordered released by the judge, and reduced revenues paid to the county due to insufficient staff to collect, balance and disburse fines, bond forfeitures, fees and taxes.

**DEPUTY CLERK COMPARISON WITH COBB  
COUNTY  
FOR  
2007**

<u>SUPERIOR COURT</u>	<u>GWINNETT</u>	<u>COBB</u>
CIVIL CASES	14,619	11,708
CRIMINAL CASES	5,530	6,523
ADOPTIONS	258	255
NOTARIES	6,609	3,941
<b>TOTALS:</b>	<b>27,016</b>	<b>22,427</b>
<b>PERSONNEL:</b>	<b>21</b>	<b>47</b>
 <u>REAL ESTATE</u>	 254,163	 240,920
<b>PERSONNEL:</b>	<b>17</b>	<b>21</b>
 <u>STATE COURT</u>		
CIVIL CASES	29,033	42,011
CRIMINAL CASES	7,939	7,276
<b>TOTALS:</b>	<b>36,972</b>	<b>49,287</b>
<b>PERSONNEL:</b>	<b>25</b>	<b>53</b>
 <u>MAGISTRATE COURT</u>		
CIVIL CASES	41,417	17,284
CRIMINAL CASES	390	6,356
WARRANTS	20,397	32,537
APPL HEARINGS	1,557	1,542
<b>TOTALS:</b>	<b>63,761</b>	<b>57,719</b>
<b>PERSONNEL:</b>	<b>25</b>	<b>21</b>
 <b>TOTAL CASES:</b>	 <b>127,749</b>	 <b>129,433</b>
 <b>TOTAL</b>	 <b>88</b>	 <b>142</b>
<b>PERSONNEL:</b>		

\*\*Personnel does not include Jury (4) & Administrative (5)  
Total 2007 Personnel for Gwinnett is 97