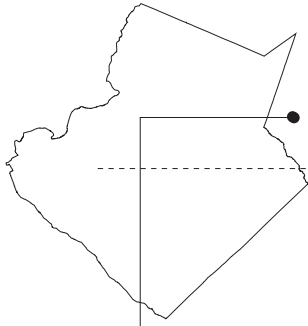




gwinnett judicial circuit annual report **2008**
superior, state, and magistrate courts



- gwinnett judicial circuit
superior, state, and magistrate
courts

equitable

providing judicial services by providing equal access
to all citizens while equitably and **fairly** providing
effective and efficient resolution of disputes

accessible



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message from the chief judges

As the chief judges of one of the fastest growing judicial circuits in the state, we are pleased to convey information about the courts' programs, accomplishments, and challenges. As Gwinnett County grows, the courts have been and continue to keep pace with the tremendous caseload increases in all areas of the legal system. We are concentrating our efforts on stretching existing public resources to their limits and on maximizing efficiency in all areas.

As you will see contained in this report, the courts are striving to maintain the highest standards of justice. Our current programs include an alternative dispute resolution system, a family violence division of the Superior Court in conjunction with Magistrate Court, a parenting seminar for divorcing parents, an excellent law library that is accessible to everyone, an outstanding indigent defense system that provides effective representation to those accused of a crime, a treatment court, a fast-track plea procedure for rapid disposition of criminal cases, and the use of technology to increase efficiency at all levels. As the population of our county becomes more diverse, the courts continue to maintain interpretive services consistent with the needs of the parties in all types of cases.

We recognize the courts must continue to evolve as the demands of our county and its citizens increase and become more complex, and we look forward to collaborating in long-term planning with all branches of state and local government regarding the expanding caseload and the need for additional courtroom space and judicial support. As we move further into the 21st century, the Gwinnett Judicial Circuit remains a vibrant and ever-changing court system, and we invite you to take a closer look beginning with this report. You may also access the courts' website at www.gwinnettcourts.com.

K. Dawson Jackson
Chief Judge Superior Court

Robert W. Mock Sr.
Chief Judge State Court

George F. Hutchinson III
Chief Magistrate



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history



*Elisha Winn House
Courthouse 1818 – 1820*



*Historic Courthouse c1908
1885 – 1888*



*Gwinnett Justice and
Administration Center
1988 – Present*

Gwinnett County was established on December 15, 1818, by an act of the General Assembly. This legislative act brought into being the counties of Gwinnett, Walton, and Hall, named for the three Georgia signers of the Declaration of Independence: Button Gwinnett, George Walton, and Lyman Hall. The territories that comprised these three counties were former Cherokee and Creek lands ceded to the state of Georgia and smaller portions of headright lands formerly in Jackson County. The headright lands were transferred to the new counties so there would be a population to hold elections and begin the operations of government while the former Indian land could be distributed through a state lottery. Within these transferred lands was the home of Elisha Winn and it was here that the first elections and court sessions were held, and where Gwinnett's first jail was located.

Much of the planning for the new county took place in the parlor of the Winn House, as were the first functions of county government. By early spring of 1819, Gwinnett County had a full slate of elected officials. Early sessions of Superior Court, serving several counties including Gwinnett, were held in Elisha Winn's barn. A small log jail was erected near the barn to house prisoners of the court.

Inferior Court and county elections were held in Winn's house for a year, while Superior Court met in his barn. In 1820, Isham Williams built a log courthouse on land he owned located near present-day Lawrenceville. When Williams and the County could not agree on a purchase price for the land, Elisha Winn bought the 250 acres and a second log courthouse was built on the site that would become Lawrenceville. In 1824, the second log courthouse was replaced by a brick structure which burned down in 1871. The legislature authorized Gwinnett County to borrow up to \$8,000 to build another courthouse, which was completed in 1872. This new building, however, was widely criticized for its construction, and in 1884 was torn down and replaced by the two-story brick courthouse that still stands today in downtown Lawrenceville.

The 1970s and 1980s were decades of substantial population growth in Gwinnett County, necessitating the creation of additional judgeships. By the early 1980s, Gwinnett's courthouse was so crowded that a new and larger facility had to be built. In 1988, construction was completed on a new Gwinnett Justice and Administration Center that presently serves as a courthouse and multi-purpose county government center.



mission

The Georgia Constitution established the Courts of the Gwinnett Judicial Circuit to enforce and administer the laws of this state and of the United States. As a separate and distinct branch of government, the Courts are under a constitutional mandate to resolve disputes and enforce laws in a fair and impartial manner—this is the sole mission of the Courts.

vision

The judges of the Gwinnett Judicial Circuit are committed to continued professional, efficient, and impartial case resolution. By completing its mission, the Gwinnett Judicial Circuit will continue to be recognized as a dynamic and progressive court system.

values

Quality

The Courts will strive to provide the highest quality of justice.

Strategic Thinking

The Courts are committed to implementing programs and processes that promote the continuation of effective case flow management to meet the challenges of the future.

Access

Courthouses will be safe environments where the public can conduct its business.

Innovation

The Courts will implement innovative programs that use modern technology.

Service

The Courts will meet the challenges of providing services to the increasing and diverse population with a commitment to ensuring public trust and confidence in the judicial system.

Stewardship

The Courts will act as responsible caretakers of the financial and human resources entrusted to them.



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jurisdictions



Superior Court

A trial court of *general jurisdiction* with the exclusive, constitutional authority in felony criminal cases; title to land; divorce and equity; declaratory judgments; *habeas corpus*; mandamus; *quo warranto* and prohibition; and adoptions. Except for certain probate and juvenile matters, this court exercises jurisdiction over other cases concurrently with the limited jurisdiction courts. This court is authorized to correct errors made by lower courts by issuing *certiorari*. For some lower courts, the right to direct review by this court applies.

State Court

A trial court of limited jurisdiction established by a 1970 legislative act. This class of court is a county court. Jurisdiction includes misdemeanor criminal cases, including traffic cases, and general civil cases, regardless of the amount, unless the superior court has exclusive jurisdiction. The court is authorized to hold preliminary hearings and hearings on applications for and the issuance of search and arrest warrants. Georgia Constitution grants this class of court the authority to review lower court decisions as provided by law.

Magistrate Court

The "people's court." This court's jurisdiction encompasses civil claims of \$15,000 or less; distress warrants and dispossessory writs; county ordinance violations; applications for and issuance of search warrants; and preliminary hearings. Magistrates may grant bail in cases where the setting of bail is not exclusively reserved to a judge of another class of court. No jury trials are conducted in this court. Appeals from this court's decisions are made to the superior and state courts.

caseload

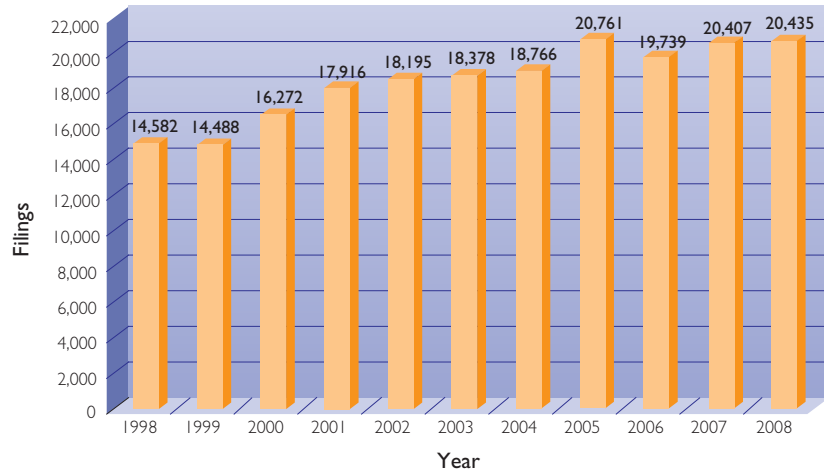
The judges in the Gwinnett Judicial Circuit face continual challenges of effectively managing rising caseloads, disposing of court business without delay, and delivering quality service to the public. As reflected in the case filings graphs, the caseload for the superior, state, and magistrate court has increased dramatically over the last 10 years. The number of civil and criminal filings in the superior court increased by **40** percent since 1998 and by **11** percent since 2003. State court civil and criminal filings increased **247** percent since 1998 and **83** percent since 2003. The total filings in the magistrate court increased **120** percent since 1998 and **39** percent since 2003.

In August 1999, the Judicial Council of Georgia through the state Administrative Office of the Courts retained the consulting services of the National Center for State Courts to conduct workload assessment studies for the superior and state courts of the Georgia Judicial System. Superior and state court judges statewide participated in the collection of data for this study. The result was a rational and credible assessment model for determining the need for judges in the state of Georgia. The model uses differentiated case processing time standards for each of the major case types handled by the superior and state court. These methodologies are objective in nature and depend on case filings, not the rates at which cases are disposed, for determination of additional necessary judgeships. Using this objective criteria, Gwinnett County currently has demonstrated needs for 11.52 superior court judges and 8.5 state court judges. Gwinnett County currently has ten superior court judges and six state court judges.

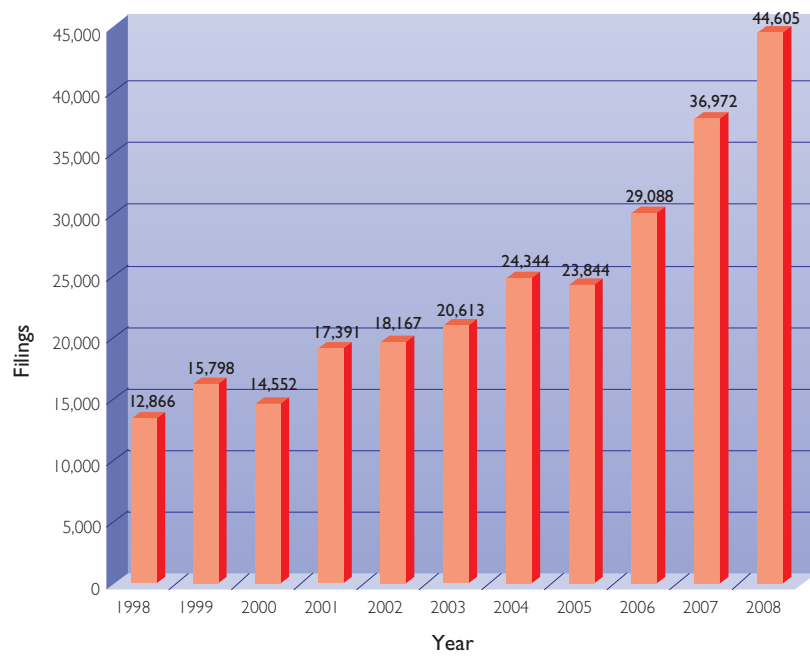
Despite the incredible increase in case filings that have outpaced Gwinnett's phenomenal population growth, Gwinnett's judiciary continues to work its caseload extremely efficiently. Gwinnett's judges are working hard to manage their cases while providing outstanding service to the citizens of Gwinnett County.



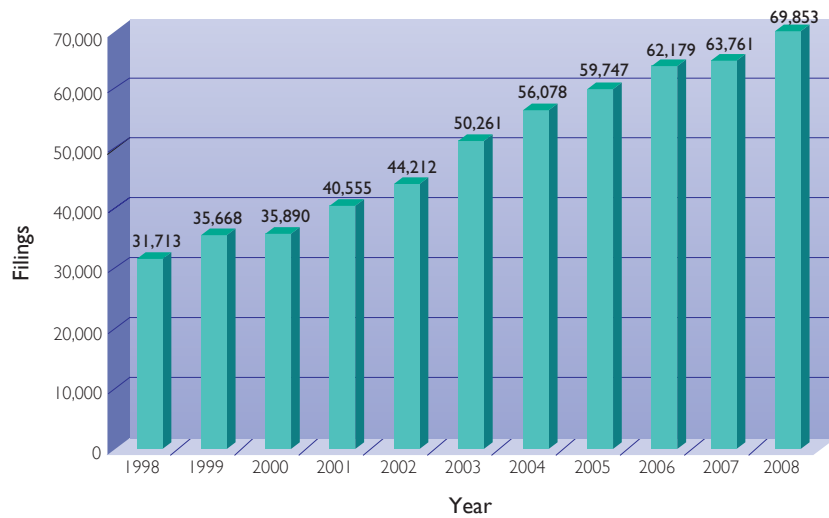
superior court filings



state court filings



magistrate court filings





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court administration

Divorcing Parent Seminar Participant Comments

"Very helpful and informative on dealing with the ways to help children understand and deal with the process of divorce."

"I learned that character assassination affects the child's self-esteem and the effective ways to answer my child without putting the other parent down."

"I learned how to listen to my children, how to keep adult issues as adult issues, how not to dump my emotions on my children, how not to let my children parent me."

"The most important thing I learned from this workshop is to not to talk about my son's father in a negative way, and to let him know that we both love him no matter what the situation is."

"How important it is to tell the kids it's okay to love both mom and dad."

The responsibility of the Court Administrator is to manage the non-judicial functions of the Court under the guidance of the judges. Judges are ultimately responsible for effective court management. However, the complexity of the modern court requires the delegation of administrative functions and responsibilities to the Court Administrator. The Court Administrator serves the dual function of increasing judges' time for adjudication by accomplishing the administrative functions of the Court, and by bringing professional managerial expertise to the administrative problems of the judiciary.

Duties of the Court Administrator include management of personnel and fiscal matters, alternative dispute resolution, interpreting, indigent defense, law library, information systems, and space and equipment needs.

Alternative Dispute Resolution (ADR)

In 1995, the Administrative Office of the Courts, under the direction of the judges, developed and implemented an *Alternative Dispute Resolution Program* (ADR) for the Gwinnett Judicial Circuit. The ADR Program is dedicated to the development and widespread use of prompt, effective, and economical methods of dispute resolution. A multi-door program has been implemented that offers a variety of options to assist in resolving cases including mediation, binding and non-binding arbitration, and case evaluation.

Because the process of mediation gives the parties the greatest control over the outcome of their case, it is the elected method in 99 percent of the cases processed through the ADR program. Mediation is a process in which a neutral third party (mediator) facilitates communication between parties, assists in identifying issues, and helps to explore solutions to promote a mutually acceptable settlement. In the absence of settlement, the parties retain the right to take their case before the court.

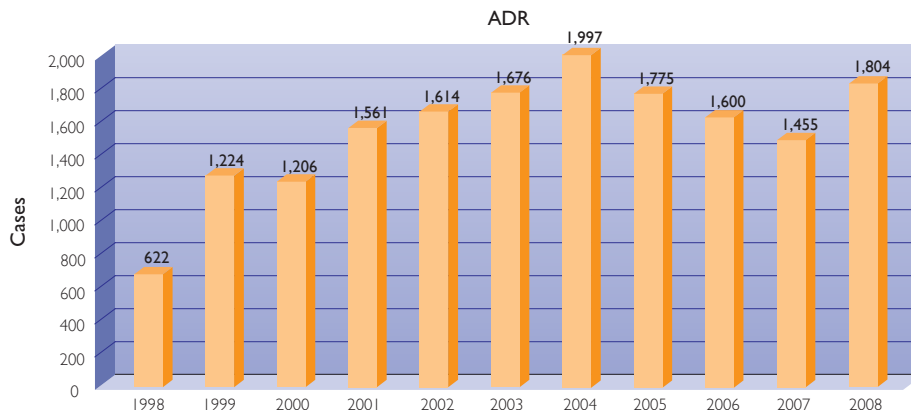
Since the inception of the court-annexed program in 1995, the number of cases processed through the ADR program has continued to increase. Last year, approximately 83 percent of the cases referred to ADR were resolved without requiring a court hearing.

The ADR office also manages the superior court's divorcing parent seminar. This seminar is required in the majority of domestic cases where minor children are involved. The primary goal of this program is to reduce the frequently negative impact of divorce on families, especially on the children involved. The four-hour seminar, taught by a male/female team of masters-level professionals trained in mental health services, receives excellent reviews from participants. The class averages more than 170 participants monthly.

Based on demographic changes occurring in Gwinnett County, the ADR office conducted a pilot program in 2003 offering the divorcing parent seminar in Spanish. The class was well received and is presently being offered once a month with a bilingual male/female team of presenters.



ADR Cases



Family Violence

The Gwinnett Judicial Circuit leads the state of Georgia for entering protective orders on the state’s registry to protect victims of family violence and stalking. Due to the volatile nature of these cases and their potential for serious injury, these cases are heard quickly and promptly. The Gwinnett Superior Court coordinates the duties of the Clerk’s office, Sheriff’s Department, and Magistrate Court to provide quick assistance to victims. Forms, instructions, safety brochures, counselors, and referrals to protective shelters are readily available. Persons seeking court protections are given an immediate opportunity to be heard by the court, with or without an attorney. Trials are also expedited and are usually concluded within seven to 10 days of filing.

Interpreting Services

Between the years 1990 and 2000, Gwinnett County’s population increase was led by ethnic diversity. Gwinnett County had the largest percentage change in the net minority population growth of all United States counties and the largest percentage change in net Hispanic population growth of all United States counties.

Gwinnett County had the largest percentage change in net Hispanic population growth of all US counties 1990 – 2000

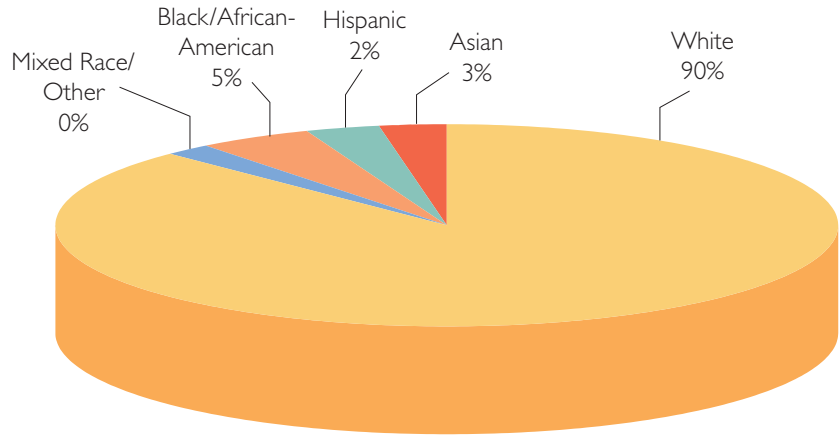
Gwinnett County, GA	657.2%	(55,667)
Clark County, NV	264.4%	(219,239)
Orange County, FL	159.2%	(103,415)
Broward County, FL	150.5%	(163,213)
Salt Lake, UT	144.7%	(63,140)
Lake County, IL	140.4%	(54,146)
Maricopa, AZ	120.9%	(417,843)
Kane County, IL	120.3%	(52,389)

Source: City County Data Book, 2000



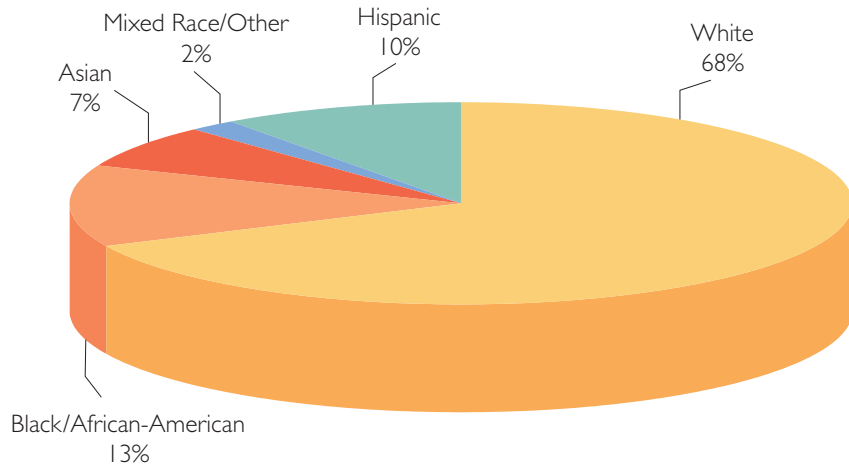
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gwinnett county ethnic distribution 1990



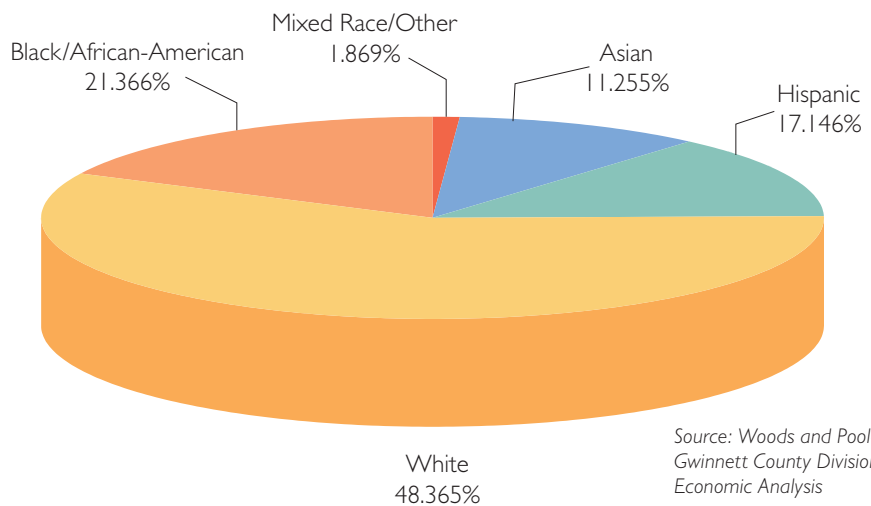
Source: US Census Bureau

gwinnett county ethnic distribution 2000



Source: US Census Bureau

gwinnett county ethnic distribution 2008



Source: Woods and Poole and Gwinnett County Division of Economic Analysis



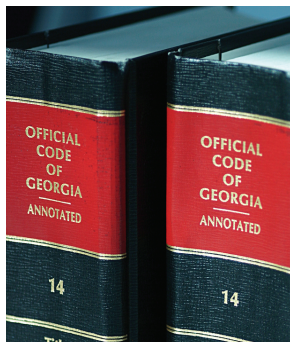
These demographic trends make it clear that the courts face mounting difficulties in meeting the challenge of ethnic and linguistic diversity. The use of interpreters in the Gwinnett County Courts has increased tenfold over the past few years. In 2008, there were 2,456 requests for interpreters in the Superior, State, and Magistrate courts, an average of 9.4 requests per work day. Of these requests, 78.9 percent were for Spanish, 6.7 percent for Korean, 5.5 percent for Vietnamese, and the other nine percent included 36 different languages.

In 1994, the Georgia Supreme Court Commission on Racial and Ethnic Bias in the Court System began examining the court system. One area the commission focused on was language barriers in the courts. As a result, the Georgia Commission on Interpreters was established to address the ethnic bias that was found in some courts.

Georgia joined the consortium of states who have a certification process for court interpreters. The role of the consortium is to implement standards for interpreting proficiency by providing training and testing. Gwinnett County was chosen to help administer the first certification tests within the state and maintains an active role on the Commission.

Law Library

The Gwinnett County Law Library serves to provide access to accurate, up-to-date legal information to County and court personnel, attorneys in private practice, and the public. To achieve this mission, the Law Library continually adds to its collection of over 20,000 books and periodicals and its online legal databases and CD-ROM, currently at over 80 selections.



For attorneys and the judiciary, the Library provides training programs on the use of computer resources, including Continuing Legal Education credit programs on legal research using Westlaw and Lexis. The library acquires materials based on changing laws and regulations and evolving practice areas.

The Law Library has on average over 95-100 users per day. Increasingly, those users are *pro-se* litigants. The Law Library responds to those users by providing books, including sample form books and guides in such areas as family, landlord and tenant, and employment laws.

The Law Library has created and maintains a website at www.gcll.org, which provides information on policies and procedures and provides links to legal information resources.

Treatment Court

Drug and drug-related offenses are among the most common crimes in nearly every community. According to the National Institute of Justice, two-thirds of all adults arrested test positive for illicit drugs at arrest. The national recidivism rate for drug offenses is nearly 67 percent. Up to eight percent of child abuse and neglect cases and nearly 50 percent of domestic violence cases are substance-abuse related.

Based on this knowledge, the Gwinnett Judicial Circuit implemented a Treatment Court that provides a non-traditional approach to criminal offenders who are addicted to drugs and/or alcohol. The Gwinnett County Superior Court implemented the drug court division of the Treatment Court in January of 2005 for drug or drug-related offenses. The Gwinnett County State Court established the DUI (driving under the influence) court division in September of 2005 for driving offenses related to alcohol and/or drug use. Rather than



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Treatment Court Vision

It is the vision of the Treatment Court that Gwinnett County is made safer through the collaboration of multi-disciplinary, government and private sector organizations, and individuals working together to reduce addiction-driven crime and drug usage, to improve quality of life, and to promote the positive integration of drug-abusing individuals with family and community.

focusing only on the crime committed and the punishment received, the Treatment Court attempts to address the underlying addiction and break the cycle of substance abuse and criminal behavior.

The Treatment Court is built upon a unique partnership between the criminal justice system and substance abuse treatment community, one which structures treatment intervention around the authority and personal involvement of a Treatment Court Judge. The advantages of having a Treatment Court can be seen through the goals and the benefits to the community:

- Reduces the revolving door of crime and drugs by providing treatment to drug-addicted criminal offenders
- Requires strict accountability from program participants through frequent in-person court hearings and intensive monitoring
- Requires total abstinence from illicit and illegal drugs and alcohol
- Reduces emergency room, hospital, and medical costs
- Reduces domestic violence
- Reduces felony and misdemeanor crimes
- Requires completion of education and/or vocational training
- Requires employment in a "W-2" taxpaying job
- Decreases use of public assistance
- Eases court, jail, and prison overcrowding and costs

It is the mission of the Gwinnett Judicial Circuit's Treatment Court to support substance abusing offenders in breaking the cycle of addiction and the crimes that accompany it, by combining effective treatment and intensive judicial supervision, and to return a sober, productive person to society, reunite families, reduce welfare roles, and enhance public safety.

Treatment Court Successes

Drug Court	DUI Court
155 Total Participants	207 Total Participants
51 Graduates to Date	95 Graduates to Date
9,422 Total Sober Days	5,997 Total Sober Days
9 Drug-Free Babies Born	2 Drug-Free Babies Born
98.4% Employment Rate	97% Employment Rate



technology and the courts



Computer and internet technology present both challenges and potential benefits for the courts. The Gwinnett Judicial Circuit has led the way in many innovative solutions.

EWI (Electronic Warrant Interface)

In 1998, the Gwinnett County Magistrate Court developed and implemented the first-in-the-nation computerized video warrant application process, incorporating electronic signature technology. Before the Magistrate Court could proceed with the project, the County had to receive permission from the Georgia Supreme Court. The state code previously required an officer to appear in person before a judge when processing an arrest warrant. The video conferencing technology replaces the “in person” requirement throughout the state. The Electronic Warrant Interchange has reduced arrest warrant process time from two hours to about 15 minutes, allowing officers to dedicate more time to patrolling and less on paperwork. Based on the successful time and cost-saving benefits experienced by the Gwinnett County Police Department and the Gwinnett County Magistrate Court, several other agencies have implemented the use of EWI during the past year. These agencies include the municipalities of Duluth, Lawrenceville, Lilburn, Norcross, Snellville, and Suwanee; the Gwinnett County School Police; the Gwinnett County District Attorney’s Office; and the Georgia Bureau of Investigation.

Video Conferencing

The trial courts are moving forward with technologically advanced trial courtrooms. This technology allows the court to use video conferencing to conduct various hearings and other events without requiring the parties to be at the same location. Video conferencing eliminates or lessens the impact of time, distance, and poor reception in communications. Court staff function more effectively and efficiently. Better service is available at lower cost to the public. The courts currently have one video-conferencing-capable courtroom and one mobile unit.

CJIS (Integrated Criminal Justice Information System)

The courts are currently involved in a countywide integrated criminal justice information system project. The CJIS network will make available to criminal justice professionals in law enforcement, the courts, and corrections accurate and comprehensive criminal justice information. The integration will simplify current processes, facilitate data movement, and govern data access. As a result, the County expects to systematically improve the operational efficiency of the existing criminal justice systems by streamlining information and data entry.

The CJIS network will help the County connect disparate data systems; provide a single user interface for searching all jurisdictions and agencies; automate warrant processing and other criminal justice information-exchange processes; and create real-time access and improved accuracy of information. The CJIS network will provide significant time savings in investigating crimes, offering a full 360-degree view of criminal subjects and an overall advanced level of information sharing.

Gwinnett County faces many challenges associated with being one of the fastest growing US counties in the past 20 years. The County realizes the importance and challenges of comprehensive judicial data management. CJIS will provide the means to address these challenges.





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key contact information

Indigent Defense

The Supreme Court of the United States, in the landmark decision of *Gideon v. Wainwright*, requires the appointment of counsel to those who cannot afford to hire an attorney. The Office of the Court Administration, with the assistance and oversight of an appointed Indigent Defense Governing Committee comprised of representatives of the local bar association, the courts, and Gwinnett County government, monitors programs and services for the delivery of legal representation to indigent defendants accused of a crime.

The Gwinnett Courts have an assigned counsel program using private attorneys who wish to provide services for indigent defendants. The Governing Committee creates a master list of panel attorneys from which the court appoints on a rotational basis. The master list is divided into categories with a comprehensive qualification process for attorneys that enables attorneys to build expertise and insures the provision of quality defense based on the category of the offense and the potential sentence. This system has been recognized statewide as a process where quality is assured for effective lawyering and delay in the processing of cases has been minimized.

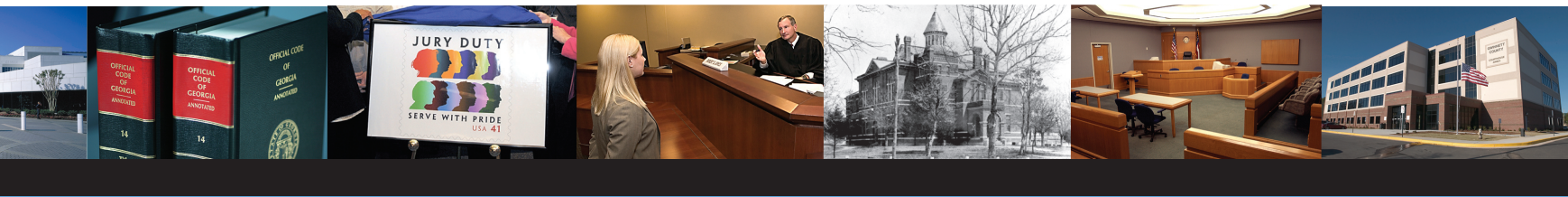
Fast-Track

In order to minimize crowding at the Gwinnett County Detention Center, a fast-track plea program is used in both State and Superior Courts. This process allows a person accused of a crime to enter a plea of guilty before the court a short time following arrest.

Judges

Superior Court	
Chief Judge Dawson Jackson	770.822.8617; 822.8642 (fax)
Judge Michael C. Clark	770.822.8609; 822.8637 (fax)
Judge Melodie Snell Conner	770.822.8658; 822.8662 (fax)
Judge Debra K. Turner	770.822.8622; 822.8645 (fax)
Judge William M. Ray II	770.822.8613; 822.8637 (fax)
Judge R. Timothy Hamil	770.822.8672; 822.8536 (fax)
Judge Ronnie Batchelor	770.822.8651; 822.8641 (fax)
Judge Tom Davis	770.822.8585; 822.8584 (fax)
Judge Warren Davis	770.822.8043; 822.8535 (fax)
Judge Karen E. Beyers	770.822.8604; 822.8641 (fax)

State Court	
Chief Judge Robert W. Mock Sr.	770.822.8515; 822.8513 (fax)
Judge Pamela D. South	770.822.8554; 822-8513 (fax)
Judge Joseph C. Iannazzone	770.822.8548; 822.8684 (fax)
Judge Carla E. Brown	770.822.8503; 822.8536 (fax)
Judge Randy Rich	770.822.8510; 822.8535 (fax)
Judge John F. Doran Jr.	770.822.8757; 822.8684 (fax)



Magistrate Court

Chief Magistrate George F. Hutchinson III	770.822.8081; 822.8075 (fax); george.hutchinson@gwinnettcourt.com
Judge Valeria Head	Judge Mark Lewis
Judge Laura Tate	Judge Robert Walker
Judge Richard Alexander	Judge James Argo
Judge Kristina Blum	Judge William Brogdon
Judge Gene Cantrell	Judge Angela Duncan
Judge James Hinkle	Judge Michelle Knight
Judge Mark Layng	Judge Jennifer Mann
Judge Robert Mitchum	Judge Janet Moja
Judge Albert Norton	Judge Phyllis Russell
Judge Michael Thorpe	Judge Robert Waller
Sr. Judge Ernest Bennett	Sr. Judge Wendell Peevy
Sr. Judge Emily Powell	Sr. Judge Gene Reeves
Sr. Judge Kenneth Sissel	

Probate Court

Judge Walter J. Clarke II	770.822.8259; 822.8267 (fax)
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Juvenile Court

Presiding Judge Robert Rodatus	770.619.6188; 619.6096 (fax)
Judge Stephen E. Franzén	770.619.6179; 619.6095 (fax)
Judge Phyllis Miller	770.619.6184; 619.6094 (fax)

Recorder's Court

Chief Judge Robert S. Jones	770.619.6161; 619.6007 (fax)
Judge Michael Greene	770.619.6164; 619.6008 (fax)
Judge Patricia H. Muise	770.619.6166; 619.6009 (fax)

Agency/Division Directors

Clerks of Court

Tom Lawler Superior, State, Magistrate	770.822.8100 nancy.owens@gwinnettcourt.com
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Agency/Division Directors (cont'd)

Prosecutors

Danny Porter Superior, Juvenile Courts	770.822.8400; 822.8465 (fax) danny.porter@gwinnettcourt.com
Rosanna Szabo State, Recorder's Courts	770.822.8300; 822.8339 (fax) rosanna.szabo@gwinnettcourt.com

Security

Sheriff Butch Conway	770.822.3120; 822.8227
Major Carl White	770.822.8208; 822.8227 (fax)

Court Administration

Superior, State, Magistrate Courts

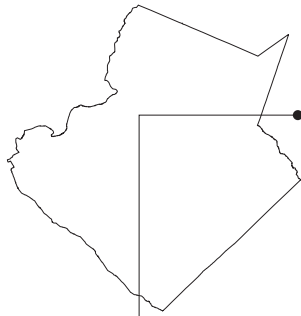
Philip Boudewyns Circuit Court Administrator	770.822.8564; 822.8566 (fax) phil.boudewyns@gwinnettcourt.com
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Laura Lynn Swafford Director, ADR	770.822.8587; 822.8588 (fax) lauralynn.swafford@gwinnettcourt.com
Priscilla Woolwine Director, Treatment Courts	770.822.8558; 822.8566 (fax) priscilla.woolwine@gwinnettcourt.com
Patrick Bennett Court Technology Officer	770.822.8576; 770.822.8566 (fax) patrick.bennett@gwinnettcourt.com

Juvenile Court

Jesse Lawler Court Administrator	770.619.6351; 619.6002 (fax) jesse.lawler@gwinnettcourt.com
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Probation Services

Sandra Thomas Superior Court	770.339.2210
Beth Edwards Juvenile Court	770.619.6045
Professional Probation Services, Inc. State Court	770.962.6564
Sentinel Offender Services Recorder's Court	770.339.5120



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Historic Courthouse c1908
courtesy of the Gwinnett Historical Society

spring 2009

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