

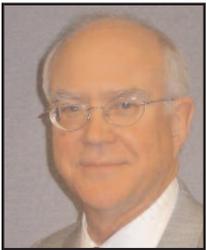
# THE GAVEL

*The Official Newsletter  
of the Georgia Council of Probate Court Judges*

Volume 14, Number 4

Fall 2007

## MESSAGE FROM THE PRESIDENT



We have had two great meetings since my last newsletter. The Strategic Planning Session

at the Brasstown Valley Resort Conference Center in September and the Probate Judges Council meeting in Savannah in November. The Strategic Planning Session was successful in outlining proposed legislation for 2008 and 2009. The facility and food were outstanding. In addition to probate judges and AOC staff, two members of the fiduciary section of the Bar attended. The primary purpose of the meeting was to review several items of new legislation.

In Savannah, the following proposed legislation was voted on and approved by the Probate Judges Council:

1. Create additional concurrent jurisdiction with superior courts by adding the power to construe wills to the jurisdiction of Article Six probate courts.
2. Create additional concurrent jurisdiction with superior courts by adding the power to legally change names to the jurisdiction of probate courts.

3. Allow probate judges to appoint an associate probate judge.
4. Modify our term of court from month-to-month to quarterly.
5. Reintroduce Training Council legislation regarding changes in composition of districts.
6. Amend current laws to allow additional parties, including sureties, access to sealed conservatorship records at the discretion of the probate court.
7. Acquire the ability to enter Temporary Protective Orders (TPO) in conjunction with eliminating the requirement of an affidavit from a physician, psychologist, or clinical social worker when granting an emergency conservatorship.
8. Amend O.C.G.A. § 29-2-8 to address situations in which one or

more temporary guardians seek to terminate the temporary guardianship.

9. Amend O.C.G.A. § 29-3-3(h) to allow a "court in which the action is pending" to approve structured settlements.

10. Eliminate Year's Support as a trigger to prevent the probate of a will after five years have passed.

11. Amend O.C.G.A. § 53-2-40 petitions for no administration necessary to create a form to be recorded in the deed room to put title examiners on notice that a change in ownership of real property has been made.

12. Eliminate the use or option of a \$10,000 bond in obtaining a fireworks permit and change the filing fee to \$100.

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## *Probate Judge Executive Committee Minutes*

The King & Prince Resort • St. Simons Island, GA • August 14, 2007

### *Welcome and Opening Remarks*

The meeting was called to order at 12:27 p.m. Judge Clarke welcomed everyone in attendance.

### *The Judicial Council Court Emergency Management Committee*

Judge Clarke introduced Mr. Bob Bray, Associate Director for Planning and Research, AOC. Mr. Bray presented on behalf of the Judicial Council's Court Emergency Management Committee, whose specific objective is to assist local courts in pandemic influenza preparedness and planning. He explained several months ago Chief Justice Sears attended a national conference on the looming influenza pandemic. Information received from public health officials, the CDC, The World Health Organization and the Division of Health indicate the rapidly mutating Avian Flu will develop the capability to spread from bird-to-human and eventually develop into human-to-human transmission. Experts predict this evolution will be complete within three years. The Court Emergency Management Committee's charge is to address the issue of judicial system operations during the pandemic. The prevailing goal is to identify and develop best practices, procedures, and policies for courts to reference when developing and implementing local emergency management and continuity of operations plans. The Committee will also consider what resources are necessary for courts to perform essential functions but will limit its scope to legal and operational aspects. A representative from each class of

court has been appointed. Judge Betty Cason serves as the probate court representative and has provided a wealth of information.

The pandemic is expected to strike in three waves. In the initial outbreak, three-quarter of all persons who will become infected will experience symptoms. This surge will last approximately 8-10 weeks. Wave two will occur three to four months after the preliminary wave has subsided. Public health officials are hopeful that a vaccine will be developed by this time. Wave three is anticipated to occur three to four months following wave two. In all, the pandemic is expected to last between eight to eighteen months.

Available projections indicate court activities will be suspended for a maximum eight to ten weeks. Mr. Bray then turned over the presentation to Ms. Kelly McQueen, Policy Analyst, AOC.

Ms. McQueen distributed an informational packet entitled Strategy for Pandemic Influenza – Keeping the Courts Open in a Pandemic for review and comment. She explained the document is a template based on recommendations made by the

Judicial Council of Georgia's Court Emergency Management Committee. It is meant to be a planning tool to help local courts develop continuity of operations plans (COOP) and Emergency Management Plans. She announced once feedback has been received from all levels of court the template would be presented to the Judicial Council for approval. The template consists of several topic areas, which are as follows: Planning Assumptions and Situation Parameters; Objectives and Mission Essential Functions; Objectives and Mission Essential Functions; Local Public Health Contacts; Technology Plans; Communications; Court Emergency Management Team (CEMT); Infection Control Precautions; Personnel Issues; Jury Management; Practice the Plan; Legal Issues; and Checklist and Templates. Ms. McQueen further explained during a pandemic outbreak it may be necessary to conduct the business of the court from individual homes or other locations. Courts should sufficiently prepare to perform mission essential functions via videocon-

**continued page 3**

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### *Message from the President cont.*

13. Modify O.C.G.A. § 10-6-36 to change "guardian of property" to "conservator".

Several other matters, which deal primarily with increasing the qualifications of individuals who can run for probate judge and increasing the authority of attorney probate judges who do not

currently have Article Six powers, are being deferred to the 2009 Legislative Session. Judge Mike Bracewell, Chairman of our legislative committee, will be working with Mark Middleton to promote the proposed legislation.

Best wishes over the holidays.  
Jim Clarke, Gwinnett County

## *Executive Committee Minutes cont.*

ference, telephone/teleconference, or alternate methods in which face contact is limited-to-none. The courts should also establish an emergency coordinating officer who will serve as the primary contact person for the court and coordinate emergency planning efforts. The Court Emergency Management Team (CEMT) should be comprised of judges, attorneys, deputy clerks, deputy sheriffs, court reporters, IT staff, and others who are trained and prepared to perform the court's mission essential duties,

### ***Approval of Minutes***

Judge Clarke called for a review of the minutes from the April 14, 2007 meeting at the Georgia Center in Athens, Georgia. Judge McCoy noted a correction (page 8) in that Judge Mary Cranford was listed as the Secretary – Treasurer. This should be amended to reflect Judge Darin McCoy as Secretary-Treasurer.

MOTION: Judge Self, with a second from Judge Greene, moved that the minutes be approved with the noted change of the Secretary - Treasurer. The motion passed unanimously.

### ***Financial Reports***

- Association Funds - Judge McCoy provided a three page Treasurer's Report on association funds. His report indicated the Council's assets, as of July 31, 2007, totaled \$64,201.11 from two banking accounts, including \$41,974.10 from the investments from two certificates of deposits secured at the F&M Bank (\$10,000.00) and South Georgia Bank (\$31,974.10). Included was a

BB&T Bank transaction report from 4/1/01-7/30/07 showing a balance for the period in the amount of \$16,648.52 and a Claxton Bank transaction report from 4/1/07 – 7/30/07 showing a balance for the period in the amount of \$5,578.49. Judge McCoy informed the members that Judge Self would conduct an audit on the 2007 books. He added Judge Self had not been paid for services rendered for the previous years audit with the transitioning of the treasurer position from Judge Cranford to himself. Judge McCoy requested approval to pay Judge Self for last years audit in addition to this years.

MOTION: Judge Harper, with a second from Judge Greene moved to pay Judge Self for last years audit and the current year audit, the motion passed with all in favor.

In final, Judge McCoy reported 153 counties have submitted payment of dues, including one county that has double paid.

- State Funds – Ms. Murphy presented the report on State-appropriated funds activity as of August 7, 2007. Total funds appropriated for FY08 were \$160,138.00. This amount includes \$20,000.00 appropriated for legal research (Westlaw) and \$65,000.00 for updating the Guardianship Video. The Council has an existing balance of \$151,017.76 with year-to-date expenses totaling \$9,120.24. Revenue generated from handbook and standard form sales in the amount of \$515.00 has been received. Total Council funds available were reported as \$151,532.76.

Motion: Judge Self moved to approve the state appropriated report as amended to reflect year-to-date expenditures as \$8,370.24, the balance of State-appropriated funds as \$151,767.76 and the total funds available as \$152,282.76. With a second from Judge Greene, the motion passed with no dissent.

### ***President Report***

Judge Clarke reported the strategic planning session is scheduled for September 24-26, in Brasstown Valley Resort, Young Harris, Georgia. The Council will reimburse participants for travel expenses. An opportunity will be provided for committees to meet, however, the session will focus mainly on legislative matters. Judge Clarke then reviewed several proposed legislative initiatives which were included in the agenda (tab 5). He asked members to review the legislation and bring any comments and or additions to the strategic planning session. Following a brief discussion on legislation, Judge Clarke announced he was asked to nominate two probate judges for the Constitutional Officer-of-the-Year Award. This request will be forwarded to the Awards Committee chair for follow up.

### ***Report from AOC***

Mr. Patterson reported the Administrative Office of the Courts (AOC) has undertaken an initiative to demonstrate its commitment to customer service and accountability by enacting performance measures. With regards to meeting planning services, Judicial Liaison staff will hence-

## *Probate Judge Executive Committee Minutes cont.*

forth disseminate agendas for upcoming meetings at least ten business days in advance. Also, a draft of meeting minutes will be provided within ten business days following the conference.

Judge Self questioned if the AOC could create a simple website template. The template would provide probate courts in counties that otherwise do not have IT support personnel with an informational website. Mr. Patterson responded he would enquire of Mr. Basto, AOC –IT, regarding the possibility of having the template created.

### *District Reports*

Next, Judge Clarke called for reports from the district representatives. Reports were as follows:

- District 2 Judge Brackett reported the District 2 continues to meet quarterly. The next meeting is scheduled for the end on August.
- District 3 Judge Powell reported the members recently held a meeting at the Georgia Power Resource Center in Atlanta, Georgia. The meeting was very informative and she encouraged others to visit the Resource Center. In addition, District 3 members met Monday, August 13, 2007, which featured a Low Country Boil at Village Creek Landing.
- District 5 Judge Baker reported their next meeting is scheduled for August 30th at Judge Jim Burton's Court (Wilkes County).
- District 6 Judge Self reported District 6 held its first ever meeting on July 30, 2007.

- District 7 Judge Hardaway reported District 7 is scheduled to meet at the end of the month.
- District 9 Judge Buxton reported Mr. Bob Carter met with District 9 members to discuss the retirement plan at its last meeting. She noted the session was very informative and encouraged others to invite Mr. Carter to their respective meetings.
- District 12 Judge Lewis reported their next meeting is scheduled August 28th in Thomasville. Representatives from the GCIC will conduct an informational session at the meeting.

### *Committee Reports*

- Automation Committee – A written report was included behind tab five.
- Benchbook Committee – Judge Toomer reported updates of chapters six and sixteen are on schedule and will be completed in time for the November meeting.
- Bylaws Committee – Judge Clarke presented the proposed changes to the bylaws regarding the duties of the 1st Vice President for approval in Judge Lumpkin's absence. Judge Greene moved to approve the bylaws change regarding the duties of the 1st Vice President and present to the Council for approval at the November meeting. Being properly seconded by Judge Self, the motion passed with no dissent.
- Court Rules and Forms Committee - Judge Ferguson reported the updated standard forms were sent to all members. The website is in the process of

being updated with the new forms and the CD will be available at a later date. She further announced the committee will be looking into modifying the rules regarding distribution of updated forms.

- Legislative Committee- Judge Bracewell announced his reported was covered under the Presidents report regarding proposed legislation.
- Mental Health Committee - Judge Ferguson reported in Judge Tate's absence; she passed out a written report for review. She and Judge Susan Tate represented the CPCJ at the first meeting of the Chief Justice-Led Task Force to promote Criminal Justice/Mental Health Collaboration in Atlanta on June 26, 2007. Judge Tate and Gwen Skinner, Director of DHR/MHDDAD, will be Co-Chairs of the Statutory Review committee. The other committees will address Resources and Training, Juvenile Issues, and Protocols. There will also be an Executive Steering Committee. Judge Ferguson has agreed to serve on the Statutory Review Committee, as has Dr. Patrice Harris, M.D. and President, Georgia Psychiatric Physicians Association. The next meeting is scheduled for 10:00a.m. on October 11, 2007 at the Macon AOC office. This will be a planning meeting regarding mental health policy headed up by Chief Justice Sears.

- Newsletter Committee – Judge Davis reported the Gavel edition dates will change to seasonal dates in an effort to streamline production. Submission deadlines will be a week following conferences/

## *Probate Judge Executive Committee Minutes cont.*

executive committee meetings. He reminded district representatives to forward meeting minutes for inclusion to either himself or Ms. Murphy.

### ***Probate Judges Training Council***

Judge Griffin reported the Training Council has not met since the Spring Conference in April. The Traffic Seminar was held in June at the Savannah Hyatt. Evaluations were favorable with the exception of missing handouts during the session on Ethics. The Training Council is scheduled to meet in conjunction with next month's strategic planning session.

### ***Old Business***

#### **SJI Grant Proposals (update)**

Judge Clarke reported a grant fund application for the Guardianship Video was submitted to the State Justice Institute (SJI) on July 30th. SJI Board of Directors will review applications for consideration on September 21st. Notice of the Board's decision should be received by September 28th.

#### **Duties of Personal Representative (update)**

Judge Self distributed a draft version of the revised pamphlet for review. He asked that comments or change request be for-

warded either to himself or Judge Jordan. It was explained the rewrite is being done in conjunction with the State Bar Fiduciary Law Section. Once completed and approved, the pamphlet will be added to the Probate Judges' website and made available for public download. Judge Jordan added the current version is written in common language, is very clear and easy to understand, and does not contain the legalese which was prevalent throughout the previous edition.

#### **Workload Assessment (update)**

Judge Kelly Powell reported the workload assessment initiative has been discontinued until further notice. The committee has determined clarification and advisement from Dr. Greg Arnold, AOC is needed before for the project can move forward. A number of questions regarding the project's purpose, scope and methodology have been advanced in recent weeks. Additionally, participants have expressed concern that the forms and event types are confusing and somewhat misleading. Judge Powell asked that participants hold on to their logs and other materials until these matters are addressed.

#### **Westlaw (update)**

Mr. Patterson updated the committee on Westlaw-related events which have transpired

since the Spring Conference meeting. He reminded members of the discussion and financial concern surrounding the Westlaw service contract. Since the meeting, an additional 58 subscribers are utilizing the service under the probate contract. Also, the General Assembly appropriated \$20,000.00 to fund legal research (Westlaw) services during FY08. This appropriation will fully fund Westlaw-related expenditures.

Judge Self noted the Council previously voted to invoice probate judges for the annual subscription by July 31, 2007. With consideration for the new developments, he moved to rescind the vote to invoice the Council of Probate Court Judges for the Westlaw Service. Being properly seconded, by Judge Greene the motion passed with no dissent.

#### **New Business**

As a matter of new business, Ms. Perry questioned if passwords had been issued for OBT's. There have been several questions on the clerk's listserv regarding this matter. Several judge responded the system is currently not available. Upon being brought back on line passwords will be issued.

#### **Adjournment**

There being no further business, Judge Clarke announced the next meeting would be in conjunction with the Strategic Planning Session scheduled September 24-26th at Brasstown Valley. The meeting was adjourned at 2:05 p.m.

Respectfully,  
LaShawn Murphy, AOC  
For Judge Darin McCoy, Secretary

Please  
Recycle



## *In the Spotlight ... Judge Arthur Buford*

By Judge Sam Davis, Editor

For Judge Arthur Buford of Jeff Davis County, it's "do what I say, not what I do" when it comes to scuba diving.

Judge Buford has been scuba diving since 1992 when he was with the Jeff Davis Fire Department and Sheriff's Department and once he made up his mind to try the sport he purchased \$2,500 worth of equipment before taking the first dive.

"That probably wasn't the smartest thing I've ever done," he said. "You might say I went 'whole hog' when I decided to get into it and laid down all that money just hoping I would like it. Fortunately for me, I fell in love with scuba diving and I've been at it ever since."

The sensible thing to do, he said, is to rent the equipment for the first few dives just to see if it's something you want to do. There is a certification process one must go through that includes a short course with a dive master and then a check-off dive in a spring. "You'll know after the first couple of dives if you like it," Judge Buford said, adding, "then you can go out and buy your own equipment."

He said "decent equipment" will cost around \$1,500, "and it goes up from there." The advantage of owning your equipment is the fact that you know what kind of condition it is in. "When you are 50 feet below the surface of the water you want to know your

equipment is working properly," he added.

One dive is all it takes for most people to get hooked on the sport. "After that first time going down I knew this was for me. I was amazed at how beautiful it is under water, especially around the artificial reefs that are abundant off the Georgia coast," he said. Grey's Reef, located several miles



off the Georgia coast, ranks at the top of the list for Judge Buford as far as beauty is concerned.

He didn't find it too difficult to get acclimated to the mask and breathing. "It really wasn't hard for me to regulate my breathing because I was use to using a breathing apparatus with the fire department. The hardest thing for me – and most people – was getting use to equalizing the pressure as far as your ears are concerned. I still have a problem with it after 15 years of scuba diving," he said.

Judge Buford spends a lot of

his time under water in the ocean, living about 80 miles from the coast, and in the crystal clear springs of Northern Florida. He has also been scuba diving in rock quarries, some as deep as 140 feet, although his maximum depth was been about 120 feet in the ocean.

He also has gotten involved in spear fishing and while he says he's never had any "close calls"

while scuba diving, he has to be extra careful when spear fishing because of the barracudas. Freshly speared fish will attract the aggressive barracuda. "They will take the fish from you and I learned quickly to put the fish on a reel to get him to the boat. I've seen barracuda that were probably four to five feet long...you don't want to take a chance with these fish," he added. He was seen sharks that range between 10-12 feet in length.

The largest fish he has speared was an 86-pound grouper.

Judge Buford says scuba diving is a fast growing sport in South Georgia and the age ranges from 13 and up. "I've seen divers in their 60s and 70s and I've seen some men that I didn't think could carry their air tanks," he said. A diver carries about 100 pounds of equipment when fully dressed.

The cardinal principle to remember, he adds, is to never dive alone.

## *Eighth District Probate Judges' Meeting • 10/9/07*

The Probate Judge's from the 8th District held their monthly meeting October 9, 2007 at the Quality Inn of Americus, Georgia. The following member's were present: District Chair Dwayne Forehand, Judge Ronnie Parker, Judge Slade Johnson, Judge Judy Reeves, Judge Mack McCarty, Judge Lessa Shivers, Judge Lorene Tindol, and Judge Nancy Fryer, with guests Kathy Fraser, Chief Clerk of Dooly County and Bob Carter of the Probate Judge's Retirement Fund.

After the meal Bob Carter presented a program on the status of the Probate Judge's Retirement Program explaining in detail the current options available. He further explained the requirement of years of service to be fully vested and the pros and cons of each option. Bob also, reported on the status the Probate Judge's Retirement Program would take on should any of the existing Probate Court's that handle traffic

relinquish that duty to a State Court.

Everyone was updated on James "Bump" Welch, Probate Judge from Marion County current medical condition. He remains in the hospital after another surgery but is recovering and asks for prayers.

Judge Nancy Fryer reminded everyone of the scheduled Traffic Court meeting in Dawson on October 24, 2007. Brandon Poarch of Department of Driver Services will present the training for those courts that handle traffic.

Chair Judge Forehand announced that the regularly scheduled meeting for November would be canceled in lieu of COAG. The next meeting date is December 11, 2007 at 11:30 AM at the Quality Inn of Americus, Georgia.

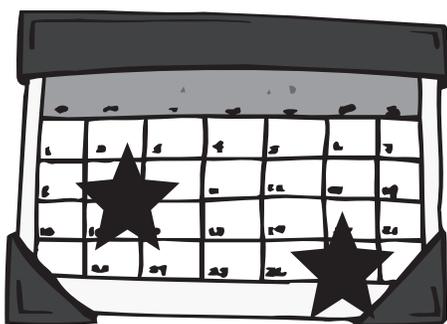
No further business the meeting was adjourned.

## *Meeting of the 10th, 11th and 14th Districts*

A meeting of the 10th, 11th and 14th Probate Districts (former Judicial District 1) was held on September 20, 2007 at Captain Joe's in Jesup, Georgia. Judges present were Don Wilkes, Charles Beasley, Harris Lewis, Debbie Howe, Calvin Bennett and Gloria Dubberly. Round table discussions were held on several topics. Special attention was given to planning the Christmas party. Tentative dates for the event are December 7th, 14th and January 4th . Ms. Kim Birge from Judge Lewis' office will look into holding the party at Love's in Richmond Hill.

Submitted by Judge Marie Middleton, Secretary

## *Mark Your Calendar*



### **2008 PROBATE JUDGES SPRING SEMINAR**

April 16 – 18, 2008  
Georgia Center, Athens  
(CPCJ Executive Comm. & Training  
Council Meetings scheduled)

### **2008 CLERKS/ SECRETARY TRAINING**

May 28 – 30, 2008  
Jekyll Island Club,  
Jekyll Island GA

August 20 – 22, 2008  
The Ridges Resort, Hiawassee GA

### **COAG CONFERENCE DATES**

Winter 2008 Conference January  
28-30, 2008  
Sheraton Atlanta Hotel, Atlanta  
GA  
(CPCJ Executive Committee  
Meeting scheduled)

Summer 2008 Conference  
The King & Prince, St. Simons GA  
(CPCJ Executive Committee  
Meeting scheduled)

Fall 2008 Conference November  
17-20, 2008  
Marriott Riverfront Savannah, GA  
(CPCJ Executive Comm. & Training  
Council Meetings scheduled)

## *Fifth District Probate Judges' Meeting*

*August 30, 2007*

The meeting of the Fifth District was held in the Wilkes County on Thursday, August 30, 2007. Probate Judges attending were Greg Adams, Margaret Deadwyler, Susan Tate, "Hoppy" Royston, Susan Sexton, Henry Baker, Tammy Brown, Beverly Nation, Jim Burton, David Anglin, Bob Smith and Betty Thomas. Yolanda Lewis attended as a representative of AOC. The meeting opened at 10:00 AM with prayer by Jim Burton. Judge Mike Bracewell arrived at 11:00 AM.

President Henry Baker passed around a letter from the Alzheimer's Association acknowledging a memorial gift for Peggy Hartman. The group was treated

to pastries and coffee and eventually, fruit that had been prepared, was brought out for our enjoyment.

The minutes and financial records were approved as submitted.

Cortne Brent, an agent for GCIC who was involved in the development of the Computer Criminal System, was the guest speaker. She offered an overview of the implementation of that database and explained how this would greatly simplify the collection of criminal disposition information and enable the State to comply with federal mandates.

Judge Baker gave a summary of the information that was disseminated at the Summer COAG

conference, which included status of a lawsuit (*Monroe v Crawford*) that related to the 60-day requirement for issuing a pistol permit. Emergency plans for dealing with disasters and a pandemic flu issue was discussed. Judge Tate outlined the move toward addressing the right to refuse medical treatment. She noted that Justice Leah Ward Sears had assembled a task force to address these mental health issues, including persons with health issues access to the judicial system.

The next meeting of the Association is set for November 29th in Barrow County.

Respectfully submitted,  
Jim Burton

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## *District Nine Meets....*

The Probate Judges of the 9th District met on August 30th, 2007. The meeting was held at the Jeff Davis County Courthouse with Judge Arthur Buford, Probate Judge of Jeff Davis hosting the meeting. Judges present at the meeting were Arthur Buford, Jeff Davis County, Dianne Walker, Telfair County, Betty Anderson, Wilcox County, T. J. Hudson, Treutlen County, Mary Jo Buxton, Johnson County, and Rubie Nell Sanders, Montgomery County. Guests in attendance were Cassie



Walters, Clerk of Johnson County Probate Court, and Mr. Bob Bray, Associate Director for Planning

and Research, Administrative Office of the Courts.

Bob Bray made a very informative talk on the possibility, and probability of the Pandemic Flu, and the type of preparations we need to be making to get our offices prepared. Following the meeting, Judge Buford treated us to a delicious lunch.

# Fifth District Probate Judges' Meeting

November 29, 2007

The meeting of the Fifth District was held in the Barrow County on Thursday, November 29, 2007. Probate Judges attending were Greg Adams, "Hoppy" Royston, Henry Baker, Tammy Brown, Jim Burton, David Anglin, Eddy Fowler, LaVerne Ogletree, Mike Bracewell and Betty Thomas. The meeting was opened at 10:00 AM. The group was treated to pastries coffee and fruit, which had been prepared our enjoyment.

President Henry Baker mentioned the members of the Council that had died in recent weeks. A note from the Johnson UMC Cemetery fund was passed around acknowledging a memorial gift for Lucy Bryant. Get Well cards for John Sexton, Judge Susan Sexton's husband;, and Judge Allen Gay were signed by those present.

The minutes and financial records were approved as submitted.

The judges elected the follow-

ing officers for the coming year: Director, Judge Henry Baker, Vice-Director, Judge Tammy Brown, Sec/Treasurer, Judge Beverly Nation.



Judge Baker brought up the subject of elections in the coming year. During this discussion, it was noted that legislation was proposed for the next session that would bring all ethics filings under the watch care of the Ethics Commission rather than the Election Superintendent. The group was urged to support such legislation. Filing fees were discussed along with a reminder that

the governing authority should publish them in January 2008.

Judge Baker led a discussion about Year's Support. The overall agreement was that a deed should be filed with the petition to assure the proper description.

Judge Bracewell raised some questions regarding Firearms License. He urged everyone to visit [georgiacarry.org](http://georgiacarry.org) to see how their county was rated at that site. Judges were reminded that background needs to be run as: "IQ" with probate court ORI and Purpose Code "F".

There were discussions about Determination of Heirs, Records Retention and filing for probate of a foreign will.

The next meeting of the Association is set for February 21, 2008 in Greene County.

Respectfully submitted,  
Jim Burton

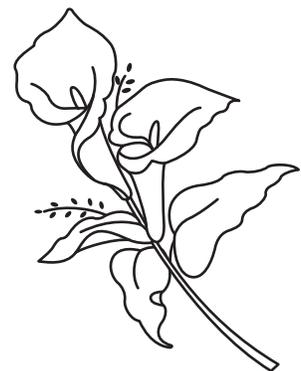
## Condolences

Condolences to **Judge Ruby Sirman** and her family on the passing of her mother Mrs. Margaret Kirkland. Mrs. Kirkland was blessed with a wonderful life of 93 years.

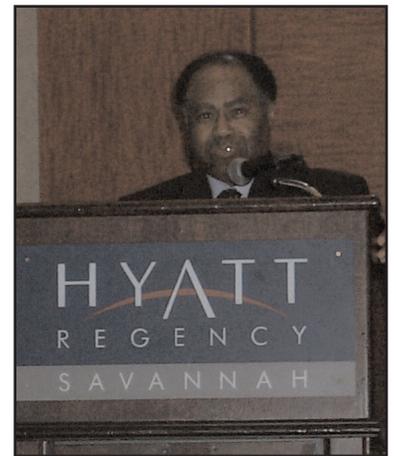
Condolences to the family of **Retired Judge Lucy J. Bryant** who passed on September 1, 2007, at the age of 71. Judge Bryant served Warren County as Probate Judge from 1980 to 2004 and

retired after 24 years of proudly serving the citizens of Warren County.

Condolences to the family of **Retired Judge Marcus Sweat** of Ware County passing on August 31, 2007 at Baptist Village Retirement Home in Waycross, Georgia. He turned 84 the day before. He will be missed by the citizens of Ware County.



# COAG Fall 2008



# Report on National College of Probate Judge's Fall 2007 Conference

Judge William J. Self, II, Probate Court of Bibb County

The Fall 2007 Conference was held November 14 - 17, 2007 at the incredibly beautiful Rancho Bernardo Inn in San Diego, CA. Judges Jeryl Rosh, Woody Jordan, and I comprised the Georgia contingent. As I recall, there were about 110 judges or court staff in attendance and another 15 of faculty, lawyers, and NCSC staff. The setting was magnificent, although a bit expensive and the weather could not have been better. Overall, the program was really good, but the next-to-the-last session on Saturday morning was simply GREAT! An Alameda County Superior Court Judge described what she has created and called an "Elder Justice Court," which hears and disposes of any cases (other than guardianships), civil or criminal, which involve an elder citizen as a party or victim. Then, an English-born (wonderful British accent) prosecutor from the San Diego County DA's office, whom I believe any female would describe as handsome, gave a most inspiring,

enthusiastic, touching and informative description of his service as head of the Elder Abuse Unit of the Family Protection Division of the DA's Office. This was truly one of the very best sessions of any of the NCPJ Conferences I have attended. In addition, there were sessions on: "California Conservatorships after the LA Times Articles," a series of articles describing fraud and abuse primarily by professional conservators; "Judicial Wellness"; "Evidence" (3 hours); and "Alternative Dispute Resolution for Probate Courts," focusing primarily on mediation and the differing approaches to mediation by mediators. The banquet was wonderful, and Judge (Ret.) John Maher of New Hampshire was the recipient of the Treat Award. For the first time in many years, Judge William Treat, a founder of NCPJ for whom the award is named, was in attendance and was keynote speaker. Next year, the Spring Conference

will be held May 18 - 21, 2008 in St. Louis, MO. This is being billed as our first-ever "value conference." The Conference will be at the Marriott St. Louis Airport with a rate of under \$125/night. We are told that, even though it is at the Airport, it is an extremely nice, recently remodeled facility. Rapid transit into the City is just across the street from the hotel. For those of you who have found NCPJ conferences to be prohibitively expensive, we hope that this "value conference" will allow you to attend and experience one of our conferences. Then, next Fall, November 12 - 15, we will host the NCPJ 2008 Fall Conference at the Desoto Hilton in Savannah. I will serve as the curriculum chair for that conference, and, of course, I hope that the Georgia Council of Probate Court Judges will serve as official hosts. I realize that this conference is just the next week after our own Savannah Fall Conference, but I truly hope that many of you will be able to attend. While this is not a "value conference" for everyone, it is certainly less expensive for Georgia Probate Judges to attend a conference here in our own State. Please mark and hold those dates. I was re-elected to the Executive Committee of NCPJ at this Conference and will, next month, assume responsibility for NCPJ's Web site. It is my pleasure to represent our State in this great organization.

## T.I.P.S.

Traffic Information Processing System

TIPS is a NO COST software program that allows courts to transmit traffic citations to the Department of Driver Services electronically. TIPS was developed by the Governor's Office of Highway Safety and the Administrative Office of the Courts.

Contact us for more information:  
Kelly McQueen  
System Placement and Program Planner  
404.463.5420 • mcqueenk@gaaoc.us

[www.georgiacourts.org/aoc/tips](http://www.georgiacourts.org/aoc/tips)

# Retirement Plan Survey

## Council of Probate Court Judges

Please take a moment to complete the following survey concerning your current retirement plans available in your county. The requested information will be used for informational purposes only. Individual responses will not be published or provided to external entities for use. If you have questions or concerns, please feel free to contact Judge Mike Greene (478) 986-6668 or Mr. Bob Carter at (770) 228-8461.

County: \_\_\_\_\_

### Section A: DEFINED BENEFIT PLANS

*This is a traditional or fixed pension plan under which an employee receives a set monthly amount upon retirement, guaranteed for their life or the joint lives of the member and their spouse. This benefit may also include a cost-of-living increase each year during retirement. The monthly benefit amount is based upon the participant's wages and length of service.*

1. Does your County have a Defined Benefit Plan?  Yes  No
  2. Are you a member of the Plan?  Yes  No
  3. Are you required to contribute to the Plan?  Yes  No
  4. What is the normal age of retirement as prescribed by your retirement plan? \_\_\_\_\_
  5. Are there any options to provide benefits to your spouse?  Yes  No
  6. Are other Constitutional Officers members of this plan?  Yes  No
  7. Are the County Commissioners members of this plan?  Yes  No
  8. Are your employees members of this plan?  Yes  No
  9. If you are not a member of your county plan, please indicate why:  
 I choose not to participate  
 The county plan will not allow Constitutional Officers to join  
 I am not aware of this retirement option  
 I selected a Defined Contribution option instead  
 Other (explain) \_\_\_\_\_
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### Section B: DEFINED CONTRIBUTION PLANS

*This is a retirement savings program under which an employer promises certain contributions to a participant's account during employment, but with no guaranteed retirement benefit. The ultimate benefit is based exclusively upon the contributions to, and investment earnings of the plan. The benefit ceases when the account balance is depleted, regardless of the retiree's age or circumstances.*

1. Does your county have a Defined Contribution Plan?     Yes     No

2. Are you a member of the Plan?     Yes     No

2. If you participate in a deferred contribution plan, does your county contribute?

Yes     No     Unsure

3. How much does the county contribute to this plan (% of pay)? \_\_\_\_\_

4. If you are not a member of your county plan, please indicate why:

I choose not to participate

The county plan will not allow Constitutional Officers to join

I am not aware of this retirement option

Other (explain) \_\_\_\_\_

\_\_\_\_\_

5. Please indicate any other information you would like the Retirement Board to review.

\_\_\_\_\_

\_\_\_\_\_

THANK YOU FOR YOUR PARTICIPATION IN THIS SURVEY !

## District Two Meeting

The District 2 Probate Judges regular meeting was held on October 17, 2007 in Stephens County. President Dwain Brackett called the meeting to order and we had a moment of remembrance for former Stephens County Probate Judge Maudaine Charles who passed away on October 6, 2007. We discussed traffic laws and different probate matters. Rabun County Probate Judge Lillian Garrett will be hosting our next meeting on January 16, 2008. The treasurer report was given by Judge Glenda Ernest, treasurer. The following District 2 Members were present:

The Honorable Dwain Brackett,  
Union County  
The Honorable Woody Jordan,

County  
The Honorable Jennifer Burt,  
Dawson County



The Honorable Lillian Garrett, Rabun County  
The Honorable Joyce I Hawkins,  
Retired Probate Judge Forsyth County/Senior Judge  
The Honorable Larry Cannon, Retired Probate Judge Rabun County

Forsyth County  
The Honorable Glenda Ernest,  
Stephens County  
The Honorable Patti Cornett, Hall

Lunch was at the Cornerstone Restaurant in Downtown Toccoa. Our President Dwain Brackett asked Retired Judge, Larry Cannon to say the invocation and we had our meal. After the meal the meeting was adjourned.

## The Gavel

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