

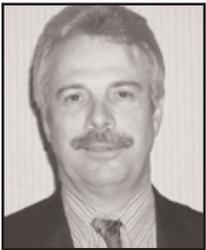
THE GAVEL

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

Volume 9, Number 1

January 2001

MESSAGE FROM THE PRESIDENT



HAPPY NEW YEAR! And, Welcome Aboard to all the New Probate Judges! Wasn't it just a few weeks ago that we were all contemplating the arrival of the Year 2000 and arguing over whether or not January 1, 2000, brought in the beginning of the Twenty-First Century? How in the dickens, then, did it get to be 2001? Well, I think I'll give in to the scientific purists, because I'd whole lot rather it now be the first of the 21st century than to feel like the first year of it has just whizzed right on by me!

How wonderful it was to meet with the 29 new probate judges at the Orientation Seminar in Athens. I know some of you lost some good friends in the political battles of the elections, and we all hate to lose good friends who we believe have been serving well. But, we all know the risks in holding and seeking public office. That aside, however, I think we have some really good folks in the new class, and I have assured them that they will be well received into the Council of Probate Court Judges. I told them what a fine group of dedicated public servants they'll find among those active in our Council. Let's make each of them know that they are welcomed into this family and that they may depend upon us for guidance, assistance and support.

I know that many of the new judges were simply overwhelmed by the amount of information thrust upon them in three short days and by the sheer volume of books and materials piled in front of each. Under the new mentoring program, each new judge has been assigned an experienced judge who will serve as a mentor for the new judge. The mentor judges have agreed to be available to and to offer assistance to the new judges. Much thanks goes to Judge Lillis Brown and her committee for setting up the mentoring program. And, much thanks also goes to Judge Betty Cason and her committee for planning the

reception for the new judges hosted by the Council.

It's Legislative Session time again. The Council's Legislative Committee has several proposals to present to the Legislature this term, and we invite the assistance of all probate judges in securing support for our proposals from your local delegation members. You each should have already received a copy of a letter I wrote to Sen. Peg Blich on behalf of the Council concerning the non-partisan election issue. I hope that many of you have forwarded that letter or written your own to the members of your delegation seeking their support. We also need support on the other legislative matters we will propose.

May God bless each of you richly, and may 2001 be nothing short of a fantastic year. Please call on me if I may be of any assistance to any of you. I consider it a privilege to serve you as President of the Council.

Bill

Nominate a Probate Judge for Special Recognition

On the back of the newsletter is a ballot for you to nominate your choice for a judge who deserves special recognition or who should be honored as the Outstanding Probate Judge of the Year. Please return your form to Judge Darin McCoy before the February 15 deadline.

In past years, the award for Outstanding Probate Judge of the Year has gone to Floyd E. Propst, J. Mike Greene, LaVerne C. Ogletree, Pat Hardaway, Virginia Andrews, Henry Baker, and William Self, II. Special recognition has in past years gone to Eugene E. Lawson, J. Mike Greene, LaVerne C. Ogletree, J. Ben Spear, Floyd E. Propst, Johnny Parker, and Hermon Butler.

See Form, Page 5

Proposed Legislation

Council of Probate Court Judges 2001 Session

Probate Legislative Agenda

NON-PARTISAN ELECTIONS: A bill to have a referendum to amend the state constitution to allow non-partisan election of probate court judges. Probate judges are subject to the Canons of the Code of Judicial Conduct and are prohibited from participating in party politics. Furthermore, about 100 of the judges serve as election supervisors and need to be seen as impartial in the conduct of these duties as well.

SUCCESSION TO OFFICE: A bill to amend the statute to allow qualified chief clerks to become the probate judge in the event the elected judge is unable to fulfill a term. Currently, when a vacancy occurs, the Chief Clerk, if qualified to be judge in that court, discharges the duties until the office is filled by election. The proposed

amendment would allow the Chief Clerk to run as an incumbent when seeking election.

LEAVES TO SELL BY GUARDIANS: A bill to amend the statute concerning leaves to sell to clarify that an order can be signed before the 30 days has run if all the interested parties have agreed. Currently, it is unclear if a probate judge may issue such an order in less than 30 days, even when all parties at interest have assented.

FEE SCHEDULE: A bill to amend the probate judges fee schedule, which has not been revised since probate judges were paid by fees. The new proposal is an effort to simplify the structure of the schedule, limit the number of costs, and slightly increase revenues.

COURT OF RECORD: A bill making the Probate Courts courts of record.

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mbracewell@morgan.ga.org

OUR DEEPEST SYMPATHY TO:

- Judge Greg Adams of Walton County on the death of his father on December 18.
- The family of retired Webster County Probate Judge Frank Walker who passed away on December 16, 2000. He is survived by his wife Bobbie & her address is P.O. Box 153, Preston, GA 31824 if others would like to send a card.

New Grant Opportunities for Probate Courts!

Grants are now available for improving records keeping and storage systems. The deadlines are January 1 and April 1.

For help in getting your county a grant, contact:



Cynthia Clanton
Grants and Outreach
Administrative Office of the Courts
404-656-6692

OR VISIT ONLINE

www.sos.state.ga.us/archives/ghrab/grants/grants.htm
for an application form and additional information
on these grant opportunities.

Please Recycle



New Judge Orientation

Twenty-eight newly elected probate judges met in Athens, December 13-15, for an orientation program sponsored by the Probate Judges Training Council and the Institute of Continuing Judicial Education. The three-day session featured speakers on substantive issues such as service and notice; the powers and purposes of probate court; the Judicial Code of Conduct, licenses and per-

mits; probate court hearings; judicial immunity and liability; and mandatory monthly reporting.

Every new judge has been assigned to a mentor and given instruction on various resources available to them, such as the internet and probate judges website; the benchbook, handbook, and uniform rules; Georgia Law on Disc; and other associated court organizations. The afternoon of the third day was dedicated to training for those probate judges who handle traffic cases. New judges were given copies of the handbook, benchbook, JQC Opinions and Code of Judicial Conduct, Handbook for Guardians, Duties of Personal Representatives in Decedents Estates, Georgia Courts Directory, and diskettes of the

Handbooks and Standard Forms. Sherry Carson saved the day when she found bags to give to everyone to carry all of these home with them! There were also computer labs for new judges to experiment with the computer resources available.

Thank you to all our speakers who made the program a success: Judges William J. Self II, Lillis Brown, Mary Cranford, Susan Tate, Floyd Propst, Marion Guess, Mike Greene, LaVerne Ogletree, and Beverly Nation, who are all probate judges, as well as Cheryl Custer, Richard Reaves, James Brock, Holly Sparrow, Marla Moore, Bob Carter, Kathy Harvey, and Darien Mize who were guest speakers.

Welcome to Our New Probate Judges

Joe Boatright, Bacon Co.
 Angela Hendrix, Baker Co.
 Betty Thomas, Banks Co.
 Tammy Brown, Barrow Co.
 Sam Davis, Jr., Bryan Co.
 Annie Doris Holder, Calhoun Co.
 Greg Grayson, Catoosa Co.
 Tripp Barwick, Decatur Co.
 Carl Rodgers, Echols Co.
 Susan Sexton, Elbert Co.
 Denise Dallas, Glascock Co.
 Sadie Voyles, Grady Co.
 Eddie Hulsey, Haralson Co.
 Joseph Bledsoe, Heard Co.
 Jeffrey C. Chavis, Jeff Davis Co.
 Wanda Burke, Jenkins Co.
 Mary Jo Buxton, Johnson Co.
 Lee Moss, Lincoln Co.
 Michael Chastain, Lumpkin Co.
 Brenda McNeese, Miller Co.
 Rubie Nell Sanders, Montgomery Co.
 Deborah Andersen, Paulding Co.
 Glenda Ernest, Stephens Co.
 Dianne Walker, Telfair Co.
 Lil Radford, Tift Co.
 Donald Boyd, Troup Co.
 Penny Thomas, Turner Co.
 Ray Broadrick, Whitfield Co.



New judges learn about duties at orientation in Athens at the Georgia Center

New judges become familiar with Georgia Law on Disk



Summary of Minutes

Probate Judges Training Council October 4, 2000

The schedule for November training has been mailed, but there will be a further mailing asking for specific problems/questions concerning the new code. This will allow Mary Radford and Judge Guess to tailor the presentation. In the section on pro se litigants, they may use the video produced by the pro se committee of the Judicial Council, but the Council noted that this video is more appropriate for a magistrate court and would like to see one that is more geared toward probate court.

The training council discussed the new judges orientation and the problem of trying to provide all of the information in a short period of time to inexperienced judges. It was decided that the orientation would be a mandatory two-part process. The December session focused on the tools available to judges and introduced the new judges to the mentors. In April, the focus will be on building bench-skill development. The orientation requirement will be fulfilled only if both the December and April programs are attended.

The Council will also begin a list of the items that a probate judge should expect to be in their offices, particularly which items are provided at no cost and from whom.

Judge Brown was selected to chair the mentor committee. The mentor training was scheduled for the first day of the New Judge Orientation. A letter will be mailed to all probate judges asking for volunteers to serve as mentors.

Tentative plans for the Spring seminar were discussed. The banquet will be on Wednesday, the Luncheon on Thursday and the

business meeting will be on Wednesday afternoon. The program will start on Wednesday at one, continue from 9-4 on Thursday, and 9-noon on Friday. The proposed blocks of time are:

Judicial Writing	3 hours
Records Management	
Handbook	2 hours
New Statutes	2 hours
New Case Law	2 hours
Ruled of Professional Conduct for Lawyers	1 hour
Plenary Q & A	2 hours discussion
Wills, Years Support, Adult Guardianship	1 hour for report back
Cultural Enrichment	3 hours

The Council will participate in an opportunity for up to five members of the Probate Judges Training Council to participate in a program sponsored by the Leadership Institute in Judicial Education with the University of Memphis. The Municipal Courts Training Council

participated in this program in 1991 and have used it as the basis for their training activities through most of the last 8 years.

Executive Committee November 15, 2000

The total budget is \$80,900 including \$60,900 and anticipated revenues of \$20,000. As of October 31, revenues from sales are at \$10,008.00. Last years total revenues were in excess of \$17,000. The Councils private funds showed a total income for the year of \$17,462 and expenditures of \$8,102.11, for a net gain for the year of \$9,359.89. Total funds in accounts are \$75,721.73. Dues notices will be going out after the first of the year.

The AOC's Research Division has been unable to progress on the Records Management Handbook because of the press of business of other projects. Because of the

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10th District Probate Judges met in Appling on October 12, 2000.

Awards and Recognition Committee Nomination Form

(Please continue your reasons for recognition on a separate sheet, if necessary.)

I hereby nominate the following probate judge(s):

FOR SPECIAL RECOGNITION:

Name:

County:

Reason for Recognition:

FOR OUTSTANDING PROBATE JUDGE OF THE YEAR:

Name:

County:

Reason for Recognition:

Deadline for Nominations is February 15, 2001

Mail or Fax Nominations To:
Judge Darin McCoy
Probate Court of Evans County
P.O. Box 852
Claxton, GA 30417-0852
FAX (912) 739-4077

Private Probation Update

*Debra Nesbit, Staff Director
County and Municipal Probation
Advisory Council
Administrative Office of the Courts
nesbitd@aoc.courts.state.ga.us
(404) 651-7616*

The County and Municipal Probation Advisory Council has just completed the administrative process for formally adopting revised rules and regulations for operation of private probation companies in the State. These new rules were adopted by the Council at the quarterly meeting on November 16, 2000, in Forsyth Georgia. The newly adopted rules and regulations will give the Council improved enforcement powers while giving the courts the flexibility for contracting for services to meet the individual needs of specific courts. The rules do require that companies contracting to provide probation services in the State must be registered with the Council, maintain a liability insurance policy and meet specific training standards for all officers and employees dealing with probationers.

The long-standing Chair of the Council, Judge Bryant Culpepper, stepped down after the August meeting. Judge Culpepper provided excellent leadership during the beginning of the private probation movement in Georgia and he will be missed. The Council of Superior Court Judges appointed Superior Court Judge John Ott to represent them on the Council. We welcome Judge Ott to the Council.

Anyone interested in receiving a copy of the newly adopted rules and regulations may contact Debra Nesbit at the above phone number or e-mail. If your court is interested in contracting for private probation services or if you have questions regarding how to proceed with obtaining probation services, please feel free to contact us for assistance.

Retiring Judges Receive Recognition for Years of Service



Hoppy Royston (2nd from right) of the 10th District Probate Judges presents gifts for service to retiring judges (from left) Jane Johnson, Janet Cape, Betty Miller, Kimberly Murdock, and Milton Dalton

From the AOC...

Caseload reporting— What is it? And why do it? The Administrative Office of the Courts in cooperation with the Council of Probate court Judges has developed a system for obtaining information on the caseload of each probate court. Preparation and submission of this report is the basis for informing the Governor, legislature, public, and press of the workload of the probate courts. It also provides comparison data for use in determining and supporting resource requests and needs

and is useful in preparing grant applications which often are a source for local court improvements.

If your court handles traffic and other misdemeanor cases, you will be asked to provide information on these cases as well as the traditional civil estate matters filed in your court.

If you haven't done it or have gotten behind, please send in your reports as soon as possible. For those of you who regularly send timely reports THANK YOU!

Summary of Minutes (cont.)

importance of the project for training in April, the President of the Council will send a letter of concern to the AOC asking that this project be made a priority.

The Benchbook supplement has come back from the printer. Additionally, the Benchbook is now available on diskette. The 2-diskette set was given to every probate judge present at November's meeting, and will be mailed to those not in attendance. Also, it will be given to each of the new judges at the judges orientation. Judge Propst's contract was renewed to continue to supplement the Handbook and Benchbook in the upcoming year.

The committee reviewed the efforts of the strategic planning session in September and the evolving committees that were setup at the time. The committee agreed that a follow-up session was needed next year.

The committee approved legislation for the upcoming legislative session and planned how best to present the bills. The committee has approved the following initiatives: a referendum for non-partisan election of probate judges; clarification on the provisions on leave to sell; a new fee schedule for the probate courts; and a modification regarding succession to office when an office is left vacant. The lowering of retirement age has been found unfeasible, and the Retirement Board is still looking at other possibilities.

Council funds will be used to purchase the Georgia Probate Law and Rules Annotated for the new judges. Individual judges should purchase the book from county funds.

All the mentors and any other judges who could attend were invited to participate in the new judges reception to get to know and welcome the new judges. The council

authorized up to \$1,000 for a reception for new judges in Athens on Wednesday, December 13, 2000. Those judges who attended to welcome the new judges have paid their own way.

The committee is working on issuing a picture ID badge to all dues-paying judges, using the picture from the pictorial directory. In addition, the possible use of magnetic name tags will be pursued for future meetings.

The committee will meet in conjunction with the winter COAG meeting on January 31 at 3:00 p.m. at the Sheraton Hotel in downtown Atlanta.

Council of Probate Court Judges November 14, 2000

The Records Management Handbook which is being prepared by the Research Division of the Administrative Office of the Courts (AOC) has been delayed, but the Council was assured that the delay would not affect the expected completion for the April seminar.

The Benchbook Supplement has been completed by Judge Propst and mailed. Anyone who does receive the supplement should contact Ms. Moore at the AOC. The Benchbook is now available on diskette, thanks to Judge Propst, and was given out at registration. Copies will be mailed to judges who were unable to attend the Savannah seminar.

Orientation for new probate judges will take place in Athens, December 13-15, 2000.

The mentoring committee is still in need of volunteers to serve as mentors to the 29 new judges.



6th District Probate Judges met in Barnesville on October 12, 2000.

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Important Dates to Remember 2001 Conferences

January 29-February 2	COAG - Winter	Sheraton, Atlanta
April 18-20	Probate Judge's Seminar	Georgia Center, Athens
May 20-23	Elections Seminar	Savannah
June 12-13	Probate Court Clerks (Traffic)	Clarion Resort, Jekyll
June 13-15	Probate Court Clerks	Clarion Resort, Jekyll
July 11-13	Probate Judge's Traffic	Hilton, Columbus
July 31-August 2	COAG - Summer	Brasstown Valley Resort
September 25-26	Probate Court Clerks (Traffic)	Country Inn & Suites, Helen
September 26-28	Probate Court Clerks	Country Inn & Suites, Helen
November 13-15	Probate Judges Fall Seminar	Hyatt Regency, Savannah

Summary of Minutes (cont.)

Anyone interested in serving as a mentor should contact Judge Brown immediately.

The Executive Committee has authorized the issuance of a wallet ID to be given to every judge who pays their yearly dues.

Judge Jim Burton is still collecting pictures for the pictorial directory, so everyone who has not sent a new picture and updated their information should do so immediately. A photographer will be available in Athens to take pictures of the new

judges. We hope to have this printed early in the new year.

The legislative agenda was approved with the addition of a proposal to make the Probate Court officially a court of record.

The Gavel

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