

# THE GAVEL

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

Volume 9, Number 3

June 2001

## MESSAGE FROM THE PRESIDENT



Thank you for the opportunity of serving as your president. I sincerely appreciate and feel very honored for the privilege you have afforded me. I also would like to thank all of the past-presidents for allowing us to have such a good heritage. It is my desire to continue this tradition and especially not to become

“the weakest link.”

I would like to once again welcome all of the new Probate Judges. You have now had an opportunity to get more comfortable due to the many Judges who have given of their time and talents to help you “put on your robe.” I would like to encourage you to call any of the Probate Judges who have more experience (and particularly your mentors) with any questions that might arise.

We began last year putting into place a long-range plan that was developed by our long-range strategic planning committee. With your help we will continue to implement the long-range plan this year by making adjustments in our curriculum, reassessing our fee schedule, implementing some leadership training and fostering some adjustments in our long-range planning when we meet again early this fall.

I would also like to say that the primary goal through all of our endeavors this next year would be to increase our abilities to serve our people even more effectively and to increase the awareness of others as to the important position we hold.

I am proud to be a Probate Judge. We are set apart from most courts in that we are required to get involved on the other side of the bench. We have to reach across. We have the opportunity of touching lives in marvelous ways to assure the protection of those who are mentally and/or physically impaired.

I kind of like the title “ordinary.” With that title came a history of helping people, of being a fair arbitrator and a protector of those who could not protect themselves. Part of the charge given to the ordinary initially was to take

care of the widows, orphans and idiots. We still share that responsibility as Judges of the Probate Court. In addition to that, we are responsible for assuring that estates are handled properly.

We have a lot of variations in some of our responsibilities. Many have traffic court. Some are magistrates. Many have vital records and also many have the responsibility for elections. However, there is one-common-glue that holds us together: it is the core responsibilities of all our Probate Courts involving guardianships and estates.

I hope that during this year more of our constituents will become enlightened as to the responsibilities we carry out on a routine basis. We want to do even more than we have in the past to educate the people of our counties and of our state government as to the need to maintain our specialty court.

We have broken tradition in one way this year by appointing only chairs and co-chairs of each committee. We have asked those chairs to appoint committee members. It is my desire that we will involve more people, and that we will have people serving on committees who have not served prior. We hope that each of you will give due consideration to which committees to serve on and when asked that you will assist us in continuing to build a better and stronger council.

Due to our past leadership, we have come a long way with all of us working together and each of us giving a portion of our time and talents to the council. We will have an opportunity to enhance our image to the public as we become better equipped and more capable leaders.

I recently attended the Leadership Institute in Memphis, TN, along with Rich Reaves, Judge Mullis, Judge Cason, Judge Brown,

**continued on page 7**

### Note from Training Council

Those attending training at Brasstown Valley are in for a real treat! Jeff Justice shows us that laughter is the key to managing stress.

# Outgoing President's Remarks

## Probate Judges' Spring Conference • April 18, 2001

### Radisson Riverfront • Augusta, Georgia



William J. Self, II,  
2000-2001 President

*"To everything, there is a season and a time to every purpose under the Heavens."*

Most of you will recognize the beginning of the third chapter of Ecclesiastes; it is one of my most favorite Bible verses, and I know that many of you also hold it dear to your own hearts. Two years ago, I was asked to accept nomination as President-Elect of the Council of Probate Court Judges. Although I believe that I had been an active member of the Council for all of my years as a probate judge, I really had taken no leadership role in the Council. Candidly, I pondered whether one with so little experience ought to assume a role of leadership which would, in just one year, result in ascending to the presidency of the Council. Whether by weakness of intellect or sense of duty, I accepted your call, and a year ago this week, I became president of this organization. Now, my "season" has matured and the time has come for me to conclude my service in this capacity and pass the gavel to my successor.

May I tell you, each and all, how honored I am by your allowing me to serve as your president and how humbled I am at your expression of confidence in me. While I have admittedly stumbled a might along the way and while I leave with still a platter full of matters I wish I had accomplished, I do pray that my service has been at least reasonably acceptable to most of you.

It has been a long year! As I have prepared for this conference, I have thought to myself on occasion: "has it been only twelve months - only one year?" But, alas, it has been a short year! Just as often I have thought: "is it over - is my time up - has it really been a full year?" "I am worn out!" "I am not through!" "I am having some fun!" "This is NO fun!" Have you been there? Know what I mean?

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*"Let me thank you all  
for your friendship,  
for your support,  
for your work for  
the Council,  
for your patience,  
for your respect and  
for your love."*

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If I may, before saying my formal "good-bye," may I speak briefly to just a few matters which were of utmost importance to me this year? First, the successes. Thanks to the efforts of Marla Moore with the Administrative Office of the Courts, we have developed a strategic plan for the Council, a work-in-progress by which we will set the direction of the Council and direct our activities for the coming years. Under that plan and with thanks to the efforts of the committee chaired by Judge Betty Cason, we will seek to increase the involvement of our members in the Council by seeking to serve our

members better and by seeking to make active membership in the Council a meaningful benefit to our judges. Under that plan and with thanks to the efforts of the committee chaired by Judge Nancy Stephenson, we will strive to arm our individual judges with the tools of outreach for their own communities, while the Council accepts a primary responsibility to more fully inform the public, the media, and county commissions of the real work of the probate courts and probate judges in this State. Under that plan and with thanks to the committee chaired by Judge Del Buttrill, more formal training of the officers and chairpersons of committees will be offered in the future. Under that plan and with thanks to the committee chaired by Judge Lillis Brown, we will mentor and offer ongoing assistance to every new probate court judge. And, under that plan and with thanks to the committee chaired by Judge Henry Baker, we will continue to offer excellent, quality, meaningful and timely training for probate judges, not just with a goal of providing the minimum 12 hours of training required by law but with a goal of offering the kind and quality of training which will inspire our judges to attain more than is required, thereby raising the collective level of formal training to a high and respectable point. And, we will offer that same quality of training in the programs for our clerks. We will hold ourselves proud; we will hold our offices in dignity and competence; and we will increase the stature of the court of most basic importance to all of the

**continued on page 3**

## Remarks of Outgoing President William Self *continued*

citizens of this state.

Our legislative success surely must be the new fee and cost schedule. We have suffered, have we not, for over forty years with an antiquated - Judge Lawson would surely say "draconian" - and quite confusing schedule of costs. Burdened by the myriad of different things and proceedings within the jurisdiction of our courts, simplification of our cost schedule to something more like the one-basic-fee-for-everything that exists in the superior courts was just not feasible. Proceedings in decedents' estates are simply too different from proceedings in minor guardianships, from adult guardianships, from civil commitments, from sterilizations, and from who can really count the number of miscellaneous other matters we handle. But, through the efforts of the committee chaired by Judge LaVerne Ogletree, we do have a new and simpler cost schedule, and we should experience an increase in the revenues in our courts, which can only enure to our benefit as we annually approach our respective county commissions to "beg" to be properly funded and treated respectfully as an important court in the system of justice. Please do not be overwhelmed by the new law; please do not complain about having to learn a new schedule; please accept this as a progressive move which will benefit your court and your staff. It is new, and it will certainly require learning and getting used to. But, we will be providing to every judge and every court an explanation of the new schedule, together with an Excel spreadsheet as a graphic tool for use in applying the new schedule to proceedings filed. Let us be positive about what has truly been a success!

Our failure, in my humble opin-

ion, is the nonpartisan referendum. I realize that there are those of you who do not want to become nonpartisan. I admit that I do not, personally, understand that sentiment. I know that the majority of you are democrats, sitting in counties where democrats outnumber republicans two- three- or four-to-one. Some of you feel it absolutely necessary to carry the banner or label of "democrat" to get what you want or need from your commissioners or from your legislators. Some of you, on the other hand, remain democrats while your counties are becoming republican right in front of your face, and you're having to decide not whether but when to become a republican. Then, of course, some of you are republicans in republican territory. I am "democrat" in a democratic county, but the truth is that democrats are the ones who have whipped us on this issue every single time. I find it distasteful to be "forced," in essence, to write my qualifying check to the very people who defeat me and who threaten to oppose me should I change parties. But what is most important to me is that I am first and foremost an ethical jurist, pledged to do my very best to follow the letter and the spirit of the Code of Judicial Conduct. We are judges, and we deserve the respect of the political parties and partisans of this state afforded all other judges! That is, we deserve it if we live it! If every one of us abides the letter and the spirit of the Code of Judicial Conduct, partisanship cannot be any more than a label of convenience. We failed simply because there were not enough of you truly behind this effort. As our third failed attempt at statewide legislation, I fear that it does not bode us well in the eyes of the General

Assembly. We do not present a unified voice on the issue, and there will never be statewide legislation for nonpartisan election of probate judges unless and until we do. Though there may never be complete unanimity, until 100 or more probate judges earnestly ask their senators and representatives to free them of the ethical bind of partisanship and personally ask each to support this effort, it will go nowhere. The president of the Council can write hundreds of letters, but nothing will bring this to reality except for the calls of the judges. Please know that, while I do count this as a personal failure and I am, personally, frustrated by the partisan politics behind it, I harbor no ill will towards any of you or the Council. If we are to make this happen, we must get it passed during the next session,

**continued on page 10**

### Note From the Public Awareness Committee

As several judges wrote comments on their Augusta Training questionnaire about the press release included with our materials, it seemed as though we had created a misunderstanding about the release. Because it was included with your materials, you were to edit it as you saw fit, then submit it to your local newspaper. The Committee had considered sending press releases directly to judges' newspapers, but on further reflection, that idea was tabled for further discussion.

# Report on Probate-Related Bills Passed

***Includes general probate matters, traffic and elections bills***

## **HB 25 County law libraries – change certain population reference**

In counties with population of 700,000 or more, no county law library fund shall exist, but funds for such libraries shall come from the general treasury of such counties. Effective date July 1, 2002. (Ehrhart, E. (R-36) and others)  
*Signed by Governor on April 27, 2001*

## **HB 110 Elections Code – amend**

Candidates for office who bounce checks for qualifying fees will be found to be unqualified; authorizes Secretary of State to investigate possible election abuses; municipal registrars must speak English; changes date for electors' notification to registrars of change of address; requires non-partisan election ballots to indicate incumbents; requires testing of voting equipment to test for overvotes and improperly marked votes; removes hunting or fishing license from list of valid voting identification; and other changes. Effective upon signature of governor or upon becoming law without such approval. (Holmes, B. (D-53) and others)  
*Signed by Governor on April 18, 2001*

## **HB 248 Seat belts – child restraint – medical condition**

Allows parents not to place children in child restraints or safety seats when a physician has written a statement advising against such a practice for medical reasons. (Powell, A. (D-23) and others)  
*Signed by Governor on April 26, 2001*

## **HB 302 County officers – minimum salaries**

Provides for COLAs and increase in minimum salaries of county officers, including probate judges, based on county population. Effective January 1, 2002. (Coleman, T. (D-142) and others)  
*Signed by Governor on April 27, 2001*

## **HB 385 Motor vehicles – DUI – teen restriction – aggressive driving – amend provisions**

Requires class D license holders under 17 to be accompanied by class C driver age 21 and older; initiates pilot program for remote license renewal; changes blood alcohol concentration level from .1 to .08 as level for illegal drunk driving; makes jail time more likely for convicted drunk drivers; assigns those convicted of "aggressive driving" six points on their licenses; institutes a minimum one year suspension of license for drivers under the age of 21 convicted of drunk driving; defines "alcoholic beverage"; makes any open container of alcohol inside a vehicle illegal; allows blood drawer or supervisor to testify on matters of blood alcohol concentration; defines "aggressive driving" as driving "with the intent to annoy, harass, molest, intimidate, injure or obstruct another person"; makes changes regarding ignition interlock device requirements; revokes license plates of twice-convicted drunk drivers (and makes pleas of nolo contendere amount to convictions); requires convicted hit-and-run drivers under age of 21 to recomplete examination requirements; makes minimum suspension peri-

od for twice-convicted drunk drivers 18 months; and for other purposes. Effective July 1, 2001, except for first provision regarding class D license holders, which is effective July 1, 2002. (Smith, C. (D-175) and others)  
*Signed by Governor on April 16, 2001*

## **HB 479 Elections – amend provisions**

Requires candidates to have been out of jail for at least ten years; ensures Secretary of State does not serve in fiduciary capacity for any candidate whose election is certified by the Secretary of State; requires municipal superintendents to be appointed at public meetings; requires election superintendent to train all poll workers in proper use of election equipment, election law; requires election superintendent and at least one registrar of the county to attend at least 12 hours' training annually; requires election superintendent and at least one registrar of the municipality to attend at least 12 hours' training biennially; requires parties to register lists of committees with state or county; changes distribution of funds for candidates who qualify directly with election superintendent; allows election superintendents to qualify candidates on the behalf of a party and give notice of such qualifying time; requires registrars to have a conviction-free record; requires election superintendent to certify proper voting equipment will be used to Secretary of State; requires that voting equipment is accurate; prohibits cellular phones inside voting booths; and for other purposes.

# in the 2001 Legislative Session

es. Effective July 1, 2001. (Holmes, B. (D-53) and others)  
*Signed by Governor on April 18, 2001*

**HB 541 Probate Courts – fees and costs**

Comprehensively re-organizes fee schedule for all probate courts; increases some fees, decreases other; consolidates costs into a simpler format. Effective July 1, 2001. (Jenkins, C. (D-110) and others)  
*Signed by Governor on April 27, 2001*

**HB 678 Uniform Rules of the Road – improve enforcement – traffic control devices**

Sets maximum fines for speed limit violations; establishes a provision for penalties for those recorded by a “traffic control signal monitoring device” in the act of disobeying a red arrow or light signal. Effective July 1, 2001. (Snow, M. (D-2) and others)  
*Signed by Governor on April 26, 2001*

**SB 1 Young drivers – driving restrictions – supervision – driving test**

Requires that those seeking a driving license take a driver training course, have extensive supervised driving time or a combination of both; changes driving curfew for class D license holders to 12 a.m.; stipulates that new drivers cannot have passengers from outside their immediate family for the first 90 days of their license-holding period; requires an on-the-road driving test of every license applicant; allows drivers under 21 convicted of serious driving offenses to receive an instructional driving permit after license has been sus-

pended during last 60 days of suspension; and for other purposes. Effective January 1, 2002. (Hill, J. (D-4) and others)  
*Signed by Governor on April 11, 2001*

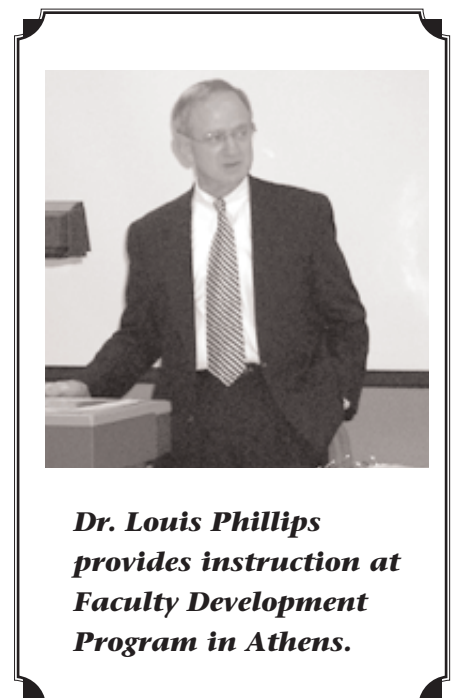
**SB 30 Patient’s Health Records – requests from survivor or personal representative**

Charges up to \$20 for search, retrieval and other direct administrative costs related to compliance with patient records requests. Defines other fees associated with such (SB 30 cont.) requests. Allows “other persons” in addition to patients to make such requests. Effective July 1, 2001. (Ray, B. (R-48) and others)  
*Signed by Governor on April 28, 2001*

**SB 213 Elections, primaries and voting – comprehensive revisions**

Eliminates primaries for nonpartisan elections to shorten ballots and hold those elections on the same date as primaries for other positions; changes deadline for payment of qualifying fees to 35 days prior to election or primary; empowers Secretary of State to remove deceased voters from voter rolls and collect information on voters convicted of felonies and those declared mentally incompetent; allows for simplified and more intelligible descriptions of proposed constitutional amendments on ballots; requires that voting procedures are uniform in all counties by July 2004; requires each county to have fully operational equipment and locales for voting by that time; permits Secretary of State to initiate a pilot

program to test new voting equipment using electronic recording voting systems; permits election superintendent to petition to chief judge of superior court to open inner envelopes containing absentee ballots after 3:00 P.M. but before 7:00 P.M. on the day of the election; requires that Secretary of State directs recount efforts for elections for offices of federal or state offices voted on by electors of more than one county; requires that returns from each precinct are certified by the superintendent no later than 5:00 P.M. on the seventh day following the election; requires the Secretary of State to certify votes cast for all candidates not later than 5:00 P.M. on the 14th day following the election; and for other purposes. This bill was crafted largely in connection with Sec. of State Cathy Cox’s office. Effective July 1, 2001. (Hill, J. (D-4))  
*Signed by Governor on April 18, 2001*



***Dr. Louis Phillips provides instruction at Faculty Development Program in Athens.***

# Probate Judges Salary Computations

Kelly Pridgen, staff attorney for the Association of County Commissioners of Georgia, has provided the following information concerning the computation of probate judges' salaries for 2002.

Minimum salaries are calculated according to the procedure summarized below. The procedure reflects a 10% increase granted by the General Assembly during the 2001 legislative session, as well as a 3.5% COLA scheduled for January 1, 2002. The procedure below has been reviewed and approved by the County Officers Association of Georgia and ACCG.

## TO COMPUTE STATE MINIMUM PROBATE JUDGES' SALARIES, FOLLOW THESE STEPS:

**Step 1: Establish the Base Salary.** Start with the annual base salary for probate judge shown in the "Schedule of Base Salaries," using the county's population reported in the 2000 census. [O.C.G.A. § 15-9-63(a)(1)]

**Step 2: Add Statutory Supplements.** Add any of the supplements listed below to which the probate judge is entitled according to statute:

- \$3,440.76 per year for conducting elections [O.C.G.A. § 15-9-64]
- \$4,300.08 per year for traffic cases [O.C.G.A. § 15-9-64]
- \$10,316.20 per year for serving as magistrate or chief magistrate [O.C.G.A. § 15-9-63.1].

*NOTE: Unlike the other supplements to which the probate judges is entitled, the magistrate supplement is only increased for longevity by a maximum of 5% in step 3 if the probate judge has completed at least one complete 4-year term as magistrate after December 31, 1999. [O.C.G.A. § 15-9-63.1(c)]*

**Step 3: Add Longevity.** Longevity increases for probate judges are figured slightly different than other constitutional officers, if the probate judge also serves as magis-

trate judge.

- To figure the amount of longevity increase applied to the base salary and supplements other than the magistrate supplement, add the total number of 4-year terms completed by the probate judge since 1977 and multiply that number by 5%. For 2002, the maximum longevity increase is 30% for probate judges who have completed six or more full terms of office. [O.C.G.A. § 15-9-65] Longevity increases are not compounded when the probate judge has completed more than one full term. Increase the base salary plus supplements other than the supplement for serving as magistrate court by the amount of the longevity increase.

- To figure the amount of longevity for the supplement for serving as a magistrate judge, add the total number of 4-year terms that the probate judge has served as magistrate after December 31, 1999. For 2002 the maximum longevity increase for the magistrate supplement is 5%. [O.C.G.A. § 15-9-63.1(c)]

- Probate Judges elected to their first term are not entitled to a longevity increase.

**Step 4: Add COLA.** Increase the base salary, plus supplements and longevity, if any, by 3.5%. This is the 2002 cost of living adjustment ("COLA"). [O.C.G.A. §§ 15-9-63(a)(2) and 15-9-63.1(b)]

**Step 5: Add local Supplement (If Any).** County commissioners are authorized, but not required, to provide local supplements to the probate judge in addition to the minimum compensation provided

## Schedule of Base Salaries

2000 Population	Base Salary
0—5,999	\$24,893.57
6,000—11,889	\$32,869.82
11,890—19,999	\$36,512.04
20,000—28,999	\$40,336.31
29,000—38,999	\$44,625.42
39,000—49,999	\$47,069.75
50,000—74,999	\$50,654.92
75,000—99,999	\$55,796.04
100,000—149,999	\$60,938.35
150,000—199,999	\$67,887.82
200,000—249,000	\$74,837.29
250,000—299,999	\$78,202.80
300,000—399,999	\$81,569.52
400,000—499,999	\$85,210.53
500,000 or more	\$88,851.53

# Released for January 1, 2002

by general or local law. However, once a local supplement is given, it may not be reduced or eliminated during the probate judge's term of office. Local supplements are not subject to longevity and COLA, unless granted by the county commissioners. [O.C.G.A. § 15-9-63(a)(3)]

**Step 6: Compare to Local Legislation.** Many probate judges' salaries are governed by local acts of the legislature rather than statewide minimum salary law. In general, a probate judge is paid either according to the procedures set forth above or according to local legislation, whichever is higher. If the salary established by local legislation is higher than the amount in Step 5, then the probate judge is entitled to be paid according to local legislation. If the salary established by local legislation is less than the amount in Step 5, then the probate judge is entitled to the amount in Step 5. [O.C.G.A. § 15-9-65]

*\*NOTE: probate judges are required to be paid in equal monthly installments. [O.C.G.A. § 15-9-63(a)(1)]*

## **SALARY ESTABLISHED BY LOCAL LEGISLATION**

For those probate judges whose salaries are governed by local legislation that is higher than the state minimum compensation, there are no uniform procedures. The county attorney should be consulted to verify the proper method of computing salaries according to local legislation.

**COLAs and Longevity Increases:** The COLAs and longevity increases required by the state minimum compensation laws do not apply to those probate judges paid by local legislation unless the local legislation specifically provides that the probate judges is entitled to the statutory COLAs and longevity increases.

**Supplements:** Unless specified in the local legislation, probate judges paid pursuant to local legislation are not entitled to the supplements provided by O.C.G.A. § 15-9-64 and 15-9-63.1.

## **OPTIONAL EXPENSE ALLOWANCE**

Effective January 1, 2002, county commissioners are authorized, but not required, to provide a monthly expense allowance to the probate judge based upon population as determined by the 2000 census. The minimum amounts are listed in the Optional Expense Allowance Schedule below. It is in the discretion of the county commissioners to provide this expense allowance. If granted, the expense allowance is in addition to any other salary, fees or expenses required by law. [O.C.G.A. § 15-9-64.1] For tax purposes, expense allowances must be treated as income to the official and reported to the IRS.

### **Optional Expense Allowance Schedule**

<b>2000 Population</b>	<b>Minimum Monthly Expense Allowance</b>
0—11,889	\$100.00
11,890—74,999	\$200.00
75,000—249,999	\$300.00
250,000—499,999	\$400.00
500,000 or more	\$500.00

## **President's Letter cont.**

and Judge Baker. Among other things, we were given this definition of leadership:

"Leadership is the capacity to discern and develop one's resources whether human or material.

It further involves the ability to marshal those resources in realizing a vision, reaching a goal, or resolving a problem,

It starts with who we are and then moves to what we do.

Education is the most powerful

tool in the leader's repertoire."

Each of you are leaders, leaders in your community as well as your county. Each one of you has the potential of being a leader in the council. Our goal is to help to reinforce the qualities and capabilities that brought you to the bench, and further develop those abilities. Our vision is to have a stronger council working together to build the finest judiciary ever.

What has begun in recent years and carried on with Judge Bill Self

last year will continue. We will improve and expand the educational opportunities and the developmental resources that will be readily available to assist each judge in each county of our state. We will assist in stepping to a higher level of service by promoting personal and professional growth of all our judges.

Thanks in advance for your assistance in giving of your time and talents to help us fulfill our mission, and for making our mission a reality.

## April Festivities

The Council of Probate Court Judges held its annual conference in Augusta at the Riverfront Radisson, April 18-20. During the banquet, the keynote address was given by the Honorable William J. Fleming, Judge of the Superior Courts of the Augusta Judicial Circuit. The address was informa-

tive as well as entertaining. Judge Fleming also installed new officers: Judge Del Buttrill, President, Judge Darin McCoy, President-Elect, Judge W. Marion Guess, 1st Vice President and Judge Mary Cranford, Secretary-Treasurer.

Judge Marion Guess was given the Outstanding Probate Judge of

the Year Award. This award is given each year to the judge deemed to have contributed to the betterment of the probate courts of Georgia.

Judge Doshie Buford and Judge Judy Mullis were both recipients of special recognition awards.



**Judge Judy Mullis receives the Special Recognition Award from Judge McCoy and Judge Laverne Ogletree.**



**Chief Judge William M. Fleming gives keynote address at Annual Banquet.**



**Judge Doshie H. Buford receives the Special Recognition Award from Judge McCoy.**



**Judge W. Marion Guess, Jr., receives from Judge McCoy the Outstanding Probate Judge of the Year.**



**Judge William J. Self, III, receives plaque of appreciation for service as president of the council. Judge Darin McCoy gives the plaque while Judge Del Buttrill looks on.**

### ***The following judges were given retirement certificates at the April meeting:***

Judge Jerri Jackson, Bacon County  
Judge Virginia Screws, Baker County  
Judge Milton Dalton, Banks County  
Judge Janet Cape, Barrow County  
Judge Sam Dill, Catoosa County  
Judge Jane Johnson, Elbert County  
Judge Betty Miller, Glascock County  
Judge Anne Edwards, Grady County  
Judge W. H. Blackmon, Haralson County

Judge Emmett Harrod, Heard County  
Judge Doshie Buford, Jeff Davis County  
Judge Elizabeth Elmore, Jenkins County  
Judge Bobby Richardson, Miller County  
Judge Gary Braddy, Montgomery County  
Judge Fran Watson, Paulding County  
Judge Maudaine Charles, Stephens County  
Judge Dorothy Coker, Turner County



# Results on Automation Survey

The following is a brief summary of the responses we received from the survey we sent out on automation in the probate courts. Obviously, this table does not encompass the many helpful comments we received about the systems and vendors that you use. If you are interested in reading the specific comments about different systems and/or vendors, contact Elizabeth Purdom at (404) 463-3804 for a compilation of the comments.

The Council is still investigating what followup plans to pursue with the information we have received. If you have any ideas, please contact LaVerne Ogletree, chairperson of the Automation Committee.

If you have not turned in a survey, it is not too late. Even if your court does not have any automation or computers, we need your response.

				<b>Total Responding</b>	<b>Number of Counties</b>	
<b>I. General Computer Use</b>	No computers				7	
	Computers Networked				60	
	Computer Applications	Word processing . . . . .			.81	
		Database . . . . .			.58	
		Spreadsheet . . . . .			.55	
		Internet Browser . . . . .			.44	
		Calendar/Schedule . . . . .			.31	
	Uses of Applications	Drafting Documents . . . . .			.74	
		Fee/Fine collection . . . . .			.48	
		Tracking cases . . . . .			.46	
		Legal Research . . . . .			.46	
Producing Forms . . . . .			.64			
Presentations . . . . .			.11			
Communicating/Emailing . . . . .			.48			
Scheduling Court . . . . .			.31			
Auditing . . . . .			.31			
<b>II. Case Management</b>	Not using a system				43	
	Using SUSTAIN				14	
	Used for:	General Case Management . . . . .			.7	
		Fee/Fine Collection . . . . .			.2	
		Traffic . . . . .			.4	
	Using another system				42	
Used for:	General Case Management . . . . .			.29		
	Fee/Fine Collection . . . . .			.31		
	Traffic . . . . .			.29		
<b>III. Recording</b>	No automation				67	
	Automation used (Inhouse & Outside)	Microfilm . . . . .			.17	
		Scanner . . . . .			.4	
		Imaging . . . . .			.3	
		Other . . . . .			.8	
Using outside contractor				17		
<b>VI. Internet Use</b>	Have web page or developing one				21	
	On Web Page:	Contact Info . . . . .			.17	
		CPCJ. . . . .			.8	
		Fees/Fine . . . . .			.5	
		Links . . . . .			.7	
		Court hours . . . . .			.16	
		Web forms . . . . .			.9	
		Traffic Info . . . . .			.1	
		Licensing Info . . . . .			.11	
		Map . . . . .			.6	
		Election . . . . .			.2	
<b>V. GCAC</b>	Unfamiliar with GCAC				45	
	Used GCAC Services				28	
	Used for:	Install Case Management . . . . .			.15	
		Consulting . . . . .			.4	
		Michie Law on Disc . . . . .			.15	
Internet Access . . . . .			.6			
Lois . . . . .			.2			

## From the Retirement Board

The following is a summary of the comments of Bob Carter, the secretary-treasurer of the Probate Retirement Fund, during the annual Probate Council meeting in April.

In the last fiscal year, which ended June 30, 2000, the total income of the fund was \$5,902,000 and expenses were \$1,472,000. Over a million dollars of these expenses were payments for benefits. The board gave a cost of living increase to all retired probate judges, effective January 1. The board also raised the cap, effective January 1, so that the maximum benefits of a retiring judge with twenty years of mem-

bership is \$31,827 per year. Any new judges who have still not joined the retirement fund have twelve months from taking office to do so and still be able to claim this time retroactively. After the twelve months, new judges can only join at the time they submit their application. There are no buy-back provisions.

The retirement board has been watching House Bill 571, which is still pending in the House Retirement Committee. This bill would add \$1 for each pistol permit and \$2 for each civil filing to the probate retirement fund. Currently the retirement fund comes from traffic fines and marriage licenses. As counties grow and create state courts, traffic jurisdiction is taken away from the probate court, which takes funds away from the probate retirement fund. In the previous year, the funding ratio of the fund

was 139.1%, which means that the fund had the required amount to pay all the retirement benefits in the future if it suddenly had to, with 39.1% still left over. However, in this year's audit, the funding ratio was down 131%. While the fund is still in great shape, the board is taking a proactive position to protect the fund. The House Retirement Committee is examining this problem as well. Hopefully, since the probate courts have just increased fees with their new cost schedule, the counties will be more receptive to House Bill 571. To view the proposed legislation, go to [www.ganet.org](http://www.ganet.org) and click on "legislative session" to find the bill.

The board looked at lowering the retirement age from 60 to 55, but this would be very expensive and is not feasible with the current funding.

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## Retirement Board Members

The current members of the retirement board are:

Judge J. Mike Greene, Chair  
Judge Virginia Andrews, Vice Chair  
Bob Carter, Secretary/Treasurer  
Judge Johnnie E. Crews  
Judge Garrison Baker  
Judge Clinton K. Watson, Jr.  
Winford Poitevint  
Rudolph Johnson  
Sue Whitaker

If you have any questions regarding the retirement fund contact:

Bob Carter  
P.O. Box 56  
Griffin, GA 30224  
770-228-8461 (office)  
770-412-1236 (fax)  
[bcartercfp@aol.com](mailto:bcartercfp@aol.com)

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## A Note of Thanks

*Dear Council of Probate Court Judges*

*I would like to thank you so very much for the thoughtful flower basket that you all sent, as well as the warm wishes expressed at the meeting last week. As you know, the past couple of months have been overwhelming in a number of ways, however, the thoughtfulness of friends and colleagues has been very touching.*

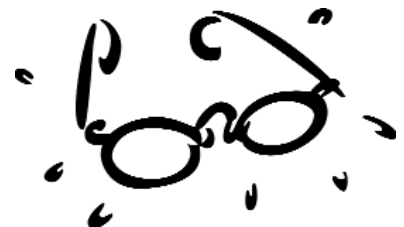
*Again, I would like to thank you for the thoughts and concerns. I assure you that I am well on the road to recovery.*

*Best Wishes,  
David Dodd*

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## Council Dues News

Judge Mary Cranford, Secretary-Treasurer reports that we have almost 100% of the counties paying dues for this year. Of the 158 counties that have paid, all but 6 were paid by the counties. Thanks to all of you for getting your dues paid. We use this money for our special projects and legislative initiatives to improve our courts.



## Some Common Retirement Questions

### **What happens to my spouse if I die before retiring?**

Your spouse has the choice to either (1) be paid all of the dues you paid into the fund, plus 5%, or to (2) immediately start receiving a benefit of one-half of what you would have received if you were alive, regardless of your spouse's age

### **What if I have no spouse and I die before retiring?**

If you have no spouse, all of the dues you had paid into the fund, plus 5%, will go back to your estate and distributed according to your will.

### **If I am already retired and drawing benefits, what benefits will my spouse receive upon my death?**

When you retire, you choose one of three plans:

(1) You choose to receive your full benefits. Then, after your death, your spouse would receive one half of the benefits you would have received, but only after your spouse reaches age 60.

(2) You choose to receive less than your full benefits and instead receive an actuarial equivalent, based on you and your spouse's age. If you and your spouse are within 3-5 years of each other,

this is generally a 15-18% deduction in your benefits. Then when you die, your spouse immediately can draw 100% of the benefits you would have received, regardless of your spouse's age or the age at which you died. If your spouse predeceases you, then you start to receive the full benefits at the beginning of the next month.

(3) You choose to receive somewhere between the full benefits and the actuarial equivalent. Then upon your death, your spouse would immediately start drawing 50% of the benefits you were drawing, regardless of age.

### **What if my spouse remarries after my death?**

If your spouse remarries, he/she can continue to draw your benefits.

### **What portion of my retirement benefits are taxable?**

Most of the benefits you draw will be taxable. The dues you paid to the retirement fund may be excluded from the taxable amount, according to a specific exclusion rate. There is an Internal Revenue table that tells your life expectancy at the time you retire. That gives you a ratio of exclusion that, after you retire, allows you to reclaim your contributions over your life expectancy after retirement. If your life expectancy, for example, was 27 years at retirement, then each year you could subtract 1/27 of your total past dues contributions from your benefits before paying taxes on them.

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## Remarks of Outgoing President *continued*

period. If there is not among you overwhelming support for it and an intent to actively lobby for it from now until the next session, we should drop any concerted effort at statewide application and resort individually strictly to local legislation. I ask only that we stand together in whatever decision is made by the Council.

In closing, let me thank you all for your friendship, for your support, for your work for the Council, for your patience, for your respect and for your love. I have so truly enjoyed this experience. I am proud to have been elected to serve you. I have a quote from Ralph Waldo Emerson on my desk that offers me inspiration. It is entitled "SUCCESS" and reads thus:

*To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the*

*betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you lived, This is to have succeeded.*

My hope and prayer then for each of you is that you know SUCCESS as Emerson describes it. Laugh often and much; may you be respected by your peers and know the affection of children; earn the appreciation of even those who criticize you; should false friends betray you, endure it; look for and admire beauty and find the best in others; leave this world a bit better by your actions; and know that even one life has been enriched by your life. You will be rewarded in your SUCCESS.

Thank you, and may God richly bless each of you and those whom you hold dear.

*Please Recycle*

# Surfing the Web?

## Here's some Useful Pages for Probate Courts



### COURT RELATED:

- **Council of Probate Court Judges**  
The Official homepage of the Council, with downloadable standard forms, the handbook for guardians, information on licenses, contact information of probate judges, and more  
<https://www.gaprobate.org/>
- **Judicial Council of Georgia**  
The homepage for the Judicial Council, with links to the councils of all classes of courts, as well as the Administrative Office of the Courts. When you click on the button for "Probate Court" there is a link to the Uniform Rules online, as well as a link to individual websites of probate courts  
<http://www.georgiacourts.org/>
- **Georgia Code Online**  
An online, searchable version of Georgia Code  
<http://www.ganet.org/services/ocode/ocgsearch.htm>
- **Judicial Qualifications Commission (JQC)**  
<http://www2.state.ga.us/Courts/Supreme/jqc.htm>  
(opinions)  
  
<http://www2.state.ga.us/Courts/Supreme/jqcrules.htm>  
(rules)
- **Resources for Self-Represented Litigants**  
A site for pro se litigants, with the companion guide for the video "I Present My Case," as well as answers to frequently asked questions  
[http://www.georgiacourts.org/aoc/departments/research/resources\\_for\\_self.html](http://www.georgiacourts.org/aoc/departments/research/resources_for_self.html)
- **Georgia Courts Automation Commission**  
<http://www.gcacsite.com/>
- **United States Supreme Court**  
<http://www.supremecourtus.gov/>
- **11th Circuit Court of Appeals**  
<http://www.law.emory.edu/11circuit/>

### GEORGIA GENERALLY

- **State of Georgia**  
<http://www.ganet.org/>
- **Links to Georgia State Agencies**  
<http://www.ganet.org/index/state.cgi>
- **Georgia Attorney General**  
<http://www.ganet.org/ago/>
- **Secretary of State, Cathy Cox**  
<http://www.sos.state.ga.us/>
- **State of Georgia Telephone Directory**  
<http://www2.state.ga.us/Departments/DOAS/GIST/>
- **Association of County Commissioners of Georgia (ACCG)**  
<http://www.accg.org/>
- **County Snapshots**  
Offers a "snapshot" of every county—a map, statistics on demographics and economy, government makeup (produced by the Georgia Department of Community Affairs)  
<http://www.dca.state.ga.us/snapshots/default.asp>
- **County/Municipalities Websites**  
Links to those counties or municipalities offering a web page  
<http://www.ganet.org/index/local.cgi>
- **Georgia Info**  
Produced by the Carl Vinson Institute of Government at UGA, this website offers a great deal of information about Georgia and its government, including voting information, demographics, and maps  
<http://www.cviog.uga.edu/Projects/gainfo>

continued on page 13

## Ideas? Comments? Responses?

*Please send in any and all contributions  
for the newsletter to:*

Darin McCoy, Editor  
PO Box 852 • Claxton, GA 30417-0852  
912-739-4080 / F 739-4077

## Useful Web Pages for Probate Courts *continued*

### NATIONALLY

- **National College of Probate Judges**  
<http://www.ncpj.org/>
- **The State Justice Institute**  
An institute that awards grants to improve the quality of justice in state courts nationwide  
<http://www.statejustice.org/>
- **The American Bar Association**  
<http://www.abanet.org/>
- **The National Judicial College**  
The National Judicial College, which offers judicial education course—these courses can often gain approval from the Probate Training Council to count toward the required training for probate judges.  
<http://www.judges.org/>
- **Courts in Other States**  
A part of the National Center for State Courts' website, this offers links to courts of other states  
[http://www.ncsconline.org/Information/info\\_court\\_web\\_sites.html](http://www.ncsconline.org/Information/info_court_web_sites.html)

### **Thinking of making/improving your own website?**

#### **Check out some other websites:**

Ben Hill:

<http://www.benhillcounty.com/probate.htm>

Coweta:

<http://www.coweta.ga.us/Resources/probate.html>

DeKalb:

<http://www.co.dekalb.ga.us/probate/>

Forsyth:

<http://www.co.forsyth.ga.us/probate/default.htm>

Gwinnett:

<http://www.gwinnettcourts.com/courts/Procourt.htm>

McIntosh:

<http://dariantel.net/~pcourt/>

If you want to develop a website for your court, the Administrative Office of the Courts can help you! Contact Greg Arnold at (404) 656-6413 or email him at [arnoldg@aoc.courts.state.ga.us](mailto:arnoldg@aoc.courts.state.ga.us)

## First District Meeting

The judges of the first district met on Thursday, May 31 in Hinesville at the Western Sizzlin Restaurant. Judge Darin McCoy, who serves as the district president called the meeting to order. The group discussed the guidelines for district organization, the salary bill and new election laws. They also had a general discussion of recent cases. Judge Brenda Howard serves as Secretary and Judge McCall is the Treasurer. The next meeting of the group will take place on August 23



**Front Row (l-r): Bernice Gilder, Troy Paul, Marie Middleton, Nancy Aspinwall, Brenda Howard; Back Row (l-r): Sam Davis, Darin McCoy, Marcus Sweat, Jeff Chavis, and Johnnie Crews.**

### In Memoriam

Judge Clarence Smith passed away in April. Judge Smith was the probate judge of Irwin County since 1964 and will be deeply missed. Our sympathies go out to his family.

Judge Reba Hammand, retired judge from Oconee County passed away on June 1. Condolences to her family and friends.

### Congratulations

Congratulations to Judge Greg Adams of Walton County on his marriage to Judy Johnston on January 19, 2001.

### Best Wishes

Best wishes to Judge Janice Spires of Houston County who is recovering from heart surgery.

### Condolences

Condolences to Judge Christine Burch of Wayne County on the death of her mother in May.

# News from the Eighth District

Judge Helen Harper hosted an organizational meeting of the Eighth District on May 17 in Dublin at the Yates Lodge. Fifteen of the twenty-seven counties were represented. Following the guidelines adopted by the Executive Committee of the Council, the district elected Judge Jeffrey Jones of Pulaski County to be the

District Director. Other officers elected are: Judge Rachel T. Lord, Washington County, to serve as Vice-Director, Judge Mary Jo Buxton, Johnson County, to serve as Secretary, and Judge Kenneth Powell, Bleckley County, to serve as Treasurer.

Due to the resignation of Judge David Crenshaw, effective July 1,

the district elected Judge Todd Blackwell to fill out Judge Crenshaw's unexpired term on the Probate Judges Training Council. They also selected Judge Mike Greene to serve on the nominating committee for the 2002 elections.



**New Officers 8th District: Kenneth Powell; Jeffrey Jones; Rachel Lord; Mary Jo Buxton**



**Back Row (l-r): Roy Braswell, Helen Harper, Jeff Jones, Rachel Lord, Mike Bracewell, Mike Greene, John Kelly; Front Row (l-r): Belinda Griffin, LaVerne Ogletree, Ken Powell, Diane Walker, Rubie Nell Sanders, Todd Blackwell, Mary Jo Buxton, Q.L. Bryant, Marla Moore**

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## The Gavel

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