

THE GAVEL

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

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June 2002

MESSAGE FROM THE PRESIDENT



I want to thank each of you for the opportunity to serve as your President. I feel that this is one of the finest organizations and I am honored to be your leader. As I stated in my first address as President, the key word in my administration is unity. Webster's defines *unity* as "the state of being one." There are 159 members of this council and in order to be successful, we all must act as one body. We need 100% participation from everyone.

It is already beginning to be a busy year. We have already sent a group of Judges to the Leadership Institute in Memphis, TN. We have planned our summer training, and are planning our next Strategic Planning Session for the fall. For those of us who handle elections, it's a big year for us implementing new election equipment and there will be training sessions

this summer for those who handle traffic. Before we know it, we will all be together for our fall seminar in Savannah at the beautiful, new Westin Hotel on Hutcheson Island.

I appreciate all of the well wishes and encouragement from all of you. I am excited about the coming year. Please be ready to serve when called upon and don't hesitate to volunteer in areas where you can benefit our organization. Feel free to call upon me anytime that I can be of assistance to you.

Darin

New Officers of the Council of Probate Court Judges

Judge Darin McCoy, President
Judge Marion Guess, President-Elect
Judge Susan Tate, 1st Vice-President
Judge Mary Cranford, Secretary
Judge Eddie Hulsey, Training Council Representative

Calendar of Events

- June 16-19** COAG Summer Seminar
Jekyll Island (Jekyll Inn)
- June 16** CPCJ Executive Committee Mtg.
Jekyll Island (Jekyll Inn)
- June 17** CPCJ Training • 9:00 a.m. - Noon
Jekyll Island (Jekyll Inn)
- September 13** 3rd Annual Indigent Defense
Consortium, TBA
- November 12-15** Judge's Fall Seminar
Savannah (Westin)

Update on Judge Bernice Gilder of Glynn County

Judge Bernice Gilder has been moved to a Brunswick Hospital after several months in a Jacksonville Hospital of complications from heart bypass surgery. She is undergoing physical therapy and progressing well. All are encouraged to send her cards and letters in care of Southeast Regional Medical Center, 2415 Parkwood Drive, Brunswick, GA 31520.

We all hope Judge Gilder will be out of the hospital soon and back on the bench.

Council of Probate Court Judges

**Radisson Riverfront Hotel
Augusta, GA • April 17, 2002**

Judge Buttrill called the meeting to order at 6:40 p.m.

Budget Report

Mr. Foote discussed the Council's state funding and the new travel reimbursement forms. Judge Cranford reported that the Council's private funds now exceed \$92,000 dollars. The council also has approximately \$13,000 in ready savings and \$12,000 in ready checking account. Among the council's purchases were payments totaling \$3,000 made to Boller, Sewell, and Segars for their lobbying assistance during this legislative session.

Committee Reports

• Court Rules and Forms:

Judge Toomer reported that a committee of judges are working to produce a uniform rule concerning videoconferencing. Judge Buttrill, member of this committee, will continue to update the executive committee on its progress. Interest in using videoconferencing for mental health hearings was expressed during this discussion.

• Video Project: Judge Guess announced that the probate pro se litigant video was finished and would be distributed at registration the following day. A Spanish version of the video tape will be completed by mid-May.

• Training Council: In Judge Baker's absence, Judge Buttrill announced that officer elections for the training council would be held in the near future. Judge Mullis requested that the executive committee allocate a small

portion of state funds to pay for a rental car at the Memphis leadership institute. A motion to approve this request was made, seconded, and unanimously approved.

As a final note, Ms. Moore reported that the terms for the 7th, 8th, 9th, and 10th district representatives to the training council have expired. She stated that the district system continues to be an asset to the Council.

• Awards and Recognition:

Judge Cason reported that the Awards were completed and ready for distribution at the banquet the following evening. Judge Andrews assisted with the printing of certificates and many others helped with the preparation for the banquet. She suggested that a set of guidelines for award selection, the banquet, and the committee be formally stated for any future incoming chair of this committee.

Membership Committee: Judge Cason reported that the Probate Council pins were completed and will be distributed to all probate judges through each district director. Special pins for officers of the Council have also been created and feature the position that the individual is serving. Judge Cason also announced that a hospitality room and ballroom dance will be featured this week.

• Nominating Committee:

Judge Buttrill reported that the committee met, via teleconference call, to discuss and select a slate of potential officers for the Council's various leadership positions. The committee has selected the following individuals to be nominated to serve in the following capacities: Judge Marion Guess, President-Elect; Judge Susan Tate,

Vice-President; Judge Mary Cranford, Secretary-Treasurer; Judge Eddie Hulsey, Training Council Representative. A motion to approve the slate of officers, as presented, was made, seconded and passed without dissent. The slate of officers will be presented to the full voting body at the business meeting.

• Retirement Committee:

Judge Greene announced that the retirement committee will meet the following day to discuss the distribution of retirement checks and the possibility of using electronic transfer in the future. Judge Greene also announced that the probate retirement bill recently passed and will allow two dollars to be given per civil filling and one dollar per marriage license to the retirement fund. The form has also been revised and will be distributed later this week (the form will be mailed to those that are not in attendance).

• Legislative Committee:

Judge Bracewell gave a recap of the recent legislative session, discussing various bills that affect the probate courts. *(A complete list of those bills that were discussed, as well as their final outcomes can be found on page 8).* In his report, Judge Bracewell stressed the Council's need to speak with one voice as much as possible. Although there are a wide variety of opinions on every issue, in order to ensure the prosperity of the courts, the Council needs to unite on as many issues as possible, in future legislative sessions.

• Georgia Courts Automation Commission (GCAC): Judge Van Horn discussed GCAC and the

continued on page 3

Executive Committee Minutes

changes that it has endured. The Chief Justice has not made any new appointments and it appears that the Commission will be phased out. Judge Van Horn requested that the executive committee provide feedback and suggestions to him as to what he can suggest to GCAC on behalf of the Council. After some discussion on this topic, Judge Buttrill voiced his opinion that any changes will eventually benefit the probate court.

President's Report

Judge Buttrill thanked all of the executive committee members for their help and assistance throughout the past year. Although there were some set backs, the CPCJ made great strides in its efforts to improve the Council and the probate courts throughout the state of Georgia. Through continued effort in strategic planning, valuable training at both the Memphis leadership institute and the Eagle's Landing leadership training, and active participation with the

Judicial Council, the Council has continued to improve its image. Judge Buttrill gave a special thanks to Judge Cason for breathing new life in to the district system, Judge Cranford for achieving 100% payment of dues, and Judge McCoy for his constant help and support.

New Business

Ms Moore asked the executive committee if they would like to continue the annual strategic planning meeting. Judge McCoy voiced his opinion that the strategic planning session is vital to the success of the Council and he would like to see the meeting continued. The strategic planning session also assists with budgetary planning for the upcoming year. Judge Mullis suggested that other judges be invited to the meeting in order to provide the Council with a fresh perspective. A motion to continue the annual strategic planning session and invite Mr. Mabry to be the facilitator, was made, seconded, and

passed without dissent.

Continuing her report, Ms. Moore announced that the AOC would be working with each of the probate courts to address the issues brought forth in the recent audit report. The AOC will be studying various training methods to assist the clerks of each court in dealing with these matters. A survey from the AOC will be sent to each of the courts to gather more information about how they are currently handling these matters. The AOC is also in the final stages of signing a contract with the firm, Bryant and Associates, to assist each of the courts with their architectural needs.

The Commission on Interpreters has been appointed and training sessions will be held throughout the summer, in each of the judicial districts. Ms. Moore requested that the judges take this information back to their courts and notify all those individuals that are currently performing court interpretation without being certified. The Commission's goal is to train and certify approximately five-hundred people by the end of the year.

Judge Buttrill reported that Judge Self's review of the Council's financial records concluded that Judge Cranford had done an outstanding job as treasurer. This report was performed in lieu of a formal audit report.

The meeting was adjourned at 6:45 p.m.

New Retirement Fees Effective 7/1/02

House Bill 571 was passed this year and becomes effective July 1st, 2002. This bill provides for the payment of \$2.00 for each Civil filing in Probate Court and \$1.00 for each Pistol License issued. These fees ARE NOT ADDED ON TO THE COST. These fees are to be deducted from the fees collected at the end of the month. The \$2.00 fee should be deducted from all civil filings in Probate Court that are listed in our fee schedule. The \$1.00 fee for Pistol Licenses should be deducted from each Pistol License Application Fee collected.

Again, do not add these fees to the current cost, simply deduct them at the end of the month. This does not effect the current deductions for Marriage Licenses. Continue to send in the fees you currently deduct for each marriage license. You should have already received a letter of explanation and a new reporting form from the Retirement Fund Office. Should you have any questions, please contact Bob Carter at the Retirement Office at 770-228-8461 or Judge Mike Greene at 478-986-6668.

Condolences to...

Judge Brenda Howard of Pierce County on the death of her father, Mr. Lamar Cochran on May 28th, 2002.

New President's Remarks

Council of Probate Court Judges 2002 Spring Banquet April 17, 2002

First of all, I would like to thank all of you for allowing me to serve as your President. It's one of the highest honors I could have.

This coming year, there are several hurdles we as a Council must cross, including the non-partisanship of Probate Judges. To accomplish this, it will require a united front, with all Probate Judges working together. In his address to this year's General Assembly, Chief Justice Norman Fletcher urged the passage of non-partisan elections for Probate Judges. Justice Fletcher said, "The administration of justice must be cloaked with fairness and impartiality. Anything that casts doubt on the system breeds distrust. Accordingly, there is no room for partisan politics in our courts." With such a strong urging and the full support of the Judicial

Council, certain members of the General Assembly slammed the door on our legislation.

I plan to continue Strategic Planning for our council to determine our long and short-term goals. This has been a very successful program during the past 2 years. I'm looking forward to our 3rd year to continue our strategic plan.

For the first time, our council employed a lobbying firm to help handle our business at the capitol. Although we got a late start, Mark Middleton did a very impressive job during this past session. I look forward to working with Mark and the members of our legislative committee to protect our legislative interests during my administration.

I would like to improve our communication efforts. There are some courts that still do not have e-mail. By using e-mail, we can communicate in a fast manner, sending out important legislative

matters and other important messages that need immediate attention.

I would like to improve our caseload reporting to the AOC. These statistics are used in determining many factors. Some counties are still not providing this important information.

There is one key word that I will use during my year as your President. That word is unity. We have to look at the issues and work in a unified effort for what's best for this council as a whole, not what's best for us on an individual basis. We have to work as a unified body because, together we stand, divided we fall.

This council can be successful with 100% of the members working together. With your support, we can have a very successful year. Again, it is truly an honor to serve this Council as your President.

Thank you all.

Judge Darin McCoy

Swainsboro Tech Honors Memory of Davenport

On Thursday, May 23, 2002 a portrait of the late Judge Roberta Cross-Davenport was unveiled on the "Wall of Remembrance" at Swainsboro Technical College. Judge Davenport joined the Board of Directors in 1994 and continued to serve until her untimely death in 2001. She received her certification as a member of the Technical Colleges Director's Association in 1997. While serving on the board, she was appointed vice-chairman from 1996-1998 and then served as chairman of the board from 1998-2000. She was a very dedicated supporter of Swainsboro Tech, from which she graduated from



Those in attendance at Judge Davenport's Memorial: Judge Jackie Driskell, Judge Darin McCoy, Judge Mary Jo Buxton, Judge Davenport's daughter-Nancy Cross-Bady, & Judge Davenport's son-Brian Cross.

with a diploma in Business Education. Judge Darin McCoy, Judge Mary Jo Buxton, and Judge Jackie Driskell attended the dedication ceremony. A special election

is being held in August to fill the unexpired term of Judge Davenport. Numerous candidates have announced their intention to run for the seat.

Card of Thanks

Thanks so much for the lovely flowers you sent during my illness. They were very much appreciated. I'm feeling better each day. Thanks again for everything-the cards, thoughts, calls, and especially your prayers.

Sincerely, Judge Bo Earnest
Seminole County

CPCJ Meeting Highlights

**Radisson Riverfront Hotel
Augusta, GA • April 17, 2002**

Judge Buttrill called the meeting to order at 4:10 p.m. He began the business of the Council with a brief summary of the financial reports included in the meeting agendas.

Committee Reports

(Those Committee reports that do not appear below are identical to those given at the executive committee meeting)

• **Training Council:** Judge Baker reported that the training council conducted training at the January meeting of the County Officers Association of Georgia and is now preparing for the June meeting in Jekyll Island. The council will also hold officer elections and will meet in July to discuss and plan the November meeting. The training that will be conducted is a result of the surveys and requests that have been received by the members of the council. Judge Baker concluded his report with a summary of the training that will be conducted the following day, adding that Friday's program is a direct result of the Leadership Institute attended by the training council members last May.

• **Retirement Committee:** Judge Greene opened his report by thanking Mr. Bob Carter for his help with the probate retirement fund. Following a brief round of applause, Judge Greene reviewed a report of the earnings and dividends made by the retirement fund for 2001. HB 571 and the new reporting form for the retirement fund were discussed. Judge Greene explained the definition of a civil filing and which cases could be assessed the \$2 fee for the retirement fund. Members of the audience were given the opportunity to ask questions regarding the

appropriate amount to charge for each license and filling.

A question regarding the inclusion of clerks of the probate court in the retirement fund was addressed by Judge Greene. He stated that this has been investigated and found that it would be very expensive and would have a serious effect on the retirement fund. The retirement fund committee will continue to look at the costs and benefits of including clerks and will report back to the members of the council when a conclusion is reached. Judge Greene concluded his report with an introduction of the retirement committee members.

Judge Buttrill voiced his appreciation for the hard work of all the committees.

Legislative Update

Judge Bracewell discussed the legislation that had been worked on by the CPCJ. He stated that two of the three legislative priorities designated by the Council were accomplished this session. HB 571 - Probate Retirement fund and HB 1279 - Adjustment of Probate Fees both passed and currently await the Governor's signature. SR 188- State Wide Nonpartisan Elections of Probate Judges, the Council's final priority, did not find much support from legislators. The bills discussed at the executive committee were also reported upon by Judge Bracewell.

Judge Bracewell introduced Mark Middleton, from the lobbying firm Boller, Sewell, and Segars. Mr. Middleton addressed the members and was greeted with a round of applause. He voiced his excitement for continuing to work with the organization and requested that each judge keep a close relationship with their legislators in order to benefit the legislative initiatives of the council.

Election of Officers

The list of individuals proposed to be elected as officers of the CPCJ was presented to the general membership. The Committee has selected the following individuals to be nominated to serve in the following capacities: Judge Marion Guess, President-Elect; Judge Susan Tate, Vice- President; Judge Mary Cranford, Secretary-Treasurer; Judge Eddie Hulsey, Training Council Representative; Following this presentation, Judge McCoy asked if there were any other nominations from the floor. Hearing none, Judge Buttrill took a vote of the general membership to approve the election of these officers. Through a unanimous vote, the 2002-2003 officers of the council were elected to their positions.

Out-going President's Remarks

Judge Buttrill stated that he appreciated the honor of serving the CPCJ as its President. He thanked all of those who assisted him throughout his tenure, specifically thanking Ms. Moore and Mr. Foote, of the Administrative Office of the Courts, for the superb job they have done for the Council. Judge Buttrill gave a brief summary of the Council's accomplishments throughout the year, discussing the continued advancement of the Council's goals and initiatives through strategic planning and advanced leadership training. He voiced his support of the Judicial Council and the improvement the CPCJ has made in the eyes of its members. Judge Buttrill concluded his remarks and received a final enthusiastic round of applause.

There being no further business, the meeting was adjourned at 4:45 p.m.

Annual Banquet and Luncheon Celebrates CPCJ's

On April 17, 2002 the Council of Probate Court Judges celebrated its accomplishments and achievements at its annual banquet and transition dinner. Those in attendance were treated to a delicious dinner, followed by a presentation by the Honorable J.D. Smith of the Georgia Court of Appeals. Judge Smith was on hand to administer the oath of office for the Council's newly elected Officers and to discuss the development of the appellate courts in Georgia.

Following Judge Smith's presentation, Judge Betty Cason began

the awards presentations. Nominations and selections for each award were solicited, reviewed, and selected by the awards committee. This year, Judge Darin McCoy received the Outstanding Probate Judge of the Year Award. Judge McCoy served the Council as its president-elect, Gavel editor and was an active participant on many of the Council's committees. Judge Cason, Judge Mike Bracewell, and Judge Mary Cranford all received special recognition awards for the dedication and hard work they provided the council this past year. Marla

Moore, Robbie Foote, LaShawn Murphy and James Rodatus of the Administrative Office of the Courts, and Rich Reaves and Sherry Carson of the Institute of Continuing Judicial Education, were also recognized for their contributions.

After the formal awards were presented, Judge Buttrill provided the membership with a few parting words and presented personal tokens of appreciation to specific individuals. Judge Susan Tate, Judge Mike Greene, Judge Henry Baker, Judge Cason, Judge Bracewell, and Judge Cranford



The Honorable J.D. Smith of the Georgia Court of Appeals addresses the members at the annual CPCJ banquet.



Judge McCoy makes his acceptance speech after receiving the award for Outstanding Probate Judge of the Year



Judge Cranford (far right) receives one of three special recognition awards from Judge Cason and Judge Buttrill.



Judge Bracewell receives a special recognition award from Judge Buttrill.

Accomplishments & Individual Achievement

were all recognized with special trophies thanking them for their assistance. Staff personnel from the AOC and ICJE were also recognized by Judge Buttrill.

Judge Self, representing the general membership of the Council, recognized Judge Buttrill with a plaque and a special gift to help advance his continued interest in art. Upon the conclusion of this special presentation and the installation of the new officers, Judge McCoy spoke to the membership about his goals for the upcoming year. *(A complete copy of Judge McCoy's speech can be found on page*

4 of this newsletter).

The following day, recently retired and deceased judges were honored at a special luncheon. A certificate honoring more than 25 years of service to the Fulton County Probate Court and the CPCJ, was presented to Judge Floyd Propst. Judge Propst served as the Council's president from 1997-1998 and is the author of the Handbook for Probate Judges of Georgia. Framed certificates were also presented to the families of Judge Roberta Cross-Davenport and Judge Clarence Smith honoring their remarkable lives and

achievements while serving as probate judges in the state of Georgia. To conclude the lunchtime activities, Ms. Carson and Judge Cason presented attendance certificates honoring those judges that have attended the annual meeting for a number of consecutive years.

The annual banquet and luncheon marks the conclusion of yet another successful year for the Council of Probate Court Judges and serves as the stepping stone to further success and advancement for the CPCJ and its newly elected officers.



Judge Buttrill displays one of the gifts given to him by the Council members - a commemorative plate depicting Wesleyan college, the first women's school in the country.



The Honorable J.D. Smith administers the oath of office to the newly elected CPCJ Officers.



Judge Floyd Propst addresses the crowd as Judge Cason and Judge McCoy observe. Judge Propst received a certificate in honor of his 25 years of services and recent retirement.

Legislative Update

HB 571 Judges of the Probate Courts Retirement; payments into fund - Passed

This bill changes the system of how the Probate Court Judges' Retirement fund is funded. Under this bill, the retirement fund is funded from the fees paid from civil filings and application fees to carry a pistol or revolver. This bill was drafted to prevent a massive loss of retirement funding due to several probate courts losing traffic jurisdiction. Currently, traffic law proceedings fund the Probate Judge's retirement fund.

HB 639 Wills; Revised Probate Code of 1998; amend provisions - Passed

This bill is a housekeeping bill that will amend and revise Title 53 of the OCGA to bring it into line with recent court decisions regarding descent and distribution, years support, revocation and repudiation of wills, notice for petition for probate in solemn form, administration of estates generally, and for other purposes.

HB 646 Wills; renunciation of future interests; provisions - Passed

This bill clarifies what happens with a renounced future interest and expands the language in the probate code to pass the renounced interest in accordance with dissent and distribution

HB 691 Firearms; license to carry; prohibition; redefine - Did Not Pass. The Bill did not receive a vote by the Senate

This changes prohibitions on firearm licensing. It requires that a person be convicted of a felony offense related to illegal drug manufacture or distribution in order to be prohibited from obtaining a firearm license. It also allows people who have been exonerated from guilt for one of the offenses mentioned in the bill to obtain a firearm license.

HB 917 Standby Guardianship Act; enact - Passed

This bill will create a standby guardian provision for parents who wish to designate a temporary guardian for their children while they are unable to care for them. This bill is designed for single parents who need to designate a guardian when there is no other parent available. The bill was originally intended for single parents who were temporarily unable to care for their children due to a debilitating illness or condition, but HB 917 also has provisions for parents who are incarcerated or suffering from mental illnesses. This bill does not seek to change any custodial status between parents.

HB 1064- Probate Court Judges; eligibility; certain counties - Passed

This bill deals with the minimum population requirement to that requires a probate judge to have a law degree. A judge of the probate court must be admitted to the practice of law in any county with a population greater than 96,000. A section was added to allow probate judges who were severing before June 30, 2000 to continue to hold office and seek reelection.

HB 1103 Campaign contributions; judicial candidates; certain prohibition - Did Not Pass.

The bill did not move out of the House Judiciary Committee. This bill changes the law on judicial campaign funding by stating that, "No candidate or campaign committee for any person seeking election for a judicial office shall accept a contribution from a member of the State Bar of Georgia or any law firm."

HB 1127, Adoption; records access; certain birth certificates - Did Not Pass. The Bill moved out of committee, but it did not receive a vote by the House.

This bill changes the laws the deal with adopted children getting

access to the medical records of their biological parents. The bill also has provisions for biological parents to have access to their children's vital records after their children have reached their twenty first birthday. The bill's two primary purposes are to enable adults who had been adopted to seek out their biological parents, and for parents to be able to furnish their biological children with medical information that could be necessary to their child's health. The disclosure of medical information does not reveal the identity of the adopted child or the biological parent. Parents who had put their children up for adoption can also seek the identity of their biological child after the child has reached the age of 21.

HB 1136 Estates; domiciliary presumed dead; evidence - Did Not Pass.

HB 1136 passed the house and the Senate Judiciary Committee, but it did not receive a vote from the Senate.

This bill allows someone to be declared dead without the finding of a body after clear and convincing evidence of that person's death is presented to a probate judge. Currently, a person must be missing for four years to be declared dead, although a person may be declared dead twelve months after they have been missing if there is a preponderance of evidence that a person is deceased. This allows the deceased family to begin collecting life insurance and social security benefits without the lengthy waiting period when no the body of the deceased is missing.

HB 1142 Victim compensation; amend provisions - Passed

This bill increases the probation supervision fee, which funds the Crime Victims Compensation Fund from \$3.00 to \$9.00. The \$9.00 probation fee is required for all persons placed on probation for traffic violations, ordinance violations, and misdemeanor and felony offenses

Judge McVay Honored by Local Civic Organizations

Cherokee County probate judge Kip McVay recently received two awards from local civic organizations. The Canton Optimist Club bestowed the "Respect for the law reward." Given to only one individual from the Cherokee County judicial system, the award recognizes dedicated service in advancing the respect for law objectives of Optimist International. Judge McVay also received the Lee Arrendale Award from the Rotary Club of Canton. This award honors outstanding vocational service, particularly for "upholding standards of ethics in the workplace."

Judge McVay has served the Cherokee County Probate Court since 1996 and is a highly involved member of the Cherokee County community. In addition to the above mentioned achievements, Judge McVay has been credited with improving public relations and modernizing the Cherokee County Probate Court office.

9th District Report

Probate Judges from the 9th Judicial District held their monthly meeting in Canton, Georgia on May 15, 2002. The meeting, hosted by Judge Kip McVay of Cherokee County, was attended by 12 Judges and 3 Clerks. The Judges discussed several issues, including the new Retirement Fund fees and videoconferencing. The group voted, as a district, to endorse Videoconferencing and to send a letter in support of their position to the Judicial Council. Judges Clarke and McVay shared local forms that they have adopted in their courts with the other Judges in attendance. Following a discussion on interesting cases and problems, the meeting was adjourned.

Announcement! Announcement!

Probate Judges Training

at the Summer COAG meeting
Jekyll Inn • Jekyll Island, GA

June 17, 2002

9:00-10:00 • Legislative Update

10:00 - 12:00 • Public Image of the Probate Court

Do you have brochures or any other materials that you use to inform the public about the work of the probate court? If so, please bring with you to display.

Legislative Update continued

HB 1279 Probate court judges; change certain fees; clarify provisions - Passed

This is a housekeeping bill for the Probate Courts of Georgia. It updates the procedure and requirements for billing mental health and hospital reimbursement fees to probate judges

HB 1505 Indigent Defense Funding – Counties - Did not pass. The bill passed the House, but it did not move out of Senate Appropriations.

This bill would provide funding for indigent defense from the surplus that counties have from fines and fees. There would be a portion of this money specifically set aside for indigent defense.

SB 32 County Boards of Elections and Registration; creation - Did not pass. Senate Bill 32 passed in the Senate, but failed in the House. There was a motion to reconsider, but the bill was never moved back onto the house floor.

Senate Bill 32 requires the creation of a county board of registrars to supervise and conduct elections. There is a provision in the

bill that will allow a Probate Judge to function as an election superintendent if the local law allows.

SR 188 Probate Court Judges; non-partisan election; 4 year term of office; amend constitution - Did Not Pass. This bill was never moved out of the Senate SLOGO committee.

This resolution changes the probate court elections from partisan to non-partisan elections.

SR 520- Judicial Election Campaigns; Joint Legislative Committee to Study Public Financing - Did not Pass. This bill moved out of committee, but it did not receive a vote in the Senate.

This resolution seeks to address the problem of judicial campaign fundraising. The resolution has a list of concerns about private financing of judicial campaigns, and it states that there is a large amount of support for the public financing of judicial elections. The resolution sets up a six-member committee to study the effects of the public financing of judicial campaigns.

From Legislative Representative Mark Middleton

Dear Judges:

The 2002 General Assembly was a success! Through the hard work and persistence of the Council's legislative committee and leadership, we managed to pass several bills of importance to the Council of Probate Court Judges.

House Bill 571 relating to Probate Judges Retirement was passed with the help of House Special Judiciary Chairman Curtis Jenkins, and Senate Retirement Chairman Vincent Fort. Also, after some excitement in the House on the 33rd day of the legislative session, House Bill 1279 passed. This bill adjusts the probate fees schedule to reinstate the \$3.00 fee for certain DHR reports pertaining to hospitalization. Another bill of interest is House Bill 639, authored by Rep. Wendall Willard.

Unfortunately, the Council's



proposal for non-partisan elections did not receive consideration in committee. Another issue that received a great amount of attention was Senate Bill 32, which would have mandated election boards in each county. These issues are expected to resurface again.

As we begin to look toward the 2003 Session, I want to again thank you for the opportunity to be of service. I also want to thank Judge Mike Bracewell and Judge Mike Greene for their support and guidance during the session.

Remember to call me at 404-806-0808 if I can ever be of assistance to you.

Sincerely,

Mark M. Middleton
Legislative Representative, Council
Probate Court Judges

The Gavel

Georgia Council of Probate Court Judges
Administrative Office of the Courts
244 Washington Street, SW, Suite 300
Atlanta, GA 30334

JUDGE DARIN MCCOY
Editor

DAVID L. RATLEY
Director

MARLA MOORE
*Associate Director for
Court Services*

ASHLEY G. STOLLAR
Graphic Design