

THE GAVEL

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

Volume 11, Number 2

June 2003

MESSAGE FROM THE PRESIDENT



As most of you know, my term as president of the Council of Probate Court Judges began with a “roast.” I was the turkey and several of my friends attempted to roast me to a deep shade of red before the attendees at the annual banquet.

The good thing about a “roast” is that after you have been torn down by a group of your peers you have nowhere to go but up. So, now that your expectations for my presidency have hit bottom, I will attempt to surprise you. Seriously, I want to thank all who participated in the planning and execution of my “roast.” I think, most folks enjoyed a laugh at my expense and I consider that a very small expense for an evening of light hearted fun.

During our luncheon in Athens I attempted to outline my goals for the coming year. They are as follows:

1. Support and pass the non-partisan legislation — With the continued help of Judge Mike Bracewell, our lobbyist Mark Middleton, and others I believe that we have a good chance of realizing this goal.
2. Move to make our districts more a part of the governing body of the Council of Probate Court Judges — The adoption of our new district map at the business meeting in Athens was a first step. Now, we have districts which are based on geography rather than popu-

New Officers of the Council of Probate Court Judges

Judge Marion Guess, President
Judge Susan Tate, President – Elect
Judge Mike Bracewell, Vice-President
Judge Mary Cranford, Secretary-Treasurer and
Judge Beverly Nation, Member-at-Large for the
Training Council

lation. This allows all counties to participate in a district and each district to be relatively equal in size. As a next step, I will ask the Bylaws Committee to come up with some ideas of how the bylaws might be amended to allow the districts to have a greater participation in the governance of the Council.

3. Define our committees by having written descriptions of their function — As many of you will see later in this letter Marla Moore and Betty Cason have prepared a draft of committee descriptions, which I will attempt to have adopted at our next meeting in June.
4. Establish a scholarship fund for probate judges wishing to attend nationally based training — It is my belief that there are many probate court judges who would attend the National College of Probate Judges’ annual meetings or the National Judicial College’s probate related courses if funding were available. It is my hope that we can offer scholarship funds to enable more of our judges to attend this kind of training.
5. Continue my predecessor’s (Darin McCoy) efforts to see that every probate court in Georgia has Internet access — I understand that approximately 146 courts now have access and I hope that during the coming year the rest of the courts will come on line.

I hope to have all of the committee assignments made by our June meeting. Some of you have already volunteered by e-mail for various committees. I hope many more of you will read the committee descriptions printed in this issue and also volunteer. You may do so by simply letting me know your preference.

In closing, since I started this letter with a bit about your expectations for my presidency, bear with me while I tell you a story about expectation. My great grandfather was a doctor in the small town of Centerville,

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Summary of Minutes Probate Judges Training Council

The Probate Judges Training Council meeting took place on April 15, 2003 at the Georgia Center for Continuing Education in Athens, GA. The meeting was called to order at 6:10 by Judge Hulsey. The council approved the amended minutes from the meeting held on October 2, 2002, and a Conference Call held on February 13, 2003.

The council discussed the summer County Officers Association of Georgia (COAG) training set to take place at the Brasstown Valley Resort on June 17-19, 2003. There was a discussion on increasing the training hours to see if it would attract more judges to the Summer COAG meeting. The council approved an increase in the training hours from three to six. After increasing the hours the council members provided suggestions on courses and instructors.

The council agreed that motivational speaker, Janice Sailors would instruct a course for two hours. Ms. Sailors specializes in motivational speaking, addressing the public and dealing with difficult people. There was also discussion of having legislative training for one hour and in the form of a forum on what the council's actions should be for the next term. Judge McCoy was asked to speak with the council's lobbyist, Mark Middleton, about conducting this forum. After briefly discussing the remaining time left for training, the council agreed that Judge McCoy should instruct a course on Marriage Licenses from A-Z. The course addresses every issue concerning marriage licenses and should last an hour and a half. There was also discussion on having Judge Van Horn in con-

junction with the AOC to conduct an hour and half program on describing what technologies are available to the courts. The course would detail various computer programs and services ranging from the probate listserv to accounting.

There was a question of COAG having a joint training session with the probate judges in the summer and the number of training hours the council should plan for. The council agreed to plan for six hours depending on whether or not COAG is having a joint training session and if so, to cut three training hours.

The next item on the agenda was the proposed training schedule for the Fall 2003 conference in Savannah. The discussion began with Ms. Carson of ICJE distributing a memo of eight tentative topics for the conference. Mr. Reaves informed the council it could develop a minimum of 12 hours allotting two hours to six topics. He provided a synopsis of each topic and information about the instructors. He advised the council to prioritize the topics of interest and informed them that the first four topics were referred to him by Judge Guess. A brief discussion took place concerning the

topics and Mr. Reaves added Vital Records and Involuntary Outpatient Commitment to the agenda.

Based on discussion from the committee, Mr. Reaves concluded that the following topics would be placed on the agenda: Environmental Issues for Trusts, Estates, Fiduciaries & Beneficiaries; Ethical Issues with Capacity; Health Care Directives; Significant Non-Tax Drafting Issues; and General & Judicial Election Permissible Political Conduct. Surcharges on Fines & Fees and Vital Records would be placed on a dual track meaning that participants would have to choose a topic. The council approved the following schedule and agreed to leave the finalization of the training topics to Mr. Reaves and Ms. Carson.

Lastly, a brief discussion took place on the council's next meeting date and there was a suggestion to tentatively meet at the same time as the planning meeting in the fall. The council agreed that Judge Hulsey would consult with Judge Guess before scheduling the next meeting.

As there was no other business, the council meeting adjourned at 7:30 p.m.

Acknowledgements

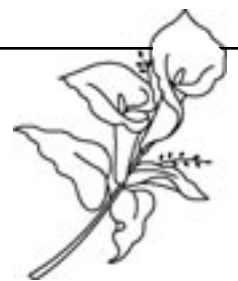
The Family of Judge Elizabeth Ash gratefully acknowledges your kind expression of sympathy.

We want to thank you so much for the beautiful flowers that you sent to us in honor of our mother. Your kindness will never be forgotten, may God bless you for being so sweet and thoughtful.

*With all our love,
The Ash Family*

Words cannot express our appreciation to each of you for the cards, phone calls and prayers while my husband has been ill. We are very grateful for your concern and support these last few months.

Kathy Martin



Summary of Minutes CPCJ Executive Committee

On April 16, 2003, the Executive Committee met at the Georgia Center in Athens Georgia. Judge McCoy, committee President, called the meeting to order at 9:30 am and at that time the committee approved the minutes from the February 4, 2003 meeting.

As of March 31, 2003, the total state funds available were \$43,150.00 after the Legislature approved a \$20,000.00 budget cut. As of February 3, 2003, the Council had a total of \$9,800.55 in revenue from handbook and benchbook sales. The total funds available are \$21,990.62.

An approved amended report shows \$93,370.07 available in total assets in the Association funds, \$19,645.60 in the checking account, and \$12,064.89 for the BB&T Certificate. It has also been reported that 154 counties have paid their dues.

Committee reports followed the financial report. Judge Self of the Caseload Reporting Committee reported that he and Casey Jackson of the Administrative Office of the Courts (AOC) pre-

sented a program on Caseload Reporting at the clerks' training. They are scheduled to do another presentation at the next clerks' training session.

Judge Toomer, chair of the Court Rules and Forms Committee, announced that forms presented at the November 2002 meeting will go to a select group of members in the Fiduciary Law Section from the State Bar. The selected group will review the forms which will then proceed to the Supreme Court for approval.

Judge Bracewell of the Legislative Committee stated that many bills have not gone anywhere due to time spent on the flag issue and the budget debate. As for the nonpartisan bill, progress was made in the fact that it was introduced and passed the Senate of Local Government Operations (SLGO) Committee. The bill will carry over to next year. There was also discussion on other local non-partisan bills and the success of the bills from the other classes of courts.

Judge Bracewell also reported that House Bill 270, the

Retirement Bill, has had its third reading and is basically awaiting a signature from the governor. He also state that House Bill 739 was introduced allowing judges with no spouse to pick another beneficiary. The bill allows anyone to qualify as a beneficiary. Furthermore, there was a bill out pertaining to qualifying fees that would set a flat fee of 3% to the base salary of the sought after position.

Judge Guess reported on the latest district map proposal from the Redistricting Committee. The proposal satisfied all previous complaints with the exception of one district. A brief discussion took place concerning the geographical make up of the districts and what counties participated in district meetings. The committee approved the proposed map and agreed that it should be introduced and voted on for adoption at the next business meeting.

In the report from the President, Judge McCoy opened up the discussion on the visit from Michael Lavoie, Director of the State Registrar for Georgia Vital Records. Mr. Lavoie visited the Executive Committee in February and spoke on the small number of marriage license application submitted by the courts. The council discussed Mr. Lavoie's concerns and felt that the Vital Record's numbers are not corresponding with the records of the courts. The council agreed that Judge McCoy should investigate the matter.

In the report from the AOC, Ms. Moore provided a brief overview of the Probate listserv and announced that request have been

President's Letter *cont.*

Georgia, in Gwinnett County. In Centerville about every house on the main street was inhabited by folks named "Minor" except for my great grandfather's house which was of course, occupied by folks named "Guess." A door-to-door salesman was going through town one day calling on each house with the same line. "Good Morning, my name is Smith and what would your name be?" He had already been to five houses

and received the same reply, "My name is 'Minor.' " When he came to my great grandfather's house, he knocked on the door and said for the sixth time, "My name is Smith and what would your name be?" When my great grandfather answered, "Guess," the salesman replied, "Well I guess it's 'Minor.' "

I am looking forward to a great year for the probate courts. See you in Brasstown Valley. Marion

ATTENTION ALL PROBATE JUDGES



YOU ARE INVITED TO THE 4th ANNUAL COUNCIL OF MUNICIPAL COURT JUDGES GOLF TOURNAMENT

The 4th Annual Council of Municipal Court Judges Golf Tournament has been set for August 12, 2003, at 3:00 p.m. at the Sea Palms Resort Golf Course. Range balls will be available at 1:30 p.m. and the Tournament will begin at 3:00 p.m.

The registration fee will be \$95.00, which includes balls and two (2) cart drinks. Please fill out the registration form, remembering to include your handicap if you have one, or your average score if you do not. The tournament will be fully handicapped so everyone will have an equal chance to win a trophy. There will be prizes for Long Drive and Closest to the Pin.

Please submit your registration along with a check in the amount of \$95.00, payable to J. Tillman Payne, Jr., Trust Account, By July 1, 2003.

Sea Palms Resort, St. Simons Island, Georgia
August 12, 2003; Range Balls 1:30p.m.; Tee Time 3:00 p.m.
Fee \$95.00

NAME: _____

ADDRESS: _____

PHONE#: _____

U.S. Handicap Index or average score: _____

Mail Registration Form & Fee to: Jim Payne
4807 South Main Street
Acworth, GA 30101

For Inquiries, call 770-974-6911; Fax 770-974-0949
* fee includes ranges balls and two (2) cart drinks

ENTRIES DUE BY JULY 1, 2003



Summary of Minutes • CPCJ Executive Committee cont.

made for a separate listserv for clerks. She also informed the council that the probate traffic listserv serves probate, municipal and state court traffic judges.

Ms. Moore informed the Council that Ms. Stephanie Chambliss, Program Director of the Commission on Equality, would be attending this training to talk about court interpreters for the deaf. She gave a short explanation of the importance of court interpreters as well as the importance of complying with Title 6 of the 1964 Civil Rights Act. When the courts do not comply with the laws on interpreting, it puts Federal funding in jeopardy. She did note that Georgia is doing well compared to other states who had participated in a recent conference call on complying with the law.

Ms. Moore also informed the

council that Ms. Casey Jackson of the AOC's research department would be there on Friday, April 18, 2003 to talk about caseload reporting. She stated that the AOC has been conducting training sessions on fee collections in the municipal courts and advised that training will be provided to probate clerks. In addition to this she reported that the AOC had received funding to continue these sessions as well as to conduct further studies on the collection of fees.

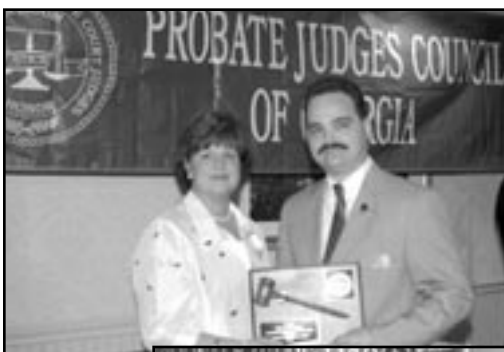
In old business each sub-committee in strategic planning gave a brief report on their status. Judge Van Horn, who is responsible for improving technology, has worked with the Georgia Courts Automation Commission (GCAC) to perfect the Probate Courts Information System (PCIS). PCIS is a case management system.

Judge Cason reported on the actions being taken in membership roles. She informed the council that Judge Guess has been working on committee descriptions. In turn, Judge Guess suggested distributing the committee descriptions and taking a vote at the June meeting.

Judge McCoy reported to the committee on the issue of blanket bonds and the possibility of the courts not meeting the requirements of the law. A committee comprised of Judges Toomer, Ogletree, Buttrill, Greene and McCoy will work with the Association of County Commissioners of Georgia (ACCG) to develop a uniform blanket bond form.

The next Executive Committee meeting will take place on June 16, 2003 at the Brasstown Valley Resort.

Photo Gallery

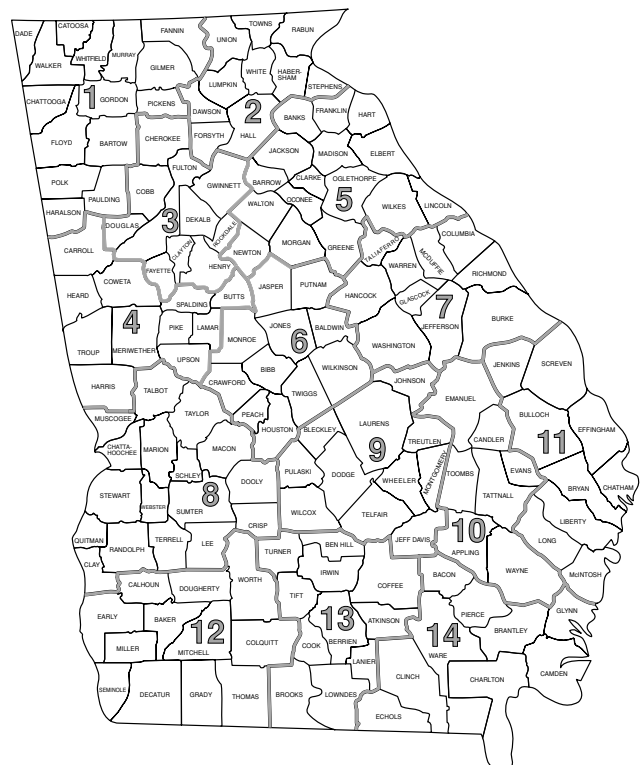


Judge McCoy accepts award of appreciation from Judge Cason



Judge McCoy poses with the family of the late Judge Bernice Gilder.

**PROBATE COURT DISTRICTS
April 16, 2003**



Listserv

By Judge Kenneth Van Horn
Chattahoochee County

A list server is just a list of e-mail addresses that can be accessed through one address. I can send an e-mail to Probatelist@georgiacourts.org and my e-mail will be sent to everyone on the probate list. If you have ever tried to send out e-mails to 159 people at a time, you know the problems that can cause. This is a simple way around that problem.

On January 7th, 2003 the probate judges' list server began operating. To date, over 685 postings have been made and the first list server has led to two spin-offs: a traffic list server for all the traffic court judges in the State that began operating March 25th and a Probate Clerks' list server that is expected online June 9th.

The process of creating the list began September 23-25, 2002 at the Council of Probate Court Judges Strategic Planning at Pineisle Resort, Lake Lanier Islands, Georgia. One of

our goals was to get an e-mail address for every probate judge so we could keep in contact for our various efforts. At that time, Marla Moore of the Administrative Office of the Courts told the gathered judges about the list server capability.

Using the list of e-mail addresses I had already collected, Judge Bill Self of Bibb County contacted the remaining judges and got as many e-mail addresses as he could. This list then went to the AOC where Brian Collins set it up on their servers.

The Probate Judges' list server has become a significant resource and an ongoing training source. Non-standard forms are exchanged. Legislation is discussed. The priorities of the council have been discussed. We keep up with sicknesses, deaths and marriages within our family.

But the best thing about it is that the issues and cases being discussed contribute to our knowledge and enable us to serve our citizens better. Small counties with little probate

work or experience can call upon the judges in larger counties for their opinions and expertise.

The traffic list server (traffic-judges@georgiacourts.org) includes the probate judges who handle traffic, the state court judges, and any municipal court judges who wish to add their name to the list. This list could easily have more than 500 participants in the coming months.

The clerks' list server is for the probate court clerks. Many probate courts do not send their clerks to clerks training. The small staffs and significant workloads in many probate courts make it difficult to turn a clerk loose for a few days to attend the training that is offered by ICJE. The advantage of the clerks' list server will be apparent in the coming months and many of the clerks who have signed up for it have been excited.

If you wish to join a list or have any questions about it, contact Webmaster, Brian Collins at 404-463-3804 or via email at collinsb@gaoc.us

The Gavel

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