

THE GAVEL

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

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MESSAGE FROM THE PRESIDENT



I can't believe that half of my year as President is gone. We just completed our Strategic Planning Session at Lake Lanier at the end of September. There were 17 Probate Judges who participated in the 3-day session. Our goals are now set for the next year and we all need to work hard to reach those goals. You will be hearing more about Strategic Planning in the near future.

I hope all of you received your internet and email survey and have returned them. We are evaluating these services and determining who does not have the internet and email. Hopefully before the end of my year as President, all Judges will have email capability.

The legislative committee met in September and discussed our legislative goals. Once again we are pursuing obtaining non-partisan status. Our lobbyist, Mark

Middleton and the legislative committee chairs are hard at work determining what our next step will be.

I had the honor of attending the swearing in ceremony of Judge Don Wilkes, newly elected Probate Judge of Emanuel County. I hope you all will welcome him to "our family" and offer your assistance to him in his new position.

I hope all of you are planning on attending our fall seminar in Savannah next month. I am striving to have 100% of you there. If I can be of any assistance to you, please don't hesitate to contact me.

Sincerely,

Darin McCoy
Your President

In Memoriam

Judge Bernice Gilder October 21, 1931 - June 30, 2002

Judge Bernice Gilder of Glynn County passed away on June 30, 2002 from complications from heart surgery. Judge Gilder's funeral was held on July 3rd at the First Baptist Church of St. Simons Island. Debra Howes, Chief Clerk of the Probate Court of Glynn County has assumed the duties of the office. She has qualified to run in a special election for the office. The election will be held November 5th and there are 3 attorneys who have also qualified for the office. We all wish Mrs. Howes the best of luck in the upcoming election.

Dates to Remember

County Officers Association of Georgia & Council of Probate Court Judges meetings dates are as follows:

County Officers Association of Georgia:

Feb. 3-5, 2003, Sheraton Downtown Atlanta (COAG)
June 16-20, 2003, Brasstown Valley Resort, Young Harris, (COAG)
November 18-21, 2003 Hyatt/Westin, Savannah, (COAG)

Council of Probate Court Judges

November 12-14, 2002 Westin Hotel, Savannah
April 15-17, 2003 Georgia Center for Continuing Education, Athens (CPCJ)

CPCJ Strategic Plan

Developed September 23-25, 2002

On September 23-25, 17 members of the Council of Probate Court Judges (CPCJ) met at the Renaissance Pine Isle Resort in Lake Lanier Islands, Georgia to discuss, develop, and revise the CPCJ strategic plan. In its third year, the strategic planning meeting has proven to be a critical component to the yearly development of the CPCJ and the services and representation it provides its membership.

The participants at this year's workshop were: Judge Henry A. Baker, Judge Kenneth Van Horn, Judge Mike Bracewell, Judge Darin McCoy, Judge Lillis J. Brown, Judge Betty B. Cason, Judge Sam Davis Jr., Judge W. Marion Guess Jr., Judge Eddie Hulsey, Judge Pat Hardaway, Judge Laverne C. Ogletree, Judge Mitchell Scoggins, Judge Susan P. Tate, Judge Pinkie Turner Toomer, Judge William J. Self II, Judge Walter Clarke II, and Judge Mary Joe Buxton. Steve Mabry, formally of the Governor's Office of Planning and Budget, facilitated the planning session and Marla Moore, Stephone Johnson, and LaShawn Murphy of the Administrative Office of the Courts provided staff assistance.

Having already established a solid foundation from which to build upon during the last two strategic planning meetings, this year's participants were faced with new challenges. Rather than simply developing a strategic plan from scratch, the assembly had the added task of reflecting upon the previous two years' successes and failures in order to restructure and refocus the direction of the

CPCJ in the immediate future.

The first task given to the group was to review and revise the Council's mission statement. After discussing the mission statement criteria and what it should answer, the group decided that the mission statement needed to be more specific in its focal point. The new mission statement of the CPCJ is:

To represent the common interests of probate judges in matters under our charge and to enable the probate courts to fulfill their statutory responsibilities by utilizing all available resources including the time, talent, and experience of our members.

Similarly to the mission statement, this year's participants in the strategic planning meeting felt that it was essential to revise the Council's vision statement. The CPCJ's new vision statement will be:

The Council of Probate Court Judges will be the primary body responsible for:

- ***Increasing the knowledge and participation of our members;***
- ***Identifying and meeting our mutual needs; and***
- ***Articulating and achieving mutual goals thereby becoming the architect of the future of Georgia Probate Courts.***

Following the development of the CPCJ's mission and vision statement, the strategic planning participants sought to develop

broad strategic directions. These strategic directions would cover areas of emphasis that needed to be addressed in order to achieve the vision and fulfill the mission of the CPCJ. After careful consideration, the participants chose to focus on ***Communication, Education, and Participation.*** Below are charts detailing these strategies for the CPCJ.

Communication: Improve Technology Strategies

1. Identify probate courts without computers and electronic mail
2. Obtain computers for those courts
3. Assist each court in obtaining electronic mail

Responsible Party

Judge Kenneth Van Horn
Judge William Self

Communication: Increase Membership Participation Strategies

1. Develop a plan to redraw the districts lines in order to improve/increase communication with the districts
2. Draw the districts into regions to make smaller units/groups easier for meetings
3. Present the plan to the CPCJ

Responsible Party

Judge Marion Guess
Judge Pat Hardaway
Judge Lillis Brown
Judge Laverne Ogletree

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CPCJ Strategic Plan *continued*

Education: Develop an Automated Curriculum Strategies

1. CPCJ will request that the Probate Judges Training Council investigate how to make additional educational opportunities available at the district levels
2. Districts will have input into the areas in which they desire additional training

Responsible Party

Judge Eddie Hulsey
Judge Henry Baker
Judge Mitchell Scoggins
Probate Judges Training Council

Participation: Membership Roles Strategies

1. Each district shall delegate at least one person to serve on the Members Services Committee
2. President should establish a committee for the purpose of defining the roles and responsibilities of each committee
3. Council should allocate funds from any source for district meetings to cover the cost of having the meetings

Responsible Party

Judge Betty Cason
Judge Darin McCoy
Judge William Self

As the 2002 Strategic Planning meeting came to an end, it was apparent that an enormous amount of work had been accomplished. Through the relentless efforts of those in attendance, the Council of Probate Court Judges has once again been provided with a solid foundation for growth and improvement. Throughout the impending months, the CPCJ will work close with its members as well as other outside organizations to guarantee the successful completion of the goals set forth by this meeting. With the assistance of Ms. Marla Moore and the Administrative Office of the Courts, updates and amendments to this report will be provided in the future.



CPCJ Executive Committee Minutes

Jekyll Inn • Jekyll Island, GA • June 16, 2002

Judge McCoy called the meeting to order at 4:25 p.m. Prior to the start of the meeting, the executive committee members discussed recent developments in Irwin County and the need to provide mentor training to the probate judge in that area.

Budget Report

Mr. Foote discussed the Council's state funding, as of May 31, 2002. He explained that the Council had expended all of the state funds that had been allocated for the year and it is currently spending revenue produced from the sale of the probate handbook and other miscellaneous items. At the end of June, any remaining funds that the Council possesses will be encumbered in to the next fiscal year and used to pay for a portion of the 2003 strategic planning meeting. In Judge Cranford's absences, the executive committee discussed her written report and requests. Judge Cranford is requesting that a budget for the Council's funds be proposed for the upcoming fiscal year and that the Council study the possibility of raising its dues to \$100.

Thanks

Thank each of you for the many kind words and prayers during my recent hospital stay. No, it was not a heart attack — the good Doctors narrowed it down to stress. But not to worry, I am forwarding all doctor and hospital bills to Roy Barnes and Cathy Cox.

Sincerely,
Greg Adams
Probate Judge, Walton County

Committee Reports

Court Rules and Forms: Ms. Moore reported that Judge Toomer has targeted three forms that may need to be revised. The executive committee discussed the necessary steps that were needed to gain approval for adding a new form to the list of standard forms.

Videoconferencing: Ms. Moore gave a brief report regarding the Supreme Courts videoconferencing committee. She reported that Judge Guess has suggested the use of videoconferencing in mental health hearings. The committee is currently discussing the types of hearings that should and should not be approved for use with videoconferencing.

Training Council: Judge Baker announced that the members of the training council recently returned from training at the leadership institute in Memphis. Many of the discussions and training will be implemented in the training that will be provided to the general membership. The training council has discussed the development of a training outline for the certification of new judges.

Membership Committee: Judge Cason reported that Mr. Reaves and ICJE have agreed to purchase the Georgia Rules of Evidence and The Courtroom Handbook on Georgia Evidence books for all probate judges.

GCAC: Ms. Moore discussed the various changes that would be taking place on the Georgia Courts Automation Commission. She stated that GCAC's funding has been cut, however, the AOC has earmarked funding that will

be used to hire an outside consultant to assess GCAC and how it should be organized and improved. Additional funding will be contracted to GCAC to maintain many of its projects.

Report from the President

Judge McCoy stated that he attended the recent Judicial Council meeting that was held in Macon, GA. He reported that the meeting covered a lot of material, but a great deal of the business was handled behind the scenes. Judge McCoy told the executive committee that he will finalize his committee assignments shortly and would pass the information along to the AOC for publication in the annual committee directory. The executive committee expressed their appreciation for the diligent work that the legislative committee did last year. It is the hope of the executive committee members to continue the pursuit of nonpartisan elections for all probate judges. He has also spoke to Chief Justice Fletcher about the bill and will speak to his Senator to help gain momentum for this project.

Report from the AOC

Ms. Moore discussed the recent changes at the AOC. Given the recent expansion of the AOC's staff and services, the AOC will be developing a directory of all personnel. This directory will contain contact information, as well as the duties that they perform. Ms. Moore also announced that an architect has been retained to help all classes of court with their renovation needs. As a final note, Ms. Moore invited all judges to visit the AOC when they are in

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Probate Judge Training Council

Electrical-Cooperative Training Center • Smarr, GA • October 2, 2002

Judge Hulsey called the meeting to order at 10:30 a.m.

November 2002 Training

Ms. Carson reported that the dates of the training are November 14-16 with training beginning at 1:00 p.m. on Tuesday. This year the probate judges are in the Westin Hotel in Savannah. The executive committee will meet from 10:30 a.m. to 12:00 p.m. on Tuesday prior to the beginning of the program. She informed the council that they will cover the uniform rules in which Judge Pinkie Toomer is the

co-chair and committed to developing a program on the uniform rules. Debra Nesbit of the County and Municipal Probation Advisory Council and James Grubiak from the Association of County Commissioners will present a session on Fines, Collections, and Auditing Requirements. The Wednesday topic will be Minor & Structured Settlements with Judge Marion Guess, Attorney Thomas W. Malone, Attorney John Stanford Jr., and Attorney Kristen Grice-Denzinger as speakers.

New Judge Orientation

Mr. Reaves informed us of the new judges' orientation schedule, which, covers: Legal Research Using the Books (Prof. Sally Askew); Georgia Code of Judicial Conduct (Atty. Rich Reaves); Jurisdiction, Power & Purpose of Probate Court (Judge Bill Self); Principles of Service & Notice (Judge Bill Self); Licenses & Permits (Judge Mary Cranford); Bench book, Handbook & Associated forms (Judge Floyd Probst); Guardianship of an Incapacitated Adult & Health Benefits (Marion Guess); Introduction to Associated Court Organizations (Ms. Marla Moore); Mandatory Monthly Reporting Tasks (Dr. Greg Arnold); Review of video "Effective Judicial Communications"; Review of video "Presenting Your Case in Probate Court"; Years Support Determinations (Judge Del Buttrill); Conducting Probate Court Hearings (Judge Susan Tate & Judge Mike Bracewell); Guardianship of a Minor & Structured Settlements (Judge David Dodd); Hollywood Presentations of Judging Prowess (Judge Gene Lawson); and Video Hearing Practice and Critique.

Winter Training

Judge Hulsey reported that he had contacted Mary Radford of Georgia State University School of Law and she is available to do a section on wills and wills construction.

Executive Committee Minutes cont.

the metro Atlanta area.

Old Business

Video Committee Project: Ms. Moore announced that the Spanish version of the Pro Se video is complete and will be copied by Mr. Dan Sperling. All Probate Judges will receive a copy of this tape shortly. In order to ensure a near perfect translation, the script was reviewed by Ms. Cristina Franco, a native Spanish speaker and the Director for the Commission on Interpreters. As a follow-up to this report, Judge Cason suggested the use of a "flip book" depicting common court words and phrases in the customers language, in order to communicate with non-English speakers.

New Business

Judicial Jurisdiction: Ms. Moore discussed the recent formation of a Supreme Court Committee to

research the issue of misdemeanor jurisdiction. This committee was formed by Chief Justice Fletcher, in response to the Magistrates proposed legislation for greater misdemeanor jurisdiction. Judge Joni Parker is the representative from the Council of Probate Judges on this committee.

Alabama v. Shelton: Judge McCoy turned the attention of the executive committee to the recent *Alabama v. Shelton* decision. Essentially, this decision requires counsel to be appointed in all criminal cases, unless their right to counsel has been knowingly and willingly waived. The Indigent Defense Counsel will be holding a meeting on September 13, 2002 at the Carter Center, where this case will be a priority in their discussions. Judge McCoy stated that he would appoint a representative from the Council to attend this meeting.

Training Council *continued*

2003 Training for Probate Judges

Mr. Reaves reported that the spring training will take place April 15-17. He also presented a schedule outlining the events for approval to the council. The following events will take place April 15-17: Wednesday: registration from 12:00 to 1:00; New Legislation by Attorney Jill Travis, Assistant Legislative Counsel, Atlanta; Case law Update by Professor Sara Jane Love, UGA School of Law; Council Business Meeting; Annual Awards Dinner; Thursday: Judicial Decision Making by Mr. Thomas N. Langhorne, III Richmond, Virginia; Group Photo; Group Luncheon and; Verbal/Non-Verbal

Demeanor and Friday's schedule is to be announced.

2003 Training for Probate Clerks

Ms. Carson reported that the dates for probate clerks' training will be March 4-7 (Country Inn & Suites, Helen) and September 23-26, 2003 (Comfort Inn, Jekyll Island). Ms. Carson informed us that, Ms. Kathy Harvey of GCIC will report on Offender Based Tracking System, Judge Mary Jo Buxton of Johnson County will speak on Minor and Standby Guardianships, Judge Bill Self of Bibb County will do the Case Load Report, Debra Nesbitt of the County and Municipal Probation Advisory Council will report on Outline of Court Fees, Judge Aileen Dunn of Colquitt County will talk about Years Support, Judge Vivian Cummings of Wilkinson County will cover Amendments and Court Ordered Name Changes, and Mr. Andy Garrison of The Garrison Company will provide instruction on Time Management In The Workplace (Cost of Your Time; Prioritizing Your Time; Indecision; Desk Management; and The Mail).

Certification Programs for Judges and Clerks

Judge Brown reported that the Committee has not met as a whole, but she and Judge Cason have been bouncing ideas off of each other. Judge Brown suggested that the Council have a strategic planning session to put the certification programs together. Mr. Reaves reported that they should look at differentiating criteria. It was suggested that the sub-committee meet to get an idea on

where to start. Mr. Reaves asked who the members of the sub-committee were. Judge Baker, Judge Brown, Judge Cason, Judge Buttrill, Judge Mullis and Judge Davis are on the sub-committee. Ms. Moore asked if the Judges that attended the leadership conference should be invited to attend the meeting. Judge Brown will email everyone to inform them of the meeting. Ms. Moore suggested that they look at how the curriculum of the Institute for Court Management is set up to get an idea of how to proceed. Ms. Carson asked if the certification would be for judges only. Judge Brown responded that the certification would include the clerks as well.

Old Business

Traffic dates are set (Sea Palms in Augusta). Judge Baker inquired about the 2003 training. At the last meeting, Ms. Carson had suggested that we plan a full year program so that the schedule could be sent out in December. In the time of tightened budgets the judges could pick the program in which they were most interested. As neither the training council nor ICJE were prepared to plan a complete year, Mr. Reaves suggested that they wait to do the mailings after the Probate Court Clerks training in March. It was also suggested that more time for training and participation be given at COAG. In the winter Mary Radford will present wills and wills construction and in the summer, time would be allotted for forms and legislative updates. It was also suggested that we provide

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Caseload Reporting

Judge William J. Self and Ms. Casey Jackson, Research Associate for the Administrative Office of the Courts, have finalized a new caseload reporting form. The goal was to revise the form so that it would collect information to more accurately show the work of the probate courts in our state. We are making the form usable in a variety of ways, such as continuing to manually count and write in the information, use an Excel Spreadsheet to collect the date, or report on-line via the Internet. Ms. Jackson will be attending many of our upcoming meetings as well as the clerks training in the next year to provide information on the new reporting requirements. It is our goal to have everyone reporting using the new forms by January, 2004.

Training Council

continued

separate tracks of instruction for traffic and foreign language interpreters.

New Business

Judge Brown reported that the number one goal identified at the Strategic Planning Session is to review and re-draw the district lines. A committee was developed to look at ways districts can be subdivided to make it more convenient for its members to participate. The smaller districts would encourage and support training at the districts levels that either complement or supplement what we are doing on a larger scale. Judge Stephenson suggested getting the speakers' credentials and forwarding them to ICJE/AOC for approval. Judge Hulsey suggested that all speakers be rotated through the districts.

Judge Brown noted that such a change will affect the training council whose members are now selected on a judicial district basis. She suggested that when ever the committee comes up with how the divisions are going to occur that the current judicial districts stay in place for two years. After two years they will look at trying to have the PJTC legislation amended to reflect the new districts. It was suggested to draw the districts into regions to make smaller units/groups easier for meetings. Judge Brown asked the judges to come back to the committee with ideas of dividing the districts into regions.

Probate Court Judges Fall Seminar Schedule

Westin Hotel • Savannah, GA • November 12-14

Tuesday, Nov. 12 (4 Hours)

1:00-2:15 UNIFORMS RULES # (1 CLE Hr.)

* Hon. Pinkie Toomer; Co-Chair, Uniform Rules Committee Fulton County Probate Court

2:15-2:30 Stretch Break

2:30-3:45 ETHICS, PROFESSIONAL, OUTSIDE INCOME # (1 Prof. CLE Hr.)

* Mr. C. Theodore (Teddy) Lee, State Ethics Commission

3:45-4:00 Stretch Break

4:00-5:00 FEE & FINE COLLECTIONS, BONDING REQUIREMENTS, BUSINESS MEETING

* Ms. Debra Nesbit, County & Municipal Probation Advisory Council

* Mr. James Grubiak, Assn. of County Commissioners of Georgia

* Hon. Darin McCoy, Council President

Wednesday, November 13 (6 Hours)

8:00-9:00 Coffee Service

9:00-9:50 MINOR & STRUCTURED SETTLEMENTS #(.8 CLE Hr.)

* Hon. Marion Guess, DeKalb County Probate Court

* Attorney Thomas W. Malone, Atlanta

* Attorney John H. Stanford, Jr., Atlanta

* Attorney Kristen Grice-Denzinger, Atlanta

9:50-10:00 Stretch Break

10:00-10:50 SETTLEMENTS, continued #(.8 CLE Hr.)

10:50-11:00 Refreshment Break

11:00-11:50 SETTLEMENTS, continued #(.8 CLE Hr.)

11:50-1:00 Lunch on your own

1:00-4:00 JOINT TRAINING AT THE WESTIN

TOPIC: Dealing with the News Media "Right, Wrong or Otherwise"

* TBA

4:00-4:30 COAG General Business Meeting

Thursday, November 14 (2 Hours)

8:00-9:00 Coffee Service

9:00-11:00 EVIDENCE, continuation from Spring; plus, how to use his handbook was mailed to you earlier this year. #(2 CLE Hrs.)

* Attorney Paul Milich, Georgia State University College of Law

Note to All District Directors

We need to hear from you. When your district meets please let us know so we can make mention of it in the Gavel. If you have dates planned for upcoming meetings we will be happy to include them. We also love to have pictures to put in the newsletter. You can send them to us electronically or in the mail. Either way we can use them.

Our Sympathies to...

Judge Kip McVay of Cherokee County on the loss of her husband in early August.

Judge Judy Reeves of Sumter County on the loss of her mother, Louise Whitten, on August 28th.

Judge/Election Superintendent Ronnie Parker on the loss of his mother in mid September.

News From the First District

The First District Probate Judges met on Thursday, October 10th at Ruby Tuesday's at the Prime Outlet Mall in Darien. There were 9 judges in attendance.

Judge Brenda Howard, District Director called the meeting to order. Judge Darin McCoy introduced Judge Don Wilkes of Emanuel County. Judge Wilkes was elected on September 10, 2002 to fill the un-expired term of Judge Roberta C. Davenport, who passed away earlier this year. During the business session, legislative issues and miscellaneous duties of the office were discussed. The next meeting will be in December and will be the annual Christmas Party. The date and place will be announced later.

Thanks

Thank you all for your expressions of sympathy for the loss of my husband, Bob Stubbs. The visits, cards, letters, flowers, and donations to our Church in his memory have been of great encouragement and help. Bob really enjoyed attending meetings with me and getting to visit with all of you. Over the years, he got to know judges in the various courts all over the State but he was fondest of you. He felt that the Probate Court judges were the most caring, not only for public, but for each other.

Thank you again, Kip McVay, Judge, Cherokee County.

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