

THE GAVEL

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

Volume 13, Number 1

February 2006

MESSAGE FROM THE PRESIDENT



It is with mixed emotions that I write my last message to you as President of the Georgia Council of Probate Court

Judges.

On the one hand, I am surprised and a little sad at how time has flown during this past year. Good intentions without enough time to implement them sometimes make me want to start over.

On the other hand, I am pleased that we have accomplished a great deal. Most recently, the first session sponsored by the Georgia Courts Automation Commission on Technology Data Definition for Probate Courts was held in November. I appreciate those judges and clerks who attended this session, as well as the follow-up session, Technology Strategic Planning for Probate Courts, which took place the last week in January.

ICJE has developed a Judicial Leadership Academy which will include all classes of the courts, and I am pleased to announce that Judge Nancy Aspinwall, Judge Lillis Brown, Judge Mary Jo Buxton, Judge Belinda Griffin, Judge Bill Self, and Judge Susan Tate have been appointed to represent our Council in the inaugural class of 2006.

The Clerks Certification Program has been finalized and will take effect this year. In addition, a Clerks Advisory Committee will become a reality, with the result being representation by probate court clerks on the Council of Probate Court Judges.

As I write this, the General Assembly is beginning its work for 2006 and we are following several issues closely. It is hoped that the Indigent Defense Bill which was passed last year can be modified so that indigent defense fees will be collected on initial civil filings only. A clean-up bill has been introduced to refine the new guardianship code. We are also working with DHR, specifically the Department of Aging Services, to set standards for training public guardians. Our bill regarding the nonpartisan election of Probate Court Judges is still pending, but individual probate judges are encouraged to also work with their

local legislative delegations to pursue nonpartisan status by individual counties. We are supporting COAG's salary unification bill to unify constitutional officer salaries in each county as well as COAG's efforts to include all constitutional officers under the state merit insurance program. I will keep you informed about these issues as the session progresses.

Finally, I am pleased to announce that the following officers have been nominated to lead us in 2006-2007: President - Betty Cason, President Elect - Jim Clarke, First Vice-President - Lillis Brown, and Secretary/Treasurer - Darin McCoy. The election will take place at our spring business meeting in Athens in March. I know our leaders will have your full support as we all continue to work together.

I thank you for allowing me to serve in this capacity. It has been an honor.

Judge Mike Bracewell

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Probate Judge Executive Committee Minutes

Red Top Mountain Lodge • Cartersville, GA • September 29, 2005

Judge Bracewell called the meeting to order at 4:40 p.m. He welcomed all Executive Committee members and others in attendance.

Approval of Minutes

Judge Self, with Judge Green seconding, moved that the minutes of the Executive Committee held on June 21, 2005 be approved as submitted. The motion passed with no dissent.

Financial Report(s)

State Funds - Mr. Patterson presented the Council's State funds as of September 15, 2005. Allocated funds for FY06 totaled \$65,138.00, with expenditures to date in an amount of \$2,892.71. Thus, the current balance of available State funds is 62,245.29. Mr. Patterson also reported revenues from the sale of the probate judge handbook, pamphlets and standard forms at \$609.12.

Association Funds - Judge Cranford was not available to present the Association report. With Judge Cranford absent, questions regarding "special" and "uncategorized" expenditures - totaling \$3975.00- as listed on the Council Cash Flow report went unanswered. Judge Self, with a second from Judge Brown moved to defer further discussion until the November meeting.

Georgia Courts Automation Commission (Data Definition/Technology Strategic Planning)

Judge Bracewell announced Judges William Self and Woody Jordan have been appointed as representatives of the Council to the Judicial Technology Coordinating Council (JTCC). He deferred explanation of the Data Definition Session to Judges Self and Van Horn. Judge Self explained the purpose of his and Judge Jordan's

function as members of the JTCC is to provide input regarding the needs of the probate court to implement seamless IT programs. By virtue of their positions as Liaison to Information and Technology and Chair of the Automation Committee, Judge Self and Judge Van Horn, respectively, will assist in the GCAC initiative. They will need 12-15 persons to attend this session; a good cross section of the probate court needs to be represented. Participants, including clerks and court administrators should come from metropolitan area, medium and small populations and courts that handle traffic. He asked if anyone was interested in participating or has a clerk that might be, to contact him. Judge Self further explained this is the beginning process by which standards for data elements that will be shared with other classes of courts shall be derived. Judge Bracewell noted a date needed to be established for the three (3) day data definition session and asked if there were any volunteers present. Judge Lillis Brown volunteered to participate and the following clerks were nominated as participants: Ms. Lizzy Garrett, Ms. Sherri Lanford and Mr. Keith Wood. Additionally, he will send a notice to the listserv regarding the Data Definition Session.

Committee Reports

a. Automation Committee - Judge Van Horn reported the automation survey results were included in the agenda packet. There were 89 respondents from which the conclusions were drawn. Ms. Moore added the results will be revamped to show vendors with the responses related to them. Judge Van Horn noted it did not appear that any one vendor offered all of the needed features. The top three

vendors were: Criminal Justice Technologies, Inc., Sustain (State System), and Probate Court Manager (PCM).

b. Caseload Reporting - A written report was issued from the AOC giving an update on caseload reporting for the first and second quarters of the year. An average of 85% of all courts had submitted caseload data. It is the goal of the AOC to obtain 100% compliance. Judge Bracewell encouraged everyone to remind courts that appear on the delinquent list to submit their reports. It was also requested the Research Division, AOC send tardy notices to the counties a week after the deadline stating the report had not been received, with a copy being forwarded to the Caseload Committee Chair.

c. Firearms Committee - Judge Tate reported she had received a copy of correspondence sent to Ms. Terry Gibbons, Georgia Bureau of Investigation (GBI) from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) notifying them Georgia's concealed weapons permit does not qualify as an alternative to National Instant Criminal Background Check System (NICS). The letter cited the Brady Law as basis for this determination and gave a September 30, 2005 deadline to address and or correct the problems. [See Attachment] After a brief discussion, it was the decision of the committee to remain neutral and leave the amendment to the Legislature.

d. Internal Assistance/Legal Research - Judge McVay updated the members on the draft of the bylaws for the Internal Affairs/Assistance Committee. She explained the committee initially was called the

Executive Committee Minutes cont.

“Internal Affairs/Legal Research Committee”, was chaired by Judge Tate and co-chaired by her. The membership was comprised of anyone that wanted to volunteer. The committee was established to assist the judges where there was a complaint from the public to attempt to answer questions of concern or where the committee believed the judge needed guidance to prevent a matter from being referred to the Judicial Qualifications Committee (JQC). In the three years the committee has been in effect, she has been reluctant to intervene due to the lack of rules being in place as guidance. Judge McVay explained, with the assistance of the Council of Magistrate Courts Judges Internal Affairs Committee Bylaws, provided by Magistrate Judge Phillip Taylor, the committee met last year to draft new bylaws regarding membership, provisions, and procedures of their committee. The draft was included in the agenda for review. She further explained the new composition of the membership. After discussion, Judge Cason moved to approve the bylaws with the correction being made in the acknowledgement, referring to Judge Phillip Taylor as a “Probate” Judge to “Magistrate” Judge, with a second from Judge Self the motion passed with no opposition. Judge Bracewell requested Judge McVay's continued service as chair of the committee, in which she agreed to do so. He will also make the necessary appoints as set out in the bylaws.

e. Legislative Committee - Judge Cason announced there are two pieces of legislation being introduced by COAG this session: the Salary Bill and the Health Insurance. The salary package

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In Memoriam



The Honorable Del Buttrill, Henry County Probate Judge from 1982 - 2006, passed away on January 16, 2006. He was laid to rest during a well attended funeral service at Salem Baptist Church in McDonough on January 19, 2006.

Judge Buttrill received his B.A. in Art and History from Norwich University in Vermont and attended

Atlanta Law School and Presbyterian College. He received training from the National Judicial College in 1984 and later served as a faculty member.

His tenure as probate judge spanned 24 years and was replete with examples of active leadership, dedication, and compassion for mankind. Judge Buttrill served as President of the Council of Probate Court Judges of Georgia in 2001, Chair of the Training Council from 1996 to 1997, Chair of the Legal Research Committee from 2004 to 2005 and Chair of the Internal Affairs - Legal Assistance Committee. He also was a stalwart of various committees, including Legislative, Budget, and Court Rules and Forms.

Locally, Judge Buttrill launched several initiatives to improve the administration of justice and offender services. Among them, he instituted the first work release program for inmates in 1995, the first impact panel for DUI offenders in the area in 1988, and initialized the first private probation system in the region.

Among his humanitarian efforts, he helped start the Henry County Council on Aging, which offers Meals on Wheels and transportation for older people, and A Friendship House, an emergency shelter for abused and neglected children. He also was an ordained Baptist minister and taught Sunday school at his local church.

Judge Buttrill was a true servant to the Henry County community, highly respected among peers, and friend and mentor to many. He will be missed and fondly remembered by all who had the occasion to know him.

Probate Judge Executive Committee Minutes cont.

would be the same as last year plus a 2.5% increase across the board. The Insurance Bill would result in county employees obtaining coverage through the Georgia Merit System. It was also announced COAG had obtained the services of Georgia Links as their lobbyist. Judge Aspinwall deferred to Mark Middleton. Mr. Middleton recommended the Council not actively pursue non-partisan legislation, but defer instead to local non-partisan initiatives. He further reported a guardianship clean-up bill would be sought after. Retired Judge Floyd Propst will assist with the clean-up of the language.

f. Liaison to Information and Technology - No Report

g. Mental Health - Judge Tate reported she has been appointed to the Governor's Mental Health Transformation Task Force. There was a meeting scheduled but subsequently cancelled. Ms. Jane Martin, AOC, will notify her of the rescheduled meeting date. The survey drafted by Judge Tammy Brown is being revised, the questions are being rewritten as multiple choice. Judge Tate is seeking assistance with revising the questions through the National Alliance for Mental Illness (NAMI) and the treatment delivery providers. In final, she reported she met with the Division on Aging regarding laying the ground work on how the \$250,000.00 will be paid out to the public guardians. Issues of concern are whether the guardians will be paid by a standard fee, through reimbursement or a stipend. Another concern is should background checks and credit reports be conducted on applicants.

h. Newsletter Committee - Judge McCoy reported the newsletter would be printed by the November meeting. He requested submis-

sions of articles and happenings in the courts.

i. Traffic/Criminal Jurisdiction Committee - Judge Ogletree reported the committee is working to have the final draft of the Criminal Benchbook ready for the November meeting. She also reported the \$200.00 supplemental increase legislation drafted last year for those judges that handle traffic and elections will be introduced this upcoming session.

Probate Judges Training Council

Judge Brown reported there was not a quorum therefore items requiring approval were deferred until the November meeting. However, tentative training schedules were drafted. Training offered will include: WestLaw legal research, Court Visitors Program, Vital Records, Media Relations, Guardianship and Benchbook. The Judges Spring Seminar will be held March 22-25, in Athens instead of April and the Clerks Spring Training is scheduled for April. The Summer Training will be held in conjunction with the Municipal Judges Traffic Seminar. This arrangement is more cost effective for the Institute for Continuing Judicial Education (ICJE). Judge Brown also reported ICJE will be offering the Personal Security Seminar again on December 1st at the Atlanta Marriott at Gwinnett Place. They will also be offering a joint training on domestic violence for all classes of court, March 15, 2006. Currently, there are 20 spaces available for probate judges. All interested parties should notify Judge Bracewell.

Report from President

Judge Bracewell reported he and Judge Cason attended the Judicial Council meeting August 24th in Atlanta. The Council of Probate Court Judges sponsored the reception. He announced several com-

mittee chair appointments, including Automation, Benchbook, Internal Affairs, Legislative, Membership, Mental Health, and Liaison to Information Technology. In addition to this, any new judge with traffic or elections jurisdiction were appointed to the respective committee(s).

Report from AOC

Ms. Moore reported Chief Justice Leah Sears focus is on civil and domestic cases and pro se litigants. The AOC in response is adjusting its vision and created a Planning and Training Division with Mr. Bob Bray as the Associate Director. There are future plans to develop a Public Affairs and Marketing Division. The Commission on Access and Fairness in the Courts has published an Accessibility Handbook designed to aid to judges in their courts. She also announced additional WestLaw training will be made available. Westlaw usage will be accessed after training sessions to look into selling passwords of non-users to other classes of courts. In final, Ms. Moore reported the updated Georgia Probate and Related Laws has been ordered and will be distributed at the November COAG meeting.

Old Business

Judge Bracewell reported the Spanish translations of the Petition for Temporary Letters of Administration, Petition for Letters of Administration and the Petition to Probate Will in Solemn Form was complete. The translations were prepared by Andria Davenport - Translation/Interpretations/ESL Instruction. Discussion took place regarding distribution of the forms; should hard copies of the form be sent and should the forms be placed on the website? After brief deliberation, it was

Probate Judge Executive Committee Minutes cont.

decided language should be added to the forms stating the Spanish version is to be used as an aid to filling out the English form. This is to be done prior to issuing in any form. It is the consensus of the Committee, the Marriage Application and the Temporary Guardianship Forms need to be translated into Spanish.

New Business

Under new business, Judge Brown advised the Committee of Professor Mary Radford's Guardianship Booklet being offered at the discount price of \$100.00, which would include mailing. The normal cost to attorneys will be \$130.00 for the 450 page hard-bound book. Judge Brown passed around a sample of the book for review. After a brief discussion, it was noted there would not be enough funding to cover this expenditure for 159 judges. Judge Greene inquired if the offer could be extended to individual counties. Judge Brown agreed to find out if it could be made available at the quoted price.

Next under new business, Judge Self shared his idea for a Clerks Advisory Board to be added to the Executive Committee. He

expressed concern about the lack of communication between the clerks and the judges. He further added misinformation on the clerk's listserv is pervasive and court cost discrepancies between counties is an issue worth addressing. The dissemination of accurate, uniformed information to the clerks and vice versa, he argued, would greatly be enhanced by having them placed on the committee. This would assist them in having a voice. Judge Self suggested the clerks be added as non-voting members, as are the District Directors. Ms. Moore inquired if there needs to be a change in the bylaws and suggested a committee be appointed by the President to further investigate the matter. After a brief discussion, Judge Self moved to amend the bylaws of the Council of Probate Court Judges to designate a six member Clerks Advisory Board as a standing committee. Being properly seconded, the motion passed with no opposition. Following, Judge Cason moved the President appoint a committee to research and draft the proposed language for the bylaws change to be presented at the November meeting. With a second from Judge Brown, the

motion passed with no dissent. Judge Bracewell appointed the following to the committee: Judge William Self, Judge Mary Jo Buxton, Ms. Sherry Lanford (Clerk) and Ms. Barbara McDonald (Clerk).

There being no further business, Judge Bracewell announced the next meeting date will be November 15, 2006 at 10:00 a.m. in conjunction w/ COAG. He then adjourned the meeting at 7:20 p.m.

Respectfully submitted,
LaShawn Murphy
Judicial Liaison Officer, AOC
for Judge Mary T. Cranford
Secretary

Self Elected to Nat'l College of Probate Judges

Bibb Probate Court Judge William J. (Bill) Self, II was elected to the Executive Committee of the National College of Probate Judges at its Annual Business meeting on November 10, 2005. The meeting was held during the Fall Conference held in San Francisco, CA.. Self has been an active member of the College since 1990 and has attended 13 of its semi-annual conferences. NCPJ is the only national conference dedicated solely to the work of those courts in the various states having jurisdiction over probate and related matters. As a member of the Executive Committee, Self hopes to assist NCPJ in sustaining and growing its membership, particularly among the Georgia Probate Judges, and in continuing its tradition of excellent education programs at the semi-annual conferences. Former Georgia Probate Judges Floyd Propst (Fulton County) and Marion Guess (DeKalb County) are past Presidents of NCPJ.

T.I.P.S.

Traffic Information Processing System

TIPS is a NO COST software program that allows courts to transmit traffic citations to the Department of Driver Services electronically. TIPS was developed by the Governor's Office of Highway Safety and the Administrative Office of the Courts.

Contact us for more information:
Kelly McQueen

System Placement and Program Planner
404.463.5420 • mcqueenk@gaoc.us

www.georgiacourts.org/aoc/tips

Fifth District Probate Judges' Meeting • 10/20/05

President Henry Baker opened the meeting with prayer in the conference room at the Catechee Golf Club in Hart County. Judge Bob Smith welcomed the attendees and introduced BOC Chairman, R.C. Oglesby who also graciously welcomed us. The host county had agreed to treat the organization and guests to lunch following the meeting. Present were the following: Henry Baker, Betty Thomas, Bob Smith, David Anglin, Donald (?) Royston, Eddy Fowler, Greg Adams, Susan Tate, LaVerne Ogletree, Mike Bracewell, Susan Sexton, Tammy Brown, and Jim Burton.

Henry discussed the possibility of WestLaw training at COAG in Savannah and also mentioned a Georgia Records Commission conference late in November. Council President Mike Bracewell reported on the successful strategic planning conference at Red Top Mountain. He mentioned the facilitator, Dr. Greg Arnold, as

being very good at his job. Mike outlined the legislative thrust for the coming General Assembly:

1. The salary bill sponsored by COAG which would provide 2% raises, at least, for all and would equalize the salaries among Clerks, Tax Commissioners, and Probate Judges in the same population bracket.
 2. A health insurance bill that would include COAG in the State Merit Program.
 3. Supplement increase for Probate Judges with traffic and election duties. Judges are asked to encourage Superior Court Clerks support.
 4. Guardian Code housekeeping bill.
 5. HB1EX change to exclude indigent defense add-on for subsequent filings on the same case.
- Judge Susan Tate spoke about firearms permits and the cessation of a waiver for background checks when purchasing a handgun. This change will bring Georgia permits into compliance with

Brady Law requirements. Judge Tate also spoke about a change of focus in DFACS toward child issues, leaving the elderly in the watch care of the Council on Aging.

Judge Bracewell noted that the probate court clerks would be gaining a presence on the Executive Council with a non-voting status. It was also mentioned that they would be forming an advisory board.

Attorney Robert E. Ridgeway, Jr., an attorney from Hartwell, delivered a program entitled *The New Georgia Guardianship Code - An Overview*. It was an interesting presentation that noted some of the changes that became effective on July 1.

The next meeting was set for January 19, 2006 in Walton County.

Respectfully submitted,
Jim Burton

Ninth District Probate Judges' Meeting • 8/16/05

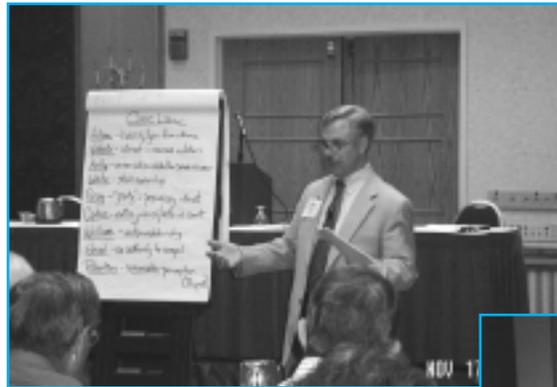
Judges of the 9th District met on August 16, 2005 at the home of Judge Helen Harper in Dublin. Judge Harper and husband Jim prepared a delicious lunch for us. Following the lunch, a round table discussion was held in which we discussed ways of handling cases and various problems in our courts. The meeting and lunch were enjoyed by all, and we would like to express our appreciation to Judge Harper for being so gracious in inviting us into her lovely home.

Judges present were: Judge Helen W. Harper, Laurens County; Judge Roy O. Braswell, Jr., Wheeler County; Judge Betty J. Anderson, Wilcox County; Judge Dianne M. Walker, Telfair County; Judge Mary Jo Buxton, Johnson County, and Judge Rubie Nell Sanders, Montgomery County.



Photo Gallery

Fall COAG Meeting



Savannah

Big Changes in Ethics Act for 2006: Highlights of House Bill 48

By: Liz Payne & Mary Montgomery, Cherokee County Elections Division
(Gathered from House Bill 48, and attendance at August 2005 Ethics Workshop)

House Bill 48 (Ethics Act Legislation) was signed into Georgia law in May 2005, pre-cleared by the Department of Justice in October 2005, and will go into effect January 9, 2006. This new law provides “for the comprehensive revision of provisions regarding ethics and conflicts of interest;” “to provide for the timely issuance of advisory opinions by the State Ethics Commission and other matters relative to advisory opinions; and “to provide for penalties,” as well as quite a number of other Ethics provisions.

House Bill 48 may be viewed in its entirety as passed at www.legis.state.ga.us/legis Select HB, type 48, click on Retrieve the Bill, then click on either Current Version or PDF Version (need Adobe Reader to open; this version is easiest to view). The following document is a brief summary of selected portions of this new bill. It is the responsibility of each individual to become well acquainted with the rules therein and the Ethics Manual of Instructions that will contain the resulting revisions.

On the Top Ten Reading List for Candidates, Elected Officials, and other holders of campaign contribution funds in Georgia (or should be): HOUSE BILL 48, and the soon-coming revised The Ethics in Government Act as it Applies to Candidates and Public Officers, Manual of Instructions for Campaign Contribution Disclosure Reports and Financial Disclosure Statements (will be available at an undetermined date after the New Year).

A number of major changes have been made in the Ethics Act going into 2006. One of the biggest is in the area of penalties.

Non-Compliance - A very stiff civil penalty at a maximum of

\$1,000.00 per offense (per report, per filing period) is what anyone in non-compliance would face.

Violators are required “to pay a civil penalty not to exceed \$1,000.00 for each violation contained in any report required by this chapter or for each failure to comply with any other provision of this chapter or of any rule or regulation promulgated under this chapter...” and penalties mount with continued occurrences (HB 48, Section 5(b)(14)(C)(i)).

Late filers - “In addition to other penalties provided under this chapter, an additional filing fee of \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed; provided, however, a 15-day extension period shall be granted on the final report” (HB 48, Section 12(l)).

Technical Defects - Not only must the report be on time, but it must also be free of technical defects; the failure to include information or inputting incorrect information, such as a date, contributor's occupation, an address, an employer, accounting errors or any other similar defects, as well as being unsigned or not notarized / sealed can also be costly errors. “When the commission determines that a complaint relates to a technical defect in a filing, the subject of the complaint shall be issued a notice of the technical defect....and shall be given 30 calendar days from the receipt of the notice to correct the technical defect.” “If the subject ...fails to respond to the notice of a technical defect, make an amended filing, or demonstrate that there is no technical defect as alleged by the thirty-first day, the commission shall impose and col-

lect an administrative fee not to exceed \$50.00 per technical defect.” [This is a brief summary; for full details, please see House Bill 48, Section 7].

Cherokee County Elections & Registration is in the process of updating its website (www.cherokeega.com) then click on Services, then click on Voter Registration) with report forms as well as links to the Ethics Commission website: <http://ethics.georgia.gov>, then click on Forms & Publications. Make certain to carefully select a form according to your needs, as there are several similar ones in each category from which to choose on the Ethics website. Sometime after the beginning of the year, the Cherokee County Elections & Registration website (www.cherokeega.com) will provide the CCDR & FDS forms that are generally filed with this office by candidates and elected officials. You MUST file the PROPER form or it is not in conformance with the law.

For those to whom this is applicable (generally state-level officials), reports will no longer be filed with the Secretary of State as of January 9, 2006, but with the State Ethics Commission. The changes required by HB 48 means that all candidates seeking election who raise or spend the minimum allowed for their type of office in an election cycle must File Campaign Contribution Disclosure Reports Electronically. The following candidates file electronically (upon reaching the allowed minimum of \$10,000.00) with the State Ethics Commission: General Assembly, superior courts, district attorney. The following candidates file electronically (upon reaching the allowed minimum of \$10,000.00) with the Election Superintendent (Janet

Highlights of House Bill 48 *cont.*

Munda, Cherokee County Elections & Registration Office, 400 East Main Street, Suite A, Canton, GA 30114-2802; jrmunda@cherokeega.com): all seeking election to office in this county. What is considered electronic? 1) Email 2) Floppy Disk 3) Burned to a CD 4) Internet - SOS Website with password until the end of 2005. Report filing changes over from the SOS to the State Ethics Commission in 2006. As of this writing, electronic filing with the State Ethics Commission via the Internet is not yet in place. What is not considered electronic? A faxed item. "When CCDR's are filed electronically....., the filer shall only submit to the commission a notarized affidavit certifying that the electronic filing is correct by United States mail, with adequate postage affixed." "...Contributions and expenditures received or made prior to reaching the minimum threshold need not be electronically filed if previously reported, except as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but not required." (This is only a summary. Refer to House Bill 48, Section 13 for details).

CHECKLIST for Filing CCDR & FDS (If your report is incomplete, it does not conform with the law).

- Title of Candidate / Elected Officer clearly printed at top of first page?
- Candidate / Elected Officer's signature present?
- Other necessary signatures (Chairperson? Treasurer?) present?
- Made all choices where boxes requiring checkmarks are requested?
- Checked to ensure error-free accounting?
- Net balance is either a positive number or a zero (no negative numbers).
- Filled out every field on the report?
- Notarized & Sealed (must have both)?
- Not required, but a good idea to keep a copy for your records.

Campaign Contribution Disclosure Reports - New Due Dates:

Non Election Year: June 30, December 31
 Election Year: March 31, June 30, September 30, October 25, December 31
 Any Runoff Primary / Election: 6 days
 Two Business Days: (a/k/a as 48-Hour Report) During the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election, all contributions of \$1,000.000 or more shall be reported within two business days of receipt to the location where the original disclosure report for such candidate or committee was filed and also reported on the next succeeding regularly scheduled campaign contribution disclosure report.
 Special Primary / Runoff: 15 days prior to the Special Primary; 6 days prior to the Special Primary Runoff.
 Special Election / Runoff: 15 days prior to the Special Election; 6 days prior to the Special Election Runoff.

Any person who is an unsuccessful candidate in an election and who is required to file campaign contribution disclosure reports pursuant to this article shall for the remainder of the reporting cycle file such reports at the same times as a successful candidate and thereafter, upon having excess contributions from such campaign, be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33. Refer to House Bill 48, Section 12 for further information.

Financial Disclosure Statements

- Public Officer - files an FDS not before January 1st and not later than July 1st of each year that a public officer holds office (except the year of election) covering the preceding calendar year (i.e., file date January 1, 2006 or July 1, 2006 or any date in between for YEAR 2005).
- Candidate for Public Office - an FDS covering the period of the preceding calendar year shall be filed NOT LATER THAN the FIFTEENTH DAY following the day on which the candidate qualifies. For statewide offices and exceptions, refer to The Ethics in Government Act, Manual of Instructions.

There is NO GRACE PERIOD for Filing an FDS: It shall be filed NOT before the first day of January and NOT later than the first day of July.

Items of Importance to Note:

- The Filing Officer is required to send a report to the Ethics Commission after the deadline with the names of those who are late filers and those who are non-filers. There is an automatic \$25 late filing fee per report; after 15 days, the late filing fee automatically becomes \$75 per report. Continual failure to comply could result in civil penalties. If it is one (1) day late, bring your late fee with you - either the exact amount in cash or a check.
- Report every cent, even 2 cents, spent on your campaign - even if out of your own pocket. It's the law.
- You are required to keep a journal of all finances related to your campaign (page 8, Ethics Manual). 21-5-32 (a)2, 21-5-41(f)

Legislative Update

Adair Schwartz, Intern, Legislative & Governmental Affairs, AOC

The 2006 General Assembly of Georgia met for the first time this year on January 9, 2006 in the State Capitol. Numerous bills were pre-filed before the session began. Due to many bills being carried over from last session, the first week in session was hectic and a good amount of bills were discussed. The following are bills that pertain to Probate Courts that are hot issues.

Multiple bills involving marriage have been introduced to the Legislature: HB 945, HB 1016, HB 1023, and HB 1028. These bills deal with age requirements for marriage. HB 945 and HB 1016 repeal an exception to the minimum age requirement for marriage in the case of pregnancy or live birth. HB 1023 includes the aforementioned repeal and also states that a person must have reached the age of majority to contract marriage. HB 1028 states that applicants for marriage must be at least 16 years of age in the case of pregnancy or live birth. All of these bills have all been assigned to the

House Judiciary (Civil) Committee.

HB 1032 has been read once in the House on January 13, 2006, and is in the House Judicial Committee (Non-Civil). The bill seeks to provide for certain restrictions on the issuance of a license to carry a pistol or revolver and also a temporary renewal permit. A background check would be required for permit renewals and also a check of United States Immigration and Customs Enforcement records for non-citizen applicants. The restrictions are clearly listed in the bill.

The Senate reintroduced SB 32 on January 9, 2006 which is assigned to the Senate Judiciary committee. This bill relates to the election and term of Probate Court Judge; it states that elections for judicial offices will be nonpartisan. It further provides that election of judges of probate court will occur at nonpartisan elections.

The Senate read and referred SB 249 to the Senate Judiciary committee. This bill refers to the issuance of a new birth certificate following

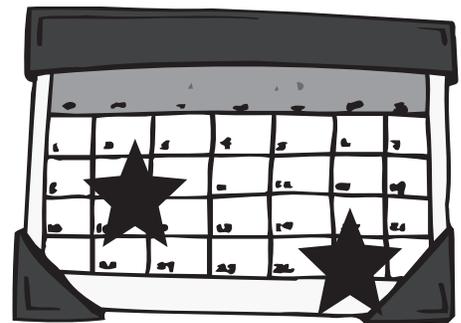
adoption, legitimation, or paternity determination. There will be an issuance of an original birth certificate to certain persons who were adopted following these provisions: must be 18 years of age or older, born in this state, and had an original birth certificate removed from the files due to an adoption finalized on or after July 1, 2006. Persons may receive a copy of the birth certificate after applying for an original birth certificate and observing the waiting period.

You can view all of these bills along with all bills being tracked for the Probate Courts on the Administrative Office of the Courts legislative website. Go to www.georgiacourts.org and click on "Legislative Tracking." Scroll over "Courts" and click on "Probate Courts." Here you will find a list that includes House Bills, House Resolutions, Senate Bills and Senate Resolutions tracked for the Probate Courts.

Mark Your Calendar

2006 CLERKS/SECRETARY TRAINING
Spring - Country Inn & Suites • Helen, GA
April 18-21, 2006

Fall - Ocean Plaza Hotel • Tybee Island, GA
September 12-15, 2006



COAG CONFERENCE DATES

Winter - January 30 - February 1, 2006
Atlanta Sheraton Hotel

Summer - June 19-21, 2006
Marriott Evergreen Conference
Stone Mountain, Georgia

Fall - November 13-16, 2006
Savannah Marriott & Savannah Hyatt

2006-2010 PROBATE JUDGES SPRING SEMINARS

March 22-24, 2006 Athens, GA

April 10-13, 2007 Athens, GA

April 15-18, 2008 Athens, GA

April 14-17, 2009 Athens, GA

April 13-16, 2010 Athens, GA

OTHER IMPORTANT DATES

April 4-12
Election Seminar-Savannah

June 28-30
Traffic Seminar-Savannah

Photo Gallery

Retirement Party for Judge Virginia Andrews



Governor's Executive Appointments

Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia (Monday, September 12, 2005)

Gary P. Braddy, 66, Mt. Vernon, GA, Retired Probate Judge Representative - Braddy retired as a Montgomery County Probate Court judge after 36 years of service. He now serves as a municipal court judge for the city of Mount Vernon and as the secretary and treasurer of Braddy Farms, Inc. He is a member of the Montgomery County Board of Education, the board of Meadows Regional Medical Center, Inc., the Brewton Parker College board of trustees and the Montgomery County Farm Bureau Nominating Committee. Braddy attended South Georgia

College and Brewton Parker College. He and his wife, Barbara, have four grown children.

J. Michael "Mike" Greene, 49, Gray, GA, Probate Judge Representative (REAPPOINTMENT) - Greene has been a judge of the Probate Court of Jones County since 1981. He is president of the Jones County Rotary Club, past president of the County Officers Association of Georgia, past president of the Council of Probate Court Judges, past executive committee member of the Council of Magistrate Judges, and a member of the National College of Probate Court Judges. Greene earned his associate's degree in business administration from Middle Georgia College and his bachelor's

degree in business administration from Georgia College and State University. He has one daughter

Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia

Monday, October 24, 2005

Johnnie E. Crews, 61, Nahunta, GA, Probate Judge Representative (RE-APPOINTMENT) - Crews is the probate judge in Brantley County and has served in this capacity for 25 years. He has been a member of the Masonic Lodge (391) for 29 years and a member of the Brantley County Lyons Club for 24 years. He has two grown children.

The Gavel

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