

THE



GAVEL

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

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MESSAGE FROM THE PRESIDENT



Warm greetings to you all! As I write this, the weather forecasters are predicting a "wintry mix" for the weekend. My news for you is

also a mix, albeit some wintry and some bringing a glimmer of the springtime to come. Our beloved colleague, friend, mentor and former fearless leader, Judge Del Buttrill of Henry County is battling illness. Yesterday he was honored by the Georgia General Assembly through a resolution read on the House floor. It was a heartwarming spectacle to behold. His twenty or so fellow judges who were present counted ourselves privileged to have been witness to the tribute and to Del's words of appreciation. Though small in stature, he is truly a giant of a man. Del, you have our good wishes and our prayers.

Other legislative items: Even though it is very tough to assess the prevailing winds in the legislature these days with respect to our nonpartisan bill (as distinct from similar bills for other elected officials), we are hopeful that Judge Self's idea of mass local legislation will prove to be, to quote Mark Middleton, "just the brilliant stroke we need." Individual legislators with whom several judges

have spoken seemed very receptive to the idea. We urge you to add your voices in support of this legislation to help your fellow judges who have been unable to get bills through their local delegations. If you already have, thank you! COAG has decided to go forward with a bill to amend the mandatory minimum salaries for county officers. This bill proposes three changes, to be accomplished in phases: (1) for 2005, previous cost of living adjustments would be incorporated into the statutory figures--not an increase, just housekeeping; (2) for 2007, the population brackets would be changed so that the lowest brackets would be eliminated and absorbed into higher brackets, which would result in a pay increase for those officers; and (3) also effective in 2007, the salary schedules for the clerks, tax commissioners and probate judges would become uniform in each population bracket--currently, which type of officer is paid the highest salary varies from bracket to bracket, but often the probate judges are the lowest, especially in smaller counties. Near the end of the session, in preparation for next year, a bill to increase the traffic and election supplements will be introduced. The reason for dropping this bill late is so as not to do anything to jeopardize the

COAG bill, which impacts all our judges. Plus, it is anticipated that the more time county governments have to plan and budget for these salary changes, the less strenuous their opposition will be. Finally, we expect a bill to disinherit parents who have abandoned their children, and an HB 1EX housekeeping bill to pass in some form.

Marla Moore, AOC, informs me that Westlaw will be offering training sessions on how to use our new legal research tool — which she kindly arranged for the Council to provide each judge. We hope to schedule training for about a fourth of our judges in Athens in April, and for others in Macon in March — and perhaps February or May. We should also be receiving our handbook and benchbook updates in April.

Various committee members have been busy on different projects. I look forward to reporting on their accomplishments when we meet again for the passing of the torch. For now, may I say that I am humbled by everyone's hard work and dedication.

Probate Judge Executive Committee Minutes

Clarion Buccaneer Resort • Jekyll Island, GA • August 1, 2004

The Council of Probate Court Judges executive committee meeting took place at the Clarion Buccaneer Resort on Jekyll Island. The meeting was called to order by Judge at 4:40 p.m. and welcomed everyone. Guests at the meeting included, Judge John Vorhees of the National College of Probate Judges, and Ms. Leslie Johnson of the Administrative Office of the Courts.

The Council reviewed the minutes from the April 13, 2004 meeting and approved them as corrected.

Ms. LaShawn Murphy reported on the Council's state funding as of July 1, 2004 the beginning of the fiscal year. Judge Cranford amended the Council Account Balance Report to reflect the correct amount of the difference due to a data input error. The reports were accepted and approved.

Committee Reports

- Judge Brown reported on the Firearms Committee. The draft of the new Firearms Permit has been submitted to Department of Public Safety (DPS) for their final review. The permit is two pages in length with a ten page instruction booklet. It was agreed that the forms would be put into use when the Firearms Committee meets in September.

- Judge Tate reported on the Internal Assistance Committee. Judge Del Buttrill will contact Magistrate Judge Philip Taylor to discuss the reporting methods used by his committee in receiving complaints/investigations. Additionally, she reported that the committee is set to meet during the strategic planning session.

- Judge Bracewell reported on the Legislative Committee. He acknowledged the top priority of the Council last year, SR 277 the non-partisan bill, did not pass and the Council of Probate Court Judges needs to discuss how much effort they want to commit to it next legislative session. He announced the next legislative committee meeting will be held during the strategic planning session on, September 3, 2004.

Judge Tate gave an overview of what she has envisioned to take place at the strategic planning session as far as legislation is concerned. The strategic planning facilitators will incorporate the Council's legislative issues into their sessions. Council Lobbyist, Mark Middleton will be there on Thursday afternoon to participate in the session and Friday for the Legislative Committee meeting.

Judge Bracewell reported that HB 739, regarding retirement funding allowing a beneficiary to be chosen other than a spouse, did not pass. Judge Greene informed the Council a meeting has tentatively been scheduled to discuss retirement funding.

Next Judge Baker reported on SB 478, which created a State Office of Vital Records, did pass in an amended form. With the creation of this office, there will be charges from \$20-\$25 for birth certificates. He also noted that in the original form of the bill funeral homes were to electronically file death certificates with the State. This portion was dropped from the bill before passing in its final state.

Judge Bracewell reported that HB 1372, pertaining to providing an increase to election supervisors, did not pass. He also reported

that the Guardian Ad Litem Bill (SB44) did not pass, but the Guardianship Rewrite Bill (HB229) did pass.

Next the Council discussed HB1EX. A brief discussion took place about how the council should approach this bill and it was agreed they would consider this issue at the strategic planning session in September.

- Next Judge Brown reported on the Training Council. Currently there is a vacant Member-at-Large position to replace Judge Jeff Chavis of Jeff Davis County. A conference call is set for next week to nominate and appoint a replacement. The next meeting of the Training Council is set for 8:30 a.m. on September 1st, in conjunction with the Strategic Planning Session. Training is schedule this week at COAG for a total of six hours. Training will be as follows: Judge John Vorhees will speak on the National College of Probate Judges, a presentation from the AOC Legal Research Division and West Law, Automation for Probate Courts from the AOC Technology Division, Miller Trust by Mr. Tom Dennard Esq., Bonds and Personal Representatives by Judge William Self, II and a Round Table Discussion.

Report from President

In the report from the President, Judge Tate stated she had recently met with officials from the Clerks Authority in regards to the deferment of partial payments for 60 days. In addition to this, she met with an assistant attorney general regarding what is a civil proceeding in the probate court and which actions to apply

Probate Judge Executive Committee Minutes cont.

the \$15.00 add on. She has since received a six page advisory letter from the attorney general's office in reference to the matter. After much discussion, it was decided to defer the discussion until the September meeting.

Next, Judge Tate reported that at the June Judicial Council meeting the Council formed a Court Fee Sub-Committee, on which she was invited to be a member. The committee will review fees, fines and standards. Judge Greene has also received an invitation to be a member.

Judge Tate announced committee appointment letters have been completed. A vice-chair for the Automation Committee will need to be appointed.

Lastly she reported on the strategic planning session scheduled for September 1-3, 2004, at The Ritz Carlton Lodge in Greensboro, Georgia. She presented the proposal from the facilitators "Conversations That Count." The

facilitators are composed of three team members: Ms. Jane Howe, Ms. Heather Cummings and Ms. Augusta Horsey Nash whose biographies were included in the proposal. She has expressed to them what she foresees coming out of this session. Some of her intended outcomes are the following:

Δ Consensus of where the Council is in the strategic planning process and determination of what is next

Δ Ways to be more effective in writing and lobbying for legislation

Δ Direction for the Mental Health Committee resulting from time spent thinking together and

Δ Recommendations from the strategic planning group, including specific input from the Legislative Committee, for the full Council to consider in November.

The Council agreed on the facilitators and their daily rates.

In new business the contracts for the 2004 Benchbook and Handbook Supplement which were approved by the Executive Committee at a prior meeting were endorsed by Council President Judge Susan Tate and witnessed by Judge Lillis Brown and Judge Mary Cranford.

The next meeting is scheduled for September 1-4, 2004, at the Ritz Carlton Hotel, Greensboro, Georgia in conjunction with the Strategic Planning Meeting.

With no other business to discuss, the meeting adjourned at 6:00 p.m.

Respectfully Submitted By
LaShawn Murphy for
Judge Mary Cranford, Secretary

Greene County Probate Court Receives Grants

Judge LaVerne C. Ogletree applied and received two grants for her court. First, Greene County Probate Court was one of only seven entities chosen to receive a grant, which provided valuable emergency preparedness equipment. The equipment included two reflective vests, a trauma kit, a heart defibrillator, and two sets of two-way radios. The court was granted funding for emergency operations equipment from the Office of Domestic Preparedness State Homeland Security Grant Program for the fiscal year 2004. The Administrative

Office of the Courts and the Human Resources Security and Grants Management played a key role in submitting the grant requests and coordinating the efforts with the Georgia Emergency Management Agency Terrorism Emergency Response and Preparedness Division.

Judge Ogletree also received a grant for over \$6,000.00 to improve the accessibility of Elections to individuals with disabilities. The grant was awarded by the Secretary of State's Office from federal funds.

Correction from the August 2004 Newsletter

HB 1372, pertaining to providing an increase in supplement to those judges who also serve as Election Superintendents, was introduced by Representative Don Wix, not Senator David Schaffer. Representative Wix worked diligently to promote this legislation, which was eventually passed successfully by the House. In appreciation for his efforts on this and other bills, Representative Wix was selected as the Georgia Council of Probate Court Judges' Democratic Legislator of the Year.

Strategic Plan

Developed September 1-3, 2004

On September 1-3, 2004, members of the Council of Probate Court Judges met at the Ritz Carlton – Reynolds Plantation Hotel in Greensboro, Georgia to examine portions of previous strategic plans to determine where the Council was in the strategic planning process, to determine what was next for the Council as a whole, and to give more specific direction to select committees. This year's meeting was coached by the motivating "Conversations That Count", a three member team out of Athens, Atlanta and Augusta that encouraged the themes of "Shining the Light" and "Showing Up and Speaking Up". This year invited participants were: Executive Committee, Probate Judges Training Council, Committee Chairs and Vice-Chairs, District Directors, and Past Presidents of the Council. Also invited were Mr. Mark Middleton, Council Lobbyist and Ms. Debra Nesbit, Associate Director of Legislative and Governmental Affairs, AOC.

The group looked at the purpose of the work of the Council, the past years' strategic plans goals/strategies and decided to readopt the Vision Statement.

Vision Statement

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.

The Council committees' charges/descriptions were reviewed by the committee members to determine what its priorities would be, why it is important and how it aligns with the vision of the Council. The most important initiatives of the Council, derived from the final specific directions of the committees, are the priorities on which the Council will "shine the light" in 2005.

Upon deciding on the issues of greatest importance, the last steps of the participants were action and accountability. The focus was to decide how to proceed and develop a tactical plan where each person

was clear about what they are accountable for and to lock in commitment for the strategic plan. To accomplish their initiatives (top priorities of the Council) the group agreed on how they would focus their energy and developed the elements of an action plan.

Bold Steps (Action Plan)

- Present legislation as a Council/Election Board with opt-out and increases in supplements. Opt-out unless local increase in supplement.
- Drop election supplement initiative if it will hurt the Council as a whole
- Support the Council's positions
- Make ourselves experts (do homework)

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Shining the Light — Top Priorities

- Liaison to AOC - Information Technology Communication
- Election salary supplement increase
- Show up and speak up around Mental Health issue
- Mandated Election Board w/ opt-out
- Work with GMA and ACCG
- Establish coalition with ACCG, GMA and Legislators
- Annual legislative goals – specifics
- Mandate training for judges that handle traffic
- Plan for standardization of software and providing standards to vendors
- Add photograph to Firearms License
- Traffic Benchbook
- Caseload Reporting – ensure counties are reporting – forms

Strategic Plan continued

- Train people to be comfortable with dealing with legislators
- Work with Council members
- Pledge commitment to the Council (Resolution)
- Obtain an IT person for standardized system and make it happen
- Case Count - non reporters lose internet privileges
- Case Count - going public on non reporters
- New tax on alcohol to fund rehabilitation
- Launch a campaign regarding Mental Health
- Meet with the Governor
- Mental Health - press release on wrongs and possible solutions
- Mental Health - District collaborative meetings/Statewide summit with Rosalyn Carter
- Go to the Gaines Center to establish a partnership on a national level (Presidential Partnership)

Each of the committees of the Council of Probate Court Judges have defined priorities which will help the Council as a whole achieve its goals and accomplish its Action Plan. A list of those are available upon request.

Thanks

Thank you to all who offered condolences to me upon the death of my brother Lee Wilson. He was a Baptist minister for 50+ years and the pastor of a church in Wilkinson County for 27 years. He drove a school bus for children in special education. I miss him.

Sadie of Grady
(Judge Sadie Voyles)

2005 Training Dates

March 8 – 11, 2005

Probate Court Clerks Seminar
Holiday Inn, Athens
Room Rate: \$70 - \$80

April 20 - 22, 2005

Probate Judges Spring Seminar
Georgia Center, Athens
Room Rate:
Call Georgia Center for Rates

June 21 – 23, 2005

Summer COAG
Lowndes Co. Convention Center
Valdosta
Rates: *

August 16 – 19, 2005

Probate Court Clerks Seminar
Sea Palms Resort, St. Simons
Island
Room Rate:\$69

November 15 - 18, 2005

Probate Judges Fall (COAG)
Seminar
Marriott, Savannah - TDB
Room Rate: TBD
Hyatt, Savannah - TBD)
Room Rate: TBD

(Clerks 2005 training dates are not yet scheduled)

NOTES

* For Winter and Summer COAG lodging rates, you'll need to contact Bob Carter. His number is 770/228-8461

* For Elections Seminar Information you'll need to contact Janet Andrews at the Institute of Government. Her number is 404/542-9855

* COAG now has a website: www.coag.info
Please check this website periodically for any updated information from COAG.

In Our Thoughts



Cheri Lynn Wicker,
sister of Peach
County Probate Judge, Debbie
Hunnicut, died unexpectedly on
October 3, 2004.

Former Clay County Probate Judge
Grace Mathis passed away on
November 3, 2004.

Lee Wilson, brother of Judge Sadie
Voyles, passed away unexpectedly
on November 29, 2004.

Judge Scott N.G. Childress' father
passed away in late November
2004.

Judge Johnny Crews of Brantley
County who lost his father on
February 23rd.

Georgia Commission on Interpreters

The Georgia Commission on Interpreters maintains an on-line registry of Registered and Certified court interpreters. You can access this registry by visiting our website at www.georgiacourts.org and following the links to GA Commission on Interpreters.

If you have any questions regarding court interpreters you may contact our office @ 404-463-6478.

Welcome New Probate Judges!



Back Row, left to right: Judge Andrew Bennett, Quitman County; Judge Calvin Bennett, Ware County; Judge Arthur Buford, Jeff Davis County; Judge T. J. Hudson, Treutlen County; Judge Gene Lowery, Catoosa County; Judge Hal Hamrick, Douglas County; Judge Allen Gay, Irwin County; Judge Chip Perry, Decatur County; Judge Woody Jordan, Forsyth County; Judge Wesley Lewis, Colquitt County; Judge Lillian Garrett, Rabun County; and Judge Anita Mullins, Gilmer County.

Front Row, left to right: Judge Gloria Dubberly, Tattnall County; Judge Kenneth Fowler, Twiggs County; Judge Pamela Busbee, Crawford County; Judge Janice Thigpen, Warren County; Judge Marva Rice, Hancock County; Judge Suzanne Johnson, Tift County; Judge Pam Ferguson, Clayton County; Judge Mitzi Way, Schley County; Judge Sylvia Stone, Coffee County; and Judge Jeryl Rosh, DeKalb County.

Picture taken at the Georgia Center at UGA during the 2004 New Judges Orientation in November.



One of many committee meetings.



Session facilitators from l-r: Heather Cumming, Augusta Horsey Nash, and Jane Howe.

Photo Gallery

2004 Strategic Planning Session

September 1-4, 2004

Ritz Carlton, Lake Oconee



Judge & Mrs. Donald Boyd celebrated 32 years of marriage during the session



The Council participated in various team building activities during the planning



Council members listed goals and priorities of each committee during this activity.



Probate Judges Active in 2005 General Assembly

By Mark M. Middleton

The 2005 General Assembly is turning out to be a very busy, and, hopefully, productive session for the Council of Probate Judges. The various legislative sub-committees (traffic, election, general probate, vital records) are all working on bills of importance to the Council.

Senator Preston Smith (R-Rome) and others have introduced SB 32 that would provide for the nonpartisan election of probate judges. We are grateful to Senator Smith and all the Senators that have co-sponsored the bill. We will be calling on you to contact your Senator

to support this bill as it works through the process.

Probate judges are also actively supporting an initiative by COAG to conform the base salaries of the county officers (excluding sheriffs) by raising the mandatory minimum salary for each officer in the various population classes to the highest salary in that population category. This approach will be very beneficial since most probate judges will receive an upward adjustment to the new minimums.

The Council has filed HB 251, a retirement bill that would allow for additional flexibility for judges

making the beneficiary designation. By legislative rule, the bill cannot be considered until the 2006 session.

Other legislative matters such as traffic and election supplements may be filed toward the end of the session in order to have them ready for debate next year. Of course, as always, we will deal with bills that we must oppose.

It is a pleasure to be of service to the Council. Please drop by the Capitol or call me with any questions or comments that you have regarding the Council of Probate Judges legislative agenda.

Legislative Intern Beth Bennett

I am a Legislative Intern here at the AOC, and I will be tracking legislation that affects the courts by attending the Senate and House of Representative sessions and committee meetings.

I just graduated from Georgia Tech last semester with two B.S. degrees: History, Technology & Society and Science, Technology & Culture. I am originally from Vidalia, Georgia (where the onions grow), and I am planning on attending law school in the fall. I am engaged to be married on May 15, 2005 to Brandon Sieg, an architecture student at Georgia Tech, and I have a little black dog named Cooper.



Years of Service Certificates Get an Extension

The Council of Probate Court Judges Executive Committee met in Atlanta on January 25th for its annual winter meeting. At that meeting, the council agreed to create certificates acknowledging probate judges who have served in office for 30 or more years. In the past, awards for years of service were given out up to 25 years; however, the Council has acknowledged that judges are staying in office longer. The acknowledgments will remain in five year increments (30, 35...). If you are a probate or know of a probate that meets these requirements please contact Ms. Sherry Carson, Conference Facilitator, Institute of Continuing Education (ICJE) at 706-542-7403.

Listserv...

A Valuable Resource Tool that Gets Better with Time

In May of 2003 Judge Kenneth Van Horn submitted an article on the list server, a substantial amount of time has passed, yet the message remains the same. Judge Van Horn defined a list server as, "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."

The History of List Server

On January 7th, 2003 the Probate Judges' list server began operating. 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 that launched on June 9th of 2003.

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.

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

By Judge Kenneth Van Horn
Technology Committee Chair
Chattahoochee County

Edited by Bernadette Smith
Judicial Liaison
Administrative Office of the Courts

State Vital Records Director Retires

Michael R. Lavoie, State Registrar and Director of Vital Records retired on September 30, 2004 after more than 30 years in this position. Mrs. Julie D. Bidy, long time Vital Records employee and former Deputy Director has been appointed Acting State Registrar and Director of Vital Records by Dr. Kathleen E. Toomey, M.D., M.P.H., Director of the Division of Public Health. Mrs. Bidy began serving as Director and State Registrar of Vital Records on

October 1, 2004 and will continue to serve until a permanent Director and State Registrar is appointed. The Council of Probate Judges wishes to congratulate Mrs. Bidy on her new position and appreciates all of her support and assistance in the past. All Probate Courts that handle Vital Records were required to change their certification for Vital Records on October 1, 2004 to reflect Mrs. Bidy's signature as the State Vital Records Director.

Legislative Tracking Website

The Georgia Administrative Office of the Courts partnered with a local legislative web site design company called Capitol Impact to create this web site. It is designed for easy and fast access to legislation that affects the courts.

Bills are tracked on this web site in a variety of ways. One way legislation is tracked is by how fast a bill is moving through the legislature. If a bill has been passed out of a committee and is headed to the floor for a vote, this bill would be tracked as "Hot." Newly introduced legislation is tracked as "Watch," and so forth.

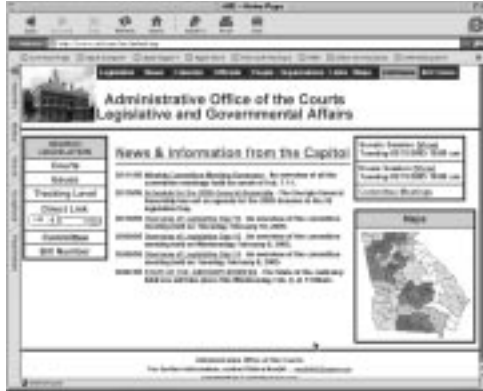
Other ways we track legislation on this web site is by courts and issues. You can click on the word "State Court" and view a list of all the bills that affect State Courts, or click on "Traffic Law" to view the list of those bills. Bills can also be accessed directly by its bill number.

The calendar and news pages are two popular pages on this web site. A calendar is used to list upcoming committee meetings, along with their agendas. A news page is also an asset for people to get up-to-date information on the happenings at the Capitol during and after Legislative Session.

There are also many helpful links on this web site. The site can link you to many areas of the official page of the Georgia General Assembly. There are also links that lead you to Senators' and Representatives' (state and federal) listings. You can also do a district lookup on your address to view your current elected officials and candidates during election season.

Other new features have been added to the web site. One such feature is the mapping program. This program allows the AOC to create detailed maps using our data within county, judicial circuit or congressional district geographic lines. Surveys and faster searching tools will also be added as new features.

To access the Administrative Office of the Courts Legislative Tracking web site, go to www.georgiacourts.org and click on "Track Legislation."



The Gavel

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