

# THE GAVEL

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

Volume 14, Number 1

February 2007

## MESSAGE FROM THE PRESIDENT



**G**reetings to all:

I hope everyone had a joyous holiday season. As a child I remember thinking

Christmas and my birthday would never come, but now they seem to arrive very frequently. However, I do appreciate the fact I am present to enjoy each occurrence.

It has certainly been a busy year, although we have not identified any major legislative items, we must keep on our toes for Bills that have an effect on our Courts. I know the legislative committees and Mark Middleton, CPCJ Lobbyist will continue to do a great job in monitoring the legislation, but we all must work together.

We just completed our Winter Board Meeting in Atlanta. We are in the process of conducting a time study as it relates to processing cases in the Probate Court. If you are asked to participate, please cooperate with the Committee and AOC in accomplishing this task. The results of the time study can be beneficial to the Probate Courts in many areas.

While in Atlanta, I meet with Jane Martin, Assistant Director for Grants, AOC. Jane felt very confident that we would be able to get some grant monies for the video updates (i.e. guardianship and pro

se) and possibly for Live Scan for fingerprints.

I have verified through our Sheriff's Department that the only requirement for us or clerks to be able to fingerprint is to be a "Certified Jailer" and he has offered for us to participate in the next class. I would like to clarify that having a live scan machine in your office does not mean that you must have a GCIC Terminal, these are two separate operations.

I want to commend Judge Griffin and the Training Council for the outstanding training that was offered at the Winter Conference. I attended the track on Budgeting, it was very informative and I think we all carried away some new perspectives, not only with the budgeting process, but how to make plans for anticipated growth of our offices. Mr. Kelvin Tolmich of the AOC facilitated the class and did an outstanding job. He has offered services to all the Courts that would like to have some assistance in developing plans and projects. I

hope we will take advantage of the service; it is always good to have an experienced opinion.

We also were privileged to have Agent Paul Onyango from the US Citizenship and Immigration Services, Atlanta District. He was very informative and interesting. There were several questions raised concerning illegal immigrants and their rights in the United States. One of the issues raised was issuing marriage license to illegal immigrants, he gave us the person to contact for the answer and as soon as we have the information, we will post it on the listserv.

I would like to remind you that the COAG Scholarship information needs to be distributed to your local schools, don't forget private schools and home schools. This is a great positive public relation opportunity for us in our communities.

You may have noticed some changes going on at the AOC, Ms.

**continued page 2**

### Table of Contents

Executive Committee Minutes .....	2
Probate Judges' Minimum Salary .....	6
Featured Judge — Judge Lillis Brown .....	7
Photo Gallery .....	8
Mark Your Calendar .....	10
Judge of the Year Nominations .....	11
Keeping the Courts Open .....	12
Welcome New COAG Director .....	13

## Probate Judge Executive Committee Minutes

Hyatt Regency • Savannah, GA • November 14, 2007

### Welcome and Opening Remarks

The meeting was called to order at 9:02 a.m. Judge Cason welcomed everyone and asked that introductions be made as this was the first meeting with the Clerks Advisory Committee in attendance. She announced the departure of Marla Moore from the Administrative Office of the Courts (AOC) to accept a position with the Criminal Justice Coordinating Council (CJCC). Judge Cason expressed that Ms. Moore would be missed by the Council and plans are being made to recognize her at the spring meeting in Athens. In the interim, Mr. Patterson will act as Acting Associate Director for Court Services.

### Approval of Minutes

Judge Cason called for a review of the minutes from the August 23, 2006 meeting at The Hampton Inn in Milledgeville, Georgia. In reviewing the minutes Judge Cason noted under the "Presidents Report" Ms. Claudette Perry should be listed as being from Walden County instead of Walton County.

*MOTION: Judge Self, with a second from Judge Toomer, moved that the minutes be approved with the correction of "Walden" to "Walton" under the President's Report. The motion passed unanimously.*

### Financial Reports

Associated Funds - Judge McCoy provided a Treasurer's Report on associated funds. His report indicated the Council's assets, as of October 31, 2006, totaled \$70,420.17, including \$25,968.90 from the maturing of a certificate of deposit from First Georgia Bank. A written cash flow report detailing transactions from April 1, 2006 through October 31, 2006 was included in the Treasurer's

Report. Membership dues have been collected from 158 counties. Dues have yet to be collected from Stewart County. In addition to dues, income from photographs has been received in the amount of \$732.00. Judge Cason asked if funds had been received from COAG as of yet. Judge McCoy responded to date the funds had not been received.

*MOTION: Judge Self, with a second from Judge Bracewell moved that the association financial report be approved as presented. The motion passed with all in favor.*

State Funds - Mr. Patterson presented the report of State-appropriated funds activity as of September 30, 2006. Total funds appropriated for FY07 were \$60,138.00. The Council has an existing balance of \$38,287.76, with year-to-date expenses totaling \$21,850.24. Revenue from the sale of the handbook, standard forms and labels have been received in the amount of \$2,311.90, bringing the total available funds to \$40,599.66.

Mr. Patterson expressed a concern previously mentioned at the August meeting about the Westlaw subscription and its affect on the Council's budget. The current cost to the Council is \$15.68 per user and resulting in a monthly cost of \$2,500.00. At that time he recommended the Council consider terminating the subscription or allowing him to approach other Councils to purchase passwords. Postings have been made to the Magistrate and Municipal Judges listservs, response has been light, and about 25 commitments have been received. A report showing the monthly Westlaw usage for CY06 was distributed for review. Mr. Patterson stated, he had spoken with Mr. George Nolan and others about the possibility of approaching Westlaw or Lexis Nexis about a judicial rate.

Judge McCoy noted Law on Disk is provided to all judges at no cost. This should be kept in mind if the Council is looking at cost effective measures. He is of the opinion that continued spending of funds at the current rate would

**continued page 3**

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## Message from the President cont.

LaShawn Murphy has been assigned to the Probate Courts in total, I know we are very excited, I hope LaShawn will be. I feel she was already ours and we only had to share her with the other Councils.

Ms. Yolanda Lewis is now the Assistant Director for Judicial Liaison; the position previously held by Chris Patterson, we are also very excited to have her in that position. You may recognize the name from your caseload reporting. Last but not least, Chris Patterson has transitioned into the Associate Director for

Court Services position very well; he has some new ideas and great initiative for the Courts to pursue. The AOC does a wonderful job for us, their services are a great asset to our offices, please take advantage of their expertise.

I look forward to seeing all of you in April, if there is anything you need, please do not hesitate to give me a call. This has been a wonderful experience and I appreciate your faith in me to represent such an elite group of Judges.

*Judge Betty Cason*

## Executive Committee Minutes cont.

not good for the Council. He noted that unless a contract could be obtained that would save them a substantial amount of money, the current contract should not be renewed. Judge Self added, providing Westlaw was a way to ensure that under funded counties would have access to a current technological resource. However, the report clearly shows that the service is being under utilized and he agreed that the Council should not spend the current level of funding and should look into obtaining an attractive contract or dissolve the current one. He also suggested judges should look into using Law Library funds to obtain a subscription if this is available in their counties.

*MOTION: Judge Tate, with a second from Judge Toomer, moved that Chris Patterson negotiate a judicial contract and draft a letter to members to determine if they were interested in retaining their Westlaw subscription. The correspondence should also inform judges of other options such as Law on Disk and the Law Library Fund. The motion passed with all in favor.*

### President Report

Judge Cason announced that she attended a Judges and Journalism workshop sponsored by The National Center for the Courts and Media on October 4, 2006 at the State Bar of Georgia in Atlanta. She noted that the workshop was very interesting. Journalists from the Atlanta Journal Constitution and The Fulton County Daily Report were in attendance. Mock interviews were held with the judges and journalist switching places. Everyone was able to gain insight of the other person's point of view.

Next the judge reported a basic guide for Council Officers broken down by calendar date will be

developed. Judge Lillis Brown has agreed to do an internship with the AOC to draft the operations and procedure manual.

As a final comment, Judge Cason announced that she testified before a Senate Committee on Fees and Fines. The Committee is looking into the current process along with ACGG. She would like the Clerks Advisory Committee to review the probate judges fee/fine listing for any deletions, changes or additions. Judge Mitchell Scoggins was appointed as chair of the review committee.

### Report from AOC

Judge Cason introduced Ms. Jane Martin, Assistant Director for Grants and Performance. Ms. Martin distributed information to the members to include: A Grants Resource Listing, Instructions for Writing and Winning Grants, and the 2007 Grant Guidelines for the State Justice Institute (SJI). She informed the group that all federal agencies are required to post grant information to [www.grants.gov](http://www.grants.gov). Following this, she announced that the AOC Grants Section is available to write grants on behalf of the Council. Currently resources are not available to write individual grants.

Next, Ms. Martin turned attention to SJI Grant opportunities. She explained the agency is federally funded and is mandated to give monies directly to courts per Congress. Their goal is to improve the quality of State Courts in the following priority areas: Service to Elderly, Court Budgets, Courts and the Media and Performance Standards. There are several different opportunities available such as a \$30,000.00 technical assistance grant and a curriculum grant that can be used in conjunction with the Institute of Continuing Education to present a conference. Grants are submitted on a quarterly basis with

the next deadline being January 31st and the following April 30th. SJI also offers training scholarships for judges and clerks on a first come basis. Judge Cason questioned if pursuing a grant for updating the Guardianship video(s) would be a good project. Ms. Martin responded yes, adding SJI will fund dollar for dollar. Therefore having a budget for the project would be a good idea.

Discussion turned to the Live Scan terminals location, cost of equipment and training associated with possessing the system. Judge Self suggested the Council work with the sheriffs to obtain a terminal for every probate court that needs one. Several judges interjected their office is already equipped with the terminals. Judge Ogletree noted she had applied for a grant, met the criteria but missed the funding due to it being given on a first come basis. Finally, Judge Self added perhaps the Council could pursue grant funding to place Live Scans in every court.

Judge Cason introduced Mr. Jorge Basto, Assistant Director for Information Technology, to address the group. He announced that the IT Division has several projects and initiatives ongoing:

Reporting - IT is investigating Business Objects to advance reporting capability and add more functionality. This will empower AOC staff and the judiciary advance capabilities in database and case management systems usage.

Disaster Recovery - The agency has signed a contract with Quality Technology Services (QTS) in Suwannee Georgia as a co-location site. This means data on the networks in Atlanta is being replicated and stored off site in case of a disaster. There are plans to take a group of judges to view the site in

## Probate Judge Executive Committee Minutes cont.

March 2007.

Standard Forms - To assist in the workflow of the courts, they would like to make the form-fillable version more accessible on line. The next step would be to develop the forms where the information could be dumped into a database upon being submitted (saved). Once the person goes to the courthouse this information could then be pulled up by a confirmation number and filed.

GoTo Web Meetings - After receiving positive feedback regarding the usage of this tool by the probate judges, the AOC has re-subscribed and will assign a license to the Probate Judges' Council. Discussion took place regarding additional training for the tool. Members were in agreement that additional training could take place at district meetings.

Behind the Bench - This tool was rolled out in early 2006. It is a secure site, password protected, for judges. Information pertaining to judges and or the Council can be posted here. There are also discussion boards in this area.

### **Committee Reports**

Benchbook Committee - Judge Toomer deferred the committee report to Judge Propst. Revisions to the benchbook are in progress, particularly the section pertaining to Title 29, Chapter 5- Guardians and Conservatives. Final revisions will be available December or January.

Next, Judge Propst updated the members on the Handbook. The 2006 update has been completed and will be distributed to everyone in attendance. The updates will also be placed on the website. He also suggested a section added to the public sector regarding changes to the handbook. In

regards to the updating process, Judge Propst would like assistance from the Elections, Traffic and Vital Records Committees. This would ensure consistency and ensure they are in accord with what the judges need. In final it was reported Mr. Wheat, Director of Vital Records would like to use the "Vital Records" chapter to expand on and devise a manual.

### Court Rules and Forms Committee

- Judge Ferguson presented the Council with the proposed Rules for Maintenance of Non-criminal and Criminal Evidence and an Evidence Log for approval. Prior to discussion, Judge Cason requested the Clerks Advisory Committee to review the rules for changes and or additions. With there being no changes, Judge Ferguson moved for the approval of the rules. Being properly seconded by Judge Bracewell, the motion passed with all in favor. The Rules will be presented to the membership for approval at the Business meeting on Thursday.

Firearms Committee - Judge Tate pointed out a report from the committee meeting held November 3rd by way of GoTo Meeting was behind tab four in the agenda. Items of discussion were as follows: Live Scan, the Appeals Process, Mental Health and Outpatient Commitment. She announced the committee plans to revise the firearms license application to include an Issue of Affidavit; upon revising the forms, it was not realized the Federal Bureau of Investigations (FBI) wanted this in place.

Judge Cason requested the committee to consider deleting the language "temporary permit" from the Code. This would alleviate problems for the probate courts. Federal Law does not recognize temporary permits. As another alternative, Judge Self

suggested instead of striking the language, perhaps they could adopt the most common terminology regarding the permits. In final, Judge Tate requested anyone with changes or questions to please contact her.

Legislative Committee- Judge Aspinwall deferred the committee report to Judge Bracewell. Judge Bracewell announced the Council's legislative agenda for the upcoming session. The upcoming session figures to be a relatively light legislative year, with no major or controversial bills being put forth. Among this year's legislative initiatives, the Council will seek to refine Title 29; clarify fiscal responsibility in petitioner of guardianship for incapacitated adult cases; amend current laws to allow parties, to include surety companies, access to sealed records at the discretion of the probate court; and a waiver of the 30 day objection on leave to sell whenever consent exist. The Council will also seek statutory changes to the law requiring a subsequent charge of DUI for each count of child endangerment which originates from an allegation of DUI. The desired outcome is to make the charge of child endangerment under these circumstances a high misdemeanor rather than a subsequent DUI charge. Judge Ogletree added she has spoken with Mr. Brandon Poarch, Georgia Department of Driver Services (DDS) regarding the matter. According to Mr. Poarch, DDS would rather that the Council considers not changing this as it was legislation introduced by them in the last session. Conversation with Mr. Poarch also delved into the matter of a legislative requirement to include charges of driving without a license on driver's histories. She



## Probate Judge Executive Committee Minutes cont.

was assured that this could be handled administratively by DDS. Agreement was also reached to support local technology fee bills as well as SB301, if reintroduced. The council, however, would not pioneer a technology fee initiative on its own behalf. Finally, Judge Bracewell announced the Legislative Committee will introduce legislation on behalf of the Training Council for changes to the Code regarding district lines.

Judge McCoy announced he found a conflict in the law regarding fees and fines. In 15-9-60 the schedule states the fee for registering junk dealer is \$10.00 however, in 43-22-3 it states registering is a \$1.00 and is the property of the probate judge. Judge Cason stated she has met with ACGG and they have asked the Council to look at their fees to see if there are any conflicts or for fee/fines that are no longer in use.

In final, Judge Propst added clean up legislation to Title 29 would clarify language regarding confidentiality, to add Council of Record and update the 30 day requirement period for persons not automatically copied to allow notice to the ward as appropriate.

Mental Health Committee - Judge Tate announced the Mental Health Committee continues to work with Dr. Greg Arnold, AOC,

on the mental health survey. They are currently compiling the hard copy data along with the electronic. As a result of the survey, there are some very enthusiastic volunteers to serve on a task force. In turn she has spoken with Jane Martin, AOC, regarding seeking funding to plan a statewide mental health conference.

*Motion - Judge Tate move to authorize the committee to draft a proposal, for approval by the officers of the executive committee, seeking funding for a technical consultant and funds to hold statewide regional meetings regarding mental health. The motion was seconded by Judge McCoy and passed with no dissent.*

Newsletter Committee - Judge Davis reported the Gavel will continually have a section highlighting judges' hobbies or interest. The next edition will feature Judge Lillis Brown, who restores classic muscle cars. It was reiterated, input is needed from everyone to make the newsletter a success. Anyone with submissions should contact either Judge Davis or Ms. Murphy.

Traffic Committee - Judge Ogletree report the Criminal Rules have been presented to Committee for approval. Mr. Patterson added the Rules have now been sent to the Supreme Court for review and approval.

### ***Probate Judges Training Council***

Judge Griffin reported the Training Council met on November 13th. The curriculum and speakers for the Spring Conference and both Clerks' Trainings have been established. The training slate for the Winter COAG Conference remains under-development but will include six hours of training. The Council reviewed a preliminary listing of non certified judges; including

one judge who has been reported to the Judicial Qualifications Commission for not being certified for CY05 and CY06. Members also approved an increase in the clerks' tuition from \$65.00 to \$100.00. In final Judge Griffin reported at the last meeting, the Executive Committee approved a budget of up to \$2,000.00 for expenses necessary to obtain a training facilitator(s) at the Spring Conference. Ms. Carson, ICJE as of the last meeting updated the Council that they may only need \$500.00 towards this expenditure.

### ***Old Business***

Clerk Advisory Committee - Judge Cason called attention to the letter appointing the Clerk's Advisory Committee members, located behind tab five. She expressed enthusiasm for the clerks participation and noted there will be a meeting scheduled to discuss the role of committee. Judge Self stated he would like to see the committee become the consensus of the probate clerks in an effort to disseminate information between the clerks and the judge. He would also like to see the advisory committee work together to answer questions on the listserv according to what the "law" requires.

### ***New Business***

There was no new business to report.

### ***Adjournment***

There being no further business, Judge Cason announced the next meeting date as January 23, 2007 in conjunction with the Winter C.O.A.G. Conference. Following this, the meeting was adjourned the meeting at 11:40 a.m.

Respectfully,  
LaShawn Murphy, AOC  
For Judge Darin McCoy, Secretary

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## Heartfelt Thanks

I send a heartfelt appreciation for the many cards and calls expressing condolences for the loss of my mother.

Thanks much,  
Kip McVay, Cherokee County

## Probate Judges' Minimum Salary for 2007

**M**inimum salaries for probate judges are calculated according to the procedure summarized below. Note that there will be a 2.89% COLA for 2007. Salaries may also be calculated automatically on ACCG's website at [www.accg.org](http://www.accg.org). The procedure has been reviewed and approved by the County Officers Association of Georgia and ACCG.

### TO COMPUTE STATE MINIMUM PROBATE JUDGES' SALARIES, FOLLOW THESE STEPS:

**Step 1: Establish the Base Salary.** Start with the annual base salary for the probate judge shown in the "Schedule of Base Salaries," using the county's population reported in the 2005 census estimates in Appendix B. [O.C.G.A. § 15-9-63(a)(1)] Schedule of Base Salaries

Population Base Salary	
0 - 5,999	\$29,832.20
6,000 - 11,889	\$40,967.72
11,890 - 19,999	\$46,408.38
20,000 - 28,999	\$49,721.70
29,000 - 38,999	\$53,035.03
39,000 - 49,999	\$56,352.46
50,000 - 74,999	\$63,164.60
75,000 - 99,999	\$67,800.09
100,000 - 149,999	\$72,434.13
150,000 - 199,999	\$77,344.56
200,000 - 249,999	\$84,458.82
250,000 - 299,999	\$91,682.66
300,000 - 399,999	\$101,207.60
400,000 - 499,999	\$105,316.72
500,000 or more	\$109,425.84

**Step 2: Add Statutory Supplements.** Add any of the supplements listed below to which the probate judge is entitled according to statute:

- o \$3,883.08 per year for conducting elections [O.C.G.A. § 15-9-64]
- o \$4,852.92 per year for traffic cases [O.C.G.A. § 15-9-64]

**NOTE:** The supplements for serving as magistrate or clerk to magistrate court are addressed in Steps 6 through 9 below. [O.C.G.A. § 15-9-63.1 and § 15-10-105(d)]

**Step 3: Add Longevity.** First, determine the total number of complete 4-year terms (i.e., no partial terms) served by the probate judge since 1977 and multiply the number of terms by 5%. To figure the amount of the longevity increase, multiply the base salary plus supplements for serving as election superintendent or hearing traffic cases by the applicable rate of increase. For 2007, the rate of the longevity increase ranges (in 5% increments) from 0% for first-term probate judges to a maximum of 35% for those who have completed seven or more terms of office. [O.C.G.A. § 15-9-65]

**Step 4: Add 2007 COLA.** The 2007 cost of living adjustment (COLA) is determined by multiplying the base salary plus applicable supplements and longevity by 2.89%. This COLA is added regardless of when the probate judge first took office. [O.C.G.A. § 15-9-63(a)(2)]

**Step 5: Add Local Supplement (If Any).** County commissioners are authorized, but not required, to provide local supplements to the probate judge in addition to the minimum compensation provided by general or local law. However, once a local supplement is given, it may not be reduced or eliminated during the probate judge's term of office. Local supplements are not subject to longevity and COLA, unless granted by the county commissioners. [O.C.G.A. §15-9-63(a)(3)]

### ADDITIONAL COMPENSATION FOR PROBATE JUDGE SERVING AS MAGISTRATE OR CLERK TO MAGISTRATE COURT

**Step 6: Add Additional Supplement.** If the probate judge also serves as chief magistrate or magistrate, add \$11,642.54 as adjusted by Steps 7 through 9. [O.C.G.A. § 15-9-63.1(a)]

**Step 7: Add Additional Longevity.** First, determine the total of complete 4-year terms where the term

was completed after 1999 and multiply the number of terms by 5%. To figure the amount of the longevity increase to the supplement for serving as magistrate, multiply the additional supplement in Step 9 by the applicable rate of increase. As of January 1, 2005, the rate of longevity increase ranges (in 5% increments) from 0% for first-term magistrates to a maximum of 10% for those who have completed two or more terms of office. [O.C.G.A. § 15-9- 63.1(c)]

**Step 8: Add 2007 COLA.** The 2007 cost of living adjustment (COLA) to the additional supplement is determined by multiplying the supplement in Step 7 plus longevity by 2.89%. This COLA is added regardless of when the probate judge first took office. [O.C.G.A. § 15-9-63.1(b)]

**Step 9: Add Magistrate Court Clerk Supplement (If Applicable).** If the probate judge serves as the magistrate and also serves as the clerk to the magistrate court, then add \$3,883.08. However, note that a probate judge serving as magistrate and as clerk to the magistrate court is not entitled to a longevity or COLA increase to the supplement for serving as clerk to the magistrate court. [O.C.G.A. § 15-10-105(d)]

**Final Step: Compare to Local Legislation.** Many probate judges' salaries are governed by local acts of the legislature rather than statewide minimum salary law. In general, a probate judge is paid either according to the procedures set forth above or according to local legislation, whichever is higher. If the salary established by local legislation is higher than the amount established under this procedure, then the probate judge is entitled to be paid according to local legislation. If the salary established by local legislation is

## Featured Judge — Judge Lillis Brown

Ever since she was old enough to know the difference between a socket wrench and a screw driver, Judge Lillis Brown knew what appealed to her. A good looking guy and a good looking car.

And not necessarily in this order! She candidly admits she dated guys “with good looking cars.”

The Rockdale County judge still manages to squeeze her love for cars into a busy schedule that not only includes a busy Probate Court calendar and an equally busy Probate Council schedule, but also preparing for the Georgia Bar exam.

“I’ve always been mechanically inclined and having a husband and two boys who love to work on cars also helps,” Judge Brown said, adding it was her dad who first cultivated the love for cars when he gave her a 1963 Ford Falcon with a challenge: learn to drive it and you can have it. “He gave me the keys and I called a friend over to teach me how to shift the gears in the car. It took me about 45 minutes to learn how

to back it up in our yard without stalling the car, and then another 45 minutes to learn how to drive it forward. After this, I was hooked,” she explained.

She has helped her husband and her boys restore several cars down through the years but her “pride and joy” was a 1966 GTO that she helped bring back to its original condition. Her collection of cars includes a 1965 Chevrolet Impala, a 1966 Chevelle Super Sport, a 1996 Caprice, a 1967 Dodge Coronet and a new Chevrolet Super Sport. The Browns will restore a car, keep it for a while, sell it and then find another one to work on.

While the GTO may have been her pride and joy, Judge Brown admits that her favorite restoration project was a 1958 Dodge van that she drove for 10 years.

Judge Brown keeps track of all the “nuts and bolts” when disassembling a car, marking and bagging every item for individual cleaning and where it goes when it’s time to put it all back together. “I guess you might say I’m the

organizer and facilitator when it comes to restoring a car. If I’m not careful my husband will get in there and start pulling wires and taking things off without marking anything. Not me....I want to know where it came from and where it goes,” she said.

Most of her restoration projects today concern body repair, an area where her husband, Dusty, excels. “We don’t do as much mechanical work today,” she said, quickly adding she still could tackle the major mechanically jobs if needed. They have painted several cars on their front lawn and while she says the paint may not be “show quality” it still turns heads.

Judge Brown, who first took office in 1993, said her and Dusty’s goal is to restore a 1966 or 1967 Corvette and drive it all over the country.

*If you have an unusual or unique hobby or interest or know someone who does, please contact Sam Davis [samdavis@bryan-county.org](mailto:samdavis@bryan-county.org), 912-653-3856 or LaShawn Murphy at [murphy@lgaoc.us](mailto:murphy@lgaoc.us)*

## Probate Judges’ Minimum Salary for 2007 cont.

less than the amount in this procedure, then the probate judge is entitled to the amount in this procedure. [O.C.G.A. § 15-9-65]

\*NOTE: probate judges are required to be paid in equal monthly installments. [O.C.G.A. § 15-9-63(a)(1)]

### SALARY ESTABLISHED BY LOCAL LEGISLATION

For those probate judges whose salaries are governed by local legislation there are no uniform procedures. The county attorney should be consulted to verify the proper method of computing salaries according to local legislation. COLAs and Longevity Increases: The COLAs and longevity increases required by the state minimum compensation laws do

not apply to those probate judges paid by local legislation unless the local legislation specifically provides that the probate judge is entitled to the statutory COLAs and longevity increases.

Supplements: Unless specified in the local legislation, probate judges paid pursuant to local legislation are not entitled to the supplements provided by O.C.G.A. § 15-9-64 and 15-9-63.1.

OPTIONAL EXPENSE ALLOWANCE  
County commissioners are authorized, but not required, to provide a monthly expense allowance to the probate judge based upon population as determined by the 2000 census. The minimum amounts are listed in the Optional Expense Allowance Schedule

below. It is in the discretion of the county commissioners to provide this expense allowance. If granted, the expense allowance is in addition to any other salary, fees or expenses required by law.

[O.C.G.A. § 15-9-64.1] For tax purposes, expense allowances must be treated as income to the official and reported to the IRS.

### Optional Expense Allowance Schedule

2000 Population	Minimum Monthly Expense Allowance
0 - 11,889	\$100.00
11,890 - 74,999	\$200.00
75,000 - 249,999	\$300.00
250,000 - 499,999	\$400.00
500,000 or more	\$500.00

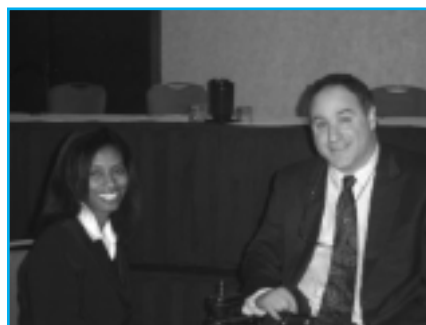
# Photo Gallery



## COAG Training



## Fall 2006





# Photo Gallery

## *Executive Committee • November 2006 Savannah, GA*



## ***Judges & Journalist Workshop***



# Misdemeanor Probation in Georgia

## A Snapshot of the County and Municipal Probation Advisory Council

By Ashley Garner, Staff Director, County and Municipal Probation Advisory Council

### Let's talk numbers - How many?

- There are 11 voting members on the Council and one Staff Director.
- There are 43 registered private probation providers in Georgia. A comprehensive list is available at [www.georgiacourts.org](http://www.georgiacourts.org) under Councils / Probation Advisory Council.
- There are 42 registered governmental (city and county) probation entities in Georgia. Their information will be posted on the Council webpage by March 1st.
- Approximately 40 governmental probation systems failed to register by the established deadline of December 31, 2006. All paperwork received after the deadline WILL be accepted and processed with no penalty. Please encourage any entity which has not submitted to do so as soon as possible.

### Let's talk size - How much?

- Private probation providers supervised approximately 240,000 offenders and collected \$20 million in fines, fees, and surcharges on behalf of local governments during the 3rd quarter of 2006. Offenders under the supervision of private probation performed almost 609,000 hours of community service during this same time period. Annually, almost 2.4 million hours of community service have been performed, which translates into a labor value of \$12.3 million for cities and counties in Georgia.
- During the month of January 2007, governmental providers will begin reporting data for their courts representing the 4th quarter of 2006. This will be our first glimpse into the volume of cases handled by these entities.

### What's next?

- The next quarterly meeting of the Council will be held on February 15, 2007, in Macon, Georgia.

- For those governmental entities who have not registered with the Council, the Staff Director will send a notice of failure to register prior to the established deadline to each entity and court served. Discussions will begin to assist all parties in completing the necessary registration paperwork. Those who refuse to register as set forth in Georgia law and Council Rules will have an opportunity to have their situation reviewed according to the processes outlined in the Administrative Procedures Act.

- Welcome Packets are being sent to all registered governmental probation entities, providing them with useful websites, forms, and information to assist them in communicating most effectively with this Council.

If you have any questions regarding misdemeanor probation in Georgia, please feel free to contact me at 478-471-5778 or email me at [garnera@gaaoc.us](mailto:garnera@gaaoc.us).

## Mark Your Calendar

### 2007 PROBATE JUDGES SPRING SEMINAR

April 10-13, 2007 Athens, GA

### 2007 CLERKS/ SECRETARY TRAINING

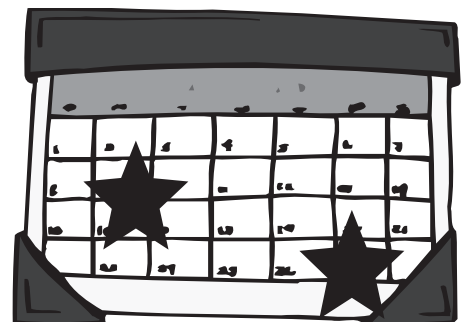
Spring - The Ridges Resort,  
Hiawassee, GA May 23-25, 2007

Fall - Jekyll Island Club, Jekyll  
Island, GA August 22-24, 2007

### COAG CONFERENCE DATES

COAG Summer 2007  
Conference  
August 12-15 2007,  
The King & Prince  
Beach Resort •  
St. Simons Island, GA

COAG Fall 2007 Conference  
November 12-15, 2007,  
Savannah Marriott &  
Savannah Hyatt •  
Savannah, GA



### OTHER IMPORTANT DATES

May 20-23, 2007 Election Seminar-  
Savannah Marriott, Savannah, GA

June 27-29, 2007 Traffic Seminar-  
Savannah Hyatt Regency, Savannah, GA

# ***Outstanding Probate Judge of the Year Nominations***

## AWARDS AND RECOGNITION COMMITTEE NOMINATION FORM

I hereby nominate the following probate judge:

FOR OUTSTANDING PROBATE JUDGE OF THE YEAR:

Name: \_\_\_\_\_

County: \_\_\_\_\_

Reason for Recognition:

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Deadline for Nominations is February 27, 2007

Mail or Fax Nominations To:  
LaShawn Murphy  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334  
FAX (404) 651-6449

## Keeping the Courts Open During a Public Health Emergency

### *How will Courts be operating during an influenza pandemic?*

By Bob Bray, Associate Director of Planning and Research

Unlike most natural disasters, where an emergency may arise in a particular community or local area and mutual aid pours in from surrounding counties or states; a public health emergency presents an entirely different scenario. The main difference between a public health emergency and natural or man-made disaster is that it will severely impact every community and every state. More importantly, we will not be able to rely on the federal government or our neighbors to come to our rescue - there will be no mutual aid.

The World Health Organization (WHO), the United States Center for Disease Control (CDC) and the Georgia Department of Human Resources Division of Public Health are alerting businesses and governments that we are overdue for a worldwide outbreak of potentially deadly influenza. Both organizations predict that it is not a matter of "if", but of "when" a pandemic virus outbreak will occur. The world is currently focusing on the eruptions of Avian Flu that are occurring on the other side of the world, primarily in Indonesia. Technically, the avian flu, is an agricultural event: wild birds infecting domestic fowl, which has not mutated to the point of becoming transmitted between humans. So far, there have been 252 instances where infected domestic birds have infected humans in the past few years. Of those humans infected by avian flu, 159 have died. So far the

avian flu virus has not mutated to the point where it can be passed on from human to human, however, this particular strain of flu virus, H5N1, can mutate often and rapidly with each infection and the WHO, CDC and the Georgia Division of Public Health are watching this particular strain of influenza very closely.

Utilizing history as a predictor, the last deadly pandemic in the United States occurred in 1917 - 1918. The Spanish Flu Pandemic gives the experts insights on how serious the next Influenza Pandemic could be and why we need to be prepared for the arrival of the next one. Here are some of the published predictions made by the World Health Organization should the avian flu mutate to human-to-human transmission:

- The virus will spread rapidly before a vaccine can be produced;
- The pandemic will last between 18 months and 3 years;
- The pandemic will occur in two or three waves;
- Each episode will last from 6 - 8 weeks;
- The virus is infectious without the person showing any symptoms;
- Once symptoms occur, an infected person may die within 48 hours;
- Possibly 40 % of the population

will either die or contract the disease;

- There is no way to produce adequate supplies of vaccine until the virus has mutated;
- It takes time for the vaccines to be produced, and the first wave of influenza will be ending;
- Limited supplies of Tami flu vaccine are available and will be rationed according to a must-need, basis;
- No mutual aid will be available from other states or the federal government; the emergency must be handled at the local level;
- Emergency measures will include isolation, quarantine, cessation of all public gatherings;

There is much more that can be added to this list.

The question then is how will the courts remain open when 40% of the population including those that work or appear in court, are infected and unavailable? How will constitutional and statutory rights be made available? What essential functions must the court handle? How will imposition of social distancing rules affect court operations?

In the words of General Tommy Franks, United States Army, Retired: "Hope is not a plan."

Take just a quick moment to



## Welcome to the new COAG Director

Suzanne Cross is the new Executive Director of the Constitutional Officers Association of Georgia (COAG).

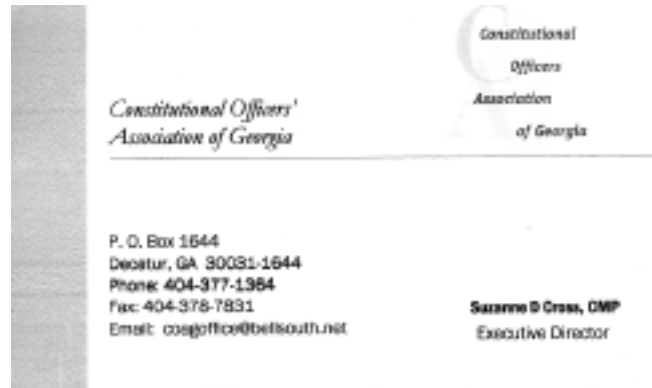
Most of her career has been spent working with non-profit associations.



She has worked with large and small state and national associations. She spent most of her youth in middle Georgia and has lived in Atlanta since she attended

Emory. She is the mother of two teenage boys and lives in the Druid Hills area of DeKalb County. When she isn't working with one of her associations or her

husbands plumbing business, she can be found at baseball, basketball and skateboarding events her sons participate in.



## Keeping the Courts Open cont.

think about how would initial hearings be held after a person is arrested, how would jurors be summoned or even empanelled? Will there be a surge in Probate Court cases to handle the possible overwhelming number of deaths? How will individuals appeal an order of quarantine? How will warrants be issued? The questions may seem endless.

Many businesses, professions and court systems across the country are beginning to develop plans to keep their businesses and courts operating. A Continuity of Operations Plan (COOP) establishes what mission essential functions are critical, identify cross-training needs of personnel, identify the line of succession of leadership in the organization or court, develop and conduct training related to implementation of the plan, and many other important items in preparation for the

worst case scenario. Recognizing the importance of keeping the courts open, Chief Justice Leah Ward Sears has asked the Administrative Office of the Courts to assist the Judicial Council to prepare guidelines and resources that will keep the courts open during a public health emergency. Three important items are to be addressed by this Pandemic Emergency Preparedness Committee: Develop Continuity of Operations Plan guidelines for the courts; Develop a Public Health Benchbook for the Judges; and Develop Training Curriculum for the courts and their families.

Are we prepared for such a public health disaster? An attorney just used a hand to cover their mouth when they coughed and a minute later shook your hand in greeting.

If you would like more information on developing a

Continuity of Operations Plan for your court or have other Pandemic Influenza questions, please contact the Administrative Office of the Courts at [brayb@gaaoc.us](mailto:brayb@gaaoc.us) or 404-651-6204.

*For more information, visit:*

[www.pandemicflu.gov](http://www.pandemicflu.gov);

[www.whitehouse.gov/homeland/pandemic-influenza-implementation.html](http://www.whitehouse.gov/homeland/pandemic-influenza-implementation.html);

[www.cdc.gov/flu/avian/outbreaks/current.htm](http://www.cdc.gov/flu/avian/outbreaks/current.htm);

<http://health.state.ga.us/pandemicflu/index.asp>

## News from the Ninth District

The Probate Judges of the Ninth District met on October 18 in Mount Vernon, Georgia. The meeting was held in the President's Meeting Room located on the campus of Brewton Parker College.

The Judges received a special welcome to the college campus by Ron Melton, Vice President of Academic Affairs for the college. After enjoying a delicious lunch, a short business meeting was held in which new officer's were elected.

The new officers are: Mary Jo Buxton, Director, Helen Harper, Vice Director and Ruble Nell Sanders, Secretary/Treasurer. Following the business meeting, Judge Mary Jo Buxton presented a power-point presentation on the issuance of firearms license.

After which an informal discussion was held on the new firearms license law. We were very fortunate to have Clarke County Probate Judge Susan Tate meet with us. She was extremely helpful in answering questions in regards to the new law. The district members would like to thank her for attending the meeting.



*Judges present for the meeting were (clockwise from back): Jeff Jones, Pulaski County; Mary Jo Buxton, Johnson County; Betty Anderson, Wilcox County; Dianne Walker, Telfair County; Helen Harper, Laurens County; Kenneth Powell, Bleckley County; Rubie Nell Sanders, Montgomery County, and special guest, Judge Susan Tate, Clarke County*

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## The Gavel

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