



Notebook

Vol 4, Issue 2

The Official Newsletter of Georgia's Magistrate Court Clerks

Executive Committee 2008/2009 Officers

President, Debbie Barron
Fayette County

Vice-President, Cynthia Kelley
Burke County

Secretary/Treasurer, Gayle Collins
Whitfield County

Immediate Past President,
Jo Anne Jones
Lowndes County

Executive District Members

DISTRICT 1:
Kay Reese, Tatnall County

DISTRICT 2:
Mathew Lovett, Worth County

DISTRICT 3:
Connie Johnson, Sumter County

DISTRICT 4:
Joy Wright, Rockdale County

DISTRICT 5:
Vacant – Fulton County

DISTRICT 6:
Leslie Dukes, Fayette County

DISTRICT 7:
Marcia West, Gordon County

DISTRICT 8:
Hope Christian, Morgan County

DISTRICT 9:
Elaine Ray, Cherokee County

DISTRICT 10:
Paulette Williamson, McDuffie Co.

Greetings from the President

Hi All:

Hope you are all doing well. We are snowed under here in Fayette Co., I guess its called "Job Security". We had a good turn-out in July at Brasstown Valley and look to having about the same attend in December at Callaway Gardens. As you know, this year is an election year and I have attached a sample absentee ballot to show all nominees received so far. You may request an official ballot from Stacy Askew, Chair of our Nominating Committee. She is in the Dooly County magistrate office. Her phone number is 229-268-4324 and e-mail address is doolymagclerk@yahoo.com. The election will be held December 3rd during our business meeting and further nominations may be received

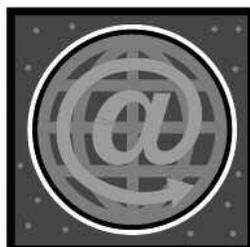
from the floor prior to the election per our by-laws. Absentee Ballots will be numbered, but if you submitted an absentee ballot and are attending the December meeting, your absentee ballot will not be counted as you will be voting at the meeting.

It has been my pleasure to serve as your President these past two years. If there is anything I can do to assist you in the future, please do not hesitate to contact me. My office number is 770-716-4236 and my e-mail address is dbarron@fayettedcountyga.gov. ☐

Sincerely,

Debbie Barron
President

Website news



We are pleased to announce the launching of Council of Magistrate Clerks and Secretaries website! Please take a moment to review and share with your co-workers:
<http://w2.georgiacourts.org/cmccs>

On the site there is a place for you and anyone else interested, to subscribe to the newsletter. Whenever a new edition is available it will arrive in your inbox.

**Council of Magistrate Court Clerks & Secretaries
Executive Committee Members 09-10**

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as yet

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Vacant - Fulton County

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From Your Advisor

Chief Judge Connie Holt, Morgan County

Gosh, time has really flown by since our training July 22nd thru 24th in Brasstown Valley. I can't believe fall is here already and winter will soon follow. Our Clerks and Secretaries Training at Callaway Gardens, is coming up really fast, and is on the 2nd, 3rd and 4th of December. Callaway will be all decorated for Christmas and should be just beautiful. The last time we had Clerks and Secretaries Training at Callaway, we were able to attend the light show, ride the trolley through the gardens to view the Christmas lights, attend the craft exhibits and enjoyed awesome food. It was cold, but fun.

For those of you that did not attend training in July at Brasstown Valley, we had a great time there. You really missed some great training and wonderful instructors. Dr. Lynda Hanscome always out does

herself. The training for us in December will be mostly on the same scale and will again be great. I will have LaShawn add to the newsletter the ICJE Curriculum and schedule, however, the times may change, but the instructors and curriculum will be the same. The subject matter was just on point for all of us. Many of you spoke up, asked questions and really participated in class this time, which made the training that much more rewarding. I do believe that this was one of the best trainings we have had yet. The food and fellowship was just wonderful, and the mountains are always beautiful. The North Georgia Mountain Fair was going on in Hiawassee and I think a lot of us attended. There was much to see, eat and fun for all. I know everyone enjoyed themselves. I know I did,

as well as my granddaughter.

Remember this is an election year for the Clerks and Secretaries Council and the elections will be held at the December Business meeting. If you have anyone you would like to nominate for any office, please be sure to call Stacey Askew from Dooly County, as she is the Nomination Committee Chair. Her contact information is: 229-268-4324.

Our listserv had been up and running for a while and is really catching on with everyone. Now our Clerks and Secretaries Web site is also up and running and it is amazing. I hope all of you will view it and use it, as it is truly great. LaShawn and Sharon, from the IT department, have really done a wonderful and outstanding job developing the site. Thank you LaShawn and Sharon, especially LaShawn, for all you do for us all the time.

Well, that is all the news now, but I cannot close without taking the time to thank Dr. Lynda Hanscome and Jean Hughes for all of the hard work they have done on our behalf. Jean did a great job in looking after all of us at Brasstown and we truly appreciate all she does. I especially want to thank Dr. Hanscome, as she really goes all out for us. She truly knows our Judges could not do their jobs without all of you.

I look forward to seeing all of you at Callaway Gardens in December, take care.

Connie Holt ☐

Magistrate Clerks and Secretaries Seminar December 2 -4, 2009 – Callaway Gardens, Pine Mountain, GA.

Landlord/Tenant—Hot Topics	2 hours
Unauthorized Practice of Law & NEW Pro Se Rules for Clerks	2 hours
Deposit Account Fraud	2 hours
Dormant Judgements & 2nd Originals	1 hours
Client Services: Best Practices	2 hours
Fi Fa's (Judgement and Appeals)	2 hours

In the News...

• **Hello from Tattnall County Magistrate Court.** We have had a busy year with a new Judge taking office this past January 2009 Judge James (Eddie) Anderson and in July we added William (Bill) Kicklighter to our staff as an Associate Judge. We also had a new clerk, Delores Williams to start in February and she attended seminar at Brasstown Valley in July. Ms. Delores came back very excited about what she was taught and things she learned from the New Clerk Classes. We look forward to the Clerk seminar in December at Callaway Gardens. I will close for now. Kay Reese, Reidsville, Georgia

• **Gordon County Magistrate Court** has hired a new Part-time Deputy Clerk, Cathy Hollaran. Ms. Hollaran is filling a part time position that is being vacated by Jean Parrott, who is retiring after 26 years of service, 20 of which was served in the Magistrate Court. Also, Sr. Deputy Clerk Marcia West success-

fully completed her 80 hours of Civil and Criminal Certification for new Magistrates Sept. 04, 2009.

• **Hello to all of our magistrate offices from Fayette County.** We have had a busy year. Everything is getting so much busier, dispossorys, crime... oh joy. We are a baby making factory in our magistrate office here. Helen has a new granddaughter, Anna's first grand daughter and first grandchild are due around Thanksgiving and Leslie is expecting her second grandbaby in April. Debbie's youngest son is in the Dominican Republic umpiring for the winter ball season. We all expect him to make the Majors very soon, he is a great umpire. Barry's son Kyle is back from Iraq safe and sound, he completed his service. He reminds us everyday to pray for the troops still there. Joh finally has all three of her girls in college. Man that is scary, what a bill that must be! Well I guess that's it. We may have more news but I can't remem-

ber right now. Have a bless rest of the year.

• **Hello from Whitfield County Magistrate Court.** Deputy Clerk, Cesar Carmona, is no longer with us. Our new Deputy Clerk is Yuriana "Judy" Castaneda. Also, my Chief Deputy Clerk, Ethel Addis, recently found out she is going to be a grandmother. This will be her first grandchild!

We also have a new judge. His name is Chris Griffin but everyone just calls him "Punkin". I hope he gets to come to one of our clerk's training sessions. He is trying so hard to be a good magistrate. He already understands how important my staff is to him and wants to help us as much as possible. Hooray!!!!

• **Dawson County** has two new additions to their staff: Deputy Clerk - Shaina Gonzalez and Part-time Garnishment Clerk, Mary Russo.

Budget Report: July 23, 2009 - October 21, 2009

BALANCE ANNOUNCED BY SECRETARY/TREASURER, BARBARA LOWERY: \$7747.27

GAYLE GAZAWAY, WHITFIELD COUNTY, STEPPED IN TO TAKE DUTIES AS SECRETARY/TREASURER AS OF JULY 23, 2009.

CASHIER'S CHECK #5002724123 AND OPENED ACCOUNT: \$7747.27

OCTOBER 21, 2009 CK# 1001 (S.S.S. PRINTING-NEWSLETTER): (-) 80.00

BALANCE AS OF OCTOBER 21, 2009: \$7667.27

Council of Magistrate Court Clerks and Secretaries Budget Period November 8, 2007 - July 23, 2009

Beginning Balance	\$8,241.68
November 2, 2007 Regions Bank Check Printing	(-) 29.82
November 13, 2008 Ck #001 (Reimbursement to G. Gazaway Shipping Charge)	(-) 35.89
February 11, 2008 Ck # 1000 USPS Postage	(-) 65.60
Balance as of period ending February 20, 2008	\$8,110.37
Deposit for February 20, 2008	20.00
" " February 21, 2008	180.00
" " February 26, 2008	280.00
" " February 28, 2008	250.00
" " March 3, 2008	230.00
" " March 4, 2008	330.00
" " March 11, 2008	520.00
Returned Check Paulding County # 128620	(-) 50.00
Returned Check Fee	(-) 7.00
Deposit for March 21, 2008	110.00
March 12, 2008 Bank credit for returned check	7.00
Deposit for March 18, 2008 (includes \$50.00 from Paulding Co. #128959)	510.00
" " March 24, 2008	70.00
" " April 03, 2008	80.00
" " April 22, 2008	70.00
Ending Balance as of April 24, 2008	\$10,710.37
No deposits in May	\$10,710.37
Deposit for June 5, 2008	30.00
" " June 9, 2008	10.00
Ending Balance June 30th	\$10,750.37
Deposit for July 21, 2008 (Pierce County)	200.00
July 21, 2008 Ck # 1001 S.S.S. Printing Services (Invoice 80241 Postage for CTS Newsletter)	(-) 126.76
Balance as of July 24, 2008	\$10,823.61
August 21, 2008 Ck #1002 Pierce County (reimbursement pymt sent to wrong vendor)	(-) 200.00
Deposit for August 29, 2008 (Dues Fayette Co.)	50.00
Balance as of August 30, 2008	\$10,673.61
October 29, 2008 Ck #1003 S.S.S. Printing Services (Invoice # 80228 Newsletter)	140.00
Balance as of October 29, 2008	\$10,533.61
December 16, 2008 Ck # 1004 S.S.S Printing Services (Invoice # 80376 & # 80380 Newsletter & Printing and Mailing)	(-) 266.76
Balance as of December 30, 2008	\$10,266.85
Beginning Balance January 1, 2009	\$10,266.85
January 16, 2009 Ck# 1005 ICJE Lunch Marriott Savannah	(-) 4,262.38
Balance as of February 28, 2009	\$ 6004.47
March 30, 2009 Ck # 1006 USPS (Stamps)	(-) 67.20
Balance as of March 31, 2009	\$ 5,937.27
April 13, 2009 Deposit Dues	510.00
April 23, 2009 Deposit Dues	750.00
Balance as of April 30, 2009	\$ 7,197.27
May 19, 2009 Deposit Dues	240.00
Adjustment - Check entered on dep twice	(-) 10.00
Balance as of May 31, 2009	\$ 7,427.27
June 25, 2009 Deposit Dues	120.00
Balance as of June 30, 2009	\$ 7,547.27
July 21, 2009 Deposit Dues	50.00
July 23, 2009 Deposit Dues	150.00
Ending Balance as of July 23, 2009	\$ 7,747.27

**ICJE Curriculum
Magistrate Court Clerks and Secretaries' Seminar**

[REDACTED]			
12 - 1	CLE (if any)	REGISTRATION	Outside of Classroom
1-3	1.5 CLE	Landlord Tenant–Hot Topics	Judge Louis Levenson
3-5	1.5 CLE	Unauthorized Practice of Law & NEW Pro Se Rules for Clerks	Judge Pete Pfeiffer
[REDACTED]			
7-8		<i>Light Nutritional Items</i>	
8-10	1.5 CLE	Deposit Account Fraud (Bad Cheques)	Judge Beryll Anderson
10-11	.5 CLE	Dormant Judgements & Issues with 2 nd Originals	Judge Barrett Whittemore
11-12		Council of Magistrate Court Clerks Meeting	Council Executive
12-1 p.m. Group Lunch –Pre-set menu			
TRACK A (General Curriculum)			
1-3	1.5 CLE 1 Prof.	Client Services: Best Practices	Ms. Debbie Barron & Ms. Gayle Gazaway
3-5	1.5 CLE	Fi Fa's (Judgements and Appeals)	Judge Pat Barron
TRACK B (New Clerks)			
1-5		Workshop for New Clerks	Judge Joy Wright
[REDACTED]			
7-8		<i>Light Nutritional Items</i>	
8-10	1.5 CLE	Domestic Violence Updates and Review of Issues	Judge Jim Thurman
10-12		Panel Of Experts (Q & A)	Ms. Debbie Barron & Gayle Gazaway; Judges Connie Holt, Jim Thurman

Instructor-at-Large: Anita Hendrix, an experienced Clerk of Court for Douglas County Magistrate Court, will be available throughout the program to assist clerks on an individual and confidential basis about court-related issues or concerns.

Program Coordinator: Dr. Lynda Hanscome: 706-542-7401 or lynda@icje.law.uga.edu
 Event Planner: Ms. Jean Hughes: 706-542-7940 or jean@icje.law.uga.edu

MANDATORY CONTINUING LAWYER EDUCATION CREDIT:
 This program offers 9.5 MCLE hours, including 1 Professionalism Hour. If you wish to purchase MCLE credits, follow instructions on the enclosed form which is provided for your convenience.

ANNOUNCEMENT

TO: Georgia Magistrate Court Clerks and Secretaries
FROM: Lynda Hanscome, Ed.D., ICJE
DATE: April 2009
SUBJECT: 2009 CLERKS & SECRETARIES TRAININGS

ICJE is offering TWO – 15 - hour Clerks & Secretaries Seminars this year.

Class 1: C&S Seminar – July 22 – 24, 2009, at Brasstown Valley Resort, Young Harris, GA.
Group Rate at: Brasstown Valley - \$139.00/Plus Tax & Daily Resort Fee of \$5.00
Class Includes – New Clerk’s Training (Track B) & General Curriculum

Class 2: C&S Seminar – Dec. 2 – 4, 2009 at Callaway Gardens, Pine Mountain, GA.
Group Rate at: Callaway Gardens - \$124.00/plus tax
Class Includes - General Curriculum Only

Complete attached registration form if you wish to enroll.

There is no fee for Clerks & Secretaries. However, you must complete and submit the registration form to be eligible. You may fax registration to 706-542-4211.

Registration information: Once registered, you will be sent a confirmation letter. You may then proceed to make your accommodation arrangements, if required. On the registration form, for **Class 1** (July 22-24) be sure to indicate which Track you wish to be enrolled in: Track A (General Curriculum) or Track B (Introduction to the Magistrate Court for New Clerks & Secretaries). If you do not indicate your preference, you will be placed in Track A.

Important: No Travel/Mileage/Lodging/Food Expenses Will Be Reimbursed By ICJE

A group lunch will be provided on site July 23, 2009.

A group lunch will be provided on site December 3, 2009.

Questions? Call: Lynda Hanscome, 706-542-7401; email: lynda@icje.law.uga.edu or Jean Hughes, 706-542-7940; email: jean@icje.law.uga.edu

2009 MAGISTRATE COURT CLERKS & SECRETARIES REGISTRATION FORM

Return this form to ICJE, as soon as possible. Mailing address: ICJE, 123 Dean Rusk Hall, University of Georgia, Athens, GA 30602 **OR** Fax to: 706-542-4211. There is no registration fee but you must return the registration form to be eligible for enrollment. Questions? Call Lynda Hanscome at 706-542-7401 or E-Mail: lynda@icje.law.uga.edu OR Jean Hughes at 706-542-7940 or E-Mail: jean@icje.law.uga.edu

No Travel/Mileage/Lodging/Food Expenses Will be Reimbursed By ICJE – Except for One Group Lunch on July 23, 2009 and December 3, 2009.

NAME: _____ TEL: _____

COUNTY: _____ SS# (last 4 digits only) _____

ADDRESS: _____

E-MAIL: _____

Class 1: July 22 - 24, 2009 - Brasstown Valley - Young Harris, GA.
(Attendees must choose either Track A or Track B on Day 2)

Day 2-Track-A – General Curriculum
OR
 Day 2-(4 Hour)- Track-B – New C & S

Class 2: December 2 -4, 2009 – Callaway Gardens, Pine Mountain, GA.
General Curriculum Only

Please check here if we need to contact you regarding a physical or dietary need.

Important Input Requested From You!

1. List questions for Panel (The only dumb question is the one not asked).

2. Please suggest topics/questions that should be addressed for New Clerks & Secretaries.

3. To respond to your request for more Clerks-Training-Clerks, please indicate if you are willing to facilitate or assist in a unit of instruction in your seminar.

Yes! I will contribute and Lynda Hanscome may contact me at tel: _____

The Listserv...is ready to serve you!

We are setting up a listserv per the request of your Council and Advisor. The Listserv's purpose is to automatically send information out as well as provide interaction between all Magistrate Clerk/Secretary subscribers. For those of you who are not aware here are a few reasons to

join listserv:

- 1) It's an inexpensive (free) way to interact with fellow Magistrates Court Clerks and discuss issues concerning your class of court,
- 2) Great way to seek out advice on unusual cases or cases you may

have not experienced before and, 3) It's a quick way to send urgent notices that may otherwise require sending postcards, making long distance calls (faxes) and playing phone tag (remember the cost buildup).

The Council encourages you to subscribe to this list. It is convenient, informative, and not to mention, it can be used as a great reference in referring to past events. Subscribing takes one call or e-mail. Once you have subscribed, you will receive a welcome message, providing instructions on using the service

To subscribe to the Magistrate Listserv, please contact LaShawn Murphy, AOC, at (404) 651-6325 or via email at murphyLa@gaooc.us

Welcome aboard to all new subscribers!

Concerns with Second Originals and Dormant Judgments Presentation – "Correction"

It is important to correct information provided at the magistrate clerk and secretary training July 23, 2009 in my presentation "Concerns with Second Originals and Dormant Judgments".

I have for years shared the belief that a writ of scire facias could be utilized in limited jurisdiction courts to revive dormant judgments. That is apparently not so. A 1959 court of appeals case states unambiguously that scire facias to revive a dormant judgment must be brought in superior court. *Oxford v. Generator Exch.*, 99 Ga. App. 290, 108 S.E. 2d 174 (1959).

As stated in the presentation, revival can be accomplished by an action and this may well be a much better option for magistrate court. It avoids unfamiliar forms and procedures, and most litigants and court staff will find it much simpler. You should bear in mind that, unlike scire facias, an action must be filed in the county in which the Defendant resides at the time of filing the action for revival.

Please disregard the information and forms provided regarding scire facias.

I deeply regret this error and any inconvenience or concerns which may have resulted.

If you have any questions or comments, please feel free to contact me at:

Email

barrett@whittemore.com

Telephone:

706-259-7411

706-509-8382

706-217-7156

Sincerely,



Barrett W. Whittemore

Chief Justice Hunstein Leads High Court

On July 1, 2009, Justice Carol W. Hunstein was sworn-in as the 28th Chief Justice of the Supreme Court of Georgia. An assembly of the Justices of the Supreme Court of Georgia, Judges of the Court of Appeals, trial court judges, legislators, family and friends gathered in the Supreme Court Courtroom to witness the event. Justice Hunstein was introduced by Atlanta attorney Ms. Linda Klein. The oath was administered by former Georgia Governor Zell Miller.

“I will continue to work hard to ensure that we maintain fair and

impartial courts, dispense equal justice to everyone, and treat all those who enter our courts with dignity



Chief Justice Carol W. Hunstein is sworn-in by former Gov. Zell Miller.

and respect,” the new Chief Justice said.

In 1984, Chief Justice Hunstein

was elected as a superior court judge in the Stone Mountain Judicial Circuit where she served until 1993 when Governor Miller elevated her to the Supreme Court of Georgia.

The new Chief Justice was the first woman to serve as President of the Council of Superior Court Judges; she also chaired the Georgia Commission on Gender Bias in the Court System. As Chief Justice, she chairs the Judicial Council of Georgia and will continue to chair the Georgia Committee on Access and Fairness in the Courts.



The Reporter's Notebook

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