



MUNICIPAL COURT

# Judges Bulletin

Summer 2001 • The Georgia Council of Municipal Court Judges Newsletter • Vol. 3, No. 4

## Council of Municipal Court Judges Officers 2000 - 2001

### President

Judge Robert Whatley, LaGrange

### President Elect

Judge Henry Williams, Albany

### First Vice President

Judge Vivian Haight Ernstes, Decatur

### Secretary

Judge William M. Coolidge III, Duluth

### Treasurer

Judge A. Frost Ward, Morrow

## District Representatives

### District One

Judge Hermann W. Coolidge, Savannah  
Position Vacant

### District Two

Judge John Kinsley Edwards, Jr., Valdosta  
Judge William M. Shingler Sr., Donaldsonville

### District Three

Judge Pamela R. Greenway, Warner Robins  
Position Vacant

### District Four

Judge C. David Strickland, Covington, Porterdale  
Judge James C. Watkins, Doraville

### District Five

Judge Calvin S. Graves, Atlanta  
Judge Roy C. Roberts, Alpharetta

### District Six

Judge James R. Crawford, Cedartown  
Judge Robert W. Shuman, Sr., Greenville

### District Seven

Judge John Bogdany, Fort Oglethorpe  
Judge Rick Crawford, Rockmart

### District Eight

Judge Tommy Bobbitt, III, Dublin  
Judge Charles Merritt, Jr., Madison

### District Nine

Judge Charles Barrett, III, Duluth  
Judge Bertram Derr Waln, Norcross

### District Ten

Judge John G. Cicala, Jr., Auburn  
Judge Ethlyn Simpson, Athens-Clarke County

## President's Corner



By now each municipal court judge in the state should have received a copy of the directory. Thanks to Marla Moore and her staff for an excellent publication. The directory should be more than just another book to go on the shelf. There is a tremendous amount of knowledge and experience from the judges included in the directory and it's all available to you. Please do not hesitate to call one of your fellow judges should you have questions or, God forbid, problems that arise in your court.

We had an excellent turnout for the executive committee meeting on April 20th in Smarr. Special thanks to David Mecklin for putting together a plan for contacting members of the Judicial Council regarding our council being recognized as a legitimate court and being granted membership on the council. If you have not already been contacted by a judge in your district concerning how you can help, please

contact some of the other judges in the surrounding cities and let's really put forth an effort on this project.

I hope each of you who possibly can will plan to be at the annual meeting and traffic seminar in Savannah in July. The training council has worked hard to put together a good seminar and I can promise you we are going to speed up the business meeting. The annual meeting is a great time to get together with other judges, exchange ideas and really see that you are not in this all by yourself.

Since this will be my last letter as president of the council, let me express my appreciation to each of you for allowing me the honor of serving this past year. My major goal of obtaining membership on the Judicial Council has not been realized but we're still working on that. I want to stay involved in the council and urge any of you who are not actively involved to take a more active role in the coming year.

## Council Meeting

The annual business meeting of the Council will be held in Savannah on Tuesday, July 10 at 10 a.m. in conjunction with the traffic seminar. Elections of officers and the executive committee will be held at that time. For information about the elections, please contact Judge David Pierce at 912-987-4695.

# How Do You De-stress?

## Notes and Comments From the Bar and Judiciary as to How to Take of Yourself and Stay Mentally and Physically Fit for the Practice of Law and for Life

By: Margaret Gettle Washburn,  
Editor

*The Fulton County Daily Report recently published an article about an attorney in Augusta that flies the “international flag of lawyers” outside his office. A white skull and crossbones on a black field, the pirate’s flag. The flag reflects into the water below the attorney’s office. Attorney Jack Boone bought a 47-foot yacht called the Dolphin, and docked it on the Savannah River. Mr. Boone has long hair, streaked with gray, in a pony tail. He told the Fulton Daily reporter that his new office is a floating stress-reducer. He now likes to go to work.*

*That made me think, what can we do to improve our general outlook and make us healthier, wiser, wealthier, better lawyers, better judges, better parents, better spouses and better friends? So, I sent out emails to as many members of the GCBA, lawyers around the state and a variety of judges for whom I could locate email addresses asking for their responses. Writing an article of this magnitude increased my own stress level, but it was a fun project. The responses were great and are printed here, in the order received, for your edification, information, benefit, direction, enlightenment, guidance and enjoyment. I did reserve Darel Mitchell’s response for last, however, as he told the truth, the whole truth and nothing but the truth.*



• **Steve Leibel, Judge, City of Duluth; Attorney, Atlanta:** My day begins very early. I start with breakfast time with my children before I head to the gym. I find that seeing them (and the dog) helps maintain our family closeness. My exercise routine helps relieve tensions, keeps me focused and boosts my spirits! When I get to the office, I try to maintain a balanced and positive attitude throughout the day. As a judge and lawyer I try to involve myself in community activities to give public service. Only by feeling part of a community can a lawyer relate to the people they are pledged to serve. Steve.



• **Margaret Washburn, Judge, Cities of Duluth, Sugar Hill and Buford; Attorney, Lawrenceville:** “There is more to life than increasing its speed.” --Gandhi . Life in the law office can spin out of control. I stay involved with my children’s many activities, including baseball, tennis, basketball and football, homework and projects, and try to remember what is actually important. Do more treadmill and less office. I enjoy attending the municipal court judges seminar in July and visiting with my friends. I will take fewer domestic cases this year and spend more time with my family. I also enjoy my law-related projects, such as the newsletter, State Bar activities and the high

school mock trial competitions. Really, I buy shoes and play tennis and drive my BMW.



• **Frost Ward, Judge, City of Morrow: My thoughts are:**  
1. Leave the court business IN the court room at the end of the day.  
2. Take short trips with family and friends and rest the mind and body.  
3. Try to have some “quite time” before the court session.  
4. Get regular medical check ups (have all spots and moles checked as soon as you notice them).  
5. Don’t TALK court and law all the time in your social circles, go with the conversations of the group.  
6. Keep your mind alert and establish some type of exercise program . . . even if it is just a long walk.  
7. When you are speaking with friends, clients and court attendees do not try to “impress” them with your “legalese.” Be remembered as someone who can speak to individuals or the masses and be completely understood. Yours, Frost Ward.

• **Sheryl Fambrough, Attorney, Lawrenceville and Monroe:** What do I do to relieve stress? Aerobics, line dancing, prepare gourmet dinners, avoid dating (especially other lawyers), refuse to answer the phone at night, try to figure out when I might take a vacation within the next two years, try to keep a sense of humor, and by asking Margaret, (re: practice of law): “Why do we do this?”

continued on page 3

## How Do You De-Stress? continued

• **Steven J. Best, Esq., Premier Consultant for Amicus, Attorney:** Honestly, Margaret, what I did mentally, is I stopped practicing law. Physically, I've always belonged to a gym and try to make it a point to get there at least 2 times, if not 3 times per week (when I can). I also used to run a lot when I practiced law. It helped clear my head and I could think about things during the run. The running time helped me a lot to keep things in perspective. (Premier Dealer for PCLaw and PCLaw PRO, Certified Reseller for HotDocs, BEST LAW FIRM SOLUTIONS, LLC, 1010 Huntcliff, Suite 1350, Atlanta, GA 30350, Tel: 770-518-9559).

• **Claudia Cook, Gwinnett County Law Library:** Stop drinking coffee. Drink 20 cups of decaf a day to compensate. Join gym, never go. Cut back on sweets and fats, except for valentine candy from David Lipscomb. (Thank you, David!) Eight hours of sleep are an absolute requirement. Just try and get it! Gallons and gallons of water. You will stop going to the bathroom every 10 minutes in about a year or so. The above are all goals of mine that I've yet to fully meet. They are all great ideas for being at your best. I find that the most common sense health tips (like the things your mamma told you) work best. Fad diets don't seem to work. Only a combination of diet and exercise work for the long term for weight. For mental health, be sure to see plenty of funny movies (especially with George Clooney in them!)

• **Tyrone Hodnett, Attorney, Lawrenceville and Duluth:** To young and old lawyers alike: consider medical school and if you can't get in, become a physical therapist. Get a Masters in accounting (which does not necessarily contribute to income or health). Do not schedule clients after 1:00 p.m. on Wednesday or Friday and play golf. Keep plenty of stress toys in the office such as squeeze balls, tennis balls, golf balls, television set.

***"I take my 6 year old son for a short walk late in the evening sometimes. He walks with me or I pull him in a wagon. I am spending time with him, which is a treat."***

***– Leslie Seta, Insurance Defense Attorney at Lowendick, Speed, Cuzdey, Ehrmann & Seta, Atlanta***

Equip computer with most recent peripherals, such as DVD player, stereo component, DSL, Napster's, etc. Take naps. Drink water, eat fruit and vegetables, meat is ok in reasonable quantities. And, no matter how much money offered, refuse to take cases that are outside your realm of expertise.

• **Sherriann Hicks, Treasurer GCBA and Attorney:** I should exercise more often. I take care of my husband and child. I recommend kickboxing: just pop that bag to relieve stress. I coached Mock Trial for GACS and that reminded

me what good kids we have in Gwinnett County and that was very encouraging and refreshing. I do enjoy playing tennis to relieve stress. Walking and spending time with Jeff and Sydney is the best stress reducer.

• **Judy King, Attorney, Duluth:** You have to exercise. I relieve a lot of stress by exercising and that is also healthy for me. Get away from the office on the weekend. Just stay away at least a day or a full weekend if you can. Take a break. You will be more productive when you return after you have taken time off to get everything out of your brain. Read Books! Join a book club and read the books recommended by the club that are non-law related. Occasionally, we will have a book with a legal theme, but it isn't the code. And learn to just say no to some projects and take on the ones that mean something to you. After serving as President of the GCBA, I took time off from law-related projects. Now I am involved in State Bar committees that help lawyers.

• **Judge Mike Greene, Gwinnett County Records Court:** I go to the YMCA every morning. Getting there about 6:45 to 7:00 and either running or working out with weights. Occasionally I will use the sauna, steam room, whirlpool, and swimming pool. I play racquetball and basketball. Amended response: Of course the best part of going to the "Y" is you get to walk around the locker room with a bunch of naked, middle aged fat men.

continued on page 4

## How Do You De-Stress? continued

### • Judge Jim Clarke, Gwinnett

**County Probate Court:** When I received the request from Margaret that I write a short paragraph on how I reduce stress that I encounter during each day, I instantly knew what to write. I leave for work around 7:00 a.m. each morning and after dropping my youngest daughter off at school, I head for the comforts of my office. No one in their right mind would be in the office that early so I can peacefully read the business section of my newspaper and scan my calendar to review the hearings set for that day. Around 8:00 a.m. my staff begins to straggle into the office and, of course, the first one in always prepares a cup of coffee for me.

As I enjoy the many challenges that occur during the day, family members calling each other names, fights over money and who will be appointed representative over their mother's estate, I nervously glance at the clock and my hands begin to sweat as time gets closer to 5:00 p.m. At five o'clock, I prepare to go home to work on the house, wash clothes, iron and/or work on the car. I can't wait until 7:00 a.m. arrives again. Jim Clarke.

### • Leslie Seta, Insurance Defense Attorney at Lowendick, Speed, Cuzdey, Ehrmann & Seta, Atlanta:

I have three kids, am a partner in a 15 attorney firm doing insurance defense litigation, and coach the South Gwinnett High School Mock Trial team. As far as taking care of myself, unfortunately, that's usually the last thing on my list, and consequently I rarely attend to me. I do, however, have a few routines that

help me survive.

1. Our office is on the 7th floor. I take the stairs at least once or twice per day, instead of taking the elevator.
2. I drink lots of water. I keep cases of bottled water, in my garage and in my office. When I get into the car, I grab a bottle of water and take it with me. This also helps me to keep from stuffing myself with junk as soon as I get home in the evening.

***"As a Judge and lawyer I try to involve myself in community activities to give public service. Only by feeling part of a community can a lawyer relate to the people they are pledged to serve."***  
— Steve Leibel, Judge, Duluth; Attorney, Atlanta

3. I take my 6 year old son for a short walk late in the evening sometimes. He walks with me or I pull him in a wagon. I am spending time with him, which is a treat.
4. This is pitiful, but during the day I never find time to proofread my correspondence, so I keep a red pen on my night stand and I take my correspondence home and read it before I go to sleep. My daughter, age 11, and my son, age 6, bring their homework, coloring book and reading material and spend time with me at bedtime. We're each doing our own thing, but at least we're together. Sometimes my son will ask me to read and explain my

correspondence to him. After about the first paragraph, his eyes start to droop and he's out like a light! I can't blame him!

### • Dawson Jackson, Chief Judge, Superior Court of Gwinnett

**County:** Be able to look forward to a fun event, such as a ski trip, going to the beach, spending time with your family, or other event that is definitely set in the future, and on your calendar. The event can be far-away or local — but get away from the office. When you return to the office, the work load may not be easier but you return refreshed and ready to take on the work. If your schedule does not let you get out of town, then join a local competitive sports team, such as tennis or other invigorating sport. A sport that is fast-paced is also cardiovascular, and beneficial for your health. An intense sport will take your mind away from work and the office. Concentrate on the beauty of the day and your vacation, or think about the sport that you are playing and not about the office. Remember, as you get older, your metabolism and physical well-being changes. So get a dog or small child and go out and walk.

• Katie Hung, Attorney, Atlanta; former law clerk in the State Court of Gwinnett County: I got a dog and I walk the dog two times a day. Walking the dog reduces my stress.

• Steve Jones, Judge, Superior Court of Athens-Clarke County: I go home and take care of the goats. I ride on my tractor and chase the dogs instead of walking the dogs.

continued on page 5

## How Do You De-Stress? continued

• **George Mundy, President of the State Bar of Georgia, Cedartown:** Margaret, my only comments would be similar to what I said in the President's page article appearing in the December Bar Journal. In order to stay effective, my recommendation includes lawyers organizing their day to obtain sufficient exercise, rest and especially sleep. Also, there should be a commitment to insure quality time with family and regular breaks from the office to simply accomplish personal enjoyment. Of course, a shot of Jack Daniel's in the evening can't hurt. I hope this helps. Best regards, George.

• **Doug Sexton, Trial Lawyer, Lawrenceville:** My routine consists of lots of exercise, including racquet ball, weight lifting, swimming and working outside in the yard. To maintain mental health, I suggest not worrying about anything you can't control, which means most things. If this does not work, I then recommend old whiskey, young women, and faster cars. Doug.

• **Melanie Williams, President, G.C.B.A; Attorney, Lawrenceville:** I make a point of treating myself to Spa Sydell about once a month and then I go shopping for an hour afterwards while my husband is taking care of the boys. I also make a point of spending at least a short period of time outside several times a week playing with my sons. The fresh air — warm or cold — always seems to improve my mood. Thanks, Melanie.

• **David Lipscomb, Member, Board of Governors; Attorney, Duluth:** Tami and I like to travel with (and without) the children and spend time on the Boat at Lanier (when there is water in the Lake). I work on and drive the GTO, read, spend time at the farm and usually but not always, find committee work with the State Bar to be relaxing. I enjoy practicing law and associating with lawyers. Some of the finest people I have ever met are members of the legal profession and I never tire of associating with them. David.

*I used up all of my  
allotted lifetime exercise  
time as a child . . .  
As a result, I have no time  
as an adult to exercise.  
— LeRoy Burke, Judge,  
City of Savannah*

• **Tim Hamil, Judge, State Court of Gwinnett County:** Margaret: Thanks for your interest in my well-being. However, I am a poor one to ask. I eat irregularly and the only exercise I get is running up and down the stairs after my kids. I may be the poster child on how not to take care of oneself. Sorry I'm no help. Tim.

• **Jennifer Clark, Law Clerk, Judge Robert Mock, State Court of Gwinnett County:** I get home in the evening and love on my two year old baby. I consume Cherry Garcia ice cream by Ben & Jerry.

My exercise is pulling a wagon, playing hide and seek, and riding horsie for sit-ups. My husband gets to play golf. Judge Mock gets to travel. I get to prepare orders after he has ruled from the boat, via ship-to-shore radio.

• **Jim Hinkle, Attorney, Lawrenceville:** To stay mentally healthy, I come in on Monday morning and read new sailing and boating magazines; open the new navigation software on the computer. Plot course to an exotic location. Go to the sailboat in Hilton Head on Fridays and practice admiralty law on the coast of South Carolina; take income tax deduction.

• **Joseph Iannazzone, Magistrate, Gwinnett County:** Thank you for expressing the opinion that I am a GREAT lawyer, judge, friend, parent, spouse. Please pass that information along to the affected people in my life so that they will realize how lucky they are to be associated with me. The law school stress reduction system — Wednesday nights at P.J. Haley's — is no longer appropriate. I have tried to find more constructive and healthier methods. I try to keep my sanity by getting outside. It doesn't much matter what I do: running, walking, fishing, backpacking, golfing. Nor does the weather matter. The important thing is to get outside. I am also working on doing only one thing at a time. I realized from watching my children, that I can no longer keep up as a "multi-tasker" and am learning the art of "mono-tasking." I find that in the long run I get just as much done

continued on page 6

## How Do You De-Stress? continued

with a lot less stress with the added benefit of actually paying attention to the people around me.



• **LeRoy Burke, Judge, Chatham County Recorder's Court:**

We should maintain fitness on the bench. By fitness I mean physical, social, psychological, spiritual, and political. This comes straight from my admittedly myopic view of the world as a full time judge prohibited from the practice of law by my office. Physical fitness, in my opinion, is relative to the dual proposition of exercise and diet. I used up all of my allotted lifetime exercise time as a child. I played baseball, football, basketball, ripped and ran, and participated in the marching band as my main sources of activity. As a result, I have no time as an adult to exercise. I find that, sometimes, I sit so perfectly still, the only muscle functioning in my entire body is my heart. This is especially true when I hold my breath in anticipation of learning what ingenious argument I will hear from counsel who has no facts AND no law.

Which brings me to diet. There is a lifetime limit on eating also. If you stop eating, your lifetime ends. Therefore, if you are what you eat, I am deep fried. I must be immortal because I will not stop eating. I think that is what my cardiologist said. Grains? Fruits? Vegetables? Which end of the food chain do I occupy, anyway? Is it possible to eat two pounds of food and gain three pounds? My scales seem to think so. So does my cleaner who returns my clothes trimmed in size in anticipation of my dramatic weight loss. Yours in good health, LeRoy.

• **Ken Sissell, Magistrate, Gwinnett County; Attorney:** Dear Margaret, I have found that lifting weights on a regular schedule, and making certain that I keep the schedule assures three things: (1) Most moving parts still operate; (2) I don't have to buy new suits, particularly pants as often; and (3) the venom which builds up during the day is released and I do not abuse either of my sons when I get home. Ken.

• **Christine Gay, Attorney, Lawrenceville:** Balance is impor-

tant. Balance the office work with working out at the gym. I try to keep up with spiritual part of my life and with my friends. I try to go somewhere away from the office once a month. That gives me something to look forward to and no phones and just relax. (Then return to the office and get stressed out again). Young good-looking men also help. Remember that your children and clients do stupid things and you have to help them work out their problems. Think of them as untrained puppies and have a sense of humor.

• **Stan Jones, Judge, Gwinnett County Recorders Court:** My main method of stress reduction is through a great amount of exercise. I bike 3 times per week, swim 3 times per week, run 4 times per week and lift weights. My exercise goals for each year include 1 marathon, 3 triathalons and a number of 5k and 10k road races. I am currently training for a half iron man competition to be held in North Carolina which consists of a 1.2 mile swim, a 55 mile bike race and a 13.1 mile run. I find that vigorous exercise is an excellent way to relieve stress and to keep the mind clear for deciding cases in my court.



• **Warren Davis, Chief Magistrate, Gwinnett County:** Margaret, I have found that many persons are simply too stressed out to

find any time to respond to an article on stress. WD.

continued on page 7

## Ideas? Comments? Responses?

We hope to make this a continuing column, so please send in any and all contributions for the newsletter to:

Margaret Washburn, editor  
mwashbur@bellsouth.net  
770-963-1105 / 770-963-2828 (Fax)  
303 Scenic Highway  
Lawrenceville, GA 30045

## How Do You De-Stress? continued

• **Jim Watkins, Judge, City of Doraville; Attorney, Doraville:** I walk 36 holes of golf per week; run 3-5 miles every other day; lift weights on the day that I don't run. Eat high protein foods and cut back on carbs. Go to the Masters, Costa Rica and the beach once per year. Go to the municipal court judges seminar once per year to socialize and learn a few things. One son is grown and in college and on the Dean's list. I lift weights with the youngest son and play golf with the oldest son. It is important to make time for yourself and to not let the business run you. You have to run the business. Jim.



• **Bill Coolidge, Judge, Cities of Suwanee, Sugar Hill and Duluth; Attorney, Buford:** Unless I have a major trial going out the next day, I turn off the job when I get home. Get your mind off of the job during the evening so that you are refreshed and ready for work the next day.

• **Gerald Blaney, Solicitor, Gwinnett County:** Lots of "music, sex and rock 'n' roll." Seriously, get out of the work zone and focus on different things at different times. Sometimes you have to focus on yourself. The universe is not a flat line and neither is life; it's like files in the computer: you see the index and you can go in and open a file. Sometimes another file will pop up and you have to close that file without hitting the delete button. Take

care of yourself, exercise, eat right and pay attention to your health. Remember to "stay ahead of the plane when flying the airplane." Gerald.



• **Charles Barrett, Chief Judge, City of Lilburn; Judge, City of Duluth; Attorney, Duluth:** Take at least one weekend day off for yourself and do not work. Do something for yourself.

• **Scott Walters, Attorney, Fulton County; South Fulton Bar Newsletter editor; Recipient of Tradition of Excellence, General Practice Section; Distinguished Service Award, State Bar of Georgia 1999:** To reduce stress, I teach Sunday School, assist in the Mock Trial program every year; gardening; edit my bar association's newsletter\*, and take care of my wife. I am the house maintenance man.

*\*(he reduces stress by editing a newsletter?—ed.)*

• **Jan Moja, Attorney, Lawrenceville:** I am currently working on an article for you, entitled: "Spa Review." I went to Florida, the Atlantis in the Bahamas, the Broadmoor in Colorado, and I am headed for Grove Park Inn in North Carolina. I think it is important that we have updated information about spas and health resorts. Therefore, I am doing follow up investigative work this summer at the spa at the Atlantis Resort,

Paradise Island and will get back to you.

• **Pam South, Judge, State Court of Gwinnett County:** With the frenetic pace of life, I find that making just a little time each day for myself seems to keep me refreshed. I use that time for reading just before I go to sleep each night. Helpful hint: stay away from tragic, horrifying, or nerve wracking books if you want this to be peaceful.

***I exercise by jumping to the demands of clients, running to court and walking around in circles wondering "What did I do with that file?"***

***— Darel Mitchell, Attorney, Lawrenceville***

• **Rosanna Szabo, Assistant Solicitor, Gwinnett County:** Thanks for the opportunity to share these ideas with other colleagues. I'm curious to hear what others do. Two children at home are a mixed blessing. On the one hand, this leaves little time for myself. But on the other hand, they are a simple reminder that the things that stress me at work are not as important as they sometimes feel. Still, I do try to sneak time for myself a few times a week. I occasionally go to the park at lunch to read. Or, while the kids are at practice, I work out at the Y or walk around the practice fields. When I'm wound really tight, I realize that being at work is counter-productive and I leave, even if just

continued on page 8

## How Do You De-Stress? continued

for a few minutes. But, when you're captive (as in court); I breathe deep, daydream a little, and remind myself, "it's not personal."

• **Stephen Boswell, Mediator; Former Superior Court Judge:** Here are some thoughts on stress: I believe stress is a major factor in our professional lives. We must learn to acknowledge it does affect us and

***I realized from watching my children, that I can no longer keep up as a "multi-tasker" and am learning the art of "mono-tasking." I find that in the long run I get just as much done with a lot less stress with the added benefit of actually paying attention to the people around me.***

***— Joseph Iannazzone, Magistrate, Gwinnett County***

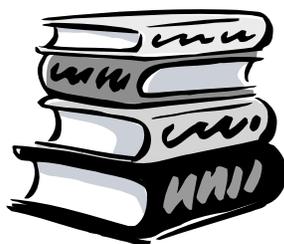
act accordingly. To lessen the pressure of stress, I walk. Walking is something we all can do most every day in our own neighborhoods. It is a matter of getting in the habit of walking. I have also become a fly fisherman. There is something about getting in a river that is both physically invigorating and mentally relaxing. Get involved in some hobby. Learn something new. Above all, do something to affect stress before it affects you. Steve Boswell.

• **Jeffrey Sliz, Attorney, Lawrenceville:** Ride Darel Mitchell's motorcycle; work around the farm whistling the tune from "Green Acres;" sit in the dunk tank at Law Enforcement Picnic saying "Na-na-na-na-boo-boo."

• **Joseph Randazzo, Attorney, Lawrenceville:** To reduce stress, I opened a sports bar and an Italian restaurant. I order Girl Scout cookies from Keith Davidson. I practice martial arts, particularly tai kwon do.

• **Keith Davidson, Attorney, Lawrenceville:** Delegate work, keep the case-load to a manageable level, long walks with the dogs and lots of quality time with wife and kids. My wife will sign an affidavit attesting to her regular strains of "oh, sweet mystery of life at last I found you."

• **B.J. Bernstein, Attorney, Atlanta:** I believe in vacations- at least a week. Too many lawyers say they can't leave their practice but I find a leave of absence far enough in advance gives everyone due notice including your clients and you come back truly refreshed. The longer the better — you know you are on vacation when you stop dreaming about work. I also am loving yoga to reduce stress between vacations. B.J. Bernstein.



• **Robert Waller, Attorney, Stone Mountain; Magistrate, Gwinnett County:** I run and work out. I read or listen to

books on tape. I am currently listening to Burr, by Gore Vidal, an excellent book. My children assist me when my memory fails. I play in a fantasy baseball league and go to baseball games, including the Braves, my son's games and the minor league games. I enjoy music, including old rock 'n' roll, old country music, classical and folk music and the blues. (Keegan, age 7, assisted with this response).

• **Tony Taylor, Attorney, Lawrenceville:** To relieve the stress:

1. I never give a client or potential client my home phone number or cell phone number.
2. Go fishing.
3. Work in my yard.
4. Leave all work at work and forget about it until I get back to the office.
5. Repeat 1-4.

• **Darel Mitchell, Attorney, Lawrenceville:** I live in a pressure cooker. I run a law office and practice criminal law at the same time. I have two ex-wives, one I have not heard from and the other I hear from much too often. I have two teenagers, one a freshman in college and the other a freshman in high school. The son in college is obviously drinking imported beer and eating very well and doing lots of entertaining as well as being entertained. I can never reach him on

continued on page 9

---

## How Do You De-Stress? continued

Tuesday or Thursday nights (free pool nights at Mellow Mushroom in Statesboro). I answer my home phone with the salutation: “How much?” The son in high school plays basketball on the high school team as well as AAU (Amateur Athletic Union) and requires a full time social secretary and chauffeur. Next week I have a total of 6 cases scheduled for jury trial, 6 cases scheduled for calendar calls and a scheduled appearance in the State Court of Henry County on son in college’s traffic ticket for following too close/accident. He was in a hurry to get home during Christmas break to get gifts and more money.

In the last twelve months, I have tried 7 or 8 major felony trials, one of which was a death penalty case. I have authored 4 or 5 appellate briefs (one of which was on the death penalty case). I have finally realized that if you win them, you don’t have to appeal them. The obvious logic is

bad trial lawyers become good appellate lawyers, familiar with the intricate rules of the appellate courts. However, all clerks in the Court of Appeals and the Supreme Court have my office number on speed dial and greet me with: “Darel, you forgot to...”.

**Leave the court business  
IN the court room at  
the end of the day.  
– Frost Ward, Judge, City of  
Morrow**

I am 46 years old and 40 pounds overweight. I live on fast food, coffee, Diet Coke and Budweiser (last in sequence is my favorite). I exercise by jumping to the demands of clients, running to court and walk-

ing around in circles wondering “What did I do with that file?” My favorite pastime lately has been watching my net worth go down with the Dow Jones Industrial Index. I have never had a complete physical and too many people my age (45-50) are having heart attacks. I’ve spent a lot of time at Tim Stewart’s Funeral Home and Saint Joseph’s Hospital.

Sorry, I forgot what your question was, but this is my response. Darel.

*Judge Bob Mock could not be consulted for this article because he was in Hawaii when I called his office. Attorney Chris Adams could not be reached for comment as he was in his Corvette on the way to the golf course, having just returned from seminar/ ski trip.*

Thank you all!  
Margaret Washburn, editor.

---

## Good news about training for clerks

The Municipal Courts Training Council and the Institute of Continuing Judicial Education will be offering training for clerks in Athens, September 20 and 21. For details please contact Kathy Mitchem at 706-542-7402.

**Please  
Recycle**

## Thank You...

A big thanks to Judge Margaret Washburn for keeping our Judges Bulletin on track and on time. The Bulletin just gets better and better.

Judge Robert Whatley

## A Note from the AOC...

*It’s time once again to update the **Georgia Courts Directory**. To provide accurate and complete information, your help is needed. Postcards are being sent out to verify that the information we have is correct.*

*If you should be listed in more than one municipality (whether as chief judge, associate, or pro tem), please indicate which cities on the postage-paid return postcard. Please return the postcard by June 22.*

*For questions concerning the **Georgia Courts Directory**, call Ashley Stollar at the Administrative Office of the Courts, 404-656-6783.*

# New Legislation Summary

## 2001 Session of the Georgia General Assembly

By: Judge Charles L. Barrett, III

*Several legislative enactments of interest to the Municipal Courts were passed in the 2001 Session of the General Assembly. There follows a brief synopsis of this legislation.*

### SENATE BILL NO. 1

Senate Bill No. 1, which was signed by the Governor on April 11, 2001, is the much-publicized "Teen Driving Bill" which originally had been introduced by the Lieutenant Governor. Under this legislation, anyone applying for a driver's license for the first time must complete a driver's education course. The course can be either a formal one, taught by an approved driver's training school, plus twenty (20) hours of other supervised experience, or it can be an informal one involving at least forty (40) hours of supervised driving instruction from an individual. Either way, at least six (6) hours of the supervised driving instruction must be at night. Without exemption, 16 and 17 year old drivers, under the law, will be prohibited from driving between midnight and 6:00 a.m. This is a change from the current curfew of 1:00 a.m. and 5:00 a.m., which included exceptions for work and school activities. Teenage drivers will not be allowed to transport any non-family passengers for the first six (6) months after they obtain their license. After six (6) months, they would be limited to three (3) non-family passengers until they reach the age of eighteen (18). Teenagers who receive two (2) citations for virtually any moving violation within a year will have their license suspended for six (6) months. Further, all driving tests must be administered on the road, rather than in parking lots driving around orange traffic cones. The enforcement of this portion of the legislation will be delayed until the State is able to employ enough driving instructors, especially in the Metropolitan Atlanta area, to accommodate the increased workload.

*Rules and Regulations section of bill effective July 1, 2001  
Complete bill effective July 1, 2002*

### HOUSE BILL NO. 385

This legislation creates the Blue Ribbon, Young Driver, and DUI Study Commission in order to study the special conditions, needs, issues and problems related to young drivers, driver's education, and DUI offenders. The Commission is charged to report its findings and recommendations to the Governor, no later than June 30, 2002. The legislation eliminates the provision restricting seventeen-year-olds from driving without an adult in certain metropolitan counties. The legislation also amends OCGA § 40-5-55, relating to implied consent to chemical tests, inserting language to the effect that any person who drives or is in actual physical control of any moving vehicle in violation of any provision of OCGA § 40-5-55 constitutes a direct and immediate threat to the welfare and safety of the general public. If a person's alcohol concentration is 0.08 grams or more, his or her Georgia driver's license or privilege to drive on the highways in the State may be suspended for a minimum period of one (1) year. This is a modification from the prior BAC limit of 0.10 grams. Under the new law, a person shall not drive or be in actual physical control of any moving vehicle while that person's alcohol concentration is 0.08 grams or more at any time within three (3) hours after such driving or being in actual physical control ended. The legislation also creates and defines the offense of aggressive driving, by adding a new Code Section OCGA § 40-6-397, which provides that any person who commits the offense of aggressive driving when he or she operates any motor vehicle with the intent to annoy, harass, molest, intimidate, injure or obstruct another person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49, 40-6-123, 40-6-184, 40-6-312, or 40-6-390 with such intent. Any person convicted of aggressive driving shall be guilty of a misdemeanor of a high and aggravated nature.

The legislation also deals with the installation and use of ignition interlock devices by all repeat DUI offenders.

Repeat offenders must serve a mandatory one (1) year hard license suspension before the courts will direct the Department of Public Safety, and the new DMVS Department to require the use of an ignition interlock during the first six (6) months of license reinstatement. However, it appears that judges may exercise their discretion by requiring ignition interlock for all classes of "high-risk DUI offenders," including first offenders registering a high BAC. This may be something to consider, in order to maximize the behavior modification effect of the ignition interlock device.

*Effective July 1, 2001*

### SENATE BILL NO. 147

This legislation provides that, notwithstanding other contrary provisions of law, local or general, sessions of a municipal court may be held outside the municipality for which the municipal court is established if such sessions are held within a county in which the municipality is located or has its legal situs.

*This bill became effective upon the Governor's signature on April 27, 2001.*

### SENATE BILL NO. 13

This legislation amends the "State-wide Probation Act," by striking OCGA § 42-8-3.1, and inserting, in its place, new language as follows: In any county where the Chief Judge of the Superior Court, State Court, Municipal Court, Probate Court, or Magistrate Court has provided for probation services for such courts through agreement with a private corporation, enterprise, or agency or has established a county or municipal probation system for such court pursuant to OCGA § 42-8-100, the provisions of this Article relating to probation supervision services shall not apply to defendants sentenced in any such court. OCGA § 42-8-100 is rewritten in the legislation.

*Effective July 1, 2001*

# 2nd ANNUAL COUNCIL OF MUNICIPAL COURT JUDGES GOLF TOURNAMENT

(REGISTRATION FORM)

WILMINGTON ISLAND CLUB

Savannah, Georgia

July 8, 2001 • Lunch : 12:00 • Tee time: 1:30p.m.

Fee \$90.00\*

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

U.S. Handicap Index (If available) \_\_\_\_\_

PHONE \_\_\_\_\_

\* Includes box lunch and range balls.

Send fee & form to JUDGE JIM PAYNE, Acworth Municipal Court,  
4807 S. Main St., Acworth, GA 30101

( For inquires call 770-974-6911 )

OR

Fax to 770-974-0949 to the attention of Rhonda Franklin



**RESERVATIONS MUST BE IN BY *June 15!***

# DUI Case Law Update

by Mickey Roberts

## **Bagwell v. St. A01A0715 (3/28/01)**

State “substantially complies” with 20 minute rule when suspect is in a controlled environment for 20 minutes and there is no evidence of vomiting.

## **Wrigley v. St. A01A2363 (3/2/01)**

If the officer has been through the academy, that is sufficient to meet the roadblock requirement that an officer is trained to screen for drunk drivers. Also, a general purpose roadblock does not violate the 4th amendment.

## **State v. Dymond A00A2324 (2/28/01)**

Issue of whether roadblock legal is not whether police handbook was followed, but whether roadblock was conducted in a manner reasonable under the 4th amendment.

## **State v. Sims A00A2240 (2/26/01)**

Officer exceeds scope of permissible investigation if officer continues to detain suspect after traffic stop concludes without reasonable suspicion of criminal activity.

## **Aggarwal v. State A01A0288**

(2/28/01) Under 21 implied consent warning is not misleading.

## **Yates v. State A00A2245 (2/12/01)**

When motorist is hearing impaired, State must make reasonable efforts to have implied consent warning translated by interpreter. (This apparently does not apply to non English speaking suspects, only hearing impaired drivers.)

## **Brunson v. State A00A1554 (1/18/01)**

Failure to continuously watch a suspect for 20 minutes prior to test does not require exclusion of test results.

## **Carthon v. State A00A2237 (3/23/01)**

Carthon was sentenced to two one year concurrent sentences after being found guilty of DUI alcohol less safe, and DUI drugs; in a complicated opinion, the Court rules that the two DUIs are not predicated on the same conduct, and therefore it appears a person can be sentenced on both DUIs.

## **Berry v. State A00A1912 (3/30/01)**

A drive out tag does not give an officer articulable suspicion to stop a car.

*The law is the last result of human wisdom acting upon human experience for the benefit of the public. - Samuel Johnson*

---

## Council of Municipal Court Judges

244 Washington Street, SW • Suite 300  
Atlanta, Georgia 30334

### **MARGARET GETTLE WASHBURN**

*Chief Judge, Duluth  
Editor*

### **MARLA MOORE**

*Assistant Director,  
Judicial Liaison*

### **ASHLEY G. STOLLAR**

*Graphic Design*