



MUNICIPAL COURT

# Judges Bulletin

Fall 2003 • The Georgia Council of Municipal Court Judges Newsletter • Vol. 5, No. 2

## Council of Municipal Court Judges Officers 2003 - 2004

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## President's Corner



**Charles L. Barrett, III  
Lilburn**

It is my distinct pleasure and privilege to communicate with you as President of the Council of Municipal Court Judges of Georgia for 2003-2004. Please know that I consider myself to be acting in a representative capacity, in which I intend to advocate the interests of our Council, and to represent all of its members. I am accessible by telephone, facsimile transmittal, and email. My office telephone number is 770-623-6484 (Ext. 250). My facsimile number is 770-623-9496, and my email address is [cbarrett@bwsalaw.com](mailto:cbarrett@bwsalaw.com). Please feel free to contact me at any time with your concerns, comments, suggestions, etc. I am succeeding Judge Viviane Ernstes, our immediate past President. Judge Ernstes ably led our organization last year, and, on behalf of our membership, we thank her for her diligent and

dedicated service. I have persuaded Viviane to continue to serve in an active capacity during the upcoming year, as a member of our Legislative Committee. I look forward to her wise counsel as our organization faces the challenges of the upcoming year. I also would like to recognize Judge William Coolidge, our President-elect, for his continued splendid service to our Council. Judge Coolidge among other things, serves as our representative to the Georgia Courts Automation Commission, and is also a member of our 2003-2004 Legislative Committee. I look forward to working with Bill as the year unfolds. I also thank everyone who has agreed to serve in official capacities for the year 2003-2004. It is only by and through the interest, hard work, and dedication of our membership that our goals can be accomplished. Space does not permit me to individually recognize all of our committee members, agency liaisons, etc. However, I again thank Judge Margaret Washburn for agreeing to again serve as Editor of our newsletter. This is our vehicle for disseminating vital information to our membership. The newsletter seems to improve in style, format, and content each year, and we thank Margaret for her efforts in this regard. The newsletter is sent to Judges of other classes of courts,



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# 3rd Annual Golf Tournament

The Municipal Court Judges' 3rd Annual Golf Tournament took place at Sea Palms Golf & Tennis Resort on St. Simons Island during the summer quarterly meeting and training session. The tournament consisted of 10 challenging and enthusiastic participants who would have given any pro-golfer a run for his/her money. After a day on the course,



the participants were given awards based on their skills and accomplishments. A few of the participants even went out for a well deserved dinner after a day in the class room and on the course. Judge Payne, the coordinator of this tournament strongly encourages participation for next year's 4th Annual Tournament. Next years tournament will be fully handicapped. See ya on the course!

The Golf Committee would like to extend their appreciation to Cobblestones for donating a sleeve of golf balls to each participants.

## Golf Tournament Scores

1st Jim Payne HDP 7 Net 71  
2nd Gary Sinrich HDP 19 Net 72

Steven Hathorn HDP 18 Net 70  
Dennis Still HDP 19 Net 72  
John Adams HDP 14 Net 79  
Johnny Parker HDP 18 Net 74  
Mike Greene HDP 17 Net 81  
Claude Mason HDP 7 Net 76  
Vicki Mason HDP 36 Net 78  
Maurice Hilliard HDP 26 Net 74

Long Drive – John Adams  
Closest to Pin - Maurice Hilliard

## Congratulations!

**Judge Carla Brown** was appointed by Gov. Sonny Perdue to the State Court bench on Nov. 7, 2003 to fill the unexpired term of Judge David Fuller, who retired earlier this year. She served as an associate Judge in the City of Lilburn, City of Suwanee and by designation in the State Court of Gwinnett County prior to her appointment to the State Court.

**Judge Dewaine T. Bell** was elected mayor of Barnesville and will take office in January. As of yet, there has not been mention of who will replace him.

## President's Corner cont.

and the feedback concerning the newsletter has been positive and gratifying.

Our courts face significant challenges. Two of the more significant challenges facing our courts during the ensuing year will be issues of indigent defense and decriminalization. Judge Coolidge has addressed these matters elsewhere in this edition of the Bulletin. Through our Legislative Committee, and otherwise, our Council intends to carefully and closely monitor these, and other issues of concern. We will seek to provide input concerning legislation of concern to our courts, and will take a proactive role this year in the legislative process.

We should seek to instill a positive perception of our courts. To this end, I intend to contribute to articles

of general interest, speak to any group who will listen, and otherwise undertake to tell the "good story" of the Municipal Courts of the State of Georgia. I look forward to the help and support of the membership, and of the Administrative Office of the Courts and its great staff, in our endeavors. Throughout all of our efforts and activities, we need to remember why we are on the bench. We are not part of the police department, prosecutors' office, or the public defenders' office. We are in place to do justice according to settled principles, and not according to what is popular at any given moment. We, as judges, should think that we are doing the most important job there is, because we are. I look forward to your help, input, and support as we move ahead.

# Professionalism in the Principle-Centered Law Practice

By: Presiding Judge G. Alan Blackburn  
Georgia Court of Appeals

## *Ethics, Professionalism and the Practice of Law.*

Unlike big business, the conduct of lawyers is not limited to the statutorily legal. Lawyers also have a code of ethics by which they are bound. Our code of ethics often requires lawyers, within certain bounds, to place a client's interest above their own. Indeed, these distinctions are what separate the professions from other commercial endeavors.

Ethics are what the law requires of lawyers in the conduct of the practice of law. Lawyers are subject to sanctions, including disbarment, for violations of the Georgia Rules of Professional Conduct.

Unchecked ethical violations, by good and decent lawyers, occur routinely. Have you ever come across controlling case law which is harmful to your case, of which your opponent is clearly unaware? Have you awaited a hearing or trial hoping your opponent does not discover the controlling case? Have you then argued your position to the court, orally or by brief, while your opponent failed to raise the controlling authority of which you were aware? If so, you have violated Rule 3.3, Candor Toward The Tribunal, which provides in paragraph (a) (3), "[A]n advocate has a duty to disclose directly adverse authority in the controlling jurisdiction which has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case."

Another provision of the Georgia Rules of Professional Conduct which is often misunderstood, is Rule 1.2, Scope of Representation. While a lawyer shall generally abide by a client's decisions concerning the objectives of representation, that Rule is subject to exceptions as outlined in subparagraphs:

(c) A lawyer may limit the objectives of the representation of the client, if the client consents after consultation;



(d) A lawyer shall not counsel a client to engage in conduct that the lawyer knows is criminal or fraudulent, nor knowingly assist a client in such conduct, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law; and,

(e) When a lawyer knows that a client expects assistance not permitted by the rules of professional conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer's conduct.

The maximum penalty for a violation of this Rule is disbarment. Many lawyers do not seem to understand that their obligation to represent their client is subject to the

Georgia Rules of Professional Conduct. For example, a client is not entitled to advice of counsel in the planning, carrying out, or covering up of any crime or other illegal activity, including fraud, and any attorney who becomes so involved, is not practicing law, but, rather, is a co-conspirator in the criminal or fraudulent activity, and is just as guilty of violating the law as is the client. The Georgia Rules of Professional Conduct are published in the State Bar of Georgia Directory and Handbook, and are reasonably specific on given issues. I recommend a periodic review of these Rules by all lawyers.

Professionalism, on the other hand, refers to that heightened level of civility, courtesy, accommodation and good faith that lawyers expect from each other in the handling of legal matters in our adversary system of justice. Professionalism relates to that standard which we, as lawyers, have set for each other in the conduct of the business of our clients. Our Supreme Court has adopted a Lawyers= Creed, an Aspirational Statement on Professionalism, certain General Aspirational Ideals, and certain Specific Aspirational Ideals. In its simplest terms, professionalism is nothing more than business morality. My former colleague, Presiding Judge Birdsong, once described professionalism in another way. He said that the golden rule says it all. He was right, and it is such a simple rule to follow.

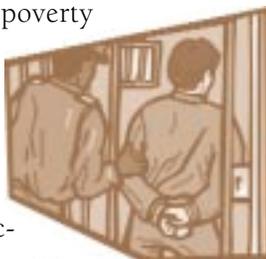
*This is the second article of four that will be presented in upcoming newsletters. Reprinted with Judge Blackburn's permission.*

# Indigent Defense

The Council of Municipal Court Judges was represented at the September 24, 2003 meeting of the Supreme Court's Indigent Defense Committee, which was convened to consider the effects of *Alabama v. Shelton* on the lower courts. We reported the results of the indigent defense survey we conducted at our summer seminar and annual meeting. Of 68 Municipal courts responding, 62% had some sort of indigent defense program other than binding over indigents' cases to State or Superior Court. The average number of requests for appointed counsel in courts serving cities with populations of 5000 and less was 8 over the past 12 months. The average number of appointments in those courts was 6. For cities between 5000 and 20,000 in

population, the average number of requests was 17. The average number of actual appointments was 15 over the past year. Most cities use federal poverty

guidelines to determine indigency and compensation practices vary,



although, flat fees are probably the most prevalent method of payment.

We expressed concern that Municipal Courts will not have very much time to establish new mandatory programs that must be in effect by January 1, 2005 and that because cities will begin their budget processes early 2004, information about the cost to each city of establishing an

indigent defense program meeting state standards needs to be available as soon as possible. We also expressed concerns about the use of surcharges to fund indigent defense, since only Superior Courts will be receiving the benefits of the new public defender offices without having to enter into separate contracts for those services and paying in addition to collecting surcharges that may be legislated to fund the new program.

At its October 3, 2003 meeting the executive committee of the Council of Municipal Court Judges voted to inform the newly established Public Defender Standards Council of our concerns and to request that we be consulted and included in the process of establishing standards that will be applicable to our courts.

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## Letter to Georgia Public Defenders Standards Council

October 27, 2003

Mr. Emmet J. Bondurant  
Bondurant, Mixson & Elmore, LLP  
1201 W. Peachtree Street, NW  
Suite 3900  
Atlanta, GA 30309-3417

Re:  
Georgia Indigent Defense Act of 2003

Dear Mr. Bondurant:

I am corresponding with you in my capacity as President of the Council for Municipal Court Judges of Georgia for 2003-2004.

As you know, O.C.G.A. § 36-32-1(g) makes specific reference to the Municipal Courts operation within the State of Georgia, mandating that indigent defendants be provided the

right to counsel at no cost to the accused. Such representation shall be subject to all applicable standards adopted by the Georgia Public Defender Standards Council for representation of indigent person in this State.

Accordingly, on behalf of the Council of Municipal Court Judges of Georgia, this is to request that our Council be involved in the development of standards being adopted by the Georgia Public Defenders Standards Council, and otherwise be consulted in standards development. In this way, our Judges will be better able to communicate requirements of the standards to local political jurisdictions, hopefully in time for adequate budget preparation for 2004, inasmuch as, of course Municipal Courts must be in compliance with the applicable standards as adopted

for representation of indigent persons, no later than January 1, 2005. We look forward to working with the Georgia Public Defenders Standards Council in implementing the policy of the Georgia Indigent Defense Act of 2003.

Thank you, in advance, for your consideration, I remain,  
Very Truly Yours,  
Charles L. Barrett, III

CC:  
Honorable Norman S. Fletcher, Chief Justice  
Mr. David L. Ratley, Director  
Honorable William M. Coolidge, III, President-elect  
Council of Municipal Court Judges of Georgia

# When Good Time Becomes Constitutional Bad Time

Judge Robert L. Whatley  
Austell, Georgia

The matter issue of awarding good time to misdemeanor offenders had become a tired, trite, worn, and overworked matter. It appears that nothing short of legislative action will solve, clarify, and remedy the issue.

It is settled and certain, however, that once the sentence leaves the judge's hands, short of modification, it becomes an executive matter and any attempt to impose the judicial officer's will over the executive branch is a nullity and offends the Constitution. Thus, a "no early release" order is invalid. *Sanford v. State*, 251 Ga. App. 190 (2001).

One may inquire as to why the judge be concerned with executive policy. When a judge imposes a time he wishes served, he must be aware as to how "real" it is. Though jurisdiction is passed, he needs to be informed. One custodian may have an automatic "2-1" policy; another

one a "serve every day" policy. Yet another "time before making bond counts as a full day" policy even though the offender has only a few hours in custody and yet given time as if it was a day. Another custodian may let trustees only earn time.

Excluded from this custodial discretion is a mandatory four day maximum for high aggravated misdemeanors. Settled and certain, however, is once good time is awarded however the fashion, there must be a procedure to take it away.

Jailers have approached the matter in different ways. One jail have excluded the first five days to ensure that the mandatory DUI sentences are served in full so that "24 hours means 24 hours." Others automatically cut it in half, absent unsatisfactory conduct. One custodian recently was perturbed over a murder charge being reduced to a misdemeanor and ordered him to "serve every day" of the 12 months.

To what degree do these alternatives offend the Constitution? In

opinion U-84-10 the attorney general opinioned that there is a procedure that must be followed to forfeit good time. In his scholarly opinion, he traced the convoluted history of good time and concluded that under *Wolff v. McDonald*, 418 US 539, the Supreme Court mandated that certain rights attach to a good time forfeiture, including notice of a hearing, witness and evidence presentation, and written finding. Another case, *Smith v. Sullivan*, ruled likewise. 553 F. 2nd 373; However in *Story 238 Ga. 69*, rights to counsel and cross-examination are not available.

In summary, what amount of time one must serve is up to the executive branch of government? But once it is awarded, to take it away one must comply with the mandates of the judicial branch it is hoped that the Legislature will see fit to offer some consistency and guidelines to take away this wide executive liberty determination.



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## Minutes from Annual Council Meeting

The annual meeting was held on August 12, 2003, at Sea Palms Resort on St. Simons Island, Georgia. The meeting was called to order by President Viviane Ernstes.

The first order of business was the consideration of the minutes of the Spring meeting of the Executive Committee held in Atlanta on May 2, 2003. The minutes were unanimously approved as submitted.

Judge Ernstes gave a brief president's report. She advised that a traffic court listserv had been created to allow judges to communicate on line about issues and seek answers to questions. She asked that all judges submit their email addresses to the

AOC for inclusion on the list if they have not already done so. Judge Ernstes also reported that the only piece of legislation affecting municipal courts to be introduced during this year's legislative session was an amendment to OCGA § 15-8-80 to allow municipal courts to create pre-trial diversion programs. The bill got sidetracked because of the flag issue but it is non-controversial and will be introduced again next year. She then briefly thanked those who have assisted her during the year, in particular, the other officers, the AOC and members of the Training Council. She gave a special word of thanks to Judge Washburn for her work on the

newsletter and Judge Payne for his work in organizing the golf tournament each year.

Judge Ward then gave the treasurer's report. As of June 30, 2003, the Council had \$28,082.69 in its non-state appropriated funds account. He asked all who have not paid their dues to please do so. A list of those who have paid is available at [www.georgiacourts.org/municipal](http://www.georgiacourts.org/municipal) if anyone needs to check to see if he or she has paid. Bernadette Smith of the AOC reported that \$20,000.00 in state appropriated funds is available for the current fiscal year. Copies of both financial reports

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## Minutes from Annual Council Meeting cont.

are attached to these minutes.

Marla Moore gave the report from the AOC. She announced that the court services section has three new research staff people who will be available to local courts to do research on issues of general interest to municipalities. She also advised that there are court fee monitors to assist local courts in collecting and allocating fees. She noted that the Council is working on updating its web site and asked for feedback from judges about things which should be included or ways to improve the site. She made note of the self-help resource on the AOC website for members of the public to access for advice about representing themselves in court. She advised that additional language interpreters have recently been certified and that a list of interpreters for the deaf is available. In closing, she invited the judges to call on the AOC staff for help when needed.

The next order of business was the election of officers and Training Council and Executive Committee members for the coming year. Judge Pierce presented the report of the Nominating Committee as follows:

President: Charles Barrett  
President Elect: William M. Coolidge, III  
Vice President: John K. Edwards, Jr.  
Secretary: Kathryn Gerhardt  
Treasurer: Frost Ward

Training Council: Michael P. Cielinski, John K. Edwards, Jr.  
District 1 Representatives: LeRoy Burke, III; Willie T. Yancey, II  
District 2 Representatives: John K. Edwards, Jr.; Herbert W. Benson  
District 3 Representatives: Michael P. Cielinski; David M. Pierce  
District 4 Representatives: Angela T. Butts; Warren W. Hoffman  
District 5 Representatives: Elaine L.

Carlisle ; Calvin S. Graves  
District 6 Representatives: Clayton Davis; David J. Turner, Jr.  
District 7 Representatives: Herbert M. Crane, Jr.; Philip P. Taylor  
District 8 Representatives: Tommy Bobbitt, III; Charles W. Merritt, Jr.  
District 9 Representatives: Diane M. Busch; Dennis T. Still  
District 10 Representatives: Chip Hardin; C. David Strickland

The floor was opened for additional nominations. There being none, a motion was made to approve the nominations by acclamation. The motion was seconded and passed unanimously.

The following reports were then given:

(1) Judicial Council. Judge Coolidge attended the Judicial Council meeting and reported that not much relevant to municipal courts was discussed. The one exception was a proposal to consolidate surcharges to a single surcharge which would be funneled to the AOC for disbursement and used in part to fund indigent defense. There is some concern about this because it would increase surcharges about thirty-five percent. Judge Coolidge also noted that efforts to gain membership on the Judicial Council have still not been successful but that a municipal court representative nonetheless attended the Council meetings in order to have input on issues which impacted municipal courts.

(2) Georgia Municipal Association. Judge Bobbitt attended the Association Convention in Savannah in June and participated in a panel discussion about the Shelton case and how it is being implemented in municipal courts. Feedback from var-

ious mayors and Council members indicated they are beginning to see that it will be feasible to implement the requirements of Shelton in city courts.

(3) Probation Advisory Council. Judge Frost informed the judges present that Walton County Magistrate Court Judge Dan Pierce had died in July. As to the Probation Council he reported that the Council continued to function properly and that municipal courts are still the biggest users of private probation. For the first quarter of 2003, collections ordered by municipal courts totaled \$6,295,488.00.

(4) Municipal Court Judges Training Council. Judge Cielinski advised that the Council is working on a tentative schedule for seminars for next year. The traffic court update seminar will be held next year at the Renaissance at Lake Lanier in June.

As an order of new business, Judge Coolidge had distributed an indigent defense survey questionnaire. He advised that the data collected would be used for information purposes and encouraged all of the judges to return the form to him.

Judge Ernestes announced that the place and time of the next executive committee meeting has not yet been determined. She then gave her final remarks as president and turned the meeting over to Judge Barrett.

Judge Barrett thanked Judge Ernestes for her service as president and then exercised his newly assumed presidential powers to adjourn the meeting.

Respectfully submitted,  
Kathryn Gerhardt, Secretary

# Decriminalization

By: Judge William Coolidge, III  
Buford

At its October 3, 2003 executive committee meeting, the Council of Municipal Court Judges considered the issue of “decriminalizing” some traffic offenses, which has been suggested by a number of parties as a means of lessening the burden of *Alabama v. Shelton* and *State v. Pinkerton* on courts with traffic jurisdiction. The concept of “decriminalization” has been editorially endorsed by the *Atlanta Journal-Constitution* and the *Macon Telegraph*, as well as a number of political figures. Because there is no specific proposed legislation to endorse or oppose, the Council passed a resolution urging a thorough study of the effects of any “decriminalization” proposal before any legislation is prepared. The resolution also calls for contacts to be made with other interested persons and organizations and for the solicitation of comments from our membership and our court clerks, who can provide useful information to those who are and will be evaluating “decriminalization” proposals. On the latter point, the AOC is currently engaged in a study of the possible effects of various possible species of “decriminalization” proposals.

While “decriminalization” sounds like a very simple matter, in practice, it is anything but simple. Even though “decriminalization” may eliminate the need to consider appointing counsel in minor traffic cases and cumbersome arraignment procedures necessary to effect valid waivers of counsel, as well as jury trials, ill conceived, hasty legislation could have significant adverse effects on a number of interests, including

municipal courts. Because traditional probation or suspended sentences would no longer be available if “minor traffic offenses” are fully “decriminalized,” there is legitimate concern about the ability of traffic courts to enforce their judgments. Anyone who was in office before private probation services began operations can recall how ineffective enforcing orders to pay fines



was when that was the job of the judge and the already over-burdened court clerk. If certain traffic offenses are no longer “criminal,” because of how OCGA §40-13-21 is now written, continued jurisdiction is an issue. While contempt would be a remedy, as it is now, it can be a very cumbersome process and some municipal charters have vague and/or ineffective contempt of court provisions. Even if drivers’ licenses could be suspended due to failure to pay a fine, given the notice problems we already experience in suspended license cases, would suspension really be an effective method of ensuring that fines and surcharges courts have imposed on those who have the ability to pay actually will be paid? Just

what will be “decriminalization”? Does “decriminalization” mean that minor traffic offenses will still be criminal in nature, but will only be “petty offenses” that will not be jailable or subject to the right to a jury trial, or does it mean that traffic offenses will be mere civil offenses as in OCGA §40-6-20(f) regarding “red light cameras?” What is a “minor” traffic offense? What about serial traffic offenders?

The Council wants to know the concerns of its membership and to that end, anyone having any concerns or questions about “decriminalization” should contact one of the officers and those concerns will be conveyed to those who will be preparing proposed legislation and to others with an interest how any “decriminalization” legislation evolves. This will be the Municipal Courts’ number one legislative issue and will require a lot of work on our part during the session to ensure that an innocent sounding “reform” does not result in significantly detrimental adverse consequences to both our courts and others with an interest in the matter.



# Reducing Your Own Deficits



By: Chris Ellington, CLU, ChFC, CFP  
770-998-5327 Peachtree Planning  
Corporation 500 Sun Valley Drive,  
Suite B-1 Roswell, GA 30076

I appreciate the opportunity to address this distinguished group of municipal court judges because I enjoy the opportunity to work with different groups of people and professionals. However, lawyers and judges are no different than any other group when it comes time for financial planning.

When you hear the sound bites, and watch Republicans and Democrats fight on CNN over the federal deficit and the balanced budget, do your eyes glaze over, and does your brain turn to mush? How much do we owe – is it \$300 billion or \$3 trillion? What comes after a trillion? How much is that in dog years? Who do we owe it to? How big would our cash back bonus be if we paid it off, or could we get frequent flyer miles? Is Arnold really governor of California?

We may not be able to relate to the federal deficit, but most of us have an understanding of our personal debts. How much is your monthly mortgage payment? How much each month for your car? If you had a student loan from college, do you still remember the monthly amount?

Even if you can comfortably meet those obligations each month, the general preference is to be debt-free. In a perfect world, we would have no personal deficits, no outstanding debts.

So the question is: Now that we have debt, what's the best way to get rid of it?

Not surprisingly, since almost everyone has debt, almost everyone has an opinion about how to eliminate it.

First, paying debt quickly is a good idea – most of the time. But when the debt is long-term (like a mortgage)

there are a few other legitimate considerations.

Historically, inflation has made future payments less costly than current ones, even though they are the same dollar amount. If your house payment is \$1,000 per month today and \$1000 per month 30 years from now, the bet is that \$1,000 in 30 years will represent less value. In other words, \$1,000 per month in the future will be “cheaper,” because inflation has raised the cost of everything else relative to the old mortgage cost. So paying the mortgage early means using more “expensive” dollars.

Anticipating the mortgage will become less expensive over the years, why not save or invest an extra \$100 each month instead of adding it to your mortgage payment? At the end of 30 years, you not only have the house paid off, but you have accumulated a sizable nest egg. If you use that money as extra mortgage payments, you have to wait 18 years before you start building the nest egg. Who knows how many opportunities you might miss in 18 years?

Second, paying the debt is not the same as saving. When you save, you have money under your control. When you repay, you reduce the control your creditors have on you. These two statements are not the same. If paying debt were savings, you should be able to access the “extra” that you've paid in if you need it, right? But who controls this money?

If you want the extra back from your credit card, it means running up your limit, and paying 18% all over again. Getting extra equity back from your house not only means borrowing again, but asking for the bank's approval. This is saving? No.

Debt is really about control. You owe a creditor, and the creditor has a measure of financial control over you

until you completely repay the debt. If they have a lien, they can lean on you. Paying faster does not remove the creditor's control. The control might last for a shorter period, but it doesn't go away.

Considering the above items, what's the most effective way to eliminate debt (or decide how much should be kept)?

Borrow for as long as you can, or not at all. The most damaging loans are the ones made for 3-5 years. The terms are too short, the interest is too high, and the monthly payments are too steep. This includes credit cards (assuming you start with the minimum payment, and continue to pay that amount as the balance decreases), auto loans, and home equity loans. If you can find a way to extend a loan for 10-30 years, at least the monthly obligation (and the control it has over your financial life) is smaller, and inflation helps reduce the real cost. Refinancing, whether by a consolidation loan or a second mortgage, can mean lower payments, possible tax advantages and more money available to save.

Instead of paying extra to your creditors, save the difference and prepay with a lump sum. If you save the “extra” in an account earning a return comparable to the interest you are being charged, the accumulated savings can pay off the loan just as early as if you'd made the extra payment to your creditor.

For example, in comparison to a bi-weekly mortgage plan, the accumulated savings would be enough to make a final lump-sum payment to clear the mortgage in the 18th year, should you so choose. Using this approach to debt reduction, the payback is accomplished in the same time period, but with several advantages.

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# Minutes from Training Council Meeting

Macon, GA  
Friday, August 11, 2003 9:00 a.m.

Judge Cielinski called the meeting to order at 9:30 a.m. The Council reviewed the minutes from the meeting held on May 9, 2003 and approved them after making an administrative correction.

Mr. Reaves reported on the proposed schedule for Calendar Year (CY) 2004 and explained the reasoning behind some of the meeting dates. The Ethics course is scheduled for February at Lake Blackshear and will take place earlier than normal due to elections for some magistrate judges.

Also due to high demand from the magistrates, there will be two domestic violence courses. The courses are scheduled to take place in March and November 2004.

Mr. Reaves continued by informing the Council that DUI: 17-21 will be considered a specialty course because it is geared more towards traffic judges. He is in the process of choosing out the faculty for the March course.

Judicial Security and faculty

Development will be shared with all classes of court and is scheduled for April and October due to high demand.

Mr. Reaves stated the Survey Update will be held at Lake Lanier in June because ICJE is trying to avoid the Golden Isles due to The G8 Summit (Group Eight). Media and security have been heavily considered in the decision to avoid the Golden Isles in 2004.

After addressing a few questions, Mr. Reaves stated that early scheduling for CY 04's training is important due to ICJE having other obligations and high competition for meeting space. The Council approved the schedule as proposed.

A brief discussion took place concerning meeting areas for CY 2005. Mr. Reaves stated that in choosing a meeting place, ICJE tries to alternate between the coast and someplace other than the coast for the survey recertification course. Since the training will be at Lake Lanier for 2004, they are looking at coastal areas, such as Savannah for 2005. In conclusion Mr. Reaves informed the Council that ICJE looks at school schedules and other meeting dates when creat-

ing there course calendar.

Slightly deviating from the agenda there was a discussion concerning informational resources and the municipal judge's website. There has been a problem with faculty requesting training materials that are not generally used during the training. After a brief discussion the Council agreed to authorize the expenditure of funds for the municipal judges to go towards a website for training resources.

In new business Ms. Kathy Mitchem of ICJE brought up the issue of vendor requests to attend meeting and training sessions. At present there is not a committee that deals with vendors and the council has no control over this issue. Judge Barrett stated that he would address the issue of vendors with the Council.

Also under new business, a discussion came up in reference to experienced judges attending basic courses. There was concern that the courses should be geared towards new judges. After a brief discussion, the Council agreed to direct staff to schedule a seminar for one full day limited to first year judges registered for the 20-hour course.

Judge Still inquired about training for solicitors and wanted to know if the Council could get a slot with the Prosecuting Attorney's Council. Judge Cielinski agreed to check into the situation and call the director. Judge Still also agreed to check into the situation and report back to the Council at the next meeting.

Judge Cielinski opened the discussion of an official acknowledgment from the training council on the death of judges or Council member's loved ones. After a brief discussion on establishing an acknowledgement process, Judge Barrett stated he would address this issue at the Council meeting.

Before the meeting adjourned the Council approved the nominations of Judge Cielinski as Council Chair and Judge Still as Vice-Chair. The meeting adjourned at 10:45 a.m.

## Reducing Your Own Deficits cont.

First, you have a choice as to where to put the "extra" to best use. It could be in an infinite variety of investments. When the extra goes in your mortgage, it's hard to get it back.

Second, if a great opportunity came up in any year, getting the bank's permission to access your extra equity isn't necessary – you have control.

Third, under current tax law, you maximize the tax deductions on the interest portion of the monthly mortgage payments. Paying early actually reduces your tax advantage.

One key point in this discussion: For these strategies to work, you must actually save the difference. If you choose a longer payment schedule and don't save, the debt only gets worse. One of the reasons people prepay debts on a monthly basis is

because they haven't developed a disciplined plan to take advantage of the benefits of doing it differently.

With the Federal Reserve cutting interest rates for the ninth time this year, now may represent a prime opportunity to restructure your debt, giving you more control and options for improving your savings and wealth accumulation.

Remember, a mortgage rate of 7% with a 40% tax deduction results in a net cost of 4.2%. That is the maximum return you can expect from prepaying or utilizing a 15- year mortgage. Are you happy with no control and a return of 4.2%?

Thanks again, and please call me with any questions. Chris Ellington.

# Attention Traffic Court Judges

## Changes to Traffic Rules

Darien Mize, Judicial Liaison for the Department of Motor Vehicle Safety, recently put on an excellent program for the Traffic Court Judges at the Survey Update Seminar held at Sea Palms Resort on St. Simon's Island in August. Mr. Mize reviewed changes to traffic rules as well as other related topics relevant to traffic court. He also had a lengthy handout for the judges who attended the program, however not enough to distribute to everyone.

The new traffic rules document will be placed on the Probate and Municipal Court webpage located at [www.georgiacourts.org](http://www.georgiacourts.org) Because the information specifically written for judges a pass code must be entered



in order to review the document. Please contact Bernadette Smith, AOC at (404) 463-3804 or [smithb@gaoc.us](mailto:smithb@gaoc.us) to view the document or have it forwarded to you by way of e-mail or regular mail. Mr. Mize as well as the AOC encourages you to download this information.

If you have general questions regarding traffic/licensing laws,

DMVS polices or procedures, or would like to organize a class in your area, please contact the Office of Judicial Liaison:

Mr. Darien J. Mize  
Judicial Liaison  
GA Dept. of Motor Vehicle Safety  
Driver Services Division  
Office of Judicial Liaison  
746 West Bankhead Highway  
Villa Rica, Georgia 30180-1501

Office/Voice Mail – (770) 459-0594  
E-mail: [dmize@dmvs.ga.gov](mailto:dmize@dmvs.ga.gov)



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## Council of Municipal Court Judges

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