



Georgia courts Journal

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State of Judiciary – 2008

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State of Judiciary — 2008

Chief Justice Delivers Annual Speech to General Assembly

Chief Justice Leah Ward Sears delivered her annual State of the Judiciary Address on February 13, 2008 before a joint session of the Georgia General Assembly. The Chief Justice, justices of the Supreme Court, and judges of the Court of Appeals were greeted with enthusiasm by the assembled Senators and Representatives.

The Chief Justice began her message noting the responsibilities and struggles judges face when rendering their decisions. “Judging requires that we look at every issue anew in light of the evidence and the law,” the Chief Justice said. “It is this objectivity that gives the judicial branch its legitimacy.” Looking up to the gallery, the Chief Justice asked judges of the trial courts assembled there to stand and be recognized. (see cover photo and bottom right).

“Our Judges Deserve a Little Justice Too”



Chief Justice Leah Ward Sears

Families in Crisis

The Chief Justice stressed the important role judges play in the lives of troubled citizens. “Today our judges are on the front lines in cases involving family crises, drug abuse and thorny foster care issues where the very lives of our children are at stake.”

Judge Peggy Walker, Juvenile Court of Douglas County, was introduced and heralded for the difficult decisions she faced in resolving a young mother’s drug addiction and eventual rehabilitation. The mother eventually regained custody of her two young children after successfully completing treatment for drug abuse.

Adequate Pay for Judges

“Our judges deserve a little justice too,” the Chief Justice remarked as she asked the General Assembly to complete passage of HB 119 — “the judicial pay raise bill” — during the current legislative session. Georgia’s superior court and appellate judges have not received a base pay increase, other than four cost of living increases, since 1999. The bill provides for a 10% increase. ✍



Chief Judge Anne Elizabeth Barnes and judges of the Court of Appeals are greeted by members of the General Assembly.



Judges from the state’s trial courts were in attendance for the Chief Justice’s remarks.

Judicial Appointments



Judge T. Harry Hurt
Cordele Circuit

Judge Murphy C. Miller
Enotah Circuit

Judge Warren Davis
Gwinnett Circuit

Judge Ed Ennis
Macon Circuit

Judge Daniel Craig
Augusta Circuit

Ceremonies held at the State Capitol in January, February, and March, installed new superior court judges and state court judges. The oath of office was administered by Governor Sonny Perdue.

January Appointments

On January 7, 2008, Gov. Sonny Perdue swore-in **Judge T. Harry Hurt**, Superior Court, Cordele Judicial Circuit; **Judge Murphy C. Miller**, Superior Court, Enotah Judicial Circuit; and **Judge Ethelyn Simpson**, State Court of Clarke County.

On January 8, 2008, Gov. Sonny Perdue swore-in **Judge Warren Davis**, Superior Court, Gwinnett Judicial Circuit and **Judge Ed Ennis**, Macon Judicial Circuit.

February Appointments

Judge Henry M. Newkirk was sworn-in as judge of the Superior Court of the Atlanta Judicial Circuit on February 18, 2008. Judge Newkirk has served as a judge of the State Court of Fulton County since 1998.

On February 18, 2008, Gov. Sonny Perdue administered the oath of office to **Judge Daniel Craig** as judge of the Superior Court of the Augusta Judicial Circuit. Prior to his appointment, Judge Craig served as District Attorney of the Augusta Judicial Circuit for 14 years.

March Appointments

On March 21, 2008 three state court judges were sworn in by Gov. Sonny Perdue:

- **State Court of Fulton County** — **Judge Susan Eichler Edlein**, of Atlanta, formerly a partner at Holland & Knight, LLP, fills the vacancy left by Judge Henry Newkirk's elevation to the superior court.

- **State Court of Putnam County** — **Judge E. Trenton Brown, III** of Eatonton was appointed to fill the vacancy left by Judge Jesse Copelan's retirement.

- **State Court of Treutlen County** — **Judge James C. Garner** of Soperton, formerly solicitor-general, was appointed to fill the vacancy left by Judge Donald Gillis' elevation to the superior court.

Other Appointments

The **Judicial Nominating Commission** has forwarded a candidate shortlist to the governor to fill the superior court judgeship in the **Waycross Judicial Circuit**.

Gov. Sonny Perdue named **Mr. Brian M. Rickman** of Tiger as District Attorney for the Mountain Judicial Circuit on December 19, 2007. The vacancy was created by the resignation of Mr. Michael Crawford. ❧

For addresses of newly appointed judges and other Directory corrections visit www.georgiacourts.org

People, Places, & Events

In Memoriam

☛ **Chief Judge Stephen L. Jackson** of Blackshear died December 29, 2007 after suffering a heart attack. Judge Jackson, a graduate of the UGA School of Law, was elected to the bench of the Waycross Judicial Circuit in 1997. He was the founder and organizer of an annual legal seminar held in the circuit since 1995.

☛ **Senior US District Court Judge Duross Fitzpatrick** of Twiggs County died January 5, 2008, of a rare neurological disease. Judge Fitzpatrick was appointed to the federal bench in 1985 by President Ronald Reagan. He served as Chief Judge of the US District Court, Middle District from 1995 until he took senior status in 2001.

Judge Fitzpatrick earned his law degree from the University of Georgia. He served as president of the State Bar of Georgia in 1984.

☛ **Judge Jean Ann Powers** of Sylvester died February 16, 2008. Judge Powers had served as Chief Magistrate of Worth County since 1972, when the small claims and justice of the peace courts merged.

☛ **Retired Judge Gene Wells** of Thomson died March 13, 2008. Judge Wells served as Probate Judge of McDuffie County from 1990 until his recent retirement in December 2007.

☛ **Former Judge Frank S. Cheatham** of Savannah died March 26, 2008. Judge Cheatham served on the superior court bench for 30 years before his 1993 retirement.

☛ **Ms. Cindy W. Chaffin**, Superior Court Clerk of Douglas County, died December 18, 2007 of brain cancer. After many years of service as a deputy clerk, Ms. Chaffin was elected to the post in 2000.

Transitions

☛ **Judge Amanda Williams** has assumed the duties as chief judge of the Brunswick Judicial Circuit. Judge James R. Tuten has announced his retirement at the end of the year.

☛ **Judge Jesse Copelan**, State Court of Putnam County, retired on December 31, 2007.

☛ **Ms. Mary Ruth Handley** was elected Superior Court Clerk of Clinch County in a special election held December 4, 2007. The vacancy was created by the resignation of Mr. Daniel Leccese.

☛ **Mr. William T. Simmons**, formerly administrator of the Clayton County superior and state courts, has been selected as District Court Administrator for the Sixth Judicial Administrative District.

Honors

☛ The Ninth Annual Justice Robert Benham Awards for Community Service were presented on January 29, 2008, at the State Bar of Georgia Conference Center in Atlanta. Judge James F. Bass, Jr., Superior Court, Eastern Judicial Circuit; Judge Mark Anthony Scott, Superior Court, Stone Mountain Judicial Circuit; and Mr. Joseph K. Mulholland, District Attorney, South Georgia Judicial Circuit were among those honored.

☛ On February 12, Mr. Hulett H. "Buckey" Askew, former Director of the Georgia Office of Bar Admissions, was honored by the Emory University School of Law. Mr. Askew accepted the Inspiration Award for lifetime achievement sponsored by the Emory Public Interest Committee.

State Mock Trial Champions

☛ On March 16, 2008, the Jonesboro High School Mock Trial team, coached by Judge Deborah Benefield, Superior Court of Clayton County, and Judge John Carbo, State Court of Clayton County, won its third straight state title.

The team now goes to the national competition in Delaware on May 8-10, 2008. ☞

In Rockdale and Henry Counties —

Rockdale County's Pride

Like busy parents of a talented brood, Rockdale County court officials recently took time out from their duties to show off their county's electronic case management system for Mr. Jorge Basto, Chief of Information Technology for the Administrative of the Courts. Ms. Joanne Caldwell, clerk of superior court, spearheaded the move toward the integrated system for the Rockdale courts.

Local Information Network

Today the network of computers allows sharing of criminal justice information among the offices of the superior, state, probate and magistrate courts as well as the Office of the District Attorney and Sheriff. Ms. Caldwell stressed that such a system requires strong cooperation among the separate courts and offices, and a willingness to forego absolute autonomy over their internal processes.

System Benefits

Beginning with arrest, an offender is entered into the network system at the sheriff's office; the record can be transmitted electronically to the office of the district attorney and on to all subsequent steps in



Standing (back row), , Ms. Joanne Caldwell, Chief Judge Sidney Nation, Judge Nancy Bills, Ms. Debbie Campbell, (front right) Judge Lillis Brown, Mr. Jorge Basto, Judge Joy Wright. (Seated) Ms. Susan Simon.

the court process: hearings, trials, sentencing, etc. Case information can be pulled up as needed by any court officials. Dockets are generated, case numbers are assigned, and offense

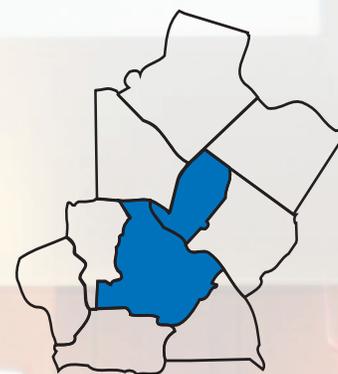
codes are entered all using one software system. Calendar information can be accessed by the public and private attorneys.

Chief Judge Sidney Nation expressed pride in the coopera-

tive system; he credited Rockdale's court officials for their willingness to overcome hurdles.

“Having an integrated case management system which provides for the creation, coordination and sharing of information at each level of the criminal justice process is a tremendous asset for Rockdale County; it is key to our ability to provide efficient, effective justice on behalf of the people of this community.”

Statement from Mr. Richard Read, District Attorney, Rockdale Judicial Circuit



Rockdale and Henry counties (in blue)

In addition to judges pictured at left, Sheriff Jeff Wigginton and Mr. Richard Read, District Attorney, are enthusiastic members of the network.

For more information about Rockdale County's case management system contact Ms. Joanne Caldwell, Clerk of Superior Court, 770-929-4060.

Henry County Launches System

Meanwhile across the county-line, Henry County hosted a demonstration of its new Integrated Justice System.

Searchable Data Exchange

Henry County's system, created by Boston-based Metatomix, compiles information from participating databases using Judicial Data Exchange (JDX) Software. Data is owned and maintained by the originating source, but the information is available for searches. In juvenile cases, access to sensitive data is restricted.

System queries result in real-time, live information available to those

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the Electronic Future is Now



Judge Ben Studdard, State Court of Henry County, discusses the Henry County system on February 22.

who need it the most — from a deputy sheriff determining if a driver's license is suspended to simultaneous comparisons of persons with similar names. System applications are being expanded as use of the resource gains momentum.

Judge Ben Studdard, State Court of Henry County, said of the system "This is an example of what government can do if it focuses on its core functions: doing justice, providing public safety, and having good customer services."

Agencies participating in the Henry County system include:

- superior court
- state court
- clerks of court
- solicitor-general
- district attorney
- public defenders
- Henry County Sheriff's Office and
- Henry County Police Dept. ☞

17th Annual Georgia Bar, Media, and Judiciary Conference

On February 23, 2008, judges, attorneys, and journalists gathered at the Westin Buckhead Hotel in Atlanta for the 17th Annual Georgia Bar Media and Judiciary Conference.

The day-long conference began with "J-School for Judges and Lawyers" which highlighted the mistakes lawyers and judges often make in dealing with the media. Media panelists, Mr. Bill Rankin of the Atlanta Journal-Constitution, Ms. Robin McDonald of the Fulton County Daily Report and Ms. Veronica Waters of WSB Radio, discussed the challenges covering the



(Left to right) Chief Judge Anne Elizabeth Barnes, Court of Appeals; Judge Jackson Bedford, Superior Court, Atlanta Judicial Circuit; and Judge C.J. Becker, Superior Court, Stone Mountain Judicial Circuit served as panelists for the "How to Talk to Judges: An Inside View" session.

courts can entail; Chief Judge Arch McGarity, president of the Council of Superior Court Judges, outlined some of the concerns judges have in dealing with media.

Suggestions for judges:

- Build relationships with local journalists.
- Get to know reporters. Check stories on-line.
- Set ground rules before talking – are you giving background or "off the record"?

Other panels included: Campus Privacy; Eyewitness Identification; How to Talk to a Judge; Hot Topics in Open Government; and Judicial Independence. ☞

Athens-Clarke DUI Court is National “Academy Court”

Athens-Clarke County, Georgia, home to the University of Georgia and its

nationally recognized academic and athletic teams now boasts one more award-winning team: the

Athens-Clarke County DUI Court.

Judge Kent Lawrence, State Court of Clarke County, along with Athens-Clarke’s court and county administrators, law enforcement personnel, and judges from throughout the state gathered on the Capitol steps in Atlanta on a chilly February morning as Judge Lawrence’s court was designated one of four national “Academy Courts” by the National Highway Traffic Safety Administration (NHTSA) and the National Drug Court Institute (NDCI).

Mr. West Huddleston, Executive Director, NDCI, made the award presentation.

Academy Courts

An “Academy Court” is a model DUI court that serves as a site for training and technical assistance. DUI courts in Missouri, Michigan, and Newport Beach, CA are also designated academy courts.



Mr. West Huddleston recognizes Judge Kent Lawrence, right, for his efforts to create a successful DUI court in Clarke County.

Judge Kent Lawrence, who created Georgia’s first DUI Court in 2001, has also been recognized by the Governor’s Office of Highway Safety with the Director’s Award (2005) and has been a facilitator for DUI/Drug Court teams around the country.

Today there are 12 DUI Courts operating in Georgia.

For more information on the Athens-Clarke County DUI Court, contact Ms. Adrienne Bowen, Coordinator at 706-613-3206. For information about DUI Courts in Georgia, contact the Administrative Office of the Court at 404-656-5171. ✍

Two Videos Highlight Judiciary

Ensuring Fairplay the American Way

The State Bar of Georgia produced this twenty-minute DVD, an exposition on the role of jurors in the American judicial system. Chief Justice Leah Ward Sears, Supreme Court of Georgia, Justice Samuel Alito and Former Justice Sandra Day O’Connor, US Supreme Court, and three citizen jurors offer perspectives regarding jury service.

Contact the State Bar of Georgia for more information at 404-527-8700.



The Faces of Justice: The Superior Court Judges of Georgia

This video offers an unprecedented look at the individuals who preside in our superior courts presented by the judges themselves. Topics range from jurisdiction of the superior court, a typical judge’s workday to the role of the jury. The DVD, available in a 15 minute or 30 minute version, was produced by the Council of Superior Court Judges and is available from the Council at 404-656-4964. ✍

Fee Schedule for Official Court Reporters

Effective July 1, 2008, the new scale of compensation for court reporters appearing in court proceedings is as follows:

| | |
|----------|---------------------|
| Per Diem | \$190.08 to 8 hours |
| | \$212.85 to 9 hours |
| | \$228.09 maximum |

Landmark Day for Henry County Courthouse

Judges of the Henry County Superior Court and Justices of the Supreme Court of Georgia, along with local guests of honor gathered at the Henry County Courthouse in McDonough on January 4, 2008 to celebrate completion of the two-year building renovation project. The red brick courthouse, built in 1897 and featuring its original clockworks, required structural repairs, improvements to energy efficiency, updated communications equipment in the courtrooms and jury assembly areas as well as additional security cameras. Embossed tin ceiling tiles in the courtrooms were also restored.

Total cost of the project: \$3.5 million. ❧



Chief Judge Arch W. McGarity (far left) cuts the ribbon reopening the Henry County Courthouse. Members of the Georgia Supreme Court, on hand for the event include Justice P. Harris Hines (second from left), and Justice Hugh Thompson and Justice Robert Benham (right of center).

Access and Fairness Sponsors Savannah "Color of Justice" Program

High school students from Savannah and Chatham County high schools gathered at the Chatham County Courthouse on Saturday, February 9, 2008, to learn about legal and judicial careers.

Participating local judges included Judge Tammy Cox Stokes, Recorders' Court of Chatham County and Judge LeRoy Burke, III, Juvenile Court of Chatham County (pictured



at bottom). Judge James Bass and Judge John Morse, Superior Court of Chatham County, Judge Orion Douglass, State Court of Glynn County, and former Atlanta City Court Judge Nina Radakovich were also on hand.

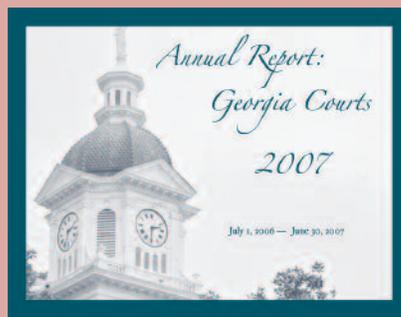
For more information on sponsoring a Color of Justice Program in your area, contact Ms. Silvia Gaines, Program Manager, Georgia Committee on Access and Fairness in the Courts, at 404-463-3927. ❧

FY 07 Annual Report Now Available

Last year, the *Georgia Courts Journal* got a facelift. This year the *Annual Report* boasts a new format. The *FY 07 Annual Report of the Georgia Courts* gives an overview of court caseloads.

Composite CY 06 totals for the appellate and trial courts are presented alongside the CY 05 totals for comparison.

Complete caseload reports for the trial courts are available at www.georgiacourts.org/publications.php in the *FY 07 Annual Report — Supplemental*. ❧



Visits & Visitors: Supreme Court News

Liberian Judges Attend Court Reporting Demonstration

Imagine your courtroom running at the speed of a typist pecking out a trial transcript on a manual typewriter.

That's just one hardship judges in the African nation of Liberia are facing following decades of civil war and political upheaval. Liberia is now moving toward creation of a Judicial Training Institute.

Recently the International Legal Assistance Consortium (ILAC), a group providing technical legal assistance to post-conflict countries, brought a delegation from Liberia to the United States. Two Liberian judges and one top lawyer made a stop at the Administrative Office of the Courts in Atlanta to learn about court reporting techniques in Georgia.



Ms. Kerry McFadden demonstrates the stenograph machine she uses as a freelance court reporter as Liberian judges look on.

Associate Justice Kabineh M. Ja'neh, Supreme Court of Liberia; Circuit Judge J. Boima Kontoe, and Councillor Oswald Tweh, President, Liberian National Bar Association, witnessed a demonstration of a real-

time stenograph machine by Board of Court Reporting members Ms. Marilyn Roe and Ms. Kerry McFadden.

Court

Liberia is definitely a challenge, the judges noted during their visit. A full day of court might yield 12-15 pages of a trial transcript in Liberia. Outside of the capitol city of Monrovia, much of the country has no electric power. Compare that to the 250-300 pages produced daily in a typical superior court in Georgia.



(Left - right) Associate Justice Kabineh M. Ja'neh, Justice Harold Melton, Supreme Court of Georgia, Circuit Judge J. Boima Kontoe, and Councillor Oswald Tweh pictured in the courtroom of the Supreme Court.

Justice Harold Melton also met with the delegation and answered their questions about the Supreme Court of Georgia.

Emory Law School

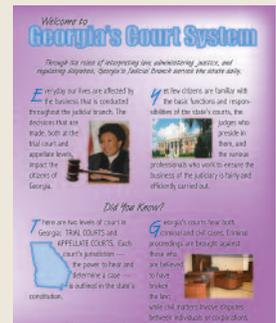


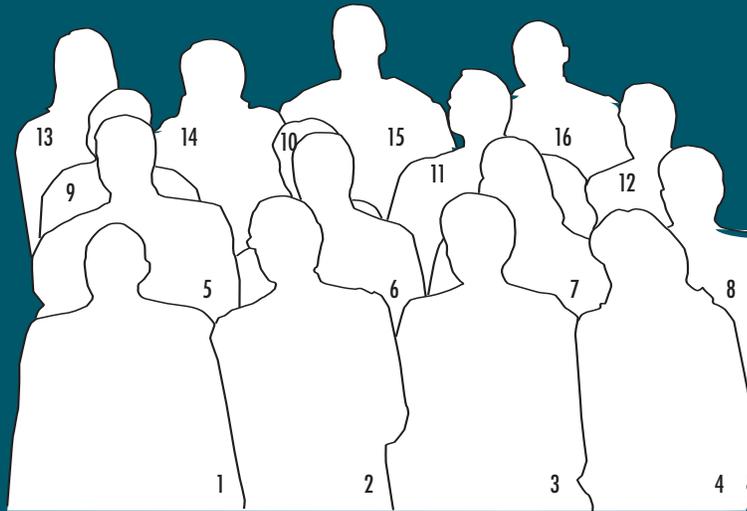
The Supreme Court of Georgia convened its February 26 oral arguments at Emory Law School. Law students, faculty, and staff filled the Tull Auditorium to capacity to witness *Reaves v. The State* and *Hardin et al. v. NBC Universal, Inc., et al.*

Court System Poster Reprint Available

Demand has been high for the "Welcome to Georgia's Court System" poster. To meet that demand, a third printing with a new color scheme and photographs is now available.

For copies of the poster, e-mail your request to Ashley Stollar, AOC graphic designer, at stollara@gaaoc.us





Cover Photo

1. Chief Judge Robert J. James, Superior Court, Douglas Judicial Circuit; 2. Judge Donald B. Howe, Jr., Superior Court, Douglas Judicial Circuit; 3. Judge Barbara H. Caldwell, Magistrate, Douglas County; 4. Judge Susan S. Camp, Chief Magistrate, Douglas County; 5. Chief Judge Charles S. Wynne, State Court of Hall County; 6. Judge Alvin T. Wong, State Court of DeKalb County; 7. Judge Maria Golick, State Court of Cobb County; 8. Chief Judge Edward E. Carriere, State Court of DeKalb County; 9. Judge Jeanette Little, State Court of Troup County; 10. Chief Judge Brenda Weaver, Superior Court, Appalachian Judicial Circuit; 11. Judge Russell McClelland, State Court of Forsyth County; 12. Judge Frank Jordan, Superior Court, Chattahoochee Judicial Circuit; 13. Judge Jennifer McKinzie, Juvenile Court, Augusta Judicial Circuit; 14. Judge Sheryl Jolly, Superior Court, Augusta Judicial Circuit; 15. Judge James Blanchard, Superior Court, Augusta Judicial Circuit; 16. Judge J. David Roper, Superior Court, Augusta Judicial Circuit;

Courthouse Spotlight



Whitfield County

County Seat: Dalton

Built: 2006

Judicial Circuit: Conasauga

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Administrative Office of the Courts
244 Washington Street, SW, Suite 300
Atlanta, GA 30334