

State of the Judiciary
Chief Justice Harold N. Hill Jr., Georgia Supreme Court
Message to the Georgia State Bar Meeting
June 10, 1983, in Savannah, Georgia

I should not begin without acknowledging that the Supreme Court of Georgia is proud to appear as the titular head of the State Bar. Through the dedicated effort of the officers, committees and volunteer members of the State Bar, the Bar runs itself efficiently and productively. Through the ceaseless efforts of the State Disciplinary Board and the Fee Arbitration Board, the State Bar serves the public as well as the lawyers of this state.

I also wish to acknowledge the invaluable assistance provided the court and the bar by the Judicial Qualifications Commission, the Board of Bar Examiners, the Board to Determine Fitness of Bar Applicants, and the Judicial Council of Georgia.

I should report to you some of the things the Supreme Court is doing. By reporting on the activities of the Supreme Court, I do not by any means imply that I am reporting on the activities of the Chief Justice. Ours is a cooperative effort. I am indebted to my colleagues on the court who assist daily in shouldering some of the administrative duties. We have, in fact, reached the point where some of the Justices are trying to find others to whom they can delegate some of the administrative responsibility they have accepted.

STATE-FEDERAL COUNCIL

At this meeting last year, at the suggestion of then Chief Justice Robert Jordan, there was an organizational meeting of the State-Federal Judicial Council. On Wednesday of this week, the superior court, district court and state and federal appellate judges met formally for the first time, in an effort to resolve some of the conflicts between the state and federal judicial systems. You will be pleased to learn that the first order of business was for the benefit of lawyers and their clients who have conflicting hearings and trials in state and federal courts, and that the council adopted guidelines for resolving those conflicts.

UNIFORM RULES

As you may be aware, the new constitution requires that the Supreme Court, with the advice and consent of the five classes of trial courts, adopt uniform court rules for the speedy, efficient and inexpensive resolution of disputes and prosecutions. Drafting committees composed mainly of trial judges have been appointed. We have had an organizational meeting and these committees are hard at work.

The guideline for resolving calendar conflicts between state and federal courts adopted by the State-Federal Judicial Council will now be submitted to the uniform rule drafting committees. Hopefully, the state-federal guideline will be adopted by all Georgia courts as a uniform rule, so in the event you have a conflict between any two Georgia courts, the rule will be the same.

As you can see, we are hopeful that some vertical uniformity, between the five classes of state trial courts, can be achieved, as well as horizontal uniformity between courts of the same class.

The uniform rule drafting committees are all considering a uniform transfer rule to provide for transfer of cases between courts when the court in which a case is filed lacks jurisdiction or venue. As you may be aware, the new constitution in effect abolishes the motion to dismiss for lack of jurisdiction or venue, and provides for transfer of cases. This proposed uniform rule should provide a procedure to implement this new constitutional provision.

OTHER ACTIVITIES

The court is making an effort to coordinate the activities of the Judicial Council, the District Administrative Judges, and the Council of Superior Court Judges, and to provide each of those organizations with administrative support through the Administrative Office of the Courts. Unfortunately the AOC is not adequately funded to maintain its prior level of service to the judiciary, much less take on additional duties.

Because the new constitution provides for non-partisan election of judges, a committee is at work considering possible revision of the Code of Judicial Conduct. We expect to have any changes adopted well before campaigning begins next year.

The court is also encouraging the Indigent Defense Council to propose guidelines for the appointment of effective counsel for indigents. Although the Council is without appropriated funds, it will meet here this afternoon. We are indebted to these lawyers who are volunteering their time and expenses to assist in providing legal services to indigents.

The court has begun work on a new printing contract which hopefully will reduce the cost to you and to the public of the appellate court reports. The General Assembly has provided the court with funds to acquire word processing equipment to accomplish this price reduction and hopefully next year we can report to you that we have been successful in this endeavor.

So much for the ongoing activities of the Supreme Court and the judges and lawyers who have volunteered their services to improve the judicial system for the benefit of the public.

MAJOR PROBLEMS

Ordinarily, at this point I should point out some of the problems of our legal and judicial systems which you and we should undertake to solve. There is the problem of adequate funding for the judicial system. There is the overwhelming appellate caseload and the equally overwhelming caseload in many of our trial courts. There is notice pleading and abuse of discovery, accompanied by the high cost of legal services. There is the rising popular demand that judges decide cases in favor of the majority's desires, rather than according to the constitution and laws of our state and nation.

GOVERNOR'S COMMISSION

Instead of dwelling on these and other problems, let me propose a more comprehensive approach. In order to do so, I must pay tribute to another volunteer legal organization no longer in existence. In 1971, the Governor's Commission on Judicial Processes made a report recommending numerous changes. That Commission was chaired by then Judge Robert Hall, later Justice, and now a District Judge. Its members included such people as Judge Luther

Alverson, Gus Cleveland, Judge Robert Culpepper, Frank Jones, Sam Nunn, Holcombe Perry, Judge Thomas Ridgeway, Irwin Stolz, Judge Julian Webb, and Judge Dan Winn.

Their report recommended a constitutional amendment designed to create a unified judicial system in this state. We now have such a constitutional provision and we are working on its implementation. That commission recommended the creation of a judicial nominating commission which we now have. They recommended the Judicial Qualifications Commission which we now have. The commission recommended that judges impose sentences in non-capital cases, that sentence review panels be created, that the prosecution be given a limited right of appeal, that interlocutory appeals be allowed, that pattern jury instructions be prepared, and that the age of majority be lowered to eighteen, all of which we now have.

A few of the Commission's 1971 recommendations have not been implemented, but its batting average is nearly perfect.

In my view, after twelve years, it is time for a new Commission on Judicial Processes to revive if feasible the unenacted recommendations of the old Commission, to consider the existing problems I have mentioned, to examine the public opinion and lawyer's polls, and propose a new blueprint for judicial and legal improvements for the new decade.

I have recommended that Governor Harris appoint such a Commission. I believe that a new Commission will provide us with solutions and goals which will further improve the legal and judicial systems of this state for the benefit of its citizens. I thank Governor Harris in advance for undertaking this task.

And I thank you for allowing me to appear here today.