

State of the Judiciary  
Chief Justice Harold G. Clarke, Georgia Supreme Court  
Message to the Legislature  
January 17, 1992, in Atlanta, Georgia

From experience, I know you do not number this as one of your favorite days of the Legislative session. You have problems to solve, work to do, constituents to satisfy and a state to serve.

Understanding all that makes me appreciate even more your willingness to spend some time listening to the boasts, complaints, and wants of the judicial branch of government. Having sat where you now sit, I know too well how easy it is to overlook the judiciary. After all, court personnel constitute a minute portion of state employees, and we measure the portion of the total state budget which goes to the Judicial Branch in one- thousandths rather than percentage points. Surely your time could be better spent seeing after more important state business.

This assumes, though, that small numbers make for unimportance. This overlooks the solemnity and impact of judicial duties and responsibilities. All the courts can do is take your property, take your freedom, take your life, or take your children. I point this out not to boast of our authority, but to explain our concerns for the capacity to exercise that authority in the best interest of the people.

We have courts because people have problems. It falls the duty of judges to find ways to solve those problems. This becomes harder all the time because the number and complexity of the problems grows enormously. This demands a look at where we are and where we need to go.

I propose to you some new means to help the courts keep up with the needs of the people. I will talk about alternative dispute resolution, indigent defense, and new ways of handling some aspects of the most difficult of all cases those where the death penalty has been imposed. But first, let me tell you where we are and what we are doing right now.

We live in a world of crumbling walls. Some fall and allow liberty to flow more freely while others topple into a heap of confusion, doubt, and disorder. Georgia has no Berlin Wall, but it has barriers which impede pure justice and block the path to a better future. We will clear these barriers only when we brush the clouds of doubt from our eyes and quit limiting our vision by failing to think big.

Indigent defense takes money. Alternative dispute resolution can be self-supporting by adding to court fees an amount sufficient to cause the users of the courts to pay for their use. But the money aspect of the whole picture before us becomes almost unimportant compared to the change of thinking which the present demands of all of us. The unsatisfactory present and an improved future require work and a willingness to see the unlimited possibilities for a better future.

For most of my life, I, along with other Georgians, have made a perfect excuse for mediocrity. In my ten years in the legislature, we used that excuse. During my twelve years on the bench, we

have used that excuse. How many times have you heard it said?

"Georgia can't do what other states do because we're 'PO'." My friends, we have let reality pass us by. Measured on a comparative scale with other states, Georgia no longer fits the description of "PO." We have said if we had the resources of North Carolina, Florida, or Texas, we too could do wonderful things like ADR. We say all that without even looking at the facts which show us that the per household income in Georgia exceeds that of every state in the south except Virginia, and that includes Carolina, Florida, and Texas. We heard of outstanding services in states like Iowa and Indiana and blamed our deficiencies on lack of money. Again, our per household income exceeds that of those states.

Georgia's problems come not so much from financial poverty as from a poverty of vision and our unwillingness to lay aside those things which provide little to the people and to grasp those things which provide enrichment to the people.

The judicial branch is ready and anxious to move toward the twenty-first century by preserving the best of our past traditions but more importantly by finding new ways to better solve people's problems.

Your judicial branch is ready to do better things. We've half-soled the old judicial shoes too long. The time has come for a new pair of shoes. With your help, we're ready to put on those new shoes and race along the track to a time when we can truly fulfill our constitutional duty to provide to the people speedy, inexpensive, and efficient resolution of disputes and prosecution of crimes.