

State of the Judiciary
Chief Justice Robert Benham, Georgia Supreme Court
Message to the Legislature
January 14, 1999, in Atlanta, Georgia

Lieutenant Governor Taylor, Speaker Murphy, the members and officers of the House and the Senate, my colleagues on the Supreme Court, my colleagues on the Court of Appeals, members of the judiciary, my many friends and well-wishers, it's a high honor and a real privilege to be able to address a joint session of the legislature.

This is the fourth time that I've had this opportunity to address a joint session as the Chief Justice of the Supreme Court. We come today to thank you for your many years of support of the judicial branch of government and your dedication to improving the quality of life for all Georgians. We have also come to celebrate the accomplishments of the judicial branch of government.

Gratitude

We appreciate the leadership that you have provided, making Georgia a leader in the Southeast and putting this state well on the road to becoming a leader in the country in the twenty-first century. As we begin the last year of the second millennium it gives us all an opportunity to stop and reflect on the many blessings we have enjoyed here in the great state of Georgia. We have been very fortunate to have outstanding leaders in this state. Governor Miller, through his appointments, has made Georgia's judiciary one of the finest in the nation. Lieutenant Governor Howard, as a loyal legislator, provided excellent leadership in the Senate.

Speaker Murphy has not only been the longest serving speaker in the country, but he has been one of the greatest speakers in the country. As he and I exchanged pleasantries this morning, both of us couldn't help stopping to reflect on our years as lawyers and friends. It was some thirty years ago that I went to practice in northwest Georgia and had an opportunity to meet the speaker. He pulled me aside, and he said, "You're one of our own and we're going to make sure that things work out." Mr. Speaker, just a month ago when your son and my friend were sworn in as a member of the judiciary, I know his mother was looking down on him with pride, and you were looking at him with pride. I was looking at him with tears in my eyes, because I knew how far we had come, having been at the university together and having practiced law in the same area.

Mr. Speaker, I can assure you that just as you told me some thirty years ago everything would work out for me as a lawyer, I can assure you that everything is going to work out for your son as a judge.

We take pride as members of the judiciary in welcoming Governor Barnes and Lieutenant Governor Taylor as they assume their new positions of leadership in this state. We also take pride in welcoming our own Judge Edward Johnson who has assumed his position as the Chief Judge of the Court of Appeals. We also take pride in welcoming Judge Anne Barnes, the newest

and most junior member of the Court of Appeals, and we welcome all of our new chief judges who are assuming positions throughout the state.

We are also proud of all of our legislators, and we are proud of our lawyer legislators – those who have given of their time, energy, effort, and service to their fellow human beings. As the new legislators assume their roles, I want to remind you of something my dad told me when I was twelve. Simple message: he sat us down, my two brothers and me, and said, "This is what it takes to live in this family: you will serve your God, you will sacrifice for your family, you will share with your neighbors, and you will perform public service if called upon to do so." I see you have heeded the call of the very challenge my daddy issued some forty years ago, and we are proud of all of you as legislators.

We are proud to report that the state of the judiciary is fine. We have some of the best and some of the brightest judges in the nation. We have some of the most dedicated public employees in our court system and some of them are here with us today sitting in the gallery: judges, law clerks, court personnel who serve the judiciary and who serve the citizens of this state. And I'd like for those members of the judiciary in the gallery and those members of the court system to stand and be recognized.

Role of the judiciary

And while our duty is that of service to the citizens of this state, we want to assure you that we know the role that we must play. It's a simple role: you make the law, and we interpret the law, and that's the only role we have—one of interpreting the law. We've enjoyed the wonderful relationship we have had with the executive and legislative branches of government, so this morning I'm not going to report on all aspects of the judiciary. I will take my lead from the Governor and the Lieutenant Governor, who during their inaugural addresses talked about overriding and overarching principles. But I will tell you that we will be more than glad to furnish you a copy of our annual report.

Let me set the tone. Those of you who have been here for the three previous years when I delivered the State of the Judiciary Address know full well I'm from somewhat of an old school. My twelve-year-old son says that I am from a bygone era. In fact, he says *thankfully* a bygone era. But I'm from an era where we see good and blessings in everything that occurs, and there is a poem that sort of reflects that kind of goodness. It's called "A Steadfast Heart." The author is unknown. It says:

*We've dreamed many dreams that never came true and faded with the dawn,
but we've had enough of our dreams come true to keep us dreaming on.
We prayed many prayers that were never answered though we prayed and waited long,
but we've had enough of our prayers answered to keep us praying on.
We trusted many a friend—some disappointed us and left us to cry alone,
but we've had enough of our friends remain true to keep us trusting on.
We've sown many seeds—some have fallen by the road for the birds to feed upon,
but we've had enough of our seeds bear fruit to keep us sowing on.
Yes, we've tasted the disappointment and pain, and sometimes we've been left without a song,
but we've also tasted the sweet nectar of the roses that will keep us going on.*

And that describes what we do in the judiciary. There's happiness, there's heartache, and there's pain, but we continue to solve the problems of our communities. And as I reflect on the friends, the dreams, the hopes, the promises and the seeds that have been sown, I can't help but have a deep sense of pride at what we've accomplished in this great state. We must be doing something right, because everyday when I look out my door I see another moving van coming into our community. People are leaving the snowbelt and coming to the sunbelt for some of the southern tradition and opportunity and, hopefully, some of our southern hospitality.

Dreams and hopes

But when I look at our dreams and our hopes, I realize that it is our dream and our hope that you will give us more judges on the Court of Appeals. We deserve the best judiciary in the country because we have the best people in the country. We have one of the most overworked appellate courts in the country. They must do three times the work of any other Court of Appeals. Our fate is in your hands. We hope that you hear our cry and answer our plea for help.

We appreciate the efforts you've made in the area of juvenile justice. You've helped us improve the system by passing statutes to deal with crimes. We continue to dream and hope that you will find a way to fund at the state level our juvenile court judges. Juvenile justice can no longer be considered just a matter of local concern. Juvenile justice must be a matter of statewide concern. The fate of our children is in your hands. We hope you will hear our plea and answer our call.

We trusted you as our friends, and our trust has been rewarded because you created six new superior court judgeships, and those judges are now serving throughout this state. We trusted you, and our trust has been rewarded. You funded legal services in the area of domestic violence. We trusted you, and our trust has been rewarded in that you've provided adequate funding for the operation of the judiciary. We will continue to trust you because we have more things in common than we have things which separate us.

We've sown our own seeds also. We've created now our Blue Ribbon Commission to look at the judiciary. We created it without an additional penny of revenue from the state. The money to fund the Blue Ribbon Commission came from the lawyers of this state. This is being done in a way so that we can look at the entire judiciary and make it cost-effective, make it efficient, and continue to make it fair.

We've created a Commission on Public Trust and Confidence to look at ways in which the bench and the Bar can improve the delivery of legal services to the citizens and improve the quality of justice. We put many members from the private sector on this Commission on Public Trust and Confidence, and they will be going to Washington next month to join with other members to look at the development of a strategic plan.

We've created judicial district committees on professionalism to make sure that lawyers are not only competent, but are civil in their dealings with each other, with the court and with the community, and they are public servants and community servants. We are now beginning to look at court unification and give the various courts an opportunity to discuss a way that we can deliver justice in a cost effective and efficient manner. We have many commissions that are leaders not only in the southeast but also in the nation – our committees and commissions on

alternative dispute resolution and professionalism, our program on substance abuse and our Commission on Equality, and our foster care program. We thank you for your support of our attempts to address many issues that are coming before the courts.

Our courts automation commission is doing all that it can within its power to address the increasing needs of technology. We continue to ask for your support of this very worthwhile effort. Our Administrative Office of the Courts is one of the best in the nation. We will continue to improve the way in which we administer justice.

Just recently we had over 2.3 million cases filed in the various courts of this state, excluding the traffic courts. We will need your additional help as we seek to deliver justice to all of the citizens of this state.

Visions and visionaries

We have vision. We have a vision that one day the Supreme Court will become a cert court so that we can handle only the most pressing and important problems in the Supreme Court, and that our Court of Appeals will be adequately staffed so it can handle the problems that come before that court.

If we have been successful, we have been so not just because we have good chief justices, we also have good justices, good judges, good staff people, and good legislators to address the needs of this state. And as I recognize members of this body who have been outstanding leaders, I also realize that in order for us to be successful we must have outstanding jurists not only on the trial bench but also on the appellate bench. One of those justices is Presiding Justice Norman Fletcher. He and I came to the court together. He came from the mountains, and during his service he has been a monument for the protection of the rights of citizens and ensuring that justice is delivered fairly and efficiently and effectively to all of our citizens.

We appreciate the judges and justices who have been willing to make the unpopular decisions and call it as they see it, and we express deep appreciation for all of our judges who have provided protection for all of the citizens in our state. But we don't have just good judges, we have good DAs in the state, we have good clerks, we have good lawyers, and we have good courthouse administrators to make sure that our court system is user friendly.

So as we continue to administer justice, we remind you that our doors swing open on welcome hinges. But just because they swing open on welcome hinges, that doesn't mean that all problems can be solved in the courthouse. The courthouse is an avenue of last resort, not an avenue of first resort. The best solutions come across the dinner table, across the conference table, and across the backyard fence. So we ask you also to empower the communities to address problems in their own communities and reserve the most intractable problems for the judiciary.

On January 1 we celebrated the Emancipation Proclamation. As I was preparing to go to a celebration, my twelve-year-old son asked me, "Daddy, why is there so much fuss about freedom? What's so important about it?" I was somewhat shocked and surprised that my son would take freedom so lightly, and then I realized that he wasn't here during World War I. He didn't have to go from hedgerow to hedgerow in World War II. He didn't have to endure the cold of the Korean War. He can't even fathom the concept of the Vietnam War.

And so many of our young people never had to fight for their freedom. They so easily take it for granted. Freedom must be fought for, and so every day the judges of this state put on the armor of law, and they go out to slay the dragon of injustice, so that freedom is preserved for all of our citizens. We enjoy the role, and we will continue to fight for your freedom and for the rights of all of the citizens of this state.

As I come to an end, I look out and see the new legislators. If I started with a poem, I guess I'll just end with one. There's a poem by an unknown author which says:

*I have not lived in vain if I've lit some spark of hope in some helpless soul
or helped some struggling brother or sister lift a heavy load.
If I have shed a light in a darkened hour then I have not lived in vain.
If we've erred as all men and women have and displeased the God from whence we came,
but heard him say thou are forgiven, then our prayers have not been in vain.
We put our heart and soul within our labor.
We didn't strive to reach the hall of fame.
We labored among the meek and the lowly.
We've seen our fruits, our work has not been in vain.*

And now as I come to a close and return to the chambers from which we came, we do not fear nor dread this hour. All is well, for we have not lived in vain.

Mr. Lieutenant Governor, Mr. Speaker, that is the State of the Judiciary.