

State of the Judiciary Address, "Building Trust and Confidence in the Courts"  
Chief Justice Robert Benham, Georgia Supreme Court  
Message to the Legislature  
January 13, 2000, in Atlanta, Georgia

Speaker Murphy, Lieutenant Governor Taylor, members of the General Assembly, my colleagues on the Supreme Court and Court of Appeals, members of the judiciary, members of the staff of the judiciary, ladies and gentlemen, thank you for the opportunity to speak to you this morning on the State of the Judicial Branch. It is a pleasure and a privilege to report to you that the state of the judiciary is fine.

It is an honor to represent the courts today, to give you an accurate reflection of our achievements, both great and small, and to define to the best of my ability our aspirations for the courts of this state in the coming year and beyond.

This is my fifth opportunity to address a joint session of the House and Senate. Since 1968 I have had the pleasure of serving under five Governors. First as an intern under Governor Maddox, then as a Special Attorney General under Governor Busbee, then as a Judge under Governor Harris, and then as Chief Justice under Governors Miller and Barnes. I have seen many changes take place and I have seen Georgia grow not only in population but also in importance. The State of Georgia of 2000 is materially different and significantly better than the Georgia of 1968 when I first came to government. It is better, in part, due to the strong leadership you have provided and the tough decisions you have made. You have not been satisfied just in holding public office, you have provided service during your tenure. We applaud you for the sacrifices you have made and the service you have rendered. I applaud your speaker and Lieutenant Governor, who have led by example and who have sought to compromise rather than polarize. I applaud my own delegation of Dean Marable, Lewis, Cummings, Shannahan and others who have given yeoman service in improving the quality of life of all our citizens. I applaud many of the greater members such as Denmark Groover, Grace Hamilton, Pappa Dent, Cathy Cox, John Lewis and public servants such as Elmore Thrash who have been willing to serve God, sacrifice for family, share with the neighbors and perform public service. I applaud our judges who are some of the best and brightest in this country and they have upheld their oath to do equal justice to the rich and poor alike.

I am proud to represent the system of justice of our state and our nation. I especially want people to know that, just as the government as a whole derives its powers from the people, the effectiveness of the judicial branch is measured by the respect and confidence of the people we serve. So while we wear a robe and preside in a courtroom, we are mindful that our decisions must be grounded in fundamental moral values and must be worthy of respect and trust. With the support given by the General Assembly, the Executive Branch and the citizenry, we continue to uphold the ideal of justice and to work daily to improve the system.

Our goal is to have the best court system in the nation and in order to do so we must have high expectations, high standards, a superb curriculum for continuing legal and judicial education and adequate resources to fund our efforts.

Before I tell you about our current initiatives toward system improvement, I want to express gratitude to you for your past support of the court system and its needs. Thanks to you we now have an expanded Court of Appeals with enough judges to handle the workload. Thanks to you we are serving the needs of victims of family violence more effectively. Women and children all across this state face overwhelming difficulties in getting lives, torn apart by domestic violence, back in order. Due to your generosity one of our grantees, Georgia Legal Services, was able to assist 1800 victims of family violence who faced civil legal problems. When family members are included the total number of people served reaches 4,500. This funding has an immediate impact and we are grateful for your support.

Thanks to you we have put more trial court judges on the bench during the past year. In many circuits the courts struggle to keep pace with caseload growth caused by the increasing population, we appreciate your responsiveness to our continuing need for judicial resources.

Let me first talk about judicial independence. I had the pleasure of meeting with Mikhail Gorbachev, the former President of the Soviet Union. He asked me how I felt while waiting for "the call?" "What call, Mr. Gorbachev?" I asked. "In the Soviet Union, a Judge hears a case and then waits for the Party to call to tell him what decision he is to make." I said, "Excuse me Mr. Gorbachev, there aren't any calls in the United States of America. We have an independent judiciary."

We in the judiciary are often the least visible branch of government and, because we must remain impartial, the least accessible branch of government. Citizens may influence the course of legislation or write to the governor, but judges make their decisions alone in accordance with the laws. So while we must decide issues affecting principles, property, freedom and lives which are of critical importance to all citizens, our processes are not subject to outside influence. The very nature of our system of justice can lead to misunderstanding on the part of citizens and mistrust of court procedures. So it is especially important for judges to communicate effectively and it is important that we conduct business in a manner that builds confidence in the courts.

We may be removed from public debate at times, but I can assure you that complaints about the courts do reach our ears. We are open to new ideas and we want to reach out to the community for input and advice.

I have said before that the courts cannot solve all of society's problems. We are the institution of last resort, when other avenues of dispute resolution have failed, and that reality allows many to blame the courts or to imply that the courts are somehow ineffective. The courts provide an impartial forum to settle disputes and uphold the laws. In a society that is far from perfect, we are asked to provide equal justice. The courts are open each day to hear cases and judges continue to make the tough decisions that must be made. We are here to serve the citizens of Georgia in a manner that is worthy of trust and respect. And we are working on many fronts to improve the court system and to build confidence in our system of justice.

Now let me talk briefly about court initiatives. As I mentioned earlier the courts have made progress and they have goals and initiatives that I want to share with you this morning. Through the efforts of our Office of Commissions and Programs, we are launching projects designed to increase public trust and confidence in the courts and to make our courts more accessible to all. The Commission on Equality is establishing a People's Law School for the Hispanic Community here in Atlanta. Working together with the Atlanta Hispanic Chamber of Commerce, the Georgia Hispanic Bar Association and the Georgia Civil Justice Foundation, the commission will provide facilitators for monthly seminars on the justice system. The seminars will be held in local neighborhoods to bring information to citizens where they live. This is an exciting outreach project that recognizes our diversity and the need for accurate information in our immigrant communities.

We will continue to implement the recommendations of the Commission on Equality to address concerns as to the full participation of minorities in the legal process and the fair treatment of all citizens who are involved in the legal process. Former Justice Hardy Gregory is heading up the work of our Blue Ribbon Commission on the Judiciary. This group will address several critical issues: improvement to courts organization and structure; court system resources; quality of justice issues; and special challenges. I look forward to reports from these subcommittees and to hearing their recommendations.

I have recently asked Judge Yvette Miller, one of the newest members of the Court of Appeals, to take the lead for the Commission on Public Trust and Confidence. Judge Miller formerly served on the bench of the State Court of Fulton County and she brings a keen intellect and high energy to the task. As I understand it, the commission plans to conduct a statewide survey to gather data regarding public perception of the justice system in Georgia. We will use the results of the survey as a guide to strategic approaches to building public trust and confidence in our courts. They also plan televised Town Hall Meetings for participatory discussion of issues identified in the statewide survey.

National surveys have already revealed that citizens believe that we do a good job in protecting the rights of citizens and providing legal representation to those unable to afford it. The survey also revealed that the judicial system, by and large, is free from corruption and that judges are held to high ethical and moral standards. But the survey also revealed that citizens believe that justice costs too much, lasts too long and that minorities feel that they are treated unfairly. We will continue to develop strategies to address these systemic problems.

Projects are going forward to provide assistance to pro se litigants at the courthouse. For sometime now we have been focusing on improving and upgrading our foster care proceedings in juvenile court. Some 14,000 to 20,000 Georgia children are presently in foster care. Some 48,000 children are abused each year and many of these children end up in the juvenile system and later end up in our YDC's and prisons.

To address problems of disruptive homes, lack of parental care, and at-risk situations for our children many of these children have been removed temporarily from their homes. We have taken steps to shorten this period of disruption in their lives and to ensure that the professionals

responsible for their well-being while they are in state custody and the judges who preside over their cases are well-trained and well-equipped to do their jobs.

At present the responsibility for funding juvenile justice remains a local responsibility with local governments shouldering the burden of operating judicial facilities and paying court personnel. As you are aware, the judicial branch is asking for state appropriations for juvenile court judgeships. It is my belief that no other budget item would produce the benefits to this state that would be generated by adding specialized juvenile court judges. State funding will allow us to have procedures that are streamlined and uniform, to provide speedy consideration of cases. It will provide career opportunities for judges who have a sincere interest in improving the lives of our young people. It will allow us to remove dangerous juveniles from society and provide treatment and rehabilitation for the thousands of salvageable young people. The courts must be able to safeguard children when parents cannot or will not. We must be there for our children, for the sake of justice and for the sake of the future.

Our trial court judges are embarking on a time and motion study of judicial workloads. This is the first time Georgia has conducted such a study and the findings will give us empirical data to use in our projections of judicial resources needs in the coming years. The National Center for State Courts and our Administrative Office of the Courts are organizing the study. I am grateful to our superior, state and juvenile court judges who have agreed to participate in this exciting effort. We expect a report from the project before the year's end.

In order to combat the evils of substance abuse, including the increased burdens it has placed on our court system, we need not only adequate resources and procedures to quickly and fairly adjudicate cases but we also need pilot drug court projects for diversion, education, prevention, treatment and rehabilitation of communities.

In order to satisfy federal and state reporting requirements we must have adequate resources so that we can marshal information from all 48 judicial circuits and furnish it to various local, state, national and international agencies as we are mandated to do.

The role of the courts is constantly changing. Early in the development of our legal system when few matters were brought to the court for resolution, we simply served as referees. As our state began to grow and businesses began to expand, courts had to manage increasingly complex and protracted litigation. Now that there has been an explosion in our population and we have become a technologically advanced society with mass torts, multi-district litigation, organized crime, juvenile justice issues, and domestic violence, to name a few, courts must become actual players in the game by shaping and molding new and increasingly complex legal procedures to meet the needs of society in the area of conflict resolution.

I hope you will agree with me that the courts are not at a standstill, nor mired in the past. We are looking ahead and moving ahead. Not resting on our achievements, but working toward the common goal of a just society. I believe in our system. I believe as well that the courts are a symbol of the ideals that all Americans share. We stand for fairness, for justice, and for the rule of law.

With your help and support we will continue to meet the challenge before us and we will provide the citizens of this state with a legal system that is fair, just, cost effective and efficient. We will protect society by dealing firmly and fairly with those who violate the laws. We will fully clothe our citizens with all their constitutional and statutory protections while at the same time providing them with a superior system of justice that is without equal and the envy of the nation.

Lieutenant Governor Taylor, Speaker Murphy members of the General Assembly that is the state of the judiciary.

Thank you.