

State of the Judiciary Address
Chief Justice Leah W. Sears, Georgia Supreme Court
Message to the Legislature
February 13, 2008, in Atlanta, Georgia

Speaker Richardson, Lieutenant Governor Cagle, President Pro Tem Johnson, Speaker Pro Tem Burkhalter, and other members of the General Assembly. My fellow judges, ladies and gentlemen.

I owe special thanks to my friends and colleagues -- I am very happy to call them both: Presiding Justice Carol Hunstein, former Chief Justice Robert Benham, and Justices George Carley, Hugh Thompson, Harris Hines and Harold Melton, as well as the judges of the Court of Appeals, now being led by my friend, Judge Anne Barnes.

We are privileged to have with us today more than 100 judges from around the state, including all of the members of the Judicial Council.

On behalf of all of these judges, I want to express our most sincere appreciation for the very difficult work that you as lawmakers do. We know how hard you work. Like those of us in the judicial branch, you have dedicated your lives and made many sacrifices for the people of Georgia with full recognition that every human being in Georgia is entitled to your careful consideration. So you have our deepest admiration. We are grateful to you, as well as Governor Perdue, for everything you do to make the judicial branch function so well.

I also want to take a moment to recognize my children, Addison and Brennan, who inspire me with their dreams, as well as my mother, Onnye Jean Sears, who has always believed that my dreams were possible. And, of course, my kind and loving husband, Haskell Ward, my very best friend. My hero.

I am honored to come before this distinguished body as your Chief Justice to report to you that Georgia's justice system is sound, solid, and strong. Georgia's justice system, and Georgia's judges, are revered by people around the world. And that's why I invited them all to be here today. I wanted to pay tribute to this state's more than 1500 judges and give you an idea of the incredible work that they do.

Ladies and gentlemen, the most highly qualified judges preside over Georgia's courtrooms. Our judges are impartial and unbiased. They are free of fear or favor. Our judges -- your judges -- are committed to rendering decisions in accordance with the laws that you pass. In all these things, we are fortunate indeed. And the reason: the fine men and women who are our judges.

Today, somewhere in Georgia, a new young judge is putting on his robe for the first time. He is about to preside over his very first trial. This is a moment of great pride for him. A few weeks ago, when Governor Perdue announced his appointment, he received letters and telephone calls from friends, family, and colleagues. Everyone wanted to congratulate him and to wish him well. But today, as he climbs the steps leading to the bench, he feels

overwhelmed. He worries that his years of education and experience as a lawyer may not be enough, because he is being called to pass judgment on others, and that is the hardest thing he has ever had to do.

He is determined not to make any mistakes. But he will fall short of his goal. It's not that deciding the fate of others is inherently difficult. Every day, people make decisions that affect others -- decisions based on their own views and biases and that take no account of legal principles or the true condition of those whose fate is decided. But such decisions have nothing to do with judging. Passing judgment on others in a court of law is different. Judging requires years of training and education. It's not what you see on TV in "Judge Judy's" courtroom or on "The People's Court." Judging requires knowledge of, and respect for, legal principles and the laws that you have written.

But the judge often finds that the law is not always entirely clear. And "truth" is often an elusive concept. Some cases over which we preside are magnets for the press and public. In extreme cases, a judge may be vilified or even threatened.

Trial judges often become discouraged at seeing people day after day at their most unattractive and unreasonable. They often have to struggle to overcome feelings of distaste for people revealed as cheats, liars and murderers.

Appellate work, on the other hand, brings a different challenge. You see, we on the Supreme Court and the Court of Appeals like each other very much. But we often don't see eye to eye. That's the nature of the job. Egos can be bruised and tempers tested. Yet our job requires that we pursue the process of deciding cases as a group with civility and respect every day of every year. As you know, this isn't easy. But it is what we must do.

All judges, whether trial or appellate, also at some point must decide issues on which they have strong personal feelings and opinions. But in judging, there is no place for one's personal views, because judging requires that we look at every issue anew in light of the evidence and the law. In doing so, we must be impeccably impartial and favor no man or cause. It is this objectivity that gives the judicial branch its legitimacy. We may have to run for election, but we can never be politicians. In the end, a judge can know no master other than the law.

Judging today is, I believe, far more complex than when I first became a judge in 1980. There was a time when the only job of a judge was to resolve disputes. The whole common law is predicated on this notion. Two parties found themselves in a disagreement. They could not resolve it. So they went to a judge who applied the law to the facts of the case. And that was that.

But our society has changed. It's no longer that simple. Increased population alone has brought new pressures. As recently as 2006, more than 400,000 civil and criminal cases were filed in Georgia's superior courts. With rising caseloads, judges have had to learn to work more efficiently. And they must be technologically proficient. They must be experts in a wide array of subjects. Today, trial judges must be well versed in everything from the forensic science of DNA evidence to the complexities of medical malpractice law. They need to know everything

from the fine points of last wills and testaments to when to terminate the right of a drug-abusing mother to parent her newborn child. Judges must also know some psychology, some sociology, and some economics. And, as our state becomes ever more culturally diverse, the judge is the one person in the courtroom who must be able to hear and understand every voice.

And while all judges must have first-rate training and an education that is becoming with each year more expensive to obtain, the best judges also have superior intellect that is rooted in the core American values of justice, equality, freedom and family.

I am proud that some of our judges' best work is in trying to keep our children safe and our families whole. When I became a superior court judge, family fragmentation was not nearly as bad as it is today; methamphetamine was not the scourge it has become; domestic violence was well hidden; and mental illness was not even on our radar screens.

But 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.

Let me introduce you to a judge in our audience who has worked especially hard to preserve one family.

No judge wants to split a family apart. But at first, that's what Juvenile Court Judge Peggy Walker of Douglas County had to do. Tiffany McGivney gave birth to two beautiful sons before she became addicted to meth. Four years ago, she disappeared from her little boys' lives. Judge Walker at first had no choice but to put them in foster care. But in time, she awarded custody of the children to Diane Scates, Tiffany's mother, the children's grandmother. A little more than a year ago, Tiffany got off drugs, turned her life around, and came back to Georgia so she could take responsibility for her children and be a part of their lives. Today she and her mother live next door to each other. And last month, after long and intensive court involvement, and after Judge Walker had satisfied herself that Tiffany was clean and being a responsible parent, the judge awarded joint custody of the boys -- now 4 and 6 years old -- to both Tiffany and her mother. This was to the joy of everyone, especially the children. Judge Walker, Tiffany and Ms. Scates, would you please stand so we can thank all of you for your devotion to the well-being of these young Georgians.

Accomplishments such as this are due in large part to the judges who sit behind you today. They embody the qualifications, commitment and concern necessary to be good judges. Their success can be measured in individual lives saved.

I am proud that the Supreme Court's Committee on Justice for Children, chaired by Justice Harris Hines, is working hard to make sure that more children in foster care find safe, loving and permanent homes. Today there are nearly 13,000 children in foster care in Georgia. National statistics tell us that when these young people age out of the system at 18 years old, one in four will be in jail within two years, one in five will become homeless, and less than 3% will graduate from college. Judges are working hard to change these terrible statistics. Under the leadership of Senior Judge James Morris from Cobb County, for example, as well as the judges of the Court of Appeals, the Justice for Children Committee is working to expedite the

appeals process of those cases where children need to be permanently separated from parents who can't measure up. That way it will take less time to get children into the stable homes they need and they deserve.

Because I know that each of you also cares about Georgia's children and families, I will also tell you this: Thousands of children in this state are suffering because marriage, our society's most pro-child institution, is getting weaker. As I told you last year, and the year before, nearly four of every ten babies in America today are born outside of marriage. Never before in our nation's history have so many children grown up separated from their fathers. This family dysfunction and its consequences are not only causing our court dockets to be clogged, but they are also costing this state millions of taxpayer dollars.

The good news is that not everyone is giving up in despair. In the audience today is Randy Hicks, president of the Georgia Family Council. His organization plans to release a study this spring that estimates that the cost to Georgia's taxpayers of divorce and unwed childbearing is one billion dollars a year. One billion dollars a year. When the report is published, I urge each of you to take a look at it. Randy, would you stand up and be recognized for the important work your organization is doing.

Our judges have aggressively responded to the growing number of other problems that wind up in our courtrooms. They have created drug treatment courts; they've scrounged for grants to run family courts; they've set up mental health courts and DUI courts. All are now a part of the judiciary's effort to save money while keeping people from returning to the criminal justice system. These courts work. They do not coddle criminals. They save money, and they save lives. Our judges – your judges, my judges – are the leaders behind the creation of these courts. They are making a difference.

As you all know, the state's judiciary is the third branch of Georgia's government. Yet, during my tenure as Chief Justice, we have continued to represent only 1 percent of the state's budget. At the same time, I must point out that the judicial system contributes a great deal of revenue to the state. In fiscal year 2007, our courts collected more than \$433 million in fines, fees and surcharges, some of which will go to our cities and counties. Eighty-seven million dollars will go into the general fund to meet the needs of everyone in this state.

Let me close by saying this: Georgia's judges are more than arbiters of justice. They are also sons and daughters, husbands and wives, parents and friends. They coach Little League baseball teams, and cook dinner when they get home at night. Like you, they stand in the security line at the airport. They are the best and the brightest. And they deserve our support. Other than four cost of living increases, Georgia's judges have not received a state pay raise since 1999 -- nearly a decade ago. And when you adjust for inflation, the purchasing power of the state Supreme Court justices is 17 percent less than it was in 1999.

What I'm trying to say is this: Our judges deserve a little justice too. They have devoted their professional lives to producing timely and high-quality work and ensuring that all of our citizens have the justice they deserve. So I ask you to remember them when the judicial pay raise bill comes before you this year.

Thank you for all that you do, for your friendship and for your many kindnesses to me. God bless you, God bless our state, and God bless America.