

State of the Judiciary Address
Chief Justice Harold D. Melton, Georgia Supreme Court
Message to the Legislature
February 19, 2019, in Atlanta, Georgia

Lieutenant Governor Duncan, Speaker Ralston, President Pro Tem Miller, Speaker Pro Tem Jones, members of the General Assembly, constitutional officers, members of the Judiciary, my friends and colleagues on the Supreme Court, my good friends on the Court of Appeals, my fellow Georgians:

Thirty years ago, I made a great friend. I was a young, first-year law student at the University of Georgia. P. Harris Hines was a Cobb County Superior Court judge. He invited me to work for him as a summer intern. He was a great lawyer, a great judge, and a great public servant, but most of all he was a great man. Because of the love and kindness he extended so freely to others, the late Chief Justice Hines was loved and cherished by every member of our Court, our Court staff, and by just about every person who met him.

I am humbled now to follow him as the new Chief Justice of the Supreme Court of Georgia, following the election by my colleagues and Justice Hines's retirement last August.

I am honored and grateful to be here today to deliver the annual State of the Judiciary Address. This great tradition is an opportunity to report to you the accomplishments of the judicial branch and the challenges that lie ahead.

Two thousand and nineteen is a year of new beginnings. We have a new governor heading up the executive branch; a new lieutenant governor presiding over the Senate; and we have 49 new legislators, a new Secretary of State, a new Insurance Commissioner, and roughly 100 new judges around the state.

Since 2017, five of our nine justices have joined Georgia's Supreme Court, which has recently grown, moving from seven to nine justices. The experience of the Court of Appeals is similar. It recently grew from 12 to 15 judges. And six of its 15 judges have taken office just within the last year.

This new crop of jurists is a younger bunch. I remember when I first joined the Supreme Court in 2005. Conversations among my colleagues revolved around Medicaid Part D and blood thinners. Today our conversations revolve around player pitch baseball and swim meets.

However, all of us are grateful for those who came before us and the opportunity to build on their successes. And I am confident that just as those we succeed worked together for the good of Georgia, we too – in all three branches – will continue to forge strong relationships to best serve our citizens.

Largely due to the relationships we have had with you in the Legislature and with the Governor, I am pleased to report today that the state of Georgia's judiciary is sturdy, stable, and strong.

We are well poised to meet the inevitable changes ahead.

First, let me say this to you: Thank you for your support of the judiciary.

In recent years, you have helped revolutionize our criminal justice system, making our state a national model in criminal justice reform. Through these efforts, we have made our state safer with reduced recidivism rates, saved taxpayer dollars with reduced prison populations, and made our communities stronger by giving non-violent offenders the chance to turn their lives around and become law-abiding and more productive family members and members of the community. President Trump, in his State of the Union Address, recently spoke of the federal initiative toward criminal justice reform, and proudly noted that the states are following the federal government's lead.

That may be true, but the federal government is following Georgia's lead.

I want to thank my colleague, Justice Michael Boggs, for his state and national leadership in this area.

You have approved and funded the new judicial building – the first state building in Georgia's history dedicated solely to the judiciary. Currently, the Supreme Court, the Court of Appeals, the Office of the Reporter of Decisions, and the Office of Bar Admissions are due to move into the new building this November or December. This time next year, we and the Court of Appeals plan to have you over to the new building as our guests so you can walk around and see what you have invested in.

We do not take this building for granted. The building looks slightly upward to the Capitol, giving the Legislature the appropriate presumption of righteousness it deserves, but at the same time it looks squarely at the Capitol in readiness to do our jobs.

This building reflects what the citizens of this great State expect the justices and judges to accomplish each day when we come to work. It is built to be strong, enduring, and attentive to detail. It reflects the dignity and majesty of the rule of law we are called upon to uphold on a daily basis.

As I recently assured the Joint Appropriations Committee, we intend to come well within the appropriated budget for furniture and fixtures, taking all the existing furniture that is suitable and sturdy and which matches the dignity of our new surroundings. We will make sure that the furnishings in the new building are appropriately stately, but not extravagant.

You have appropriately scrutinized and supported the vast majority of the budget and legislative requests submitted by our partners within the judiciary – from the various classes of courts, the numerous commissions, boards and committees. For your positive engagement in all of this, we say, “thank you.”

We also have our forefathers to thank for their brilliance in creating our three branches of

government.

As a practical matter, most of our ordinary citizens have little understanding of what we in the judiciary actually do. Even though the judicial branch, more than the other two, is most likely to be the subject of television shows and movies, the role we play is more likely to be shrouded in mystery.

As judges, we take an oath to uphold the rule of law, to apply the law fairly and squarely to all who come before us, regardless of their status or socioeconomic background. Toward that end, the independence of the judiciary is a gift to (and from) the American people.

John Adams, before becoming this nation's second president, famously said: "We are a nation of laws, not of men."

We apply that rule of law regardless of whether it pleases the majority of citizens, or favors the unpopular. And yet, throughout our nation's history, we have struggled to live up to this ideal.

The recently popularized story of Alexander Hamilton and Aaron Burr shows how far we have come. Remember this: In the early 1800's, Alexander Hamilton was a prominent lawyer. He signed the Constitution of the United States and was the first Secretary of the Treasury.

Aaron Burr was the sitting Vice President under President Thomas Jefferson and a former Attorney General of New York. These were two of our nation's most prominent and visible citizens.

As President Thomas Jefferson prepared to run for re-election, it became clear that he was going to drop Aaron Burr from the ticket. Aaron Burr was not a very likeable sort. Burr, therefore, decided to run for Governor in New York. Hamilton chose to run against him.

There had existed longstanding tensions between the two. And when reports began to circulate that Hamilton had made disparaging comments about Burr's character at a dinner, things got worse. Burr demanded an apology. Hamilton refused. Burr challenged Hamilton to a duel. Hamilton accepted.

Dueling was illegal in New York, so they traveled across the river into New Jersey. Hamilton fired first, and missed. Burr fired second, striking Hamilton in the abdomen. Hamilton died the next day.

Both New York and New Jersey brought charges against Burr, but Burr fled to South Carolina. He later returned to Washington, D.C. and despite the charges pending against him, completed his term as Vice President. He never stood trial for those charges, in either state.

There are other examples in our history where our adherence to the rule of law has fallen short. But fortunately, we have been on a long but steady journey toward greater adherence and fidelity to the law, so that now, we as judges – and you as lawmakers – are expected to pay our traffic tickets just like everyone else.

Upholding the rule of law is hard work. It takes vision, courage, intelligence, patience, and independence. It takes discipline.

I am grateful to all our state's judges who work daily trying to get it right. Many of them are here today. Would all of our state's judges and justices please stand so we can thank you for your service.

While you are in a standing mood, I hope you will do me the personal favor of honoring my lovely and beautiful wife, Kimberly. She is here along with my mother and my son, the youngest of my three children.

In every generation, we have called upon the rule of law to be a beacon of light, the guidance and assurance of justice and equality. Our present time is no exception. And I am pleased to tell you that we are answering the call.

You each should have a flyer placed at your seat. It is a comprehensive snapshot of our state's judicial system. Included on it, you will see statistics about this state's accountability courts – what some call “specialty” courts or “problem-solving” courts. I will not rehash the numbers that underscore these courts' success, but I will touch upon some lessons we have learned from our experience in this area.

The fact is that by the time people come into our drug courts, mental health courts, or other specialty courts, they are often at the end of their behavioral timeline. That is because we, the courts, are the end game. Courts only engage once the problem has come to a head, and criminal laws have been broken – usually after years and years of bad behavior and bad experiences.

And yet we have enjoyed tremendous success, largely because we try to get to the root cause of the problem to stifle criminal behavior at the source. If these courts work at all, it is because we treat the whole person with the hope of future redemption. That is what the rule of law does. It treats every person as an individual.

Our specialty courts work because judges, and the many dedicated social workers and volunteers working with them, take the time to understand the struggles and the backgrounds and the individual stories behind the people before them. They form relationships. They build a level of intimacy.

Justice Hines always said, “You never know what someone is struggling with, but everyone is struggling with something.”

So here is the next logical question: If these courts are able to have this kind of success with a population of adults who often have had a lifetime of struggles and bad behavior, can we not have even greater success if we, in our communities, engage even earlier? Can we accomplish even more if we engage earlier in the timeline?

We know the paths people take. You will see on your flyer the extraordinary number of Georgia's children in foster care. Each child in foster care involves multiple filings in our juvenile courts. We know that the challenges these children face put them at a higher risk of getting into trouble, dropping out of school, having babies in their teens, and ultimately coming into our court system. Keeping children with their families and out of foster care is important. The judicial branch supports reinforcing family ties.

Kinship Care is a program that helps do that. It provides legal services to grandparents, relatives, even family friends who are serving as guardians to children who otherwise would be placed in foster care. Kinship Care works to give these guardians the legal authority they need to make medical decisions, financial decisions, and school decisions for the children. In the Judicial Council's budget request submitted to you, you will have the opportunity to support this effort.

I believe the solutions to many of our social ills lie in our communities. The challenge for all of us is to have conversations that peel back the layers to the problems in our own backyard. But we should not just focus on the problems, but we should then venture into potential solutions, and then take action, recognizing that relationships and intimacy are at the core of the solutions.

These conversations will be different in each community. In Cobb County, where I grew up and went to high school, District Attorney – now GBI Director – Vic Reynolds and others in their community recognized they had a growing problem with gangs. In response, Judge Wayne Grannis of the Cobb County Juvenile Court, a former prosecutor, created a new specialty court that targets high-risk youth and first-time gang offenders. The goal is to steer them away from gangs and into counseling services and life-skill resources that are available to both the youth and their families.

But even here, the courts are dealing with kids *after* they get into trouble. Must we wait until our youth and adults are engaged in high-end criminal activity when we know precisely the path they are on, and we have the tools to intervene or steer them in another direction?

We in the judiciary can and will continue to deal with people on the back end, but we would love to see our numbers reduced by communities dealing with individuals on the front end.

How do we do that? I want to tell you about a program that exemplifies what I'm talking about.

The Atlanta Volunteer Lawyers Foundation, led by Executive Director Marty Ellin and Deputy Director, Michael Lucas, has created a program called, "Standing With Our Neighbors." The lawyers got involved with Thomasville Heights Elementary School – one of the lowest performing schools in the entire state. When they peeled back the layers, they learned that the average tenure of a student at the school was 1½ years.

The Atlanta Volunteer Lawyers Foundation brought in two lawyers. The lawyers developed relationships with the children and then their parents.

I want you to see what happened next.

There's more. In the context of those relationships, they learned of asthma resulting from the mold and mildew and the need for air filtration units in the apartments to further cut down on absenteeism. They learned of incidents of domestic violence that otherwise would have gone unaddressed.

By dealing with these issues, how many future criminal cases have been prevented? How many instances of illiteracy have been avoided? How have they impacted future dropout rates, teenage pregnancies, infant mortality rates, drug addictions and any other negative statistics that concern us? And, how many lives have been redirected toward becoming strong mothers and fathers and leaders in the community?

I hope you will join me in honoring Marty Ellin, Michael Lucas and the soldiers of the Atlanta Volunteer Lawyers Foundation.

I mentioned that our judiciary is poised for the inevitable changes we face in the future. You will see on your flyer the large number of fellow Georgians who cannot afford a lawyer and are representing themselves in court – often putting themselves at a great disadvantage and threatening their access to justice.

One of the most profound changes now evolving is our courts' use of technology. For those without lawyers, court procedures and processes are complex, the language confounding. Technology can cut through and simplify the process, not to mention speed it up.

Already around the state, our judges are using such tools as chatbots and online forms to improve access.

- The Council of Magistrate Court Judges, led by Pierce County's Chief Magistrate Judge Glenda Dowling, has developed an online forms generator called the "Wizard," which guides self-represented litigants through the process of filling out civil pleadings. Virtually every possible civil pleading needed in Magistrate Court can be generated through the tool, including foreclosures, garnishments, and dispossesories.
- Judge Chase Daughtrey of the Cook County Probate Court has set up a chatbot on its website that is available 24-7 to handle basic court questions and look up citation information. They have also set up a reminder service that automatically sends three text reminders to people before their court date. Young people respond more to texts than postal mail.
- Chief Judge John Simpson of the Coweta Judicial Circuit uses technology to expedite judges' responses to emergency requests from the victims of domestic violence. As a result, these victims now receive almost immediate assurance of safety and peace of mind.

For more than 10 years, I have chaired the Judicial Council's Technology Committee. Today, I am pleased to inform you that thanks to your support last year, we have made tremendous progress, and now have an online Gateway that provides comprehensive access to Georgia's entire judicial system.

[DEMONSTRATION OF GATEWAY]

If you do a Google search for "Georgia courts," the first hit is for our new Gateway. The entire website can be translated into over 100 languages. This Gateway is where users will go to electronically file or access court documents from anywhere in the state. There is even a link for reinstating your driver's license.

We thank you for your continued support to further develop and maintain this product.

In response to Senate Bill 407 that you passed last year, by the end of next month, all Superior and State Courts will have electronic filing up and running. Litigants can now file legal documents electronically all over the state. We have caught up with Alabama.

Simultaneously, the state is making great strides with something called the "Criminal Justice Exchange Project." Led by the executive branch, this electronic data system gives us a smart, new way of sharing documents and information about criminal cases from the moment of arrest, on toward prosecution, and ultimately to the point of incarceration and probation and parole. The files are shared almost instantaneously among databases maintained by district attorneys, public defenders, court clerks, sheriffs, and the Georgia Department of Corrections and Department of Community Supervision. The efficient flow of complete, accurate, and up-to-date case information improves outcomes at every step in the process. Currently, there are pilots operating in four counties – Bartow, Dawson, Forsyth, and Gordon – with planned roll outs across the entire state within the next couple of years.

There are other strides we have made in the use of technology, but I believe we are only on the cusp of the technological change that will transform our courts in the coming years.

Finally, based on your recommendation, last November, our citizens approved a constitutional amendment authorizing the creation of a state-wide business court. Business courts have found success in some of our sister states and already have been set up in several Superior Courts here in Georgia. These courts are designed to bring expertise to commercial litigation. As the effort to develop these courts advances, we stand ready to serve as a resource to you as you strive to further create a healthy climate for commerce.

One year ago, it was then-Chief Justice Hines who stood before you delivering this annual State of the Judiciary address. Those of you who were here may recall that at the end of his speech he paid tribute to his beloved wife, Helen Hines, calling her his "springtime at the Masters." What he didn't tell you was that he was a horrible golfer.

His sudden death this past November, only two months after his retirement and 40 years as a judge, has left a hole in many hearts, including my own.

Last month, the University of Georgia School of Law announced it was establishing “The Be Kind Fund” in memory of Chief Justice Hines to aid law students through internship opportunities and scholarships.

Kindness was his legacy.

There’s a lot that can be said about all of us as we look back over our careers. But what more can be said about a person who loves and is kind to all, who recognizes the struggles of his or her neighbors and treats the whole person with dignity and respect.

That is my prayer for all of us – that we will be remembered for our goodness and kindness.

Thank you. God bless you. And may God bless the great state of Georgia.