

State of the Judiciary
Chief Justice Michael P. Boggs, Georgia Supreme Court
Message to the Legislature
January 28, 2025

Good morning, Lieutenant Gov. Jones; Speaker Burns; President Pro Tem Kennedy; Speaker Pro Tem Jones; members of the General Assembly; justices and judges; and my fellow Georgians.

Thank you for the opportunity to address you today.

Before I get started, I'd like to ask for a moment of silence for the Chief Judge of the Mountain Judicial Circuit, Rusty Smith, who, as some of you have heard, passed away last night. Rusty was a personal friend and a wonderful colleague to so many of us. Our thoughts and prayers are with his family, both personal and professional.

I'm honored to represent the nearly 1,600 judges who are committed to upholding our oaths of office to: "administer justice without respect to person, and do equal rights to the poor and the rich, and to faithfully and impartially discharge our duties agreeably to the laws of Constitution of this State, and the Constitution of the United States, So Help Us God!" Adherence to this oath promotes the importance of the rule of law and an independent judiciary in our society, and along the way helps build public trust and confidence in our courts. The work to uphold this oath focuses, of course, primarily on deciding cases—the most important work we do—but also extends to efforts judges are engaged in across the state to improve the administration of justice. Many of these efforts enjoy your long-standing support for which the judicial branch is very grateful, and I'll speak to some of these efforts momentarily. But first, I am proud to say that, despite challenges posed by public health and weather tragedies and even more serious external threats to our role as a co-equal and independent branch of our government, Georgia's judiciary continues to make good on our promise to faithfully and impartially discharge our duties. And, as a result, I'm proud to report that the state of Georgia's judiciary is strong.

As public trust in the integrity of government is on a national decline, one bright spot is that public confidence in state courts seems to be more solid. A recent survey showed that more than half of Americans gave their state courts a positive job approval rating. This statistic is meaningful because more than 95 percent of all court cases nationwide are filed in state courts. Part of this improved sentiment is, I think, due to the remarkable work Georgia judges are doing to honor their oath.

One way our state courts are leading is by remaining diligent in addressing threats and challenges to our legal system. And, this includes examining the impact of generative artificial intelligence. Courts across the world are dealing with this issue, and Georgia courts must be prepared. To this end, I have established a committee led by Justice Andrew Pinson and Court of Appeals Judge Elizabeth Gobel to study the dangers and opportunities AI presents. They will collaborate with a similar committee of the State Bar established by Bar President Ivy Cadle, and we expect a report by this summer.

In addition, I talked to you last year about the shortage of court reporters across our state. For much of this year, the Judicial Council's Standing Committee on Court Reporting Matters has met with key stakeholders to discuss the growing crisis. This shortage is felt nationwide and has only gotten worse in Georgia. The consequences that are very real because of delayed hearings in trial courts, delayed appeals to our appellate courts, and delayed closure for victims of crime. Now, the Judicial Council is coming to you with a balanced proposal that will give trial judges the option of having many, but not all, court proceedings taken down by a digital recording system. This proposed bill places no mandate on trial judges to use digital recording, but it gives them the much-needed option in order to reduce the amount of time it takes to get necessary records. Court reporters remain a vital part of court processes, and we believe this proposal strikes the right balance between protecting the integrity of court proceedings and transcripts and addressing the very real problems resulting from the court reporter shortage. I especially want to thank Court of Appeals Judge Ben Land for his leadership on this issue. We urge your support so that we can keep the wheels of justice moving without unnecessary delay.

Another recurring theme from last year, and a truly significant issue for Georgia courts and your constituents, is the problem of legal deserts. For the last two years, I've told you all that there were seven counties—all rural—with zero licensed attorneys. Sadly, that number has not changed, leaving more than 30,000 Georgians without access to legal representation in their home counties for what is likely the most pressing circumstances in their lives: divorce, eviction, child support and custody disputes, adoptions and the like. All seemingly routine matters—if you have an attorney working with you. For those who do not, help is almost unattainable and the consequences can be life-altering. I'm committed to leading on this issue and am proud to have other judicial system leaders join me as we examine potential solutions for narrowing our state's civil justice gap. I believe that Georgia should be a national thought leader on this issue, particularly as we've seen Texas, Arizona, and Washington State make great progress.

To accomplish this, I created the Supreme Court Study Committee on Legal Regulatory Reform, led by Justice Carla Wong McMillian and Court of Appeals Judge Stephen Dillard, that will work in collaboration with the State Bar of Georgia, judges from various classes of state courts, and attorneys from diverse practice areas. They will explore innovative opportunities to use the Supreme Court's constitutional authority to regulate the practice of law to bolster civil legal services for rural or low-income Georgians. Maybe some of the barriers to accessing justice are caused by, or made worse by, the way the Court regulates the practice of law. The challenge, of course, is to do this without undermining the Court's duty to protect the public or otherwise diminish our state's high standards for legal practitioners.

We look forward to the recommendations of this committee later this year as we seek to improve access to justice for Georgians.

I want to also thank each of you in the legislative branch who have been great partners in many endeavors to improve our state's justice system.

Each of you here today has been instrumental in supporting Judicial Council initiatives over the last several years that have been transformational for some of Georgia's most vulnerable citizens. Recently, you have approved Judicial Council funding requests to Georgia's medical-legal

partnership program, like the one in Ware County, my home county. This program provides onsite attorneys who assist low-income or senior residents and families with medically fragile children with their unique and critical legal needs, which ultimately saves lives and dollars. Your support of medical-legal partnerships is just one example of how important your support is to the state's justice system.

Similarly, over the last several years, you have joined with the judiciary and non-profit legal services providers like Atlanta Legal Aid and Georgia Legal Services in supporting Kinship Care Programs to help secure temporary or permanent arrangements for children to be cared for by relatives or close family friends when their biological parents are unable or unwilling to do so. This program helps stabilize families, lessen the trauma of separation and provide children with supportive services while also saving state taxpayer funds. Medical-legal partnerships and Kinship Care are only two of the many ways that you all support our courts and vulnerable Georgians, and I personally want to thank each of you for this critical help.

In addition to these collaborative initiatives, I'm pleased to report on a landmark initiative that holds the potential to fundamentally improve our justice system. With the support of Governor Kemp, Georgia judicial system leaders are moving forward on a generationally transformative tool for collecting, using, and reporting real-time case information. This effort—a statewide case management system for Georgia Superior and State Courts—is critical to improving the work of our judicial system. Currently, trial court case management and data are siloed in more than 159 individual and disparate case management systems that lack common functionality, common definitional standards, and an ability to share information. This can mean that, during sentencing, our judges don't have accurate data about defendants upon which to drive proper case disposition or diversion. They may not know, for example, whether the defendants standing before them have previous criminal histories in other counties, whether they have ongoing criminal matters in other jurisdictions, whether they have prior mental health civil commitments, or even whether prior arrests and dispositions are accurately and timely reflected in their criminal histories. We can all agree that a judge trying to accurately fashion an appropriate sentence should not have to rely on the goodwill of criminal defendants to volunteer that they are already on probation somewhere else in Georgia or that they have a history of civil mental health commitments.

And, of course, bad, missing, inaccurate or incomplete data available to our state's judges clearly has real and frightening public safety implications, for every Georgian.

The Governor has funded this project with federal ARPA funds, and we are currently working collaboratively with all judicial system partners to ensure that the system will serve stakeholder needs with the aim to have a functional system by the end of the year.

I would like to thank the Governor for his significant investment in this project and in so doing, keeping at the forefront the improvement of our courts and the safety of Georgians. We hope that you share our interest in improved judicial system data and that you will support this project as needed.

In addition to these statewide initiatives, trial courts on the local level are also making great progress fulfilling their oath to the citizens of Georgia. A shining example is Cobb County's

Veterans Accountability and Treatment Court program started in 2014 by the late Superior Court Judge Reuben Green, who unfortunately passed away several weeks ago. While we mourn his loss, we lift up his legacy of judicial leadership through the creation of the program designed to improve outcomes for veterans in our state's criminal justice system. The program, which is currently presided over by Judge Rob Leonard, is specifically tailored to address issues of posttraumatic stress disorder, substance abuse, and other mental health issues unique to our country's service members through counseling, job training, and additional support services.

As I'm sure Judge Leonard will tell you, the need for veterans courts is dire. Fifty percent of veterans with PTSD do not receive treatment and there are over 181,000 veterans incarcerated in the United States. In addition, 81 percent of these veterans had a substance use disorder prior to incarceration and 25 percent were identified as mentally ill.

Veterans Accountability and Treatment Court's mission is to work to change these dire statistics while also increasing public safety by reducing recidivism, and they are succeeding! In Cobb, 64 veterans have successfully graduated from this 18-month program and the average recidivism rate is an astounding seven percent. These veterans have faithfully served our country, and we owe it to them to see that our justice system addresses their service-related needs appropriately.

While all of these various state, legislative-supported, and local initiatives are critical to the health and future of our judicial system, it is important to note that they are not the core responsibility of Georgia's courts. That responsibility is to decide cases and to do so swiftly, fairly, and consistently with the law. And on that front, Georgia courts are as strong as ever despite significant threats to this core mission.

For the last several years, we have all noticed an alarming increase in attacks on our court – both attacks on decisions and even physical attacks on judges. It seems that our entire system of justice, a bedrock of our democracy, is under attack. These threats take many forms, from threats posed by disinformation and actual violence to threats posed by citizens and even elected officials publicly stating their intention to not honor and abide by lawful court decisions. We know that you too have experienced physical threats as we all recall the instances of swatting that plagued our elected officials less than a year ago. These threats simply cannot be tolerated as the “new norm” in our society as they threaten the very core of our democracy. And make no mistake, threats against judges are increasing.

The United States Marshals Service, which protects our nation's federal courts, reports that threats against federal judges have tripled over the last decade, up from 179 instances of credible threats in 2019 to 457 in 2023. Of course, we have no agency tracking threats against state judges in Georgia. However, increasing anecdotal evidence shows that we are continuing to see a precipitous increase of threats against judges, clerks, and court staff. Just last month, bomb threats forced the closure and evacuation of the Muscogee County courthouse.

Now more than ever, the safety of our state's 1,600 judges—as well as court personnel and the general public who still enter our hallways and courtrooms each day—has become a pronounced concern. It is crucial that our courtrooms are secure and those who work within them can perform their duties without fear. This means not only upgrading our physical security measures

but also implementing comprehensive training so that security situations can be handled effectively, or better yet, prevented altogether.

Last summer, we created and implemented training sessions that may be used by judges AND lawmakers across our state to understand how to better protect themselves and their families at home or out in their communities. I would like to thank Justice Shawn Ellen LaGrua and the committee she chairs for their ongoing efforts. I would also like to thank the Georgia Public Safety Training Center and state law enforcement leaders for making this all possible.

I'm also appreciative for the cooperation and support we've received from you all in the legislature in working with the standing committee to add another layer of vital protection through drafting and passing Senate Bill 508 last session. Thank you especially to the bill's sponsors: Senator Clint Dixon and Representative Matt Reeves. And thank you all for taking the safety concerns expressed by our judges seriously. Your investment in judicial security is fundamental to maintaining public confidence in our system of government as a whole. We look forward to continued collaboration on our recommendation this session to refine our approach.

In addition to its security, an independent judiciary must be able to attract and retain qualified jurists. To that end, we will again be pursuing a plan previously supported by the Judicial Council to improve judicial compensation in Georgia. Thank you to last year's sponsors Representative Rob Leverett and Senator Bo Hatchett. This year, the same proposal is again sponsored by Representative Leverett, but in two bills – HB 85 for superior court judges, and HB 86 for statewide judges. We ask for your support of this important legislation.

Equally as concerning as the attacks and threats of physical violence on our judges are the purposeful and widespread efforts to transform the courts into partisan political actors. It is hard to overstate the danger such efforts pose to the rule of law if left unchecked. The rule of law is the simple but powerful idea that all of us, even judges, are bound by the laws that we the people have enacted through our elected representatives. This simple idea is the bedrock of our entire democratic structure, and it cannot work without an independent judiciary that has the public's trust and confidence.

One way our judiciary is making good on upholding our oaths and doing what we can to further instill public trust in our institution is by supporting legislation that will end partisan elections for the remaining few probate and magistrate court judgeships not yet nonpartisan. With the full support of these local courts, we are coming to you this year, asking for your support and assistance in rectifying this issue.

We all recognize that the moment judges stop interpreting and applying the law as it is written and start making decisions based on our own policy preferences — or when the public starts believing that's what judges are doing or should be doing — our democratic system of government becomes irreparably damaged. Simply put, an independent judiciary with respect for the rule of law keeps us from becoming a society in which the guy with the biggest stick is in charge.

I am not saying that no one should ever criticize our *decisions*. Legitimate discussions and disagreements about legal analysis and interpretation are and always have been a normal and expected exercise of the freedom of speech that we hold so dear. But what we can't do as a society is undermine the integrity and legitimacy of the institution every time a court issues a decision that is not aligned with our own partisan policy preferences — with what we think the law “should” be. Judges ought not be judged on whether you like the outcomes of any particular decision, but instead on whether we have upheld our oaths to “faithfully and impartially discharge our duties agreeably to the laws and the Constitution of this State, and the Constitution of the United States, So Help Us God!” As the late Justice Scalia put it, “If you’re going to be a good and faithful judge, you have to resign yourself to the fact that you’re not always going to like the conclusions you reach. If you like them all the time, you’re probably doing something wrong.”

I’m honored to lead a judiciary that upholds this oath by faithfully interpreting and applying the laws that we the people have put into effect — even if we might not like the outcome in every case.

So please help us deliver this message: Our State’s courts are made up of impartial arbiters of the law who have taken sacred oaths to uphold the Constitution and defend the rule of law. And our limited role as judges is to interpret the law as it is written and apply it to resolve the disputes of the parties before us, not to serve as a super legislature. As long as the people of Georgia understand and trust that our judiciary is faithfully carrying out that limited role, the rule of law will remain secure.

In closing, I want to express the entire judiciary’s sincere gratitude for your willingness to provide assistance to us so that we may continue to improve the fair and swift administration of justice and uphold our sacred oaths. Thank you. And may God continue to bless us and this great state of Georgia.