State of the Judiciary
Chief Justice Nels S.D. Peterson, Georgia Supreme Court
Message to the Legislature
February 4, 2026

Lt. Governor Jones, Speaker Burns, President Pro Tem Walker, Speaker Pro Tem Jones, members of the General Assembly, Presiding Justice Warren and my fellow justices, Chief Judge Brown and my friends on the Court of Appeals, other judges, and my fellow Georgians:

Each year, the Governor reports on the State of the State. And that report always includes the announcement of significant policy proposals and budget priorities. The subjects of that speech are critical to your work as legislators.

This speech is different. Unlike the Governor, the courts have no formal role in the legislative process.

Sometimes chief justices use this as a time to brag on the good work of Georgia courts or talk about promising judicial branch initiatives. And I'll do some of that, because there's a lot of great work to tell you about.

But today I mainly want to talk to you about what the judicial system is for, and to remind us all of the role we must each play to support and defend the rule of law.

Central to the rule of law is the idea that no person is above the law's requirements, or beneath its protections. It's the idea that law applies equally to everyone, and the courts apply it impartially and independently. And today, I can proudly report that the state of Georgia's judiciary is strong, because Georgia's commitment to the rule of law is strong.

But the state of our judiciary will remain strong only so long as we remain committed to the rule of law. The rule of law has always required defending. And today is no exception.

The judicial oath calls Georgia judges to do equal rights for the poor and the rich – in other words, for the weak and the powerful. Of course, the rule of law is rarely tested when the powerful or the popular win in court. Results that go the other way can sometimes be a different matter.

The rule of law has always been fragile, because by its very nature it requires the strong and the rich to accept results in favor of the weak and the poor. It requires popular majorities of all kinds to accept outcomes in favor of small, unpopular minority groups. And it requires the most powerful of all – the government – to accept and obey limits on government power.

This rule of law that we enjoy as Americans has rarely happened throughout human history. What we have had in this country for 250 years – as imperfect as it has been, especially here in

the South – is so rare, and yet we often take it for granted. If we are to continue to enjoy the many blessings that flow from the rule of law, we cannot continue taking it for granted.

Each of us – all of us – must do our part, whatever that may be, to defend the rule of law. A critical part is this: when you hear about judicial decisions whose outcomes you don't like, don't reflexively question the court's legitimacy. It's OK to disagree, and even protest. But the rule of law will not survive when the legitimacy of judicial decisions and those who make them is routinely questioned every time there is an unpopular outcome.

And here, I should add a word on what the rule of law is not: the rule of law is not rule by judges. The law's constraints fall most strongly on us judges. If we push against those constraints, we ourselves undermine the rule of law. We must not stray out of our limited scope of deciding the cases before us according to the text of the law that other people made.

Judges talk about the rule of law all the time, but it's also critical for the legislature. Neither of our branches has the authority – or even the ability – to exercise force; that function is reserved for the executive. Instead, the work product of both of our branches is just our words.

Judicial branch words come in a jury's verdict, or in a written judicial opinion. We expect that these mere words will control the outcome of criminal prosecutions, decide which parent gets custody of their child, resolve matters with millions of dollars at stake, and everything in between, one case at a time.

Legislative words work a little differently. One of you puts words on a page, and after a lot of work, the rest of you press red or green buttons. And with enough green buttons, those words reshape Georgia law for everyone.

The words on the pages of both branches, although they operate differently, share this in common: the rule of law is the only thing that gives any of our words power. Without the rule of law, you are all wasting your time, and we judges in robes are just playing a strange game of dress-up.

This State Capitol is a building for policymaking and sometimes even politics. Policymaking and politics are often team sports. But judges don't play for a team. We wear robes, not jerseys. (Except, I suppose, for the occasional Saturday in the fall.) The rule of law depends upon judges following the law impartially and independently.

One key opportunity that you have this session to strengthen healthy judicial independence and impartiality is by passing House Resolution 251, sponsored by Rep. Kimberly New. This constitutional amendment would end the partisan election of probate judges. Last year you passed House Bill 426, also sponsored by Rep. New and by Sen. Rick Williams, which ended the partisan election of magistrate judges, and we thank you for that. Taking this final step with HR 251 will ensure that all elected Georgia judges are elected solely on a nonpartisan basis. Judges must be impartial, and we also must conduct ourselves in such a way as to be perceived as being impartial. Requiring any of us to publicly and formally align ourselves with a political party can only undermine the public's perception of the judiciary as impartial. I am grateful to former

Governors Roy Barnes and Nathan Deal for recognizing this truth, and jointly endorsing the constitutional amendment.

Another important step we are grateful that you took last year was reforming Georgia's judicial compensation system. Representative Rob Leverett and Senator Bo Hatchett carried House Bills 85 and 86, which modernized an archaic and splintered system of compensating Georgia's statewide and superior court judges. And Chairman Matt Hatchett and Chairman Blake Tillery oversaw the funding of this system consistent with the new model. We are grateful to you all, and look forward to this new model strengthening the judiciary over time.

What better way to transition from judicial compensation than to talk about how hard your courts are working? And we are. Annually-collected statewide trial court data is not without limitations, but I'd like to highlight case filing increases in a few specific circuits around the state. For example, in the South Georgia Circuit, between Albany and the Florida border, case filings increased nearly 44 percent from 2023 to 2024. Next door, in DeKalb, cases increased nearly 17 percent during the same time period, and in the Chattahoochee Judicial Circuit, which includes Columbus, they've gone up 14 percent. And we know trial courts are working hard across the state because the appellate courts caseloads are up substantially. Year over year, the Supreme Court's direct appeals are up 25 percent. And the Court of Appeals' direct appeals are up 24 percent. Because trial courts have to decide a case before an appellate court ever sees it, our appellate trends also suggest that trial court workload and output have been trending upward for some time.

While deciding cases is the core function of the judiciary, there's only so much we can say about that. Judicial ethics rules prohibit us from talking about specific cases. So our public focus is often instead on judicial policy initiatives. I'm about to shift my focus to some of those, but I want to preface that shift with the acknowledgement that our work deciding cases is the most critical work that courts do; all the policy stuff is significant only to the extent that it enables and improves our work of deciding cases.

In recent years, we have worked to improve the quality and reliability of data related to juvenile courts and foster care—an area of great importance and interest to both of our branches. And I hope you are seeing in the data you receive these results.

Our Court Improvement Program in partnership with the Department of Family and Children Services is piloting a new model intended to reduce the time from removal to reunification for Georgia children in foster care. This joint project is operating in Cobb, DeKalb, Fulton, and Gwinnett counties, and we hope will provide lessons and opportunities for expansion.

Additionally, the juvenile courts in Athens-Clarke, Gwinnett, and Troupe counties are serving as pilot sites for Georgia THRIVE, Georgia's new infant-toddler court program. The product of the work of many partners across the healthcare, child welfare, legal, and public policy communities, this multi-year initiative seeks to address the unique needs and opportunities related to children from birth to age three who find themselves in our juvenile courts through no fault of their own.

We are grateful that legislators regularly lend their time to our branch on initiatives like this in the interest of helping improve the administration of justice. With that service in mind, I want to take this opportunity to publicly extend the condolences of the judicial branch on the passing of a remarkable woman who committed her time to serving on our court's Committee on Justice for Children and was a tireless voice for young Georgians: Rep. Mandy Ballinger.

Her life of service has left a legacy that will echo for generations.

We have recently concluded two important study committees. The first is the Judicial Council Ad Hoc Committee on Artificial Intelligence and the Courts, led by Justice Andrew Pinson, Vice Chief Judge Elizabeth Gobeil, and Superior Court Judge Steve Kelley. As AI's power and reach continue to advance rapidly, we all have to keep up. And AI poses both risk and opportunity for the judicial system. On the risk side, the most publicized problems are likely the least significant. You may have heard stories about lawyers filing AI-generated briefs that cite nonexistent cases because the AI tool invented them. That has happened here in Georgia. It shouldn't, and lawyers who do it expose themselves to serious discipline under existing rules. But the risk that kind of misconduct poses to the system is relatively minimal so long as judges read the cases that are cited to them in the briefs. The more significant risks – that we know about, anyway – are things like fabricated evidence. AI's capacity to generate false recordings or images presents a serious challenge to the court system's historic approach to authenticating evidence. We don't yet have answers to these problems, but we continue to work on them.

AI may also offer opportunities. As a reminder, a core part of the rule of law is that no one is beneath the law's protections. But in 2023, over 420,000 Georgia civil cases involved at least one party without a lawyer. That's over one-third of the civil cases in Georgia's superior, state, probate, and magistrate courts. And while Georgia's constitution guarantees the right to represent yourself in court, it's a safe bet that most of those 420,000 unrepresented parties lacked a lawyer because they couldn't afford one. And in some counties, even if you can afford a lawyer, there may not be one to hire. Fifty-four Georgia counties have 10 or fewer attorneys, and eight counties – up from seven last year – have no lawyers at all. The rule of law cannot be available only to those with access to lawyers. As AI tools improve, it may be that AI has a role to play in closing this gap.

But we're not waiting for AI to solve this problem for us. The second study committee that recently completed its work is the Supreme Court Study Committee on Legal Regulatory Reform, led by Justice Carla Wong McMillian and Presiding Judge Stephen Dillard. It's easy to look at the problem of unrepresented litigants and decide that the government should just throw money at it. That's not what this committee did.

The Georgia Constitution vests the exclusive authority for regulating the practice of law in the Supreme Court, which we do through the State Bar, an arm of the Court. This committee studied our regulation of the practice of law to determine whether restrictions and limitations that we have imposed on nonlawyers assisting with legal issues might be making this problem worse.

The committee recommended that the Court consider a pilot project in which we permit trained nonlawyers to perform certain limited legal tasks. Other states have been experimenting with

similar models, and we have the opportunity to use what worked for them and avoid what didn't. As we evaluate the recommendation, I am hopeful that our creativity in lifting regulatory limitations may be a useful tool in closing the justice gap and ensure that no Georgian is beneath the law's protection.

And just as the rule of law requires that all people enjoy the law's protection, it also requires that we protect judges from those who would do them harm because of their rulings.

Threats against judges have received national attention the last several years. Just a couple of weeks ago, an Indiana judge and his wife were shot through their front door by a criminal defendant with a pending case before him. And the US Marshals' Service reports more than 560 threats against federal judges in fiscal year 2025 alone. Georgia, on the other hand, has never had a process for tracking threats against Georgia judges comprehensively. But thanks to the great work of the Judicial Council's Standing Committee on Judicial Security, led by Justice Shawn Ellen LaGrua and Presiding Judge Brian Rickman, and supported by strategic investments that you have made, we are working towards such a process. And even with these existing limitations, we already have tracked 35 threats against 30 justices and judges since late 2024, resulting in nine arrests.

This year, we will look to build on the progress we have already made. As I mentioned in greater detail several weeks ago to the joint appropriations committees, the Supreme Court and the Court of Appeals' budget requests seek a modest increase in funding for a joint effort to enhance judicial security that, if funded, will pay dividends across the state. I thank each of you for the support you have given us in improving judicial security, I and ask that you continue to make it a priority.

Given all these challenges, why do Georgia judges persist in the hard work of making the rule of law real for Georgians? I think the answer is the same answer for you members of the General Assembly. You, too, have faced threats to your security. Both judges and legislators face many of the same challenges. We are all in this together. And we all face those challenges head on because we care about our communities. We care about the people we serve. We care about doing the right thing. And, above all, we are committed to fulfilling our oaths.

Your oath is a bit different from our oath, because our roles are different. The judicial oath promises independence and impartiality. In contrast, the legislative oath promises the exercise of judgment in service of the interests and prosperity of this state. But despite these differences, both the legislative and judicial oaths are rooted in the promise to uphold the Constitutions of this State and of the United States.

When we take these oaths, we make a promise to our communities. We make a promise to those who elected us. We make a promise to our families. And for many of us, we also make a promise to God.

This aspect of the oath as a promise to God has shaped the history of our legal system. In fact, in colonial England and for most of our history as a state, criminal defendants were prohibited from testifying under oath, lest in their desire for acquittal they brought upon themselves divine

judgment. Georgia was the last state to permit criminal defendants to testify under oath; we didn't change that rule until 1962.

In the Catholic tradition, St. Thomas More is the patron saint of lawyers. He wasn't just a lawyer, though; he served as Speaker of the House of Commons and then Lord Chancellor of England under Henry the 8th. And he is a great example for both judges and legislators to emulate. He ultimately gave his life to avoid breaking his oath. His commitment to keep that promise to God no matter the cost is reflected in his last words, which characterized himself as "the King's good servant, and God's first." That's pretty good.

But of course, as we like to remind our British friends each July 4th and especially during this 250th anniversary of American independence, here in the United States we don't have a king. As the Constitution makes clear, here the People are sovereign.

And so as you return to your legislative business, and we return to our judicial business, let us all commit to keep our oaths to the Constitution and the rule of law it embodies. If we do, we will truly be the People's good servants, as we seek to be God's first.

Thank you, and may God bless each of you, our great state of Georgia, and the United States of America.