

While the judges are plowing through more cases than ever, Cramer says, the caseload continues to increase. "Our judges are dancing as fast as they can but as a result of this increase in pending cases we are always behind."

The Administrative Office of Georgia Courts recommends to legislators any new judgeships. The state agency uses a complicated formula based on the population and the number and types of cases in each circuit as well as the number of lawyers and retired senior judges in those areas. The calculation does not take into account how often a judge is sent to preside in another circuit or how often the circuit uses pro hac magistrates, or practicing attorneys, as Superior Court judges, which is an everyday occurrence in Atlanta.

Cramer said it was unlikely her office will have in place the computers to provide accurate information in time for the council to make its recommendations to the 1999 Legislature. Cramer requested \$ 11 million for a computer system, but the Fulton County Commissioner appropriated only \$ 4.6 million, so she is looking for other funding sources like federal grants.

In the meanwhile, Atlanta's court will continue to suffer, Cramer said.

"Information is what the whole system is based on, and if we don't have an arrest report, we can't process it through indictment, develop a defense and a prosecution, and certainly we can't (send it) to court," Cramer said. "I know people who are going to court and their files are empty."

LOAD-DATE: March 1, 1998

NO SWEETHEART BILL; Kidney stones bad news for high court judges The Atlanta Journal and Constitution March 13, 1998, Friday,

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March 13, 1998, Friday, JOURNAL EDITION

SECTION: EDITORIAL; Pg. 14A Jim Wooten

LENGTH: 589 words

SERIES: Today's News

HEADLINE: NO SWEETHEART BILL;
Kidney stones bad news for high court judges

BYLINE: Jim Wooten

BODY:

A sweet pension deal for the state's highest judges ran into a bad spot of luck this week: Senate Retirement Committee Chairman Don Cheeks (D-Augusta) had an agonizingly painful kidney stone and was clearly in no mood for delay, special favors or small talk.

The bill before his committee would have allowed **judges** on the **Georgia Court of Appeals** and the Supreme **Court** to retire with 75 percent of their salary of \$ 124,310 at age 60 after 12 years of appellate **court** service. Under current law, they must work --- like ordinary Americans --- until age 65, when they can retire after 10 years of service.

The change would cost taxpayers \$ 603,000, to be paid at \$ 84,000 per year for 20 years.

The chairman was hurting. The bill was first up on the committee calendar. State Sen. Billy Ray (R-Lawrenceville), an attorney, was scheduled to speak in the bill's favor.

Attorneys are pretty good at expressing themselves forthrightly on the need to improve judicial benefits. He, however, was occupied elsewhere.

"Can we drop this bill to the bottom of the calendar?" asked Kathy Browning, a lobbyist representing the administrative office of the courts.

"No," replied Cheeks. "We'll hear it now."

Browning sat in the witness chair, glancing over her shoulder. No Billy. No relief. No Ray.

"Shall I call you Katherine or Mrs. Browning?" asked Cheeks.

Either, she blurted. "OK, Mrs. Browning . . ." In she waded: Appellate court judges are usually older and leave lucrative law firm careers to take the jobs, she testified.

Then the stones spoke: The new judicial retirement system "was designed to prevent exactly what this bill does," he said, and that is to allow one group of judges to leapfrog in benefits over another. "There will be no more leapfrogging as long as I'm chairman; it doesn't matter if it's my brother or anybody else, or if it's my mother." Judges were offered 60-year retirement and they turned it down, he said. He is heated. The stones.

Browning looks at the door. No hope. No Ray. No Billy.

State Sen. Sonny Huggins (D-LaFayette) joined in. "How can they ask us to do something to lower their retirement age to 60 when for people on Social Security, it's moving to 67?" he asked.

Browning tried again. Pension-benefit improvements keep the court turning over, she said, preventing stagnation. It's needed, she argued, to keep attracting candidates. Lucrative law practices and all.

If good candidates are in short supply, asked Huggins, "why do I have so many attorneys calling me asking me to put in a good word with the governor when there's a vacancy?"

Another question arises. The chairman of the House Retirement Committee, Rep. Bill Cummings (D-Rockmart), attempts to answer from the audience. Cheeks curtly cuts him off. .

Sen. Ralph David Abernathy III (D-Atlanta), he most recently an airport newsmaker, makes a do-pass motion. Sen. Pam Glanton (R-Riverdale) seconds. Huggins and Sen. Joe Burton (R-Atlanta) vote no. "The chair votes no and it dies."

Soon as he came, he's gone. Bad stones. Bad news for judges.

The next day, Cheeks' mood was no better. Abernathy had attempted unsuccessfully on the Senate floor to attach the language killed in committee to another bill. The stones were furious: "Why does a Supreme Court justice have Ralph David Abernathy carrying their damn laundry?" he inquired. Bad stones. E-mail: jwooten@ajc.com Jim Wooten is the Journal's editorial page editor. His column runs on Wednesday, Friday and Sunday.

LOAD-DATE: March 14, 1998

A.W. 'Buck' Birdsong Jr., 73, appellate court judge The Atlanta Journal and Constitution June 8, 1998, Monday,

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June 8, 1998, Monday, ALL EDITIONS

SECTION: LOCAL NEWS; Pg. 05B; Pg. 05B

LENGTH: 554 words

SERIES: Metro Final Today's News

HEADLINE: A.W. 'Buck' **Birdsong** Jr., 73, appellate court **judge**

BYLINE: Joel Groover

BODY:

The funeral for **Judge** A.W. "Buck" **Birdsong** Jr., a former LaGrange trial lawyer who served for two decades as a presiding **judge** on the Georgia Court of Appeals, will be at 4 p.m. today at the First Baptist Church in LaGrange.

The Atlanta resident died of complications from a stroke Saturday at Piedmont Hospital. He was 73. Striffler-Hamby Mortuary is in charge of arrangements.

Gov. George Busbee appointed Andrew Willis **Birdsong** Jr. to the Georgia Court of Appeals, which has three presiding **judges**, in 1977. He was chief judge of the court in 1987.

Caseloads for the 10-member court nearly doubled in his 21 years on the bench, said **Judge** Ed Johnson of Social Circle, who served with **Judge Birdsong**. The court handles about 3,500 cases a year.

"As caseloads have grown, other states increased the size of their judiciaries, but Georgia has kept the intermediate court at about the same size," he said. "This is the busiest intermediate appellate court in the country."

Judge Birdsong combined consistency, thoroughness and common sense to help the court deal with the increase in cases, he said.

"If you read his decisions, you can see that common sense element," said Jerry Willis of Willis, McKenzie & Long in LaGrange. "He brought an amazing amount of common sense, which is really wisdom and sound reasoning, to the practice of law and to the judiciary."

A trial lawyer in LaGrange for 26 years before joining the court, **Judge Birdsong** earned a reputation for his skill in front of a jury, Mr. Willis said.

"I used to go down and listen to him try cases because he was so different from other trial lawyers," he said. "He was a natural. He had the ability to simplify even the most complicated issues and bring them quickly into focus."

Born in LaGrange, **Judge Birdsong** attended LaGrange High School, Marion Military Institute, Georgia Military Academy and the U.S. Military Academy at West Point. He earned his law degree from the University of Georgia and practiced trial law in LaGrange with Richter, Birdsong, Willis & Keeble.

Judge Birdsong, then 33, was the youngest juvenile court **judge** in the state when he was appointed to the Troup County Juvenile Court in 1958, according to his daughter, Katherine **Birdsong** Candler of Atlanta. He remained on that court until 1976.

As a member of the education committee for the American Bar Association's Appellate **Judges** Conference, **Judge Birdsong** helped develop educational programs used by appellate **judges** nationwide, **Judge** Johnson said.

"He had the skill to recognize what would become important before it became a crisis," he said. "He took that work very seriously."

Judge Birdsong was named the recipient of the State Bar of Georgia's 1998 Tradition of Excellence Award.

He belonged to the State Bar of Georgia, the Coweta Bar Association and the Troup County Bar Association, and served on several committees for the American Bar Association.

He was a co-founder of the LaGrange Development Authority, LaGrange Academy and the People's Bank of LaGrange and a member of clubs and civic and professional associations.

Survivors other than his daughter include his wife, Elizabeth Cliatt Birdsong; two other daughters, Nancy Birdsong Whitford of Augusta and Elizabeth Birdsong Vann of Bluffton, S.C.; and four grandchildren.

GRAPHIC: Photo :
Mug of **Judge** A.W. "Buck" **Birdsong** Jr.

LOAD-DATE: June 9, 1998

State Bar releases judgeship poll results The Atlanta Journal and Constitution July 10, 1998, Friday,

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July 10, 1998, Friday, ALL EDITIONS

SECTION: LOCAL NEWS; Pg. 07C; Pg. 07C

LENGTH: 289 words

SERIES: Metro Final Today's News

HEADLINE: State Bar releases judgeship poll results

BYLINE: Bill Rankin

BODY:

Two incumbents and a part-time Clayton County magistrate are the most qualified to fill three appellate judgeships, according to a survey released Thursday by the State Bar of Georgia.

Georgia Supreme Court Justice Leah Sears and Court of Appeals Judge Edward Johnson were found to be the most qualified in their races. Jonesboro lawyer Avery T. Salter Jr. was found to be the best qualified among three candidates to fill a Court of Appeals seat.

The State Bar does not endorse judicial candidates, but it releases its poll "as a public service to help Georgia voters make an informed decision," State Bar President William E. Cannon Jr. said. The surveys were mailed to 22,950 attorneys and 4,033, or about 18 percent, participated.

According to the survey, Sears, a justice since 1992, was rated well qualified or qualified by 85 percent of the lawyers who said they were familiar with her. Atlanta lawyers George Weaver and Bill Aynes received ratings of 74 percent and 49 percent, respectively.

In the open Court of Appeals race, Salter was rated the most qualified, ranking ahead of Decatur lawyers Anne Elizabeth Barnes and Jack Dorsey.

According to the survey, 93 percent of the lawyers who expressed an opinion found Salter well qualified or qualified. Barnes, who lost in a runoff two years ago, received a rating of 87 percent. Dorsey was found to be well qualified or qualified on 34 percent of the ballots.

Johnson, who has sat on the Court of Appeals since 1992, received the highest rating of any candidate. He was found to be well qualified or qualified by 95 percent of the lawyers. His challenger, Decatur attorney Robert Van Norte, received a well qualified and qualified rating of 87 percent.

LOAD-DATE: July 11, 1998

ELECTION '98: JUDICIAL RACES; COURT OF APPEALS; Opponents pledge civility in contest The Atlanta Journal and Constitution July 12, 1998, Sunday,

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SECTION: LOCAL NEWS; Pg. 04D

LENGTH: 640 words

SERIES: Metro Final

HEADLINE: ELECTION '98: JUDICIAL RACES;
COURT OF APPEALS;
Opponents pledge civility in contest

BYLINE: Bill Rankin

BODY:

When Decatur lawyer Robert Van Norte decided to challenge incumbent Edward Johnson on the **Georgia Court of Appeals**, one of the first things he did was call the **judge's** office to say his opposition was nothing personal.

"He's an honorable man and a fine person," Van Norte said of Johnson, who has sat on the appellate court since 1992.

While some other state judicial races may involve aggressive tactics and negative advertising, the Johnson and Van Norte campaigns appear downright genteel. Already, the two men have exchanged letters vowing not to run negative campaigns.

Johnson, 49, of Social Circle, has been in public office since 1977 when he successfully ran for the 34th District state Senate seat stretching from southwest Atlanta to Fayette County. In 1980, he became a Fulton State Court judge and served as a Fulton Superior Court judge from 1989 to 1992, when Gov. Zell Miller appointed him to the appeals court.

"Having the experience on the trial court is one of the major assets I bring to this job," he said.

Since becoming a judge, Johnson has been busy, serving as chairman of the state Supreme Court's Gender Equality Commission and as an adjunct professor at Emory University. He also is writing an authorized biography of retired U.S. Supreme Court Justice Harry Blackmun.

Johnson said he believes in following the law without a political agenda. "I work very hard and I want to provide predictability and certainty in the law," he said. "I want to be correct in what I decide. The party with the facts and the law on their side wins, whoever that is and whatever that issue is."

Johnson continues to enjoy his job despite a heavy caseload that requires each of the court's 10 judges to write more than 300 opinions a year.

He has the backing of 40 of the state's 46 district attorneys, who said in an endorsement letter that Johnson "has earned a solid reputation for fairness, courtesy, integrity and legal scholarship." While Johnson has their support, he also has received campaign contributions from numerous criminal defense attorneys.

Johnson reported total contributions of \$ 26,043 as of the June 6 reporting deadline.

His opponent, Van Norte, 58, is refusing any financial contributions. His most recent financial disclosure report said he is using \$ 11,705 of his own money and so far has spent \$ 5,613, including the \$ 3,700 qualifying fee.

"You're an absolute fool to take money," he said. "I'm not accepting one red cent. I feel if I do it this way, I will have a type of freedom many others will not have. Everyone keeps telling me that I'm going to lose because of it. But don't forget what they said about David against Goliath."

Like his opponent, Van Norte has a lengthy record of public service, including a stint as a judge advocate for the U.S. Air Force. In 1969, he was appointed by the state Supreme Court to conduct hearings for patients seeking release from state mental health institutions. Van Norte later worked at the Department of Human Resources, where he served as director of legal services and supervised 22 administrative law judges.

"He's an very hard-working person, very intelligent and someone who expected the best out of you," said Barbara Brown, a state administrative law judge who worked for Van Norte at DHR. "He's definitely qualified."

Van Norte resigned from DHR in 1993 and is writing a book about the role of organized crime in the United States.

Van Norte said he's running because he believes judges should face opposition during election years and because he has wanted to serve on the Court of Appeals. "I'm hoping that, somehow or another, people will realize there's a person out there with a zeal for fairness and justice who really has no obligation to anyone, except to God, his own conscience and the law," he said.

GRAPHIC: Graphic :

EDWARD H. JOHNSON

(Incumbent)

Age: 49

Residence: Social Circle

Education: Bachelor's and master's degrees, **Georgia** State University; law degree, Vanderbilt University; LLM degree, University of Virginia

Profession: **Judge, Court of Appeals of Georgia**

Political experience: **Court of Appeals judge** 1992-present; Superior **Court Judge**, 1989-1992; state **court judge**, 1980-1988; state senator, 1977-1980.

Personal: Wife, Carolyn S. Weeks; two children

Top priority: My priority will be the same as it has been throughout my almost 18 years of judicial service: To be fair and impartial; to decide cases solely based on the law and the facts without fear or favor to any party; to be courteous and attentive to all who come before me and to

white judge . . .," Mr. Brooks said Tuesday. "Then you look at the line of defendants, 99 percent of them are black. . . . That picture is going to change."

Companion suit on hold

Even with all sides in agreement and with the approval of the Justice Department in hand, none of the parties to the lawsuit would predict whether the federal judges would approve.

In the balance immediately are 14 vacant judgeships and the fate of about 45 judges whose terms have expired but who have been kept in office pending a settlement.

According to the American Civil Liberties Union's Laughlin McDonald, the lead attorney for the plaintiffs, the Justice Department approval immediately frees Mr. Miller to appoint judges in Albany and Griffin.

As part of the settlement, plaintiffs agreed to put on hold a companion lawsuit challenging Georgia's majority-vote rule that requires political candidates to win at least 51 percent of the vote to win a primary or general election.

If the federal courts approve the settlement, a challenge is expected in Georgia courts. State Rep. Earl Ehrhart (R-Powder Springs) had an earlier suit dismissed this year as premature. He said Tuesday he intends to pursue his case.

"It seems like a bad deal all around," Mr. Ehrhart said. "Only Zell seems to benefit, with all the personal power that will accrue to the governor."

Mr. Miller, who has called settling the lawsuit one of the top goals of his administration, said, "This settlement agreement will force every judge to stand for election."

The legal battle already has cost Georgia taxpayers more than \$ 750,000.

An issue in governor's race?

Republicans also predicted the settlement would be an issue in next year's gubernatorial campaign when Mr. Miller seeks a second term.

Mr. Miller, Mr. Bowers and Mr. Brooks also may have to contend with a General Assembly in which more than 60 percent of legislators said they opposed the settlement earlier this year. Rep. Charles Thomas (D-Temple), chairman of the House Judiciary Committee, said some legislation may be necessary, including perhaps a constitutional amendment to ratify the proposed new method of selecting judges.

But Mr. Brooks and others said there are safeguards in the agreement, including filing a lawsuit under the Voting Rights Act, designed to counter any attempts to derail it.

"We do not expect those people to stop fighting," Mr. Brooks said. "They don't want to see racial diversity in terms of judges of this state."

The governor would increase the number of black Superior Court judges from ni ne

to between 25 and 30 under the agreement. Five black judges would be roving judges among the state's 45 judicial circuits.

Rather than mark a dramatic change in the selection of judges, the new system would codify what is already essentially an appointed process. Since the mid-1970s, more than two-thirds of all judges were appointed, rather than elected, to office for the first time, according to a recent study by The Atlanta Journal-Constitution.

Typically, the appointments were made by the governor after sitting judges resigned, retired or died before their terms expired.

THE AGREEMENT

Here's how Georgia judges are elected now and how they would be chosen in the future under the plan.

CURRENTLY

Judges must seek re-election in non-partisan primary elections, where they are subject to opposition. In a contested race, the winner must receive at least 50 percent of the vote; otherwise, a runoff is held three weeks later. If no runoff is needed, the primary winner is listed as unopposed on the general election ballot.

PROPOSED

Judges would never face campaign opposition.

As judges' terms expired, voters would be asked whether those judges should be retained or dismissed.

If voters dismissed a judge, the Judicial Nominating Commission would recommend prospective candidates to the governor, who would choose a new judge to serve in the post.

Vacancies caused by death or resignation, and newly created judicial posts, would be filled the same way.

DIVERSITY

The number of black Superior Court and State Court judges would increase from about a dozen to 30 by 1994 under the settlement. Also by 1994, there would be at least 25 black Superior Court judges, including five who would travel from circuit to circuit for 10 years to relieve heavy caseloads.

THE COURTS AFFECTED

State Court: Eighty-five judges conduct trials on state misdemeanor cases such as DUI, simple battery and various traffic offenses. They also hear civil litigation.

Superior Court: There are 45 judicial circuits and 159 judges. They hear criminal trials, civil litigation, divorce and child custody cases.

Court of Appeals: If a defendant is convicted in State or Superior Court, he or she

can appeal to the nine-judge Court of Appeals. Prosecutors, however, are prohibited from appealing if a defendant is found not guilty by a lower court.

Supreme Court: Defendant or prosecutor can appeal to the seven-justice Supreme Court. Losing parties can appeal to federal court.

Source: Administrative Office of Courts

GRAPHIC: Color Photo: Tyrone Brooks Chart: A new way of choosing **judges** in **Georgia** U.S. Justice Department officials have approved a new way of selecting **judges** in **Georgia**, replacing the current system of electing **judges** for Supreme **Court, Court of Appeals, Superior Court** and State **Court**. The plan, which still needs final approval from U.S. District Courts in Savannah and Atlanta, is intended to settle a 5-year-old lawsuit that alleged racial bias in the election of judges.

LOAD-DATE: September 2, 1993

Court expected to get 1st black chief justice Benham may rise if Hunt leaves The Atlanta Journal and Constitution July 28, 1994, Thursday

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July 28, 1994, Thursday

SECTION: STATE NEWS; Section B; Page 1

LENGTH: 417 words

HEADLINE: Court expected to get 1st black chief justice Benham may rise if Hunt leaves

BYLINE: By Bill Rankin STAFF WRITER

BODY:

With its current chief justice apparently headed for the federal bench in Atlanta, the Georgia Supreme Court will soon have its first African-American chief justice.

Chief Justice Willis B. Hunt Jr. was recommended to become a federal judge for the Northern District of Georgia by Sen. Sam Nunn (D-Ga.) on Tuesday. To become a federal judge, he must be nominated by President Clinton and approved by the Senate.

Hunt's departure, expected early next year, would clear the way for Justice Robert Benham, 47, to become the state's next chief justice.

The seven-member court votes to elect its chief justice. By tradition, the jurist with the longest service has been voted to the top post. Benham has been on the Supreme Court since 1989, longer than any of the other judges except Hunt.

"I would be honored if my colleagues saw fit to elevate me to that position," Benham said Wednesday. "Although historic for the state, it's also just another example of the progress that's been made."

Saying Benham possesses "a depth of intellect and a warmth of soul," the Rev. Joseph Lowery, president of the Southern Christian Leadership Conference, said Benham's ascent to chief justice "would be tremendous. . . . It would be a fine thing for Georgia, a great credit to this state."

Benham, who lives in Cartersville and is a graduate of the University of Georgia Law School, was a **Court of Appeals judge** from 1984 to 1989. He was the first black on the Georgia Supreme Court, appointed by former Gov. Joe Frank Harris.

"This is a great job here," said Hunt, 61, who was sworn in as chief justice in March. "It's with considerable mixed feelings that I would leave it."

Hunt graduated from Emory Law School in 1954 and served as a special agent for the FBI from 1957 to 1960.

In the 1960s he practiced law, first as a partner with Nunn at the former firm of

Nunn, Geiger & Hunt and next as a partner with future federal Judge Marvin Shoob at Shoob, McLain & Jesse. From 1971 to 1986, Hunt was a Houston County Superior Court Judge.

"He'll be a very welcome addition to the court and will make an outstanding federal judge," said Shoob, now a senior federal judge.

In recent months, Hunt had said he was torn about whether to take the federal judgeship.

As a federal judge, he would have a lifetime appointment and no longer have to run for re-election every six years. He would receive a boost in pay, from \$ 109,459 to \$ 133,600.

Staff writer Mike Christensen contributed to this article.

GRAPHIC: Color photo: mug of Willis B. Hunt Color photo: mug of Robert Benham

LOAD-DATE: July 29, 1994

Peach Buzz TALK OF OUR TOWN A big hooray on Hillary's behalf The Atlanta Journal and Constitution September 30, 1993, Thursday

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September 30, 1993, Thursday

SECTION: LIVING; Section G; Page 2

LENGTH: 852 words

HEADLINE: Peach Buzz TALK OF OUR TOWN A big hooray on Hillary's behalf

BYLINE: By Maureen Downey with Don O'Briant

BODY:

Lauren Turner of Atlanta is an animal activist, a self-proclaimed "advocate for justice" and an entrepreneur who hopes to open a vegetarian fast-food restaurant and call it the "Joy of Soy." With that resume, it's no surprise that Turner is also the force behind Atlanta's new Hillary Rodham Clinton Fan Club. Turner became a convert after meeting the first lady during a campaign stop in Atlanta last year. Upon grasping Hillary's hand, Turner said, "I could sense the spiritual beauty and strength of character in the woman." There are about 4,000 members in the 10 Hillary fan clubs already in place, including chapters in Austria and Japan. Started by a Maryland couple, the fan clubs seek to honor the first lady and support both her and husband Bill Clinton's agendas, including health care reform. Interested "Hillarists" can call 621-2684 for information. But plan to spend a few minutes on the telephone as Turner's recorded message also includes a plea to spay pets and a plug for her restaurant concept.

HAIL TO THE CHIEFS: It was supposed to be just a joint luncheon of the **Georgia Supreme Court and the Georgia Court of Appeals**, but when Supreme Court Chief Justice Harold G. Clarke and **Court of Appeals** Chief Judge Marion T. Pope Jr. arrived at the Commerce Club on Tuesday, they were surprised with a birthday cake. It seems Clarke and Pope were born on the same day in the same year. Both are 66.

BLUES IN THE NIGHT: Listen carefully to the bluesy guitar score on "In the Heat of the Night" tonight. Atlanta composer Eddie Horst and members of the Atlanta Symphony Orchestra and the staff of Doppler Studios put together 15 minutes of music featuring Atlanta guitarist Anthony Lockett to underscore the episode entitled "Incident at Brewer's Pond." The author of the episode is also a hometown talent, novelist Terry Kay. The drama, filmed in Covington, airs at 8 p.m. on WAGA/Channel 5 (60011).

NEW GRANDPARENT: Sometimes government can be hard on grandparents. Liane Levetan's granddaughter, Julie Meredith Reiff, was born Sept. 16 to Levetan's daughter Penny and son-in-law Neil Reiff in Philadelphia, but the DeKalb County chief executive officer has been so busy with political duties that she hasn't had a chance to visit. "I hope I get to see her before she gets to kindergarten," Levetan said. Actually, Grannie plans a visit next week.

Celebrity Buzz

ANOTHER LEGAL BLOW TO BASINGER: In a significant setback to Kim Basinger's attempts to avoid payment of the \$ 8.1 million she owes Main Line Pictures, a federal bankruptcy court judge in Los Angeles this week ordered her to pay 100 cents on the dollar on the money she owes - plus 10 percent interest. That payment stems from the highly publicized "Boxing Helena" lawsuit, in which a jury decided that Basinger had reneged on a verbal commitment to star in the offbeat film, directed by Jennifer Lynch. If Basinger is unable to make the payments owed - as her personal attorney, Howard Weitzman, has claimed - it is possible that her assets will be seized. (We hope that doesn't include her diamond from new hubby Alec Baldwin.) Weitzman said then that his client had to file for bankruptcy because Basinger's net worth was at most \$ 5 million. He also said that a much-publicized deal in which Basinger reportedly paid some \$ 20 million to buy most of the town of Braselton, Ga., largely involved just her name rather than her money.

COSBY CONFRONTS RACISM: Bill Cosby returned to his alma mater not to reminisce but to plead with faculty and students at the University of Massachusetts in Amherst to confront the bigotry and tensions there that have led to protests and even rioting. Cosby, who broke television's racial barrier 30 years ago by starring in the series "I Spy," urged his audience to be more tolerant of other races and less tolerant of bigots. "The silent hatred that we all carry needs to be stripped. You need to grow up," Cosby said. "I'm not asking you to come across the street and kiss me, I'm asking you to leave me alone." Cosby, 56, who received a doctorate in education from the university, delivered the keynote address to about 6,500 people at a five-campus conference on "Strategies for Combating Racism."

MICHAEL SEEKS REFUGE AT LIZ'S PLACE: Michael Jackson took a break from his world concert tour by resting at the Swiss chalet of close friend Elizabeth Taylor, newspapers reported Wednesday. Jackson was to perform in South Africa today and Saturday, but a Johannesburg promoter said the singer was unable to fit the concerts into his schedule. Photographs of the 35-year-old singer and two boys taking a stroll during a shopping trip at the jet-set ski resort were carried by mass-circulation Blick of Zurich and the Lausanne-based Le Matin. It wasn't clear whether Taylor was at her home in Gstaad, but she and husband Larry Fortensky joined Jackson last month in Singapore to give him support. The singer has been accused of molesting a 13-year-old boy.

Contributing: Sibley Fleming and our news services. If you have an item, call Peach Buzz at 222-8503, or fax to 526-5509.

GRAPHIC: Photo: Bill Cosby urges tolerance. Photo: Hillary just got another fan club.

LOAD-DATE: October 1, 1993

*CITYLIFE VOTERS GUIDE '93 ATLANTA ELECTIONS '03 The Atlanta Journal and
Constitution October 28, 1993, Thursday*

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October 28, 1993, Thursday

SECTION: EXTRA; Section D; Page 28

LENGTH: 199 words

HEADLINE: CITYLIFE VOTERS GUIDE '93 ATLANTA ELECTIONS '03

BYLINE: METRO STAFF

BODY:

Included in Tuesday's city election is a "retention" vote on the city's seven municipal judges.

Unlike a regular election, the judges do not face opposition from other candidates. Instead, voters can answer "yes" or "no" on keeping a judge in office.

Such a system will soon be used for other **Georgia courts**, under a settlement between state officials and plaintiffs who brought a lawsuit challenging popular election of **judges** for Superior **Court**, **Georgia Court of Appeals** and the Supreme **Court**.

In Atlanta, which has used the system for several years, court officials cannot remember voters ever having removed a judge. If it should happen, the judgeship would be filled by appointment.

The appointment would be made by a judicial commission consisting of three members of the Georgia Bar, three members of the Atlanta Bar Association, three members of the Gate City Bar Association and two non-lawyer members appointed by the mayor. This same commission appoints judges to fill vacancies left by death or retirement.

On the ballot are judges Elaine Carlisle; Clinton E. Deveaux, Deborah S. Greene, Barbara Harris, Howard R. Johnson, Catherine E. Malicki and Andrew A. Mickle.

LOAD-DATE: November 9, 1993

LAW & ORDER METROPOLITAN PUBLIC SAFETY REPORT THE COURTS Husband faces parents of slain wife in court The Atlanta Journal and Constitution February 23, 1994, Wednesday

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February 23, 1994, Wednesday

SECTION: LOCAL NEWS; Section B; Page 3

LENGTH: 658 words

HEADLINE: LAW & ORDER METROPOLITAN PUBLIC SAFETY REPORT THE COURTS
Husband faces parents of slain wife in court

BYLINE: By Bill Montgomery STAFF WRITER

BODY:

James Vincent Sullivan, once a millionaire who hired high-priced lawyers to defend him against criminal charges that he arranged the 1987 Atlanta murder of his wife Lita, faced her weeping parents alone in a Florida courtroom Tuesday.

Sullivan, 52, is acting as his own lawyer in a civil jury trial in West Palm Beach, Fla., against a wrongful death suit by Emory and JoAnn McClinton of Atlanta. He fired his private attorney shortly before the trial began last week, pleading he is short of money.

Listening with a sour expression in the final day of testimony in the trial, which was carried Tuesday on cable by Court TV, Sullivan heard his former in-laws testify he did not attend their daughter's funeral or offer condolences.

Rising to briefly cross-examine Emory McClinton, Sullivan said, "I know this is difficult for all of us."

"I don't think you do," Lita's father replied.

The McClintons' attorneys read a 2-year-old deposition by a jailhouse informant who testified Sullivan told him in January, 1992, after he was indicted on federal contract murder charges, that he arranged Lita's murder "but they'll never prove it." The testimony was not used in Sullivan's murder trial.

Lita McClinton Sullivan, 35, was shot in the head Jan. 16, 1987, at the door of her Buckhead townhouse by a man concealing a pistol behind a box of pink roses in what Atlanta police and the FBI contend was a contract killing to avoid a costly divorce. Neither the gunman nor two men who bought the roses at a Peachtree Road flower shop have ever been conclusively identified.

After three weeks of testimony in a November 1992 trial, U.S. District Judge Marvin A. Shoob threw out the prosecution case.

ATLANTA: TV report accuses judges of playing hooky. A **judge of the Georgia Court of Appeals** skipped sessions of a conference he went to at state expense, and

a second **judge** claimed credit for sessions he missed, WAGA-TV reported Tuesday. The station said it sent an undercover reporter along when three appeals judges attended an American Bar Association conference in San Francisco in August. Judges could use the conference sessions to fulfill a requirement they spend 12 hours a year in classes. The state paid expenses for Judge William McMurray, who went with his wife, and for Judge Dorothy Beasley. The Bar Association paid for the trip of Judge Andrew Birdsong, who went with his wife, because he is a member of a Bar committee. Ms. Beasley attended all sessions before returning early to Georgia, the station said. McMurray left classes 25 minutes to two hours early, WAGA reported, using the time on one day to take a ferry across San Francisco Bay to Sausalito. He first told the television station he did not believe he skipped class. Then, after being told he was observed on the ferry, said he should have been in the full class. Birdsong missed almost half the sessions but filed paperwork saying he was in class every hour of the seminar, WAGA said. "I should not have because I didn't realize that was the full thing," the judge said. "I thought, to be honest with you, I thought it was 24-hour credit." the judge said.

HOMICIDE

DEKALB COUNTY: Shooting victim dies en route to hospital. A DeKalb man died en route to a hospital Tuesday after apparently being shot in a drug deal that had gone sour, authorities said. The victim, Curtis Garcia McDowell, 30, of Blazing Pine Path in Decatur, was driven to the DeKalb Police South Precinct, at I-20 and Candler Road by a companion who said McDowell was "shot up pretty bad," according to a police report. Police summoned a rescue unit but McDowell died of a chest wound while on route to Grady Memorial Hospital, said Dewey Brown, an investigator with the DeKalb Medical Examiner's Office. The shooting happened at 6:15 p.m., police said, at an apartment complex on Winston Manor Drive, off Candler Road - not far from the precinct headquarters.

From staff and wire reports

GRAPHIC: Photo: James Vincent Sullivan. Photo: Lita Sullivan.

LOAD-DATE: February 24, 1994

Ruling holds up relief for burdened courts The Atlanta Journal and Constitution March 9, 1994, Wednesday

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The Atlanta Journal and Constitution

March 9, 1994, Wednesday

SECTION: STATE NEWS; Section F; Page 3

LENGTH: 349 words

HEADLINE: Ruling holds up relief for burdened courts

BYLINE: By Peter Mantius STAFF WRITER

BODY:

Superior Courts throughout the state, deprived of any new judges for the past five years, will have to continue to scramble to keep up with mounting caseloads now that relief has been postponed indefinitely.

Fulton County Superior Court has turned with increasing frequency to magistrate judges, while Eastern Circuit Superior Court in Savannah has grown dependent on senior judges who retired from regular duties years ago.

"It's put quite a strain on our system," said Mercer Lewis Jr., court administrator in Fulton County. "We've waited five years, and now we may have to wait another five years."

On Monday, a federal judge in Savannah rejected a proposed consent agreement that would have settled a federal discrimination suit against the state and allowed 14 new Superior Court judges to be seated.

The lawsuit challenged as discriminatory the method of electing Superior Court judges. But the proposed consent agreement would have affected the method of selection of not only Superior **Court judges**, but also **judges** in State **Courts, the Georgia Court of Appeals and the Georgia Supreme Court**.

But having failed to reach a negotiated settlement with plaintiffs, the state now plans to fight them in federal court in Washington, Attorney General Michael Bowers said Tuesday.

In response to the lawsuit, a court in 1989 barred the seating of new Superior Court judges, freezing the statewide total at 145.

Since then, the General Assembly has approved 14 new judgeships for the circuits with the most need, based on caseload statistics. They have gone unfilled.

The Atlanta Circuit, which has 12 Superior Court judges, is authorized to seat three more. The Eastern Circuit, which has four Superior Court judges, has legislative approval for a fifth and sixth.

"Our caseload is fairly good, considering that we don't have all the judgeships we

should," said David Rathbone, court administrator for the Eastern Circuit. "We have 591 criminal cases pending as of March 1, and 3,006 civil cases.

"It could be a lot better if we had six judges. But it's the best we can do."

LOAD-DATE: March 11, 1994

*2 judges from Atlanta tabbed for federal bench The Atlanta Journal and Constitution
March 16, 1994, Wednesday*

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March 16, 1994, Wednesday

SECTION: NATIONAL NEWS; Section B; Page 4

LENGTH: 278 words

HEADLINE: 2 judges from Atlanta tabbed for federal bench

BYLINE: By Susan Laccetti STAFF WRITER

BODY:

Georgia Court of Appeals Judge Clarence Cooper, who as a Fulton County **judge** presided over the Wayne Williams murder trial in 1982, is expected to go before the Senate Judiciary Committee next month on his nomination to the federal bench.

Cooper, 51, was nominated to be a federal judge for the Northern District of Georgia by President Clinton last week.

Frank M. Hull, a Fulton County Superior Court judge, also was nominated to another vacancy in the Northern District.

"I am excited and am looking forward to it," Cooper said. "It's something all lawyers and judges think about in their lifetime."

Cooper and Atlanta City Council President Marvin Arrington were the first black graduates of the Emory University School of Law.

Cooper and Hull were recommended by U.S. Sen. Sam Nunn (D-Ga.) to fill vacancies left by Judges Marvin Shoob and Richard Freeman, who took senior judge status in 1991.

Officials in Nunn's office say they expect an easy confirmation process for both judges.

Cooper won election to the Fulton bench in 1980 and served for nine years.

In 1990, Gov. Joe Frank Harris appointed him to the state Court of Appeals.

He has a wife and two children and lives in southwest Atlanta.

Hull, 45, was appointed to the Fulton bench in 1990 after six years as a Fulton State Court judge. She was elected to the post in 1992.

She is a graduate of Randolph-Macon Woman's College in Virginia and Emory School of Law. Hull and her husband and two children live in Buckhead.

"This is a dream come true for me," Hull said. "It was first an honor to be

recommended by Senator Nunn . . . and now to be officially nominated by this president."

GRAPHIC: Photo: Clarence Cooper - As a Fulton County judge, he presided over the Wayne Williams case.

LOAD-DATE: March 17, 1994

Merger of two companies forms America's largest mediation firm The Atlanta Journal and Constitution May 13, 1994, Friday

Copyright 1994 The Atlanta Constitution
The Atlanta Journal and Constitution

May 13, 1994, Friday

SECTION: BUSINESS; Section E; Page 2

LENGTH: 220 words

HEADLINE: Merger of two companies forms America's largest mediation firm

BYLINE: By Bill Rankin STAFF WRITER

BODY:

An arbitration company whose members include several former Atlanta area judges merged this week with a similar firm in Boston to form the nation's largest mediation company.

The merger - between Judicial Arbitration & Mediation Services Inc. (JAMS) of Orange, Calif., and Endispute of Boston - created a company employing 300 retired and former judges with offices in nine states and 25 cities, said Jack Etheridge, former Fulton County Superior Court judge.

"We've had great success so far," said Etheridge, who heads JAMS' seven-state Southeastern division. "We're pleased with this merger and think it will help us greatly."

JAMS, founded seven years ago, reported revenue last year of \$ 30 million. Endispute, which has a strong presence in the East and Midwest, had revenue of \$ 10 million.

In recent years, feuding parties have increasingly turned to alternative dispute resolution, forgoing expensive court litigation. The company uses judges to mediate and arbitrate claims, such as divorce settlements, civil complaints and insurance claims.

Among those working with Etheridge in the Atlanta office are the following former jurists: **Georgia** Supreme **Court** Chief Justice Thomas Marshall, State **Court of Appeals Judge** Jack Sognier and local **judges** Keegan Federal, Alex Crumbley and Stephen Boswell.

LOAD-DATE: May 14, 1994

ELECTION '94 THE GEORGIA COURT OF APPEALS Ads focus on cronyism vs. experience The Atlanta Journal and Constitution July 15, 1994, Friday

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July 15, 1994, Friday

SECTION: STATE NEWS; Section C; Page 3

LENGTH: 464 words

HEADLINE: ELECTION '94 THE GEORGIA COURT OF APPEALS Ads focus on cronyism vs. experience

BYLINE: By Bill Rankin STAFF WRITER

BODY:

The heated contest for a seat on the Georgia Court of Appeals is a race that almost never happened.

On the eve of qualifying, Atlanta lawyer Sonja L. Salo announced she would run against Chief Judge Marion Pope, whose reputation had been tarnished by pleading no contest to a DUI charge.

But Salo quickly changed her mind, instead targeting incumbent Judge J.D. Smith, who does not have nearly the statewide name recognition as Pope.

Ever since, Salo has waged an aggressive campaign against Smith, 47, the former chief judge of the judicial district that includes Hall and Dawson counties. In recent weeks, she has broadcast radio ads calling him "a handpicked political crony of an incumbent politician."

Smith counters he has a decade of judicial experience, starting when he unseated an incumbent judge. He also notes he was picked by Gov. Zell Miller from a list of five candidates screened by the state's nonpartisan Judicial Nominating Commission.

"Her comments ignore the existence of that commission and the role it plays," he said. "It's not as if I'm someone with no judicial experience who was plucked out of nowhere."

Smith has the overwhelming support of the state's lawyers.

In a recent State Bar of Georgia poll, 1,490 lawyers found Smith well qualified and 108 found him not qualified. By contrast, 299 found Salo well qualified and 849 found her not qualified.

A costly campaign

Georgia's appeals court is one of the country's busiest, considering felony and misdemeanor criminal cases and a wide variety of civil disputes. Each of the court's nine judges takes part in about 400 rulings a year.

Salo, 51, operates a busy practice specializing in personal injury, criminal defense and civil rights cases.

She said her most important case was winning a \$ 295,000 verdict for her goddaughter, who sued owners of a dog that bit her. She has appeared as a legal expert on the TV shows "Oprah," "Geraldo" and "Inside Edition."

Her campaign is proving to be a costly one. Of the \$ 25,881 cited in her finance reports, \$ 18,125 are personal loans. In recent weeks, she has picked up contributions from Atlanta defense lawyer Bruce Harvey, Decatur lawyer Michael Maloof and Douglas Peters, past president of the Georgia Association of Criminal Defense Lawyers.

Smith, who leads in fund-raising with \$ 30,913, has received money from a range of sources including former Gov. Carl Sanders; Norman Underwood, head of the Judicial Nominating Commission; and products liability lawyer Jim Butler.

This week, Smith launched a "qualifications matter" advertising campaign. He notes that he graduated from the University of Georgia Law School with honors and worked for former Georgia Supreme Court Justice William Gunter before beginning his judicial career.

GRAPHIC: Photo: Mug shot of Sonja L. Salo Photo: Mug shot of J.D. Smith Chart: Sonja L. Salo Age: 51 Residence: Atlanta Political experience: None Profession: Lawyer Personal: Single. Graduated from the Columbia Southern School of Law. J.D. Smith (I) Age: 47 Residence: Gainesville Political experience: Chief judge of the Northeastern Judicial Circuit, which includes Dawson and Hall counties, from 1985 to 1993. Profession: **Judge** on the **Georgia Court of Appeals**, appointed by Gov. Zell Miller in May 1993. Personal: Wife, Flo; two children, Brian and Joanna. Graduated from University of Georgia School of Law.

LOAD-DATE: July 21, 1994

*'Talk about a role model . . . he's one' The Atlanta Journal and Constitution
September 22, 1994, Thursday*

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September 22, 1994, Thursday

SECTION: EXTRA; Section D; Page 18

LENGTH: 701 words

HEADLINE: 'Talk about a role model . . . he's one'

BYLINE: By Dena Smith STAFF WRITER

BODY:

He integrated Emory University Law School. He became internationally known for presiding over the Wayne Williams murder trial, and gained respect for his steady rise from a Fulton County judge to the federal bench.

But to people in the housing projects of old Decatur, Judge Clarence Cooper will always be one of their own - "Coop".

During a recent trip back to the downtown Decatur projects he calls "home," Cooper enthusiastically pointed out landmarks of his youth in the 1940s and '50s. He smiled as he shared where his first girlfriend lived and where he had his first fight. But it was the field in the center of the complex that prompted the most reflection from Cooper.

"The past graduates of the high school would play the current football team in this field," said Cooper. "It was a big annual event - it would be so festive. We would have hot dogs and everybody was there. That's what stands out in my mind, the big football game."

Cooper was always a spectator when it came to organized sports, but he didn't want it that way.

He went out for his high school football team, but when his mother found out, she called the head coach and declined his position for him because "she felt I was too small to play," said Cooper. Instead, she bought him a trumpet and "forced me into the band. . . . I really regret not playing football."

The son of a domestic worker and a truck driver, Cooper said his parents constantly pushed him and his brother to excel in school by enticing them with phrases like "If you do your job and do it right opportunity will come to you."

And so it did. Good grades afforded him a scholarship to Clark College, which he subsidized with earnings from a job at the Varsity. It was in college that Cooper abandoned the notion of becoming a teacher and became "very interested in law."

"I was intrigued by the black lawyers of that time who would go fight for the rights of black people," said Cooper. "I saw how law was a vehicle to better things and I

wanted to help. The civil rights movement had a big impact on us. I also was a fan of the 'Perry Mason Show.' " Upon graduation, Cooper was accepted at Howard University School of Law but left after completing one year.

"Lawyers had been working hard to integrate Emory's Law School, so when it worked out, I was one of three asked to transfer from Howard's Law School because the elders in the community thought it would best to integrate with established law students," said Cooper. "I was a little nervous, but Marvin Arrington [now Atlanta City Council president] talked me into transferring. The first day of class at Emory, the car broke down and we missed three classes," said the 1967 Emory graduate.

Cooper became the first black attorney for the Legal Aide Society, the first black assistant to the Fulton County District Attorney, the first black municipal judge in Atlanta and the first black judge to ever run and win a countywide election for Superior court judge seat in Fulton. He was the second black ever to sit on the state **Court of Appeals**, and now the only full-time African-American federal **judge** in the Northern district of **Georgia**.

"He has not changed," said Louvenia White who lived "across the way" in the Allen Wilson Terrace projects from Cooper, but is now the manager for the Decatur Housing Authority-owned property.

"He's still down-to-earth, very mannerable and a hard worker," she said. "Talk about a role model . . . he's one. Every chance we can get, we have him back in Decatur."

Cooper said he didn't want to leave the Decatur projects when he was 10 years old. But because his parents made too much money to stay, they were forced to leave the place where he was born and move to the Edgewood community. He calls it "one of the saddest times of his life."

"There was such a unity then," Cooper said of his Decatur roots. "We were an extended family. I'm proud of my background."

And as far as the highly publicized Wayne Williams case - Cooper still can't discuss it, but offered that his life changed dramatically after the case.

"For a while I couldn't go anywhere without someone knowing me," he said. "I longed for the time before everyone knew me."

GRAPHIC: Photo: Judge Clarence Cooper visits the Allen Wilson Terrace apartment.
/ PHILIP McCOLLUM / Staff

LOAD-DATE: September 23, 1994

SPORTS PARTICIPANTS SPOTLIGHT STILL MAKING A SPLASH Swimmer, 64, won't become couch potato The Atlanta Journal and Constitution September 29, 1994, Thursday

Copyright 1994 The Atlanta Constitution
The Atlanta Journal and Constitution

September 29, 1994, Thursday

SECTION: EXTRA; Section J; Page 18

LENGTH: 465 words

HEADLINE: SPORTS PARTICIPANTS SPOTLIGHT STILL MAKING A SPLASH Swimmer, 64, won't become couch potato

BYLINE: By Celeste E. Whittaker STAFF WRITER

BODY:

Atlantan Irwin Stolz, 64, can be found almost every day at the swimming pool, and as far as he's concerned, age is just a number. Stolz is a member of the Killer Whales masters swimming team.

"I don't buy this notion that once you become 75 that all you have to look forward to is being a couch potato and getting wide around the waist," said the former **judge of the Georgia Court of Appeals**.

Stolz, a lawyer and senior partner at Gambrell and Stolz, participated in the Georgia Games this summer where he won five events, including the 1,650-meter freestyle, 100 individual medley, 100 breaststroke, 100 butterfly and 100 freestyle.

"Winning and placing really isn't important," Stolz said. "The important thing is the development and the participation. I tell people that I'm the oldest and the slowest to swim at Pace, but the important thing is to be part of something other than just the law practice. The whole idea is to get people who are tied up in their business and personal lives out, and to build something where they have fun."

Stolz is the only member of his immediate family to swim, but he gets loads of support.

"My wife [Mary Bell] is a great enthusiast, a great supporter, and sometimes my most severe critic," Stolz said. He and his wife have four children. Will, Robert, Wiley Wasden, and daughter Mary Bell.

"He just has an enormous amount of stamina," daughter Mary Bell said. "I think it helps him relax after work. And it kind of shows you what you can do at 64 still working that hard."

"He's always been athletic. He ran marathons in his younger years and triathlons. It's such a positive outlet. Not for just younger generations, but for every generation. . . . I think it inspires everybody. I'm very, very proud of him."

Stolz would probably still be running marathons were it not for an injury to his left

knee.

"I started jogging and running and things like that," he said. "About six to eight years ago, the knee went out on me. A friend of mine told me about the swimming group, and I found that I loved it. I've had much more success with the swimming than I ever did with the running."

Stolz was a recreational swimmer growing up in Atlanta, but he later competed at Washington and Lee University and the University of Georgia.

"My heart's still over in Athens with the Dogs," he said with a laugh. "I follow the football team avidly, and the swimming team with a great deal of interest."

Stolz received his undergraduate and law degrees from Emory, where he worked his way through school by coaching and teaching at Westminster. He also coached his brother Hal - who Stolz says was a better swimmer than he - and was a swimming coach while in the Army.

"There's no limit I see as long as you still have your faculties," he said.

GRAPHIC: Photo: Irwin Stolz, 64, is winner of five events in the Georgia Games. / FRANK NIEMEIR / Staff

LOAD-DATE: October 4, 1994

South Gwinnett takes state honors in court as well as on it; 'Litigants' earn mock trial title *The Atlanta Journal and Constitution* March 14, 1995, Tuesday,

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The Atlanta Journal and Constitution

March 14, 1995, Tuesday, ALL EDITIONS

SECTION: EXTRA, Pg. 3J

LENGTH: 303 words

HEADLINE: South Gwinnett takes state honors in court as well as on it; 'Litigants' earn mock trial title

BYLINE: Nichell J. Taylor; STAFF WRITER

BODY:

Two teams of students who attend South Gwinnett High School in Snellville captured state titles over the weekend.

After winning the 1995 Georgia Mock Trial Competition at the regional level, South Gwinnett's team of young litigants won the state title at the Judicial Building in Atlanta Sunday. The Gwinnett students defeated DeKalb County's Redan High School in a close contest.

On Saturday in Albany, the South Gwinnett girls basketball team defeated Southwest Macon to win the state Class AAAA championship in a game the lady Comets said they were eager to play.

Parents, teachers, school administrators and other members of the community continued to celebrate the teams' successes Monday.

"We are very proud of these talented, hard-working students and are thrilled that their efforts have been rewarded," said South Gwinnett PTA member Deanie Challen.

The mock trial case, presided over by a panel of **judges from the Georgia Supreme Court and Court of Appeals**, involved a fictitious civil suit brought by a high school student injured in a collision with a truck that ran a stop sign, Challen said.

South's team included: Melody Weinstein, who received the best witness award; David Wicker, Misti Hewatt, Samantha Cain, Christie Shaver, Jessica Chappell, Joe Strickland, Kate Pankow, Matt Witt, Taylor Rempe, Mary Beth Miles and Pamela Biddle; and alternates Stephanie Henefield and Dan Eberhart, with Rob Bexley and Crystal Long as timekeepers.

More than 1,400 students from 100 schools throughout the state participated in the mock trial competition, which is a project of the Younger Lawyers Section of the State Bar of Georgia. South Gwinnett High will represent Georgia in the National Mock Trial Championships in Denver May 11 through 13, according to Snellville lawyer John Miles.

LOAD-DATE: June 27, 1995

*As chief justice, Cartersville man will make history The Atlanta Journal and
Constitution June 8, 1995, Thursday,*

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June 8, 1995, Thursday, ALL EDITIONS

SECTION: STATE NEWS, Pg. 2E

LENGTH: 281 words

HEADLINE: As chief justice, Cartersville man will make history

BYLINE: Bill Rankin; STAFF WRITER

BODY:

Robert Benham was unanimously elected Wednesday by his peers on the Georgia Supreme Court to become the first African-American chief justice in state history.

Benham, 48, a native of Cartersville, succeeds Willis B. Hunt Jr., who was appointed by President Clinton to the federal bench in Atlanta.

"I thought of how lucky I am to live in a country where this is possible, to come from where I've come and to sit where I sit," **Benham** said of his thoughts after the vote. "It's certainly part of the American dream."

Benham's elevation to head the state's judiciary was expected. By tradition, the jurist with the longest service has been voted to the top post. **Benham** has been on the Supreme Court since 1989, longer than any of the other justices except Hunt.

Benham will become the 26th chief justice in the 150-year history of the high court. He will be formally sworn in June 29 at the state Capitol.

"It will be a big day of course for Justice **Benham** but it's an even bigger day for the citizens of Georgia," Hunt said. "He's eminently qualified and comes to this new position with impeccable credentials."

Benham is an expert on the court's budget and a technological whiz who will lead the high court into the computer age, Hunt predicted.

Benham became the first black in 1984 to serve on the State Court of Appeals. In 1989, he became the first African-American on the Supreme Court, appointed by then Gov. Joe Frank Harris.

Benham is a graduate of Tuskegee Institute and received his law degree from the University of Georgia Law School. He also attended Harvard University and obtained his master's degree in law from the University of Virginia in 1989.

GRAPHIC: Color Photo and teaser box: (appeared on E/01 with reference to E/02 story) mug of **Robert Benham**

LOAD-DATE: June 27, 1995

*The new chief justice of Georgia The Atlanta Journal and Constitution June 9, 1995,
Friday,*

Copyright 1995 The Atlanta Constitution
The Atlanta Journal and Constitution

June 9, 1995, Friday, CONSTITUTION EDITION

SECTION: EDITORIAL, Pg. 14A

LENGTH: 342 words

HEADLINE: The new chief justice of Georgia

BODY:

Robert Benham of Cartersville has compiled an impressive array of firsts during his career in the law. In 1984 he became the first black person to serve on the Georgia Court of Appeals, appointed to the post by Gov. Joe Frank Harris. Later that year he was elected to the seat, becoming the first black person to win a statewide election in Georgia. And in 1989, Harris made **Benham** the first African-American to serve on the state Supreme Court.

Now **Benham's** colleagues on the high court have given him the biggest first, unanimously electing him to serve as chief justice of the Georgia Supreme Court, making him the first black person to do so.

Benham's own words about his accomplishments are far from a recitation of firsts. Rather, they sound like a confirmation of faith in both the judicial system and the nation. "I thought of how lucky I am to live in a country where this is possible," he said, "to come from where I've come and to sit where I sit. It's certainly part of the American dream."

His rise is due partly to his skills and partly to court tradition, which dictates that the chief justice be the member with the most years of service. Initially, there were those who thought **Benham** wouldn't be on the bench long enough to accumulate any seniority.

He has drawn vigorous opposition - some say because of his race - in his election bids, which is unusual for sitting judges in the upper levels of Georgia's judiciary. But **Benham** put his faith in the system, conducting the kind of low-key, dignified campaigns that are expected in judicial elections. The support he received from political leaders around the state - both black and white - also helped.

Race still matters in Georgia elections, especially when judgeships are up for grabs. A suit aimed at removing discriminatory election practices that keep blacks from gaining fair representation in the judicial system is still being pressed. Despite that, **Robert Benham's** success offers hope that qualified candidates can overcome racial barriers to the bench.

GRAPHIC: Photo: Mug shot of **Robert Benham**

LOAD-DATE: June 27, 1995

Benham sworn in as first black chief justice of state's high court The Atlanta Journal and Constitution June 29, 1995, Thursday,

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The Atlanta Journal and Constitution

June 29, 1995, Thursday, JOURNAL EDITION

SECTION: STATE NEWS, Pg. 2C

LENGTH: 357 words

HEADLINE: **Benham** sworn in as first black chief justice of state's high court

BYLINE: Peter Mantius; STAFF WRITER

BODY:

Justice **Robert Benham**, whose family moved to the state as slaves in the 1840s, was sworn in today as the first black chief justice of the Georgia Supreme Court.

After receiving a standing ovation from an overflow crowd in the House, **Benham**, 48, said he was proud to fulfill the dreams of generations of Georgia citizens who had their dreams deferred or denied.

"Justice **Benham** is an avid student of the law who believes in the rule of law. This is a great day for Georgia and America," U.S. District Judge Clarence Cooper said before administering the oath of office.

Benham replaces Chief Justice Willis Hunt, who is leaving the court to become a federal judge in Atlanta. Gov. Zell Miller appointed Cobb Superior Court Judge Harris P. Hines to fill Hunt's place on the seven-member high court.

Justice Norman Fletcher replaces **Benham** as the Supreme Court's presiding justice - and becomes the next in line to rise to chief justice. Both men were appointed by former Gov. Joe Frank Harris and joined the court on the same day in December 1989.

Benham graduated from Tuskegee Institute and law school at the University of Georgia. A former Cartersville lawyer, he became the first black on the Georgia Court of Appeals when Harris appointed him to the position in 1984.

Five years later he became the first black on the Georgia Supreme Court.

Benham, who jokingly confessed to a tendency to lapse into Baptist preaching, said he was guided by the simple belief that it is important to be "law-abiding, God-fearing, hard-working and self-respecting."

Sen. Johnny Isakson (R-Marietta) said he was surprised that **Benham** picked him, a white Republican, to introduce him. "I asked him, 'Why me?'" Isakson said. "He said, 'I want to send a message of openness to all Georgia.' "

Isakson said **Benham's** rise was a fitting result of the civil rights movement, "a great cause founded in morality." He said that people no longer need be excluded

from the political process in Georgia based on their race or political party.

Benham is considered a judicial moderate who tends to be pro- business and pro-individual rights.

LOAD-DATE: June 30, 1995

1st black chief justice takes oath of office The Atlanta Journal and Constitution June 30, 1995, Friday,

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June 30, 1995, Friday, CONSTITUTION EDITION

SECTION: STATE NEWS, Pg. 3C

LENGTH: 337 words

HEADLINE: 1st black chief justice takes oath of office

BYLINE: Peter Mantius; STAFF WRITER

BODY:

Justice **Robert Benham**, whose family moved to the state as slaves in the 1840s, was sworn in Thursday as the first black chief justice of the Georgia Supreme Court.

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Benham is considered a judicial moderate who tends to be pro- business and pro-individual rights.

GRAPHIC: Color Photo and Teaser: (appeared on C/01 with reference to this C/03 story): With his family beside him, **Robert Benham** is sworn in Thursday as chief justice of Georgia by Federal District Judge Clarence Cooper.

LOAD-DATE: July 1, 1995

Source: [News & Business > News > By Individual Publication > A > The Atlanta Journal and Constitution](#) 

Terms: **robert and benham and date(geq (07/01/1995) and leq (08/10/1995))** ([Edit Search](#) | [Suggest Terms for My Search](#))

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ROBERT BENHAM; Bold voice on the bench The Atlanta Journal and Constitution July 3, 1995, Monday,

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July 3, 1995, Monday, ALL EDITIONS

SECTION: STATE NEWS, Pg. 1A

LENGTH: 160 words

HEADLINE: ROBERT BENHAM;
Bold voice on the bench

BODY:

Justice **Robert Benham** was under seige from every prosecutor in Georgia earlier this spring, after authoring one of the Georgia Supreme Court's most controversial decisions in years.

And **Benham** - who was sworn in Thursday as the court's new chief justice - says he can't promise he won't ruffle more feathers.

"Judges have a job to do in interpreting the law. We'd like to do the popular thing, but we're duty bound to do what the law requires," said **Benham**, the first African-American chief justice in Georgia history.

Ironically, the decision that inspired so much venom from prosecutors was reversed on reconsideration by the high court a few weeks later, after every prosecuting attorney in the state endorsed a motion urging a reversal.

But **Benham's** position that a state law giving life sentences to some drug dealers was racist was recorded as a dissent, and he says that as chief justice, he will continue to stand by what he believes.

GRAPHIC: Color photo: mug of **Robert Benham** / Eric Williams / staff

LOAD-DATE: July 4, 1995

Source: [News & Business > News > By Individual Publication > A > The Atlanta Journal and Constitution](#) 

Terms: **robert and benham and date(geq (07/01/1995) and leq (08/10/1995))** ([Edit Search](#) | [Suggest Terms for My Search](#))

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Terms: **prudent and pioneer** ([Edit Search](#) | [Suggest Terms for My Search](#))

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Speaking his mind: A decision that Robert Benham wrote last year could bring conservative opposition at the polls.; New chief justice is prudent pioneer; But Benham doesn't duck controversies The Atlanta Journal and Constitution July 3, 1995, Monday,

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The Atlanta Journal and Constitution

July 3, 1995, Monday, ALL EDITIONS

SECTION: STATE NEWS, Pg. 2B

LENGTH: 1301 words

HEADLINE: Speaking his mind: A decision that Robert Benham wrote last year could bring conservative opposition at the polls.;
New chief justice is **prudent pioneer**;
But Benham doesn't duck controversies

BYLINE: Peter Mantius; STAFF WRITER

BODY:

When Robert Benham was growing up in rural North Georgia, his mother often took him for walks through the local cemetery. She described in rich detail the people buried there, their skills, arts and ailments.

Her son not only listened, he took careful notes.

One of those history lessons dealt with Colonel Willis Benham of Connecticut, who married a South Carolina woman and moved his family and belongings - including the slaves who took his name - to 1,400 acres near Cartersville in 1849.

"At the end of the Civil War, he had 56 slaves," Benham said. "I have the names of all of them, and their ages" at death.

Steeped in family and community history, Benham has just made state history himself.

The great-great-grandson of slaves last week became the first black chief justice of the Georgia Supreme Court. Benham's quiet rise underscores the recent transformation of the seven-member high court, which never had an African-American or female justice before 1989.

"It can stand as proof that justice should be and is becoming truly blind, or colorblind," said Harold Clarke, Georgia's chief justice from 1992 to 1994.

Benham, 48, is a judicial moderate appointed to both the state Court of Appeals and Supreme Court by former Gov. Joe Frank Harris, another son of Cartersville. He has won statewide elections to both courts and faces re-election in 1996.

Like Harris, Benham is a devout Baptist. He teaches Sunday school, refrains from cutting the grass on the Sabbath and, according to Justice Leah Sears, isn't so amused when his fellow justices crack an occasional joke about their nude-dancing cases.

"Bob is a Southern gentleman . . . a family-oriented conservative," said Sears, the court's other African-American. "He is a warm human being."

Prosecutors edgy about him

A computer whiz and woodworker, Benham is married and has two sons, one who attends the University of Georgia and another in grade school.

As chief justice, Benham said, he will strive to protect the rights of individuals and provide a pro-business climate.

He sees lawmaking and policy-setting as legislative functions, but believes the court may at times interpret the state constitution in ways that expand individual rights. "The federal Constitution creates a floor for rights, but not a ceiling," he said.

Some are concerned that Benham might be too willing to use his judicial opinions to forge new law.

This year, Benham wrote a majority opinion that required prosecutors to show that their decisions to seek life sentences for two-time drug convicts are not based on race. He argued that the burden of proof should fall on prosecutors because 98 percent of Georgians serving life terms under the two-time drug offender law are black.

Attorney General Michael Bowers and prosecutors from across the state howled in protest. They said the opinion ignored legal precedent and would lead to race quotas in sentencing.

The court promptly reversed itself. Benham's slim 4-3 majority evaporated when Justice Hugh Thompson switched sides.

But district attorneys remain nervous over the narrow victory. "I'm greatly concerned about the direction of the court, especially on the death penalty," said Floyd County District Attorney Steve Lanier, who had a death sentence thrown out by a Benham opinion.

Well-financed challenge?

Lanier said the individual selected to replace Chief Justice Willis Hunt, who is leaving the court July 1 to become a federal judge, could be a swing vote.

But Hardy Gregory Jr., a former Supreme Court justice from Cordele, views Benham as relatively conservative on criminal matters. "He's not likely to write a Miranda decision," Gregory said, referring to the U.S. Supreme Court ruling of 1966 that requires police to read defendants their rights during an arrest.

Benham noted that he has voted for the death penalty about five times for every vote he has cast against it.

Still, Bowers and others have hinted that Benham could face well-financed political opposition in the 1996 election.

"Any time you start making controversial decisions, it opens you to a greater extent" to political opposition, Bowers said, adding that he himself doesn't plan to participate in the opposition.

"I know what the sentiment is out there," Benham said. Sam Smith, his neighbor and campaign finance chairman, says the chief justice may have to raise \$ 100,000 or more.

Dan Summer, a Gainesville defense attorney and former prosecutor, said it would send a bad signal if Benham were to lose to a hard-core conservative.

"Georgia law is enforced by white prosecutors against black defendants," Summer said. "It's important to have someone on the state's highest court who has lived through the Jim Crow era, who has tasted the bitterness of racism."

Parents were highly respected
Benham shows no trace of bitterness.

"I remember the separate water fountains, the upstairs of movie theaters," he said. "But my parents protected us from the stark realities of that system. Nobody ever told me I couldn't be a lawyer. I was nurtured."

Cartersville, while segregated, never struck Benham as particularly oppressive. "It's a user-friendly town," he said.

For as long as Benham can remember, his parents were firmly established and respected. His father has long served as a city councilman.

After Benham graduated from law school at the University of Georgia - he was the second black to attend - a Cartersville judge named Jefferson L. Davis encouraged him to bypass greater opportunities in Atlanta to become his hometown's first black lawyer.

He quickly gained a reputation as a tough lawyer. He once filed suit on behalf of a group of black children who had been denied access to a Cobb County roller skating rink. He won an injunction that opened the rink to the youngsters, one of whom went on to become a lawyer.

Lanier, the Floyd County prosecutor, met him in an armed robbery case in the 1970s. "He was a pit pull who tried a very aggressive case," Lanier said. "He beat my rear end."

As Benham's career flourished, he gradually broke old color barriers in his hometown.

"He was probably one of the first black people to enter the Cartersville County Club," Smith said. "There was a little rumble about that, but that's passed. When he moved into a virtually all-white neighborhood, there wasn't a ripple."

The law isn't everything

But success hasn't changed him, according to Jere Smith, a senior Superior Court Judge who urged Benham to seek a spot on the appeals court. "There's no 'robe-itis' with Bob. He's the same Robert Benham he always was."

Benham continues to believe that as a judge he has the duty to safeguard individual rights and correct certain injustices.

For example, he has consistently taken the position that jurors may not be excluded from juries based on race. And in a solo dissent to an opinion written by Justice Sears, he wrote that the court's decision in favor of Fleet Finance Inc. of Georgia would bring "financial ruin to thousands of households in Georgia."

At the same time, he said the legal system is not suited to provide all solutions to the forgotten members of society. Rather, it is people of good will in the community and church who share that responsibility.

He was reminded of his mother's longtime practice of preparing food and showering kindness on unfortunate children in the neighborhood.

At his mother's funeral two years ago, a man Benham did not know approached him and expressed his gratitude for the clothes and food "Miss Jessie" had given him when no one else seemed to care.

"She believed that if kids were hungry, you feed them," Benham said, tears welling up in his eyes.

"That doesn't have anything to do with the law."

GRAPHIC: Photo: At home in Cartersville, Robert Benham gardens with his wife, Nell, and watches son Austin practice piano / ERIC WILLIAMS / Staff

LOAD-DATE: July 4, 1995

Source: [News & Business](#) > [News](#) > [By Individual Publication](#) > [A](#) > [The Atlanta Journal and Constitution](#) 

Terms: **prudent and pioneer** ([Edit Search](#) | [Suggest Terms for My Search](#))

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OBITUARIES; Robert Hall, former judge, state Supreme Court justice The Atlanta Journal and Constitution October 15, 1995, Sunday, Correction Appended

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October 15, 1995, Sunday, Correction Appended
ALL EDITIONS

SECTION: LOCAL NEWS, Pg. 10H

LENGTH: 766 words

HEADLINE: OBITUARIES;

Robert Hall, former judge, state Supreme Court justice

BYLINE: Bill Rankin; STAFF WRITER

BODY:

Robert H. Hall, a former federal judge and Georgia Supreme Court justice, died Saturday of respiratory failure caused by amotrophic lateral sclerosis - a disease he had battled since 1983 - at Knollwood Terrace Skilled Nursing Center in Atlanta. He was 73 years old.

Judge Hall was appointed to the federal bench in Atlanta by President Jimmy Carter on Nov. 27, 1979.

"I know of no other federal or state judge in this state who worked harder than Bob Hall to improve the administration of justice in the nation's court system," said U.S. District Judge G. Ernest Tidwell, one of Judge Hall's close friends on the federal bench.

"He was probably one of the finest district judges in the country," said Judge Marvin Shoob. "He was a student of the law, but in addition he exercised a lot of good judgment, compassion and common sense."

Among his hobbies were scuba diving and tennis, which he played until a few years ago with fellow judges Tidwell, Shoob, and William O'Kelley. Judge Hall was tenacious in almost everything he did, Judge Shoob said, suggesting this was why he maintained a youthful outlook and always looked much younger than his years.

Robert Howell Hall was born Nov. 28, 1921, in Soperton. He graduated from the University of Georgia in 1941 at the age of 19, and received his law degree from the University of Virginia in 1948.

He interrupted law school to serve for four years in the Army during World War II. He rose quickly through the ranks, serving as platoon leader, company commander and battalion commander.

After obtaining his law degree, he became an Emory University law professor, a job he held until 1961.

In 1953, he took on a second job, working for the state attorney general's office,

where he headed its first criminal division. He had a staff of three former FBI agents and an accountant that investigated corruption in state government. As a result of his investigations, a number of state employees and private businessmen were charged. Some pleaded guilty, some were convicted and some were removed from their state jobs.

In 1961, Gov. Ernest Vandiver appointed **Judge Hall** to the **Georgia Court of Appeals**. He was elected without opposition in 1962 and 1968.

Gov. Jimmy Carter appointed him to the Georgia Supreme Court in 1974. He served there for five years until President Carter appointed him to the federal bench.

"He was very fair, and that's the highest compliment you can give a judge," said Assistant U.S. Attorney John Davis, chief of the criminal division. "I appreciated him because he did not waste the time of litigants, jurors, witnesses or anyone else. I have, for the last year or so, very much admired his courage and his dignity in dealing with this terrible illness."

Judge Hall's interest in improving the justice system began in the 1960s when he served as a member of the Citizen's Conference, an Atlanta-based group of about 200 business people and lawyers.

In 1971, he became chairman of Gov. Carter's Commission on Judicial Processes.

The panel's recommendations led to the creation of the state's Judicial Nominating Commission, which recommends state court judges to the governor for appointment, and Judicial Qualifications Commission, a state disciplinary body for judges. He successfully pushed for constitutional amendments and state statutes to unify the structure of the state's court system.

Also during this period, Judge Hall was president of the American Judicature Society, speaking nationally to advocate legal reform. He also fought hard to increase the salaries of the nation's federal judges.

In 1993, the American Judicature Society awarded Judge Hall its highest honor, the Justice Award, for his "unparalleled determination and visionary leadership."

Judge Hall's early, active support was critical for the creation of the National Center for State Courts and the National Institute of Justice, both of which promote legal reforms throughout the country's justice system. Judge Hall and a few of his colleagues also helped create the National Judges Association, which worked to protect and strengthen the independence of the judiciary.

In 1991, he was honored by Emory University, which established the Robert Howell Hall professorship of law and civil procedure. The funeral for Judge Hall will be at 10 a.m. Monday at H.M. Patterson & Son, Spring Hill, with burial in Westview Cemetery in Soperton.

Surviving are his wife, Janice Wren; three children, Carolyn Coberly Hall, Howell Alexander Hall and Patricia Hall Wilson of Atlanta; and two grandchildren.

CORRECTION-DATE: October 16, 1995

CORRECTION:

AN OBITUARY PUBLISHED SUNDAY FOR FORMER FEDERAL JUDGE AND GEORGIA SUPREME COURT JUSTICE ROBERT HALL SHOULD HAVE SAID THAT HE WAS DIAGNOSED WITH AMYOTROPHIC LATERAL SCLEROSIS IN 1993.

GRAPHIC: Photo: Mug shot of Robert Hall

LOAD-DATE: October 17, 1995

*9-member court appealing for more judges The Atlanta Journal and Constitution
December 2, 1995, Saturday,*

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December 2, 1995, Saturday, ALL EDITIONS

SECTION: STATE NEWS, Pg. 1D

LENGTH: 421 words

HEADLINE: 9-member court appealing for more judges

BYLINE: Peter Mantius; STAFF WRITER

BODY:

The nine-member **Georgia Court of Appeals** is swamped by an enormous caseload and desperately needs four new **judges**, according to Chief **Judge** Dorothy Beasley.

Citing a recent study that says Georgia has the busiest intermediate court in the country, Beasley is pressing state politicians for relief.

"We need help," Beasley said Friday. "We needed help 10 years ago."

So far Gov. Zell Miller and state legislators have expressed sympathy but have yet to reach a consensus about what to do.

"The governor has seen the court's statistics, and they make a very good case for increasing the number of Court of Appeals judges," said a Miller spokesman.

Rep. Tommy Chambless (D-Albany), chairman of the House Judiciary Committee, said he was reluctant to back any bill that would expand government and suggested reducing the court's jurisdiction instead.

"Judge Beasley's not hollering wolf here," Chambless said. "It's a problem a lot of people want to solve. It's just no one's come up with the perfect solution yet."

The Georgia court averaged 278 signed opinions per judge in 1993, more than double those for the next closest state, California, which had 137, according to a study by the Administrative Office of the Courts.

California handles many more cases, 12,075, but it has 88 judges to hear them. Georgia's nine judges wrote 2,501 opinions in 1993.

The court, which hears appeals from Superior, State, Magistrate, Juvenile and Probate courts, has not grown since 1961.

Since then, the number of Superior Court judges has more than tripled to 169. And since 1973, the number of cases in superior courts has more than doubled.

Also, mandatory sentencing acts, including the "two strikes you're out" law that carries a life sentence without parole, generate more appeals.

Increasingly, the court has resorted to ruling on cases without issuing a written opinion, which doesn't sit well with lawyers, said Sen. Mary Margaret Oliver (D-Decatur), chairman of the Senate Judiciary Committee.

"Some members of bar feel the Court of Appeals should write an analysis on each opinion," Oliver said.

"It's very simple," Beasley said. "How much justice do the people of Georgia want? What quality of attention do you want us to take in writing and developing the law?"

Oliver said Beasley has made a convincing case that the appeals court is overloaded and predicted that the General Assembly would consider either adding new judges, limiting the court's jurisdiction or a combination of the two.

GRAPHIC: Color photo: Chief Judge Dorothy Beasley / JOHNATHAN NEWTON / Staff

LOAD-DATE: December 3, 1995

THE COURT OF APPEALS; Running them hard and putting them up wet The Atlanta Journal and Constitution February 14, 1996, Wednesday,

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February 14, 1996, Wednesday, JOURNAL EDITION

SECTION: EDITORIAL; Pg. 12A Jim Wooten

LENGTH: 551 words

HEADLINE: THE COURT OF APPEALS;
Running them hard and putting them up wet

BYLINE: JIM WOOTEN

BODY:

By the end of a typical working day, each of the nine members of the **Georgia Court of Appeals** must have digested the details of a case on **appeal**, researched the law, deliberated, argued, shaped and written an opinion that not only affect's somebody's life or property, but guides **judges** considering similar cases in the future.

No thanks, it's not for me. Not when there are good summer roofing and winter well-digging jobs still available. Writing roughly an opinion a day, 278 per judge per year, has to be an exhausting ordeal. No other state imposes that kind of burden on appellate court judges. The next closest is California, with 137 opinions per judge.

The General Assembly has been asked to expand the Court of Appeals, something that's not been done since 1961, to add four judges at a cost of about \$ 3 million. Chances are slim. Partly it's the money. Partly it's a view that the Court of Appeals, which operates normally with three banks of three judges, issues too many conflicting opinions. If so, who could be surprised?

With four additional judges, the court could add another bank and a chief judge. The additional help, then, would relieve some of the workload and make it possible to organize to eliminate opinion conflicts.

It really is a disgrace that a problem first identified more than 20 years ago by a gubernatorial commission has rolled on for two decades without resolution. In 1974, the Governor's Commission on Court Organization and Structure noted that the state's Court of Appeals ranked six nationally in the number of published opinions. The top five then each had 20 or more judges, Georgia nine.

It has only gotten worse. In his 1995 State of the Judiciary address, Willis B. Hunt Jr., then chief justice of the state Supreme Court, noted: "For every one opinion that I and my colleagues on the Supreme Court write, my colleagues on the Court of Appeals each write five a or is it six? They are basically writing one opinion for each workday, an enormous load, an impossible load."

The numbers make the case:

> Since 1961, the number of Superior Court judges issuing opinions has increased

from 56 to 169. The caseload from 1973, when statewide data was first gathered, increased from 125,731 to 303,304. That's 141 percent. The size of the appellate courts is unchanged.

> The number of other courts, too, has mushroomed. The number of juvenile judges has increased 57 percent, the caseload has tripled. State court judgeships are up 34 percent since 1974. More magistrates. More district attorneys and assistants. More work.

> "Two strikes and you're out" and other mandatory sentencing legislation have impact, too. They invite appeal. When punishment is harsh and determinate, the rational crook appeals, gambling on mistake, miracle or mercy.

These jobs on the Court of Appeals bench are not going wanting. Certainly, there are more unpleasant and stress-inducing ways of earning a living.

But for goodness sakes, man, do we want a Court of Appeals dispensing justice on an assembly-line, piece-goods basis? It's not fair to them, to us, to the people whose lives and fortunes are at stake, or to the principles of justice.

Jim Wooten is the Journal's editorial page editor. His column runs on Wednesday, Friday and Sunday.

LOAD-DATE: July 18, 1996

96;Wall handed warrant, election-day defeat;Legislator arrested for criminal trespass
The Atlanta Journal and Constitution July 11, 1996, Thursday,

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July 11, 1996, Thursday, ALL EDITIONS

SECTION: EXTRA; Pg. 06J

LENGTH: 366 words

HEADLINE: 96;

Wall handed warrant, election-day defeat;
Legislator arrested for criminal trespass

BYLINE: Tacuma R. Roeback; STAFF WRITER

BODY:

Tuesday provided a rough ending to the more than two decades Vinson Wall served in the Georgia Legislature.

In the morning, a Gwinnett judge issued a warrant for his arrest, accusing him of tearing down the campaign signs of his opponent, Mike Coan. At the end of the night, the political newcomer defeated the Lawrenceville representative 57 percent to 43 percent. Coan will represent the state's 82nd House District.

Another politician familiar to county voters, Scott Ferguson, didn't make the runoff for the House's 79th District seat. That special election will be held Aug. 6 between Tom Rice, who captured 49 percent of the vote, and John Schwab, who won 23.3 percent, in a four-person race.

Tom Lawler, a former district attorney, was forced into a runoff against Elizabeth Blackwell to become the county's next clerk of court.

Also headed for a runoff is a heated race for a **judge's** seat on the **Georgia Court of Appeals**. The candidates have been whittled down to incumbent Judge Gary Andrews and attorney Mark Merritt.

In a local referendum, Lawrenceville voters decided to approve the sale of liquor by the drink in the city.

But it is the apparent end of Wall's political career that stands out among the returns. The Democrat-turned-Republican had weathered numerous challenges from his own party in the past and had always been sent back to the Legislature by voters in his district.

As in past years, the state Republican Party had supported his opponent. But in past years he had drawn opposition, mostly from women who made abortion rights a prominent part of their platform. Coan provided a different challenge.

In swearing out the warrant, Coan said he confronted Wall at about 3 a.m. after he saw the legislator tearing up his campaign signs shortly after Coan placed them

along the road.

After Coan complained to Judge Patricia Holman, she issued a warrant for criminal trespassing.

Wall was conspicuously absent from the Gwinnett Justice and Administration Center late Tuesday, where he traditionally has watched election returns to make sure his seat was still safe.

On Wednesday, Coan said, Wall called him to congratulate him on his victory.

LOAD-DATE: July 12, 1996

Campaign '96 Earlier primary campaign had turned ugly, with one candidate slamming another because of ruling in child molestation case.; Lawyers split opinions over incumbent judge The Atlanta Journal and Constitution July 31, 1996, Wednesday,

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July 31, 1996, Wednesday, ALL EDITIONS

SECTION: STATE NEWS; Pg. 02C

LENGTH: 356 words

HEADLINE: Campaign '96 Earlier primary campaign had turned ugly, with one candidate slamming another because of ruling in child molestation case.; Lawyers split opinions over incumbent judge

BYLINE: Peter Mantius; STAFF WRITER

BODY:

The race for a seat on the state's second highest **court** should boil down to a comparison of two resumes, said incumbent **Judge** Gary B. Andrews of the **Georgia Court of Appeals**.

Andrews faces Atlanta attorney Anne Elizabeth Barnes in a runoff election Aug. 6.

"This is not an entry-level job," Andrews said last week, pointing to Barnes' relative lack of political or judicial experience. Andrews has served as an assistant state attorney general, a Superior Court judge and a state Public Service Commissioner.

Andrews, who lives in Chickamauga in northwest Georgia, was first elected to the 10-member Appeals Court in 1990.

He has broad support from Atlanta's largest law firms, who often defend corporations, and unprecedented opposition from plaintiff attorneys.

Former Attorney General Griffin Bell wrote in a memo to his law partners at King & Spalding early this year that Andrews is a conservative jurist who "has been supportive of positions helpful to our clients."

Meanwhile, prominent plaintiff attorneys, like James Butler of Columbus, have contributed heavily to Andrews' challengers.

Butler calls Andrews a biased, knee-jerk defender of corporations and insurers against individuals who file liability lawsuits.

Furthermore, opponents say the judge has flouted impartiality by allowing a registered insurance lobbyist, H. Andrew Owen, to run his election campaign. Calling allegations of bias "ridiculous," Andrews said Owen doesn't influence his rulings.

The reason plaintiff attorneys oppose him, Andrews said, is that his rulings cost them money. He said he disagrees with their philosophy of tort law that says "if someone

gets hurt, somebody has to pay."

Andrews said he is only applying Georgia law by ruling against plaintiffs who sue property owners in cases "where somebody slips on a green bean in the grocery store, where a crime occurs on a property."

Athens trial attorney J. Hue Henry cited Andrews' lead role in reversing a \$ 12 million jury verdict in favor one of his clients and then Andrews' attendance at a fund-raiser thrown for him by the law firm that won the reversal.

GRAPHIC: Photo: Gary B. Andrews

Chart: GARY B. ANDREWS (I)

Age: 49

Residence: Chickamauga

Education: Bachelor's in business and a law degree, University of **Georgia**

Profession: Lawyer, **judge**

Political experience: Elected **judge** - Lookout Mountain Circuit, 1980-1985; appointed to **Georgia** Public Service Commission, 1985, chairman, 1987-1989; elected to **Court of Appeals**, 1990

Personal: Wife, Roseann, three children

LOAD-DATE: August 1, 1996

Barnes plans \$ 100,000 television ad blitz; Surge in donations came in recently The Atlanta Journal and Constitution August 3, 1996, Saturday,

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August 3, 1996, Saturday, ALL EDITIONS

SECTION: LOCAL NEWS; Pg. 02B

LENGTH: 383 words

HEADLINE: Barnes plans \$ 100,000 television ad blitz;
Surge in donations came in recently

BYLINE: Peter Mantius; STAFF WRITER

BODY:

With a campaign fund swollen from last-minute contributions, **Georgia Court of Appeals** candidate Anne Elizabeth Barnes plans to air more than \$ 100,000 in TV commercials before her Aug. 6 runoff election against **Judge** Gary B. Andrews.

Barnes, who until now has run a low-profile race, has been buying television time over the next three days in Atlanta, Augusta and Savannah.

"We want to spend over \$ 100,000," Scott Sink, Barnes' campaign manager, said Friday.

The commercial is also expected to air on TV in Macon, Albany and Columbus, thanks largely to in-kind contributions, Sink said.

In the past two weeks, Barnes has benefited from a surge in cash and in-kind contributions, mostly from attorneys, Sink said. In a campaign finance report dated July 19, Barnes had raised only \$ 56,971, including \$ 13,426 from a loan she made to her own campaign.

Trial attorneys across the state oppose Andrews for his rulings in favor of corporations and insurance companies in liability cases. His opponents will have spent more than \$ 400,000 in the primary and runoff, while he has raised less than \$ 100,000.

Before the July 9 primary, Lawrenceville attorney Mark Merritt spent about \$ 250,000 on a TV commercial, aired statewide, that criticized Andrews for releasing a convicted child molester. The spot was condemned as unfair by the state Judicial Qualifications Commission.

Merritt finished third with 17 percent of the vote, while Andrews won 43 percent and Barnes won 26 percent.

The Barnes commercial touts her endorsement by law enforcement officials and doesn't criticize the incumbent judge.

Andrews said it was the same "small group" of trial attorneys that financed both

Merritt and Barnes. Plaintiff attorneys James Butler of Columbus and Yehuda Smolar of Atlanta are among the leading contributors to both challengers.

"This is the same two-step dance," Andrews said. "The story of this race has become the small group of people spending what is now bumping half a million dollars."

Andrews said he had purchased radio commercials that will run through Monday in Atlanta and on Monday in markets throughout the state.

His commercials say that he has won the endorsement of virtually every newspaper in the state that has recommended a candidate in the race.

GRAPHIC: Photo: In new TV commercials, Anne Elizabeth Barnes doesn't plan to attack her opponent, Judge Gary B. Andrews.

LOAD-DATE: August 4, 1996

Georgia Campaign '96 Andrews keeps appeals court seat; The close race was fueled by claims by plaintiff attorneys that the judge was biased in liability cases. The Atlanta Journal and Constitution August 7, 1996, Wednesday,

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August 7, 1996, Wednesday, ALL EDITIONS

SECTION: STATE NEWS; Pg. 05B; Pg. 04B

LENGTH: 499 words

HEADLINE: Georgia Campaign '96 Andrews keeps **appeals court** seat; The close race was fueled by claims by plaintiff attorneys that the **judge** was biased in liability cases.

BYLINE: Peter Mantius; STAFF WRITER

BODY:

Judge Gary B. Andrews narrowly defeated Anne Elizabeth Barnes on Tuesday to hold onto his seat on the **Georgia Court of Appeals**.

Andrews, who lives in Chickamauga in northwest Georgia, ran ahead in rural counties throughout the state, while Barnes was even or slightly ahead in urban counties, including several in metro Atlanta.

"I'm grateful for the support I received," Andrews said, adding that he planned to change "absolutely nothing" about the way he does his job.

Andrews, 49, a former Superior Court judge and former member of the state Public Service Commission, was seeking his second six-year term on the state's second-highest court.

Barnes, 40, an Atlanta lawyer, defeated two other challengers in the primary to reach the runoff. She would have been the first woman elected statewide to a judgeship without first being appointed.

Throughout the campaign, Andrews complained that he was being targeted by a small group of plaintiff attorneys who disapproved of his rulings in liability cases, including so-called "slip and fall" lawsuits.

During the weeks leading up to the July 8 primary election, challenger Mark Merritt aired television commercials criticizing Andrews for reversing the conviction of a child molester.

The statewide TV blitz, which cost more than \$ 200,000, was largely funded by a series of \$ 5,000 individual contributions from prominent plaintiff attorneys and their spouses.

The Judicial Qualifications Commission condemned the commercial, in part because it failed to note that six of the eight other judges on the appeals court agreed with Andrews' written opinion.

Merritt finished third in the primary, with 17 percent of the vote.

Barnes won 23 percent after conducting a low-key campaign that stressed her goal of restoring voters' faith in the judiciary.

In the runoff, contributions to her campaign - many from lawyers who had supported Merritt - soared, and she aired her own TV commercial statewide in the days before the runoff. Her commercial did not attack Andrews.

Andrews said the record contributions to his opponents marked an unprecedented push by special interests to buy a seat on the court.

"Win or lose, there's a lot that needs to be said about this election," Andrews said. "But I'm not sure I'm the one who needs to say it."

Plaintiff attorneys who supported Merritt and Barnes claimed Andrews was the most biased judge on the court against individuals who file liability suits against corporations and insurance companies.

They said it was inappropriate for Andrews to allow insurance lobbyists to serve as chairman and treasurer of his campaign.

Andrews said the campaign workers were longtime friends who never influenced his court rulings.

Barnes ran as an outsider. "I'm not a politician," she said. "I'm running because the judiciary has been criticized. The public has lost confidence in our judicial system, and people don't believe judges now are fair, impartial and efficient."

GRAPHIC: Photo: Judge Gary Andrews

LOAD-DATE: August 8, 1996

*Appeals court race called too negative; Reform urged in method of picking judges
The Atlanta Journal and Constitution August 10, 1996, Saturday,*

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August 10, 1996, Saturday, ALL EDITIONS

SECTION: STATE NEWS; Pg. 05C

LENGTH: 581 words

HEADLINE: Appeals court race called too negative;
Reform urged in method of picking judges

BYLINE: Peter Mantius; STAFF WRITER

BODY:

Georgia lawyers are warning that the independence of the state's appellate **judges** could be in jeopardy after a recent **appeals court** race in which a group of plaintiff attorneys helped raise some \$ 400,000 in a bid to unseat the incumbent.

Atlanta attorney William R. Ide III, a former president of the American Bar Association, said special interest campaign contributions and negative advertising are escalating in judicial races. He favors scrapping the state's system of electing judges.

"We need to keep money out of deciding who is a judge," said Ide, a Long Aldridge & Norman partner who headed the ABA in 1993-1994.

State Sen. Mary Margaret Oliver, chairman of the Senate Judiciary Committee, says the State Bar and the state Supreme Court must become more active in enforcing canons of ethics for lawyers and judges.

Oliver said she was "appalled" by a TV commercial in the appeals court race last month that criticized incumbent Judge Gary Andrews for reversing the conviction of a child molester.

The commercial by candidate Mark Merritt didn't mention that six judges joined Andrews' written opinion or that the state Supreme Court allowed it to stand.

"Mark Merritt crossed the line in his campaign, and it was to a certain extent effective," Oliver said. "There needs to be an analysis of what canons were violated."

Although Merritt lost in a four-way primary, he forced Andrews into a runoff Tuesday against Anne Elizabeth Barnes. Andrews won with 52 percent of the vote.

A group of trial attorneys had helped Merritt amass an unprecedented \$ 250,000 campaign fund. After he lost, several of those contributors helped triple Barnes' campaign fund in the final days before the runoff.

The plaintiff lawyers accused Andrews of bias against individuals who sue companies in liability cases. Andrews' campaign contributions came largely from defense lawyers at prominent law firms.

Ide said the campaign reminded him of judicial races in Texas and Alabama, where candidates are often identified with either plaintiff attorneys or defense attorneys. High court judges in Texas and Alabama have campaigned in airplanes supplied by one side of the raging tort law debate, Ide said.

Candidates for the Texas court have spent more than \$ 1 million to win election, he added.

"We need to select judges based on merit and their performance," Ide said. "Once they are judges they should go through some process of retention based on merit and performance - but not a political process that involves money and special interests."

Several states appoint their judges, then require them to stand for retention elections, where they are either retained or removed. Vacancies are filled by appointment. Ide said Georgia should consider that system as an interim step toward his ideal - appointed judges who never face the voters. Federal judges are chosen that way.

But Oliver and state Attorney General Mike Bowers say Ide's plan is impractical. "People are not going to give up the right to vote for judges," Bowers said.

Norman Underwood, chairman of the state's Judicial Nominating Committee, said Georgia's system "serves us well."

He said judicial races in Georgia aren't likely to become as political as those in Alabama because races there are partisan, while Georgia's are non-partisan.

In practice, Underwood said, Georgia's non-partisan elections tend to produce the same result as the retention elections - victory for the incumbent.

GRAPHIC: Photo: Mary Margaret Oliver

LOAD-DATE: August 13, 1996

OBITUARIES; Charles Pannell, Court of Appeals judge, legislator, desegregation champion The Atlanta Journal-Constitution April 9, 1997, Wednesday,

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April 9, 1997, Wednesday, ALL EDITIONS

SECTION: LOCAL NEWS; Pg. 05C

LENGTH: 669 words

HEADLINE: OBITUARIES;

Charles Pannell, Court of Appeals judge, legislator, desegregation champion

BYLINE: Brian J. Back; STAFF WRITER

BODY:

Charles Pannell, a former **Georgia Court of Appeals judge** and state legislator known for his unwavering integrity and belief in equal justice, died Monday from a stroke following hip replacement surgery at Piedmont Hospital.

The funeral for Judge Charles Adam Pannell Sr., 85, of Atlanta will be held at 10 a.m. Thursday at Chatsworth United Methodist Church. Peeples Funeral Home is in charge of arrangements. A memorial service will be held at 3:30 p.m. Thursday at Northside United Methodist Church in Atlanta.

A 6-foot-4-inch, 230-pound man from the North Georgia mountains, Judge Pannell was once dubbed by former Gov. Carl E. Sanders as a giant oak tree ---strong, vigorous and unyielding in his principles. He served on the Court of Appeals from 1963 to 1976.

"He believed in equal justice under the law," said his son, Savannah attorney James L. Pannell. "That's what holds this civilization together. That sort of personality does not flourish in politics now."

As a legislator, Judge Pannell introduced the first bills that knocked down Georgia's segregation laws in 1961. When attempts were made in 1961 to integrate the University of Georgia as a result of federal lawsuits, there were demonstrations in Athens. Politicians were causing an uproar to have the state's entire public school system closed, but Judge Pannell's two bills gained momentum, kept schools open and changed the state forever.

"There was talk of literally closing public schools," said his son. "It seems far-fetched now." Judge Pannell predicted that if the schools closed, politicians' careers would be over, he said. As this reality set in, the bills gained support in the Legislature.

"He was mountain-shrewd and respected by those he worked with as much as anyone I've ever known," said Gov. Zell Miller. "When he talked, everyone listened -- the press, the senators, the House across the hall, and the man downstairs in the governor's office."

After the election of 1947, when there were competing claims for the winner of the

governor's race, Judge Pannell was one of the men trusted to count write-in ballots in the controversy. Later, Gov. Herman Talmadge appointed him to the state Pardons and Paroles Board in the early 1950s.

"He was trusted well enough by all sides to count the votes," said his son. "Though colorful, it was politics at its worst. It was bad for the South."

Judge Pannell gained prominence in a 1961 budget dispute when then- Gov. Ernest Vandiver was abandoned by his usual House leadership. As the governor's acting floor leader, Judge Pannell helped craft a compromise and helped save Gov. Vandiver's administration, said his son. That same year, he was named chairman of a budget study committee that revised state budget laws. There was support for Judge Pannell to run for governor, but finances were difficult, said his son.

"Whatever he told you, you could bank on it," said former Gov. Carl E. Sanders. "He was sincere. What you saw is what you got. There was nothing superficial about him."

In 1962, Judge Pannell introduced a bill that repealed a slew of laws that discriminated against Indians, including a law banning Cherokees from assembling for any purpose and an 1835 act prohibiting Creek Indians from entering the state from anywhere other than Columbus.

"He was not a great liberal or a leader in civil rights," said his son. "e "He simply believed in equal justice."

At 21, Judge Pannell was the mayor of Eton and and a city attorney for Chatsworth. This dual role earned him a feature in Ripley's Believe It or Not. "The conflicts of interest weren't as noticeable then," said his son.

Survivors other than his son include his wife, Ruth Ann Loughride Pannell of Atlanta; two other sons, Charles A. Pannell Jr. of Eton and William Allen Pannell of Alpharetta; and seven grandchildren.

In lieu of flowers, the family requested that contributions be made to the United Methodist Children's Home, 500 South Columbia Drive, Decatur, Ga., 30582.

GRAPHIC: Charles Pannell.

LOAD-DATE: April 10, 1997

*OBITUARIES; 1997 OBITUARIES: THOSE WE LOST IN GEORGIA, THE SOUTH The
Atlanta Journal and Constitution January 1, 1998, Thursday,*

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January 1, 1998, Thursday, ALL EDITIONS

SECTION: STATE NEWS; Pg. 12E

LENGTH: 1862 words

HEADLINE: OBITUARIES;
1997 OBITUARIES: THOSE WE LOST IN GEORGIA, THE SOUTH

BODY: (edited version – KLR)

CHARLES PANNELL, 85, Atlanta: former **Georgia Court of Appeals judge** and legislator known for his unwavering integrity who introduced the first bills that knocked down **Georgia's** segregation laws in 1961; April 7.

GRAPHIC: Photo: ROBERTO C. GOIZUETA, 65, Atlanta: Coca-Cola chief who left Communist Cuba with little more than a suitcase and became one of America's most successful and respected business leaders; Oct. 18.

Photo: ROBERT PASCHAL, 87, Atlanta: His Paschal's Motor Hotel and Restaurant became an unofficial meeting place for civil rights leaders; Feb. 27.

Photo: RANKIN SMITH, 72, Atlanta: Hailed when he brought NFL football to Atlanta 31 years ago but derided when his Falcons failed to become a winner; Oct. 26.

Photo: MATTIE LOU O'KELLEY, 89, Decatur: Celebrated folk artist whose work and late-life career echoed Grandma Moses'; July 26.

LOAD-DATE: January 2, 1998

If wishes were judges, Fulton would get more; Information please: Fulton's getting two more judges but at least five are needed, though records don't support it. The Atlanta Journal and Constitution February 28, 1998, Saturday,

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February 28, 1998, Saturday, ALL EDITIONS

SECTION: LOCAL NEWS; Pg. 03B

LENGTH: 568 words

SERIES: Metro Final

HEADLINE: If wishes were judges, Fulton would get more;
Information please: Fulton's getting two more judges but at least five are needed, though records don't support it.

BYLINE: Rhonda Cook

BODY:

Although Fulton County Superior Court and state officials say the Atlanta Judicial Circuit needs at least five more judges to keep up with their caseloads, they agree the court's records don't support a case for adding more than two.

But lawmakers have assured Atlanta court officials the 1998 Legislature will approve funding for those two additional judgeships for Fulton County, giving the circuit a total of 17 judges.

"We've been told that it won't be a problem," said Robert Doss, director of the Administrative Office of Georgia Courts, which makes the official request to the Legislature for additional judges for any of the state's 45 circuits or for the state's appellate courts. "The (legislative) leadership is interested in passing six Superior Court judgeships and two for the Court of Appeals."

The House Judiciary Committee has approved a bill that would provide two new **judges** for the **Georgia Court of Appeals** and six Superior **Court** judgeships in five circuits --- all but one in metro Atlanta. If the full House and Senate agree, it will be sent to the governor.

"When the numbers came in they were so unrealistic," Doss said of the information Fulton initially provided to the state agency when it was deciding on its initial recommendation for the 1997-98 Legislature. "They were all off the board. They've just never been able to get it right. . . . They say they need 20 judges . . . (but) the data we have only supports 17, which does not mean that they don't need them. The data just doesn't support it."

Judith Cramer, the new administrator of Fulton's Superior Courts, built a case for 17 judges, instead of the 16 the state recommended last year, only after recollecting information part-time workers had put together last summer. And she hopes that with better record-keeping, she will be able to make a compelling case for at least three more judges in coming years.

How's the Likeness?
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Colleague Rules Two Judges Can't Serve Past Age of 75
August 3, 1991; pg. 3C
Atlanta Journal-Constitution

Two Judges Keep Seats until Ruling, Panel to Decide on Forced Retirement
August 7, 1991; pg. 2D
Atlanta Journal-Constitution

Time to Hang up Judicial Robes
September 10, 1991; pg. 26A
Atlanta Journal-Constitution

A 30-Second Glance at State and Local News
November 8, 1991; pg. 2E
Atlanta Journal-Constitution

Retirement for Judge Contested
November 26, 1991; pg. 6B
Atlanta Journal-Constitution

Georgia to Phase out Judge Elections
June 18, 1992; pg. 1A
Atlanta Journal-Constitution

1 Minute Profile; Judge Carol Hunstein
February 20, 1992; pg. 3A
Atlanta Journal-Constitution

Appointee Diversifies High Court; Sears-Collins' Age Plays a Role in Miller's Choice
February 18, 1992; pg. 1D
Atlanta Journal-Constitution

Supreme Moment
July 1, 1992; pg. 1C
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Q & A on the News
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Election 1992: Judicial Candidate see Lack of Interest 'People do not Seem Concerned'
July 17, 1992; pg. 6G
Atlanta Journal-Constitution

Judge's Retirement an Issue in Runoff; Challenger Targets Judicial Appointments

August 10, 1992; pg. 4C
Atlanta Journal-Constitution

Some Easy Generalizations Don't Explain Vote Result
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Atlanta Journal-Constitution

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Atlanta Journal-Constitution

5 Names Left on List of Ga. Sup. Ct. Candidates; Miller Seeks Replacement for Weltner
October 16, 1992; pg. 3D
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Atlanta Journal-Constitution

Jackson on List for Appeals Court
April 6, 1993; pg. 1J
Atlanta Journal-Constitution

Gainesville Jurist Chosen for the State Appellate Court
April 15, 1993; pg. 5C
Atlanta Journal-Constitution

Nunn Offers Picks for Judiciary Post
August 11, 1993; pg. 1D
Atlanta Journal-Constitution

Suit over Judge Nearing End
September 1, 1993; pg. 1C
Atlanta Journal-Constitution

Court Expected to Get 1st Black Chief Justice; Benham may Rise if Hunt Leaves
July 28, 1994; pg. 1B
Atlanta Journal-Constitution

Peach Buzz/Talk of the Town
September 30, 1993; pg. 2G
Atlanta Journal-Constitution

CityLife Voters Guide '93
October 28, 1993; pg. 28D
Atlanta Journal-Constitution

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Ruling Holds up Relief for Burdened Courts

March 9, 1994; pg. 3F
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2 Judges from Atlanta Tabbed for Federal bench
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Atlanta Journal-Constitution

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Atlanta Journal-Constitution

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Atlanta Journal-Constitution

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Atlanta Journal-Constitution

Sports Participants Spotlight Still Making a Splash
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Atlanta Journal-Constitution

South Gwinnett Takes State Honors in Court as Well and on it
March 14, 1995; pg. 3J
Atlanta Journal-Constitution

As Chief Justice, Cartersville Man will Make History
June 8, 1995; pg. 2E
Atlanta Journal-Constitution

New Chief Justice of Georgia
June 9, 1995; pg. 14A
Atlanta Journal-Constitution

Benham Sworn in as First Black Chief Justice of State's High Court
June 29, 1995; pg. 2C
Atlanta Journal-Constitution

1st Black Chief Justice Takes Oath of Office
June 30, 1995; pg. 3C
Atlanta Journal-Constitution

Robert Benham: Bold Voice on the Bench
July 3, 1995; pg. 1A
Atlanta Journal-Constitution

Speaking His Mind: New Chief Justice is Prudent Pioneer
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Atlanta Journal-Constitution

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Atlanta Journal-Constitution

9-Member Court Appealing for More Judges
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Atlanta Journal-Constitution

The Court of Appeals; Running Them Hard and Putting Them up Wet
February 14, 1996; pg. 12A
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'96: Wall Handed Warrant, Election Day Defeat
July 11, 1996; pg. 6J
Atlanta Journal-Constitution

Campaign '96: Earlier Primary Campaign had Turned Ugly, with One Candidate
Slamming Another Because of Ruling in Child Molestation Case
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Barnes Plans \$100,000 Television ad Blitz; Surge in Donations Came in Recently
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Georgia Campaign '96 Andrews Keeps Appeals Seat: Close Race was Fueled by Claims
by Plaintiffs Attorney that the Judge was Biased in Liability Cases
August 7, 1996; pg. 4B
Atlanta Journal-Constitution

Appeals Court Race Called too Negative; Reform Urged in Method of Picking Judges
August 10, 1996; pg. 5C
Atlanta Journal-Constitution

Obituaries: Charles Pannell: Court of Appeals Judge, Legislature, Desegregation
Champion
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Obituaries: Those we Lost in Georgia and the South (C. A. Pannell)
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If Wishes were Judges...
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No Sweetheart Bill
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Obituary: A. W. 'Buck' Birdsong Jr.: Appellate Court Judge

June 8, 1998; pg. 5B
Atlanta Journal-Constitution

State Bar Releases Judgeship Poll Results
July 10, 1998; pg. 7C
Atlanta Journal-Constitution

Election '98: Judicial Races; Court of Appeals Opponents Pledge Civility in Contest
July 12, 1998; pg. 4D
Atlanta Journal-Constitution

System Lets Judges Stay Seated
July 28, 1998; pg. 5G
Atlanta Journal-Constitution

Cherokee – Reporter's Notebook – Mills Moving Up?
June 10, 1999 – pg. 2JQ
Atlanta Journal-Constitution

Finalist for Appeals Court Reduced to 15
June 11, 1999; pg. 2F
Atlanta Journal-Constitution

Cherokee – Reporter's Notebook – Mills Stays put (Turning Down Appellate Nomination)
June 17, 1999; pg. 2JQ
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Governor Names New Judges, Appointees
June 30, 1999; pg. 3B
Atlanta Journal-Constitution

Northside News – Questions and Answers – Q: New Appellate Judge Yvette Miller...)
July 8, 1999; pg. 2JH
Atlanta Journal-Constitution

Where you Live (Metroscope – Gov. Barnes swears in Judges)
July 13, 1999; pg. 4B
Atlanta Journal-Constitution

Where you Live (Cherokee: Canton Judge Honored)
January 12, 2000; pg. 2C
Atlanta Journal-Constitution

Where you Live (Georgia: Appellate Judge Appointed)
May 23, 2000; pg. 2F
Atlanta Journal-Constitution

Tribute to a longtime Jurist; Clayton County names its New Courthouse and Jail for State
Appellate Court Senior Judge Harold Banke
May 25, 2000; pg. 1JI
Atlanta Journal-Constitution

Obituaries: H. E. Nichols, 87, Legal Reformer, Ex-Chief Justice of State High Court
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Sentimental Sculpture to Grace Court's Lawn
September 7, 2000; pg/ 7JI
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Judicial Complex Dedication set for November 4
October 5, 2000; pg. 4JI
Atlanta Journal-Constitution

One Snip and its Officially the Clink
November 16, 2000; pg. 3JI
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Judge's Plaque, Bust Tucked Away
November 30, 2000; pg. 3JI
Atlanta Journal-Constitution

Canton may Impose Impact fees, but Court Challenge of Cherokee Levy Could Affect
City Plans
January 28, 2002; pg. 4E
Atlanta Journal-Constitution

Our Opinion: Editorials: Use Public Financing for Judicial Elctions?
February 3, 2002; pg. 10C
Atlanta Journal-Constitution

Obituaries: Jonesbro – Harold Banke; Judge Fought own Retirement
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Judgeships often go to Donors to Barnes; Georgia is one of a few State Where Judges
can Contribute to Candidates
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Canton Sale Brings Fond Memories
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Perdue's Picks Not Visibly Diverse; Appointees Mostly White Men Donor – History of Court
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July 27, 2003; pg. 1C
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U.S. Justice Honored; O'Conner says Court has Its Ear to the World
October 29, 2003; pg. 3A
Atlanta Journal-Constitution

Judge Rapped for Jailing Lawyer

February 2, 2004; Vol. 26, No. 23, Pg. 17
National Law Journal

A Justice for 'the Oppressed'; Man Who Broke Courts Color Barrier aims to Safeguard all Georgians' Rights
April 4, 2004; pg. 1C
Atlanta Journal-Constitution

Our Opinion: Finally, a Fair Way to Pick Judges
May 23, 2004; pg. 6E
Atlanta Journal-Constitution

Appeals Ballot Covers Gamut
Web-published on July 12, 2004
http://chronicle.augusta.com/stories/071204/met_appeals.shtml
Augusta Chronicle

Judicial Elections: Pollsters want to Seat Far-right Ideologues
July 16, 2004; pg. 13A
Atlanta Journal-Constitution

Our Opinions: Easy to Judge these Jurist's Prudence
July 18, 2004; pg. 8F
Atlanta Journal-Constitution

Court Candidate Plans Appeal
Web-published on July 30, 2004
http://chronicle.augusta.com/stories/073004/met_1600777.shtml
Augusta Chronicle

Ballot's Mistake Leads to Lawsuit
Web-published on July 31, 2004
http://chronicle.augusta.com/stories/073104/met_1610883.shtml
Augusta Chronicle

Candidates Prepare for Runoff
Web-published on August 9, 2004
Augusta Chronicle

Our Opinions: It's a Great Day to Vote
August 10, 2004; pg. 10A
Atlanta Journal-Constitution

Election 2004: Judicial Runoff Canceled
August 10, 2004; pg. 1A
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Court Rushes Runoff Appeal
Web-published on August 11, 2004
http://chronicle.augusta.com/stories/081104/met_1701415.shtml
Augusta Chronicle

Ballot Flaws lead to 2nd Election
Web-published on October 17, 2004
http://chronicle.augusta.com/stories/101704/met_2294316.shtml
Augusta Chronicle

Big Bucks buy Blitz in Judges Races
October 22, 2004; pg. 1A
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Bernes For Appeals Court
Web-published on October 22, 2004
http://chronicle.augusta.com/stories/102604/edi_bernes.shtml
Augusta Chronicle

Court of Appeals Race is Full of Twists
Web-published on October 24, 2004
http://chronicle.augusta.com/stories/102404/met_2368393.shtml
Augusta Chronicle

Election 2004: Third Vote Should Settle "Eveready Election" for the Court
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Atlanta Journal-Constitution

Our Opinions: Give Bernes Seat on Appeals Court
November 15, 2004; pg. 10A
Atlanta Journal-Constitution

Few Likely to Vote in Tuesday Runoff
November 21, 2004; pg. 1E
Atlanta Journal-Constitution

Run-off Victory goes to Bernes
Web-published on November 23, 2004
http://chronicle.augusta.com/stories/112404/met_2652742.shtml
Augusta Chronicle

Luncheon Will Honor Leaders of Cobb's Past
December 6, 2004; pg. 2B
Atlanta Journal-Constitution

Pioneer to Lead Court of Appeals
Web-published on December 30, 2004
http://chronicle.augusta.com/stories/123004/met_2960539.shtml
Augusta Chronicle

Judiciary Ballots: with Vote in November, Accountability Wins
April 4, 2005; pg. 11A
Atlanta Journal-Constitution

State Supreme Court Nominations Pour in
May 7, 2005; pg. 2E
Atlanta Journal-Constitution

Supreme Court Contenders: Perdue Eyes Finalists
June 2, 2005; pg. 1C
Atlanta Journal-Constitution

How's the likeness? The Atlanta Journal and Constitution March 16, 1991, Saturday

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March 16, 1991, Saturday

SECTION: STATE NEWS; SECTION B; PAGE 02

LENGTH: 59 words

HEADLINE: How's the likeness?

BODY:

U.S. District Court Judge Robert H. Hall shows off a portrait presented Friday to commemorate his senior judge status, effective Dec. 30, 1990. President Bush will appoint another judge for the Northern District. **Judge** Hall, a District **Court judge** since 1979, is a former **Georgia** Supreme **Court** justice and former **Georgia Court of Appeals judge**.

GRAPHIC: Photo caption only: U.S. District Court Judge Robert H. Hall shows off a portrait presented Friday to commemorate his senior judge status, effective Dec. 30, 1990 / Jean Shifrin / staff

LOAD-DATE: February 10, 1992

*Colleague rules two judges can't serve past age 75 The Atlanta Journal and
Constitution August 3, 1991, Saturday*

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August 3, 1991, Saturday

SECTION: STATE NEWS; SECTION C; PAGE 03

LENGTH: 301 words

HEADLINE: Colleague rules two judges can't serve past age 75

BYLINE: By Mark Curriden Staff writer Georgia; personalities; courts; lawsuits; laws

BODY:

Two of Georgia's most senior judges lost their challenge of the state's mandatory retirement law Friday when a Superior Court colleague ruled they must step down when they turn 75 or lose their pensions.

State Supreme Court Justice George T. Smith and Court of Appeals Judge Harold Banke say they will seek an emergency appeal before the state's highest court early next week.

Decatur County Superior Court Judge Willard Chason denied the judges' motions, saying the pair knew when they agreed to serve on the bench that they would be required to retire at 75 and therefore had waived their right to challenge the law.

Justice Smith and Judge Banke did not seek to have the law struck down as unconstitutionally discriminatory but asked that they be allowed to complete their terms, which end in December 1992. Both turn 75 this year.

"Superior Court judges are allowed to serve out their terms, but the law does not allow appellate judges to, and there's no legal reason for the distinction," Judge Banke said Friday.

The law does allow the judges to remain on the bench, but if they do, they forfeit all the money they paid into the retirement fund. "So a rich man can stay on the bench because he can do without the pension, while a non-rich person cannot," Judge Banke said.

Judge Banke, who turns 75 on Thursday, said he will file an emergency **appeal** Monday with the **Georgia Supreme Court**. "If we lose the appeal, I will have to resign, because I cannot afford to lose my pension," he said.

Justice Smith, who turns 75 Oct. 15, was out of town Friday and unavailable for comment. In April, Gov. Zell Miller vetoed legislation that would have allowed aging judges to continue past 75 if certified to be capable of doing so by the Judicial Qualifications Commission.

LOAD-DATE: February 10, 1992

Two judges keep seats until ruling; Panel to decide on forced retirement The Atlanta Journal and Constitution August 7, 1991, Wednesday

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The Atlanta Journal and Constitution

August 7, 1991, Wednesday

SECTION: STATE NEWS; SECTION D; PAGE 02

LENGTH: 224 words

HEADLINE: Two judges keep seats until ruling; Panel to decide on forced retirement

BYLINE: By Mark Curriden Staff writer courts; law; personalities; retirement; discrimination; lawsuits; georgia

BODY:

Two **Georgia appeals court judges** challenging the state's mandatory retirement law won a temporary reprieve Tuesday from a special judicial panel appointed to determine if the law is constitutional.

The seven-judge panel ruled that state Supreme Court Justice George T. Smith and Court of Appeals Judge Harold Banke could remain on the bench pending an Aug. 14 hearing. Both are approaching their 75th birthdays, the age at which state law requires them to retire or face losing their pensions.

The decision is especially important to Judge Banke, who turns 75 Thursday.

Justice Smith and Judge Banke said the law discriminates against them because they are required to step down and Superior Court judges in the same position are not. They asked to be allowed to complete their terms, which end in December 1992.

"There's no legal reason for the distinction," said Judge Banke.

Justice Smith turns 75 on Oct. 15.

Last week, Decatur County Superior Court Judge Willard Chason ruled that the pair had waived their rights when they agreed to join their respective courts and upheld the mandatory retirement law.

The special panel, which was appointed by the Supreme Court after all the justices recused themselves from hearing their colleague's case, is scheduled to hear arguments on the case at 10 a.m. on Aug. 14.

LOAD-DATE: February 10, 1992

Time to hang up judicial robes The Atlanta Journal and Constitution September 10, 1991, Tuesday

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September 10, 1991, Tuesday

SECTION: EDITORIAL; SECTION A; PAGE 26

LENGTH: 248 words

HEADLINE: Time to hang up judicial robes

BODY:

Harold Banke and George T. Smith, it is time to hang up your judicial robes.

The **judges** - George T. Smith is a justice of the **Georgia** Supreme **Court**; **Judge** Banke serves on the state **Court of Appeals** - lost another round last week in their crusade to serve beyond their agreed-to retirement age of 75.

First, they sought legislation that would have allowed them to serve until their judicial robes were burial gowns. Justice Smith had previously won an extension of his retirement age. Bills allowing them to serve until death sailed through the Legislature again this year.

Gov. Zell Miller, however, had his own agenda - to diversify the good-old-boy dominated judiciary. He vetoed the bills tailored just for the judges, saying they "run counter to my efforts by encouraging the status quo."

"Although I commend those who have ably and honorably served this state for many years," the governor said at the time, "I favor the incentive for retirement now present in the law."

So do we, and the incentive is powerful: Judge Smith forfeits a pension of \$ 69,835 if he stays beyond age 75; Judge Banke forfeits a pension of \$ 69,134.

The judges have been complaining that the law applies to them unconstitutionally, but 10 years ago they signed an agreement that provided special benefits, including their generous pensions, if they retired at 75.

Well, a deal is a deal. It's time to hang up those robes, and, as the governor says, make room for new blood.

LOAD-DATE: February 10, 1992

*A 30-second glance at state and local news The Atlanta Journal and Constitution
November 8, 1991, Friday*

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November 8, 1991, Friday

SECTION: LOCAL NEWS; SECTION E; PAGE 02

LENGTH: 1125 words

HEADLINE: A 30-second glance at state and local news

BODY:

There's a chance of snow flurries in the metro area tonight, but the weather bureau says there's no cause for panic (See E1). City authorities say they'll relocate the 60 or so homeless people living in shacks beneath Techwood Viaduct, which was damaged by fire Wednesday night (See E3). Those people - and hundreds like them in other "hutvilles" in the area - see themselves as too independent for shelters (See E1). Gwinnett authorities say they won't prosecute the officer who mistook a homeowner for a burglar and shot him twice (See E1).; METRO IN BRIEF; It's final: Pet pig can stay in East Point

Bucky the African pygmy pig can continue to live in hog heaven in his own back yard.

East Point Municipal Judge George L. Barron ruled Thursday that Bucky, whose full name is Abbuscus Wheatington Chatsworth Moore, is a pet and should not be banned from the city.

The intent of a city ordinance on farm animals is to prevent residents from raising stock for food, Judge Barron said.

"I was real excited," Bucky's owner, Martha Ann Moore, said after her court appearance. "I can't wait to get home to tell him."

City officials cited Ms. Moore in August for keeping a farm animal, but she convinced the City Council that the pig was a pet. Mayor Bruce Bannister vetoed the council decision to withdraw the citation, forcing Ms. Moore to appear in court to answer the charge.; COURTS

Mugging victim settles lawsuit against Gwinnett Place. A Gwinnett schoolteacher who was knocked unconscious and robbed in a Gwinnett Place mall parking lot has settled for \$ 125,000 her lawsuit against the mall, which she claimed failed to keep the lot safe, lawyers said Wednesday. Diane Crego, 45, of Stone Mountain said she was "left for dead" after an unknown assailant attacked her Nov. 23, 1988, as she walked from Rich's department store to her car. In a lawsuit filed in August 1990, she said she suffered a fractured skull, a compound fracture of her collarbone and psychological injuries. "We're pleased with the settlement," said Margaret A. McDermott, Ms. Crego's lawyer. "Given the state of Gwinnett juries and their often conservative awards to victims, we think it was the best move."

Feds approve retirement rule for Georgia judges. The U.S. Justice Department says it has no objections to a **Georgia** law withholding retirement benefits from **appeals court judges** who remain on the bench after they turn 75. The law has been challenged by two aging **judges** who contended it was invalid because it had not been approved by the Justice Department, as is required for election-law changes under the Voting Rights Act. A federal **judge** in Atlanta last month ordered the state to take no steps to force the retirement or cancel the pension benefits of **Georgia Supreme Court** Justice George T. Smith, who turned 75 on Oct. 15, until the law had been submitted to the Justice Department. In response to the Justice Department letter, state attorneys asked U.S. District Judge Robert L. Vining Jr. Thursday to rescind his order and allow the state to enforce the law.; CRIME

Injured driver in gas-pump fire has fled, police think. Duluth police fear the man whose reckless driving ignited a Buford Highway gas station Wednesday night may have fled the area. The suspect, whom police have refused to identify, was driving a stolen Chevy Malibu when he sideswiped a row of pumps at the Texaco Farm Store at 3554 Buford Highway about 8 p.m., authorities said. He and his passenger fled on foot, witnesses said. Police believe the driver was seriously burned, but a survey of area hospitals turned up no suspect, according to Duluth police Capt. Steve Newton. Police arrested a man they believe was the car's passenger, however, at 2:30 a.m. Thursday. Rigoberto Ortiz, 20, of 402 Brookhollow Parkway, Norcross, was charged with two counts of criminal damage to property, one count of theft by taking and one count of reckless conduct. He was being held in the Duluth city jail Thursday in lieu of \$ 140,000 bail.

Gwinnett, DeKalb officers find stolen goods at body shop. Gwinnett police joined DeKalb County detectives in a raid on the Idlewood Body Shop at 2250 Idlewood Road in Tucker, where they found \$ 50,000 worth of stolen garden equipment, electronics and office supplies, Gwinnett police Lt. Joe Markham said Thursday. Lieutenant Markham said police are looking for the owner, identified by police as Allen Sloan. The items recovered included 14 riding mowers, five chain saws, three leaf blowers and several weed trimmers and tillers.

Rape of Tech employee has campus police on guard. A Georgia Tech employee was raped Wednesday in a parking deck, Campus Police Chief Jack Vickery said. Chief Vickery said the woman was in her vehicle, about to leave the second floor of the Tech parking deck at 210 North Ave. about 5 p.m., when a man approached her asking for directions, Chief Vickery said. "When she stopped to assist him," he said, "he pulled a knife, forced her back in her car and raped her." He then walked away. Tech Officer C. Anthony Ballard said Thursday, "We are escorting women employees to their cars, and the 20 to 30 I saw leaving work today were leaving with either our police, or they had several fellow men employees walking with them in groups to their cars. We have cameras in that parking area, but it's hard to keep your eyes on it constantly.;" ETC.

Nation's education commissioners in town this weekend. Forty-two of the nation's 50 state commissioners and superintendents of education will meet in Atlanta this weekend to plot strategies for meeting the six national education goals, easing students' transition from school to work, using technology in the classroom and getting social service agencies and schools to work cooperatively. Werner Rogers, Georgia's state school superintendent, will become the group's president during ceremonies Monday. During its four-day session here, the Council of Chief State School Officers will seek to take a position on teacher and student testing

and on other issues in order to shape state and national policy.

Mayor and wife head to New York for yacht party. Mayor Maynard H. Jackson and his wife, Valerie, are off to New York today for a two-day stay and a daylong trip on the yacht owned by the Forbes publishing family, spokeswoman Lyn May said Thursday. The city will pay the mayor's air fare and hotel room, but Mrs. Jackson will pay her own way, Ms. May said. New York police will provide security for the Jacksons, she said. Mayor Jackson annually attends the yacht party, which usually includes business leaders and politicians, Ms. May said.

From staff and news services

LOAD-DATE: February 10, 1992

Retirement for judges contested The Atlanta Journal and Constitution November 26, 1991, Tuesday

Copyright 1991 The Atlanta Constitution
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November 26, 1991, Tuesday

SECTION: NATIONAL NEWS; SECTION B; PAGE 06

LENGTH: 154 words

HEADLINE: Retirement for judges contested

BYLINE: By Steve Harvey STAFF WRITER courts; lawsuits; appointments

BODY:

A Hall County lawyer who wants to run for Georgia's appellate court bench has filed suit in Fulton County Superior Court to block the state-mandated retirement of two sitting appellate judges.

A hearing in the case before Judge Frank M. Eldridge is expected within the next two weeks.

In his complaint, filed Monday, Robert E. Andrews, 68, of Gainesville, contends that a state law requiring **judges** on the **Georgia Supreme Court and the Georgia Court of Appeals** to retire at age 75 is unconstitutional because it discriminates against candidates who run for the seats.

The candidates must campaign against judges who are, in effect, incumbents appointed by the governor to fill the unexpired terms.

As examples, the lawsuit cites **Georgia Supreme Court Judge** George T. Smith and state **Court of Appeals Judge** Harold R. Banke. Both judges have reached age 75 and have filed suit to remain on the bench.

LOAD-DATE: February 10, 1992

Ga. to phase out judge elections Deal will settle federal suit alleging racial bias in process Justice Department must OK changes before implementation The Atlanta Journal and Constitution June 18, 1992, Thursday

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

June 18, 1992, Thursday

SECTION: STATE NEWS; Section A; Page 1

LENGTH: 780 words

HEADLINE: Ga. to phase out judge elections Deal will settle federal suit alleging racial bias in process Justice Department must OK changes before implementation

BYLINE: By Rhonda Cook and Steve Harvey STAFF WRITERSzell/miller;
appointments; voting; elections; closings; race; lawsuits

BODY:

In a move that will change dramatically the way **Georgia** chooses its **judges**, Gov. Zell Miller and civil rights advocates agreed today to phase out elections for Superior **Court**, the state **Court of Appeals** and the Supreme **Court**, giving voters only the right to remove the **judges** from office.

The agreement, which still must be approved by the U.S. Justice Department, is intended to settle a 4-year-old lawsuit that alleged racial bias in the election of the judges who preside over the state's most serious criminal and civil cases.

The agreement provides that:

Beginning next year, voters no longer will elect judges to the appellate, superior and state courts. They will come to the bench initially by gubernatorial appointment and every four years after that voters will only vote whether they should remain in office.

A partial settlement is made of a second lawsuit that challenges the state's majority-vote requirement that candidates get more than 50 percent of the votes to win an election. The plaintiffs agreed to drop portions of the suit as they apply to local elections. The rest of the suit, as it applies to statewide offices, would be dismissed by June 15, 1995, if the rest of the agreement is successful.

Mr. Miller described the agreement as perhaps "the most significant and far-reaching document I shall execute during my tenure in the office of governor." Rep. Tyrone Brooks (D-Atlanta), a lead plaintiff in the both cases, called it "monumental and historic."

Also attending the morning news conference were other black legislators and American Civil Liberties Union lawyers who brought the suit, Attorney General Michael J. Bowers and Norman Underwood, chairman of the Judicial Nominating Commission.

Under the agreement, judges would serve out their current terms but no new elections would be held.

On taking office last year, Mr. Miller said that he would seek to settle the two lawsuits - known as the Brooks suit and the majority vote suit.

The Brooks suit, filed by Mr. Brooks and 28 other plaintiffs including other black legislators and the ACLU, challenged the at-large elections of Superior Court judges from multicounty circuits, especially in rural areas. Voting rights activists argued that the process diluted black voting strength.

The second lawsuit also claimed minority voting strength was diluted by the requirement that an election can be won only with a majority of the vote rather than a plurality. The suit said while minorities can sometimes win a plurality of the votes in an election they often lose in the required runoff.

The agreement, which was to be signed today and sent to the U.S. Department of Justice for approval, also would:

Increase the number of black Superior and State Court judges to 33 from the current 12. Five of those new positions would be among a group of "assignment" Superior Court judges who would move about the state, serving in circuits as needed, until the pool is abolished in 10 years.

Add two people to the Judicial Nominating Commission. One would be the attorney for the plaintiffs in the lawsuit and the other, appointed by the governor, would be selected from a list of candidates offered by the plaintiffs.

Beginning in 1995, nominations and appointments will no longer be based on race or ethnic origin.

Georgia has 141 Superior Court judges, who preside over the most serious civil and criminal cases and wield enormous political influence in county courthouses throughout the state.

Mr. Miller said the agreement will go into effective without legislative approval, but said there eventually will be legislation for a change in the law or the state Constitution.

Currently, blacks account for nine of those judgeships, or 6.3 percent. All are in the state's urban circuits. Georgia's population is 27 percent black.

The lawsuit sought creation of smaller districts within the judicial circuits that would allow the election of more black judges.

During the past year, the Justice Department has refused to approve the state's method of selecting judges, and a federal court ruled that judicial elections in Georgia are unfair to minorities under the 1965 Voting Rights Act.

Consequently, 14 judgeships are frozen and unfilled because of the dispute. Another 47 sitting judges are affected by the agreement, including some whose terms have expired but who have been allowed to remain on the bench. If one dies or retires, the governor can appoint a replacement, but voters cannot elect a substitute.

At least 11 similar lawsuits have been filed in other states since the late 1980s. Of

those, at least four have been settled by creating more black judgeships.

GRAPHIC: photo: mug of Gov. Zell.

LOAD-DATE: June 21, 1992

*1 MINUTE PROFILE Judge Carol Hunstein The Atlanta Journal and Constitution
February 20, 1992, Thursday*

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The Atlanta Journal and Constitution

February 20, 1992, Thursday

SECTION: EXTRA; Section A; Page 3

LENGTH: 178 words

HEADLINE: 1 MINUTE PROFILE Judge Carol Hunstein

BYLINE: By Carlous Daniel STAFF WRITER courts; personnel; women; profiles;
dekalb/county

BODY:

In the news: **Judge** Hunstein was a finalist for recent vacancies on the **Georgia Supreme Court** and the state **Court of Appeals**.

Occupation: Judge of the Superior Court, Stone Mountain Judicial Circuit.

Education: Stetson University School of Law, 1976; Florida-Atlantic University,
bachelor's degree, 1972.

Family: One son, John Abate, 28; two daughters, Krista Hunstein, 14, and Gabrielle
Hunstein, 10; and a grandson, Johnny Abate, 8.

Last book: "Praying for Sheet Rock," by Melissa Greene.

Last movie: "Fried Green Tomatoes."

Best advice you've received: "Nice people don't necessarily finish last. You can
achieve your goals while maintaining your integrity and love for your neighbor."

Best advice you've given: "No matter how bad things seem, always count your
blessings."

Pets: A Persian cat named Kitemms, a Rottweiler named Muffie, a Pomeranian named
Fru-fru, a gerbil named Rusty and another gerbil as yet unnamed.

Car: A 1986 Pontiac.

Heroine: Golda Meir.

Pet peeve: Rudeness.

Preferred epitaph: "Gone to that Great Committee in the Sky."

GRAPHIC: Photo: mug of Judge Carol Hunstein

LOAD-DATE: January 6, 1992

Appointee diversifies high court Sears-Collins's age plays a role in Miller's choice The Atlanta Journal and Constitution February 18, 1992, Tuesday

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The Atlanta Journal and Constitution

February 18, 1992, Tuesday

SECTION: STATE NEWS; Section D; Page 1

LENGTH: 479 words

HEADLINE: Appointee diversifies high court Sears-Collins's age plays a role in Miller's choice

BYLINE: By Sandra McIntosh and Mark Sherman STAFF WRITERScourts; Georgia; appointments; women; government

BODY:

When Gov. Zell Miller told Fulton Superior Court Judge Leah Sears- Collins on Monday that he had appointed her to the state's highest court, she asked for an instant replay.

"When he called and started to congratulate me, I thought I had gotten the seat on the Court of Appeals, so when he paused and then said 'the Supreme Court,' I just said 'What?' and he said, 'The Supreme Court. I've appointed you to the state Supreme Court,' " Judge Sears-Collins said in an interview at the Fulton County courthouse shortly after getting the word. "I just couldn't believe it."

Four floors down, **Judge** Edward H. Johnson was celebrating the news that he had been appointed to the **Georgia Court of Appeals.**

"There are a lot of mixed feelings about leaving," Judge Johnson said, "but this is something I've wanted to do for years and years."

Judge Sears-Collins is the first black woman appointed to the state Supreme Court in Georgia and one of the first in the nation, according to the governor's office. And at 36, she'll be one of the nation's youngest high court jurists.

But Mr. Miller pledged to diversify the Georgia appellate bench, and Judge Sears-Collins said she told him in her interview that diversity must come not only from race and color but age as well. The governor seemed to agree.

"To those who will say she is too young, I remind them that Richard Russell had already served as governor of Georgia and moved on to the United States Senate at her age," Mr. Miller said.

Judge Sears-Collins said she wants to be regarded as having won a seat on the Supreme Court because of hard work rather than because of her race or gender.

"I've worked my butt off," she said. "I come in at 7 or 7:30 every morning, and I work late whenever I have to. I don't shy from the difficult cases; those are the ones I love."

The move to the Supreme Court will allow Judge Sears-Collins to do more work in constitutional law, the field she likes best.

Chief Justice Harold G. Clarke said he welcomes her as a source of fresh ideas on issues.

"To me, one of the important things about the appellate courts is that there should be a wide range of people filling the chairs," Justice Clarke said.

Judge Sears-Collins and Judge Johnson will have to run this summer to retain their newly appointed seats, but both said they welcome the challenge. Kevin Ross, who managed Judge Sears-Collins's 1988 campaign, said she should have a good shot at holding the seat.

"There's almost a presumption that, once appointed, the incumbent has the requisite competence," Mr. Ross said.

Judge Johnson said he looks forward to moving quickly to the Court of Appeals.

"They're swamped up there," Judge Johnson said. "Each judge has to write an opinion a day, just to keep up."

Judge Johnson said the appointments are effective March 1, but a swearing-in date hasn't been scheduled.

GRAPHIC: Color Photo: Edward H. Johnson Color Photo: Judge Leah Sears-Collins will be moving to the Georgia Supreme Court chambers beginning March 1. / FRANK NIEMEIR / Staff

LOAD-DATE: March 4, 1992

Supreme moment The Atlanta Journal and Constitution July 1, 1992, Wednesday

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

July 1, 1992, Wednesday

SECTION: LOCAL NEWS; Section C; Page 1

LENGTH: 37 words

HEADLINE: Supreme moment

BODY:

Charles Weltner (right) is congratulated Tuesday by **Georgia Court of Appeals Judge A.W. Birdsong Jr.** after being sworn in as state Supreme **Court** chief justice. The jurist will serve temporarily before retiring Dec. 17.

GRAPHIC: Color Photo caption only: Charles Weltner (right) is congratulated Tuesday by **Georgia Court of Appeals Judge A.W. Birdsong Jr.** after being sworn in as state Supreme **Court** chief justice. / Kimberly Smith / Staff

LOAD-DATE: July 3, 1992

Q & A ON THE NEWS The Atlanta Journal and Constitution July 5, 1992, Sunday

Copyright 1992 The Atlanta Constitution
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July 5, 1992, Sunday

SECTION: NATIONAL NEWS; Section A; Page 2

LENGTH: 564 words

HEADLINE: Q & A ON THE NEWS

BYLINE: Betty Parham Gerrie Ferris Georgia; legislatures; design; nuclear; tests; earth; reaction; forecasts

BODY:

Do you have a question about the news - local, national or international? Betty Parham and Gerrie Ferris will try to get an answer for you. Call 222-2002 on a touch-tone phone and follow the instructions.

Q: The media have said the Georgia flag was changed by a "defiant Legislature" reacting to Supreme Court desegregation rulings. Was this the stated reason the change was made?

John C. Hall Jr., Atlanta

A: There is little written record of the 1956 Legislature and no audio record. News stories about the change were few. In none of our research did we find any record of a stated connection between changing the flag and opposition to desegregation rulings.

Both senators who introduced the bill, Willis Neal Hardin and Jefferson Lee Davis, are deceased. We contacted **Judge** John Sammons Bell, a retired chief **judge of the Georgia Court of Appeals** who was head of the state Democratic Party in 1956. He originally suggested the change to the senators and actually designed the flag. He said, "Introduction of the bill was for one reason and one reason only: to create a living memorial to our great heritage and the brave people involved. And that is the truth. I assure you that the three of us honored and loved that flag too much to denigrate it in the way that has been charged. The great interest in the Civil War Centennial at the time is what obviously boosted its passage." Nationwide planning for the approaching Civil War Centennial was then going on. A centennial committee was formed, President Dwight Eisenhower issued a proclamation, and a series of postage stamps commemorating the war was issued.

Q: A few days after an underground nuclear test in the Nevada desert, there were earthquakes in California. Has there ever been a study showing a connection between the two?

Donna Drake, McDonough

A: Call it a coincidence if you like (and that's what the vast majority of scientists and geologists do call it), but according to research by Gary T. Whiteford, a geography

professor at the University of New Brunswick in Canada, patterns over the last 40 years indicate that underground nuclear explosions hold a key to predicting large earthquakes. Dr. Whiteford supports his findings with maps and close to 100 years of statistics. He notes that out of 32 killer quakes since 1953, 20 came within days of a nuclear test. Of course, up until a few years ago there was at least one nuclear test a week. Dr. Whiteford also notes that the first half of this century witnessed about 68 quakes a year that reached a magnitude of 6 or higher on the Richter scale, and since 1950, when nuclear testing began in earnest, the average has nearly doubled to 127 a year.

Q: If our country was born on July 4, does that make it a Cancer? Does America have a horoscope?

Jamie Tribble, Atlanta

A: According to the magazine Astrology Today, the astrological influence on the day a country is created reverberates throughout the collective consciousness. The magazine said 1992 looks like a time of both upheaval and mental awakenings for Cancers. There is dissatisfaction with the current situation, an overwhelming urge to do something different and a clear indication of a fundamental transformation. The magazine predicts that habits and patterns built up over the years will be shattered, and 1992 will be both frightening and liberating, with great progress.

LOAD-DATE: July 8, 1992

ELECTION 1992 Judicial candidates see lack of interest 'People do not seem concerned' The Atlanta Journal and Constitution July 17, 1992, Friday

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

July 17, 1992, Friday

SECTION: LOCAL NEWS; Section G; Page 6

LENGTH: 478 words

HEADLINE: ELECTION 1992 Judicial candidates see lack of interest 'People do not seem concerned'

BYLINE: By Mark Curriden Staff writeratlanta; courts; elections; reaction; campaigns

BODY:

Citing a lack of issues, the candidates running in the two statewide judicial races say they are amazed at the little interest Georgians have shown in their campaigns.

"The most amazing thing I have discovered is that people are just not interested in judicial races, and that's sad," said Clayton Superior Court Judge Stephen Boswell, who is challenging incumbent Leah Sears- Collins for the Georgia Supreme Court.

"These judges are powerful. They put people in prison, take houses away, decide which parent will have custody, and can shut down a newspaper, all with the stroke of a pen," he said. "And yet, people do not seem concerned with who serves as judge."

The candidates say that turnout at campaign receptions and fund- raisers has been extremely low. They contribute it to the lack of galvanizing issues that excite people's interest.

"Because we may be required to judge cases, it is not proper for us to discuss many of the issues that attract the most public attention, like abortion or the death penalty," said Justice Sears-Collins. "We are confined to issues of character and qualifications."

Two of the three candidates for the **Georgia Court of Appeals** - Michael Abbott and G. Alan Blackburn - say turnout at political forums has been disturbingly low. Incumbent **Judge** John Sognier declined to be interviewed.

"The only issue in our race is the fact that Judge Sognier is running for re-election when he knows he is going to retire before his term ends," said Mr. Abbott, an Atlanta lawyer. "The voters need to know that he has no intention of filling out his term."

One way to add public interest, according to Mr. Blackburn, a Marietta attorney, is to divide the court into districts. "Making it more regional would generate more interest," he said.

The controversy over the possible settlement of a lawsuit filed by state Rep. Tyrone Brooks (D-Atlanta) - which would replace elected judges with judges appointed by the governor - has sparked a little interest, but mainly among lawyers.

"I have heard a lot of questions on the Brooks lawsuit, but it has not been a decisive issue that will bring the multitudes to the polls," said Mr. Abbott.

All four candidates said they will spend the final days of the campaign zig-zagging the state and advertising on radio and in newspapers.

In the state Supreme Court race, Justice Sears-Collins is supported by Gov. Zell Miller, who appointed her to the court in February.

"She's the best person for the job, and I encourage each of you to support her on election day and help her out financially," Mr. Miller told a group of her supporters last week.

Adds Judge Boswell: "It has been an uphill battle because I'm running against both the incumbent and against Zell Miller. But I think I've done my best to tell the people of Georgia that I am the most qualified person for the job."

LOAD-DATE: July 18, 1992

Judge's retirement an issue in runoff Challenger targets judicial appointments The Atlanta Journal and Constitution August 10, 1992, Monday

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

August 10, 1992, Monday

SECTION: LOCAL NEWS; Section C; Page 4

LENGTH: 400 words

HEADLINE: Judge's retirement an issue in runoff Challenger targets judicial appointments

BYLINE: By Sandra McIntosh STAFF WRITER courts; elections; retirement; politics; campaigns

BODY:

A Marietta lawyer is hoping to unseat veteran **Georgia Court of Appeals Judge** John W. Sognier in Tuesday's runoff by arguing that a vote for the incumbent would be like casting a ballot for one-third of a **judge**.

In the only statewide judicial race that ended in a runoff, G. Alan Blackburn is hoping to upset the 12-year incumbent by making the point that Judge Sognier, 72, faces mandatory retirement in about 23 months when he reaches 75.

If Judge Sognier wins another 6-year term Tuesday, Gov. Zell Miller would appoint a replacement after he steps down.

"I don't feel people should offer to run for a term they can't finish," Mr. Blackburn said.

Judge Sognier responded that most **judges** on **Georgia's** appellate **courts** were first appointed to the bench, and the pending settlement of a long-running federal **court** challenge of how **judges** are selected in **Georgia** would allow the governor to appoint all superior and **appeals court judges** after this year.

"Eight out of nine Court of Appeals judges were appointed at one time by governors [to fill vacancies], and six out of seven Supreme Court justices were first appointed," Judge Sognier said. "There's nothing wrong with that. In fact, we've gotten some very good people."

Mr. Blackburn said he feels strongly that the voters should be allowed to choose judges despite the governor's desire to settle the 4-year-old lawsuit that contends blacks in Georgia are discriminated against in judicial elections.

"Candidates elected by the people will be loyal to the people," Mr. Blackburn said. "Candidates appointed by the governor will be loyal to the governor."

C. Michael Abbott, who ran third in the Court of Appeals race, has endorsed Judge Sognier.

"I believe he's the better qualified candidate," Mr. Abbott said. "Mr. Blackburn's ads all attacked Judge Sognier's early retirement, but he never endorsed his own qualifications."

Mr. Blackburn said his 20-year law practice has involved both criminal and civil cases. He also serves as an administrative law judge for the state's Medicaid program.

In 1990, Mr. Blackburn ran against Judge Clarence Cooper for a Court of Appeals seat and garnered 46 percent of the vote. He said he believes his experience in running a previous statewide campaign helped him win 32 percent of the vote in this year's primary. Judge Sognier was on top with 42 percent, based on unofficial totals.

GRAPHIC: Photo: mug of John W. Sognier Photo: mug of G. Alan Blackburn

LOAD-DATE: August 19, 1992

*Some easy generalizations don't explain vote results The Atlanta Journal and
Constitution August 12, 1992, Wednesday*

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

August 12, 1992, Wednesday

SECTION: EDITORIAL; Section A; Page 8

LENGTH: 386 words

HEADLINE: Some easy generalizations don't explain vote results

BODY:

The easy way to interpret yesterday's runoff election results - coupled with the primary election voting - is that incumbents are an endangered species and women are ascendant.

Exhibit A would be the resounding decision by voters in Middle Georgia to retire state Sen. Culver Kidd, the Silver Fox of the General Assembly. But it's just not that simple. Mr. Kidd also had well publicized ethical problems.

It's true that of Georgia's 10 current and 11 future congressmen, six will be new. But three representatives retired. It's true that the appointed state Labor Commissioner was defeated, as was the chief **judge of the Georgia Court of Appeals**. And yes, it's true that the county commissioners in charge of property tax reassessments are history in most cases.

A better argument could be made that Georgia politics are entering the modern, two-party era. Georgia Republicans, for instance, have seen two rounds of blood-letting to nominate an opponent for Sen. Wyche Fowler. Record numbers of voters have chosen Republican ballots. Voters by ever so narrow a margin chose former state Sen. Paul Coverdell to oppose Mr. Fowler. Georgia Republicans seemed bent on asking Mr. Coverdell to prove himself. By the numbers, he did.

The downside to yesterday's voting came in two statewide races. In the Democratic primary for Labor Commissioner, David Poythress stomped the appointed incumbent, Al Scott. Race played a role in Mr. Scott's defeat, but neither candidate was without question marks. In the contest for the Georgia Court of Appeals judgeship, an incumbent burdened by the prospect of mandatory retirement before his term could end was defeated.

As for the ascendant women candidates, little is resolved. Of the three women nominated for Congress, two must face strong opponents in November. In the history-making runoff victory of Jackie Barrett for the Democratic nomination for Fulton County sheriff, she must face a Republican in November and the burden of proving she is her own woman, free of her past association with the former sheriff, Richard Lankford.

It may be anathema to Georgians to summon up the words of former U.S. House Speaker Tip O'Neill of Massachusetts, but he was right on one thing: All politics are local. Georgia's primary and runoff proved him a man of understanding.

LOAD-DATE: August 30, 1992

METROSPECTIVE The Atlanta Journal and Constitution October 4, 1992, Sunday

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

October 4, 1992, Sunday

SECTION: LOCAL NEWS; Section E; Page 1

LENGTH: 461 words

HEADLINE: METROSPECTIVE

BYLINE: By Ron Taylorpublic; politics; government; atlanta; reviews; business; personalities

BODY:

It was that or paper plates: Officials at the cleverly named Georgia Dome announced plans to buy \$ 70,000 worth of dishwashers. Seems the fine china and crystal used in the suites was getting broken being hauled down to the only dishwasher the stadium had. Ohhhhhh.

For those other people: **Judge** Dorothy Beasley, the first woman on the **Georgia Court of Appeals**, has persuaded the **court** to add women to its motto, as well. To the words carved in marble over the courtroom bench - "Upon the integrity, wisdom and independence of the judiciary depend the sacred rights of free men" - engravers soon will add "and women."

Not a blue-light special: DeKalb police are defending their decision to stage an undercover drug buy in the parking lot of a department store Thursday evening. The buy went sour and four people - two officers, two suspects - were wounded. "People need to wake up and face reality," said Public Safety Director Thomas Brown. "We've got some dangerous times and we've got to go to some extraordinary methods." The shooting erupted outside the aptly named Target store on Covington Highway as people shopped inside.

But we'll be watching for those 'Civil Wars' reruns: Ninth Congressional District candidate Daniel Becker promised to resume TV commercials showing aborted fetuses.

Boy, that oughta liven up the ol' campaign: Sen. Wyche Fowler began running ads featuring a testimonial from Georgia's senior Sen. Sam Nunn, while opponent Paul Coverdell began running ads featuring Margie Goode Lopp, 73, singing a parody of Senator Fowler's jingle.

And this is the scene where Sam Nunn shoots Miz Lopp off the front porch: Do negative ads work? You betcha, say two UGA communications profs who are studying the matter. Dr. Spencer Tinkham and Dr. Ruth Ann Lariscy say candidates who use negative ads not only gain an edge but usually bury opponents who refuse to respond. Congressman Ben Jones lost this year, they say, partly because he ignored his opponent's attack ads.

Quote of the week: "More of them stayed than left." Nathan Davis Jr., director of detention services at the Regional Youth Development Center in Gainesville, putting the best light on the escape of 16 prisoners.

In other news last week: Kathy Hardwick donated \$ 1,600 from the fund set up to find Haley Hardwick's killer to the Georgia Council on Child Abuse; . . . Senate secretary Hamilton McWhorter announced his retirement . . . Ted Turner's Cartoon Network began airing . . . And, oh yeah, the Braves won the Western Division.

ON THE STREET

Well, you never know when one might explode: A little boy stopped up his ears as one of the quietly whirring MARTA trains pulled into the Edgewood-Candler Park station.

Contributing: Mark Curriden and Pam Richards.

GRAPHIC: Color Photo: Thomas Brown

LOAD-DATE: October 8, 1992

5 names left on list of Ga. Supreme Court candidates Miller seeks replacement for Weltner The Atlanta Journal and Constitution October 16, 1992, Friday

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October 16, 1992, Friday

SECTION: STATE NEWS; Section D; Page 3

LENGTH: 311 words

HEADLINE: 5 names left on list of Ga. Supreme Court candidates Miller seeks replacement for Weltner

BYLINE: By Mark Curriden STAFF WRITER courts; government; personalities; Georgia; politics; elections; voting

BODY:

Four judges and a government lawyer have made the short list from which Gov. Zell Miller will select a replacement for Georgia Supreme Court Justice Charles Weltner, who died two months ago.

The Judicial Nominating Commission gave the list to Mr. Miller late Thursday. It comprises three Superior Court judges, an appeals court judge and an assistant state attorney general. At a time when the racial makeup of the state judiciary is coming under increasing scrutiny, it includes no blacks and one woman.

"There were 31 candidates interviewed, and we have given who we believe are the five best qualified to Governor Miller," said commission chairman Norman Underwood. The finalists are listed in alphabetical order and are not given any kind of ranking.

They are:

Alfred Evans Jr., 64, a graduate of the University of Georgia Law School and an assistant Georgia attorney general since 1963.

Hilton Fuller, 51, who received his law degree from Emory University and is a Superior Court judge in DeKalb County.

Carol Hunstein, 48, a Stetson University law school graduate and a DeKalb Superior Court judge.

Hugh Lawson, 51, who received his law degree from Emory University and is a Superior Court judge in Hawkinsville.

Marion Pope, 65, now a **judge** on the **Georgia Court of Appeals**. Before that, he was a Superior Court judge in the Blue Ridge Circuit.

The nine-member Judicial Nominating Commission interviewed all 31 candidates for the position this week. A file on each of the candidates was given to Mr. Miller, who will personally interview the five before making his decision.

"Normally, the governor makes his decision within a week or two of receiving the short list," said Mr. Underwood. "But he told me that because of several factors, including the election, it would not be until sometime in November before he announced his decision."

LOAD-DATE: October 19, 1992

METROSPECTIVE The Atlanta Journal and Constitution February 21, 1993, Sunday

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February 21, 1993, Sunday

SECTION: LOCAL NEWS; Section C; Page 1

LENGTH: 469 words

HEADLINE: METROSPECTIVE

BYLINE: Ron Taylormaynard/jackson; bill/clinton; administration; cobb/county; schools; personnel; terrorism; explosions; attempts; atlanta; olympics

BODY:

Now he wants to cut everybody's fat. Atlanta Mayor Maynard Jackson said last week that he's the man for the job if President Clinton needs help finding ways to cut government spending. "That's the kind of jobs in my dreams I'd love to take on - to form a commission and cut the fat from the federal government," said Hizzoner, who is promising a tax cut to city residents this year. "Mayors are good at that."

No wonder he looked so good. According to an Oklahoma newspaper, Cobb County's new school superintendent, Arthur Steller, spent part of \$ 18,000 in general funds as super in Oklahoma City for hair-loss treatments and teeth whitening. Dr. Steller said the payments were legal under his contract there.

But what about those of us who grew up speaking Georgian? State Sen. Mike Crotts has introduced a bill to make English the official language of Georgia.

And speaking of wacky terrorist threats. DeKalb County police found three homemade bombs in Arabia Mountain Park early last week, just days before park admirers planned a cleanup of the rundown area. Thursday, somebody blew up a 24-hour automatic teller machine at the Midtown Trust Company Bank.

Name that committee. Add FOG to the acronymed Olympic groups in town - that's the Facilities Operators Group trying to bring order to party planning for the '96 Games. If you're trying to keep track, here's a list of the biggies: ACOG (Atlanta Committee for the Olympic Games), MAOGA (Metropolitan Atlanta Olympic Games Authority), CODA (Corporation for Olympic Development Atlanta) and OOPS! (the various negotiators bobbling the Olympic stadium deal.)

Quote of the week. "We're laying out the unwelcome mat for Joe Camel." Fulton County Commission Chairman Michael Lomax, proposing to restrict smoking in most public facilities in the county.

Other news. Metroans voted by nearly 70 percent to keep the original Big Chicken look when KFC rebuilds the Marietta landmark; officials had offered a "hip '90s" option, which was roundly rejected . . . Catching the national spending cut fever, the Atlanta City Council voted 14-0 to forget about raises for its members and the mayor for awhile . . . Four people were killed when a helicopter and airplane collided at Fulton County-Brown Field . . . **Georgia Court of Appeals Judge** George H. Carley

was named to the state Supreme **Court** . . . Rebecca Paul, who made the Florida lottery the nation's biggest gambling hit, was picked to take over the new **Georgia** lottery . . . Winter finally hit the metro area, with a low of 16 in Marietta.

ON THE STREET

Variation on a theme. A woman standing beside the Interstate 85 exit ramp at busy Jimmy Carter Boulevard held up a hand-lettered cardboard sign to motorists: "Stranded. Hungry. Need food. God bless you."

Contributing: Douglas A. Blackmon.

GRAPHIC: Color photo: mug of Arthur Steller

LOAD-DATE: February 27, 1993

Jackson on list for Appeals Court Superior Court judge among 11 finalists The Atlanta Journal and Constitution April 6, 1993, Tuesday

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The Atlanta Journal and Constitution

April 6, 1993, Tuesday

SECTION: EXTRA; Section J; Page 1

LENGTH: 363 words

HEADLINE: Jackson on list for Appeals Court Superior Court judge among 11 finalists

BYLINE: By Bill Rankin STAFF WRITER courts; law; personnel; appointments; georgia

BODY:

Gwinnett County Superior **Court Judge** Dawson Jackson is among the finalists on a list of candidates to fill a vacancy on the **Georgia Court of Appeals**, according to a spokesman for Gov. Zell Miller.

Judge Jackson, 45, was appointed to the Superior Court bench in 1982 by then-Gov. George Busbee. He is now presiding over what is sure to be one of Gwinnett's most sensational trials in years: the death-penalty case against Kenny Hardwick, who is accused of murdering his 7-month-old daughter, Haley.

Judge Jackson received both his undergraduate and law degrees from Emory University. He was an assistant district attorney in Gwinnett from 1973 to 1979, becoming chief assistant in 1975. He was appointed to the Gwinnett State Court bench in 1979, where he served for four years.

Highly respected among his peers, Judge Jackson was appointed in 1990 to a top administrative post for the Northeast Judicial District, which covers 15 counties, including Gwinnett. As administrative judge, he helped strengthen management of the circuit and supervised the district court's administrator.

He had no comment Monday on his status as a candidate for the Court of Appeals post.

The Lilburn resident is among 11 finalists to succeed George Carley, Mr. Miller's most recent appointment to the Georgia Supreme Court. According to the governor's office, he is among five new finalists for the appellate court judgeship.

The other four nominees are Chatham County District Attorney Spencer Lawton Jr.; deputy state Attorney General Stephanie Manis; Bryndis Roberts, the University of Georgia's vice president for legal affairs; and state Rep. Charles Thomas Jr. (D-Temple), chairman of the House Judiciary Committee.

The new nominees join six others whom Mr. Miller interviewed during the past year but passed over for recent appointments to the Georgia Supreme Court.

Those candidates are Fulton County Superior Court Judges Thelma Wyatt Cummings and Frank M. Eldridge; state senior Assistant Attorney General Alfred L. Evans; DeKalb Superior Court Chief Judge Hilton Fuller; Judge Hugh Lawson of the Oconee Judicial Circuit; and Hall County Superior Court Judge J.D. Smith.

GRAPHIC: Color Photo: Dawson Jackson - Was appointed in 1990 to a top administrative post for the Northeast Judicial District, which covers 15 counties.

LOAD-DATE: April 16, 1993

Gainesville jurist chosen for state appellate court The Atlanta Journal and Constitution April 15, 1993, Thursday

Copyright 1993 The Atlanta Constitution
The Atlanta Journal and Constitution

April 15, 1993, Thursday

SECTION: STATE NEWS; Section C; Page 5

LENGTH: 263 words

HEADLINE: Gainesville jurist chosen for state appellate court

BYLINE: By Bill Rankin STAFF WRITER Appointments; courts; zell/miller; georgia

BODY:

A civic spark plug and respected jurist from Gainesville, Superior **Court Judge J.D. Smith**, was named Wednesday by Gov. Zell Miller to be the next member of the **Georgia Court of Appeals**.

"I feel very fortunate to have been appointed by the governor because there were so many extremely qualified people among the finalists," Judge Smith said. "I'm overwhelmed, not just with gratitude, but with a sense of the magnitude of the responsibility he's placed on me."

The state appellate court, which considers appeals of both criminal and civil cases, is one step below the Georgia Supreme Court. It has nine judges, one of whom is a woman.

He won the appointment over 11 finalists and fills a post left vacant when Justice George Carley was appointed to the Georgia Supreme Court.

"He's a good intellectual judge," said Bob Andrews, a Gainesville lawyer. "The main thing about J.D. Smith is his respect for the law. He never decides a case based on public opinion."

Judge Smith was elected to the Superior Court bench in 1984. He serves on the Northeastern Judicial Circuit, which is comprised of Hall and Dawson counties.

Judge Smith, 46, said he became interested in appellate work in 1972 while a law assistant to former Georgia Supreme Court Justice William Gunter.

A graduate of the University of Georgia Law School, Judge Smith has been active in Hall County civic circles. He is a member of the Gainesville Kiwanis Club, former chairman of the Chestatee Regional Library Board and organizer of Contact-Hall County, a 24-hour telephone crisis-intervention service.

LOAD-DATE: April 29, 1993

*Nunn offers picks for judiciary posts Backs former BNL prosecutor for U.S. attorney
The Atlanta Journal and Constitution August 11, 1993, Wednesday*

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August 11, 1993, Wednesday

SECTION: STATE NEWS; Section D; Page 1

LENGTH: 478 words

HEADLINE: Nunn offers picks for judiciary posts Backs former BNL prosecutor for U.S. attorney

BYLINE: By Sandra McIntosh STAFF WRITER

BODY:

A **Georgia Court of Appeals judge** and a Fulton County Superior **Court judge** were recommended Tuesday by U.S. Sen. Sam Nunn (D-Ga.) to serve on the federal judiciary, and a former assistant U.S. attorney has been tapped as the next U.S. attorney for the Northern District of **Georgia**.

Mr. Nunn also recommended judges and U.S. attorneys for the federal Middle and Southern districts of Georgia, all of whom will likely be approved by Attorney General Janet Reno and nominated by President Clinton.

In U.S. District Court, Northern District, Judge Clarence Cooper and Judge Frank Mays Hull were recommended for vacancies left by Judges Marvin Shoob and Richard Freeman, who took senior judge status in 1991.

Judge Cooper was appointed to the state Court of Appeals in 1990 and elected in 1992 to a four-year term. Before his appointment to the appeals court, Judge Cooper was a Fulton Superior Court judge. He is one of two blacks nominated Tuesday.

"I am elated that Senator Nunn has chosen to recommend me," Judge Cooper said in a prepared statement. "As I move through the confirmation process, I hope that the prayers of the people of Georgia will be with me."

Judge Hull was appointed to Fulton Superior Court in 1990 after six years as a Fulton State Court judge. She was elected to the post in 1992. She was the only woman recommended Tuesday by Mr. Nunn.

Judge Hull said in a prepared statement that she appreciates the recommendation "that I continue my service as a trial judge in the federal judicial system."

High-profile cases

Kent B. Alexander, recommended as U.S. attorney in the Northern District, spent seven years as an assistant U.S. attorney, working on several high-profile cases.

He would replace Joe Whitley, who was appointed to the post in 1990. All of the U.S. attorneys were ordered to submit their resignations in March shortly after Ms. Reno

took office.

Mr. Alexander helped prosecute the Banca Nazionale del Lavoro (BNL). Italy's largest bank allegedly was involved in providing \$ 5 billion in irregular loans to Iraq, which used some of the funds in the weapons buildup before the Gulf War.

Mr. Alexander left the U.S. attorney's office in 1992 to take a position with King & Spalding. The law firm represents BNL, but Mr. Alexander said he has not been involved in the case during his time in the office.

Recommendations for the Middle District were Superior Court Judge Louis Sands of Macon to fill a federal court seat and James L. Wiggins for the U.S. attorney's office. Judge Sands is the second black on the senator's list.

William T. Moore, a former U.S. attorney, was recommended to the Southern District bench. Harry D. Dixon, the current district attorney for the state's Waycross Judicial Circuit, was picked to become the U.S. attorney for the Southern District.

David Pendered contributed to this article.

GRAPHIC: Photo: Recommended for the federal bench were Judges Clarence Cooper (left) and Frank Mays Hull.

LOAD-DATE: August 13, 1993

Suit over judges nearing end The Atlanta Journal and Constitution September 1, 1993, Wednesday

Copyright 1993 The Atlanta Constitution
The Atlanta Journal and Constitution

September 1, 1993, Wednesday

SECTION: STATE NEWS; Section C; Page 1

LENGTH: 1168 words

HEADLINE: Suit over judges nearing end

BYLINE: By Mark Sherman and Ben Smith III STAFF WRITERS

BODY:

Justice approval: Plan to boost the number of black state jurists now goes to federal courts.

A marathon legal struggle to force open the doors of rural Georgia courthouses to black judges may be nearing its end.

In an effort to settle a 5-year-old lawsuit, the U.S. Justice Department on Monday approved an agreement that would triple the number of black Superior Court judges in the state. The ruling came 14 months after Gov. Zell Miller, Attorney General Michael J. Bowers and 29 plaintiffs led by state Rep. Tyrone Brooks (D-Atlanta) shook hands on the deal.

Now federal courts in Atlanta and Savannah will be asked to do the same.

If they do, there could be at least 25 black Superior Court judges across the state by the end of next year, hearing cases in Taliaferro and Wilkes counties as well as DeKalb and Fulton. Of the state's 159 Superior Court judges, nine now are black, but virtually all of them preside in urban judicial circuits. The agreement also would increase the number of black State Court judges.

The settlement would end the election of trial and appellate judges who would be appointed by the governor. At the end of an initial four-year term, judges would go before voters, who then would decide whether to retain them. The governor would replace any ousted judges.

Critics in both political parties accused the governor of a power grab and said the change would come at the expense of voters. But supporters of the settlement said it would be a fair way to produce a diverse judiciary.

In the lawsuit, the plaintiffs contend the current system dilutes black voting strength, particularly in judicial districts that cross county lines.

Mr. Brooks called the proposed settlement "a revolution for rural Georgia" that would increase the trust rural blacks have for the criminal justice system.

"You go into a courthouse on Monday morning and you sit there and you see this

use my common sense. Our court is the busiest appellate court in the country, so on the administrative side, I will continue to explore ways to handle the workload efficiently, quickly and inexpensively. I love my work and will be devoted to it, as I always have been.

Graphic :

ROBERT O. VAN NORTE

Age: 58

Residence: Decatur

Education: Bachelor's degree, Georgia Southern University; law degree, Mercer University; LLM degree, Emory University; graduated U.S. Air Force Air Command and Staff College

Profession: Attorney

Political experience: None

Personal: Wife, Harriett

Top priority: I will always strive to render judicial decisions in strict conformity to the law. I will do my very best to honor the search for justice, fairness, and civility and will daily seek higher wisdom for the works at hand.

Photo :

Edward H. Johnson

Photo :

Robert O. Van Norte

Graphic :

(Non-partisan race)

Term: 6 years

Annual salary: \$ 123,522

Gentlemen's agreement is to avoid negative contest

LOAD-DATE: July 13, 1998

*System lets judges stay seated The Atlanta Journal and Constitution July 26, 1998,
Sunday,*

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The Atlanta Journal and Constitution

July 26, 1998, Sunday, ALL EDITIONS

SECTION: EDITORIAL; Pg. 05G Jim Wooten

LENGTH: 686 words

SERIES: Metro Final

HEADLINE: System lets judges stay seated

BYLINE: Jim Wooten

BODY:

George Weaver of Atlanta mortgaged his house and put \$ 115,000 of his own money into a campaign to convince Georgians that he belonged on the Georgia Supreme Court.

He lost. But that is not the story. The story is "the system" that muzzles political speech, making it impossible to successfully challenge a sitting judge. Everybody knows it, too.

Of 49 judgeships at the Superior Court level or above that were up for election this year, only four incumbents drew challengers --- and all the incumbents were re-elected. It's the same, year after year. The deck is so stacked against outsiders as to make a mockery of the constitutional requirement that judges be elected.

The Georgia Constitution is routinely ignored by judges who resign so that their successors can be picked by politicians rather than voters, as it stipulates. A rare exception, a hero who honored the intent of the constitution, was the late **Judge A.W. Birdsong Jr.** of the **Georgia Court of Appeals**, who died in June after having announced that he would not seek re-election this year.

If the state constitution is already being thwarted by others, what then's a little tweaking of the First Amendment?

Weaver, a highly regarded lawyer who is a former assistant attorney general, has filed suit in federal court. He is challenging the Judicial Qualifications Commission and rules that deny judicial candidates their First Amendment rights. Upon reaching the first fair-minded judge or tribunal, he'll prevail.

The state has constructed a system that requires elections --- but so narrowly limits authorized speech that any incumbent who avoids personal scandal enjoys lifelong immunity on the bench.

Furthermore, a Special Committee on Judicial Election Campaign Intervention, a group largely unknown and entirely unelected, drops inflammatory characterizations such as "false, deceptive and misleading" on political speech, as it did with Weaver,

inviting all the state's media to publicize their condemnation.

Frankly, legal experts could well disagree on whether the committee's judgment and interpretation are correct. It is opinion stated as fact. If wrong, it has taken Weaver's right to have his candidacy fairly assessed by voters --- and cost an eminently qualified lawyer the election and his mortgage money. Whoa. Not with my rights, pal.

A candidate who puts his career and fortune on the line ought to be able to interpret a challenger's record so long as it's done without a deliberate intent to deceive. Whether done by the media or by lawyers behind closed doors, the conclusion that Weaver's charges were "false, deceptive and misleading" appears to have been colored by the commentators' frame of reference and possibly their desired outcome. Weaver's contention is that some members of the panel that condemned his ads, or their law firms, had made campaign contributions to his opponent, Justice Leah Sears.

In any event, the benefit of the doubt should go to the candidate --- and even if it didn't, the First Amendment should have protected Weaver's political speech.

Had he been running for any other office in America, it would have. But not for a judgeship. By their rules, no challenger will ever beat an incumbent who's not a public fool or a careless crook.

If you don't want any outsiders in, keep them out honestly. Ask Georgia voters to change the constitution to specify political appointment. Then, at least, the state Senate can examine appointees' views during confirmation hearings.

Elections have a purpose. They keep judicial tyranny in check. They keep judges from wandering too far outside the mainstream and check the temptation to legislate personal prejudice from the bench.

All these years we've heard that the system has a race and gender bias. Now we discover that the bias is against any outsider. Blacks, women and white men can become judges --- but only by maneuvering a political maze of the power structure's design and creation. Jim Wooten is editor of the Journal editorial pages. His column appears Sundays, Wednesdays and Fridays. E-mail: jwooten@ajc.com

LOAD-DATE: July 27, 1998

Cherokee ; REPORTER'S NOTEBOOK The Atlanta Journal and Constitution June 10, 1999, Thursday,

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June 10, 1999, Thursday, Home Edition

SECTION: Cherokee Extra; Pg. 2JQ

LENGTH: 1015 words

HEADLINE: Cherokee ;
REPORTER'S NOTEBOOK

BYLINE: D.L. Bennett, Staff

SOURCE: AJC

BODY:

MILLS MOVING UP? Cherokee's chief Superior **Court judge** may be moving on to a seat on the **Georgia Court of Appeals**. Frank Mills III was interviewed Friday for one of three open seats on the state panel. One opening was created through retirement. The other two are new seats funded by the Legislature to expand the court and reduce the workload of Georgia's current justices. If he wins the seat, Cherokee would have the unique distinction of having two judges on the panel. Judge Marion Pope of Canton is a former Cherokee Superior Court judge and a longtime Court of Appeals justice. Applicants are now being reviewed by the state Judicial Nominating Commission, which is expected to make recommendations soon to Gov. Roy Barnes, who will make the appointments. If Mills moves up, opening a seat on Cherokee's Superior Court bench, expect considerable jockeying among local lawyers for the position.

DRUG DOG GETS CATCHY NAME: And the winner is --- McGyver!

A student at Woodstock Elementary won a \$ 50 gift certificate to Cub Foods last week after she picked the name for a bomb-sniffing dog the Woodstock Police Department plans to buy soon. Mary Ashley Tucker suggested the pooch's name at a ceremony at school last week. The police department got \$ 5,000 for the dog from Cub Foods and Nabisco, which makes Milk Bone dog snacks. Lt. Leo Scherer of the Woodstock Police said McGyver should arrive in a few weeks. He said the department's current canine, a drug-sniffer named Rex, entertained the kids at the ceremony by demonstrating his prowess at finding dope. The city will pay \$ 1,500 of the \$ 6,500 purchase price for the new dog.

SOIL SEMINAR SUCCEEDS: Commissioner Ilona Sanders said the May 19 seminar on soil erosion hosted by the county and the Limestone Valley Soil Conservation District was a big success. About 150 developers and builders came to the South Cherokee Recreation Center for the three-hour meeting on the latest techniques for keeping soil from eroding into streams during development. Sanders said developer Don Hausfeld was given an award for the work he's done to protect streams.

*Governor names new judges, other appointees The Atlanta Journal and Constitution
June 30, 1999, Wednesday,*

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June 30, 1999, Wednesday, Home Edition

SECTION: Local News; Pg. 3B

LENGTH: 251 words

HEADLINE: Governor names new judges, other appointees

BYLINE: Peter Mantius, Staff

SOURCE: Constitution

BODY:

Gov. Roy Barnes on Tuesday appointed three **judges to the Georgia Court of Appeals** and filled other top positions at the **Georgia** Department of Defense, Ports Authority and office of highway safety.

The new appeals court members are Treutlen County State Court Judge John J. Ellington, 38; Fulton County State Court Judge M. Yvette Miller, 43; and Dougherty Judicial Circuit Superior Court Judge Herbert E. Phipps, 58.

They fill two new seats on the court created by the General Assembly this year and the vacancy left by the resignation of appeals court Judge Dorothy Beasley.

Barnes also named David Poythress, 55, adjutant general of the Georgia Department of Defense. Poythress, a former state labor commissioner, finished third in the Democratic primary for governor last year and later supported Barnes' campaign.

Stephen Draper, 57, will become the governor's chief of aides-de-camp, military policy adviser and liaison to state and federal military communities.

Yvonne McBride, 50, was named director of the governor's office of highway safety, replacing Timothy E. Jones, who has been nominated by President Clinton to be a member of the U.S. Parole Commission. McBride was director of the office of prevention and intervention in the state Department of Juvenile Justice.

Richard C. "Stock" Coleman, 51, was appointed to the board of the Georgia Ports Authority to replace Steve Wrigley, who resigned. Coleman was executive director of the Okefenokee Area Development Authority.

LOAD-DATE: June 30, 1999

Northside Notes; If you have answers, he's got questions The Atlanta Journal and Constitution July 8, 1999, Thursday,

Copyright 1999 The Atlanta Constitution
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July 8, 1999, Thursday, Home Edition

SECTION: North Fulton Extra; Pg. 2JH

LENGTH: 1087 words

HEADLINE: Northside Notes;
If you have answers, he's got questions

BYLINE: Larry Hartstein, Staff

SOURCE: AJC

BODY:

Answer: A Mountain Park boy who loves sports and writes poetry.

Question: Who will compete in "Jeopardy!"'s first Back to School Week for children ages 11 and 12?

Zach Safford, an 11-year-old entering the seventh grade at Crabapple Middle School, was one of 15 students selected from more than 1,000 students who auditioned in nine cities.

He will fly to California with his parents and grandparents for the "Jeopardy!" taping on July 20.

"It's going to be fun," said Zach, whose family lives just outside Roswell. "I hope I do well. If I don't, I know all my friends are going to be really mad at me."

A gifted student who won a school poetry award last year, Zach passed a written test in Miami and participated in a mock "Jeopardy!" show the same day.

"They were looking to see how the kids handled themselves," said Zach's mother, Amy Safford.

The answer came in the form of a Federal Express package. Now Zach is on his way to the Beverly Hills Hilton.

Zach doesn't read a lot but excels in geography and writes poetry as a hobby, his mom said. Zach also likes playing all kinds of sports.

Each show in the weeklong competition will have three contestants. The winner of each show will keep the money he or she wins, with a minimum guarantee of \$ 5,000. The other two contestants will get prizes. As a bonus, the student with the highest earnings at week's end will get an additional \$ 5,000.

The shows will air the week of Sept. 6.

"I'm pretty nervous," Zach said. "I want to do well. I really don't care so much about winning, just going out to California will be fun. If I won, that would be nice."

And what would he do with the money?

"Put it in the bank," he said. "Right away."

MATTRESS DONATION: Thanks to North Fulton Regional Hospital, two Jamaican hospitals now have mattresses to put on their bed frames.

The hospital recently donated 118 mattresses to Portland Regional Hospital in Port Antonio and Cornwall Regional Hospital in Montego Bay.

Volunteers from the Sandy Springs Rotary Club loaded the mattresses and took them to the airport. Air Jamaica flew them to Montego Bay, and the Montego Bay Rotary Club arranged delivery to the hospitals.

The effort was led by Dr. John Harvey, who had made two mission trips to Jamaica to teach physicians there, surgical unit nurse Hazel Gray, who is from Jamaica, and medical and surgical unit manager Mitzi Stanfield.

In recent years, North Fulton Regional Hospital and the Rotary have teamed up to give computers, equipment and supplies to Jamaican hospitals.

ROSWELL CHOIR PERFORMS: The Georgia Regional Girls Choir, based in Roswell, will perform this month at the National Festival of the States in Washington. While on tour there, the choir will perform at the Lincoln Memorial and St. Matthew's Cathedral.

The 80-member choir, which calls the Roswell Cultural Arts Center its performing home, is composed of two divisions: a touring choir and a training choir. It is directed by Kenneth R. Williams, choral director at Crabapple Middle School.

Auditions for the 1999-2000 season will be held Aug. 16-31. The choir is open to "all girls grades 7-12 with pleasant voices wishing to expand their performance and educational experiences beyond the normal classroom setting."

For more information, call general manager Robin Racoff at 770-663-0545.

CONTRACT EXTENSION: The Fulton Commission recently voted to extend through September a contract with Atlanta Transportation Systems to operate Fulton Express vehicles.

The express is a 59-vehicle fleet that transports the elderly to senior citizen centers, doctors' offices and other locations and mentally retarded people to training centers and job sites.

In October, the service will become part of the state Unified Transportation System, a pool of buses and vans serving government agencies. The contract extension will

allow the Georgia Department of Human Resources, which runs UTS, time to select a service provider for the Fulton Express.

CELEBRATING PRENATAL CARE: More than 200 mothers and infants recently joined Fulton Commission Vice Chairman Michael Hightower to celebrate the anniversary of the Infant Vitality Initiative.

The program provides prenatal care, stress management classes and other services to expectant mothers.

Established in 1995, it is credited with cutting Fulton's infant mortality rate 21 percent in 1997, the most recent year for which figures are available. More than 100 babies die in the county each year before their first birthdays, giving Fulton the fifth-highest infant mortality rate in the country.

NEW APPEALS JUDGE: State **Court Judge** Yvette Miller said she's thrilled about her appointment to the **Georgia Court of Appeals**. Gov. Roy Barnes on June 29 named Miller and two other judges to the appeals bench.

"I just can't wait," said Miller, 44, who was named to the Fulton bench in 1996. "I just think that I'm going to have a greater impact on the lives of the citizens of this state."

Miller, a Macon native, received her law degree from Mercer University in 1980 and a master's degree in litigation from Emory University in 1988. She has been an assistant district attorney in Fulton, a senior assistant counsel at MARTA and an administrative law judge for the State Board of Workers' Compensation.

The Judicial Nominating Commission will screen applicants to replace Miller, then send a short list of candidates to Barnes, who will make the appointment.

DISABILITIES ACT ANNIVERSARY: More than 50 agencies serving the disabled are scheduled to participate in the ninth anniversary celebration of the Americans with Disabilities Act.

The event will run from 10 a.m. to 2 p.m. July 26 in the Fulton County Government Center Atrium, 141 Pryor St. S.W.

The celebration, sponsored by the Fulton County Services Offices of Disability Affairs and the Commission on Disability Affairs, includes product demonstrations and information on disability issues. Sign language interpreters and materials in alternate formats will be available.

Guest appearances are scheduled by the music group Van Gogh, vocalists Beth Wright and Bill Moody, Channel 11 health reporter Kay Flowers and "Blaze," the official mascot of the Paralympics.

--- Contributing: Ismail Turay Jr.

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GRAPHIC: Photo

Lucky contestant: Zach Safford, 11, a student at Crabapple Middle School, is one of 15 students from across the country selected to compete in the first "Back to School Week" on "Jeopardy!" / ALICIA HANSEN / Staff

LOAD-DATE: July 8, 1999

Where You Live; Atlanta children offered free health screenings ... Newnan city planner resigns ... Rained-out orchestra concert rescheduled in Roswell The Atlanta Journal and Constitution July 13, 1999, Tuesday,

Copyright 1999 The Atlanta Constitution
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July 13, 1999, Tuesday, Metro Edition

SECTION: Local News; Pg. 4B

LENGTH: 1120 words

HEADLINE: Where You Live;
Atlanta children offered free health screenings ... Newnan city planner resigns ...
Rained-out orchestra concert rescheduled in Roswell

BYLINE: From staff and wire reports

SOURCE: Constitution

BODY:

METROSCOPE

Two sworn in

Gov. Roy Barnes completed his Georgia Regional Transportation Authority on Monday with the swearings-in of the final two members. Atlanta businessman John Williams was out of the country last month when 13 other members of the panel took the oath of office. Homeowner representative Eric Hovdesven was selected by Barnes to fill a GRTA seat after a **Georgia Tech** professor declined the post. Barnes also swore in three new **Court of Appeals judges** Monday: John Ellington of Treutlen County; M. Yvette Miller of Fulton County; and Herbert Phipps of Dougherty County.

ATLANTA

Schools honored

At a backstage news conference Sunday at Chastain Park Amphitheatre, singer John Mellencamp congratulated two Atlanta public schools as this year's local recipients of VH1's Save the Music program. With support from MediaOne, Ken Stanton Music and Jackson's Music, Cook and Scott elementary schools will receive musical instruments worth a total of \$ 50,000.

Youthfest in park

Atlanta kids are invited to Wilson Mill Park on Friday for Youthfest '99. The free event, which runs from 10 a.m. to 3 p.m., and features carnival games, entertainment, food, teeth cleanings and health screenings, is sponsored by City Council member C.T. Martin. The park is off Bakers Ferry Road at Wilson Mill Road in Adamsville. For information, call Andrea Boone at 404-330-6055.

CHEROKEE

Barnes visits church

Gov. Roy Barnes will visit an old friend at the Union Hill United Methodist Church on Sunday. The Rev. James Budd and Barnes have known each other 25 years. Barnes will be the guest speaker during the Sunday service at the church at 4883 Union Hill Road, Alpharetta. After the service a covered dish dinner and barbecue is planned.

CLAYTON

Airport exec resigns

There's been another shakeup in the top management of Hartsfield International Airport. Richard White, who was brought to the airport by General Manager Ben DeCosta in January as one of his top assistants, resigned this month. White was assistant general manager for business operations and finance. DeCosta did not give a reason for the resignation. In May, Andy Bell, who was an assistant general manager for planning, resigned to pursue opportunities in the private sector. Miguel Southwell, marketing director, was named as an acting assistant manager to replace White. Robert Kennedy, chief of air cargo development, was named acting marketing director.

COBB

Isakson plugs GOP

U.S. Rep. Johnny Isakson says House Republicans aren't "mean and nasty" and they have a legislative agenda that will help people live better lives. Speaking at a Cobb Chamber of Commerce breakfast, the 6th Congressional District Republican plugged GOP proposals to reduce taxes on married couples and estates of more than \$ 650,000.

Health office move

The county Health Department wants to move its satellite office out of the East Cobb Government Service Center at 4400 Lower Roswell Road and move to some vacant retail space at Parkaire Triangle. More space and better access to the public will be given as the reasons when the issue comes up for a vote before the County Commission today.

COWETA

City planner resigns

Newnan City Planner Chris Ryan has resigned effective July 30, and will move to Boston, where his wife has taken a new job, City Manager Dick Bolin said Monday. Bolin said he would advertise to fill the position soon. Ryan has held the job since August 1997.

DEKALB

Judge is honored

The county Bar Association recently presented its Lifetime Achievement in Law Award to the Honorable Arnold Shulman, senior judge for the county Superior Court. The award was presented to Shulman in recognition of his 62 years in the legal profession.

Cyclists to meet

The Atlanta Bicycle Campaign will discuss strategies for riding in the heat at its monthly meeting Thursday at the Episcopal Church of the Epiphany, at the corner of Ponce de Leon and East Lake Road in Decatur. Refreshments and socializing start at 7 p.m. with the program beginning at 7:30. All cyclists are welcome. For more information, call 404-522-5525.

FAYETTE

Re-election plans

Annie McMenamin, a council member in Peachtree City, said Monday she would seek re-election to the Post 1 seat she has held for most of the decade. McMenamin was

appointed in 1990 to fill an unexpired term and has held the position ever since without opposition. The election will be Nov. 2.

FULTON

Millage to be set

The county school board is scheduled Wednesday to set the millage for the 1999-2000 budget year. The board meeting begins at 8 a.m. at 786 Cleveland Ave. in Atlanta.

Crime prevention

Crime prevention for small businesses will be the topic Wednesday at the Sandy Springs Business Association meeting at 7:30 a.m. at Holyfield's New South Grill, 6075 Roswell Road. For more information, call 404-252-9352.

Free concert tonight

Music fans were rained out of a free Atlanta Symphony Orchestra concert Sunday night in Roswell, but they'll get another opportunity to hear the orchestra tonight. The ASO will present an outdoor concert at Roswell City Hall at 7:30 p.m. The concert is made possible by a grant from the Fulton County Arts Council.

GWINNETT

Financially healthy

Norcross is sitting pretty financially. The city is \$ 2 million ahead of revenue in the bank from this time last year, Norcross Finance Director Doug Chastain told the City Council last week. Chastain tempered the good news with some concerns: Property tax collections are lagging by about \$ 60,000, and hotel-motel and alcohol tax revenues are down.

HALL

Funds for new doors

A \$ 15,000 grant from Gov. Roy Barnes is being used to replace electronic entrance doors at the county headquarters library that officials consider a safety risk. "On numerous occasions we have experienced close calls with our existing doors," said library director Susan Stewart. "Children and adults have narrowly escaped the untimely opening of the doors, and we do not want to wait for an accident to occur."

HENRY

Teacher is honored

Stacy Byrd, an agriscience teacher at Eagle's Landing High School, has been named Georgia Agriscience Teacher of the Year. Byrd recently received a grant from the Smith Foundation to start an adopt-a-stream program to teach students about water quality.

ROCKDALE

Jail on auction block

Anyone in the market for their own private jail should contact county officials. The old jail is on the auction block with the starting bid at \$ 315,000. The jail houses inmates in a work-release program but once it's sold, those inmates will be moved to the county's new jail.

GRAPHIC: Photo

Hands-on education

Ten-year-old Ashley Sevigny shows off her paint-covered hand after adding her sign

to the door of Margarete Taft's art class during the first day of Academic Camp at Edwards Middle School in Rockdale County. The program runs through July 23 for students who want to cultivate interests in topics such as mathematics, computer science and performing and visual arts. / CURTIS COMPTON / Staff

LOAD-DATE: July 13, 1999

Where You Live The Atlanta Journal and Constitution January 12, 2000, Wednesday,

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January 12, 2000, Wednesday, Home Edition,
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May 23, 2000, Tuesday, Home Edition

SECTION: Local News; Pg. 2F

LENGTH: 1281 words

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BYLINE: Staff

SOURCE: CONSTITUTION

BODY:

Atlanta Urban League to honor its former president ... Decatur's Winnona Park students score high on basic skills test ... Fayette eyes expansion at three middle schools ... Alpharetta approves laptops for its police officers

METROSCOPE: Market is Underground

A five-day Open Air Market and Music Festival will begin Wednesday at Underground Atlanta. The market, which will feature carts along Upper Alabama Street selling handmade crafts, flowers and homemade desserts, fresh fruits and vegetables, is being held in conjunction with the Atlanta Jazz Festival. Hours for the market are 11 a.m. to 6 p.m. Wednesday through Friday; 10 a.m. to 8 p.m. Saturday; and 11 a.m. to 7 p.m. Sunday.

ATLANTA: League honors CEO

The Atlanta Urban League is hosting a retirement dinner for its former longtime president and CEO, Lyndon Wade. Wade is retiring after more than 30 years as head of the nonprofit, social service organization. He will be honored for his achievements with the league Thursday at 6:30 p.m. in the Regency Ballroom of the Hyatt Regency Atlanta. The dinner is open to the public. Information: 404-659-5770.

CHEROKEE: Recycling contest is June 3

Residents can recycle their old phone books and help a local school at the same time. Keep Cherokee Beautiful and BellSouth Publishing are having a recycling contest at Hobgood Park June 3. Prizes of \$ 300, \$ 200 and \$ 100 will go to the school with the highest total inches of telephone books. Information: 770- 517-7650.

CLAYTON: Ceremony is tonight

Clayton College & State University will conduct its annual ceremony honoring one-year certificate recipients at 7 p.m. today in Room 101 of the Harry S. Downs Center for Continuing Education. About 225 students have earned certificates in areas like information technology, computer network technology, paralegal studies, medical transcription, aviation maintenance, avionics, electronics technician, marketing and merchandising, data processing and office specialist. A reception will follow at the Downs Center.

COBB: Schools in championships

Two county elementary schools are sending teams to the Odyssey of the Mind Championships in Knoxville May 31-June 3. Teams from Mount Bethel and Eastvalley elementary schools advanced from the state finals and will be among 600 teams at the international event. Odyssey of the Mind is a problem-solving competition for students that requires them to work in teams.

DEKALB: Elementary scores high

The Decatur city school system has released its scores on the Iowa Test of Basic Skills. Winnona Park Elementary School third-graders scored in the highest percentile among the district's five schools, with students scoring better than 80 percent in comparison with their peers nationwide in reading and better than 88 percent in math. College Heights, Fifth Avenue and Glennwood third-graders struggled in reading, posting scores in the 30s, far below the national average of 50. In fifth-grade, all schools posted math and reading scores at or above the national average. At Renfroe Middle School, students scored in the 66th percentile for reading and 72nd percentile for math.

Global project starts

McNair High School will hold a kickoff today for its Global Education Project, aimed at getting students interested in international banking and business. About 40 McNair students will learn from business leaders about economic education and the importance of foreign language skills in the global economy. Next year, the students will visit several banks and business centers in Washington.

FAYETTE: Belt laws get attention

The Sheriff's Department will step up enforcement of seat belt and child safety seat laws through Memorial Day. Deputies will use check points, saturation patrols and increased patrols, according to Maj. Wayne Hannah.

School additions preferred

Facing a space crunch and a tight budget, county school officials want to build classroom additions at three middle schools instead of a new middle school. The proposal to build additions at Whitewater, Booth and Fayette middle schools would cost the county about \$ 2 million, compared to \$ 8 million to \$ 9 million for a new middle school, Superintendent John DeCotis said. Under the plan --- which DeCotis described as a temporary fix --- a total of about 50 classrooms would be built at the three schools.

FULTON: Chamber to meet

The Greater North Fulton Chamber of Commerce will have an Eggs and Enterprise breakfast Thursday featuring speaker F. Wayne Hill, co-chairman of the Regional Leadership Institute and chairman of the Gwinnett County Commission. The event -- \$ 15 for chamber members and \$ 20 for nonmembers --- will be at the Alpharetta Marriott at 7:30 a.m. Reservations: 770-993-8806.

Computers purchase OK'd

The Alpharetta City Council unanimously approved the purchase of in-car laptop computers for the Police Department. The purchase of the laptops, all the necessary equipment and software, and the installation will cost about \$ 478,000. The city originally had approved \$ 1 million for the laptops, which police Chief Dana Davis said will allow officers to stay on the road more instead of having to go to headquarters to file reports. The cars should be equipped by this summer.

GWINNETT: Anti-cancer funds collected

Organizers raised \$ 1.38 million to fight cancer during the Relay for Life fund-raiser during the weekend at the Gwinnett County Fairgrounds. The event raised \$ 1.16 million last year. The 24-hour relay, which started Friday evening, had 471 teams participating.

HALL: After-work event planned

The Greater Hall Chamber of Commerce will hold a Business After Hours event Thursday from 5:15 p.m. to 7:15 p.m. at Lanier Park Hospital's atrium and Blue Ridge Room. The evening is free for chamber members; \$ 5 for nonmembers and guests.

HENRY: Art contest this weekend

County school art students will compete in a very public scholarship contest this weekend by painting on a construction wall at the courthouse in McDonough. Competitors will be able to paint all day Saturday and part of the day Sunday and Monday using the theme "Henry County --- 179 years." County commissioners will judge the entries Monday. Art supplies, lunch and awards will be provided by general contractor David Christopher Inc. The top prize is \$ 4,000. The first runner-up will receive \$ 1,500 and the second runner-up \$ 1,000.

ROCKDALE: Annual ceremony moved

After decades of gathering at the county courthouse to honor those who served in the military, the American Legion Post 77 Memorial Day ceremony has been moved to post headquarters at 674 American Legion Drive, Conyers. The move was prompted by increased traffic and parking problems downtown. The observance is Monday at 11 a.m.

GEORGIA: Appellate judge appointed

Gov. Roy Barnes appointed Charles Mikell Jr. to the **Georgia Court of Appeals** on Monday. Mikell, 57, of Savannah, a Superior Court judge, will replace Judge William McMurray Jr., who retired. Mikell will be sworn in May 31 in the Georgia House. The 12-member court is the second highest appeals court in Georgia.

Information officer leaving

Mike Hale, Georgia's chief information officer, who led the state's massive Y2K preparedness program, will leave state government May 31. Hale, the state's first CIO, was appointed in June 1995 to develop plans to implement technology in state agencies. Hale will become a vice president and chief technology officer at Golf Augusta Pro Shops to supervise the company's expansion into Internet commerce. Gov. Roy Barnes appointed Erwin Fraas interim CIO.

GRAPHIC: Photo

Topping off the school year

Sharice Powell, 18, pours chocolate over her treat at the annual Ice Cream Social on Monday at Harrison High School in Kennesaw. Like many other schools, Harrison tries to release the tension of the end of the academic year and to usher in the summer with fun events. / ANDY SHARP / Staff

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May 25, 2000, Thursday,*

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LENGTH: 397 words

HEADLINE: Tribute to a longtime jurist;
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BYLINE: Gary Hendricks, Staff

SOURCE: AJC

BODY:

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That's the street number for the Harold R. Banke Sr. Judicial Complex, Clayton
County's new courthouse/jail due to open this fall.

The County Commission voted last week to honor one of its constituents by putting
his name on the 272,000-square complex that will house the county's judiciary in 18
courtrooms and 1,500-bed jail in a combined building.

Banke is retired from the **Georgia Court of Appeals** and had served as a **judge**
and prosecutor in the county. He continues handling cases as a senior judge for the
appellate court and is a resident of Jonesboro.

"You never feel like you deserve an honor like this," Banke told the commissioners
and a gathering of Clayton's legal and law enforcement community in the
commission chambers. "This is the greatest thing that ever happened to me."

Also in attendance were members of the Court of Appeals Marion T. Pope Jr., G. Alan
Blackburn, Herbert E. Phipps, Frank Elridge and Anne E. Barnes.

Commission Chairman Crandle Bray led a parade of Clayton officials and lawyers who
attended the dedicating ceremonies. Taking part in the official dedication were Scott
Watts, president of the Clayton Bar Association, lawyer Lee Sexton, District Attorney
Robert Keller, Police Chief Ronnie Clackum and Clayton Superior Court Judge William
Ison.

"I can't think of anybody who deserves this more than Judge Banke," Bray said.

Clackum first proposed naming the judicial complex after Banke and told the
gathering he hoped one day to tell his grandchildren he knows the person whose
name is on the building. "Then, I'll say, let me tell you about Judge Harold Banke,"

Clackum said.

The courthouse/jail is part of a major reshaping of Jonesboro. The \$ 119 million project is the largest single public works effort ever undertaken by the county government, Bray said.

The court system will move from the present building in downtown Jonesboro, and prisoners in the Lovejoy jail will be moved into the new facility this fall. The old courthouse will be restored to its original 1898 facade and made into administrative office space, and the old jail will be converted to a work-release program facility.

The entire project is funded by a penny-on-the-dollar special purpose local- option sales tax that began July 1, 1998, and will end no later than June 30, 2002.

GRAPHIC: Photo

Near completion: The Harold R. Banke Sr. Judicial Complex under construction in Jonesboro will contain 18 courtrooms and a 1,500-bed jail. / JOHNNY CRAWFORD / Staff

Photo

Up for the job: Men high on a lift work on a circular window at the judicial complex. / JOHNNY CRAWFORD / Staff

Photo

Appeals Court Senior Judge Harold Banke

Graphic

BANKE'S CAREER AT A GLANCE

World War II veteran

Cum laude graduate of John Marshall Law School, 1951

City attorney for Riverdale and Morrow

Prosecutor for the county and state

Clayton Superior Court Judge, 1961-1977

Gov. George Busbee appointee to Appeals Court, 1977

Served as chief judge of the Appeals Court

Retired 1992

Senior Appeals Court judge with full caseload, present

Graphic

COURTHOUSE/JAIL PROJECT

Site: Former private airport on Tara Boulevard

Total Cost: \$ 119 million

Funding: \$ 101 million in bonds repaid with sales tax proceeds

Sales Tax: Started 1998, ends no later than 2002

Construction Started: October, 1998

Schedule Opening: This fall

LOAD-DATE: May 25, 2000

OBITUARIES: ROME: H.E. Nichols, 87, legal reformer, ex-chief justice of state high court The Atlanta Journal and Constitution June 9, 2000, Friday,

Copyright 2000 The Atlanta Constitution
The Atlanta Journal and Constitution

June 9, 2000, Friday, Home Edition

SECTION: Local News; Pg. 14D

LENGTH: 591 words

HEADLINE: OBITUARIES: ROME: H.E. **Nichols**, 87, legal reformer, ex-chief **justice** of state high court

BYLINE: Kay Powell, Staff

SOURCE: CONSTITUTION

BODY:

Justice H.E. "Nick" **Nichols**, who served 32 years on the bench, including three years as chief **justice** of the state Supreme Court, brought television into Georgia's courtrooms and fought for higher salaries for judges.

He was outspoken in his support of the death penalty, frequently saying that most murderers are "just mean as hell." He argued once that "I'm trying to keep the victim from being executed."

Horace Elmo **Nichols**, 87, of Rome, died Thursday of a stroke at Hospice Atlanta. The funeral is 11 a.m. Saturday at H.M. Patterson & Son, Spring Hill.

Always a popular public figure, especially in his efforts to resume executions in Georgia, Justice **Nichols** championed other causes that made him unpopular in the legal community. He supported a proposed court reform in 1978 that called for abolishing the office of **justice** of the peace and for reducing the number of judges in the state from 2,200 to about 350.

He maintained that the court system needed revision because "it's unwieldy, outmoded and just plain ridiculous to have 1,400 different courts in Georgia."

In 1966, Gov. Carl Sanders appointed **Justice Nichols** to the Supreme Court, where he was chief **justice** from 1975 to 1980. "I considered it one of the best appointments I made while I was governor," said Gov. Sanders. "He was an outstanding jurist. He never lost the common touch all the time he was chief **justice** of the Supreme Court of Georgia."

When the U.S. Supreme Court lifted the ban on advertising by lawyers, it was **Justice Nichols** who agreed to take charge of drawing up a list of rules for Georgia lawyers to follow.

He advocated a two-tiered system of trial courts and appeals courts to replace the system of city, county and state courts.

It was his work on a unified appeals concept that marks **Justice Nichols'** era on the Supreme Court. He was praised for his work on consolidating criminal appeals in death penalty cases. In the 1980 General Assembly session, he was the court's chief spokesman for the concept to cut down on delays in carrying out sentences. It passed, and he was placed in charge of devising the system and making it operational.

"He was one of the giants in the legal community, not only in stature but also in intellect. He was an excellent jurist and a fine gentleman," said Georgia Chief **Justice** Robert Benham.

Justice Nichols turned his back on a promising career in music to become a lawyer, said his son-in-law, Scott Henwood of Decatur. He studied at the Nashville Conservatory of Music, the Chicago Musical College and Columbia School of Music. A pianist, he loved to sing show tunes and would entertain at bar association meetings and other gatherings, said Mr. Henwood.

"He was an accomplished musician," said Gov. Sanders. "He had a beautiful voice. And in addition to using his wonderful voice in the courtroom, he was an accomplished singer."

The Alabama native earned his law degree from Cumberland Law School and was admitted to the bar in 1935, retiring in 1980. He was a state assistant attorney general before Gov. M.E. Thompson named him judge of the Rome Circuit Superior Court in 1948. He next served as a Court of Appeals judge before going to the Supreme Court.

Survivors include two daughters, Nancy Glenn of Atlanta and Carol Henwood of Decatur; a son, H.E. **Nichols** Jr. of Atlanta; a sister, Bess Cameron of Gainesville; and seven grandchildren.

In lieu of flowers, the family requests contributions be made to Hospice Atlanta Center, 1244 Park Vista Drive, Atlanta, GA 30319.

GRAPHIC: Photo

H.E. "Nick" **Nichols** was a supporter of the death penalty and helped streamline courts. / Staff

LOAD-DATE: June 9, 2000

Sentimental sculpture to grace court's lawn *The Atlanta Journal and Constitution*
September 7, 2000, Thursday,

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The Atlanta Journal and Constitution

September 7, 2000, Thursday, Home Edition

SECTION: Clayton / Henry Extra; Pg. 7JI

LENGTH: 329 words

HEADLINE: Sentimental sculpture to grace court's lawn

BYLINE: Gary Hendricks, Staff

SOURCE: AJC

BODY:

Jonesboro artist Andrew Davis is ready to start asking for \$ 68,000 in donations to build a police memorial on the steps of the new Clayton County courthouse/jail.

The memorial will be a bronze statue based on the 1957 Pulitzer Prize- winning photograph of a Washington police officer bending over to talk with a small boy.

"It's a hokey thing, maybe, but it's a chance to do something good," Davis said.

A name hasn't been selected, but Davis said he is leaning toward "A Moment in Time."

The artist said he hoped the statue would be among a series of sculptures based on famous photographs depicting American scenes.

Davis said he will ask Clayton businesses to fund the bulk of the expense, but families of police officers throughout the metro area will be able to help defray the cost by purchasing a plaque to honor officers.

Donations will be administered by Arts Clayton, which can be contacted at 770-477-7123.

Contributors can send checks to Linda Summerlin for the Police Memorial at Arts Clayton, P.O. Box 669, Jonesboro, GA 30236.

Arts Clayton, Davis and the county are wrapping up details of providing the site, which is proposed to be amid the flagpoles at the walkway to the courthouse steps.

The statue, expected to be finished in March if fund-raising goes well, will be almost 12 feet high.

The courthouse/jail complex, now officially called the Harold R. Banke Judicial Complex, is expected to finished this fall. The \$ 119 million project, which also includes restoring the existing courthouse to its original 1898 appearance, is funded by a 1 percent special local-option sales tax.

Davis is also the sculptor of a life-size statue of Banke, who is retired and resides in Jonesboro, which will be placed in the courthouse lobby. It depicts him holding the lawbook in which his first opinion as a **judge** on the **Georgia Court of Appeals** appeared.

The Banke statue was donated to the county by the Clayton County Bar Association.

GRAPHIC: Photo

This Pulitzer Prize-winning photograph shot by Bill Beall in 1957 will be re-created as a statue at the new courthouse/jail./ Life magazine

LOAD-DATE: September 7, 2000

Judicial complex dedication set Nov. 4 The Atlanta Journal and Constitution October 5, 2000, Thursday,

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The Atlanta Journal and Constitution

October 5, 2000, Thursday, Home Edition

SECTION: Clayton / Henry Extra; Pg. 4JI

LENGTH: 218 words

HEADLINE: Judicial complex dedication set Nov. 4

BYLINE: Gary Hendricks, Staff

SOURCE: AJC

BODY:

As promised, the new Clayton County judicial complex will open this fall, with a dedication ceremony scheduled Nov. 4.

"And we're staying under budget," Commission Chairman Crandle Bray said. " We've got to. We don't have any more money."

The county has scheduled dedication ceremonies from 10 a.m. until noon that Saturday and then will offer tours from 1 to 4 p.m.

The complex's official name is the Harold R. Banke Sr. Judicial Complex in honor of the retired **Georgia Court of Appeals judge** who lives in Jonesboro and continues to handle cases as a senior **judge**.

The courts will move the week of Oct. 30 and be open for business Nov. 6, but the jail portion of the 272,000-square-foot complex won't be ready to house prisoners until later. Sheriff Stanley Tuggle said the jail is still undergoing inspections.

The courthouse-jail complex is part of a \$ 119 million commitment to upgrade the judicial system in the county. Also included in the cost are projects to restore the present Courthouse to its 1898 facade and renovate the old county jail in Lovejoy for use as a work-release facility.

The projects are being funded by a 1-cent special purpose local option sales tax that began in 1998. The sales tax will expire in 2002 or when the \$ 119 million is raised, whichever comes first.

LOAD-DATE: October 5, 2000

One snip and it's officially the clink The Atlanta Journal and Constitution November 16, 2000, Thursday,

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November 16, 2000, Thursday, Home Edition

SECTION: Clayton / Henry Extra; Pg. 3JI

LENGTH: 3 words

HEADLINE: One snip and it's officially the clink

BYLINE: Staff

SOURCE: AJC

BODY:

Stand-alone photo.

GRAPHIC: Photo

Making the cut: Former **Georgia** Gov. George Busbee (from left), retired **Georgia Court of Appeals Judge** Harold Banke and Clayton Commission Chairman Crandle Bray cut the ribbon Saturday to officially open the Harold R. Banke Justice Center. Banke, a Clayton County resident, was named to the appellate court by Busbee. The new county jail and courts complex on Tara Boulevard is part of a \$ 119 million project that also will restore the old courthouse in Jonesboro and renovate the existing jail in Lovejoy for use as a work-release center. / JOHNNY CRAWFORD / Staff

LOAD-DATE: November 16, 2000

Judge's plaque, bust tucked away The Atlanta Journal and Constitution November 30, 2000, Thursday,

Copyright 2000 The Atlanta Constitution
The Atlanta Journal and Constitution

November 30, 2000, Thursday, Home Edition

SECTION: Clayton / Henry Extra; Pg. 3JI

LENGTH: 260 words

HEADLINE: Judge's plaque, bust tucked away

BYLINE: Gary Hendricks, Staff

SOURCE: AJC

BODY:

The new Clayton County courthouse and jail complex is called the Harold R. Banke Justice Center.

But a bust of the honoree and a plaque that informs visitors that the center is named for a retired **Georgia Court of Appeals judge** who resides in Jonesboro can't be seen upon entering the building.

Instead, Banke's bust is in an alcove on the lowest level of the four-story building and faces the rear of the lobby. That is a placement that even the artist who created the bust and the county's highest-ranking public official found odd.

"I'd like to see it up front," said Clayton Commission Chairman Crandle Bray.

But sculptor Andy Davis and Bray said designers had reasons for putting the bust where it is, including keeping it safe from pedestrian traffic in the huge lobby. And they say it can be seen by just about everyone leaving the building because the elevator lobby is off to the side of the alcove.

"And aesthetically, it is the prettiest place in the building to put it," Davis said. Small staircases on either side frame the bust, Davis said.

To have put the bust in the center of the lobby entrance would have subjected it to damage, even with theater ropes around it, Davis said. Placing it against a wall would diminish its impact, because the lobby is a four-story atrium, Davis added.

Banke said he isn't going to raise questions about where his bust was placed.

"I sort of wished they would have put it in the atrium," Banke said.

"I was so happy they named it after me that I'm not going to say anything about it."

GRAPHIC: Photo

If visitors to the Harold R. Banke Justice Center want to learn about the person for whom it is named, they'll have to visit an alcove in the new courthouse and jail

complex's lowest level. A plaque and bust are nestled in an area facing the rear of the building's lobby. / JOHNNY CRAWFORD / Staff

LOAD-DATE: November 30, 2000

Canton may impose impact fees; But court challenge of Cherokee County levy could affect city plans The Atlanta Journal-Constitution January 28, 2002 Monday,

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January 28, 2002 Monday, Home Edition

SECTION: Business Horizon; Pg. 4E

LENGTH: 921 words

HEADLINE: Canton may impose impact fees;
But court challenge of Cherokee County levy could affect city plans

BYLINE: DIANE R. STEPP

SOURCE: AJC

BODY:

Canton is the latest city in the metro area considering jumping on the impact fee bandwagon to pay for costs associated with population growth, but at least one council member is stomping on the brakes.

Jo Ellen Wilson, mayor pro tem, first wants to see how Cherokee County fares in a lawsuit that is challenging the county government's impact fees on new development in unincorporated areas.

The pot of gold could have clay feet, Wilson fears.

"I think the city's going to be watching very closely what the courts are going to decide," she said. "It would be premature for us to jump in before we know exactly what we're doing."

Mayor Cecil Pruett isn't so hesitant. He said he is expecting a recommendation by March from a citizens advisory committee looking into whether to implement impact fees in Canton. It would be the first city in Cherokee County to do so.

Impact fees are one way the fast-growing city can pay for public safety, parks and recreation, open space and greenways, he said. City officials expect the population of 7,500 to triple in the next two decades.

Pruett's hoping to sidestep legal challenges by sticking strictly to the 1992 state impact fee act. "We will do it to the letter of the law," he said.

But exactly what the law allows is what's in question in Cherokee's court case, believed to be one of the first in Georgia to test impact fees.

County commissioners are under fire from builders because county fees on development in unincorporated areas are used to pay for parks, libraries and roads shared by both city and county residents. Yet, none of the county's seven cities

collects fees on development within their borders.

"City residents are getting a free ride on the back of builders in the county," said Deron Hicks, Columbus-based attorney for the Greater Atlanta Homebuilders Association. He also told a three-judge **Georgia Court of Appeals** panel, "The most blatant case is a library the county proposes building with impact fees in the city of Woodstock."

Not so, said Mark Mahler, county attorney: "Nobody's getting a free ride." City residents help foot the bill by paying countywide property taxes and a 1 percent sales tax, he added.

"Obviously [people residing in] cities are going to get benefits. The impact fee law doesn't say they can't, only that we have to establish a rational basis for the program we came up with. If the city people benefit, so be it. That doesn't make it unconstitutional," said Mahler.

Emily Lemcke, chairwoman of the Cherokee County Commission, said impact fees --- \$1,842 on a single-family home --- don't begin to cover the costs of a new jail under construction, for example, or a planned new library.

"We collect about \$3 million a year in impact fees and about \$20 million a year in SPLOST sales tax," she said. To get the job done, it takes revenue from impact fees and the Special Purpose Local Option Sales Tax. Property tax revenues largely fund county government operations. Borrowing from future SPLOST revenues has allowed the jail facility to expand even before it's finished.

For now the cash --- more than \$4 million collected since the program began in 2000 --- is frozen pending the outcome of litigation.

Lawyers for the home builders aren't buying the county's argument as the rhetoric heats up.

"What they're glossing over is the fact that the county [plans to pay] for every square foot of capital improvement from impact fees. That's a huge problem," said James Balli, a Columbus lawyer also representing the home builders association. He claims Cherokee's impact fee program is unfair and violates the equal protection provision of the U.S. Constitution.

Cartersville attorney Frank Jenkins, who argued the appeal for Cherokee County, said the fees were fairly set based on population projections of growth for the county both inside and outside the cities. If only unincorporated residents had been counted, the development fees would have been higher, he said. "It was based on a rational approach."

The court already has ruled the fees could not pay for parks, recreation, the library system and roads and transportation since these facilities directly benefit city residents. Fees were upheld for the sheriff's patrol, fire services and the new jail, since city residents are not directly served by them.

Both the county and home builders appealed. "I imagine it will eventually end up in the Georgia Supreme Court. It's too important of a case," said Mahler.

Dan Reuter, the Atlanta Regional Commission's land-use planning chief, also has keen interest in the outcome. "There are a number of jurisdictions that are using impact fees as a tool to finance infrastructure that are looking at the Cherokee County case," he said. "There may be some particular things about the way Cherokee did its program that's being challenged, but not impact fees as such," he said.

Home builders are not opposed to impact fees if they are fair and equitable, said Balli, the home builders' attorney.

Fayette County commissioners implemented countywide impact fees in May to pay for fire services. But unlike Cherokee, it entered into agreements with three of its cities --- Tyrone, Brooks and Woolsey --- also to levy the fees and share the service.

That is the kind of cooperation among officials of cities and counties that needs to occur for managing growth, suggested Judge Yvette Miller, one of the three members of the appeals court to hear Cherokee's case.

GRAPHIC: Photo:

The Great Sky subdivision under construction in Canton, which is considering impact fees to pay for the demands of growth. Cherokee County charges impact fees, the subject of a court case, but cities in the county don't. / FRANK NIEMEIR / Staff

LOAD-DATE: January 28, 2002

OUR OPINION: EDITORIALS: Use public financing for judicial elections The Atlanta Journal-Constitution February 3, 2002 Sunday,

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February 3, 2002 Sunday, Home Edition

SECTION: Editorial; Pg. 10C

LENGTH: 446 words

HEADLINE: OUR OPINION: EDITORIALS: Use public financing for judicial elections

SOURCE: AJC

BODY:

The framers of the state constitution never intended judicial decisions to be affected by popular opinion, and certainly not by campaign contributions. But given the obscene sums of money in politics today, the taint has spread to the third branch of government.

Now, a worthy resolution in the state Senate will create a joint legislative study committee to examine the possibility of public financing of Georgia's judicial elections.

State Sen. Rene Kemp (D-Hinesville), chairman of the Senate Judiciary Committee, and five other senators from both sides of the aisle, are acting to save Georgia from the type of fund-raising scandals that have hit the judicial systems in Alabama and Texas.

"You can buy a judge in Texas," Kemp says, and the facts bear him out. A 1998 study showed that seven Texas Supreme Court justices over a three-year period had received more than \$9 million from parties linked directly to cases on their court dockets. It also demonstrated that the judges' decisions were largely favorable to the interests of their contributors. As a result, 83 percent of Texans believe their judges are influenced by political contributions, which is a shocking indictment of a judicial system.

Here in **Georgia**, contested races for the Supreme **Court or the Court of Appeals** can cost close to \$200,000 --- more than a **judge's** annual salary. That has caused many experienced lawyers who would make fine judges to shy away from the job unless they are independently wealthy, another imbalance the bench can hardly afford.

State Sen. Charlie Tanksley (R-Marietta), a co-sponsor of the resolution, says he's never been a fan of public campaign financing, but is considering the notion reluctantly because something must be done to get money out of judicial elections. Some have suggested earmarking a specific source for public funding, such as court fines or attorneys' registration fees.

In addition, public financing of judicial elections will give voters more of a choice at the ballot box. Under the current system, most of the money to finance judicial races is raised by and from lawyers. (Judges themselves can't ask directly for money, but the lawyers who head their campaign committees can.) But lawyers are often reluctant to donate to candidates who are challenging a sitting judge, out of fear of reprisal in the courtroom. With public financing, more candidates will be willing to run, and they'll run better races.

This is hardly some newfangled wisdom. As a verse in the Old Testament book of Deuteronomy notes, "Judges shall not take a gift, for a gift blinds the eyes of wisdom." Georgia law ought to reflect that truth.

LOAD-DATE: February 03, 2002

OBITUARIES: JONESBORO: Harold Banke, judge fought own retirement The Atlanta Journal-Constitution July 12, 2002 Friday

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July 12, 2002 Friday Home Edition

SECTION: Metro News; Pg. 6C

LENGTH: 471 words

HEADLINE: OBITUARIES: JONESBORO: Harold Banke, judge fought own retirement

BYLINE: DERRICK HENRY

SOURCE: AJC

BODY:

Judge Harold Banke enjoyed his profession so much that when he was forced to retire at age 75 or forfeit his pension, he filed a lawsuit challenging the retirement age law. Judge Banke (pronounced BANK-ee) did not win, but soon thereafter was appointed senior appellate court judge by Gov. Zell Miller. He served in that capacity until July 1, 1999, a month shy of 83.

Judge Banke forged a distinguished law career in Clayton County and with the **Georgia Court of Appeals**. In 1951, he became city attorney for Riverdale and Morrow. After a brief stint as Clayton County solicitor general, he began a long tenure as Clayton Superior Court judge in 1961.

One of his most celebrated cases was a murder trial in 1972. A preacher in Clayton County was charged with killing a young man accused of stealing gas from a church bus. William Ison, now a Clayton Superior Court judge, was the prosecutor. The nationally known defense lawyer F. Lee Bailey defended the preacher.

Mr. Ison got a conviction, but Mr. Bailey, even in losing, was so impressed by Judge Banke's handling of the case he gave him an autographed copy of his newly published autobiography, "The Defense Never Rests."

The inscription read: "To Harold Banke, with every best wish, for one of the most able, even-handed jurists I have ever practiced before."

Harold R. Banke Sr., 85, of Jonesboro, died Tuesday of respiratory failure at Emory University Hospital. The body was cremated. Two memorial services will be held: one at 11 a.m. today at Philadelphia Presbyterian Church in Forest Park (limited seating), a second at 11 a.m. Saturday at First Baptist Church of Jonesboro. Tara Garden Chapel is in charge of arrangements.

Gov. George Busbee appointed **Judge** Banke to the **Georgia Court of Appeals** in 1977, the first Clayton County lawyer to be so honored. He served as the court's chief judge from 1985 to 1986 and as a presiding appellate judge until his forced

retirement in 1991.

"He was a brilliant jurist, an absolute genius," said Lee Sexton of Ellenwood, a defense attorney in Jonesboro who frequently appeared before Judge Banke.

"He was held in equal respect and admiration by all parties, winners and losers," said Clayton County police Chief Ronnie Clackum of Hampton, a former chief investigator for the district attorney's office. "Without question, he was Clayton County's most distinguished public servant."

The new Clayton County courthouse and jail complex in Jonesboro was named the Harold R. Banke Sr. Justice Center in 2000.

Survivors include his wife, Loretta Banke of Jonesboro; two sons, K. Van Banke of Jonesboro, a Clayton Juvenile Court judge, and Harold R. Banke Jr. of Jonesboro; two stepdaughters, Kim Messer of Dallas, Ga., and Shanda Butler of Douglasville; four grandchildren, and two stepgrandchildren.

GRAPHIC: Photo: Judge Harold Banke, standing next to a bust of himself, was honored at the 2000 dedication of the Clayton County courthouse and jail complex that bears his name./ Family photo

LOAD-DATE: July 12, 2002

Judgeships often go to donors to Barnes; Georgia is one of a few states where judges can contribute to candidates. The Atlanta Journal-Constitution October 13, 2002 Sunday

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October 13, 2002 Sunday Home Edition

SECTION: News; Pg. 1A

LENGTH: 2085 words

HEADLINE: Judgeships often go to donors to Barnes; Georgia is one of a few states where judges can contribute to candidates.

BYLINE: ALAN JUDD

SOURCE: AJC

BODY:

Gov. Roy Barnes has taken campaign money from the overwhelming majority of his appointees to Georgia judgeships, thanks to a system that allows judicial candidates to contribute to the official with the greatest power to shape the state's courts.

Georgia is among the handful of states in which judges or judicial candidates may give to political campaigns. Most states regard such donations as a threat to the judiciary's integrity.

But 44 of Barnes' 53 judicial appointees --- 83 percent --- or their close associates have contributed to his campaign accounts, records show. Nine gave while the governor was considering their applications. One of the nine gave \$10,000 the month before his interview with the governor; the wife and the father of another donated \$1,500 the day before Barnes announced his selection.

Barnes, a Democrat running for re-election against Republican Sonny Perdue Nov. 5, said he does not base judicial appointments on campaign contributions. Nine appointees gave him nothing.

The donations, although legal under state law, underscore the political nature of filling what are supposed to be nonpartisan judgeships.

"That looks like the judge is either trying to purchase a position, or gives the appearance the appointment is being influenced by the contribution," said Deborah Goldberg, deputy director of the Democracy Project, which studies issues involving the judiciary at New York University's law school. "It raises questions about the integrity of the process."

Since 1990, the American Bar Association has recommended that states ban such donations, saying they compromise a judge's impartiality and independence. The Supreme Court of Louisiana this year fined and censured a judge who contributed to

23 political campaigns.

Georgia's Code of Judicial Conduct forbids judges from endorsing political candidates. But the state commission that regulates judges' behavior has ruled that a donation may constitute support, but it does not amount to an endorsement.

The question is particularly salient in Georgia, where an appointment by the governor is the path that leads most judges to the bench.

While the state Constitution provides for judges to be elected to office, it also gives the governor a strong hand in shaping the judiciary by appointing judges when vacancies occur. When the Legislature creates judgeships, it usually instructs the governor to fill them. Some governors, like Barnes, have used that power to increase the number of women and minorities on the bench.

Winners, losers donate

The number of judges Barnes has appointed --- 53 --- far exceeds the 17 who have been elected to open judicial seats since he took office in 1999. All but a handful of Barnes' appointees have since been elected to full terms with little or no opposition.

There is no indication that the governor or his aides compelled applicants for judgeships to donate. Of the nine appointees who gave nothing, six were chosen over finalists who did contribute.

"I appoint who I consider to be the best to be a judge," Barnes, a lawyer who tried cases across the state before he became governor, said in an interview. "They have the best legal experience, temperament, trial experience, broad range of practice."

He added: "I have passed over folks that I know have been for me --- and some of them have become angry from time to time --- because I just didn't think they had the temperament or experience. I try to pick who I consider to be the best-qualified person, regardless of whether they are [supporters]."

Most of the potential appointees are, indeed, supporters. Besides the 44 appointees who gave, half of the 120 finalists whom Barnes passed over have contributed to his campaigns for governor.

All together, records show, the appointees and finalists --- or, in some cases, their families, law partners or other close associates --- have contributed a total of \$301,700 since 1996. That amount includes \$28,450 from unsuccessful finalists who gave after the selection process concluded. Many continued applying for open judgeships.

Several finalists said they gave at fund-raising receptions attended by other lawyers seeking the same judgeships. One of them, Mark Merritt of Gwinnett County, donated \$1,000 last fall while the governor was accepting applications for a State Court position he wanted.

Did he feel pressure to give while his application was in play?

"None at all," said Merritt, a Republican.

But he added: "I thought it was a smart move, sure."

A familiar pattern

Last Dec. 3, Marvin Arrington, the former Atlanta City Council president, gave Barnes the maximum allowable campaign contribution: \$10,000.

The longtime city official and attorney had no judicial experience. As part of a widely publicized probe in which seven city officials and airport contractors were convicted in the early 1990s, federal authorities investigated allegations that Arrington accepted a bribe from an airport concessionaire. Arrington denied wrongdoing and was not charged.

A week after he contributed to Barnes, the governor's Judicial Nominating Commission, which screens applicants for judgeships, included Arrington's name on a list of five finalists for a Fulton County Superior Court seat.

Six weeks after that, Barnes announced his selection: Marvin Arrington.

Barnes said recently he didn't know whether appointees had contributed during his selection process. Arrington has said he didn't give to get the judgeship.

"I just believe in Roy Barnes," Arrington told the Journal-Constitution last January. "I have been knowing him for 20 years. I think he is doing an outstanding job."

Arrington wasn't so supportive before Barnes was elected in 1998. During that campaign, long before he sought the judgeship, Arrington gave Barnes just \$250.

The circumstances surrounding Arrington's appointment followed a familiar pattern. The Journal-Constitution reported in June that more than one-third of Barnes' appointees to key state boards and commissions also were campaign contributors.

The selection of judges traditionally has been an intensely political exercise. Former Gov. Herman Talmadge, who served from 1948 to 1955, once observed that in making each judicial appointment, a governor would make 100 enemies and one ingrate.

More recently, Jimmy Carter tried to remove the politics from judicial appointments when he became governor. He created the first Judicial Nominating Commission in 1972 to evaluate applicants' abilities rather than just their connections. Like Carter, every governor since has appointed his own nominating panel.

In some cases, political considerations seemed to diminish. Of the first 25 judges appointed by Barnes' predecessor, Zell Miller, just three were campaign contributors, according to a 1992 Journal-Constitution review.

Barnes' nominating commission has 18 members, 15 of whom are lawyers. Most members, said former Chairman Buddy Darden, "are folks who have relationships with the governor."

No bad time to give

When judicial vacancies occur, the commission usually accepts applications for three

to four weeks, then interviews the would-be judges. The commission typically chooses three to five finalists, whom the governor interviews before making the appointment.

During this period alone, which may cover three or more months, Barnes has received \$18,600 in contributions from nine appointees or their close associates.

In July 2000, for instance, Barnes was about to fill an opening on Cobb County Superior Court. The finalists included Marietta lawyer Robert E. Flournoy III. On July 13, the governor's campaign reported receiving \$1,000 from Flournoy's wife, Julie, and \$500 from his father, Superior Court Judge Robert E. Flournoy Jr.

The contributions represented a small portion of the \$41,250 Barnes has accepted since 1996 from the Flournoy family, old friends from his native Cobb County.

But one day later, the governor appointed the younger Flournoy to the judgeship.

In addition to those who gave during the selection process, nine people who won judgeships, or people close to them, gave to the governor's campaign within three months before or after that process.

Judicial openings often become common knowledge months before they occur. In the spring of 2001, the Legislature created two new Superior Court judgeships for Gwinnett County, and a long-serving judge in that court announced his retirement, creating a third opening.

About six months later, the Judicial Nominating Commission began accepting applications for the three positions. Among those who sought the jobs: state Sen. Billy Ray, a Republican from Lawrenceville who had been a persistent, vocal critic of Barnes' legislative agenda.

On Oct. 24, less than two weeks before the nominating commission advertised for applications, Ray's law firm and five attorneys there combined to give Barnes' campaign \$7,500.

Three months later, Barnes appointed Ray to one of the judgeships.

Darden, a former congressman who chaired Barnes' nominating commission until earlier this year, said contributions play no role in the selections.

"I wouldn't have any way of knowing who contributed what," Darden said. "Frankly, we never had any discussion about who we put on the list."

But he said: "Make no mistake about it. If you have two equally qualified people and one had a relationship with the governor and one didn't, the one with the relationship with the governor would get it. . . . The appointment of judges is inherently a political process."

Some well-connected

Barnes bypassed the nominating commission once in 2000.

That August, the governor had picked Jerry W. Baxter, a State Court judge in Fulton

County, for a Superior Court opening. Before filling Baxter's old job, Barnes normally would have advertised for applicants. Or he could have considered the other finalists for the job Baxter got.

Instead, a week later, the governor simply appointed his own executive counsel, Penny Brown Reynolds. It is the only time he has selected a judge without soliciting applications.

"I'd watched Penny since she was in the attorney general's office; I recruited her to come to the governor's office," Barnes said recently. "When I knew that I was going to appoint Penny [to the judgeship], I didn't think it was fair to go through a process."

Four months after Reynolds' appointment, Barnes was a host of a fund-raising event for her. He donated \$1,000 of the nearly \$24,000 she raised that evening.

Reynolds reciprocated Barnes' support this summer. She gave him \$5,000 from her campaign account on Aug. 16, four days before the primary election in which she ran unopposed for a four-year term.

Good political connections are common among Barnes' judicial appointees. They include law partners of state Reps. Jimmy Skipper (D-Americus), the House majority whip, and Tom Bordeaux (D-Savannah). Barnes also gave a judgeship to the son of state Sen. Hugh Gillis (D-Soperton), the longest-serving member of the General Assembly. All three judges contributed to the governor's campaign.

Bad for judges' image?

Under the state's code of judicial conduct, Georgia judges may not endorse political candidates. But is a campaign contribution a political endorsement?

Not according to the Judicial Qualifications Commission, which regulates judges' behavior for the state Supreme Court. In a 1993 advisory opinion, the commission said that even though contributions are a public form of political support, they are not necessarily endorsements.

The commission's chairman, Superior Court Judge Steven Jones of Athens, defended judges who donated to Barnes' campaign.

"I'd hate to say somebody gave to gain favor," Jones said. "I'd hate to stereotype the situation."

But national organizations that monitor the courts advocate isolating judges from the pressures of politics.

Restricting their campaign giving helps "maintain at least some semblance of impartiality on the court," said Goldberg, of New York University's Democracy Project.

"We are asking them to be models of integrity and honesty and to play roles other elected officials don't play," Goldberg said. "We want them, as much as possible, to free themselves from their political biases and prejudices before they decide cases."

"We don't want our judges to be just one more set of politicians."

GRAPHIC: Photo: Of Gov. Roy Barnes' 53 judicial appointees, 44 or their associates gave to his campaigns. / DAVE CONE / Associated Press; Graphic: CONTRIBUTIONS ACCOMPANY BARNES' APPOINTMENTS

Of the 173 finalists for Georgia judgeships, 104 have given a total of \$301,700 to the campaign of Gov. Roy Barnes, who makes the judicial appointments. Some donations came from family members and close associates. Barnes' appointees are far more likely to be contributors than finalists he did not appoint:

OF 173 FINALISTS:

APPOINTED: 53

NOT APPOINTED: 120

OF THE 53 APPOINTEES: 44 contributed a total of \$165,300 -- an average of \$3,756 each.

OF THE 120 NOT APPOINTED: 60 contributed a total of \$136,400 -- an average of \$2,273 each.

HOW A JUDGE IS APPOINTED

* When an opening on the bench occurs --- either by a judge's death or resignation, or from creation of a new judgeship by the General Assembly --- the governor may appoint a lawyer to fill the job.

*The Judicial Nominating Commission, appointed by the governor, seeks applicants in the jurisdiction of the court in question.

* A panel of the nominating commission interviews the applicants, then selects finalists --- usually no more than five --- and forwards the list to the governor.

* After interviewing all the finalists, the governor appoints the judge, who must go before voters to win subsequent terms in office.

Sources: Judicial Nominating Commission, campaign finance reports filed with **Georgia** secretary of state, AJC research

CHUCK BLEVINS / Staff; Photo: Mug of Gov. Roy Barnes; Graphic: TOP JUDICIAL CONTRIBUTORS TO BARNES

Judges appointed by Gov. Roy Barnes, along with their families and associates, have given Barnes' campaign fund \$165,300. Here are the biggest donors:

* Robert E. Flournoy III, Cobb County Superior **Court:** \$41,250, including contributions by his wife, father and stepmother.

* John J. Ellington, **Georgia Court of Appeals:** \$20,000, including donations from a relative and his campaign account.

* Roland R. Castellanos, Cobb County State **Court:** \$10,500 from Castellanos and his wife.

* William Ray, Gwinnett County Superior **Court:** \$10,500 from his law firm and partners.

* Marvin Arrington, Fulton County Superior **Court:** \$10,250.

* Donald W. Gillis, Treutlen County State **Court:** \$7,500 from Gillis and his father, state Sen. Hugh Gillis (D-Soperton).

* William J. (Sam) Edgar, Bacon County State **Court**: \$6,200 from Edgar and his law partner.

* James G. Blanchard Jr., Superior **Court**, Augusta Judicial Circuit: \$6,000.

* Penny Brown Reynolds, Fulton County State **Court**: \$5,000 from her campaign account.

* Lamar Sizemore, Superior **Court**, Macon Judicial Circuit: \$4,950 from his law firm.;
Graphic: **JUDGES WHO GAVE WHILE UNDER CONSIDERATION**
Gov. Roy Barnes has appointed nine **judges** from whom he accepted \$18,600 in campaign contributions while the judicial selection process was under way. In some cases, the donations came from close relatives or law firms and partners.

* Robert E. Flournoy III, Cobb County Superior **Court**, \$1,500.

* Marvin Arrington, Fulton County Superior **Court**: \$10,000.

* Lamar Sizemore, Superior **Court**, Macon Judicial Circuit: \$750.

* J. David Burroughs, Hall County State **Court**: \$1,100.*

* W. Alan Jordan, Cherokee County State **Court**: \$1,000.

* Dwayne Gillis, Superior **Court**, Waycross Judicial Circuit: \$1,000.

* Louisa Abbot, Superior **Court**, Eastern Judicial Circuit: \$1,250.

* Robert B. Adams, Superior **Court**, Conasauga Judicial Circuit: \$1,000.

* Frank J. Jordan, Superior **Court**, Chattahoochee Judicial Circuit: \$1,000.

* Burroughs was a finalist for two judgeships at the same time.

Sources: Judicial Nominating Commission, campaign finance reports filed with **Georgia** secretary of state, AJC research.; Photo: Mug of Marvin Arrington; Photo: Mug of Roland R. Castellanos

LOAD-DATE: October 13, 2002

*Canton sale brings fond memories The Atlanta Journal-Constitution October 31, 2002
Thursday*

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The Atlanta Journal-Constitution

October 31, 2002 Thursday Home Edition

SECTION: Cherokee; Pg. 1JQ

LENGTH: 555 words

HEADLINE: Canton sale brings fond memories

BYLINE: DIANE R. STEPP

SOURCE: AJC

BODY:

The city of Canton's law firm is buying City Hall, a move that would return Hasty, Pope and Ball partner Jon Pope to his boyhood home.

"It's an incredible opportunity to move back there," said the 32-year-old city solicitor. "The house holds a special place in my heart. I'd always thought about the possibility of somehow buying it back."

When he learned that the city was planning to put the historic Greek Revival home on Ga. 5 on the market and move its government headquarters into the Canton First Baptist Church building next year, Pope proposed the idea of a move to his partners, Billy Hasty and Patricia Ball. Hasty is the city's attorney and Ball is Canton's assistant attorney.

The growing firm was looking for more space and offered \$1.5 million for the house and 10 acres overlooking the Etowah River.

"I said, 'Look guys, this is a way to establish our legacy as a firm in Canton,' " Pope recalled telling his partners. Hasty frequently visited in the home when he was growing up.

Pope's older brother, Tom, also practices with the firm and their father, retiring **Georgia Court of Appeals Judge** Marion Pope, may soon be practicing with the firm as well.

Judge Pope and his wife, Judy, raised their three children --- Tom, Jon and Jennifer -- in the house they bought in the early 1960s, said Jon Pope. "It was vacant and had kind of fallen into disrepair. Dad gradually fixed it up," he said. After the children were grown, the judge sold it to Cherokee Federal Bank and moved into a smaller house about two miles away.

The 1922-era, 10,000-square-foot red brick mansion is on the National Register of Historic Places and closely tied to the city's history.

The city paid \$1.1 million for the property when it outgrew its old City Hall on Canton's downtown square six years ago. The property was recently appraised for \$1.6 million.

Pope said he doesn't anticipate making major changes. "Since it was being used as a City Hall, it's already set up for offices," he said. "That's not much different than law offices. We needed more space and storage and wiring for computers, which I imagine is already there."

Pope attended Canton Elementary School across the road and Cherokee High School. The house's proximity to school made it a popular gathering place for friends, who often stopped by after school or football practice, he said.

"My parents entertained quite a bit. I remember a lot of Christmas parties and bridge gatherings. We had tons of friends. My house was like Grand Central Station," he said. Every bedroom had a fireplace, and on chilly evenings Judy Pope would light a coal fire for guests, even though the house was centrally heated.

Pope said he didn't know if the house was haunted, "but none of us kids wanted to be there alone when it was storming. As kids we didn't like going into the attic at night," he said.

On business trips to City Hall, Pope said it was strange to see the same bathroom fixtures he used as a boy. The marble steps now leading to an enclosed reception area used to be the exterior steps to the carport.

Renovations over the years have stripped from the back of the house a sunroom and a more formal parlor where the Popes had their grand piano, said Pope. "I miss that," he said.

The sale is contingent on inspection.

LOAD-DATE: October 31, 2002

Perdue's picks not visibly diverse;Appointees mostly whites, men, donors The Atlanta Journal-Constitution July 27, 2003 Sunday

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July 27, 2003 Sunday Home Edition
Correction Appended

SECTION: Metro News; Pg. 1C

LENGTH: 1975 words

HEADLINE: Perdue's picks not visibly diverse;
Appointees mostly whites, men, donors

BYLINE: JAMES SALZER, NANCY BADERTSCHER

SOURCE: AJC

BODY:

Gov. Sonny Perdue's "new Georgia" has brought dozens of new faces to state government, but in some ways they look a lot like the old ones.

At the top of state government, white men are still in charge, and more than half the appointees to key boards and commissions are Perdue campaign contributors.

"The 'new Georgia' looks a lot like the old Georgia, only less diverse," said Rep. Kathy Ashe (D-Atlanta), "and many of the lenses used to make decisions are the same ones that were used in the old Georgia. It continues to be a lens of campaign contributions, of people that people know."

Perdue said it is natural for many of his early appointees to come from the type of people he has become familiar with in political circles --- white, male businessmen -- - and from Republicans who didn't have much of a chance to serve under 130 years of Democratic rule.

But, he said, in the final analysis, his appointments will be diverse in terms of race, gender and even geography.

"I want the people who serve in the government to look like Georgia," Perdue said. "That's my long-term goal."

The governor also stressed that he has not sought just Republicans or contributors.

"I haven't asked anybody if they gave to me or gave to my opponent," Perdue said. "We are sincere about looking for the best talent. Contributions have not been the litmus test for appointments."

In his first six months, Perdue has made about 75 board appointments, 31 of them to eight key boards, including panels governing education, natural resources, trade

and tourism, ethics and the lottery. White males make up 71 percent, or 22, of those 31 appointees. Eighteen of the 31 gave to Perdue's campaign, either personally or through their business or family.

Perdue also has hired or reconfirmed 30 department heads, 87 percent of whom are white males.

"His appointments do not look like Georgia, not only in terms of people of color but also in terms of women," said state Sen. Vincent Fort (D-Atlanta).

In last year's race against Democratic Gov. Roy Barnes, Perdue criticized what he called the "culture" of state government, a system run by Democrats that his campaign argued was set up to serve partisan interests and a well-entrenched bureaucracy. He promised a state governed by the best-qualified Georgians, not deep-pocketed campaign contributors being rewarded for their political largess.

"It was a fairly closed system," Perdue said. "You had to be in the club, and you had to be credentialed in the club."

Republicans slammed Barnes because 83 percent of his judicial appointees or their close associates were campaign contributors and because dozens of big-money donors got choice board and committee assignments. For example, nine of the 12 Georgians that Barnes appointed to the University System's Board of Regents contributed money to his campaigns, as did 11 of his 12 appointees to the Ports Authority, according to campaign disclosures. In some cases, the board members contributed after they were appointed.

Close ties common

Such appointments are common in Georgia and in other states, where contributions are the currency of choice to open the doors of power. Barnes was especially susceptible to such criticism because of his efficiency in raising a record \$20 million for his re-election bid.

Perdue has appointed some Republican stalwarts to jobs and government boards. For instance, he made former Sen. Mike Beatty commissioner of the Department of Community Affairs and put former U.S. Sen. Mack Mattingly, former Sen. Jim Tysinger and longtime Rep. Garland Pinholster on key boards.

Bleckley County resident Wanda Barrs and her husband, Earl, who contributed \$10,000 to Perdue's campaign last year, both got appointments. Wanda Barrs was Perdue's choice to chair the state Board of Education, and Earl Barrs got a seat on the Industry, Trade and Tourism Board. Another Industry, Trade and Tourism Board member, Chip Pearson, and his family contributed more than \$27,000 to Perdue's campaign.

But Perdue also has retained many department heads appointed by Democrats. Some of them, including Department of Natural Resources Commissioner Lonice Barrett, were reappointed. Others, such as former Democratic Rep. Jim Martin, head of the Department of Human Resources, have been retained but have not been officially confirmed by Perdue.

The governor chose Tim Burgess, a key bureaucrat under Govs. Barnes and Zell

Miller, to head the state's Medicaid agency.

And he has appointed some Barnes contributors to key boards, such as Jim Bostic to the Board of Education and Tom Ratcliffe to the board of Industry, Trade and Tourism.

Almost every member of Perdue's Commission for a New Georgia, which is designed to study and recommend changes in state government, contributed to Barnes' campaign. Many also gave to Perdue --- after he was elected.

GOP criticizes choices

Perdue appointed Steve Farrow, a former Democratic committee chairman in the state Senate and a one-time Barnes contributor, to the Ethics Commission, which, among other cases, is considering ethics complaints filed against the governor. Farrow also contributed to Perdue, but the governor's campaign recently returned the money.

"It seems like Governor Perdue is trying to go beyond maybe the traditional confines of hard-core party regulars and reaching out across party lines," said Farrow, who served with Perdue in the state Senate during the mid-1990s.

Some Republicans have griped about Perdue appointing Democrats and Barnes contributors.

House Minority Leader Lynn Westmoreland (R-Sharpsburg), said some complaints are coming from Republicans who want Perdue to treat Democrats the way they treated the GOP when the Democrats were in power. For instance, Westmoreland noted, House Democratic leaders have never appointed a GOP committee chairman.

"There have been complaints, but I think he's moving toward appointing more Republicans to top state positions," Rep. Earl Ehrhart (R-Powder Springs) said about Perdue.

Still, Dave Barbee, chairman of the Richmond County Republican Party, said he's "a little flabbergasted" by some of Perdue's appointments.

"I keep seeing some of the same names popping up. Nothing has really changed, and he ran as the new Georgia," Barbee said. "I would like to see a lot of Republicans come into the spots. We've got good ladies and gentlemen and African-Americans around the state who should be considered."

Bobby Kahn, who was Barnes' chief of staff, said his old boss got complaints for appointing Republicans.

"We caught hell for putting a lot of Republicans on the Industry and Trade board," Kahn said. Among those appointments was Bo Callaway, who helped build the modern Republican Party in Georgia and was the 1966 GOP nominee for governor. His son Ralph was appointed to the Department of Natural Resources board by Perdue.

While some Republicans fault Perdue for not choosing enough Republicans, Democrats complain his early appointments are mostly white men middle-aged or

older.

Perdue, according to his staff, still has 41 department heads and executive directors to appoint and 1,158 mostly minor board positions to fill, but critics say his early choices are "turning back the clock" on efforts made in the past four administrations to bring diversity to the traditionally white male-dominated top levels of state government. About 50.8 percent of Georgians are women and 28.7 percent are black.

Rep. Tyrone Brooks, (D-Atlanta), head of the Georgia Association of Black Elected Officials, said blacks and women are not only concerned about the appointments Perdue has made but also about the people he has axed.

They cite his firing of three African-American and two white female agency heads. The five were replaced, either temporarily or permanently, by men --- four white and one Hispanic.

'Talent has been lost'

Marjorie Young, commissioner of the Merit System, the state's personnel agency, and Cecelia Corbin Hunter, director of the State Employees Retirement System, are the only black department heads.

"Some real talent has been lost, and that's unfortunate, and that's on top of the kind of bleaching effect that's going on," said Rep. Nan Orrock (D-Atlanta), president of the Women Legislators' Lobby.

Perdue said partisan politics are motivating much of the criticism.

"These are wars, just as we're having in Iraq. The foes don't go away easy," he said. "Much of it comes from the direction of racial considerations, because . . . we don't have the proper diversity in our parties like we'd like to have."

Dan McLagan, Perdue's communications director, said there is evidence of diversity in the governor's closest ranks. Gathered at senior staff meetings, he said, is a group of 12 --- five white women, four white men, two African-American men and one African-American woman.

But two top jobs in Perdue's administration --- chief financial officer and chief executive officer --- went to middle-aged white men with banking backgrounds.

Of the 30 department heads, 26 are white men, three are white females, and one is a Hispanic male. Among his 31 appointees to eight key boards --- overseeing the departments of Natural Resources, Education, Corrections and Industry, Trade & Tourism; the lottery; the Ethics Commission; the Ports Authority and the Board of Regents --- are 22 white men, six white women, two black men and one Hispanic woman.

His Commission for a New Georgia, the group he picked to help him find efficiencies in government, has 22 members, 19 of whom are white men.

White males traditionally have dominated state government and made up about 60 percent of Barnes' appointments to those seven top boards, according to records on

file in the governor's office.

But minorities have made steady gains in the last four administrations, starting with Gov. George Busbee, who appointed two black men as state department heads.

His successor, Joe Frank Harris, appointed Robert Benham as the first black **judge** on the state **Court of Appeals** and later as the first black justice on the **Georgia Supreme Court**. Miller named Thurbert Baker, his former House floor leader, as the state's first black attorney general and Leah Sears as the first black female Supreme Court justice.

Barnes named Audrey Horne, a former state Medicaid official, as the first African-American to run the \$2 billion, 20,000-employee Department of Human Resources. He appointed Young, a black state bureaucrat, to run the Merit System, the state's personnel agency; Orlando Martinez, a Hispanic consultant, to head the Department of Juvenile Services; and two black women to lead the Office of Highway Safety, first Kim Jones and then Yvonne McBride.

He also appointed two blacks, one male and one female, to the Court of Appeals and named the state's first black public service commissioner.

In Florida, minorities and females have been gaining ground. Ten of the 25 state department heads are women, as are the governor's two chiefs of staff, general counsel and budget director and 46 percent of his board and commission appointments, said Jacob Dipietre, a spokesman for Republican Gov. Jeb Bush.

Nearly 60 percent of the governor's appointments have gone to minorities, and Bush has appointed the state's first female lieutenant governor and the state's first African-American Supreme Court justice, Dipietre said.

Charles Bullock, a political science professor at the University of Georgia, said the racial makeup of Perdue's early appointments is not surprising since governors typically appoint people from their own political party, and, in Perdue's case that's the largely white Republican Party.

"But the lack of women is surprising," Bullock said. "There are a lot of Republican women."

CORRECTION-DATE: July 30, 2003 Wednesday

CORRECTION:

A story in Sunday's Metro section about Gov. Sonny Perdue's appointments incorrectly identified Tim Jones, a former director of highway safety for the state.

U.S. justice is honored; O'Connor says court has its ear to the world The Atlanta Journal-Constitution October 29, 2003 Wednesday

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October 29, 2003 Wednesday Home Edition

SECTION: News; Pg. 3A

LENGTH: 375 words

HEADLINE: U.S. justice is honored;
O'Connor says court has its ear to the world

BYLINE: BILL RANKIN

SOURCE: AJC

BODY:

The U.S. judiciary should pay more attention to international court decisions to help enrich our nation's standing abroad, U.S. Supreme Court Justice Sandra Day O'Connor said Tuesday.

"The impressions we create in this world are important and they can leave their mark," O'Connor said.

On the whole, the U.S. judicial system leaves a favorable impression around the world, she said "but when it comes to the impression created by the treatment of foreign and international law and the United States court, the jury is still out."

The 73-year-old justice, considered by many to be the most influential member of the nation's highest court, made her remarks to a dinner sponsored by the Southern Center for International Studies.

O'Connor received the Atlanta center's World Justice Award at the dinner at the Marriott hotel in Buckhead.

Former **Georgia Court of Appeals Judge** Dorothy Toth Beasley presented O'Connor with the award.

For decades, O'Connor said, U.S. courts declined to consider international law when reaching important decisions.

But in recent years, she said, the U.S. Supreme Court began acknowledging the thoughts of the global community.

The first such case was decided in 2002 when the Supreme Court found it unconstitutional to execute the mentally retarded, she said. In arriving at that decision, O'Connor said, the high court noted that the world community overwhelmingly disapproved of the practice.

Also influential was a court brief filed by American diplomats who discussed the difficulties confronted in their foreign missions because of U.S. death penalty practices, she said.

The second ruling cited by O'Connor was, as she called it, "the famous or perhaps infamous case," in which the Supreme Court overturned the Texas anti-sodomy law.

In that decision, the Supreme Court majority relied partly on a series of decisions by European courts on the same issue, O'Connor said.

"I suspect," O'Connor said, "that over time we will rely increasingly, or take notice at least increasingly, on international and foreign courts in examining domestic issues."

Doing so, she added, "may not only enrich our own country's decisions, I think it may create that all important good impression."

GRAPHIC: Photo: Supreme Court Justice Sandra Day O'Connor (left) speaks with Cathy Caldwell (center) and Steve and Taffy Dunlevie at a reception Tuesday night before she received the Southern Center for International Studies' World Justice Award. / BRANT SANDERLIN / Staff

LOAD-DATE: October 29, 2003

Source: [News & Business](#) > [News](#) > [By Individual Publication](#) > [N](#) > [The National Law Journal](#) 

Terms: [georgia court of appeals](#) ([Edit Search](#))

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National Law Journal February 2, 2004

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National Law Journal

February 2, 2004

SECTION: NEWS; Vol. 26; No. 23; Pg. 17

LENGTH: 490 words

HEADLINE: Judge rapped for jailing a lawyer;
A contempt finding is rejected; proper notice to lawyer was lacking.

BYLINE: By Richmond Eustis

BODY:

American Lawyer Media News Service

Atlanta-A trial judge wrongly jailed a lawyer on criminal contempt charges for failure to appear, the **Georgia Court of Appeals** has ruled.

In an opinion for a unanimous panel, Judge M. Yvette Miller wrote that Judge Sidney L. Nation Sr. couldn't hold Benjamin A. Davis Jr. in contempt for failure to appear because the judge hadn't told him when to be ready for trial. In re Davis, No. A03A2547 [Ga. Ct. App. Jan. 26, 2004].

"We decline to adopt a holding that would allow attorneys to be held in direct criminal contempt for failing to appear when a trial court does not fulfill its duty to give proper notice to the attorney by mail, in person or by properly placing the attorney 'on-call' in connection with the trial calendar," Miller wrote for the panel, which also included Chief Judge J.D. Smith and Judge John H. Ruffin Jr.

Judges on notice?

Davis, of the Davis Law Firm in Atlanta, said the decision not only vindicates his version of events, it also should put judges on notice that their criminal contempt powers are not unlimited.

"It dispels any notion that the judge had any power to put me in jail under the guise of contempt," he said.

Davis has also filed a \$21 million suit against Nation and Rockdale County, Ga., in federal court. Davis said he suffered "personal degradation and humiliation" when Nation had him jailed and then notified a reporter from the Rockdale Citizen of Davis' arrest. In his complaint, Davis also claims that WSB-TV in Atlanta broadcast a story about his stint in jail.

Though he does not name WSB or the Citizen in his suit, Davis accuses Nation and Rockdale County of unlawful arrest, and Nation of defamation and intentional infliction of emotional distress. Davis v. Nation, No. 03CV1765 [N.D. Ga. filed June 25, 2003]. That case, which is still in the pretrial stages, is on appeal before the 11th U.S. Circuit Court of Appeals.

According to pleadings from Davis' suit, and trial and appeals court records, Davis didn't show up for the beginning of his client Yolanda K. Vasconcelos' trial on the morning of June 23, 2003.

Bench warrant issued

After spending more than four hours trying to contact Davis, Nation issued a bench warrant for his arrest. Davis headed for the judge's chambers at 2:30 p.m., and a deputy promptly arrested him and tossed him in jail for the night.

Each side accused the other of refusing to communicate about the trial. Davis claimed he never received notice of the trial date. Nation noted in his contempt order that Davis never informed the court of a calendar conflict.

The appeals court sided with Davis and his version of events, even after weighing the evidence "in the light most favorable to the prosecution." Judges, Miller wrote, must ensure that counsel have had sufficient notice to appear for trial before they can begin holding lawyers in contempt for failing to show up.

LOAD-DATE: February 9, 2004

Source: [News & Business](#) > [News](#) > [By Individual Publication](#) > [N](#) > [The National Law Journal](#) 

Terms: **georgia court of appeals** ([Edit Search](#))

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A justice for 'the oppressed'; Man who broke courts' color barrier aims to safeguard all Georgians' rights The Atlanta Journal-Constitution April 4, 2004 Sunday

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April 4, 2004 Sunday Home Edition

SECTION: Metro News; Pg. 1C

LENGTH: 1547 words

HEADLINE: A justice for 'the oppressed';
Man who broke courts' color barrier aims to safeguard all Georgians' rights

BYLINE: BILL RANKIN

SOURCE: AJC

BODY:

When the Georgia Supreme Court heard its first cases in 1846 near Cartersville, Robert Benham's great-grandparents were being held as slaves a mile away.

Benham, now a justice on the state's highest court, has wondered what his shackled forebears may have been doing as the justices gaveled the court to order more than 150 years ago.

"Not far from where the court was talking about doing justice, there were fellow human beings being held as slaves just because of the color of their skin," Benham said.

Since he was a child, when he was the first black to get a card from the local library, the Cartersville native has broken color barriers. Twenty years ago Saturday, he became the first African-American to serve on the Georgia Court of Appeals. Five years later, he was the first appointed to the state Supreme Court, and later served as chief justice, a position that rotates among court members.

The court's second African-American, Justice Leah Ward Sears, described Benham as a courageous statesman.

"His shoes are really big," Sears said of her 5-foot-3 colleague. "He's a near-perfect role model who is always looking ahead and is always willing to bring people along with him."

Benham, 57, never considered life on the **court** until a Bartow County **judge** called him up to the bench one day in 1984 and said **Georgia Court of Appeals Judge** Arnold Shulman was retiring.

"I think it would be good for all of us if you put your name in," Judge Jere White said, Benham recalled in a recent interview.

Benham, a UGA law school graduate, was then president of the Cartersville Bar Association. A fierce litigator, he had represented death penalty defendants, filed employment discrimination lawsuits and engaged in equal accommodation litigation so blacks could gain access to a Cobb County bowling alley.

When the bar rallied behind him, Benham put in his name. Gov. Joe Frank Harris soon made the historic appointment.

Harris, a fellow Cartersville native, administered the oath of office as more than 200 of Benham's relatives and friends looked on. After being sworn in, Benham turned to his father, who had recently celebrated his 57th birthday, and said, "This is your happy birthday present, Daddy."

Tricked into staying

Although Benham has remained grounded to his Cartersville roots, that was never his intention. With a chuckle, Benham said, he kept close to home only through "contrivance and manipulation."

After graduating from law school in 1970, Benham was a second lieutenant in the U.S. Army Reserve and worked for Atlanta Legal Aid. He had planned to finish his military commitment and then go practice law in California.

But one day in Cartersville, Chief Superior Court Judge Jefferson L. Davis asked Benham to consider practicing in his hometown.

After Benham politely refused, Davis insisted that Benham at least enter his name on the court's log of local lawyers. Thinking nothing of it, Benham walked over to the clerk's office and signed his name.

The next morning, Davis called to tell him he had just been appointed to represent a criminal defendant back up in Bartow County. By signing the log, the judge revealed, Benham had joined the pool of attorneys to be appointed for criminal cases. Benham's name was next in line.

Benham protested mightily. But Davis issued an ultimatum: Either be here by 10 o'clock the next morning or expect to be in jail by noon.

Back in Cartersville the next day, Benham learned he had been appointed to represent a middle-aged white man charged with burglary. As he waited to meet his client at the jail, Benham could hear the defendant arguing with the sheriff about being provided a black lawyer.

Benham won the case. Afterward, Davis again urged Benham to come back home. Davis acknowledged that justice may be rare in North Georgia, but he assured the young lawyer that he could find it in his courtroom.

Benham finally accepted. But that was only the beginning of the judge's grand plan. After Benham opened his office, members of the bar poured in to greet him. A Municipal Court judge called him over for a game of pool with a standing offer to use his law library. The clerk of court dropped by, handing Benham the key to the courthouse. Lawyer meetings once held at the segregated country club were moved elsewhere.

The sting of racism

Harold Murphy, now a federal judge in Rome who was a State Court judge at that time, noted Benham was the only African-American lawyer practicing in North Georgia at that time. "I'm sure it took a bit of courage on his part," Murphy said.

Even though Benham was embraced by the all-white Cartersville bar in the 1970s, he had felt the demoralizing sting of racial bigotry as a youth.

As a 10-year-old, Benham and his fellow Cub Scouts raised enough money to go to a new carnival in Cobb County, and three carloads of kids made the trip.

After Benham raced forward and plopped his three dollars on the counter, the woman handing out tickets pushed his money back. She said blacks were not allowed.

Benham's father, then an insurance company manager and later vice mayor of Cartersville, stepped forward. He told her the TV ads said nothing about blacks not being allowed.

"When they were born black, they should have known they were not allowed," Benham recalls the woman replying.

Clarence Benham packed his son and the other Scouts back into their cars and quietly drove back to Cartersville. Benham said he will never forget the look of pain on the face of his father, who when he arrived home went into a bedroom and shut the door.

Fairness for 'powerless'

As a justice, Benham said, his goal has been to ensure fundamental fairness for all. "I've always tried to make sure that the powerless, the downtrodden, the put-upon and the oppressed are eligible for the same kind of discretion as the landed aristocracy."

In his initial years on the court, Benham's most notable opinions often were issued as dissents.

In 1995, Benham initially had molded a 4-3 majority against a state law that gave prosecutors the discretion to seek life sentences for second-time drug dealers. When the case went before the court, more than 98 percent of all those serving life terms for their second offenses were African-Americans, many for drug sales of less than \$50.

The court ruled district attorneys had to prove they were not racially motivated before seeking the life sentences. But after prosecutors howled in protest, the court took the highly unusual step of voting on the case again. This time, the court upheld the law and Benham found himself in a 5-2 minority.

Benham wrote forcefully in dissent that the court was missing an opportunity to issue a "watershed" decision that would have allowed defendants to challenge the imposition of life sentences in a racially discriminatory fashion.

"The statistics offered in this case show an enormous potential for injustice," he wrote, "and those statistics are just like the tip of an iceberg, with the bulk lying below the surface, yet to be realized."

A year later, the General Assembly wiped the law off the books.

A brush with death

In recent years, Benham has found himself more often in the majority on contentious issues.

In 1998, he authored the court's landmark ruling overturning a 165-year-old anti-sodomy law, saying it violated the state constitution's protection of the right to privacy.

Benham said he finds satisfaction that his decision, while controversial at the time, came five years before the U.S. Supreme Court found the Texas sodomy law unconstitutional.

As a judge, Benham said, he has a healthy respect for tradition and precedent.

"But I also see the law as having a life, and that life changes from time to time," he said. This means that "sometimes you have to be a little more creative and innovative, giving deference to the legislative intent of a statute, but trying to look at the big picture."

Benham is happy to be celebrating his 20th anniversary on the bench in more ways than one --- he almost didn't make it there.

Over Labor Day weekend last year, he suffered a heart attack outside his home. Fortunately, his wife was nearby and called an ambulance

"I did not have that big a window," Benham said. "They only had 15 minutes to save my life."

After angioplasty surgery, Benham returned to work. But in March, while sitting on the bench hearing arguments, Benham felt his heart racing, excused himself and returned to his chambers. He was rushed across the street to the Capitol, where a doctor sent him to the hospital again.

Since a second angioplasty, Benham said, he has slowed down a bit more.

"I don't plan on leaving the Earth soon, and I have no desire to retire at this time," he said, noting his health is improving.

But he acknowledged that his two close calls have given him time for reflection.

"It has made me appreciate the benefits I've enjoyed, the family and friends that I have, the work that I do," he said. "Before a crisis comes, you feel like you have forever to do what needs to be done. After a crisis, you realize you have a finite amount of time. Not that I see some urgency in my life. I now see with a clearer depth the things that need to be done."

GRAPHIC: Photo: As a state Supreme Court justice, Robert Benham says he has worked to ensure that "the oppressed are eligible for the same kind of discretion as the land of aristocracy." / RENEE HANNANS / Staff; Photo: Robert Benham became the first black member of the state Court of Appeals 20 years ago Saturday. / RENEE HANNANS / Staff; Graphic: ROBERT BENHAM FILE

* Born: Sept. 25, 1946 in Cartersville

* Degrees: B.S., Political Science (Tuskegee University, 1967); J.D. Degree (University of Georgia, Lumpkin School of Law, 1970); LL.M. Degree (University of Virginia, 1989).

* Experience: Georgia Supreme Court (1989-present), Georgia Court of Appeals (1984-89)

LOAD-DATE: April 4, 2004

*OUR OPINION: Finally, a fair way to pick judges The Atlanta Journal-Constitution
May 23, 2004 Sunday*

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The Atlanta Journal-Constitution

May 23, 2004 Sunday Home Edition

SECTION: Editorial; Pg. 6E

LENGTH: 672 words

HEADLINE: OUR OPINION: Finally, a fair way to pick judges

BYLINE: JIM WOOTEN

SOURCE: AJC

BODY:

G. Alan Blackburn is an important historical figure in Georgia.

Schoolchildren should know his name.

In 1992, Blackburn defeated an incumbent for a seat on the Georgia Court of Appeals. That's historic. No other member of either the **Georgia Supreme Court or the Court of Appeals** first got there by defeating a sitting **judge**.

Odd, isn't it? The Georgia Constitution preserves for its voters the right --- the absolute right --- to elect judges. And yet 16 of 19 appellate **court judges** in **Georgia** first got there by a stroke of the governor's pen. Two won open seats on the **Court of Appeals**.

Only Blackburn defeated an incumbent, John Sognier, who was just over two years from mandatory retirement when he qualified for the six-year term.

It's no coincidence that Georgia's judges have jobs for life. The deck is so stacked against challengers by politicians and the legal establishment that few dare to raise a challenge.

Former Cobb Superior Court Judge Grant Brantley is challenging Justice Leah Ward Sears for a seat on the Georgia Supreme Court. But none of the four incumbents running for re-election to the Court of Appeals has a challenger. And of 135 Superior Court judges up for re-election around the state, only 14 face challengers.

These are the best jobs in Georgia that nobody wants.

Actually, it's not that people don't want them. When an open seat occurs --- and so long as one party ran Georgia, an open seat was rare --- the candidates flock to qualify. While nobody is challenging an incumbent on the Court of Appeals, six lawyers qualified to run for one open seat.

Georgia's system of choosing judges is straight off the plantation. It is the last relic of an arrogance, born of paternalism, that holds the people incapable of making intelligent choices about the judges who decide matters of our property and liberty. Routinely, therefore, judges resign before their terms expire, allowing insiders to choose their successors.

Some promise of change looms. Some promise that voters can take back the franchise we rightly own.

Recent federal court decisions make it clear that candidates for judicial office have free speech. This is a real threat to the system as it has existed for decades. Controlling information and limiting speech protects incumbents.

Challengers haven't arisen because they know the deck is stacked. They can't speak, except to declare a preference for hamburgers or tuna fish. And, usually, the only information available to voters is a Bar Association poll --- which, ergo, favors the incumbent. Although they couldn't have known him, 430 lawyers in the bar poll in 1992 said they thought Blackburn was unqualified when he opposed Sognier. Only 215 thought the incumbent unqualified; more than 2,000 thought him well-qualified.

Blackburn has turned out to be a fine jurist. At the time of the poll he had practiced in Cobb County for 20 years and had served as an administrative law judge. Bar Association polls reflect Bar Association politics. Lawyers who couldn't possibly have firsthand knowledge respond. Those surveys then are fed to voters.

Free speech allows candidates to make their case directly. It is entirely legitimate to ask candidates, as the Christian Coalition is doing of the eight vying for the Georgia Supreme Court and the Court of Appeals, what their views are on recent decisions by the U.S. Supreme Court. Whether candidates agree with the majority or with the dissent is fair game. The answer does not, as some in the establishment bar would have us believe, prohibit judges from ruling on similar issues.

If a judge or a would-be judge can't --- or won't --- comment on opinions rendered by the Supreme Court of the United States, voters should be suspicious. They're trying to control what you know.

We have a right to elect judges. And we have a right to know their judicial philosophy.

jwooten@ajc.com

* Jim Wooten is the associate editorial page editor. His column appears Sundays, Tuesdays and Fridays.

LOAD-DATE: May 23, 2004

Appeals ballot covers gamut

ATLANTA - From a government lawyer who's hardly set foot in court to a small-town juvenile-court judge to a personal-injury attorney with clients throughout the region, the six candidates for the vacant seat on the Georgia Court of Appeals offer voters a varied choice.

Balloting July 20 is likely to set up the need for a runoff three weeks later in the nonpartisan election if no candidate gets more than 45 percent of the vote.

The best-funded entrant and perhaps the best known after his weeks of late-night television advertising, Howard Mead, has hardly spent any time in a courtroom. His volunteering to represent a few poor clients early in his career wasn't enough for colleagues to rate his performance, making him the only candidate without a rating by the legal reference publisher Martindale-Hubbell.

The Atlanta native notes that many respected Supreme Court justices also had more political than judicial experience.

"On an appellate court, I think it is much more useful to have government experience in helping write laws," said Mr. Mead, 43, who served in the Zell Miller and Roy Barnes administrations and most recently taught undergraduates at the University of Georgia and Georgia Tech.

The only hopeful with daily experience presiding in a courtroom is Thomas Rawlings, a juvenile-court judge in Sandersville. At 36, he is the youngest candidate, and colleagues gave him a "B," which the publisher calls a good mid-career rating.

He wants judges to have more contact with the public outside court and says voters appreciate that he's not from Atlanta.

The other candidate not from metro Atlanta is William Ashley Hawkins, 58, of Forsyth. He has been a part-time judge in the small town's municipal court for 15 years, but his main job has been representing social workers when the state has sought to take children from their parents. He said 20 of those cases have landed before the Court of Appeals, where he's never lost.

Judge Hawkins is raising no money for his campaign, so he says he will be beholden to no one.

"I do not like a judge asking anyone for money with the possibility of that person coming before them," he said.

Debra Bernes has actively raised money, including donations from people who appraise property like her husband, Gary, who heads the Georgia Real Estate Appraisers Board. Mrs. Bernes, 48, practices solo and represents all

sorts of clients, but for 20 years she was an assistant prosecutor in Cobb County, where she remembers filing more than 400 legal briefs to the Court of Appeals and the Georgia Supreme Court.

She said that, if elected, she won't have any promises to keep.

"I come with no agenda before you," she said.

The only candidate who has made public his views on particular cases is Mike Sheffield, 54, of Lawrenceville. He was the only candidate to complete a survey from the Christian Coalition of Georgia asking how he would have ruled on five controversial cases before the U.S. Supreme Court. His positions agreed with the stance the coalition favored.

"Courts have given us the right to speech of public import," he said. "I don't see anything wrong with that."

As an assistant prosecutor for nine years and defense attorney for 15, Mr. Sheffield figures he has been through 200 jury trials and 25 appeals.

Lee Elizabeth Tarte Wallace also claims extensive courtroom experience in several states representing clients who sue companies over injuries. She writes often for lawyers, including several versions of a journal article, *Right Under Your Nose: Spotting Product Liability Suits Hidden Within Your Road Wreck Case Files*.

The 42-year-old Marietta resident calls herself an "egghead" with a passion for the type of work appellate judges do.

"What I tell them is I'm running for the most boring job in Georgia," she said of her conversations with voters. "For that job, you need somebody who loves to read case law."

W. ASHLEY HAWKINS

Age: 58

Born: Macon Lives: Forsyth

Education: Bachelor's degree and law degree, Mercer University

Career: Municipal court judge, 15 years; represents state social workers and Monroe County Board of Education

Colleagues' rating: AV, highest for ethics and professional ability

Experience: Retired lieutenant colonel, Georgia National Guard

THOMAS RAWLINGS

Age: 36

Born: Sandersville

Lives: Sandersville

Education: Bachelor's degree, Duke University; law degree, University of Georgia School of Law

Career: Former textile company vice president, former staff attorney to Georgia Court of Appeals, juvenile court judge

Colleagues' rating: BV, highest for ethics, average for professional ability

Experience: Appointed judge, Middle Circuit Juvenile Court

LEE WALLACE

Age: 42

Born: Huntsville, Ala.

Lives: Marietta

Education: English degree, Vanderbilt University; law degree, Harvard University

Career: Clerk for 11th U.S. Court of Appeals; represents personal-injury cases

Colleagues' rating: AV, highest for ethics and professional ability

Experience: Law clerk, 11th U.S. Circuit Court of Appeals; personal injury law with Butler, Wooten, Fryhofer, Daugherty & Crawford; founded own law firm, 2002

DEBRA BERNES

Age: 48

Born: Atlanta

Lives: Marietta

Education: Bachelor's in education and law degree, University of Florida

Career: Assistant district attorney in Cobb County, 1979-99; general practice 2000-present

Colleagues' rating: AV, highest for ethics and professional ability

HOWARD MEAD

Age: 43

Born: Atlanta

Lives: Atlanta

Career: Clerk at 11th U.S. Court of Appeals, senior aide to then-Govs. Zell Miller and Roy Barnes, undergraduate instructor at Georgia Tech and UGA

Colleagues' rating: Not rated

MICHAEL SHEFFIELD

Age: 54

Born: Atlanta

Lives: Lawrenceville

Education: Bachelor's degree, Wake Forest University; law degree, Emory University School of Law

Career: Assistant district attorney in DeKalb County, 1975-84; assistant public defender in DeKalb County, 1984-99; private practice criminal defense, 2000-present

Colleagues' rating: AV, highest for ethics and professionalism

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JUDICIAL ELECTIONS: Pollsters want to seat far-right ideologues The Atlanta Journal-Constitution July 16, 2004 Friday

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HEADLINE: JUDICIAL ELECTIONS: Pollsters want to seat far-right ideologues

BYLINE: POLLY SIMPSON, SALLY WEAVER

SOURCE: For the Journal-Constitution

BODY:

This election year is one of the most polarized and partisan in history. Even supposedly nonpartisan judicial races in Georgia --- in which race and gender have become defining issues --- won't escape.

Prior to the 1990s, the Georgia judiciary was predominantly male and almost exclusively white. In the early 1990s, Gov. Zell Miller dramatically changed the composition of the Georgia Judicial Nominating Commission. The work of this commission changed the face --- and yes, the gender and the race --- of Georgia's judiciary. Yet even today, only 36 of the 207 **judges** sitting on **Georgia's Supreme Court, Court of Appeals** and superior **courts** are women. And those women are under attack.

Nine of the 29 women judges running for re-election face challengers. Yet only six of the 98 male incumbents have drawn opposition. Justice Leah Sears, the only African-American woman ever to sit on the Georgia Supreme Court, is one of the women facing an election challenge.

Against this backdrop (or perhaps, having engineered this backdrop) the Christian Coalition enters with a judicial candidate questionnaire on such issues as abortion, homosexuality and school prayer. Asking whether judicial candidates agree with decisions of the U.S. Supreme Court on those issues, the questionnaire draws attention to the conservative agenda to change the face of the judiciary in Georgia.

The Christian Coalition justifies such polls because courts recently held that they are protected by the First Amendment. The courts did not say that the use of such polls was appropriate or judicious. The courts said "may" not "should." We do not have to travel far on the ideological spectrum to find speech and actions that enjoy the protection of the First Amendment that we believe are inappropriate and even reprehensible --- burning our flag, burning a cross, the infamous march by the Nazis in Skokie, Ill..

One of the fundamental characteristics distinguishing our democracy from a

totalitarian regime is the system of checks and balances afforded by our three branches of government. The system depends on a competent, fair and impartial judiciary to protect the rights of minorities from the tyranny of the majority --- a judiciary governed by the rule of law rather than partisan politics and ideologies. A diverse judiciary will earn and deserve that community's trust and confidence. The results of this election could once again change the face --- and yes, the gender and the race --- of the Georgia judiciary, dramatically decreasing the number of women on our courts. Right direction? Absolutely not. Intended result? Perhaps. Acceptable? No way.

Vote in the July 20 judicial election and use your ballot to say that women's voices cannot, must not, be ignored.

Polly Simpson is board chairwoman and Sally R. Weaver chief executive officer of the Atlanta Women's Foundation, which raises, manages and distributes funds to a wide variety of programs serving women and girls in the metro Atlanta area.

GRAPHIC: Photo: Polly Simpson; Photo: Sally R. Weaver

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OUR OPINION: EDITORIAL: Easy to judge these jurists' prudence; The best candidates for seats on Georgia's courts are those who snubbed a polarizing questionnaire. The Atlanta Journal-Constitution July 18, 2004 Sunday

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HEADLINE: OUR OPINION: EDITORIAL: Easy to judge these jurists' prudence; The best candidates for seats on Georgia's courts are those who snubbed a polarizing questionnaire.

SOURCE: AJC

BODY:

An activist **judge** is a **judge** "who rules in a way you don't agree with," said Tom Rawlings, a young juvenile **court judge** from Sandersville who is running for a spot on the **Georgia Court of Appeals**.

In this year's contentious judicial races in Georgia, the Christian Coalition has come out with a questionnaire trying to "out" judicial candidates it considers "activist." By Christian Coalition definition, that would be judges who follow legal precedents set by the U.S. Supreme Court on such issues as abortion, homosexual conduct and prayer in the schools. Those decisions carry the force of law, but judges who rule accordingly are being called all the worst names in the book, down to and including "liberal."

This new atmosphere was created by a U.S. Supreme Court decision last year that removes restrictions on what judicial candidates can say during a campaign, but making no recommendations on what they should say. It allows candidates for judgeships to get down in the mud and sling just like their political counterparts in other races.

While few candidates for judgeships chose to answer the Christian Coalition questionnaire, the effort of the right-wing Christian group to elect judges who abide by its agenda has focused unusual attention on judicial races in Georgia this year. It has also focused healthy attention on the role of the judiciary in a democracy and the importance of balance and impartiality in the individuals who sit on the bench.

One candidate who filled out the questionnaire is Grant Brantley, who is challenging incumbent state Supreme Court Justice Leah Sears. His answers to the questions, as well as his comments and behavior during televised debates during the campaign, scream bigotry and hatred. He is all but promising to rule with the Christian Coalition's position on any case that might come before him. He points at Sears and hollers "activist" and "liberal" and says she's in favor of gay marriage, even though she has never ruled in a case involving that divisive issue.

Sears, on the other hand, is running a principled campaign, pointing to her actually rather conservative record on the high court, where she has served since 1992 and is now presiding judge. She points out that she has ruled with the court majority in 95 percent of the cases in which it has upheld the death penalty. She has authored more than 750 opinions for the court, and is ranked "well-qualified" or "qualified" by 78 percent of the State Bar of Georgia. Fewer than half the lawyers rank Brantley that highly.

In explaining why she would not answer the Christian Coalition questionnaire, Sears said, "My personal views are irrelevant to my views on the Supreme Court of Georgia."

While Brantley invites those who think like he does to be among his "constituents," Sears points out, "Judges don't have constituents. We represent the law."

She's right, and those who believe that justice is blind for a reason should vote for her.

Lee Elizabeth Tarte Wallace agrees. She's running for an open position on the state Court of Appeals against five other candidates, including Mike Sheffield, who also embraced the Christian Coalition's agenda.

Wallace, a Harvard Law School honors graduate, said she learned while a clerk for a federal appeals court judge that every case is entitled to an impartial opinion based on the facts and the law.

"People have to believe that the judge is patiently waiting to hear the facts of the case before making up his mind," she said. "People have to perceive the judge is fair or there's no way we can have justice or the perception of justice."

Another candidate in the race, Debra Bernes, a former Cobb County assistant district attorney now in private practice, is also a tremendously accomplished lawyer with broad experience that would qualify her for a place on the Appeals Court. However, Wallace has a slight edge over Bernes due to her educational background (first in her class at Vanderbilt University and cum laude at Harvard Law) and because she has been widely published. She has been voted one of Georgia's "Super Lawyers" by her peers, as well as ranking among the top 50 women lawyers and top 10 product liability lawyers in the state.

Other candidates in the Appeals Court race --- Rawlins, William Ashley Hawkins and Howard Mead --- also refused to fill out the Christian Coalition questionnaire, saying to do so would seem to commit them to positions on cases before they heard the facts.

As indeed, it would.

GRAPHIC: Photo: mug of Lee Elizabeth Tarte Wallace; Photo: mug of Leah Sears

LOAD-DATE: July 18, 2004

Court candidate plans appeal

ATLANTA - The two candidates bound for a runoff in a state Court of Appeals race may still not be decided, even though election officials certified the results of a recount Thursday.

Howard Mead, the third-place finisher who requested a recount after narrowly missing the runoff, said Thursday that he plans to file suit asking a judge to order a new election because of a ballot problem in Laurens County. In the middle Georgia county, 481 absentee ballots featured the name "Thomas Mead" instead of the candidate's proper name.

Debra Bernes led the six-candidate field with just under 30 percent of the vote. Mr. Mead trailed second-place finisher Mike Sheffield by 365 votes after the recount - a total he said could have been different if the Laurens ballots were correct.

"The price of democracy is having free, fair, open and completely untainted elections," Mr. Mead said. "If there are ballots that contain errors that might have impacted the outcome, then Georgia law is as strict as it is for a very good reason."

After the recount, Ms. Bernes, a former prosecutor with the Cobb County District Attorney's office, had 309,091 votes, or 29.5 percent.

Mr. Sheffield, who worked in the DeKalb County District Attorney's office before going into private practice, had 207,512 votes - 19.79 percent - edging out Mr. Mead with 207,147 votes, or 19.76 percent.

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Ballots' mistake leads to lawsuit

ATLANTA - What's in a name? According to one candidate for the state's Court of Appeals, the results of an election might have been.

Howard Mead, who finished third in a six-way race for an open seat on the court, filed a lawsuit in Cobb County Superior Court on Friday, arguing that the election should be held again because 481 ballots in Laurens County identified him as "Thomas Mead."

The top two finishers in the race - Debra Bernes and Mike Sheffield - are set to face each other in an Aug. 10 runoff.

Ms. Bernes led the field with slightly less than 30 percent of the vote.

Mr. Sheffield edged Mr. Mead for second place by 382 votes - 207,473 to 207,091. Because no candidate earned more than 50 percent of the vote, the top two go to a runoff.

Mr. Mead's lawsuit contends that because he trailed Mr. Sheffield by fewer votes than the number of misprinted ballots, the election should be held again.

A total of 528 absentee ballots in Laurens County contained the name "Thomas Mead." Ultimately, 481 of those ballots were cast.

"The Georgia Supreme Court has recognized that a person's Christian or first name has been used from early times to distinguish a particular individual from his fellows," the lawsuit says.

A spokeswoman for Secretary of State Cathy Cox, the state's election superintendent, said Mr. Mead has the legal right to challenge the election.

"Right now, it would be in the court's hands," spokeswoman Kara Sinkule said. "We will await the court's decision."

After the July 20 election, Mr. Mead requested a recount because of the small number of votes between second and third place. After the initial recount, the margin stood at 365 votes.

But the Secretary of State's office changed the total to 382 on Friday, saying election officials in Rockdale County changed their official total.

"As long as the number of irregular ballots is greater than the margin of victory, then the Georgia law leaves no discretion - you must invalidate the election, and you must redo it with all of the candidates," Mr. Mead said Friday.

Mr. Mead said his lawyers will suggest a judge schedule the election to coincide with November's general election.

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http://chronicle.augusta.com/stories/073104/met_1610883.shtml

Candidates prepare for runoff

ATLANTA - After a day of campaigning Thursday for his appeals court runoff against Debra Bernes, Mike Sheffield was left hoping it would count for something.

With a challenge to the first round of the election for an open seat on the state Court of Appeals hanging over their heads, Ms. Bernes and Mr. Sheffield hit the trail after the July 20 vote in an effort to win the runoff.

Meanwhile, opponent Howard Mead went to Cobb County Superior Court in an unsuccessful effort to try to have the original election overturned.

Ms. Bernes and Ms. Sheffield ended up in a runoff because none of the six candidates won a majority of the votes, and they were the first and second finishers. Mr. Mead missed making the runoff by 382 votes, prompting him to call for a recount and then challenge the election in court.

"I can't just sit and wait and see how this lawsuit turns out," Mr. Sheffield said before the case was dismissed Friday.

Richard Diguette, a spokesman for the Georgia Supreme Court, said that Mr. Mead's legal team filed a motion late Friday for a stay but that the court would not rule before today.

Meanwhile, Mr. Sheffield and Ms. Bernes said they would campaign as they had before the hearing.

"Even before I knew who my opponent was, I continued to move on with my campaign," Ms. Bernes said.

Ms. Bernes has run an old-school judicial campaign focused on her experience and general promises about the kind of judge she would be. While Mr. Sheffield has also touted his experience, he has tackled the issues head-on, filling out questionnaires from the Christian Coalition of Georgia and Georgia Right to Life, an anti-abortion group.

For Ms. Bernes, the main factor in the election is experience. Both candidates have spent decades practicing law, but neither has held a judgeship. The 48-year-old Cobb County attorney points to her appellate experience filing 400 briefs and arguing more than 50 cases while an assistant district attorney for 20 years as proof she's fit for the job.

"There's not going to be a learning curve for me," she said.

She boasts of her work in getting the state to allow DNA evidence in criminal trials and to overturn the common law that kept someone from being convicted of murder if the alleged victim lived for more than a year and a day

after a life-threatening wound was inflicted.

Apparently uncomfortable with the idea of judges discussing cases they might have to rule on, Ms. Bernes asks voters to judge her "not by what I say, but by what I have done."

Mr. Sheffield, on the other hand, has run a more issues-based campaign centered on "traditional Georgia values," including opposition to gay marriage. The 54-year-old Gwinnett County attorney, who spent nine years in the DeKalb County district attorney's office before entering private practice, defends his approach.

"I think that I've found that the voters want to know as much as they can about the candidate," he said.

And Mr. Sheffield, who has prosecuted more than 3,000 criminal cases and defended some, says his experience on both sides of the courtroom would be an asset should he win a seat on the bench. Like Ms. Bernes, Mr. Sheffield says he has plenty of experience writing appeals.

On Friday, both were in court as Superior Court Judge Arthur Fudger heard arguments on Mr. Mead's challenge to the election. His lawsuit contends that because his name was incorrectly listed as "Thomas Mead" on 529 absentee ballots issued by Laurens County, Mr. Sheffield's 382-vote margin should be invalidated.

"Leaving the name off the ballot made it impossible for any voter to vote for Howard Mead," said Marc Hershovitz, one of Mr. Mead's attorneys.

But lawyers for Ms. Bernes, Mr. Sheffield and Secretary of State Cathy Cox contended that, because only 315 of the voters getting the questionable ballots chose any candidate in the appeals court race, Mr. Mead hadn't shown enough evidence that the mistake cast doubt on the outcome of the election. Judge Fudger agreed.

"It's not sufficient to show irregularities that simply erode confidence in the outcome of an election," Judge Fudger ruled from the bench.

Late Friday, the Supreme Court sent three questions about the case to Judge Fudger to answer by noon Saturday before it would make a final ruling today.

DEBRA BERNES

Age: 48

Born: Atlanta

Lives: Marietta

Education: Bachelor's degree in education and law degree, University of

Florida

Career: Assistant district attorney in Cobb County, 1979-99; general practice 2000-present

Colleagues' rating: AV, highest for ethics and professional ability

MICHAEL SHEFFIELD

Age: 54

Born: Atlanta

Lives: Lawrenceville

Education: Bachelor's degree, Wake Forest University; law degree, Emory University

Career: Assistant district attorney in DeKalb County, 1975-84; assistant public defender in DeKalb County, 1984-99; private practice criminal defense, 2000-present

Colleagues' rating: AV, highest for ethics and professionalism

Reach Brandon Larrabee at (404) 681-1701 or brandon.larrabee@morris.com.

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http://chronicle.augusta.com/stories/080904/met_1679635.shtml

ELECTION 2004: Judicial runoff canceled The Atlanta Journal-Constitution August 10, 2004 Tuesday

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The Atlanta Journal-Constitution

August 10, 2004 Tuesday Home Edition

SECTION: News; Pg. 1A

LENGTH: 825 words

HEADLINE: ELECTION 2004: Judicial runoff canceled

BYLINE: BILL RANKIN

SOURCE: AJC

BODY:

On the eve of today's runoff elections, the Georgia Supreme Court canceled the vote for an open seat on the Georgia Court of Appeals.

The court's decision Monday sent election officials scrambling and halted, at least for now, the nonpartisan runoff for the Court of Appeals race. Other runoff elections across the state will go on as scheduled.

The state's highest court issued its order in an appeal by Howard Mead, an Atlanta lawyer who finished third by just 382 votes in the Court of Appeals race. After narrowly missing the runoff, he filed a lawsuit challenging the election on the grounds his first name was listed incorrectly as "Thomas" on 481 ballots in Laurens County.

The Supreme Court order leaves just one statewide race on the ballot: the Democratic nomination for the U.S. Senate seat opening up when Democrat Zell Miller retires in January. That runoff pits U.S. Rep. Denise Majette of Decatur against Cliff Oxford, a Cobb County businessman.

Polls open at 7 a.m. and close at 7 p.m. State officials do not expect long lines, as voter turnout for runoff elections traditionally is lower than in the primary elections themselves.

In the July 20 primary, turnout pushed 35 percent and exceeded forecasts. In Georgia's most recent runoff two years ago, about 10 percent of the state's voters cast ballots. Turnout in the 1998 runoff was 13 percent, and in 1996 was 17 percent.

6th, 8th districts

Voting is likely to be heavier on the Republican side of the ticket in the 6th Congressional District, which consists of most of Cobb and parts of Cherokee and Fulton counties, and in the 8th District, which stretches from south metro Atlanta to Columbus.

Three Democratic members of the state House are the only incumbents among 23 legislative runoff elections, including 18 in metro Atlanta.

Other high-profile runoff elections in the metro area will determine the next president of the Atlanta City Council, Fulton County sheriff and chairmen of the Gwinnett and Henry county commissions.

In the **Georgia Court of Appeals** dispute, **Judge** Arthur Fudger dismissed Mead's challenge after a lengthy hearing Friday in Cobb County Superior **Court**, but Mead promptly appealed.

In its order Monday morning, the state Supreme Court did not say what will happen next, only that the runoff election was stayed. The court issued its order by a 6-0 vote, with Justice Leah Ward Sears not participating.

Chris Riggall, spokesman for the Georgia secretary of state's office, said the decision comes too late to remove the Court of Appeals race from touch screens throughout the state's voting precincts. But he said his office is notifying local registrars to put up signs informing voters not to vote in the Court of Appeals contest on the ballot.

Mead's attorneys had asked that the results of the July 20 vote for the nonpartisan seat be thrown out and that a new vote be conducted Nov. 2, the date of the general election. If a runoff were required after that vote, it would be on Nov. 23, two days before Thanksgiving.

"We're pleased with the court's decision and look forward to presenting our case at the appropriate time," said Mead, who has worked for two former Georgia governors, Zell Miller and Roy Barnes.

Quick action needed

Regardless of the outcome of the appeal, the Supreme Court needs to act quickly. The secretary of state's office must have absentee ballots printed well in advance of Sept. 18, which is 45 days before the Nov. 2 election and when, by law, local registrars must have absentee ballots ready for distribution.

Until the Supreme Court issued its order Monday, today's scheduled runoff was expected to decide whether Marietta lawyer Debra Bernes or Lawrenceville lawyer Mike Sheffield would become the next judge on the Court of Appeals. Bernes led the primary voting with 29.5 percent of the vote, but that was less than the 45 percent needed to avoid a runoff. After a recount, Sheffield edged Mead out of the runoff.

On Monday, while campaigning in Henry County, Sheffield said he was stunned to learn the runoff had been halted.

"I think this is probably unprecedented in Georgia history for the state Supreme Court to step in less than 24 hours before the election and stop it," he said.

Bernes learned about the court's order while driving to a campaign appearance in Albany. She promptly turned around to return home. She moved quickly to pull final-day radio ads that were running Monday.

"I'm disappointed," said Bernes, a former Cobb County prosecutor. "But I respect the courts, and I respect the court's decision."

If the state Supreme Court ultimately decides that another primary election is needed, it would provide a second chance for Mead and the three other candidates who were on the July 20 primary ballots: Juvenile Court Judge Thomas Rawlings of Sandersville, Marietta lawyer Lee Elizabeth Tarte Wallace and Forsyth lawyer William Ashley Hawkins.

GRAPHIC: Photo: Smyrna polling place workers Jennie Cannon (left) and Peggy Alford get signs in place Monday. / ANDY SHARP / Staff; Graphic: LOWDOWN ON CROSSOVERS

If you voted in the Republican primary July 20, you must take a Republican ballot again for today's runoff. Same with the Democratic side. Any voter may choose a nonpartisan ballot today, but just a handful of counties have contested nonpartisan races.

If you did not vote in July, you can vote today and choose either the Republican, the Democratic or the nonpartisan ballot.

For answers to questions on where to vote, call the Georgia secretary of state's poll locator service at 1-888-265-1115 (press 4) or visit the Internet (www.sos.state.ga.us)

LOAD-DATE: August 11, 2004

OUR OPINIONS: It's a great day to vote . . . The Atlanta Journal-Constitution August 10, 2004 Tuesday

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August 10, 2004 Tuesday Home Edition

SECTION: Editorial; Pg. 10A

LENGTH: 389 words

HEADLINE: OUR OPINIONS: It's a great day to vote . . .

SOURCE: AJC

BODY:

Today's runoffs will decide the winners of several political races where there's no opposition in the general election.

Voters also would have elected a new **judge to the Georgia Court of Appeals**, but on Monday the **Georgia Supreme Court** postponed the runoff in response to Atlanta lawyer Howard Mead, who finished third in the July 20 primary. Mead wants a new election because his first name was listed incorrectly as "Thomas" on 481 primary ballots in Laurens County.

Today's runoff will still determine a new City Council president in Atlanta and a new 6th Congressional District congressman for parts of Cobb, Fulton and Cherokee counties. With so much at stake, it's important for voters to return to the polls.

The following is a recap of the candidate endorsements made by The Atlanta Journal-Constitution. "I" denotes incumbent:

State

U.S. Senate

Democrat: Denise Majette

U.S. House

District 6

Republican: Tom Price

District 8

Republican: Dylan Glenn

Fulton County

Sheriff

Charles Rambo

State House

District 44

Democrat: John Noel (I)

District 54

Republican: Ed Lindsey

DeKalb County

County Commission

District 6

Democrat: Kathryn Gannon

State Senate

District 10

Democrat: Emanuel Jones

District 40

Republican: Dan Weber

District 43

Democrat: Steen Miles

State House

District 87

Democrat: Michele Henson (I)

Cobb County

State Senate

District 32

Republican: Judson Hill

District 37

Republican: Lance Cooper

State House

District 35

Republican: Ed Setzler

Gwinnett County

County Commission

Chairman

Republican: Wayne Hill (I)

Commission District 3

Republican: Mike Beaudreau

State Senate

District 5

Democrat: Curt Thompson

District 40

Republican: Dan Weber

State House

District 95

Republican: Robert Mumford

District 98

Republican: Michael Muntean

Clayton County

County Commission

District 3

Democrat: Wole Ralph

State House

District 74

Democrat: Roberta Abdul-Salaam

School Board

District 2

Democrat: Lois Baines Hunter

District 5

Democrat: Barbara Wells (I)

District 7

Democrat: David Ashe

City of Atlanta

Atlanta City Council

President

Lisa Borders

To find your polling place, go to the Secretary of State's Web site at:
www.sos.state.ga.us/cgi-bin/locator.asp

LOAD-DATE: August 10, 2004

Court rushes runoff appeal

ATLANTA - The Georgia Supreme Court, which canceled Tuesday's runoff election for an open seat on the Court of Appeals, said it will expedite the lawsuit challenging the race's general election results.

On Monday, the state's highest court prevented the runoff from being conducted until Howard Mead, the third-place finisher in the July 20 general election, can argue his appeal.

The court set an Aug. 20 deadline for Mr. Mead to file his briefs, and his opponents have until Aug. 30. The court did not indicate whether it will hear oral arguments.

Mr. Mead is suing for a new election because 481 absentee ballots in Laurens County misidentified him as Thomas Mead. In the end, he finished 382 votes behind Mike Sheffield, just short of advancing to a runoff against the top vote-getter, Debra Bernes.

If the court rules in his favor, Mr. Mead has suggested putting the names of all six original candidates on the Nov. 2 general election ballot. If necessary, a runoff would be held Nov. 23.

If the court rules against Mr. Mead, the runoff would go on, but likely not until the Nov. 2 election.

Click here to return to story:

http://chronicle.augusta.com/stories/081104/met_1701415.shtml

Ballot flaws lead to 2nd election

ATLANTA - Georgia voters have an unusual opportunity to vote twice in the same election next month because a ballot mix-up forced a repeat of the Court of Appeals race.

It was originally held in July during the primary election, even though the judges on the state's second-highest appellate court run on a nonpartisan basis.

Six candidates ran then, but after a county mixed up one candidate's name on 500 absentee ballots, the candidate sued and the Supreme Court ordered a second election.

The three candidates who received the lowest number of votes in July dropped out of the rematch, leaving three candidates for the Nov. 2 ballot: Debra Bernes, Mike Sheffield and Howard Mead.

None has been a judge, but Mrs. Bernes and Mr. Sheffield have been prosecutors and defense attorneys.

They have also served as presidents of their county bar associations. Each is married and has two children.

Mrs. Bernes and Mr. Sheffield have spent countless hours in court and argued dozens of cases before the Court of Appeals.

Mr. Mead worked as a clerk for a federal appeals judge and offered free legal help to a few clients when he worked for a time in a prestigious Atlanta law firm.

He has mostly worked in politics, most recently for Gov. Roy Barnes.

Since Mr. Barnes' defeat, Mr. Mead has taught undergraduates at Georgia Tech and the University of Georgia.

Mrs. Bernes was the top vote-getter in July, and she has won the endorsements of the state's largest newspapers.

She came out ahead in a State Bar of Georgia poll of lawyers familiar with her work. Ninety percent who knew her professionally judged her qualified or well qualified for a position on the Court of Appeals.

"I tell people to judge me by my experience," she said.

Mr. Sheffield came in second place in July's voting and was deemed qualified or well qualified by 76 percent of his colleagues.

Mr. Mead won approval from only 69 percent of those in the state bar survey who knew his work. Nearly one in three, 31 percent, said he was not qualified for the job.

Reach Walter Jones at (404) 589-8424 or walter.jones@morris.com.

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*Big bucks buy blitz in judge's race The Atlanta Journal-Constitution October 22, 2004
Friday*

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The Atlanta Journal-Constitution

October 22, 2004 Friday Home Edition

SECTION: News; Pg. 1A

LENGTH: 1185 words

HEADLINE: Big bucks buy blitz in judge's race

BYLINE: BILL RANKIN

SOURCE: AJC

BODY:

Howard Mead seems to be doing all he can to make the most of a second chance.

Once a lawyer for Democratic Govs. Zell Miller and Roy Barnes, Mead has spent a record \$1.3 million for a chance to sit on the Georgia Court of Appeals, in what typically would be a low-profile race.

As Mead blankets the airwaves with TV ads, his two opponents are accusing him of trying to buy the election and of denigrating the legal profession.

Three months ago, Mead was out of the race. After all the votes were tallied in the July 20 nonpartisan election, Mead finished third --- and out of the runoff --- in a six-candidate field.

Marietta attorney Debra Bernes and Lawrenceville attorney Mike Sheffield qualified for the runoff. Bernes received 29.5 percent of the vote in the July balloting, and Sheffield and Mead each had 19.8 percent. But after a recount, Sheffield seemed to edge out Mead by 382 votes out of more than 1 million cast.

Mead filed a lawsuit challenging the results after he learned that his first name had been listed incorrectly as "Thomas" on 481 ballots in Laurens County. The Georgia Supreme Court halted the runoff and, in a 4-3 decision, ordered a new election among the top three candidates on Nov. 2.

Record fund-raising

Given the additional time, Mead has raised a record amount for a judicial campaign in Georgia, thanks largely to \$1.09 million in personal loans to his campaign --- for a job that pays \$152,139 a year.

The winner Nov. 2 will succeed retiring Judge Frank Eldridge. Appellate court judges are seldom challenged for re-election and rarely defeated when they do have opposition.

Mead, who taught at the University of **Georgia and Georgia Tech** after leaving the governor's office, said he wants to follow in the footsteps of Elbert Tuttle, the former federal **appeals court judge** in Atlanta whose landmark rulings in the 1960s led to the integration of public schools and facilities.

"Our courts are too important to let special interests start taking them over by electing their own candidates," Mead said. "If there's something I can do to step up to the plate and stop that, I'll do it."

To get his message across, Mead has spent more than \$1 million on some of the most pointed TV ads in the history of Georgia's judicial elections. While some ads extol Mead's work at the Capitol, others take shots at his opponents for becoming criminal defense lawyers.

One ad notes that while Mead left a lucrative law practice and entered public service to fight for tougher drunken driving laws and remove corrupt public officials from office, Bernes and Sheffield "made different choices." They left their positions as prosecutors "to become high-priced criminal defense lawyers and work for the kind of people they once sent to jail."

Another ad claims that Bernes and Sheffield have been "working to keep drunk drivers, drug dealers and child molesters out of jail." It is the reason, the commercial boasts, "police and prosecutors across Georgia have endorsed Howard Mead for Court of Appeals."

When asked which law enforcement officials have endorsed him, Mead ticked off a number of sheriffs and prosecutors, including District Attorney Danny Craig of Augusta, Monroe County Sheriff John Cary Bittick and Hall County District Attorney Jason Deal, who contributed \$500 to Mead's campaign.

But Craig said he is endorsing Bernes and has put up signs promoting her candidacy around the Augusta area.

"Mr. Mead's ads are despicable," said Craig, who was a defense lawyer before becoming a prosecutor. "The last time I checked, the Constitution affords everyone the right to a lawyer."

On Thursday, Mead said he was disappointed Craig is not endorsing him as he had pledged to do in June.

Bittick, past chairman of the National Sheriff's Association, said he is squarely behind Mead. "I think he'll make an excellent judge," Bittick said.

The counterattacks

Judicial openings in Georgia rarely inspire hotly contested political campaigns. Historically, with few exceptions, judicial candidates ran on their records, hardly ever criticized their opponents and never stated their positions on hot-button issues.

Mead's aggressive advertising campaign has incensed his two opponents, who are firing back.

Sheffield said that when he left the DeKalb County district attorney's office in 1984 he became a public defender, hardly a high-paying job. After moving his practice to Gwinnett County in 1999, Sheffield noted, he began prosecuting cases once again as a solicitor in Duluth.

"This guy apparently will do anything or say anything to get elected to this position," said Sheffield, who is president of the Gwinnett Bar Association. "At the same time, he's never been a prosecutor, never been a criminal defense lawyer, never had a jury trial and never had a case before the [state] Court of Appeals or the Georgia Supreme Court."

Sheffield describes himself as a conservative candidate who opposes abortion rights and same-sex marriage. Of the three candidates, he has raised the least amount of money --- \$65,287, according to campaign disclosure reports.

Bernes, who left the Cobb County district attorney's office in 1999 and is a private lawyer in Marietta, also criticized Mead's ads.

"It's disturbing to me that someone sworn to uphold the law is criticizing another lawyer for being an integral part of the judicial process," she said. "I think his commercials are denigrating to the legal profession, and I think it really shows his inexperience."

Bernes said she respects Mead's public service, but voters should consider her "wealth of appellate experience." As a prosecutor, Bernes said, she wrote more than 400 appeals.

Bernes, past president of Cobb's bar association, has raised \$361,509 in political contributions and plans to begin airing her own ad next week. She described it as a "positive" commercial about her family and professional accomplishments.

Sheffield and Bernes are counting on strong support and high turnout in their home counties. If no candidate gets at least 45 percent of the vote in the nonpartisan election, a runoff would be held Nov. 23.

Mead has received strong financial support from Barnes and his former chief of staff, Bobby Kahn. Mead purchased his TV ads through Kahn's company, LUC Media Group Inc.

Mead discounted the suggestion that he is not experienced enough to sit on the appeals court. He said he served as a law clerk for two federal appeals court judges, which he said makes him uniquely qualified to sit on the state Court of Appeals.

"I've got a lot more relevant experience than those two combined," he said. "I've been a lawyer for two governors and two federal judges, and I'm proud of it."

The only time the three candidates squared off before a state appellate court, "I won and they lost," Mead said, referring to his successful challenge before the Supreme Court of the July 20 election results.

"If they want to talk about appellate court experience, I'm way up on them. It's Mead 1, Bernes and Sheffield zero."

GRAPHIC: Photo: Debra Bernes; Photo: Howard Mead; Photo: Mike Sheffield;
Graphic: THE THREE CONTENDERS

Debra Bernes

Age: 49

Residence: Marietta

Education: Graduated from University of Florida, 1976, with honors, in arts and education; graduated from University of Florida Law School, 1976.

Profession: Lawyer, general practice; former Cobb County assistant district attorney.

Campaign contributors: MAG Mutual Insurance Co.; former U.S. Attorney General Griffin Bell; Cobb County Commission Chairman Sam Olens and his wife, Lisa;

Atlanta law firms Schreeder, Wheeler & Flint and Freeman, Mathis & Gary.

Personal: Husband, Gary, and children, Lanie, 21, and Matthew, 17.

Howard Mead

Age: 44

Residence: Atlanta

Education: Graduated from Harvard University, 1982, magna cum laude, in history; graduated from Harvard Law School, 1985

Profession: Lawyer; professor at the University of Georgia and Georgia Tech.

Campaign contributors: Former Gov. Roy Barnes; Columbus lawyer Jim Butler;

Committee to Elect Vernon Jones; Georgia Alliance of Community Hospitals; Atlanta lawyer Lawrence Ashe.

Personal: Wife, Cynthia, and son, Alexander, 11.

Mike Sheffield

Age: 54

Residence: Norcross

Education: Graduated from Wake Forest University, 1971, cum laude; graduated from Emory University Law School, 1974.

Profession: Private law practice, specializing in criminal and traffic cases; former DeKalb County assistant district attorney; assistant solicitor, city of Duluth.

Campaign contributors: Senior Gwinnett Superior Court Judge James Oxendine; Norcross lawyer Max Richardson; Atlanta lawyer George Weaver; MHC Development of Lilburn.

Personal: Wife, Susan, and children, Olivia, 10, and Matthew, 8.

Court of Appeals race is full of twists

ATLANTA - For the three state Court of Appeals hopefuls who will appear on the Nov. 2 ballot, it's been a long, strange trip to Election Day.

"I call this the Eveready election," said candidate Debra Bernes, referring to the popular battery brand. "It goes on and on and on."

The campaign for an open seat on the state's second-highest court started with a field of six candidates in a nonpartisan race that was expected to conclude with little fanfare after balloting over the summer.

But after July's election came a lawsuit, a Superior Court ruling and - ironically - an appeal that landed the election in front of the state Supreme Court, which halted a scheduled runoff and ordered that another general election be held.

Three candidates have since dropped out, and the remaining three say they never anticipated such a bumpy ride in their first political outings.

All the fuss was over a typo.

The high court ordered a revote of the general election because candidate Howard Mead was misidentified as Thomas Mead on 481 absentee ballots in Laurens County.

Mr. Mead called for the new election, arguing the ballot mistake cost him a spot in a runoff with Ms. Bernes, the top vote-getter, after he fell only 382 votes short of topping second-place finisher Mike Sheffield.

"He would have caught up maybe 25 votes," Mr. Sheffield said. "The 481 were obviously going to be split between six candidates; every vote he would have gotten, I would have gotten another vote, too."

But the court sided with Mr. Mead and canceled the scheduled August runoff between Ms. Bernes, a former Cobb County assistant district attorney, and Mr. Sheffield, who formerly held a similar post in DeKalb County.

Neither had won the required 45 percent of the total vote in the July election to avoid a runoff.

Mr. Mead, a top legal adviser to former Govs. Zell Miller and Roy Barnes, successfully argued that Georgia law requires a new election if there are enough tainted ballots to even possibly change the outcome of a vote.

"Georgia law is real clear for a reason," Mr. Mead said. "If you let officials say, 'Close enough; that's probably what it would be,' then you're on a slippery slope."

The court's decision came one day before Mr. Sheffield and Ms. Bernes were to face off in the runoff, a fact both say puts them at a disadvantage because they campaigned thinking the election would be decided then.

Mr. Mead, meanwhile, has flooded state TV stations with campaign commercials exceeding typical spending on a court race.

Click here to return to story:

http://chronicle.augusta.com/stories/102404/met_2368393.shtml

Bernes for appeals court

We know a race for an appellate judgeship doesn't get the political juices roiling like a showdown between a couple of highly partisan candidates running for, say, a state Senate seat.

But that doesn't mean a judgeship isn't important, particularly if you get judges who abuse their authority by legislating, instead of adjudicating, from the bench.

Debra Bernes will not be that kind of activist judge on the Georgia Court of Appeals. We believe in her.

And we're not alone. She was the top vote-getter in the preliminary election July 20. And of the original six candidates in the race, the Georgia Bar Association voted her the most qualified.

She has served as a tough-as-nails 20-year assistant district attorney in Cobb County, and a general practitioner in Marietta. But what most recommends her for the post is the 25 years she's already had in appellate work, including arguing more than 50 cases and filing more than 400 briefs before the Georgia Court of Appeals and the Georgia Supreme Court. Moreover, she's a past secretary of the state Bar Association's Appellate Section and past president of the Cobb County Bar Association.

This woman, who's also a loving wife and mother, knows her stuff. She's ideally suited to serve on the state appeals court, and we strongly urge that conscientious Georgia citizens cast their ballots for Debra Bernes. You won't be voting for her alone - but also for a higher quality of Peach State justice.

Click here to return to story:

http://chronicle.augusta.com/stories/102604/edi_bernes.shtml

ELECTION 2004: Third vote should settle 'Eveready election' for court The Atlanta Journal-Constitution November 4, 2004 Thursday

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November 4, 2004 Thursday Home Edition

SECTION: Metro News; Pg. 7D

LENGTH: 445 words

HEADLINE: ELECTION 2004: Third vote should settle 'Eveready election' for court

BYLINE: BILL RANKIN

SOURCE: AJC

BODY:

If Debra Bernes is going to be the next **judge** on the **Georgia Court of Appeals**, she's going to have to win the race three times.

"I'm calling this the Eveready battery election," Bernes, 49, a Marietta lawyer, said Wednesday. "It just keeps on going."

A Nov. 23 runoff will be Bernes' third try to win the post. She led the nonpartisan election in the July 20 primary, and led again Tuesday in a new election ordered by the Georgia Supreme Court. But both times she failed to garner the 45 percent of the vote needed to win the seat outright and avoid a runoff.

Bernes, a former Cobb County prosecutor, took 41 percent of the vote Tuesday. Howard Mead, 44, a former lawyer for Govs. Zell Miller and Roy Barnes, finished second with 39 percent. Lawrenceville lawyer Mike Sheffield finished a distant third.

The statewide runoff will be Nov. 23, just two days before Thanksgiving, and will cost taxpayers at least \$1 million, secretary of state spokesman Chris Riggall said. Riggall declined to predict voter turnout, but it is expected to be minuscule compared with the 72 percent of Georgia registered voters who packed the polls Tuesday.

The last similar statewide vote was a special election for the Public Service Commission in 1998. In that election, 114,342 people --- just 2.9 percent of Georgia registered voters --- cast ballots.

Bernes led the voting Tuesday with strong showings in her home county, Cobb, and other metro Atlanta counties such as Fulton, DeKalb and Clayton. Mead fared better in more rural parts of the state and Atlanta's outer suburbs.

Mead, who finished third --- and out of the runoff --- in the July 20 election, successfully sued to force a new election on the grounds that his name was listed incorrectly on 481 ballots in Laurens County.

In October, Mead lent \$1.3 million to his campaign. That increased the total of his personal loans to his campaign to \$2.39 million. Overall, he has raised a record \$2.7 million.

Mead purchased more than \$2 million in television ads in the final weeks of the campaign. Some of the ads angered his opponents and were criticized by a citizens' watchdog group because they took shots at Bernes and Sheffield for leaving their jobs as prosecutors to become criminal defense attorneys.

On Wednesday, Mead said he felt good about Tuesday's result because he increased his vote total from 19.8 percent on July 20, to 39 percent on Tuesday.

Mead's latest campaign disclosure report showed him with \$207,896 in cash in hand, to Bernes' \$33,168. Asked whether he plans to continue blanketing the state with TV ads, Mead said he hasn't yet decided.

GRAPHIC: Photo: Debra Bernes, a Marietta lawyer, has led both elections for the Georgia Court of Appeals.

LOAD-DATE: November 4, 2004

*OUR OPINIONS: Give Bernes seat on appeals court The Atlanta Journal-Constitution
November 15, 2004 Monday*

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The Atlanta Journal-Constitution

November 15, 2004 Monday Home Edition

SECTION: Editorial; Pg. 10A

LENGTH: 397 words

HEADLINE: OUR OPINIONS: Give Bernes seat on appeals court

SOURCE: AJC

BODY:

It's time to finally let Debra Bernes put on her robe. She's been the top vote getter twice in the race for **Georgia Court of Appeals judge**, but must now cinch another election on Nov. 23 to claim the seat.

She faces a runoff with Howard Mead, a law school professor and former adviser to two governors, Zell Miller and Roy Barnes.

A Marietta attorney and former prosecutor, Bernes is the better candidate, a fact that voters recognized when they gave her the highest margins in the July primary and the Nov. 2 general election.

Mead finished third in the July election, but sued to force a new election on the grounds that his name was listed incorrectly on 481 absentee ballots in Laurens County. The Georgia Supreme Court complied and ordered the new election.

In the second contest, Bernes again led the field, but failed to garner the 45 percent of the vote needed to win the seat outright and avoid a runoff. She won 41 percent, followed by Mead with 39 percent.

She faces a showdown with Mead two days before Thanksgiving, which doesn't augur well for turnout. Bernes is hoping that supporters will take advantage of absentee ballots and advance voting, which runs today through Friday.

Bernes was a respected prosecutor and appellate specialist in the Cobb County district attorney's office for 20 years. She participated in the successful prosecution of Fred Tokars, the Cobb County attorney who shocked the conscience of Georgia when he paid a hit man to murder his wife Sara in 1992. Bernes also helped overturn the state's "year and a day" rule, an ancient common-law precedent stating that a victim must die within a year and a day of when injuries were inflicted for a murder charge to be brought.

Although Mead has outspent Bernes, he can't match her for courtroom experience. Mead has made \$2.39 million in personal loans to his own campaign to underwrite aggressive TV commercials. His unprecedented spending --- for a job that pays

\$152,139 a year --- doesn't make up for his absence of trial experience.

No one would choose to undergo surgery with a doctor who spent his life teaching and never worked in an operating room. So why would Georgia voters elect a judge who doesn't have the necessary courtroom experience? If voters decide on the merits of the candidates, they will give Bernes a third and final victory on Nov. 23.

GRAPHIC: Photo: Debra Bernes

LOAD-DATE: November 15, 2004

Few likely to vote in Tuesday runoff The Atlanta Journal-Constitution November 21, 2004 Sunday

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November 21, 2004 Sunday Home Edition

SECTION: Metro News; Pg. 1E

LENGTH: 726 words

HEADLINE: Few likely to vote in Tuesday runoff

BYLINE: BILL RANKIN

SOURCE: AJC

BODY:

After two tries, voters will finally decide Tuesday who is going to be the next **judge** on the **Georgia Court of Appeals**.

The only item on Tuesday's statewide ballot is a runoff to determine whether Marietta lawyer Debra Bernes or Atlanta lawyer Howard Mead will sit on Georgia's second-highest court.

Turnout is expected to be minuscule compared with Nov. 2, when 3.3 million Georgians --- 78.1 percent of registered voters --- went to the polls.

With the election scheduled for just two days before Thanksgiving, when many residents are busy making grocery store runs or heading out of town, fewer than 10 percent of registered voters are expected to take the time to cast ballots. During early voting last week, poll workers saw hardly a soul.

Michael Binford, a Georgia State University political scientist, predicted that only the most dedicated will show up for Tuesday's runoff, expected to cost the state about \$1 million. "For about 95 percent of the electorate, the election's over," Binford said.

Mead is airing television ads encouraging people to exercise their civic duty. "If no one shows up, it's kind of hard to win," he said in an interview Thursday.

Bernes placed first in the previous two Court of Appeals elections but didn't muster a high enough percentage of the vote to avoid a runoff. In a recent interview, she said wearily, "I just hope I'm campaigning in the last week of the election for the very last time."

The highly unusual election is necessary because Mead, who finished third on July 20, obtained a Georgia Supreme Court ruling for a new election because his name was spelled incorrectly on 481 ballots in Laurens County, in Middle Georgia. In a subsequent three-person contest on Nov. 2, Bernes led with 41 percent of the vote to Mead's 39 percent, but the top candidate needed 45 percent to avoid a runoff.

William Boone, a political scientist at Clark Atlanta University, said repeated elections are more likely to dull voter interest than arouse it.

"This is the kind of race where, if you're a candidate, you definitely want to make sure all your relatives go to the polls," Boone said.

Mead, 44, former counselor to Govs. Zell Miller and Roy Barnes, has raised more than \$2.7 million, a record for a state judicial campaign. This includes \$2.3 million in personal loans to his campaign. The job pays \$152,139 a year.

Mead has just purchased a new round of 60-second TV ads, airing statewide. He declined to say how much more money he has poured into the race, and he will not have to report that spending until Monday.

The new ad touts Mead's work in helping draft a patients' bill of rights in 1999 and legislation cracking down on "predatory" lenders in 2002. During his years at the state Capitol, Mead also pushed for tougher DUI and ethics laws and sought to remove corrupt officials from office.

Bernes, 49, a Marietta lawyer, has mailed letters to the state's 27,000 lawyers and touted her two-decade career as a Cobb County prosecutor and her five years of civil and criminal defense practice. The letter notes that she has argued more than 50 cases before Georgia's appellate courts, written more than 400 appellate briefs and served as president of the Cobb County Bar Association in 2003.

The race has had its share of pointed exchanges. One of Mead's TV ads that ran before the Nov. 2 election let voters know that Bernes left her job as a Cobb prosecutor to become a criminal defense lawyer and to "work for the kind of people [she] once sent to jail."

Bernes fired back with a recent e-mail to supporters that says Mead has never tried a case or written a brief in the Georgia Court of Appeals or the Georgia Supreme Court.

"In fact, he has very little legal experience, spending the majority of his career as a political aide and consultant," the e-mail said. "Moreover, he is running a judicial campaign full of half-truths and misrepresentations."

Mead said being a litigator or prosecutor should not be a prerequisite for being an effective appellate judge. He added that he once helped craft rulings while clerking for two federal appeals judges.

Before joining the governor's office, Mead said, he performed corporate counseling and business transaction legal work at Sutherland, Asbill & Brennan, one of Atlanta's top law firms.

GRAPHIC: Photo: Glitches and close counts have kept Debra Bernes and Howard Mead vying for a judgeship since midsummer.; Photo: Debra Bernes; Graphic: APPEALS COURT AT A GLANCE

The Georgia Court of Appeals has 12 members, 11 of whom had judicial experience before they were appointed or elected to the court. Tuesday's election will decide who will succeed Judge Frank Eldridge, who is retiring. The busy court considered

3,444 appeals in 2003. It reviews appeals from all the state's trial courts, except for certain issues (such as election contests, divorce, alimony, wills, land titles and the death penalty) exclusively reserved for the Georgia Supreme Court. The Court of Appeals' members, who face election every six years, are:

Chief Judge J.D. Smith, 58, former Gainesville lawyer and Superior Court judge in Hall and Dawson counties, appointed by Gov. Zell Miller in 1993.

Gary Andrews, 58, former judge in the Lookout Mountain Judicial Circuit and former state public service commissioner, elected in 1990.

Edward Johnson, 56, former state senator and Fulton County judge, appointed in 1992 by Miller.

Alan Blackburn, 65, former Cobb County lawyer and administrative law judge, elected in 1992.

John Ruffin Jr., 69, former lawyer and Superior Court judge in Augusta, appointed by Miller in 1994.

Frank Eldridge, 65, former Fulton County judge, appointed by Miller in 1996.

Anne Elizabeth Barnes, 49, former Atlanta lawyer, elected to the Court of Appeals in 1998.

M. Yvette Miller, 49, former Fulton County judge and administrative law judge, was first African-American woman on the Court of Appeals when appointed by Gov. Roy Barnes in 1999.

John Ellington, 44, former Treutlen County judge, appointed by Barnes in 1999.

Herbert Phipps, 62, former Albany lawyer and Dougherty County judge, appointed by Barnes in 1999.

Charles Mikell, 62, former Savannah lawyer and Chatham County judge, appointed by Barnes in 2000.

Harris Adams, 56, a former Cobb County State Court judge, appointed by Barnes in 2002.

LOAD-DATE: November 21, 2004

*Luncheon will honor leaders of Cobb's past The Atlanta Journal-Constitution
December 6, 2004 Monday*

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The Atlanta Journal-Constitution

December 6, 2004 Monday Home Edition

SECTION: Metro News; Pg. 2B

LENGTH: 335 words

HEADLINE: Luncheon will honor leaders of Cobb's past

BYLINE: TUCKER MCQUEEN

SOURCE: AJC

BODY:

George T. Smith remembers when the "Young Turks" invited him to move to Cobb County 33 years ago.

Smith said community movers and shakers had been recruiting people for years. Starting in the late 1950s, the men who helped transform the rural county began pursuing talent to help them.

"They had come back from the war with the youth wiped off of them," Smith said. "It made grown men of them --- ready to make their community a better place."

Joe Daniell, a bank executive, thinks many people in the county today don't know about the contributions made by those civic and business leaders. In the past 18 months, his bank has sponsored a series of luncheons to honor those leaders, from school board members and judges to county commissioners.

Daniell will host a luncheon Tuesday at Roswell Street Baptist Church to recognize county legislators. He expects 250 to 300 lawmakers and local leaders to attend. The senior invited guests are Raymond Reed, elected to the state House in 1949, and Smith, who was speaker of the House in the 1960s. Both are 88.

Smith, a former state Supreme Court justice, is the only Georgian to win contested elections in the three branches of state government. He was elected to the House in 1958, as lieutenant governor in 1966 and elected as a **judge on the Georgia Court of Appeals** in 1976.

After Smith retired from the Georgia Supreme Court in 1991, he joined Roy Barnes' law firm in Marietta.

Barnes, who served in the Senate and House before being elected governor in 1998, is expected at the lunch. He said Cobb delegations have been considered unique in the state because of their ability to work together. When he was a floor leader in the Senate for Gov. Joe Frank Harris, the Cobb team included A.L. Burruss, Joe Mack

Wilson and Johnny Isakson.

Smith is pleased that the lawmakers will be honored at the lunch. "Too often when people go out of office, people forget about them and what they did," Smith said. "It's nice to be remembered."

LOAD-DATE: December 6, 2004

JUDICIARY BALLOTS: With vote in November, accountability wins The Atlanta Journal-Constitution April 4, 2005 Monday

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April 4, 2005 Monday Home Edition

SECTION: Editorial; Pg. 11A;

LENGTH: 882 words

HEADLINE: JUDICIARY BALLOTS: With vote in November, accountability wins

BYLINE: J. RANDOLPH EVANS

BODY:

Amid the fraud prevention controversy, one of the most significant provisions in the Legislature's election reform package --- shifting judicial candidates from the primary to the general election ballot --- went largely unnoticed. All but ignored by the media and activists, this change represents an important step toward increasing judicial accountability.

Prior to the change, judicial elections were held in conjunction with partisan primary elections in the middle of summer, where only 14 percent to 18 percent of the electorate chose members of Georgia's courts, including the Supreme Court. Recently, the Terri Schiavo case, "under God" in the Pledge of Allegiance, and death penalty cases have moved both federal and state judiciaries from the shadows of American government. Yet, Georgia election laws shielded the state's judiciary from the political spotlight of the November general election, when other high-ranking government officials face the voters.

Under the new law, judicial races will appear on the general election ballot in November, where roughly 65 percent to 75 percent of the state's registered voters will likely participate. The resulting change will as much as triple the number of voters who choose **Georgia's judges**, including those to the **Georgia Supreme Court and the Court of Appeals**. Not only will there be more voters participating in the election of Georgia judges, the heightened voter interest and corresponding media attention that are part and parcel of the general election season will guarantee a more informed electorate.

Why is this change so significant and important? In short, if the purpose of electing judges is accountability, then real accountability is best served by electing judges with the largest and most informed electorate possible. Recently, when the executive and legislative branches lost touch with a majority of Georgians, they were held accountable. The rest of Georgia's state government was rapidly transformed in four short years as voters ousted increasingly liberal incumbents and replaced them with conservative candidates. Under the Georgia Constitution, there is no reason why the judicial branch should be any different.

Sadly, the old system minimized the chances that a majority of Georgians would be

heard in judicial elections. The result has been a static judiciary largely loyal to governors from a time that has come and gone.

For example, in our Supreme Court, Georgia has not seated a single new justice in the past decade, with average tenure running well over 10 years. Our one retiring justice was appointed more than 15 years ago. There are judges serving in 2005 who were first appointed more than a quarter of a century ago. Based on past turnover of justices and judges, it would take more than two decades under the old law for the judicial branch to begin reflecting changes that have occurred in the other branches of state government in recent elections.

Increasingly, with continuing reports of activist judges, voters want more accountability from the courts, not less. Yet, holding elections at a time of minimal voter participation creates a static system. The current timing makes judicial elections an insider's game, where incumbents stay in office so reliably that few challengers even bother to run against them.

In the 2004 elections, significantly less than 10 percent of the Supreme Court, Court of Appeals and Superior Court elections in Georgia featured meaningful competition. Even worse, well over 80 percent of the judges in these races faced no competition at all.

Critics of making our system more accountable take the elitist position that judges should not face the inconvenience of actually running for re-election. Competitive judicial elections, they argue, would threaten the very integrity of our system. Basically, they do not trust Georgia voters to be able to determine good judges from bad, or bought judges from honest ones. They believe that they know better than the people.

Fortunately, voters are actually smarter than critics give them credit for being. And there is a veritable army of attorneys, journalists, commissions, academics and activists who closely watch judges for the slightest sign of unethical conduct. Of course, the increased scrutiny associated with November elections only increases that supervision. Moving judicial elections from the obscurity of midsummer partisan primaries to the light of November elections will dramatically maximize accountability, not diminish it.

Georgia has good judges. And, most would have very little to fear from heightened voter participation and greater media scrutiny. But for the handful who decide to legislate rather than decide, or veer from the most basic norms of a civilized society, higher scrutiny and better voter participation will serve as the missing measure of accountability under the old system.

Accountability is the reason we elect judges in the first place. It is long past time those elections were moved from the shadows of the electoral process into the light of a new day in Georgia.

J. Randolph Evans is an Atlanta attorney and a member of the state elections board.

ONLINE FORUM

Are Georgia judges too liberal? Weigh in at www.ajc.com/opinion.

GRAPHIC: J. Randolph Evans

LOAD-DATE: May 19, 2005

*State Supreme Court nominations pour in The Atlanta Journal-Constitution May 7,
2005 Saturday*

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May 7, 2005 Saturday Home Edition

SECTION: Metro News; Pg. 2E;

LENGTH: 383 words

HEADLINE: State Supreme Court nominations pour in

BYLINE: BILL RANKIN

BODY:

Three **appeals court judges**, a former State Bar president and Gov. Sonny Perdue's top lawyer are among those nominated to be the next justice on the **Georgia Supreme Court**.

The governor's judicial nominating commission set a Friday deadline for nominations for a successor to Norman Fletcher, the chief justice who is retiring June 30 after 15 years on the bench. At the close of business, the commission had received more than 20 nominations, including those for **Georgia Court of Appeals judges** G. Alan Blackburn, Charles Mikell Jr. and J.D. Smith.

Also nominated were James Franklin, a Statesboro lawyer who served as president of the State Bar of Georgia in 2002, and Harold Melton, the governor's executive counsel. Former Democratic congresswoman Denise Majette, who once served as a DeKalb County State Court judge, also was nominated.

State Superior Court judges who received nominations were Cynthia Becker of Decatur, Stephen Boswell of Jonesboro, Neal Dickert of Evans, Paschal English of Fayetteville, Sidney Nation of Conyers, William Ray of Lawrenceville and Amanda Williams of Brunswick. Atlanta administrative law judge Michael M. Malihi also was nominated.

Lawyers receiving nominations were Atlanta City Court solicitor Joseph Drolet, C. Wilson Dubose of Madison, Stephen Farrow of Dalton, Robert A. Maxwell of Atlanta, Gary Clinton McCorvey of Tifton, H. Andrew Owen of Atlanta, Ralph Simpson of Tifton and L. Chandler Vreeland of Marietta.

Fletcher, 70, chose to retire June 30, the final day of his tenure as chief justice, rather than serve out the remainder of his term, which expires at the end of 2008. Perdue's appointment will change the makeup of the seven-member court for the first time in 10 years. Justice Harris Hines, the court's junior member, was appointed to the bench by then-Gov. Zell Miller in July 1995.

The state judicial commission's next step is to send the nominees questionnaires that

must be returned by May 18. The commission, chaired by Atlanta lawyer and former state Attorney General Mike Bowers, plans to interview nominees beginning May 23. It will then put together a list of five candidates who are found to be "qualified" or "well qualified" and give that to Perdue. The governor will make the appointment from this list.

LOAD-DATE: May 7, 2005

SUPREME COURT CONTENDERS: Perdue eyes finalists The Atlanta Journal-Constitution June 2, 2005 Thursday

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June 2, 2005 Thursday Home Edition

SECTION: Metro News; Pg. 1C;

LENGTH: 892 words

HEADLINE: SUPREME COURT CONTENDERS: Perdue eyes finalists

BYLINE: BILL RANKIN

BODY:

For 137 years, only Democratic governors have shaped the Georgia Supreme Court. But Gov. Sonny Perdue is about to put his own mark on the state's highest court.

Perdue, the first Republican governor in Georgia since Reconstruction, begins individual interviews this week with three lawyers and two judges who are finalists to fill an upcoming Georgia Supreme Court vacancy. Chief Justice Norman Fletcher retires June 30, creating the first opening in 10 years on the seven-member court.

Last month, Perdue's judicial nominating commission winnowed down 17 candidates to five finalists. Perdue is expected to make his choice by the end of the month, Shane Hix, a spokesman for the governor, said this week.

Not surprisingly, some of the five finalists have close ties to Republican politics --- though not all do. The finalists are:

* DeKalb County Superior Court Judge Cynthia J. Becker, who presided over the high-profile murder and racketeering trial of former DeKalb Sheriff Sidney Dorsey. Becker was named Greek Woman of the Year while obtaining her undergraduate degree at the University of Central Florida. While attending night classes at Georgia State University law school, she worked as a paralegal at the Atlanta firm Troutman Sanders. Before becoming a DeKalb judge, Becker was a litigator at a Decatur law firm.

* James B. Franklin, a Statesboro lawyer and Republican fund-raiser who served as president of the State Bar of Georgia in 2001-02. Supported for the state Supreme Court seat by U.S. Sen. Johnny Isakson (R-Ga.), Franklin was nominated in 1991 by President George Bush to be a U.S. District Court judge. Franklin received the American Bar Association's highest rating of "well-qualified," but his nomination died when the Senate failed to confirm him before Bush lost re-election to Bill Clinton.

* Harold Melton, Perdue's executive counsel and a former senior lawyer in the state attorney general's office. As Perdue's top lawyer, Melton has been Georgia's primary contact in the tri-state water negotiations with Alabama and Florida, served as the governor's ethics officer and has overseen criminal justice legislation. In the attorney general's office, Melton was **Georgia's** primary counsel in the national tobacco settlement in 1998.

* **Court of Appeals Judge** Charles B. Mikell Jr., a former Superior **Court** and State **Court judge** in Savannah who was elevated to the appellate **court** by Democratic Gov. Roy Barnes. Mikell interrupted his law school education to join the U.S. Army. He served in counterintelligence on the Czech-German border in 1967-68, was later detailed to the Central Intelligence Agency in Vietnam and was awarded the Bronze Star for heroism.

* Ralph "Rusty" Simpson, a Tifton lawyer who has been deeply involved in GOP politics for years, including serving as assistant secretary of the Georgia Republican Party and a member of its executive committee. A former Eagle Scout and captain in the U.S. Army's Judge Advocate General's Corps, Simpson handles civil defense and plaintiff's litigation, including representation of the Tift County Board of Education.

The state Supreme Court is considered to be a moderate-to-conservative court. With this appointment, Perdue could make the court more conservative, particularly in criminal matters.

Perdue has made it clear what kind of judges he would like to see on the bench.

Last year, speaking at a "Families and Freedom" rally held in Atlanta by the Christian Coalition of Georgia, Perdue said he preferred judges "who would represent . . . mainstream Georgia values and who will not try to legislate from the bench."

Perdue later injected himself into the race between state Supreme Court Justice Leah Ward Sears and challenger Grant Brantley, a former Cobb County judge who tried to portray Sears as a supporter of same-sex marriage.

Shortly before the election, in automated phone calls to voters, Perdue said he was voting for Brantley because of his "conservative values."

Sears, who won re-election, will be the court's next chief justice.

Whomever Perdue picks as the court's next justice is expected to vote on a number of controversial cases, such as legal challenges to the constitutional amendment banning gay marriage and tort reform legislation passed this past session.

"I imagine that the governor will select someone who sees the world much as the governor sees it," said Christopher McFadden, a Decatur appellate lawyer. "There is nothing wrong with that. But it is important to distinguish a predisposition from an agenda. I trust the governor will not attempt to select someone who would come to the Supreme Court with an agenda. Such a person would be unworthy of the office."

The only times that a Republican governor appointed a new justice to the state Supreme Court occurred in 1868 when Gov. Rufus Bullock appointed Joseph E. Brown and H.K. McCay, according to Georgia Supreme Court public information officer Rick Diguette.

The last time a Georgia governor appointed a justice was in 1995, when Zell Miller, with his fifth appointment, put Harris Hines on the state Supreme Court. Since then, there have been no changes to the court's composition, and the current members have served together longer than any other group of seven justices in the court's history.

GRAPHIC: STEPHEN MORTON / Associated Press JAMES B. FRANKLIN, Attorney ; CHARLOTTE B. TEAGLE / Staff HAROLD D. MELTON, Attorney GEORGIA SUPREME COURT FINALISTS CYNTHIA J. BECKER Judge, DeKalb County Superior Court > Age: 48 > Residence: Stone Mountain > Education: University of Central Florida, B.S.; State University College of Law, 1987. > Career: Corporate counsel, The Home Depot, 1987-88

LOAD-DATE: June 2, 2005