

THEME 1

FADE IN:

Superimposed is the title "Creation of the Court: From Idea to Reality"

Camera pans across Georgia's Supreme Court building.

NARRATOR

Benjamin Franklin said,  
"Necessity is the mother of  
invention."  
The invention of the Court of  
Appeals of Georgia is no  
exception to this idea.  
Necessity, in this instance,  
sprang from the beleaguered  
and overworked Supreme Court  
of Georgia.

Camera pulls back to reveal the entire Supreme Court  
building.

NARRATOR

Around the turn of the last  
century, three judges sat on  
the Supreme Court bench.

We see photos of three Supreme Court justices.

NARRATOR

They ruled on more than 3,000  
cases per year, 240 percent  
more than the average among  
the Carolinas and the  
Virginias - states which had  
four to five justices on their  
respective Supreme Courts.  
In 1894, the State Bar of  
Georgia - an association of  
lawyers responsible for  
regulating the legal  
profession - tried to make a  
case for increasing the number  
of judges on Georgia's Supreme  
Court.

We see the Bar Association's report titled "Do We Need  
More Judges on Supreme Court?"

NARRATOR

"The two great causes of litigation are population and property," wrote the Bar Association. With that as its premise, the Bar Association highlighted in its 1894 report the following facts:

A PowerPoint type of graphic lists the following facts as they are narrated.

NARRATOR

In 1846, the year of the Supreme Court's inception, Georgia's population was just shy of 460,000. By 1894, it had reached 2 million. In 1846, there existed 93 counties and Superior Courts - the courts with jurisdiction over civil and criminal cases. In 1894, 137 counties and Superior Courts had emerged. With more people and more courts, there was a natural growth in the number of cases that would get appealed.

We see an old newspaper with a headline concerning the Supreme Court.

NARRATOR

The Hawkinsville Dispatch,  
1894:

NEWSPAPER EDITOR

No one familiar with the actual conditions of legal matters in this state can seriously question the actual necessity for the increase of judges on our Supreme Court ... it is a physical impossibility for the three judges to give the requisite time and examination to the causes submitted ... it is the interest and the welfare of the people that is at stake.

We see a graphic of a ballot.

NARRATOR

But these words fell on deaf ears with the voters of Georgia as efforts by the Bar Association to increase the number of Supreme Court justices were initially rejected by the electorate.

A red X is stamped on the ballot.



<<Insert interview here. Ask this question: Why did people not want an expanded Supreme Court? Was it difficult to increase the size of government in the post-Civil War South?>>

NARRATOR

Sometimes it takes landmark events, and not mere facts and figures, to change the public's course of action.

We see pictures of Logan Bleckley.

NARRATOR

Standing 6 feet 7 inches tall, Supreme Court Justice Logan E. Bleckley's physical prominence was matched only by the level of respect he had earned during his tenure on the bench. Suffering severe and chronic back pain, Bleckley had been vocal about his overworked Court for some time.

Five judges, he insisted, were necessary to do the work of the Supreme Court effectively and appropriately. He was right. In some instances, the Court would hand out no opinions explaining their decisions. Many believed this practice was perilous for the judicial branch because future cases are decided based on the reasoning behind a past court's decision, not just the decision itself.

When voters rejected measures  
to increase the Court,  
Bleckley resigned.

We see the newspaper headline announcing Judge Logan  
Bleckley's resignation.

BLECKLEY

Shall I continue on the bench  
and dismiss my work half done,  
or shall I refuse to be a  
party to such a course?

NARRATOR

Although rumors about  
Bleckley's resignation had  
swirled for days, the judicial  
world was stunned, as  
newspaper articles sounded  
more like obituaries than news  
stories.

The Honorable W.H. Fleming:

FLEMING

He will be remembered as one  
of the grandest figures in the  
judiciary of Georgia. A more  
just judge, one breathing more  
the spirit of the law, never  
lived.

<<Insert interview here. Use this question: Explain how  
Bleckley's resignation impacted the push toward Supreme  
Court expansion. Was his departure, in a sense, the birth  
of the Court of Appeals?>>

NARRATOR

By 1897, the cry for more  
Supreme Court justices finally  
was heard. Voters approved an  
increase of the Supreme Court  
to six justices.  
The relief was short-lived.

We see the headline "Pope Barrow's Bill: Lawyers are  
discussing the necessity of a Court of Appeals."

NARRATOR

Only five years later, the Supreme Court's workload was once again deemed too heavy. So talk to create an entirely separate court was echoing through the halls of the Legislature and of the Bar Association.

By 1902, the Bar Association's annual meeting ended with passage of a motion to create a committee aimed at once and for all curing the deficiencies of the Supreme Court.

We see an image of the State of Georgia's Constitution.

NARRATOR

It would mean changing the law of the land - The Constitution of the State of Georgia.

<<Insert interview here. Ask this question: How big of an undertaking was it to amend the State Constitution? Was it politically divisive to do so?>>

We see the 1904 newspaper headline "Lawyers to ask for New Court".

NARRATOR

Several ideas for relieving the Supreme Court floated around the state. One idea was to create two Supreme Courts - one to handle criminal cases, the other to hear civil cases. The idea that stuck involved amending the State Constitution to create a Court of Appeals with a Chief Judge as Presiding Judge and two Associate Judges. The new court would hear all appealed cases from the City and Superior Courts, except for those cases which the Constitution mandates to be heard by the Supreme Court.

We see a PowerPoint type of graphic that shows the types of cases heard by the Supreme Court versus types of cases heard by the new Court of Appeals.

Again, we see the 1904 newspaper headline "Lawyers to ask for New Court" and this time begin to scroll down the story.

NARRATOR

With intense political debate in the South over issues such as restricting voting rights of African Americans, the amendment that would create the Court of Appeals languished in the Legislature for several more years.

Again we see a ballot.

NARRATOR

By 1906, with the Supreme Court some 300 cases behind schedule, Georgia lawmakers finally approved a bill to amend the State Constitution.

The ballot now is marked with a green check.

NARRATOR

That fall, voters listened. They passed the amendment, and the Court of Appeals was born.