

Revised

3-13-06

THEME 4

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Superimposed is the title: "The Court Evolves"

We see a photo of the original building of the Court of Appeals.

NARRATOR

Although its business happens
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building, the Court of Appeals
is as alive as the people inside
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The photo of the original building morphs into a view of
the current location.

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From its 1956 move into the
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the Court of Appeals has seen
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Even the system for choosing
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We hear David Bowie's "Changes" playing in the background.

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But perhaps the most compelling
changes are those which mirrored
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CUT TO: The interview with Justice George Carley. We see
his title and name superimposed beneath him.

CARLEY

Yes, because when I was appointed it was nine white men. The first change in that was in 1984 when Judge Robert Benham was appointed to the Court, he became the first African-American.

We see a photo of Benham.

CARLEY

There's a little side story to this that I know he won't mind me telling and you can ask him when you interview him. It was pretty well known that Governor Joe Frank Harris was going to appoint Robert Benham.

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CARLEY CONT.

I said, "You'll be shorter and younger than I am." And that's a true story. And he is. And then he came up. And I told that story when I presented him to the Governor when he was appointed to the Supreme Court.

CUT TO Interview with Judge Robert Benham.

BENHAM

Well I saw it as important not for me as an individual but I saw it as an important milestone for us as a state, though I have to say when I mentioned it to my son, my son asked the question why did it take so long. And you know, of course, my family came to this state in the very year the Georgia Supreme Court was created. And we were held as slaves less than two miles from the first session of the Georgia Supreme Court in 1846. We were held as the property of then, Colonel Willis Benham and it just seemed sort of unusual that at the inception of this court, and I'm talking about the Supreme Court now not the Court of Appeals, but the inception of the Supreme Court as the first session was gaveled to order to talk about freedom and rights and a significant of people, human beings in this state, were held in a status of cattle and mules as slaves.

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And it took quite a long time, it took a war and the loss of in excess of a half a million people to gain the rights of those people. And so my appointment was historic, not so much for me, but for this state, it showed that we were moving ahead in the right direction. My father always would say, "You know, no matter what our circumstances were at the time we were part of Georgia's progress and we were part of Georgia's failures and we were not to cast blame on anyone but look at the problems in terms of the state's problems and the successes as the state's successes and not individual successes". So that's why I mentioned the historical aspect of it.

"Changes" continues to play once again. We see a photo of Gov. Joe Frank Harris.

NARRATOR

Governor Joe Frank Harris would go on to appoint two minorities during his tenure as Governor of Georgia in the 1980s.

We see photos of those minorities.

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HARRIS

You know I looked on all my judicial appointments whether it was the Court of Appeals or Superior Court judge or even a State Court judge or Supreme Court justice. I looked on those appointments almost as being sacred appointments because those people make decisions that effect people's lives forever and families. And it was a, really a powerful appointment because there was a matter that we prayed about, my wife and I both, I mean we were submitted these names and wrestled with them and languished over them and prayed about it until you had a feeling of peace about this is a person that y'all could appoint and that was the one that we named. I was very pleased to have the opportunity to appoint the first African-American to the Court of Appeals, Justice Robert Benham, and he has distinguished himself not only in the Court of Appeals but also on the Supreme Court as the first African-American appointment there. And I was pleased to do that.

We see a photo of Dorothy Toth Beasley.

NARRATOR

Harris would break the glass ceiling for women also in 1984 when he appointed Dorothy Toth Beasley to the Court of Appeals.

HARRIS CONT.

Well I had an opportunity to break some new ground there also and appoint the first female. And then I had the opportunity later to appoint the second African-American Judge Clarence Cooper. And I look back on all three of those people as quality appointments and of course they've never embarrassed me and that's important, I think, on any appointments that you make. You're always fearful that you may make a mistake, but they were all three good quality appointments and I'm very proud of them.

John: Was there any political pressure at the time or was there a movement to diversify the court?

G. Harris: There was not as much pressure. I guess the commitment I made when I ran for Governor that I was going to make my appointments according to the population of the State of Georgia. And at that time the minority or the African-American black population was close to 30 percent, and that nearly 30% of my appointments were going to be African-American. And of course there were very few females on minute boards, and particularly the courts and we had to get started somewhere and so I was glad to make those beginnings.

NARRATOR

But Harris' appointments would create their own legacies, too.

CUT TO interview with Beasley. Her name and title is superimposed.

BEASLEY

Now I will say that from day one until after I left, until I left, in working on cases the judges treated everybody equally. It wasn't a female or African-American or an older judge, or anything like that. It was all equal, and that was without even saying it should be that way. That's the way it was. And so, you would argue with them, you know 5 [inaudible], nobody felt like well, I really ought to give in a little bit, you know, they've been so nice, or they've been sick, or..., no it was all focused on the issues in the case, the parties in the case.

John: So the rest of the Court just took right in, just treated you an equal judge, no questions asked, and you were able to just ...?

D.B.: No, well I wouldn't say that exactly. Socially it was a little different. In so far as the professional work was concerned it was totally non sexist, sexless.

We see a photo of the full bench with Beasley.

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Beasley's performance on the Court of Appeals was well received.

CUT TO Carley interview.

CARLEY

She was an interesting person. Dorothy Beasley was one of the hardest working individuals I've ever met. She also was involved in so many different things, I don't see how she kept up with them. And they were all well-meaning, I mean, I don't think she did anything for fun. She worked very very hard, she was just...and as far as I know she's still doing that.

We see another photo of Beasley.

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In 1987, the people of Georgia would elect her to serve another term on the Court. Before she retired from the Court in 1999, Beasley would also be the first female Chief Judge.

Camera pans across a photo of today's bench, revealing the more diverse makeup now on the Court.

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Today three women - one fourth of the bench - serve as judges on the Court of Appeals. Judge Ann Barnes established herself as the first female to be elected to her first term on the bench by the people, rather than getting appointed by the governor. In 1999, Judge Yvette Miller became the first female minority judge to be named to the Court of Appeals.

Camera stops on the photo where Miller is seated.

We see a photo of Chief Judge Ruffin.

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By the 21st century, African Americans would not only serve on the bench, one would rank as Chief Judge of the Court when Judge John H. Ruffin Jr. took the position in 2005.

<Insert Ruffin interview segment here. Ask him this question: What does it say about the Court and the State that the color and sex barrier has seemingly been broken? Is this a positive sign of the times or something long overdue? Bob, make sure they give their answers by rephrasing the question first.>

We see the executive order today's governors sign regarding the use of the Judicial Nominating Commission.

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For any skeptics who believe the appointments of minority and female judges is because of an unwritten affirmative action program, let it be known that for more than three decades, qualifications - and not favoritism - have guided Court of Appeals nominations. This is due to a 1972 executive order, passed by then-Governor Jimmy Carter, which created the Judicial Nominating Commission.

CUT TO interview with Carter. We see his name and titles.

CARTER

Well, as a non-lawyer I had been deeply interested in what was going on in the state as far as the Judicial system was concerned. I had been through a very difficult election when I ran for the State Senate when the election was stolen from me and we had to revise electorate code of Georgia which we did in the State Senate.

CARTER CONT.

And so when I became Governor I saw a need, at least in my own opinion, to have all the judges in Georgia, appellate court judges as well as the trial judges and the Supreme Court, chosen on a I'd say a highly qualified basis so that the most qualified judges could be considered by a Governor, and particularly Governors that had not been through law school and didn't have their own circle of friends and acquaintances and maybe even some obligations to fulfill. So I decided then to set up a Blue Ribbon Commission of distinguished members of the Bar mostly, to give me advice every time there was a vacancy on who were the best qualified men and women to serve in that vacant position, and it worked out very well for me. It took a lot of political pressure off of me, because each time I would get the five top names to be ascertained from that entire district or that entire state, and then I chose one of those top five names.

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It worked out quite well, as a matter of fact, and I did the same thing when I became President. I appointed about 45% of all the Federal Court judges in America, every one of them was recommended to me by judicial selection commission. Another following that was apparent to me was that there was no ultimate organization that could decide whether a judge was performing properly or not. So I help to get a Constitutional amendment passed through the State Legislature and it was approved by the people of Georgia, I think in 1972, I'm not sure about that. That was given the authority to assess the performance of judges and to make decisions accordingly. So those were the two things I did while I was Governor.

We see the executive order signed by Sonny Perdue.

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Although Governors are not required to sign the executive order for a Judicial Nominating Commission, all Governors since Carter have done so.

Camera pans down the docket which shows Viola Ross Napier as one of the lawyers to appear before the Court of Appeals.

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Minorities and women of the modern era perhaps owe a debt of gratitude to trailblazers that preceded them, trailblazers whose names have been nearly lost in the annals of history.

We see a photo of Viola Ross Napier.

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In 1922, six years after the State of Georgia allowed women to practice law and only two years after the nation allowed women to vote, Viola Ross Napier would be the first female to argue a case in front of the Court of Appeals. Napier would represent the appellee, Mrs L.M. Jones, in a case in which Jones alleged that she had been injured when she fell in a poorly-lit hotel stairway. While the trial court believed that Jones presented a case that was worthy of consideration by a jury, the court of appeals reversed, holding that the hotel owner was entitled to judgment as a matter of law.

We see the office of the current Secretary of the Court of Appeals. The desks, counters and cubicles are empty as the camera pans the room.

NARRATOR

But there was one trailblazer that even preceded Napier. Her name was Marion Bloodworth, and in 1906 she became the first female stenographer of the Court of Appeals, a position that was part secretary, part clerk. Bloodworth got the job despite the fact that the Code of Georgia at that time provided that females were not entitled to hold any civil office or perform any civil functions, and despite a dissenting vote from Judge Powell regarding her employment.

Today, the position is filled by hundreds of professionals doing a variety of court jobs. Without the hard work and commitment of these individuals, the Court of Appeals could not effectively manage its extremely heavy caseload.

We see a group photograph of Court staffers.

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Napier would represent Appellant/appellee Xxxx Yyyy in a civil case involving a fall in a hotel. Napier won/lost the case when the Court of Appeals reversed the trial court decision to ...

We see the office of the current Secretary of the Court of Appeals.

NARRATOR

But there was one trailblazer that even preceded Napier. Her name was Marian Bloodworth, and in 1906 she became the first secretary of the Court of Appeals, a position that was part stenographer, part clerk. Today, the position is filled by hundreds of professionals doing a variety of court jobs.

Judge Arthur Gray Powell:

We watch various staffers, who work under the Secretary or doing the work of a Secretary, hard at work.

POWELL

Each of the judges was entitled to a secretary. In the Supreme Court each Justice selected his own secretary, but with us those "shorthand writers" as they were called in the Act providing for them, were to be appointed by the Court, not by the individual judges. Judge Russell had selected as his secretary Miss Marian Bloodworth, a very charming and intelligent woman. No objection to her personally could possibly be made. However, the Code of Georgia at that time, provided that females were not entitled to hold any civil office or perform any civil functions. I raised the question of eligibility. Judge Hill, who was very much of a ladies' man, stated that though he thought I was right, he always gave the ladies the benefit of every doubt and was even willing to create doubts to give them the benefit of. So, Miss Bloodworth was elected (a beat) with me dissenting.

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As Powell's words are spoken, we FADE TO the Secretary's office in full swing. We see ANGLES ON various staffers, who work under the Secretary or doing the work of a Secretary, hard at work. They are male and female. They represent the spectrum of racial diversity and age.

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