



**2016 STATE OF THE JUDICIARY ADDRESS
THE HONORABLE CHIEF JUSTICE HUGH P. THOMPSON
SUPREME COURT OF GEORGIA
January 27, 2016, 11 a.m.
House Chambers, State Capitol**

Lt. Governor Cagle, Speaker Ralston, President Pro Tem Shafer, Speaker Pro Tem Jones, members of the General Assembly, my fellow judges and my fellow Georgians:

Good morning. Thank you for this annual tradition of inviting the Chief Justice to report on the State of Georgia's Judiciary. Thanks in large part to your support and the support of our governor, as we move into 2016, I am pleased to tell you that your judicial branch of government is not only steady and secure, it is dynamic; it has momentum; and it is moving forward into the 21st century with a vitality and a commitment to meeting the inevitable changes before us.

Our mission remains the same: To protect individual rights and liberties, to uphold and interpret the rule of law, and to provide a forum for the peaceful resolution of disputes that is fair, impartial, and accessible to all.

Our judges are committed to these principles. Each day, throughout this state, they put on their black robes; they take their seat on the courtroom bench; and they work tirelessly to ensure that all citizens who come before them get justice.

Our Judicial Council is the policy-making body of the state's judicial branch. It is made up of competent, committed leaders elected by their fellow judges and representing all classes of court. They are assisted by an Administrative Office of the Courts, which is under a new director – Cynthia Clanton – and has a renewed focus as an agency that serves judges and courts throughout Georgia.

A number of our judges have made the trip to be here today. Our judges are here today because the relationship we have with you is important. We share with you the same goal of serving the citizens of this great state. We could not do our work without your help and that of our governor.

On behalf of all of the judges, let me say we are extremely grateful to you members of the General Assembly for your judicial compensation appropriation last year.

Today I want to talk to you about Georgia's 21st century courts – our vision for the future, the road we must travel to get there, and the accomplishments we have already achieved.

It has been said that, "Change is the law of life. And those who look only to the past or present are certain to miss the future."

Since a new state Constitution took effect in 1983, our population has nearly doubled to a little over 10 million, making us the 8th most populous state in the country. We are among the fastest growing states in the nation, and in less than four years, our population is projected to exceed 12 million.

Because it is good for our economy, we welcome that growth. Today, Georgia ranks among states with the highest number of Fortune 500 companies, 20 of which have their global headquarters here; we have 72 four-year colleges and universities; we have the world's busiest airport and we have two deep-water ports. Georgia is a gateway to the South, and for a growing number of people and businesses from around the world, it is a gateway to this country.

All of this growth produces litigation – increasingly complex litigation – and just as our state must prepare for this growth by ensuring we have enough roads and modes of transportation, enough doctors and hospitals, and enough power to reach people throughout the state, our courts also must be equipped and modernized for the 21st century.

While our population has nearly doubled since 1983, the number of Georgia judges has grown only 16 percent. We must work together to ensure that our judicial system has enough judges, staff and resources in the 21st century to fulfill the mission and constitutional duties our forefathers assigned to us.

A healthy, vibrant judiciary is absolutely critical to the economic development of our state. Thanks to many leaders in the judiciary, as well as to our partnership with the governor and to you in the legislature, we are well on our way to building a court system for the 21st century.

This time next year, with your support, we will have put into place an historic shift in the types of cases handled by the Georgia Supreme Court – the highest court in the state – and by the Court of Appeals – our intermediate appellate court. Thanks to Governor Deal's Georgia Appellate Jurisdiction Review Commission, this realignment will bring the Supreme Court of Georgia in line with other state Supreme Courts, which handle only the most critical cases that potentially change the law. Serving on the Commission are two of my colleagues – Justice David Nahmias and Justice Keith Blackwell – as well as two judges from the Court of Appeals – Chief Judge Sara Doyle and Judge Stephen Dillard.

I thank you, Justices and Judges, for your leadership.

Under the Georgia Constitution, Supreme Court justices collectively decide every case that comes before us. Currently the state's highest court hears divorce and alimony cases; we hear cases involving wills; we hear cases involving titles to land; and we hear disputes over boundary lines.

But the Governor's Commission, and a number of reports by other commissions and committees issued since 1983, have recommended that such cases should be heard by our intermediate appeals court, not by our highest court.

Both of our courts are among the busiest in the nation. But unlike the Supreme Court, which sits as a full court with all seven justices participating in, and deciding, every case, the

Court of Appeals sits in panels of three. With your approval last year of three new Court of Appeals judges, that court will now have five panels, so it will have the capacity to consider five times as many cases as the Supreme Court.

Modernization of the Supreme Court makes sense. In a 19th century court system, when most of the wealth was tied up in land, maybe title to land cases were the most important. Maybe they had the greatest implications for the public at large. But as we move into the 21st century, that is no longer true.

In answer to questions such as who owns a strip of land, what does a will mean, and who should prevail in a divorce settlement or an alimony dispute, most judicial systems believe that three judges are enough to provide the parties with a full and fair consideration of their appeal. It no longer makes sense to have seven – or nine – justices collectively review these types of cases. There is no doubt these cases will be in good hands with the Court of Appeals.

Let me emphasize that all these cases the Commission recommended shifting to the Court of Appeals are critically important to the parties involved.

Let me also emphasize that the purpose of this historic change is not to lessen the burden on the Supreme Court. Rather, the intent is to free up the state’s highest court to devote more time and energy to the most complex and the most difficult cases that have the greatest implications for the law and society at large.

We will therefore retain jurisdiction of constitutional challenges to the laws you enact, questions from the federal courts seeking authoritative rulings on Georgia law, election contests, murder and death penalty cases, and cases in which the Court of Appeals judges are equally divided.

Significantly, we want to be able to accept more of what we call “certiorari” cases – which are appeals of decisions by the Court of Appeals. The number of petitions filed in this category during the first quarter of the new docket year is nearly 14 percent higher this year over last. Yet due to the amount of appeals the law now requires us to take, we have had to reject the majority of the petitions for certiorari that we receive.

These cases are often the most complex – and the most consequential. They involve issues of great importance to the legal system and the State as a whole. Or they involve an area of law that has become inconsistent and needs clarification.

Businesses and citizens need to know what the law allows them to do and what it does not allow them to do. It is our job at the highest court to reduce any uncertainty and bring consistency and clarity to the law.

Under the Commission’s recommendations, our 21st century Georgia Supreme Court will be able to accept more of these important appeals.

As we move into the 21st century, plans are being discussed to build the first state Judicial Building in Georgia’s history that will be dedicated solely to the judiciary. We are grateful for the Governor’s leadership on this. The building that now houses the state’s highest court and the Court of Appeals was built in 1954 when Herman Tallmadge was governor. Back then, it made sense to combine the state judicial branch with part of the executive branch, by locating the Law Department in the same building.

But the world has changed since 1954, and the building we now occupy was not designed with visitors in mind. It was not designed with technology in mind. And it surely was not

designed with security in mind. Indeed, it was designed to interconnect with neighboring buildings that housed other branches of government.

A proper Judicial Building is about more than bricks and mortar. Outside, this building will symbolize for generations to come the place where people will go to get final resolution of civil wrongs and injustices; where the government will go to safeguard its prosecution of criminals; and where defendants will go to appeal convictions and sentences to prison for life.

Inside such a building, the courtroom will reinforce the reality that what goes on here is serious and solemn; it is a place of great purpose, in the words of a federal judge. The parties and the lawyers will understand they are all on equal footing, because they are equal under the law.

There is a majesty about the law that gets played out in the courtroom. It is a hallowed place because it is where the truth must be told and where justice is born. The courtroom represents our democracy at its very best.

No, this building is not just about bricks and mortar. Rather it is a place that will house Georgia's highest court where fairness, impartiality, and justice will reign for future generations.

We are no longer living in a 1950s Georgia. The courts of the 21st century must be equipped to handle an increasingly diverse population. Living today in metropolitan Atlanta alone are more than 700,000 people who were born outside the United States. According to the Chamber of Commerce, today some 70 countries have a presence in Atlanta, in the form of a consulate or trade office. We must be ready to help resolve the disputes of international businesses that are increasingly locating in our state and capital.

Our 21st century courts must be open, transparent and accessible to all. Our citizens' confidence in their judicial system depends on it. We must be armed with qualified, certified interpreters, promote arbitration as an alternative to costly, courtroom-bound litigation, ensure that all those who cannot afford lawyers have an avenue toward justice, and be constantly updating technology with the aim of improving our courts' efficiency while saving literally millions of dollars. For all of this, we need your help.

When I first became a judge, we had no email, no cell phones, no Internet. People didn't Twitter or text, or post things on YouTube, Facebook or Instagram. The most modern equipment we had was a mimeograph machine.

This past year, by Supreme Court order, we created for the first time a governance structure to bring our use of technology into the 21st century. Chaired by my colleague Justice Harold Melton, and co-chaired by Douglas County Superior Court Judge David Emerson, this permanent Judicial Council Standing Committee on Technology will lead the judicial branch by providing guidance and oversight of its technology initiatives.

Our courts on their own are rapidly moving away from paper documents into the digital age. At the Supreme Court, lawyers must now electronically file all cases. This past year, we successfully launched the next phase by working with trial courts to begin transmitting their entire court record to us electronically. The Court of Appeals also now requires the e-filing of applications to appeal, and this year, will join the Supreme Court in accepting electronic trial records.

Our goal is to develop a uniform statewide electronic filing and retrieval system so that lawyers and others throughout the judiciary can file and access data the easiest way possible. Using a single portal, attorneys will be able to file documents with trial courts and appellate courts – and retrieve them from any court in the state. This is the system advocated by our partner, President Bob Kaufman of the State Bar of Georgia, and by attorneys throughout the state.

Such a system will not only make our courts more efficient at huge savings, but it will make Georgia safer. When our trial judges conduct bond hearings, for example, they often lack critical information about the person before them. They usually have reports about any former convictions, but they may not have information about cases pending against the defendant in other courts. The technology exists now to ensure that they do.

Also on the horizon is the expanded use of videoconferencing – another electronic improvement that will save money and protect citizens’ lives. After a conviction and sentence to prison, post-trial hearings require courts to send security teams to pick up the prisoner and bring him to court. Without encroaching on the constitutional right of confrontation, we could videoconference the inmate’s testimony from his prison cell. Again, the technology already exists.

Our Committee on Technology will be at the forefront of guiding our courts into the 21st century.

As Georgia grows, it grows more diverse.

Our Georgia courts are required by the federal government to provide language services free of charge to litigants and witnesses, not only in criminal cases but in civil cases as well.

Even for fluent English speakers, the judicial system can be confusing and unwelcoming.

My vision for Georgia’s judiciary in the 21st century is that every court, in every city and every county in Georgia, will have the capacity of serving all litigants, speaking any language, regardless of national origin, from the moment they enter the courthouse until the moment they leave. That means that on court websites, signs and forms will be available in multiple languages, that all court staff will have the tools they need to assist any customers, and that court proceedings will have instant access to the interpreters of the languages they need.

Chief Magistrate Kristina Blum of the Gwinnett County Magistrate Court has been working hard to ensure access to justice for all those who come to her court, most of whom are representing themselves.

Recently her court created brochures that provide guidance for civil trials, family violence matters, warrant applications, garnishments, and landlord-tenant disputes. These brochures provide basic information about each proceeding – what to expect and how best to present their case in court.

Judge Blum, who is in line to be president of the Council of Magistrate Judges and is a member of our Judicial Council, has had the brochures translated into Spanish, Korean and Vietnamese. Such non-legalese forms and tutorial videos that our citizens can understand go a long way toward building trust in the judicial system, and in our entire government.

The Supreme Court Commission on Interpreters, chaired by Justice Keith Blackwell, is making significant strides in ensuring that our courts uphold the standards of due process. With the help of Commission member Jana Edmondson-Cooper, an energetic attorney with the

Georgia Legal Services Program, the Commission is working around the state to educate judges, court administrators and lawyers on the judiciary's responsibilities in providing language assistance.

The essence of due process is the opportunity to be heard. Our justice system is the envy of other countries because it is open and fair to everyone seeking justice. By helping those who have not yet mastered English, we reinforce the message that the doors to the best justice system in the world are open to everyone.

Our law demands it. Our Constitution demands it.

The courts of the 21st century will symbolize a new era. A turning point in our history occurred when we realized there was a smarter way to handle criminals.

Six years ago, my colleague and then Chief Justice Carol Hunstein accompanied Representative Wendell Willard to Alabama to explore how that state was reforming its criminal justice system. Back in Georgia, Governor Deal seized the reins, brought together the three branches of government, and through extraordinary leadership, has made criminal justice reform a reality. Georgia is now a model for the nation.

Today, following an explosive growth in our prison population that doubled between 1990 and 2011 and caused corrections costs to top one billion dollars a year, last year our prison population was the lowest it has been in 10 years. Our recidivism rate is the lowest it's been in three decades. And we have turned back the tide of rising costs.

For the last five years, the Georgia Council on Criminal Justice Reform – created by the governor and your legislation – has been busy transforming our criminal justice system into one that does a better job of protecting public safety while holding non-violent offenders accountable and saving millions in taxpayer dollars. I am extremely grateful to this Council and commend the steady leadership of co-chairs Judge Michael Boggs of the Court of Appeals and Thomas Worthy of the State Bar of Georgia.

Throughout this historic reform, Georgia's trial court judges have been in the trenches. Our number one goal in criminal justice reform is to better protect the safety of our citizens. Central to that goal is the development of our specialty courts – what some call accountability courts.

These courts have a proven track record of reducing recidivism rates and keeping our citizens safe. Nationwide, 75 percent of drug court graduates remain free of arrest two years after completing the program, and the most conservative analyses show that drug courts reduce crime as much as 45 percent more than other sentencing options. Last year, these courts helped save Georgia more than \$51 million in prison costs.

From the beginning, you in the legislature have steadfastly supported the growth in these courts, most recently appropriating more than \$19 million for the current fiscal year.

Georgia now has 131 of these courts, which include drug courts, DUI courts, juvenile and adult mental health courts, and veterans courts. Today, only two judicial circuits in the state do not yet have a specialty court, and both are in the early stages of discussing the possibility of starting one. In addition to those already involved, last year alone, we added nearly 3500 new participants to these courts.

Behind that number are individual tales of lives changed and in some cases, lives saved. Our judges, who see so much failure, take pride in these success stories. And so should you.

Chief Judge Richard Slaby of the Richmond County State Court, speaks with great pride of Judge David Watkins and the specialty courts that have grown under Judge Watkins' direction. Today the recidivism rate among the Augusta participants is less than 10 percent.

The judges who run these courts are committed and deserve our thanks. We are grateful to leaders like Judge Slaby, who is President-Elect of the Council of State Court Judges and a member of our Judicial Council; to Judge Stephen Goss of the Dougherty Superior Court, whose mental health court has been recognized as one of the best mental health courts in our country; to Chief Judge Brenda Weaver, President of the Council of Superior Court Judges and a member of our Judicial Council. Judge Weaver of the Appalachian Judicial Circuit serves on the Council of Accountability Court Judges of Georgia, which you created last year by statute. Its purpose is to improve the quality of our specialty courts through proven standards and practices, and it is chaired by Superior Court Judge Jason Deal of Hall County. Judge Deal's dedication to the specialty court model in his community, and his guidance and encouragement to programs throughout the state, are described as invaluable by those who work with him.

We may not have a unified court system in Georgia. But we have judges unified in their commitment to our courts. Among our one thousand four hundred and fifty judges, Georgia has many fine leaders. I've told you about a number of them today. In closing, I want to mention two more.

When the United States Supreme Court issued its historic decision last year on same-sex marriage, our Council of Probate Court Judges led the way toward compliance. Three months before the ruling was issued, the judges met privately at the behest of the Council's then president, Judge Chase Daughtrey of Cook County, and his successor, Judge Don Wilkes of Emanuel County. Together, they determined that regardless of what the Supreme Court decided, they would follow the law. Both Governor Deal and Attorney General Sam Olens also publicly announced they would respect the court's decision, despite tremendous pressure to do otherwise.

These men are all great leaders who spared our state the turmoil other states endured. The bottom line is this: In Georgia, we may like the law, we may not like the law, but we follow the law.

The day-to-day business of the Georgia courts rarely makes the news. Rather judges, their staff and clerks spend their days devoted to understanding the law, tediously pushing cases through to resolution, committed to ferreting out the truth and making the right decision. It is not easy, and they must often stand alone, knowing that when they sentence someone to prison, many lives hang in the balance between justice and mercy.

So I thank all of our leaders, and I thank all of our judges who are leading our courts into the 21st century.

May God bless them. May God bless you. And may God bless all the people of Georgia. Thank you.