

2009 STATE OF THE JUDICIARY ADDRESS

HONORABLE CHIEF JUSTICE LEAH WARD SEARS
Supreme Court of Georgia
House Chambers, State Capitol

Atlanta, February 4, 2009 -- Lieutenant Governor Cagle, Speaker Richardson, Speaker Pro Tem Burkhalter, President Pro Tem Williams and other members of the General Assembly. Ladies and Gentlemen. I am overwhelmed by your warm welcome.

Today I stand before this distinguished body for the last time as the Chief Justice of the Supreme Court of Georgia. I am both honored and humbled. I have so many of you to thank for your years of support and encouragement. And I am forever indebted to my colleagues on the Supreme Court – my friends – Presiding Justice Carol Hunstein, former Chief Justice Robert Benham, and Justices George Carley, Hugh Thompson, Harris Hines and Harold Melton. I am also grateful to my friends on the Georgia Court of Appeals, now being ably led by Chief Judge Yvette Miller, as well as all of my other colleagues in the judicial branch.

The judicial system's budget is less than one percent of the overall state budget, but we play a huge role in protecting the safety and security of Georgia citizens. Unfortunately, like others in state government, we have had to slash our budget to the bone. We have reduced personnel and cut our expenditures. Before this economic downturn, this state's appellate courts were well on our way toward unveiling an electronic filing system to make all our courts more accessible to people throughout the state. Such a system is a minimum requirement in this 21st century. Unfortunately, we have had to put that on indefinite hold.

We are deeply concerned, as you are, about the present financial situation and its effect on Georgians. We are particularly troubled about its impact on the delivery of justice to our citizens. Even in good economic times, the administration of justice is difficult to fulfill given the sheer volume and complexity of problems Georgians bring to their courthouses. Because of the effects of the nation's bad economy, people will need access to justice now more than ever. We already see this happening. The number of mortgage foreclosure cases in Georgia is at an all time high. Debt collection has increased dramatically. We may also begin to see an increase in other types of problems that typically escalate during tough economic times, such as crime, child abuse, domestic violence and substance abuse.

We are frequently reminded that government cannot do everything. And that is true. Government cannot do everything, and in times like these, government cannot *afford* to do everything. But there are some things that only government can do, and these things it must do well. Administering justice under the law is a function that only government can fulfill. The determination of guilt and innocence, property rights and parental rights, legal privileges and power are judgments only government can make. Administering justice is one of the reasons governments exist. If we neglect this fundamental obligation to the people, we break trust with them, and ultimately, lose their confidence. And for government, public trust and confidence is everything.

No doubt you have heard what other states' judicial systems are now doing to cope with our nation's troubled economy. Some states have closed their courthouses a few days a month.

New Hampshire has cut back on the number of jury trials it holds. Several states, including Utah, are leaving judgeships vacant following retirements, including a few who have vacancies on their Supreme Courts. These are drastic steps. They will deny justice to many. In Georgia, we cannot afford to go down this path.

Nevertheless, I am confident that even in the face of economic turbulence, the future of our judiciary is as bright and solid and undaunted as is the bedrock optimism of our people. After all, we are Americans. And we are Georgians. That means that, working with you and the Governor, we will be bold. We will learn to do more with less. And for the safety and security of our state, we will endure, and we will prevail.

That is in large part because Georgia is fortunate. This state's judges are among the best in the nation. I am honored to have stood with them all these years. Like me, many have devoted their careers to guaranteeing that all citizens of our state receive fair and impartial justice. I will miss being a part of "the brotherhood". And I will miss all of you.

It's never easy to say good-bye. I have been truly blessed. When I embarked on my judicial career 26 years ago, I never imagined that it would turn out as it has. Indeed, the world has changed much since I first became a judge. I was a mere 27 years old when Mayor Andrew Young appointed me to Atlanta's traffic court. It was 1982 – the year USA Today was first published, Diet Coke was born, and the Weather Channel aired for the first time. Voicemail was patented that year, and back then, most of us lived without cell phones, e-mail or laptops. Imagine that!

To some extent, my career as a judge has been a metaphor of how much our great state has changed. In 1988, when I ran to become a Fulton County Superior Court judge, there were only four African-American superior court judges in the whole state, and only six women. I can still remember my first day on the bench. I was trying a simple zoning case when I noticed that the room was packed. Standing room only. Deputies, court reporters, administrative assistants and other spectators were lining the walls and peering through the windows. They were there to watch me try my first case, as if I were an alien who had landed in Fulton County.

And I'll never forget 1992 around Valentine's Day when Governor Zell Miller called and said to me, "Judge, I want to let you know I am going to appoint you to the Supreme Court of Georgia." I was flabbergasted. I was only 36 years old – the youngest person ever to be appointed to the Supreme Court. I was a woman – no woman had ever served on that court. And I was an African-American – the second, just behind my friend and colleague Justice Benham. Somehow I managed to regain my composure to thank Governor Miller. And I pledged to him that I would never let him down. I have always tried to live up to that promise.

Permit me to tell you a few of the things I have learned in the 26 years I have been a judge. I have learned that people are far more complex than the labels we sometimes affix to them. As judges, we would not be doing our jobs if we paid attention to labels because we have but one purpose: to know and uphold the laws of the State of Georgia and the United States, regardless of where the chips may fall. That means that in our work we can espouse no ideology, no partisan political views, and we must ignore the false assumptions people sometimes make.

I have learned that the people of Georgia are fortunate to have attorneys of the highest quality. I am always amazed at the ability of Georgia's lawyers to present vigorous, well-reasoned arguments on both sides of complicated issues and to answer the probing questions of

the justices of our Court. I commend the State Bar of Georgia for all it does to maintain the exceptional quality of Georgia lawyers.

I have learned that whether you are a member of the legislative, executive or judicial branches, we are all servants of the people, and we are all in this together. That means we must communicate and cooperate with one another to accomplish the people's business. And we can do that in a way that preserves the integrity of all branches and honors the concept of the separation of powers.

I have learned that sometimes a whisper is better than a roar. I now know that to get your point across, you don't always need to carry a big stick. I've also learned that while you should never shy away from standing up and speaking out for that which you believe is right, you have to pick your battles. On a court like ours, the only way to succeed is with your intellect and your integrity. The best judges listen more than they talk. And they are patient. That often means that when your position doesn't prevail, you have to let it go and move on.

I have learned that the most rewarding part of my career has not been the offices I have held but the people I have met and with whom I've had the privilege of working. Since I've been Chief Justice, I have only been treated with generosity and kindness. The fact is that I have had the exceptional privilege of working with exceptional people who have dedicated years of hard – and at times heartbreaking – work to make Georgia's judicial system the very best in the nation.

I am proud that when I step down, I will leave behind – according to a recent national study – the No. 1 most productive Supreme Court in the country.¹ That same study ranked Georgia's high court as one of the five best state Supreme Courts in the nation, based not only on productivity but also on national influence and judicial independence. The Georgia Court of Appeals also has been ranked among the top five appellate courts in the number of opinions issued per judge.

I am also proud that Georgia has a state trial court system that works hard to ensure that all people have access to justice, no matter their status in life. Today, thanks to your support, Georgia is taking the lead with drug courts and mental health courts. This past year, both the National Highway Traffic Safety Administration and the National Council of Juvenile and Family Court Judges cited the work of Georgia's drug courts as a model for the nation.

In the past, some were skeptical of these so-called "accountability courts," worried that they coddled criminals. But attitudes have changed because we now know that to prevent crime and save taxpayer dollars, we must break the cycles of drug addiction and mental illness that have contributed to the clogging of our courts and of our jails.

I am also proud of the work of the Georgia Supreme Court Commission on Children, Marriage and Family Law. As you know, I have long been a proponent that "children do better with parents together." This is not just another do-good campaign unrelated to crime or justice. As a judge, I have seen daily the effects on our courts, not to mention our society, of family dissolution.

There is much sociological data that now suggests that children who grow up in healthy, intact families are less likely to engage in criminal behavior, and are more likely to have productive lives that never lead them to the inside of a courtroom. That's why marriage continues to be the most pro-child institution and antipoverty program we have.

¹ Choi, Stephen J., Gulati, G. Mitu and Posner, Eric A., Which States Have the Best (and Worst) High Courts? (May 1, 2008). U of Chicago Law & Economics, Olin Working Paper No. 405; U of Chicago, Public Law Working Paper No. 217. Available at SSRN: <http://ssrn.com/abstract=1130358>.

This past year, the Commission co-hosted a national summit on marriage, bringing together experts from around the country to debate and discuss the future of this institution. Governor Perdue joined me in welcoming them to Atlanta.

I hope all of you will continue to join in the efforts to keep marriage alive and strong and valued as an institution, for the sake of our children and our nation. I assure you that whatever I do next, you have not heard the last from me on this issue.

Time does not allow me to mention all the people who have served and worked with me through the years. Suffice it to say, the Supreme Court staff is stellar. I know that Presiding Justice Carol Hunstein will receive the same loyal support from this outstanding staff when she takes the reins as chief justice this summer. I wish her every success.

And, of course, I can never thank enough my own family, without whom I would not be here. My children, Addison and Brennan: I am so proud of the young man and woman they have grown up to become. My mother, Onnye Jean Sears, who along with my late beloved father, always guided me and always believed in me and made me believe in myself. And, of course, my husband, Haskell Ward. Whatever I have been able to achieve as Chief Justice could not have been accomplished without the unfaltering love and support of this man. He has been my strong and steady rock for the last 10 years, and I am always thankful for that. My husband, mother and daughter are here today. Would you please stand.

And then, of course, there are my colleagues and dear friends who have served with me on the Supreme Court. We are a collegial bunch. We are people of different perspectives and diverse backgrounds. We are a well-oiled machine that has kept the wheels of justice going in this state for about 15 years now.

At times, I have jokingly compared our little group to family members who get together just once a year at Thanksgiving. There is sometimes a bit of tension, but the respect and the love are always there. Having served so long together, we know each other well – each other's ticks and predilections. We can often read each other's facial expressions and anticipate what's coming next, sometimes with dread.

I just want to say how much you all mean to me. There are many precious memories. We've worked hard together. We've argued, sometimes vehemently, only to then break for lunch and enjoy a meal together. We've shared sacrifices and tears, victories and joys. Some of you have held my hand during difficult times, and I've held yours. Each of you is a part of my life's story, and I will forever be grateful. The state of Georgia has benefitted from your service and our cohesiveness.

As to the Court's future, my prayer is that whoever the Governor appoints to replace me would build on the progress the Supreme Court of Georgia has already made. My prayer is that the next Justice would be a fair, honest, upright person of the highest integrity, a man or woman who would walk in the same shoes as a Logan Bleckley, Joseph Lamar, Charles Weltner or Norman Fletcher. We have had the greatest of justices in this state, whose courts have not been infected by politics. And that is because our justices were never ideologues. Rather they were just good lawyers, fair and impartial judges, decent men and women.

I suppose my failure as Chief Justice was my inability to get our state's judges a much-needed raise – a raise they have not had in more than a decade. Many of you here worked hard

for that goal, and I thank you. I was honored to have so many join in the effort. When our economy improves, for the sake of this state's judicial system, I urge you to renew that effort.

I came to the Supreme Court quite young. I determined some time ago to leave before I was too old. It has been a privilege to serve here. But the court, like most institutions, needs constant replenishment with people who are not comfortable with its ways. It is time I moved on. As to my future, my so-called "retirement" at 53 years old is by no means an end for me. Rather it's a beginning. A rebirth. A launching of a new adventure. I don't know exactly yet what it will be, but like you, I am a public servant at heart. My life has been driven by a desire to do what I can to make things better for all people. And as long as God blesses me with health and well-being, I will continue to serve in some capacity. Just as I pledged to Gov. Miller 17 years ago, I pledge to you today: Whatever I do next, I swear to you, I will not let you down.

Finally, I want to thank the people of Georgia for giving me this extraordinary opportunity. I want to thank the millions I've never met personally who are simply good, solid, hardworking people. Those who voted for me, called me with their words of support, sent me notes and wrote me letters along the way. They were the ones who decided – not once, not twice, but three times – that I was worth keeping around by electing me to office.

I am so proud of this state. I am so very proud to be a Georgian. And I am proud of all of you. God bless and comfort you. God bless Georgia. And God bless America.

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