1. Article reports that “the increasing amount of money flowing into Georgia judicial campaigns has become more and more unsettling - to lawyers, judges and the people who rely on both to make their way through the legal system.” Elections will be held on July 18 for 135 Superior Court judgeships. Only twenty-one of these races are contested, but “candidates in those races have already raised roughly $1 million.” Georgia Supreme Court Justice Harris Hines says that rising campaign costs are a function of the state's growth: “We're the 10th most populous state now. There are more people to reach,” which necessitates the use of expensive advertising. Political consultant Jim Lovejoy says, “I haven't met a judge yet that enjoys or wants a candidate to run against them and join the political process. They realize it's not what it used to be.” However, says Lovejoy, “if you don't [buy advertising] and the other guy does, you've lost your job.” Jim Galloway, Money Pours Into Georgia's Judicial Races, Atlanta Journal-Cons., July 2, 2000.

2. Column argues that Georgia judges too often “time their departures [from the bench] to circumvent the state constitution and allow the governor, rather than the voters, to choose their successors.” If a judge resigns with less than six months remaining before the primaries, the governor is entitled to fill the vacancy with a successor who does not have to run in the upcoming election. This practice of resignation before the end of term, the column argues, dangerously enhances the power of the governor. The column concludes: “If the people who run Georgia don't want judges elected, they should change to the system they want. That would at least stop the corruption that occurs when judges knowingly, deliberately and willfully stage resignations to thwart the rule of law.” Jim Wooten, No Circumventing Rules, The Atlanta Journal-Constitution, July 5, 2000.

3. Column laments the dearth of information about judicial candidates available to Georgia voters. The columnist recalls the 1998 Georgia Supreme Court election, in which candidate George Weaver ran an advertisement claiming that his rival, Justice Leah Sears, had stated that the electric chair was “silly.” The state's judicial monitoring panel ruled that Weaver's advertisement was misleading because it implied that Sears disapproved of the death penalty when, in fact, she only disapproved of the electric chair only as a method of execution. The columnist claims that, even if Sears did hold the unpopular view that the death penalty was wrong, there is no way for voters to know: “Judges can't speak and nobody is willing to rate them for us.” Noting that most judicial positions are filled by gubernatorial appointment, the columnist concludes, “I don't know the best solution to this problem. But I admit to being uncomfortable when I step into
the voting booth and stare at a list of judges whose full backgrounds are known only to the governor.” Ron Woodgeard, *How to Judge the Judges*, Macon (Ga.) Telegraph, August 27, 2000.

4. Article reports that U. S. District Judge Willis Hunt has struck down the Georgia Judicial Qualifications Commission's prohibition against false or misleading statements by judicial candidates. 1998 state Supreme Court candidate George Weaver brought a lawsuit against the Commission after it issued a statement proclaiming his campaign advertisements “unethical, unfair, false, and intentionally deceptive.” The spots claimed that his opponent approved of same-sex marriages and called the electric chair “silly.” Judge Hunt ruled that, while the state may rebuke judicial candidates for making false statements, the Commission's prohibition was overly broad and threatened candidates' First Amendment rights. Weaver described Judge Hunt's holding as “a complete victory as to the most important part of our challenge. . . . Candidates for judicial office should have more freedom to discuss the philosophy of their opponents and they should have more freedom to interpret statements by their opponents.” Bill Rankin, *Judge: State Can't Curtail Mudslinging*, Atlanta Journal-Constitution, August 30, 2000.

5. Column praises 1998 Georgia Supreme Court candidate George Weaver as a “pioneer soul” who challenged “the state's political-legal community's practice [of] constitutional nullification.” While the state constitution stipulates that judges should be elected, the column contends that “they are routinely chosen by the governor.” According to the column, Weaver began “restoring constitutional integrity” to the state with his 1998 candidacy against incumbent Leah Sears when he filed a lawsuit against the state judicial election commission after it issued a public statement claiming that Weaver's advertisements were “false, deceptive, and misleading.” Finding for Weaver, a federal district judge recently held that the commission's rules were overly broad and threatening to candidates' First Amendment rights. (See Court Pester, August 31.) The column claims that Weaver's efforts have “made it possible for voters to make m! ore informed decisions about the judges they choose to serve on our courts.” Jim Wooten, *On a Quest for Integrity in Selection of Judges*, Atlanta Journal-Constitution, September 1, 2000.

6. Column reports that Georgia Governor Roy Barnes's has endorsed a federal district court opinion holding the state's judicial campaign regulations to be in violation of the First Amendment. (See Court Pester, August 31.) 1998 state Supreme Court candidate George Weaver sued the state judicial election commission after it issued a public statement claiming that Weaver's advertisements about his opponent, Justice Leah Sears, were “false, deceptive, and misleading.” In his lawsuit, Weaver charged that the election regulations
circumscribed his right to free speech and unfairly placed the burden of proof on him to rebut allegations of rules violations. In his ruling, U. S. District Judge Willis Hunt agreed with the former charge but not the latter -- a holding which Weaver now plans to appeal to the U. S. Court of Appeals for the Eleventh Circuit. Noting that Weaver “thinks he was done in by good-ol'-boy incumbent-protecting politics employed to chill competition,” the columnist observes that, of Georgia's 31,872 lawyers, not one stood to challenge an incumbent in the eight judicial elections being held this year. Jim Wooten, *Barnes Supports Ruling in Favor of 'Free Speech'*, Atlanta Journal-Constitution, September 17, 2000.

7. Investigative report asserts that the Georgia Judicial Qualifications Commission “reprimands jurists almost exclusively in private.” The Commission “has . . . all but stopped issuing public reprimands and suspensions,” having taken private action in 97% of its cases. While Governor Roy Barnes has called for more openness in the Commission's proceedings, the board's chairman, Jerry Blackstock, maintains that secrecy is necessary to protect judges' reputations in the face of frivolous charges. The report recognizes that most state judicial inquiry commissions issue private reprimands, but asserts that Georgia should follow the example of Arkansas, whose commission makes public all actions on complaints. It concludes that such information is useful for voters but notes that the frequency of judicial appointments to replace judges who leave in the middle of their terms prevents voters from putting that information to use. Lucy Soto, *Disciplining the Judges*, Atlanta Journal-Constitution, October 2, 2000.

8. Article reports that recent federal court rulings have hampered efforts to regulate judicial campaigns. Last month, Federal District Judge Solomon Oliver, Jr. struck down Ohio's spending limits for judicial candidates, finding that the caps unconstitutionally restricted “the quantity of political speech.” (See Court Pester, September 28.) In Georgia, a federal judge ruled that judicial ethics regulations forbidding misleading statements were over-broad and violated the First Amendment. (See Court Pester, August 31.) Roy Schotland, professor of law at Georgetown University, claims that “these decisions are a big problem for the regulation of judicial candidates' conduct by official bodies.” William Glaberson, *Court Rulings Curb Efforts to Rein in Judicial Races*, New York Times, October 7, 2000.

9. Article reports that former Georgia Supreme Court candidate George M. Weaver is continuing to challenge the state Judicial Qualifications Commission's power to reprimand candidates who issue public statements that are misleading or false. (See Court Pester, September 19 and August 31.) During the 1998 Supreme Court race, Weaver ran advertisements claiming that his opponent, Justice Leah Sears, supported same sex marriages and thought the electric chair was “silly.” However, Sears had taken no position on same sex marriages in two of the cases.
his advertisements cited and she supported court decisions that established the
electric chair as the state's only method of execution. Weaver claims that the
public reprimand he received from the Commission during the 1998 season cost
him the election. Weaver's attorney speculates that the Commission's reprimand
may have been politically motivated, noting that two Commission members and
the Commission's attorney contributed to Justice Sears' campaign. Presiding
over Weaver's lawsuit against the Commission, U. S. District Judge Willis Hunt
struck down the Commission's regulations barring candidates from misleading or
false statements as violations of First Amendment rights, a decision applauded by
Gov. Roy Barnes. Weaver is now appealing Judge Hunt's preservation of the
Commission's power to reprimand. R. Robin McDonald, Former Georgia Justice
Appeals to Wipe Out Last JQC Check on Campaigns, Fulton County Daily

10. Editorial hails the Georgia legislature’s creation of a joint committee to determine
whether the state’s judicial elections ought to be publicly financed: “The framers
of the state Constitution never intended judicial decisions to be affected . . . by
campaign contributions.” The average appellate court campaign costs nearly
$200,000, a sum that, according to the editorial, “has caused many experienced
lawyers who would make fine judges to shy away from the job.” By
implementing public financing, Georgia can protect itself from the scandals that
have plagued Alabama and Texas. Furthermore, since lawyers are often reluctant
to lose favor with incumbent judges by contributing to challengers’ campaigns,
public financing would widen the slate of candidates for voters. Use Public

11. Article reports that only six percent of Georgia judges are black, “far short of the
28 percent of the overall state population.” State Supreme Court Justice Robert
Benham, the first black man on that court, criticized the situation, saying that a
“bench that is, to some extent, representative of the population would enhance
respect from the public.” There is disagreement, however, over how to achieve
that goal. Some call for better educational opportunities and mentoring for young
black attorneys. State Rep. Tyrone Brooks, who filed an unsuccessful suit
challenging Georgia's judicial-selection process, suggests “either electing judges
by smaller districts, so that black votes will no longer be diluted in multicity
judicial circuits, or allowing the governor to appoint all judges,” who would then
face retention elections. “Racially polarized voting is still the reality in America
today,” he said. Walter C. Jones, The Percentage of Georgia Judges Who Are

12. Column praises the U.S. Supreme Court’s decision striking down Minnesota’s
canon restricting judicial speech and the recent decision of the Georgia Judicial
Qualifications Commission to open disposed complaints to public inspection.
“The People have just been invited to join The Club…. We get to know how judges behaved and a hint at how they think. That may not seem revolutionary, but it is the crumbling of the Berlin Wall.” Jim Wooten, *Two Decisions Register on the Richter Scale*, Atlanta Journal-Constitution, July 7, 2002.

13. Article reports on a controversy over the filling of a Georgia Superior Court vacancy. When the incumbent judge retired, Governor Roy Barnes appointed Gino Brogdon as his replacement. However, former Atlanta Solicitor Louise Hornsby had already filed as a candidate for the seat, and Brogdon can’t run against her, because he was appointed after the filing deadline. According to the state Constitution, “if the vacancy is filled less than six months before a general election, the new judge doesn’t have to run until the next election cycle,” making open-seat races rare since judges generally time their retirements “so the governor can appoint a successor, who then runs - usually unchallenged - as an incumbent.” Hornsby has petitioned a U.S. District Court to allow an election for the seat, and her attorney says that the controversy demonstrates that Georgia’s judicial selection system is “a rigged game.” Steve Visser, *Barnes’ Choice for Judgeship Challenged*, Atlanta Journal-Constitution, July 10, 2002.

14. Article reports that “former Georgia Attorney General Mike Bowers argued to a federal judge … that the current interpretations of Georgia’s Constitution are so flawed that governors can circumvent the election of judges.” When a judge resigns less than six months before an election, the governor appoints a replacement who does not have to run until the next election cycle and usually wins because most lawyers are “loath to challenge an established judge.” (See Court Pester, July 11.) In the worst case scenario, Bowers argued, “the people could vote out an incumbent judge and the governor could still reappoint the judge before the term expired and keep him or her indefinitely on the bench.” Bowers is representing former Atlanta Solicitor Louise Hornsby, who was the only candidate to qualify for a race for Superior Court seat which was then filled by appointment. The Georgia Secretary of State has said that Hornsby will not appear on the ballot. Deputy Attorney General Dennis Dunn defended the law, which he said allows appointed judges “time to prove themselves on the bench.” Steve Visser, *Bowers: Governor Can Skirt Vote on Judges*, Atlanta Journal-Constitution, July 16, 2002.

15. Column decries Georgia’s judicial elections as “a Potemkin democracy, a charade that is ethically more offensive than the business practices of Enron executives.” The columnist describes the case of former Atlanta solicitor Louise T. Hornsby, who qualified to run for a vacant seat but was then informed that the vacancy had been filled by gubernatorial appointment and that, since the appointee was not required to run until the next election cycle, no election would be held for the seat. (See Court Pester, July 18.) “The club exercised its option to substitute its
judgment for that of the voters.” The problem is widespread, because “by political custom” judges “‘resign’ so that the governor, rather than the people, can pick their successors,” resulting in uncontested elections. Jim Wooten, *Judgeships Only for Those in the Loop*, Atlanta Journal-Constitution, July 21, 2002.

16. Column blasts the U.S. Chamber of Commerce, the Business Roundtable, and other special-interest groups for “pumping… obscene amounts” of money into judicial elections. Although millions have been spent on judicial races for years in Texas, Ohio, and Michigan, “big money is beginning to infiltrate” more states this year. In Georgia, two contested Supreme Court races “will have attracted more than $700,000” by the time they are decided in the primary. The columnist calls on the Georgia General Assembly to reconsider a bill providing public financing for judicial elections that failed in the last legislative session. Martha Ezzard, *Money Can’t Buy Judicial Elections - Yet*, Atlanta Journal-Constitution, August 18, 2002.

17. Article reports that the U.S. Court of Appeals for the Eleventh Circuit has struck down Georgia’s limits on judicial candidates, ruling that they “now can personally solicit money and endorsements” and “cannot be reprimanded for criticizing an opponent unless the candidate is found to have made malicious or reckless false statements.” Clarke County Superior Court Judge Steven Jones, who chairs the Georgia Judicial Qualifications Commission, said, “This is going to dramatically change the way judges are elected in Georgia…. I don’t think it’s good for judges to be out there” soliciting money from lawyers who may have cases before them. The ruling said that “the distinction between judicial elections and other types of elections has been greatly exaggerated, and we do not believe that the distinction, if there truly is one, justifies greater restrictions on speech during judicial campaigns.” Bill Rankin, *Court Eases Judicial Campaign Rules*, Atlanta Journal-Constitution, October 23, 2002.

18. Article reports that the Georgia Judicial Qualifications Committee has decided “to appeal a court decision striking down limits on what judicial candidates can say and do while campaigning.” (See Court Pester, October 24.) The unanimous ruling by a three-judge panel of the 11th U.S. Circuit Court of Appeals “said judicial candidates can solicit money and endorsements personally” and “cannot be reprimanded for criticizing opponents unless the candidate is found to have acted maliciously or recklessly.” The judicial commission, which monitor’s Georgia’s non-partisan judicial elections as well as the conduct of judges, “said it will ask the entire 11-member appeals court to rehear the issue.” *Judicial Campaign Ruling Sparks Watchdog Appeal*, Atlanta Journal-Constitution, October 25, 2002.
19. Column sarcastically reports that “the polite, tidy, tightly controlled ice cream
socials that passed for judicial elections [in Georgia] may now get - horror of
horrors - noisy and, ohmygawd, maybe even nasty.” Such “fear and panic” has
resulted from a ruling by the 11th Circuit U.S. Court of Appeals that Georgia
“judicial candidates can’t be shot merely for criticizing an opponent.” The
decision was motivated by the case of George Weaver, who ran for the Georgia
Supreme Court in 1998. According to the columnist, Weaver ran an ad that
“interpreted the incumbent’s views on same-sex unions and capital punishment”
in a “fair” way. Shortly before the election, the Georgia Judicial Qualifications
Commission declared that Weaver had “engaged in ‘unethical, unfair, false and
intentionally deceptive’ campaign practices.” The column concludes by thanking
Weaver for challenging a system that “can be unmerciful in crushing the little
guy.” Jim Wooten, Court Gives Little Guys a Fair Chance, Atlanta Journal-
Constitution, October 29, 2002.

20. Article reports that the Georgia Supreme Court has “refused to release
recommendations made by the state Judicial Qualifications Commission that
would change campaign rules that bar candidates from making misleading
statements and personal fund-raising solicitations.” The old rules were “struck
down last year by a federal appeals court as a violation of the First Amendment.”
The Supreme Court justices “may adopt, amend or reject the commission’s
recommendations.” Walter H. Bush Jr., an attorney who works on First
Amendment issues, called it “perfectly legal and proper” for the court to keep the
recommendations secret while it reviews them, though he “added that once the
court decided how to rewrite the campaign rules, it would be ‘highly advisable’ to
announce its plans and give the public a month or so to comment on them.”
Jonathan Ringel, Georgia High Court Takes Secretive Stance on Judicial

21. Article reports that the “Georgia Supreme Court is considering new rules that
would give judicial candidates most of the free-speech rights enjoyed and abused
by candidates for other offices,” though the proposals made by the Judicial
Qualifications Commission “would forbid candidates from lying about their
qualifications, exhibiting a ‘reckless disregard’ for the truth and committing to
positions on issues that might come before them.” Last year, in Weaver v.
Bonner, the U.S. Court of Appeals for the 11th Circuit struck down as First
Amendment violations Georgia’s rules prohibiting judicial candidates from
making “misleading” statements and from making personal solicitations for
campaign contributions. The court has invited public comment on the proposals
for new rules, and will accept written comments mailed or faxed by Oct. 20. The
proposed rules and more information are available through Recent Press Releases
at http://www2.state.ga.us/courts/supreme/. Jonathan Ringel, JQC Seeks Free