April 1996 Docket

Georgia State University College of Law

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The Docket recently sat down with Georgia Supreme Court Chief Justice Robert Benham to talk about everything from his role as the state's chief justice to his thoughts on being the first African-American elected to Chief Justice. What follows is an interview conducted early last week.

Docket: Tell us about the Atlanta Legal Aid Society. . . you have a very close relationship with it, and are currently spearheading a fund drive for them.

Chief Justice Benham: I worked for Atlanta Legal Aid Society 25 years ago. One of my first cases was at school, and worked for them for about 6 months prior to my going into the military. I've always had an interest in legal services because I think how we provide representa- tion for the poor is a measure of how viable the Constitution and the Bill of Rights are for all of our citizens. There's an absolute right to legal representation, and it's an area where there aren't enough lawyers.

Docket: Could the ABA legally require law schools to provide a certain number of manhours to indigent legal service programs in exchange for its accreditation?

Chief Justice Benham: Well, that's something I don't think that I should comment upon because courts sometimes get these very issues presented to them. But I think that that reflects the knotty issues for lawyers...and it's a matter that we see issues such as legal services in terms of what is required, looking at the law as being the stan- dard of conduct. I believe the law is the lowest level of acceptable con- duct. And I think as lawyers and law students, we should have a higher standard of conduct, that is not just what the law requires...what we must do. I think that standard should be what is expected of us as an hon- orable profession would do something to provide legal represen- tation for the poor.

Docket: The first thing that struck us when walking into this building was the beautiful marble busts of past chief justices, and the oil paint- ings of the associate justices. Do you see yourself as an historic figure?

Chief Justice Benham: Granted, it's an historic service that I have on the Supreme Court. But I don't look at it as being any evidence of any personal accomplishment on my part. I have always felt that if I Sand tall-in this position it is because I stand on the shoulders of those giants who preceded me. The fact that I am Chief Justice says very little about me as a person, but I think it speaks volumes about the state in terms of how far we have come in that there are a descend- ant of slaves now part of chief justice of the Supreme Court. In that year, a hun- dred and fifty years ago, in 1846, when the Supreme Court was first established, and held its first session in Cass county, it did so at a distance of two miles from where my family was held in slavery. This year we celebrate the 150th anniversary of the Supreme Court. It is a lot about the American dream and about hope. Not only here, in this state, the work that we do says a lot about the promise for people of different races, religions and ethnic groups that in this country, although we have problems...and in this state...although we have problems, it is possible to reach the highest position in the judiciary. That's what I see.

Docket: That brings up the next question. Walking over here, you can't help but notice the tremen- dous statue of Governor Talmadge had been by to leave me the keys to them were able to see-me become a Chief Justice. That's what we need to get back to.

Chief Justice Benham: I think you are a product of your past. I come to the court by way of the American- African-American experience. And when I talk about the history of this state, I think of my family as being a part of the difficulty of the past, and part of the process. I look at it as all Georgians sharing in the process, and taking responsibility for some of the difficulties in the past. You mentioned Eugene Talmadge...I know his son fought in the war, who is a former Governor, who I consider to be a friend of mine, and I think he considers me to be a friend of his. It showed that people of good will, working together, can bring about change in spite of the fact that there were difficulties in the past. I would be a sad com- mentary if we saw Georgia as only being minded down in the past...there's nothing we can do about the past. I think the challenge for the court and the Bar, and build on the things we have in common. If we do that, the things that separate us will become fewer and fewer.

Docket: What have you personally learned from the past? Has your view world changed since you were in law school?

Chief Justice Benham: Of course law school has a moderating influence on people. When I went to school, I was wide-eyed and wanted to change the world. I was a product of the American dream not just a dream but reality. I came out believing that you can have progress through the courts. When I tried cases, I tried to change that. Actually, my view hasn't changed at all. Some people are marvel at how far we've come over the years; I always thought it was progress because growing up in a small town and going back to Northwest Georgia to practice law...it was the local bar association that elected me as President of the Bar Association...none of that was required by law...nobody had to do that. Within 48 hours after I opened my law office, every lawyer in town had been by to wish me well. Some had put they should do as good neighbors and not they should do because somebody's black or white. Again, if we concentrate on the things we have in common...we'll eventu- ally minimize those things that make us different.

Docket: What influence did your family have on you?

Chief Justice Benham: My mom and dad both believed that there was nothing that my brothers and I could do. This against the back- ground of segregation...to me it was against the law for us to do a lot of things. All during my child- hood, i never knew an African- American lawyer...but nobody in my family told me I couldn't be one. They just said, "If you wanted be, you will be." We talked about going into the military...there was never any question about whether we would join the military...my dad said that "you will go to church, you will perform community ser- vice, you will go into the military, and, if necessary, you will die for your country. End of discussion." Despite problems facing this coun- try back then, there was never any question in my family about whether we would be willing to die for the country. Close to that, there's no way this country offers a lot to its citi- zens...it's not perfect...but the moral fiber of this country, always believed that, and I dare say everybody in our community felt that way.

Docket: It sounds as if you came from a family of optimists.

Chief Justice Benham: Oh yes. Ever abiding faith in the goodness of mankind. My mother worked two jobs, my dad had two jobs. My mom was the part-time cook, and my dad owned his own store downtown, and my father who was the mayor of the town. My brothers who used to shine shoes ended up as field grade officers in the military.

Docket: Are your parents still liv- ing?

Chief Justice Benham: My mom died about three years ago, and my dad is still alive.

Docket: So they were able to see you rise through the ranks?

Chief Justice Benham: Yes. Both of them were able to see me become a lawyer, to serve on the court of law, and to come on the Supreme Court. My mom wasn't able to see me become Chief Justice, but her view was that "all of this is possible." I remember when I called her back in the 70's, and told her that I was elected as President of the Bar Association, and she said, "Oh I knew that would happen." Also, I come from a family that believes in community service. I remember my mother would cook for 2-3 days straight and then she would invite the homeless, the aged, the helpless...she would start the plates to people...and it wasn't considered unusual. That's just what you did. That is what you do in a civilizational society. If a child is hungry, you don't ask how he got hungry, you just feed him. That's what we need to get back to in this country. So not much a sense of selfishness, but a sense of shar- From the Dean.....

This is the season for ceremonial occasions, which are always highlights of the academic year. Early this month, our annual Honors Day enabled us to acknowledge outstanding perfor- mance by a significant number of students in academic and orga- nizational endeavors. Congratulations again to every- one who received awards on that occasion!

I look ahead to our Hooding Ceremony and Commencement with mixed feelings, as always. Our good wishes certainly go to all of you who are completing your academic work, but we will miss your lively presence among us.

A small band of hardy individuals will also be undertaking the July bar examination adventure in Dalton. Prepare, to give the bar exam is always a challenge, with- out the added uncertainties of a distant location. Whatever happens will be no unforeseen logistical complications for you and that you will find that hurdle to be readily manageable.

This summer will also be a time of transition for me. I look toward the retirement of Dean, Janice A. Griffith, to the College of Law. A new Dean will bring extensive academic and professional accomplishments to her new role, and I am confident that you will enjoy working with her very much. I am equally con- fident that she will enjoy working with you. Our diverse, highly tal- ented student body is one of the great attractions of this College of Law. The programming for our wide student universe of organiza- tions brings additional vitality to the legal education that we provide.

Before I return to full-time teaching next January, I will be on research leave at Emory's law school during the fall semester. In 1991 I was the Visiting Southern Bankruptcy Law Institute Professor at Emory when I learned about Georgia State's exciting College of Law. So I will return to familiar territory and colleagues when I undertake to catch up on technolo- gical developments and pursue my interest in comparative bank- ruptcy practices in other coun- tries.

I look forward eagerly to hav- ing much more time to spend with you in the years ahead. Thank you very much for all that you have done to enrich our days of my deanship. It has been a genuine pleasure for me to have made your acquaintance and to serve you.

Maryel J. Girth, Dean
The race is on! Well like it or not, we have challenged Emory College of Law and John Marshall Law School to compete with us to raise funds for the Atlanta Legal Aid Society. I know it is nearing the end of the semester and we are all anxious to turn our attention toward the serious business of exam taking. But consider this: There are certain kinds of stress which actually enable us to perform at our very best—namely a healthy competition between schools to come to the aid of a community servant—the Atlanta Legal Aid Society.

This competition is probably the most exhilarating in a small way. This is the first time the Society has had to raise funds in such a manner. Our objective is to raise more money than Emory or John Marshall. Encourage a friend to give up his or her dinner too. A community servant—Georgia State University—will be memorialized in a small way. This is the first time the Atlanta Legal Aid Society (Legal Aid) is in need of $500,000. Legal Aid serves the needs of 226,000 poor people in metro-Atlanta with 35 attorneys and three offices. The Society has suffered cutbacks in funding from Legal Services Corporation, which thus far has provided more than 50% of Legal Aid's funding. Due to the reduction in funding, the Society has had to close its Cleveland Avenue office, which serviced some 2,000 clients last year. This closing ended 28 years of service to South Atlanta. Legal Aid operates offices in downtown Atlanta, as well as DeKalb and Cobb counties. Attorneys from these offices still reach to the Cleveland Avenue clients to try and meet their needs as much as possible.

To help offset the anticipated continued reduction in funding, the Society needs our financial support to maintain the quality of services they have offered in Atlanta since 1924. An October 14, 1993 article in the Atlanta Journal and Constitution estimated that the ratio of Legal Aid attorneys to the clients they serve is 1 to 7000. The article reported that attorneys have had to shift their priorities from meeting needs in certain areas of law to those requiring the most urgent counsel, such as victims of abuse or those in immediate danger.

You must be asking yourself exactly what do you have to do to help Georgia State? It's as simple as this: On April 15th and 16th, donate the cost of a lunch or dinner to Atlanta Legal Aid. Representatives from the Society, along with school participants, will be on hand in the school lobby ready to give you more information about Atlanta Legal Aid and accept your donations. Student Organizations are encouraged to challenge other organizations, and maybe the faculty would accept a challenge from us. Law classes, challenge your professors. The sky is the limit of your imagination. Let's find ways to participate in this humanitarian cause. Information will be in your mailboxes the week before the two day competition. Our objective is to raise more money than Emory or John Marshall. Encourage a friend to give up his or her dinner too.

Your involvement in this spirit of challenge is crucial to its success. As the sponsor of the competition, Georgia State University will be memorialized in a small way. This is the first time the schools have attempted such an avenue for fundraising, therefore we have a keen interest in assuring the drive is a resounding success. This will occur only in two instances: (1) if law students are willing to donate the cost of a lunch or dinner, or maybe two lunches or two dinners or (2) if students would rather donate an hour of time to help distribute literature at the display on April 15th and 16th.

Let's enjoy the race and invest in seeing that Georgia State University College of Law wins! Win! Win! And remember,

THE BEAUTY OF THIS PARTICULAR CONTEST IS THAT EVERYBODY WINS!!!

by Kathryn Watson
Project Coordinator

Law Review Selects New Members

- During the summer break, the Georgia State University Law Review will select its new candidates from the first year class. As in the past years, the Law Review will invite the top 14 first year students to join, based upon first year grade rankings (including part-time students who have completed first year requirements). The Law Review will invite an additional 14 students to join, based upon the successful completion of a writing competition to be conducted over the latter part of the summer. The dates will be announced later, and each student will be notified by mail. By way of example, last year's competition began the first week of August and was due two weeks later.

- The writing competition will require all eligible students to complete a legal note, centered around a topic that will be selected during the summer. The Law Review will select the topic, provide all research needed for completion of the paper (unlike RWA), and will distribute the materials to all interested students late in the summer. To be eligible, the student must have ranked in the upper 50% of the first year class, based on the end of first year rankings, and completed all first year law school requirements.

- Additionally, all 28 students will be required to complete a Blue Book exam during the same period, before invitation into Law Review will be tendered. If there are any questions regarding the selection process or any issue concerning the Law Review, please do not hesitate to contact any Law Review member.

- Marty McFarland
Law Review Research Editor

Moot Court Holds Annual Awards Banquet

The College of Law's Moot Court Board held its annual awards banquet on Saturday, April 11, 1996 at the Atlanta Brewing Company. In addition to most Moot Court members, a number of faculty and alumni also attended the event.

At the banquet, a total of five awards were presented. The awards included the Best Brief Award, the Best Oralist Award, and the Best Overall Moot Court Award.

The Best Brief Award was presented to Melissa Robichaud, a rising second-year student. Melissa gave an outstanding presentation of a legal argument, which impressed the judges greatly.

The Best Oralist Award was presented to Kyle Alexander, a rising second-year student. Kyle's oral advocacy skills were impressive, and he received the award for his outstanding performance.

The Best Overall Moot Court Award was presented to the team of Tamara Baines and Brad Strawn. Their combined efforts resulted in a well-researched and well-presented argument, which earned them the highest honor.

In addition to the awards, the Moot Court Board also announced the winners of the 1996-1997 academic year. The winners included:

- Best Brief: Melissa Robichaud
- Best Oralist: Kyle Alexander
- Best Overall Moot Court: Tamara Baines and Brad Strawn
- Best Appellate Advocacy: Melissa Robichaud and Kyle Alexander
- Best Labor Law: Tamara Baines, Brad Strawn, and Melissa Robichaud
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ing. We need to get back to solving problems as lawyers rather than going through the lengthy process of a civil suit and we also should encourage communities to solve their own problems. The best solution may not be those that are reached in court... they are the ones reached across the dinner table, the backyard fence, and across the conference table. This next decade will be the real test for this state. We have many different peoples coming into this state... different ethnic backgrounds, different religions... the test will be how they are treated in the protection of our constitution and whether we will seek to weave them into the fabric of American life rather than to exclude them.

Docket: What qualities should a judge have?
Chief Justice Benham: You have to be open-minded, levelheaded, sure-footed and firm and anchored in what the law is.

[Continued]

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Using the World Wide Web for Legal Research

Here is a short list of web sites of interest to legal researchers. Most of the sites listed below contain further links to other web sites. If you do not have access to the world wide web at home, you can use the GALILEO stations (see related article) in the OLLI alcove of the Law Library or the main computer labs on campus.

If you have a home computer with windows and a modem, find out how you can log onto the Web from home! See Jason Puckett in the library’s computer lab or a consultant at the main computer lab in the Library South building on campus. Note: you must have a Panther account to browse the web from home.

Never been on the WEB? See Nancy Deel, Electronic Services Librarian, or Jason Puckett, lab consultant for instruction on Netscape.

HAPPY SURFING!

REALLY GOOD starting places:

“The Legal Web: Law Schools” by Villanova
URL: http://ming.law.vill.edu/VCILP/legalweb.lawschools.html

“The Virtual Law Library Reference Desk” by Lisa Hotzhausen
URL: http://law.wuacc.edu - follow link to “REFLAW”

“The Legal List” by Eric Heels
URL: http://lawlib.wuacc.edu/washlaw/reflaw/refheels.5-1

“How do I Find... Law-Related Internet Resources” by Cindy Chick
URL: http://law.wuacc.edu/scall/sources.html

“Meta-Index for Legal Research” by Patrick Wiseman
URL: http://www.gsu.edu/~lawadm/lawform.html

“The WWW Virtual Library - Law”
URL: http://www.law.indiana.edu/80/law/lawindex/html

“Guides to Law-Related Resources” by St. Louis Univ. School of Law
URL: http://lawlib.slu.edu/misc/topical.htm

“Yahoo - Law”
URL: http://www.yahoo.com/law

“Inter-law’s ‘lectric Law Library”
URL: http://www.inter-law.com

Georgia Law Libraries:

GSU http://www.gsu.edu/~lawadm/law/library
EMORY http://www.law.emory.edu/LAW/law.html
UGA http://www.lawsch.uga.edu

Other Law Libraries:

Chicago-Kent College of Law
http://www.kentlaw.edu

Cornell Law Library
http://www.law.cornell.edu/library/default.html

Emory Univ. School of Law
http://www.law.emory.edu

Indiana Univ. School of Law
http://www.law.indiana.edu

Saint Louis Univ. School of Law
http://lawlib.slu.edu/home.htm

Villanova Center for Info. Law & Policy
http://ming.law.vill.edu/VCILP.html

Washburn Law School, “Washlaw”
http://law.wuacc.edu

Government sites:

US Congress http://thomas.loc.gov
White House http://www.whitehouse.gov

“Federal Web Locator”
URL: http://lawlib.wuacc.edu/80/Fed-Agency/fedweb1otchtml


Contributed by Rhein Ballard-Thrower

Who Is Joe Phillips?
The recent movie The Usual Suspects had audiences asking the question, “Who is Kaiser Sozy?” However, the third year students have recently been asking another question: “Who is Joe Phillips?”

Joe Phillips is an ideal towards which we are all striving. Joe Phillips is a frame of mind. Joe Phillips is not so much a person as Joe Phillips is a movement; a mutual consciousness realized from the collective dreams and desires of people suffering through the same struggle. When a 3L closes his or her eyes and imagines a brighter tomorrow, surely they are picturing some form of Joe Phillips.

Although we can pinpoint the actual day and time that Joe Phillips was first discussed out loud, we can never really determine when Joe Phillips actually began. There was a lunch-time conversation in the cafeteria, some notes passed in class, hushed talks in the hallways, late-night phone calls - but can we actually say that Joe Phillips never existed prior to those fleeting moments? Which leads to the inevitable question: Is Joe Phillips a reality? Much like the way a law school professor answers a student’s query in class, the best way to answer this question is with further questions: Is this relevant? Do we really want to know the answer?

Some lonely Sunday evening, your phone might ring, and it might be nothing more than a wrong number. Or, it might very well be Joe Phillips. Or it could be both. Will you answer the phone? That is the question whose answer will separate you from your classmates for the rest of your life.

It is destined that one among us in the 3rd year class will have the good fortune to one day meet Joe Phillips. All of the hopes and fears of the 3Ls will be with this lucky soul upon that day, as she enters the magical, mystical realm of Joe Phillips. She has had the courage to answer the phone - will you?

J.B.

We're Sorry!
In the last issue of The Docket we congratulated the new Law Review Editorial Board, but we mistakenly left off the new position of Symposium Editor...

Congratulations
Kim Dammers!

The Docket is still looking for a few individuals to fill several editorial spots for next year. You may have noticed that this issue is half the size of our normal issues, and this is directly attributable to a pervasive lack of enthusiasm on behalf of our student body for this publication. Over the past few months, we have taken The Docket from a relatively small, xerox-ed edition to a fairly well-organized printed newspaper. With this progress, we have attracted attention from the faculty and from advertisers wanting to contribute to what you read each and every month. Yet progress has been a double-edged sword. While the new format has allowed for more material to be included, the same number of students are responsible for its publication. In short, we cannot continue to publish a law school newspaper if no more than two or three students out of 584 contribute to its publication. It is simply too much work. However, with a staff of six or eight, each editor would have no more than 2-3 hours of work assigned to them each month. If you are interested, drop a note to Joe Wyant in Box 577.

Okay, off my soapbox. It's summertime! I hope that each and every one of you have a productive and relaxing summer... I think it's much needed at this point. Take care, and good luck to everyone on finals.

Contributed by
Rhein Ballard-Thrower

Joe Wyant