



JUDGES AND THE GEORGIA
PROFESSIONALISM MOVEMENT

The Impact of Service and Leadership

By Karlise Y. Grier

ABA Commission Report

After a series of meetings of key figures in Georgia's legal community in 1988, in February 1989, the Supreme Court of Georgia created the Chief Justice's Commission on Professionalism (CJCPGA), the first entity of this kind in the world created by a high court to address legal professionalism. The framework for CJCPGA appears to draw on the work of the American Bar Association's (ABA) 1986 report entitled *In the Spirit of Public Service: A Blueprint for the Rekindling of Lawyer Professionalism* (ABA Report).¹ The ABA Report noted:

the citizens of this country should expect no less than the highest degree of professionalism when they have entrusted administration of the rule of law—one of the fundamental tenets upon which our society is based—to the legal profession.²

Georgia 1988 Consultation on Professionalism

In March 1988, then Chief Justice of the Supreme Court of Georgia Thomas O. Marshall Jr. convened Georgia lawyers and presided over a Consultation on Professionalism and the Practice of Law. At the Consultation, Chief Justice Marshall invited Georgia judges and lawyers to discuss the lawyer's relationship with courts, the lawyer's relationship with fellow lawyers, and the lawyer's relationship with clients.³ At the end of the discussions, Judge Griffin Bell served as the closing keynote speaker.⁴ Judge Bell touched on several professionalism topics during his closing remarks, including that of civility, and shared, "We must take care to see that civility is not lost in our practice of law."⁵

Establishment of the Chief Justice's Commission on Professionalism and Defining Professionalism

Less than one year after the March 1988 Consultation, the Supreme Court of Georgia entered an order to establish CJCPGA, which was chaired by the chief justice of

the Supreme Court of Georgia.⁶ The court set forth CJCPGA's primary charge, which was (and is) "to enhance professionalism among Georgia's lawyers."⁷ The order further stated, "In carrying out its charge, the Commission [CJCPGA] shall provide ongoing attention and assistance to the task of ensuring that the practice of law remains a high calling, enlisted in the service of client and public good."⁸

Shortly after establishing CJCPGA, Harold G. Clarke, then presiding justice of the Supreme Court of Georgia, wrote an article entitled "Professionalism: Repaying the Debt" to explain the definition of professionalism and the reason why professionalism is important.⁹ First, in defining professionalism, Justice Clarke distinguished ethics from professionalism by opining that "ethics is a minimum standard which is *required* of all lawyers while professionalism is a higher standard *expected* of all lawyers."¹⁰ The distinction noted by Justice Clarke between ethics and professionalism serves as one of the reasons for Georgia's current requirement that lawyers undertake separate continuing legal education hours in ethics and professionalism each year.¹¹ The CJCPGA continues to use Justice Clarke's definition today when teaching and training lawyers about professionalism.

A Lawyer's Creed and the Aspirational Statement on Professionalism

In addition to defining professionalism for Georgia lawyers, the Supreme Court of Georgia also asked CJCPGA to develop a professionalism creed and aspirational ideals for Georgia lawyers. The result was *A Lawyer's Creed* and the *Aspirational Statement on Professionalism*. In introducing the aspirational ideals, the court explicitly stated, "Our purpose is not to regulate, and certainly not to provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that can stand against the negative trends of commercialization and loss of community."¹² *A Lawyer's Creed* lists lawyers' professional obligations to six constituencies and reminds lawyers that their obligations do not rest only with

their clients. The *Lawyer's Creed* is supplemented by an *Aspirational Statement on Professionalism* provided by the Supreme Court of Georgia. The *Aspirational Statement* is followed by a series of general and aspirational ideals that explain the tenets of professionalism in Georgia.

Judge Hugh Lawson and a Federal Consent Order

One of the more unusual ways in which a judge influenced the professionalism movement in Georgia was through the entry of a consent order. On December 31, 1999, Judge Hugh Lawson of the U.S. District Court for the Middle District of Georgia signed a Consent Order and Final Judgment that settled an action seeking sanctions against E.I. Du Pont de Nemours & Company for alleged litigation misconduct in earlier product liability cases. Judge Lawson, a former member of CJCPGA, ordered that the money paid by DuPont be used to endow chairs at each of Georgia's four accredited law schools.¹³ According to the Consent Order, the monies were to be devoted "to fostering and teaching professionalism and ethics in the practice of law."¹⁴ Judge Lawson also ordered DuPont to pay \$1 million to endow an annual ethics symposium that each of the four law schools would host on a revolving basis. The impact of Judge Lawson's Consent Order continues to the present. For example, the University of Georgia School of Law held the 22nd Annual Georgia Symposium on Professionalism and Ethics entitled *Lawyering for the President: Testing the Limits of Ethics and Professionalism* on February 25, 2022.¹⁵ In addition, as Professor Roy M. Sobelson predicted in a 1999 *Mercer Law Review* article, scholarship related to professionalism continues in Georgia, in part, thanks to the endowed chairs established by Judge Lawson's Consent Order.¹⁶ Patrick E. Longan, the William Augustus Bootle Chair in Ethics and Professionalism in the Practice of Law, director of the Mercer Center for Legal Ethics and Professionalism, co-authored an article in 2021 entitled "A Virtue Ethics Approach to Professional Identity: Lessons for the First Year and Beyond."¹⁷ In 2019, Professor Longan

published a book that he co-authored on professional identity formation.¹⁸

Georgia Judges and the Current Georgia Professionalism Movement

Judges continue to promote professionalism in Georgia in myriad ways. One of the most prominent examples of the role of professionalism in Georgia culture was found during the COVID-19 pandemic. In Georgia, then Chief Justice Harold D. Melton issued a series of 16 orders declaring a statewide judicial emergency beginning on March 14, 2020.¹⁹ In May 2020, when it became apparent that the COVID-19 pandemic would impact court proceedings for longer than anyone had first anticipated, Justice Melton, in his statewide judicial emergency orders, began including language reminding lawyers about professionalism.²⁰ The initial professionalism paragraph stated, "With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism."²¹ From May 2020 until Justice Melton's issuance of the final statewide judicial emergency order in June 2021, he continued to remind Georgia lawyers about professionalism.²² During the pandemic, CJCPGA also worked to encourage lawyers and judges to exhibit the highest levels of professionalism through a series of virtual continuing legal education (CLE) programs.²³ Judges, such as CJCPGA members,



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Beyond writing and publishing, many judges in their day-to-day work keep professionalism at the forefront for lawyers and litigants.

Judge T. Russell McCelland III, and the late Judge Clyde Reese, gave generously of their time to discuss professionalism issues.²⁴ In one of the last CLEs that CJCPGA offered regarding the pandemic, “Professionalism After the Statewide Judicial Emergency Order,” judges from each class of court discussed innovations their courts had implemented during the pandemic and which changes the courts anticipated continuing post-pandemic.²⁵ In addition, lawyers from various practice areas who often work on opposing sides of a case discussed ways in which lawyers had worked together throughout the pandemic to seek the common good through the representation of their clients.²⁶ The judges and lawyers also offered suggestions for a path forward as lawyers and judges continued to work together to reduce the backlog of jury trials that amassed as a result of the COVID-19 pandemic.²⁷

Judges have also supported professionalism in Georgia in other ways. For example, members of the legal academy have not been the only individuals to write about professionalism. In 2021, retired federal judge William S. Duffey Jr. published a book entitled *The Significant Lawyer: The Pursuit of Purpose and Professionalism*.²⁸ In his book, Judge Duffey discusses the commitment and resolve it takes for a lawyer to live by the oaths—regarding civility, commitment to justice, fair play, and respect for the courts—taken when

admitted to practice. Beyond writing and publishing, many judges in their day-to-day work keep professionalism at the forefront for lawyers and litigants. One CJCPGA member, for example, discussed professionalism in her courtroom in an article entitled “Questions for the Bench: Judge Shondeana Crews Morris of DeKalb County Superior Court.”²⁹ In the article, Morris explained:

Prominently displayed on my bench is an engraved nameplate presented to me by the Georgia Chapter of American Board of Trial Advocates that reads, “Professionalism and Civility—Nothing Less Will Be Tolerated.” Some lawyers have a habit of making rude, sarcastic, condescending comments or interrupting inappropriately. When this occurs, I remind them of the quote, and their attitude changes. . . .³⁰

For over 30 years, judges have also volunteered for one of the Commission’s signature programs, the Law School Orientations on Professionalism. The orientations, which began in 1992, introduce concepts of legal professionalism to incoming 1L students at each of Georgia’s five law schools. Georgia judges and lawyers serve as “group leaders” at breakout sessions to help students learn the meaning of professionalism and why it is important for them as law

students.³¹ Judges from all classes of courts have served as group leaders, including past CJCPGA chair and retired Chief Justice David E. Nahmias.³² This year, Judge Steven Grimberg, the CJCPGA member who represents the federal judiciary, also served as a group leader.

A second signature program that the Commission holds annually is the Justice Robert Benham Awards for Community Service. Since 1998, these prominent statewide awards, which are named after Georgia’s first African American supreme court justice, have honored Georgia lawyers and judges who have made significant contributions to their communities beyond their legal practice or official obligations. In 2019, Justice Benham recalled that CJCPGA established the Justice Robert Benham Awards for Community Service because “we wanted the community to see lawyers as servants of the community.”³³

To Improve the Law and the Legal Community

An aspect of professionalism that is not discussed as often as civility is the civic responsibilities of lawyers. Civics, nevertheless, has been an aspect of professionalism since the American Bar Association’s Report.³⁴ In Georgia, *A Lawyer’s Creed* encourages lawyers to “strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through

the representation of my clients.”³⁵ While judges cannot practice law or represent clients, judges may still strive to improve the law and our legal system and seek the common good through their extra-judicial service.³⁶ A perfect example of how a judge may live out this aspirational ideal is CJCPGA’s current chair and the chief justice of the Supreme Court of Georgia, Michael P. Boggs. Chief Justice Boggs’s voluntary extra-judicial service spans nearly two decades, both locally and nationally. His service encompasses a wide variety of areas, including accountability courts, criminal justice reform, behavioral health reform, veterans’ justice, and sentencing. Boggs also serves as a member of Georgia’s Judicial Nominating Committee. In addition, Boggs serves as a member of the Mercer University Board of Trustees, the Mercer University School of Law Board of Visitors, and the Board of Directors of the Bobby Dodd Coach of the Year Foundation.³⁷ Boggs’s service thus exemplifies several of the aspirational ideals of Georgia’s professionalism movement and is a product, in part, of the Georgia professionalism culture that has been nurtured by Georgia’s judges.³⁸

Conclusion

I close with the words of Chief Justice Marshall’s concluding remarks from Georgia’s 1988 Consultation, which are still relevant today. He observed:

It seems to me that . . . we all recognize that in the past, there seemed to have been a precept and an example set for us when, years ago, we learned the law. As a result, I think that at a very minimum, we ourselves now have a duty to set an example that makes all of the members of our profession, both old and new, aware once more of the concept of professionalism and its importance.³⁹ ■

Endnotes

1. ABA COMM’N ON PROFESSIONALISM, “ . . . IN THE SPIRIT OF PUBLIC SERVICE:” A BLUEPRINT FOR THE REKINDLING OF LAWYER PROFESSIONALISM (1986), <https://www.americanbar.org/>

content/dam/aba/administrative/professional_responsibility/professionalism_migrated/Stanley_Commission_Report.pdf [hereinafter IN THE SPIRIT OF PUBLIC SERVICE].

2. *Id.* at vii.

3. See CHIEF JUST.’S COMM’N ON PROFESSIONALISM, HISTORICAL DOCUMENTS, PROCEEDINGS OF A CONSULTATION ON PROFESSIONALISM AND THE PRACTICE OF LAW 1 (Mar. 31, 1988) [hereinafter PROCEEDINGS OF A CONSULTATION ON PROFESSIONALISM]. Justice Thomas O. Marshall Jr. served as the Chief Justice of the Supreme Court of Georgia from 1986 until his retirement in 1989. See *Thomas Marshall Obituary*, ATLANTA J.-CONST., OBITUARIES (June 13, 2003), <https://www.legacy.com/us/obituaries/atlanta/name/thomas-marshall-obituary?pid=1085148>.

4. See PROCEEDINGS OF A CONSULTATION ON PROFESSIONALISM, *supra* note 3, at 38–47. Griffin B. Bell, who was almost always addressed as Judge Bell long after his 15 years of service on the federal bench, embodied more than a few of the clichés of Southern gentlemen of the law. See Patrick J. Lyons, *Griffin Bell, Ex-Attorney General, Dies at 90*, N.Y. TIMES (Jan. 5, 2009), <https://www.nytimes.com/2009/01/06/washington/06bell.html>.

5. See PROCEEDINGS OF A CONSULTATION ON PROFESSIONALISM, *supra* note 3, at 42–43.

6. See Chief Just.’s Comm’n on Professionalism, Historical Documents, *Order* (Feb. 1, 1989), http://cjcpga.org/wp-content/uploads/2023/01/1989-Commission-Order-February-Establishing-CJCP-20180129_11231513-copy.pdf.

7. *Id.*

8. *Id.*

9. See Harold G. Clarke, *Professionalism: Repaying the Debt*, 25 GA. ST. B. J., May 1989, at 170, <http://cjcpga.org/wp-content/uploads/2022/02/25-GSBJ-170-1989-Professionalism-Repaying-the-Debt.-Harold-Clarke-ethics-minimum.pdf>. Justice Clarke succeeded Justice Marshall as chief justice of the Supreme Court of Georgia in 1992. He briefly stepped down as chief justice in 1992 to allow his friend, Justice Charles L. Weltner, who was battling cancer, to serve as chief justice for the last few months of his life. Clarke resumed the position of chief justice in 1992. Justice Clarke stepped down from the court two years later and returned to private practice. See *Harold G. Clarke Papers*, UNIV. OF GA., UNIV. LIBRARIES, <https://sclfind.lib.uga.edu/sclfind/view?docId=ead/RBRL093HGC.xml;query=&brand=default> (last visited Jan. 8, 2023).

10. See *Professionalism: Repaying the Debt*, *supra* note 9, at 173.

11. See RULES & REGULS. OF STATE BAR OF GA., STATE BAR OF GEORGIA HANDBOOK, IT. 801-4(B)(2), 801-4(B)(3), regul. 4 to r. 801-4(B), <https://www.gabar.org/handbook/index.cfm#handbook/rule227> (last visited Jan. 8, 2023).

12. See Chief Just.’s Comm’n on Professionalism, *Lawyer’s Creed*, II. 39–41 (*A Lawyer’s Creed and the Aspirational Statement on Professionalism*), <http://cjcpga.org/wp-content/uploads/2019/07/2-Lawyers-CreedAspStatement-v-2013-Line-Number-with-new-logo-and-seal-v07-25-19.pdf> (last visited Jan. 8, 2023).

13. See *In re E.I. DuPont de Nemours & Co.—Benlate Litigation*, No. 4:95-CV-36(HL) (M.D. Ga. Dec. 31, 1998) (unpublished Consent Order & Final Judgment). See also Roy M. Sobelson, *Legal Ethics*, 51 MERCER L. REV. 353 (1999), https://digitalcommons.law.mercer.edu/jour_mlr/vol51/iss1/16.

14. *In re E.I. DuPont de Nemours & Co.*, No. 4:95-CV-36(HL), at 4.

15. See Univ. of Ga. School of Law, *Lawyering for the President: Testing the Limits of Ethics and Professionalism*, 22nd Annual Symp. on Legal Ethics & Professionalism (Virtual) (Feb. 25, 2022), <https://www.law.uga.edu/ethics-symposium>.

16. See Sobelson, *supra* note 13, at 371.

17. Patrick Emery Longan, Daisy Hurst Floyd & Timothy W. Floyd, *A Virtue Ethics Approach to Professional Identity: Lessons for the First Year and Beyond*, 89 UMKC L. REV. 645 (2021), https://digitalcommons.law.mercer.edu/cgi/viewcontent.cgi?article=1077&context=fac_pubs.

18. See PATRICK EMERY LONGAN, DAISY HURST FLOYD & TIMOTHY W. FLOYD, *THE FORMATION OF PROFESSIONAL IDENTITY* (2019), <https://guides.law.mercer.edu/c.php?g=998606&p=7228894>.

19. See generally *Court Information Regarding the Coronavirus*, SUP. CT. OF GA., https://www.gasupreme.us/court-information/court_corona_info (last visited Jan. 8, 2023). Harold D. Melton served as chief justice from August 31, 2018, until his retirement on July 1, 2021. See Press Release, Sup. Ct. of Ga., Chief Justice Melton to Leave Supreme Court (Feb. 12, 2021), <https://www.gasupreme.us/chief-justice-melton-announcement>. Melton’s predecessor, the late former Chief Justice P. Harris Hines, served as Melton’s mentor for almost 30 years, once again demonstrating Georgia’s rich history of professionalism, which includes an ideal that lawyers will strive to make their association’s

professional friendships. See *Lawyer's Creed*, *supra* note 12, at ll. 14–15. See also Kathryn Hayes Tucker, “No drama. Just integrity”: Justice Harold Melton Takes on Chief Role, *DAILY REP.* (Sept. 4, 2018), <https://www.law.com/dailyreportonline/2018/09/04/just-when-you-think-i-dont-get-it-i-am-on-the-brink-of-enlightenment-melton-takes-on-chief-role> (last visited Jan. 8, 2023).

20. See Sup. Ct. of Ga., *Second Order Extending Declaration of Statewide Judicial Emergency* ¶ 8, at 6 (May 11, 2020), https://www.gasupreme.us/wp-content/uploads/2020/05/Second-Order-Extending-Declaration-of-Statewide-Judicial-Emergency_as-issued.pdf.

21. *Id.*

22. See Sup. Ct. of Ga., *Fifteenth Order Extending Declaration of Statewide Judicial Emergency* ¶ VI, at 9 (June 7, 2021), https://www.gasupreme.us/wp-content/uploads/2021/06/15th-SJEO_as-issued.pdf (“With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism, including the obligation to engage in discovery in good faith and in a safe manner.”). See generally *Court Information Regarding the Coronavirus*, *supra* note 19.

23. On March 14, 2020, then Chief Justice Harold D. Melton entered the first of 16 orders declaring a statewide judicial emergency as a result of the COVID-19 pandemic. Less than four weeks later, on April 6, 2020, with the support of Justice Melton, the Chief Justice’s Commission on Professionalism held its first Zoom webinar continuing legal education (CLE) course to highlight professionalism in the midst of the statewide judicial emergency. From July 1, 2020, through June 30, 2021, the Commission sponsored six online CLE Zoom webinar courses to educate lawyers and judges about various aspects of professionalism as the statewide judicial emergency continued. During the period of July 1, 2020, through June 30, 2021, the Commission reported CLE attendance of 7,804 individuals for its Zoom CLE webinars.

24. Judge T. Russell McClelland III is the chief judge of the State Court of Forsyth County. He has served as a judge of the State Court since December 2003 and as chief judge since January 2013. During the pandemic, Judge McClelland

also served as a member of the Georgia Judicial Council COVID-19 Task Force, including service as co-chair of the Task Force. The late Judge Clyde Reese, who passed unexpectedly on December 17, 2022, was a judge of the Court of Appeals of Georgia from December 1, 2016, until his death. He was an active member of CJCPGA beginning in February 2020 and assisted with many Commission CLE programs, including the creation of a groundbreaking CLE on Suicide Awareness and Prevention.

25. See *Professionalism After the Statewide Judicial Emergency Order*, CHIEF JUST.’S COMM’N ON PROFESSIONALISM, <http://cjcpga.org/092821-cjcp-cle> (last visited Jan. 8, 2023); JUDGES PANEL, WRITTEN MATERIAL FOR PROFESSIONALISM AFTER THE STATEWIDE JUDICIAL EMERGENCY, <http://cjcpga.org/wp-content/uploads/2021/09/Judges-09-28-21-Written-Materials-for-Upload-to-Web.pdf> (last visited Jan. 8, 2023).

26. See *Professionalism After the Statewide Judicial Emergency Order*, *supra* note 25; JUDGES PANEL, WRITTEN MATERIAL, *supra* note 25.

27. See *Professionalism After the Statewide Judicial Emergency Order*, *supra* note 25.

28. WILLIAM S. DUFFEY JR., *THE SIGNIFICANT LAWYER: THE PURSUIT OF PURPOSE AND PROFESSIONALISM* (2021), <https://www.mupress.org/The-Significant-Lawyer-The-Pursuit-of-Purpose-and-Professionalism-P1171.aspx>.

29. See Jonathan Ringel, *Questions for the Bench: Judge Shondeana Crews Morris of DeKalb County Superior Court*, *DAILY REPORT, Q&A* (Dec. 31, 2021), <https://www.law.com/dailyreportonline/2019/12/31/questions-for-the-bench-judge-shondeana-crews-morris-of-dekalb-county-superior-court>.

30. *Id.*

31. See Karlise Y. Grier, *Thirty Years of the Award-Winning Law School Orientations on Professionalism*, 28 GA. B.J., Oct. 2022, at 62, <http://cjcpga.org/wp-content/uploads/2022/12/10-October-2022-GBJ-Cover-and-Article-30-Years-Orientations.pdf>. Compare *IN THE SPIRIT OF PUBLIC SERVICE*, *supra* note 1, at 35 (“We begin our recommendations with law schools, not because they represent the profession’s greatest problems but because they constitute our greatest opportunities. We believe that law students should

be viewed as members of the legal profession from the time they enter law school.”).

32. See Karlise Y. Grier, *Building Community by Enhancing Professionalism*, 25 GA. B.J., Oct. 2019, at 64, <http://cjcpga.org/wp-content/uploads/2019/10/10-October-2019-Cover-Page-and-Article.pdf> (a look at the law school orientations on professionalism). See also Karlise Y. Grier, *2021 Law School Orientations on Professionalism*, 27 GA. B.J., Oct. 2021, at 70, <http://cjcpga.org/wp-content/uploads/2021/11/10-October-2021-Bar-Journal-Cover-and-Article.pdf> (“Although Chief Justice David E. Nahmias’s schedule did not permit him to serve as a 2021 group leader, in a letter to the students he shared: ‘Over the years, I have enjoyed serving as a group leader at several Professionalism Orientations. I truly believe that judges and lawyers need to emphasize the importance of professionalism to law students from the very start of your legal careers to help you avoid disciplinary issues, but even more to teach that you are part of a professional community.’”).

33. See Karlise Y. Grier, *21st Annual Justice Robert Benham Awards for Community Service*, 25 GA. B.J., June 2020, at 68, <http://cjcpga.org/wp-content/uploads/2023/01/June-2020-Bar-Journal-Benham-Awards-CSA21-Cover-and-Article.pdf>.

34. *IN THE SPIRIT OF PUBLIC SERVICE*, *supra* note 1, at 48.

35. *Lawyer's Creed*, *supra* note 12, at ll. 19–23.

36. See, e.g., *What Judges May Do to Improve the Law and the Legal System: What Lawyers Need to Know About Judicial Professionalism*, CHIEF JUST.’S COMM’N ON PROFESSIONALISM (Oct. 23, 2020), <http://cjcpga.org/102320-cjcp-cle>.

37. See *Chief Justice Michael P. Boggs*, SUP. CT. OF GA., <https://www.gasupreme.us/court-information/biographies/justice-michael-p-boggs> (last visited Jan. 8, 2023).

38. See, e.g., *Mercer Law School Alumni Awards: Justice Michael P. Boggs, '90*, MERCER LAW SCHOOL YOUTUBE CHANNEL (Mar. 5, 2020), https://youtu.be/nj_bhrST__k (Boggs says, “giving back to Mercer was important to me because people that I respected, like Justice Hugh Thompson among others, were giving back”).

39. See *PROCEEDINGS OF A CONSULTATION ON PROFESSIONALISM*, *supra* note 3, at 48.