

Ten Years Later: Did We Make A Difference?
A Review of the Gender and Justice in the Courts:
A Report to the Supreme Court of Georgia
by the Commission on Gender Bias in the Judicial System

Institute for Court Management
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EXECUTIVE SUMMARY

This project was begun in July with the intention of conducting a thorough review of the progress made on the implementation of the recommendations made in the report of the Supreme Court Commission on Gender bias in the Judicial System. It was soon apparent that this was too large a task for the time and resources available and the focus was narrowed to the areas of family violence, sexual offenses, education, implementation, judicial selection, judicial ethics and discipline. Court facilities and child support are dealt with very briefly. The subject of court facilities was chosen because it was felt unlikely that any of the recommendations would be implemented. Child support was chosen because it was the subject of the first legislative recommendation which was implemented.

In the area of family violence we have made great strides. The creation of the State Commission on Family violence sent a signal throughout the justice system that family violence is a problem that we must work together to solve. The oversight this commission has exercised in the legislature has done much to forward this cause. State funding for shelters has increased almost ten times what it was in 1991. Each year we come closer to having statewide coverage for providing assistance to victims of family violence. Temporary protective orders are now used in every circuit, and lay advocates are recognized by most judges as valuable sources of help for victims in obtaining this relief. Many circuits have designated special judges to hold domestic violence court and handle temporary protective orders to avoid unnecessary delay in their issuance. A registry of temporary protective orders is being piloted and will soon be in place for statewide reporting. This commission is constantly working with local communities, the family violence community and the legislature.

Thanks to money made available to the state from the Violence Against Women Act, the Department of Human Resources Division of Public Health received a grant to develop a plan for assisting victims of sexual assault. The Sexual Assault Task Force worked for over two years devising recommendations for training, developing a comprehensive statewide protocol, and making recommendations for legislative changes. They were singularly successful in working with the Georgia Bureau of Investigation Crime Lab to make changes in the evidence collection protocol in rape cases. It is no longer necessary for the victim to have to pay for this evidence collection, a key concern of the Gender Bias Commission.

Changing the Code of Judicial Conduct to conform to recommendations made by the American Bar

Association in its model code was, in 1991, felt to be very necessary and very difficult to achieve. However, the Georgia Code of Judicial Conduct was revised in 1994 and the provisions recommended by the Gender Bias Commission were included. Not only could judges not manifest bias or prejudice, they were now supposed to require lawyers in their courts to refrain from manifesting bias or prejudice. Some of the provisions were advisory only when the 1994 revision was published. In 1997 these provisions were made mandatory.

The education of judges and court-related personnel was, as in other states, seen as a way to raise levels of sensitivity to the issues as well as give the necessary tools to work with and take advantage of the gender diversity in our system. The Institute of Continuing Judicial Education has provided educational opportunities that challenge our judges and court personnel to look at their practices and make changes. The Prosecuting Attorneys Council and the Peach Officers Standards and Training Council have made some progress in this area as well. These initiatives must continue as the personnel constantly changes and re-training must occur.

The Supreme Court of Georgia created the Committee on Gender Equality to oversee implementation of the Gender Bias Commission's recommendations. During the life of this committee it developed a model sexual harassment policy and published the Executive Summary of the Gender bias Commission's report. This committee was replaced by the Supreme Court Commission on Equality which, in addition to implementation of the gender recommendations, was also charged with implementation of the recommendations made by the Commission on Racial and Ethnic Bias in the Courts. It published the Guide to Bias-Free Communication. Both these implementation bodies have worked with the Institutes of Continuing Judicial and Legal Education to provide quality educational opportunities.

Each year has seen more women coming to the bench in Georgia. Since 1990 there has been a 76.5% increase in the number of women serving as judges in our Georgia courts. The number of women serving is still only 33.9% of the total number of judges, but our system is definitely finding a place for qualified women to serve.

Traditionally, court facilities have been constructed in a sometimes grandiose and many times intimidating style. As court facilities are renovated, redesigned, and replaced, it is hoped that some of the lessons learned about making our courts more user-friendly will be observed. It is heartening to see interest in court child-care projects. Hopefully, this trend will continue.

Supporting our children both emotionally and financially is one of the primary tasks of parents. In the 1992 session of the Georgia General Assembly a provision was passed directing parents to provide financial assistance to a child who is attending secondary school up to age 20. This was the first recommendation upon which action was taken.

The question asked in the title of the report—Ten years later: Did we make a difference?—can be answered that we have put into place institutions, protocols and procedures which are making sure that the issues raised by the Gender Bias Commission are kept before us. The report was far-reaching and, because of the thoughtfulness that was put into it, still relevant today as we work to make our system of justice free of bias and the one deserving of the public's trust and confidence.

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