

All About the Governor' 13 Choices for New Supreme Court Justices

As the country votes for a new president after a bitter campaign that focused heavily on the power to fill an opening on the U.S. Supreme Court, Gov. Nathan Deal is about to fill three positions on the Georgia Supreme Court.

The governor will soon appoint justices to fill two new positions increasing the court from seven members to nine and a third to succeed retiring Chief Justice Hugh Thompson. All three will start work in January.

"In the history of the country has any other chief executive had three appointments at one time?" Dentons partner Randy Evans, co-chair of the Judicial Nominating Commission, asked rhetorically. "Just think if President Obama has three picks at one time. It's all everyone would be reading and writing about."

The Judicial Nominating Commission has reviewed applications from and interviewed 51 lawyers—out of 137 initially nominated—and given Deal a "short list" of 13. The governor has interviewed the 13. They submitted a total of 457 pages of information about themselves in resumes, questionnaires and letters of recommendation. Following are highlights from those documents on each of the 13, in alphabetical order.

Charlie Bethel

Bethel, 40, is a Republican state senator from Dalton who has served as the governor's floor leader. Upon graduating from the University of Georgia law school in 1998, he clerked for U.S. District Court Judge Charles Pannell Jr. of the Northern District of Georgia. He practiced law for two years with Minor, Bell & Neal in Dalton. Then he worked as an in-house lawyer for 11 years at J&J Industries Inc. a carpet manufacturing company. This year, he started a mediation business, which he said he would disband if he is appointed.

Michael Boggs

Boggs, 53, is a Georgia Court of Appeals judge, having been appointed to that post by the current governor in 2012. He has also helped lead the governor's signature project by serving as co-chair of the Georgia Council on Criminal Justice Reform. He's a former Waycross Judicial Circuit Superior Court judge. He was in private practice for 24 years before that in Atlanta and his home town of Waycross. Boggs made national news when Democrats in the U.S. Senate blocked his nomination for a federal judgeship on the U.S. District Court for the Northern District of Georgia by Democratic President Barack Obama, which has the support of both Georgia's Republican senators. Boggs' critics cited conservative votes he cast as a member of the Georgia House of Representatives. Senators Johnny Isakson and David Perdue, both Republicans, made their continuing support for Boggs clear with letters of recommendation for the Supreme Court. Other letter writers supporting Boggs include: former Republican Senator Saxby Chambliss, now with DLA Piper; Rep.

Lynn Westmoreland, R-Georgia; superior court judges from Atlanta and Waycross, attorneys from some of Atlanta's top firms and fellow members of the Council of Criminal Justice Reform Home Depot GC Teresa Roseborough and Piedmont Health GC Thomas Worthy, co-chair with Boggs.

Elizabeth Branch

Deal appointed Branch, 38, to the Court of Appeals in 2012. Previously she had been a commercial litigation partner with Smith, Gambrell & Russell. She left the firm and then returned after serving a four-year stint with the U.S. government, first as associate GC for the Department of Homeland Security and then as counselor to the administrator of the Office of Management and Budget. After graduating from Emory University law school, she clerked for U.S. District Court Judge J. Owen Forrester of the Northern District of Georgia.

John Ellington

Ellington, 56, was appointed to the Court of Appeals by the state's last Democratic governor, attorney Roy Barnes, in 1999. Following his graduation from the University of Georgia law school, Ellington's 31-year-career started with the firm of Andrew, Threlkeld & Ellington in Vidalia, Georgia, where he was born. He went on to serve as a judge for juvenile, magistrate, probate court and state courts in South Georgia before joining the state's intermediate appellate court.

Stephen Goss

Goss, 54, has served as a Dougherty Judicial Circuit Superior Court judge in Albany since 1999. In 2002, he started the first mental health and substance abuse treatment court in Georgia and one of the first in the country. It's one of four national learning sites for accountability courts. Goss has become a leader in the accountability court movement, speaking at continuing education events in 25 states and teaching at the National Judicial College in Reno, Nevada, 30 times since 2003. He serves on the faculty of the National Drug Court Institute in Alexandria, Virginia. He was recommended for the Supreme Court by attorneys in private practice and a prosecutor in Albany, as well as state legislators and the local sheriff and jail director, who called him "compassionate and fair."

Britt Grant

Grant, 38, is currently solicitor general in the Georgia Attorney General's office. Previously, she worked for Kirkland & Ellis in Washington, D.C., and for President George W. Bush in the White House. Her application includes a colorful letter from U.S. Court of Appeals Judge Brett Kavanaugh in the D.C. Circuit, for whom Grant clerked. Kavanaugh called Grant "the best and brightest" and noted she graduated from Stanford Law School, "one of the finest" in the U.S. He also advised the Judicial Nominating Commission that choosing her would avoid some of the biggest mistakes made in picking judges. He said she's a "suburb writer," an extremely hard worker and a collegial and respectful person. "All of us are familiar with appellate judges who are overly aggressive with counsel, who do not treat staff with respect, who clash with their colleagues, who are sarcastic and caustic in their dealings with bench and bar," Kavanaugh wrote. "The tenure is too long and the position too important to tolerate a judge who acts like a jerk. But once someone is appointed, it is often too late to ever do anything about it." Grant has another notable resume entry. Between graduating from Wake Forrest University and going to law school, she worked from 2000 to 2001 in the Washington office of then Congressman Nathan Deal.

Carla Wong McMillian

Deal appointed McMillian, now 43, to the Court of Appeals in 2013. In 2014, she became the first Asian-American elected to statewide office in Georgia. Republican Gov. Sonny Perdue appointed her in 2010 to the Fayette County State Court. For seven years prior, she practiced law at Sutherland Asbill & Brennan in Atlanta. She clerked for U.S. District Court Judge William O'Kelley in the Northern District of Georgia. She graduated from the University of Georgia Law School and earned a B.A. in economics from Duke University. Her application includes a letter of recommendation from **Josh Belinfante of Robbins Ross Alloy Belinfante Littlefield, formerly top lawyer to Gov. Sonny Perdue**. Belinfante wrote that McMillian has authored at least seven opinions of first impression, none of which have been reversed. "Her opinions show a sound judicial reasoning that emphasizes statutory text over a law's ethereal spirit," he wrote. "She is among the most qualified in Georgia to be considered for this state's highest court."

M. Yvette Miller

Miller, 61, has served on the Court of Appeals since 1999, appointed by Gov. Roy Barnes. She was the first and is still the only African-American woman on that court. She served as chief judge from 2008 to 2010. Before her appointment to the state's intermediate appellate court, she served three years as a judge in Fulton County State Court. She also worked as a judge for the State Board of Workers' Compensation. Previously, she had a private practice in Jesup, Georgia, and served as GC to a car dealership there in the late 1980s. In the mid 1980s, she was an in-house lawyer for Metropolitan Atlanta Rapid Transit Authority. And she was a prosecutor in the Atlanta Judicial Circuit from 1982 to 1986. She clerked for Fulton County State Court Judge William Alexander following her graduation from Mercer University law school. Like many of the nominees, she has a long list of awards, including Jurist of the Year in 2014 by the National Bar Association and Woman of the Year 2016 by Women Works Media Group, but the earliest honor on her application stands out as unusual: Miss Macon 1979.

Nels S.D. Peterson

Peterson, 38, was one of the three new judges Deal added to the Court of Appeals at the start of 2016. He had previously served during Deal's tenure as GC of the University System of Georgia Board of Regents, special assistant attorney general, solicitor general and counsel for legal policy. Under Gov. Sonny Perdue, he served as executive counsel. Previously he practiced at King and Spalding. Upon graduating from Harvard Law School, he clerked for Judge William Pryor Jr. of the U.S. Court of Appeals for the Eleventh Circuit. In a letter of recommendation for the high court position, Pryor called Peterson a hard worker and a star, possessing the "perfect temperament and personality" as well as "dignity and humility"—plus a great sense of humor. It's noteworthy that **Josh Belinfante, former top lawyer to Gov. Sonny Perdue**, wrote a letter of recommendation for Peterson as well as McMillian. "Judge Peterson's respect for statutory text also has caused him to expressly reject the siren song of legislative intent as a basis to ignore decisions actually made by the legislature," Belinfante wrote. He quoted from a Peterson opinion: "The General Assembly does not enact a general intention, it enacts statutes. Statutes have words, and words have meanings."

William Ray II

Ray, 53, was appointed to the Court of Appeals by the current governor in 2012. He had served for decade as a Gwinnett County Superior Court judge. Previously, he practiced law with Anderson, Davidson & Tate in

Lawrenceville. He served in the Georgia State Senate for six years. He's a former chairman of the Gwinnett Republican Party. Ray went to law school at the University of Georgia, whose president Jere Morehead wrote him a recommendation letter. Morehead wrote that Ray has the "keen intellect, extensive background, moral compass and sound judicial principles" that would serve the high court well "many years to come."

Eric Richardson

Richardson, 52, has already been appointed once by Deal to his current job as a Fulton County State Court judge in 2013. He had been a deputy city attorney for Atlanta. Previously he had been a litigation partner at Troutman Sanders and a litigation associate at Latham & Watkins in New York. Richardson has a B.A. in philosophy from the University of Rochester and a J.D. from Cornell Law School in Ithaca, New York.

Lawton Stephens

Stephens, 61, has served as a trial judge in the Western Judicial Circuit Superior Court since he was appointed in 1981 by Gov. Zell Miller. He had practiced both as a private attorney and a prosecutor. He also served in the Georgia House of Representatives. His application includes letters of recommendation from two federal judges, University System of Georgia Chancellor Hank Huckaby and University of Georgia President Jere Morehead. "Judge Stephens also is an iconic figure in this community who is respected by a wide array of constituents," wrote Morehead. "He possesses a keen intellect, strong work ethic, high moral standards, and a wonderfully engaging personality."

Paige Reese Whitaker

Whitaker, 49, is a deputy district attorney in the Fulton County District Attorney's Office appeals division, where she has worked since 2010. Previously, she served as an assistant attorney general for the Georgia Department of Law. She earned a J.D. from Duke University law school in 1992. She has a B.A. in political science from the College of Charleston, South Carolina, her hometown. She said in her application that justices "should go into the legal community to demystify appellate practice."