

Kemp's JNC Seeks All Types of Applicants, but Some Question Panel's Diversity

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As Gov. Brian Kemp's new Judicial Nominating Commission gears up to recommend finalists for three vacancies, some minority advocates argue the panel isn't racially diverse enough.

Charles Johnson, who criticized Gov. Nathan Deal for not appointing African-Americans more often during his eight-year tenure, seized on Kemp's JNC not including an African-American woman.

"In the circles in which I travel, there is considerable disappointment that, after the recent appointments, Georgia's JNC still falls short of being truly representative of all of the state's diverse communities and populations," said Johnson, a former Holland & Knight partner who has been tapped to be the general counsel of Tuskegee University. "The lack of any African-American women on the current JNC is particularly discouraging."

Kemp's 25-member commission includes 13 white men, eight white women, two African-American men, one Asian woman and one Indian woman.

The members' primary legal practices include: civil litigation defense (six); government affairs (two); plaintiffs lawyers (two); and municipal law (two). There also are two judges, two prosecutors and one state legislator.

Each of these practices is represented by one JNC member: immigration, employment, real estate, probate, transactions, criminal defense and general practice.

Kemp's communications office did not respond to a request for comment by deadline. He narrowly defeated Stacey Abrams, a black female attorney and former state House minority leader, in the race for governor last November.

Kemp tapped three lawyers to co-chair the panel: Mark Middleton, a government affairs lawyer at Gilbert, Harrell, Sumerford & Martin; **Vince Russo**, a litigator and former counsel to Kemp in the secretary of state's office; and Shannon Wallace, the district attorney for Cherokee County.

In a joint interview Tuesday, Russo said the panel was in the process of fielding and reviewing applications for Superior Court seats in the Coweta, Macon and Stone Mountain circuits.

Russo said the panel offered a wide range of backgrounds and practice areas, and Middleton added, “Gov. Kemp’s record speaks for itself,” arguing his transition team was diverse in terms of race and gender.

The three co-chairs emphasized the importance of making sure the panel had the names and email addresses of any group that wanted to be kept abreast of judicial vacancies so they may recommend potential nominees. They noted the list of groups they inherited from Deal’s JNC might include outdated contact information and encouraged groups to contact the JNC to resubmit their information.

Russo said receiving applications from “all races, all genders” would help the panel select the best candidates. Beyond any statutory criteria, Russo said, “We have no preconditions for applicants.”

Asked about judicial philosophies they sought, Middleton said, “We’re looking for judges who will interpret and apply the law, not legislate from the bench.”

Wallace added they wanted “independent, impartial and fair” judges who would interpret what the law is—not what the law should say.”

Wallace said experience practicing before the court where a candidate wants to become a judge was “a very important factor”—among many.

The trio encouraged anyone with questions or concerns about the judicial selection process to contact any or all of them. “We want to be accessible,” said Russo. “We want to be transparent.”

Liz Broadway Brown, president of the Georgia Association of Black Women Attorneys, said her group would continue its practice of reviewing the applications of prospective judicial candidates and offer its reviews to the JNC and other appointing authorities.

“I was, of course, disappointed to see that there was not one black woman chosen to serve on the JNC,” said Brown, an Alston & Bird partner. “That said, I am optimistic that GABWA will be able to serve as a resource for our new governor as he seeks to select qualified candidates to fill judicial vacancies.”

In his eight years, Deal led the expansion of the state Supreme Court and Court of Appeals, but his appointments of 19 whites in 21 opportunities diluted African-American representation on both courts. During the same period, he chose 15 men and six women, leading women to lose strength on the Supreme Court but gain on the Court of Appeals.

Johnson said he thought “the JNC did a respectable job of giving Governor Deal the opportunity to select qualified diverse judges, and I would hope that the new JNC does at least as well, if not better.”

“Sadly, Governor Deal too often overlooked the opportunities which the JNC presented to him to appoint qualified diverse judges, and I would hope that we will see better performance under Governor Kemp,” he said.