

NORMAN S. FLETCHER – A CONVERSATION CAPTIONING SCRIPT

Susan Hoffman:

He was a small town boy, who held fast to the values he learned as a child.

He's been described as grounded, unflappable, and a man of great integrity - respected for his brilliant legal mind and loved for his wicked sense of humor.

Norman S. Fletcher was born in Fitzgerald in 1934. Inspired by some local attorneys, Fletcher gained law degrees from UGA and the University of Virginia.

While at UGA he met an old childhood friend from Fitzgerald. Norman and Dot Fletcher have now been married for over 40 years.

After college Fletcher practiced law in Lafayette and Rome and served in state and local offices.

A failed run for the state senate may have robbed Georgia of a potential governor, but it opened the way for Fletcher to become the 26th chief justice of Georgia's Supreme Court. Fletcher was appointed to the high court by Governor Joe Frank Harris in 1989 and, twelve years later, he became Chief Justice. His main goal was reform of the state's indigent defense system and the Georgia Indigent Defense Act passed in 2003.

Fletcher was also a tireless champion of openness in government - and moved court into the high tech age before retiring from the bench in 2005. Throughout his distinguished career he has been inspired by his faith in the law, religion - and people.

Susan Hoffman:

Retired Chief Justice Norman Fletcher. Thank you so much for sitting down with me for this conversation.

Norman Fletcher:

I'm very pleased to be here.

Susan Hoffman:

You know, when I told people today that I was going interview you, they said, "Oh, retired Chief Justice Norman Fletcher. He's the man who wears the bow tie." Much like Shirley Franklin wears the flower and Zell Miller wears boots, you wear bowties. Why?

Norman Fletcher:

You know, I just enjoy them. If I'm depressed I buy a new one. Many of them are much more colorful than this one...but I enjoy it. I've been wearing them about 12, 14 years. I wore them in high school and then I discarded them for a long time.

Susan Hoffman:

Take me back. Chief Justice is a big job, but you started in a small town. You were born in Fitzgerald, Georgia in 1934, the younger of two boys. What was life like back then?

Norman Fletcher:

It was very good, I think. We didn't have a lot. We were coming out of the Depression, but everybody was in the same condition. We had wonderful...it was a wonderful small community of about seventy-five hundred, so you knew most everyone. We had a great high school. The school system was always stressed there. So, it was a very nice small town in which to grow up.

Susan Hoffman:

A warm upbringing. Your father did complete high school and then went with Nabisco, and he worked for Nabisco for some forty years. And you actually got to travel with him a little bit as a young boy, down to the southern part of the state.

Norman Fletcher:

Yes, I did. In the summer time I would go out to the little country stores. Back then you could go barefooted, you know, and I even met politicians along the way as they were running around the state seeing people in small communities.

Susan Hoffman:

So it made a big impression. And your mother, she did not complete high school, but you say she was almost self-taught because she read so much.

Norman Fletcher:

Yes, she was very well read. My mother and father both were very interested in further education, and my brother and I were very fortunate because there was never a question about us going to college. Mother and Dad planned for that. They wanted us to have that.

Susan Hoffman:

It was assumed. It was just where you were going to go. And then two lawyers in town, Carlyle McDonald, who was the mayor of Fitzgerald and also a trial attorney, and Harvey Jay. These two had a big influence on you because no one else in your family had been through law school and no one else was in law. So, describe to me, why were you so influenced? What were these two men doing that was so...?

Norman Fletcher:

Both were really great gentleman. They both were very ethical. They lived by high standards. They were very active in church--each of them taught men's bible classes, one in the Methodist church, one in the Baptist. Carlyle did quite a bit of criminal defense work along the way, and of course Harvey was a prosecutor. When I was in high school I would go down and watch them in their criminal jousting and it was most exciting, and I had great respect for both of them, and they spent time with me. When I was in college I'd stop by to talk with Carlyle on many, many occasions. He was always encouraging.

Susan Hoffman:

In small town Georgia at that time, wasn't the courthouse, in some respects, a form of entertainment? *Yes*. It was not unusual for people to go and watch trials.

Norman Fletcher:

Right. So then you really needed a reasonable seating capacity in courtrooms. Now only after the jury--otherwise you don't have many people in the courtroom.

Susan Hoffman:

You ended up choosing UGA, University of Georgia, over Emory. Partly because you knew your parents had financially saved, but it would save them a considerable amount of money if you were able to fast track yourself.

Norman Fletcher:

Yes, that's true, and I have no regrets about it. I have great respect for Emory University, but The University of Georgia treated me exceedingly well, and has served me very, very well.

Susan Hoffman:

Well, and you know, that you wouldn't have met, run in to a long-time friend--the woman who would ultimately become your wife--had you not gone to UGA. How did you all begin dating?

Norman Fletcher:

When she transferred from Georgia College in Milledgeville to University of Georgia--I believe it was the spring of 1954--a fraternity brother asked me to get him a date with her, and I called and decided *I* wanted a date with her, which I had thought about for years, you know, but never got up enough nerve to ask her for a date. We dated for three years and were married in the summer of 1957.

Susan Hoffman:

And then you went into practice with a small firm in Rome and, you say, did not make a lot of money--and lawyers traditionally did not make a lot of money back then. You didn't make a lot of money, but you said you got great training.

Norman Fletcher:

Yes. These gentlemen spent a lot of time with me. They set great examples. They were, all of them were pillars of the community. All of them were very ethical. They were very professional in their work and very thorough. *Detail-oriented?* And very detailed, and rather than spoon feed me when I would say, "What do you think?" They would say, "Why don't you go back to the library and come back and tell me what *you* think." This type of training was really great. *Invaluable?* It's invaluable. It carried me in my private practice after I went out on my own--the great training there.

Susan Hoffman:

And then in 1963, you moved to Lafayette, and you went in with a different group over there, where you stayed for a number of years and you served the Bar in different capacities-the Georgia Bar-and you also served in some local offices. And along about 1970, you decided to run for the State Senate. What happened?

Norman Fletcher:

Well, it was a nice affair but it was not one of the things I like to remember. I really would have preferred to win, but it ended up to be a great favor in some ways.

Susan Hoffman:

I was going to say Fate. Now, you also flirted with the idea of running for Congress. What happened to that idea?

Norman Fletcher:

Well, I thought about it and I saw all the monies involved and the time involved, and I was really never willing to get away from my practice, that I was trying to build, long enough to run the risk of going to Congress, but I thought about it quite a bit.

Susan Hoffman:

All right. Then in 1986 there was an opening on the Georgia Supreme Court, and you were interested but you didn't get it. And then in 1989, there were two openings and you put your name in and you made the short list. So you were one of ten. Now, we should remind people that you get fifteen minutes with the governor to plead your case, to let them know why you think you should be selected. Tell me what happened when you were in the interview with Joe Frank Harris.

Norman Fletcher:

It was similar to the interview I had a few years earlier with him. He would get you off-guard. He would start talking about, "How's Dot? How are the children? How is so-and-so?" And then the entire fifteen minutes would be up and, at this time, he'd started standing up, and I'd made up my mind I was not going to let him get out of the room without telling him why I was absolutely the best person for one of those positions. And when he was standing up I stood up also and said, "Governor, now, I really want to tell you the reasons why I would make the best person for this job, but if you've already decided that you're going to give me one of the positions, I won't waste your time." He smiled, but I then gave him the six or seven reasons why.

Susan Hoffman:

It wasn't a reassuring smile! So what did you tell him? Why did you think at that time you were qualified? I should remind people again: you'd been in law practice now since 1958, and this was 1989.

Norman Fletcher:

Well, I don't remember all the reasons I gave him, but among them was the fact that I felt that someone who had been out in the trenches for thirty-two years representing people on the other side of the bench could fully understand the effect of decisions and how it

affected society, and that there'd not been a person coming directly from private practice in ten years on the court, and that many of us felt it was time for someone else to come directly from practice. And that sold pretty good with the Bar and the public too, I think.

Susan Hoffman:

Was it what you expected?

Norman Fletcher:

I'm not absolutely certain what I expected. There were surprises along the way, but I found that they were very exciting. I did not expect the paper flow. The constant paper flow was just overwhelming in the first six months in particular. Then you learn how to pace it a little better. But I found it to be very exciting; the colleagues on the court were very helpful. At fifty-five years old I had new mentors again and they served me very well. *Which you probably appreciated.* Yes, very much so. Yes.

Susan Hoffman:

Early on, what were some of the most significant cases that you addressed?

Norman Fletcher:

You know, the one I remember particularly was a constitutional attack on the funding mechanism for the construction of the Georgia Dome, and that case was assigned to me the first month I was there. We expedited the treatment on it because we knew that the legislature was in session and if we found some constitutional flaw they might have time then to try to correct it, and also knew the importance of the Georgia Dome to Atlanta's chance in its bid for the Olympics. So that was a very exciting thing. Now, it didn't always stay that exciting afterwards, but that was very exciting as an early case. In fact it was the first case that I published, sent out of the court.

Susan Hoffman:

Look, though, at an important decision today, and that was one that you rendered in 1991. Again, you were appointed in 1989, took over or were actually on the court in January 1990, and then in '91 you made a very profound statement regarding open government in the State of Georgia, and you said, "If there is the slightest doubt or any question whatsoever as to whether a matter can be the subject of a closed meeting, (*in capital letters you write*), DO NOT CLOSE." And this argument is used today, but that was a big deal back then. I mean, open government, and your feelings about open government were very clear and, again, this has become a very famous case now.

Norman Fletcher:

You know, actually, at that time, I was probably thinking more of trying to protect local government leaders and I was warning them to do this. I had represented local governments for twenty-five years and so what has now turned into a great...*Milestone?*...milestone, that's right---has the intent originally, while I believed in openness, and I think Charles Weltner probably wrote the majority opinion that I joined, but this was a concurrence and I just wanted to stress again, once more, if there's any question open up the meetings. I think openness helps protect public officials from

themselves sometimes. Things that are done in the dark, you have a tendency to maybe bend the rules, and also it protects the public, it protects everyone to open up. The more transparent we are, then the more people can trust government.

Susan Hoffman:

Even as of March of 2005, in the midst of the 2005 legislature, you were really rallying the cry to state legislators, "Please do not weaken the statutes on the book protecting open government meetings, and open government in general."

Norman Fletcher:

There were a number of bills proposed in the 2005 session that, I think, would have done grave harm and I did urge them not to take a step backwards. And I think most of these things could have done some real damage to where we are today.

Susan Hoffman:

2001 rolls around, and you become the twenty-sixth Chief Justice of the Georgia Supreme Court. Did you lay your head on your pillow at night and think, "Oh my gosh--the enormity, the weight of this responsibility is overwhelming."?

Norman Fletcher:

It's something I never dreamed...A position I never dreamed I would be in, and I found it very intriguing. It was rather awesome, thinking about it, and the administrative duties no one really understands until they are in that position. You're not really trained by your other service because you're not that involved with the day-to-day operations that the chief--the decisions that the chief must make. But it was the most rewarding, probably, four years of my life.

Susan Hoffman:

One area, in particular, became a high priority for you. It was a *must* in your mind. And that was passage of an indigent defense system. Some doubted that you could do it. We had had in Georgia a rather slipshod approach and there wasn't a uniformity, there were no standards, and eighty percent of people charged are classified--qualified--as indigent, and you knew something had to be done. How did you get it done?

Norman Fletcher:

Well, part of it, I think a lot of it, is because there were so many dedicated people that were caring about it. Part of it is, I decided that this would be my goal during my four years as chief, that I'd make it my top priority. I did not spread myself thin with other matters; I delegated a lot of other matters. But I felt so strongly that we could not have true, equal protection of the law for all people unless we changed the system. We had a great commission together that we worked with and we were able to find funds. I went to a great source for funds, to bring in an outside consulting firm that could do the fact-finding and bring in credible fact-finding, and then strange things happened. With the change in the Governor, no one expected--Sonny didn't expect to win; Roy didn't expect to lose--the Speaker lost, a Republican-controlled Senate, all of these things came together at one time and it was amazing.

Susan Hoffman:

You were on the phone to Sonny Perdue soon after that election weren't you?

Norman Fletcher:

Yes, yes, and I stressed to him and other people...I went to committee meetings. I was not all easy.

Susan Hoffman:

You put a lot of work in on the ground.

Norman Fletcher:

Yes, yes, but the timing ended up just perfect because nothing else substantial was being done and, to a certain point, neither side--neither party--wanted to be left out, might not have been so excited about it but it became a rallying point. And the press all over the state really, but of course Bill Rankin and others, the AJC was so supportive and the timing was just perfect and...

Susan Hoffman:

And it passed in 2003, and the following year, 2004, the funding mechanism was put in place. Are you confident that what you have in place now is going to work?

Norman Fletcher:

I feel very strongly that it will work. It will have to be tweaked, just as any new entity does, but it's already operating very well in many places. The legislature's going to need to give the Standards Council the authority that it needs and support it as they impose these standards. I urged them not to amend the bill and allow any others to opt out. I think there are about eight circuits that have opted out, so we've got systems going in forty-one judicial circuits and they're being very well received by sheriffs and others who like to see the public defenders coming over the morning after people are put in jail, and those that are in on very minor things are getting out of jail.

Susan Hoffman:

Rather than languishing for what can be weeks and, ultimately, months.

Norman Fletcher:

That's correct.

Susan Hoffman:

So it's speeding along. Georgia's ultimately being used as model now, and you've received awards. Are the awards important to you? I mean in some respects it's all in a day's work, but are the awards that you've received because of your work regarding indigent defense important?

Norman Fletcher:

Well, it's most gratifying I must say, and I particularly appreciate the award that The National Center for State Courts presented to me up at the Conference of Chief Justices, which is the Harry Carrico Award for innovation in the judicial process, and it brought a lot of attention to what we have done. We've got other states interested in trying to emulate us and to improve their own systems.

Susan Hoffman:

It's a nice position to be in?

Norman Fletcher:

Yes, very good.

Susan Hoffman:

You said early on in your career you didn't realize the gravity of the Constitution--the Bill of Rights--but that changed over the course of your many years in private practice and of course serving on the Supreme Court. It kind of surprised me because now your work regarding the First Amendment is well documented. Describe to me the importance in your mind; because you've done--particularly for members of the press--you've done great things to protect them. You've given them an appeals process and the right to protect their sources, which right now is being fought on the federal level. Why this change from early in your practice to now, regarding the Bill of Rights, the Constitution, specifically the First Amendment?

Norman Fletcher:

I did not have to address a lot of those issues early on in my practice and I think when you're put in the position there, going on to court, and then you're dealing with it and having it addressed and presented to you so well you come to love those precious rights that were protected by The Bill of Rights and that apply also to the States because of the Fourteenth Amendment, and I want these rights here for my grandchildren and their children and those that come after them, and that's what makes this country so great and strong are the rights that we are given that protect us from big government and from oppression by big government. I'd grown to love the Constitution and all of these rights more and more each year since I had been on the Court.

Susan Hoffman:

You left the court. And then, obviously, there needed to be a replacement, and someone argued that the public in general should be more involved in the process, the selection, of someone who's going to sit on that high court. Do you think that's true? Should people be more informed?

Norman Fletcher:

I think it's fine for people... they should know your background and your qualifications.

Susan Hoffman:

Does that mean they should know where you stand on benchmark issues like abortion?

Norman Fletcher:

No, I don't think so. In fact, no one should pre-judge what they would do under a given circumstance. You take the cases as they come to you, with the facts that are there and the law and the precedent, and I don't think anyone should pre-judge what they might do. If they do, then there's really not a...that's not being fair and impartial. They've already made up their mind in advance as to what would happen, and so all of this wanting to pin people down... The rule of law does not work well if everyone has pre-judged everything before the cases get there.

Susan Hoffman:

Do you think that we are digressing? Because back in 1983 Georgia passed a statute that said judicial races will be nonpartisan, but nowadays we're watching people like Chief Justice Leah Sears go through very costly, very time consuming elections that have become very partisan. You're particularly concerned, are you not?

Norman Fletcher:

Yes, I'm very concerned about the attack at both the federal level and state level on the independence of the judiciary, and I think what protects us, and what makes our Constitution work is the fact that the judiciary is independent, and I worry about the cost involved in partisan elections. Justice isn't about partisan politics. Justice is something that's guaranteed us by our federal and state constitutions and the system works much better. I don't think we need to digress. The nonpartisan elections have served us well. What we need to do is to not try to make them partisan as is happening in some states now. There are twenty states that have nonpartisan elections and they've served well in helping to restore trust and confidence in the courts, but if we're going to spend all this money and raise this money and become more and more partisan then people are really not going to trust our courts.

Susan Hoffman:

How important do you think it is that someone who is appointed either to the state or the federal court has been a judge?

Norman Fletcher:

Well, I don't think it's an absolute necessity. Among other things, I would have never gotten to the Court. *Right!* But in the state system, the roles are entirely different as a trial judge and an appellate judge. One can be a great trial judge and still not be a good appellate judge, or vice-versa, and I think courts are well served with a balance between those who have had prior experience and those who have actually been out practicing law, handling the cases on the other side of the bench for twenty-five, thirty-five years. So I think a balanced court would be made up of some with judicial experience, some without.

Susan Hoffman:

When you left--you decided to retire--you said it was time, and it was a good time to go. Why do you feel that way?

Norman Fletcher:

I left at a time when people were encouraging me to stay, so it was sort of the top of my career--I was a peak--and it's better to leave at that time than to leave when people want you to leave, or not realize you should even leave. I believe it's also good--we'd gone longer, I think, than any time in history without a new person on the court, so I think it's good for the public to have new vision. *Fresh perspective?* Yes, that's correct. And it would help the court, so it's best for me, I think it's best for the state, I think it's best for the court that we have some changes and I have no regrets. I miss my colleagues, but I have no regrets.

Susan Hoffman:

Now, some would say, "Why not go ahead and retire?" You said, "No. I'm going to go back to private practice", which is what you're doing in Rome. What cases are you most interested in taking?

Norman Fletcher:

You know, I plan to do quite a bit of mediation and arbitration, trying to help people resolve their own problems themselves before they destroy each other over a period of time in court. There are many areas. I would like to be involved in some environmental issues, in issues protecting individual rights, even First Amendment issues I would like to be involved with, and we'll just see if they reach me. I hope they do.

Susan Hoffman:

I know you're planning on practicing for a while longer, but how would you like to be remembered?

Norman Fletcher:

I think I would like to be remembered as someone who was given the great opportunity to do something good for society, to help make this world a better place, and I think I was given that great opportunity and I would like to be remembered as one who has given something back to society. I've gotten much joy and peace out of the accomplishments involving indigent defense.

Susan Hoffman:

With that I have to say Chief Justice Fletcher, thank you so much for joining me for this conversation. I truly appreciate your time.

Norman Fletcher:

Thank you. I've enjoyed it very much.

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