



17th Annual

Charles L. Weltner Freedom of Information Banquet

Oct. 17, 2018 | Emory Conference Center | Atlanta

honoring

Cobb County Superior Court Senior Judge James Bodiford

MIKELUCKOVICH 10/2/2018



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GEORGIA FIRST AMENDMENT FOUNDATION



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Tonight's Agenda

Welcome and Recognition of Special Guests

Jim Zachary, Vice President, Georgia First Amendment Foundation

Remarks and Special Announcements

Richard T. Griffiths, President, Georgia First Amendment Foundation

Introduction of Keynote Speaker

Tom Charron, Court Administrator of Cobb County Superior Court

Video Tribute

Dale Russell, Board Member, Georgia First Amendment Foundation

Keynote Speech

James G. Bodiford, Cobb County Superior Court Senior Judge

Presentation of 2018 Weltner Freedom of Information Award to Judge Bodiford

Amelia Weltner

Closing

Jim Zachary

Acknowledgements

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Special thanks to the Griffiths Family Fund and Weltner Communications for financial support. Thank you to The Daily Report/ALM for promotional support of our event. Thanks, also, to Amanda Bailey Casey, William Barwick, Cynthia Counts, Lenora Kopkin, Mike Luckovich, John McCosh, Shawn McIntosh, Colleen McMillar, Silvia Eaddy and Nydia Tisdale for their contributions to the success of our banquet. Our board members contribute to the foundation's success and advancement of our mission year round; meet them on Page 11.

About the Weltner Freedom of Information Award

Our award is named for Charles L. Weltner, a former chief justice of the Georgia Supreme Court who championed freedom of information and ethics in state government. Our annual Weltner Banquet provides financial support for the foundation's focused and essential mission: fighting for free speech, government transparency and access to public meetings, proceedings and records in Georgia.

Meet our speakers



Jim Zachary, vice president of the Georgia First Amendment Foundation, is deputy national editor for CNHI, a Raycom Media company. He also serves as regional editor for CNHI papers in north Florida, Georgia, Alabama, Mississippi and Texas and is editor of the *Valdosta Daily Times*. Zachary is president and chairman of the Red & Black Publishing Co., serving the University of Georgia; a member of the Grady College of Journalism and Mass Communications Board of Trust; and director of the Transparency Project of Georgia.



Richard T. Griffiths, president of the foundation, lectures and consults internationally on journalism ethics, editorial quality control and free speech. He is Stembler Distinguished Visiting Professional at the University of North Carolina School of Media and Journalism. In 2017, he was named Distinguished Industry Fellow for the Cox Institute for Journalism Innovation, Management and Leadership at UGA's Grady College of Journalism and Mass Communication. Griffiths worked 43 years as a journalist, including at CNN, where he oversaw global editorial quality control for more than 20 years. He is an artist and the creator of *No Obstruction to Free Speech*, on display and being auctioned this evening.



Thomas J. Charron is court administrator of the Superior Court of Cobb County, a position he has held since 2008. He was executive director of the National District Attorneys Association from 2004-2008, after serving as education director for the association for several years. Charron served six terms as district attorney for the Cobb Judicial Court, from 1976 to 1998. He received a law degree at Atlanta Law School after completing his undergraduate education at Georgia State University.



James G. Bodiford is a senior judge for Cobb County Superior Court. He has spent more than 30 years on the bench, previously serving as a judge for the Powder Springs Municipal Court and chief magistrate judge for the Cobb Magistrate Court. He began his law career in private practice in Marietta, then worked as a trial attorney for the Cobb District Attorney's Office. Bodiford received his undergraduate degree from Mercer University and his law degree from John Marshall Law School.

Art auction

No Obstruction to Free Speech, 2017

Richard T. Griffiths

Hanging mobile, made of wood, lasered urethane, stainless steel and galvanized wire; 6x4 feet

The tangle of quotes in *No Obstruction To Free Speech* is designed to give context to the current tensions between the president and the news media. Such tensions between the press and the executive branch, Griffiths shows us, have existed back to the time of the nation's founding. But the collection of quotes from every U.S. president, many Founding Fathers and a selection of Supreme Court justices, also shows a deep respect by America's leaders for the contribution of independent journalism and free expression to the stability of our democracy.



Hyosub Shin/AJC

Cobb County Superior Court Senior Judge James Bodiford has earned a reputation for protecting the public's right to courtroom access while presiding over some of Georgia's highest-profile criminal cases. Rather than restrict the public and media from attending those trials, Bodiford made provisions to keep the proceedings open — and maintained an orderly courtroom. He encourages other judges to open their courtrooms, as well, arguing that our judicial system works best when it's accessible and transparent to citizens.

Bodiford's open-courts commitment over more than 30 years is why the Georgia First Amendment Foundation is honoring him with our 2018 Charles L. Weltner Freedom of Information Award.

A prime example of Bodiford's dedication to courtroom access was the *State of Georgia v. Ray Brent Marsh*. In 2002, a tip led investigators to a northwest Georgia crematory where 334 corpses were discovered. Marsh, the crematory operator, was charged, and a local judge immediately entered a sweeping gag order that created chaos. Hundreds of families from three states were desperate for information about the remains of their loved ones, and people across the country closely followed the case.

The gag order left the Georgia Bureau of Investigation unable to provide basic information to families and the public. Bodiford was asked to take control of the case, and one of his first acts was to announce that he would be handling it in an open way, giving law enforcement and the media the latitude needed to keep the public informed. National, state and local media reported on every hearing. The public had full visibility into the legal process, which ultimately resulted in a plea that sent Marsh to prison.

Bodiford stayed true to these First Amendment principles in other high-profile cases, as well, including the murder trials of courthouse shooter Brian Nichols; Lynn Turner, who poisoned her husband with anti-freeze; and Fred Tokars, a one-time Atlanta lawyer and prosecutor who had his wife executed by a hit man in front of his young children. Bodiford kept proceedings open, gavel to gavel, amid constant media coverage. As the jury heard evidence, so did the public — a demonstration of the power of open courtrooms.

Bodiford's record reflects an understanding of how modern media coverage provides a tremendous opportunity for the judiciary to make court proceedings more accessible and understandable to citizens. Even under the harsh scrutiny of high-profile trials, his commitment to transparency has not wavered.

A Cobb County native, Bodiford stepped down from daily trial work in 2014 and began serving as a senior judge. In addition to educating Georgia judges about the importance of courtroom access, he has traveled to Estonia, Bosnia and the Republic of Georgia to teach judges in those countries how the American justice system works.

Previous Weltner Award Winners



2017 Carter Center Global Access to Information Program

2016 Motion Picture Association of America

2015 Sam Olens, Georgia Attorney General

2014 Georgia Judicial Qualifications Commission

2013 Carol Hunstein, Chief Justice, Georgia Supreme Court

2012 John Lewis, Representative, United States Congress

2011 Vernon Keenan, Director Georgia Bureau of Investigation

2010 Mike Luckovich, Atlanta Journal-Constitution

2009 Leah Ward Sears, former Chief Justice, Georgia Supreme Court

2008 Michael Bowers, former Attorney General of Georgia, and Jim Houston, retired from the Columbus Ledger-Enquirer

2007 Marvin H. Shoob, Judge, United States District Court for the Northern District of Georgia

2006 Johnny Isakson, Senator, United States Congress

2005 Norman Fletcher, former Chief Justice, Supreme Court of Georgia

2004 Roy Barnes, former Governor of Georgia

2003 Thurbert Baker, former Attorney General of Georgia

2002 Eason Jordan, former CNN Chief news executive and president of newsgathering

Atlanta's new transparency ordinance promises a ray of sunshine

The city of Atlanta just passed an ordinance that could become a national model for open government and accountability. It has the potential to usher in unprecedented transparency that has been a long time coming.

For years, citizens and journalists complained that a slow-to-no response on records requests was standard for the city. Then, earlier this year, WSB-TV and *The Atlanta Journal-Constitution* reported on text messages between members of former Mayor Kasim Reed's administration. The messages directed city officials to "be as unhelpful as possible" and "drag this out as long as possible" in response to a records request.

The Georgia First Amendment Foundation took an immediate stand. "That's the kind of thing you cannot do in a democracy," foundation President Richard T. Griffiths said in an interview with WSB-TV on March 8. "This is the exact kind of thing that the state's Sunshine Laws were set up to prevent. There's no doubt in my mind that the attorney general should be looking into this."

On March 12, Georgia Attorney General Chris Carr asked the Georgia Bureau of Investigation to open the state's first-ever criminal investigation into a potential violation of the state's Open Records Act.

The next month, the AJC and WSB filed a complaint with Carr, alleging "a culture of political interference" with open records requests at Atlanta City Hall, and requesting mediation to implement reforms for repeated violations of state law.

In September, at the urging of new Mayor Keisha Lance Bottoms, the Atlanta City Council passed the sweeping ordinance. It calls for a transparency officer, open government training for all city officials, a website to track open records compliance and penalties for city officials who don't comply.

Now the city must implement the ordinance and live up to its promises. If it does, Atlanta not only will give citizens the access to their government that they deserve, it will blaze a path for every city, county and state to follow.

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Open government progress worth celebrating

Georgians scored several government transparency victories over the past 12 months. In addition to the City of Atlanta's new approach to open records, detailed on Page 6, here are some other noteworthy developments.

High court decides against restrictive interpretation of Sunshine Laws

The Georgia Supreme Court ruled this summer that most public information shielded from disclosure by an Open Records Act exemption may be released if a government agency decides that is in the public interest. The case began with a lawsuit filed by the Consumer Credit Research Foundation. CCRF, a nonprofit that receives funding from the payday lending industry to support academic research on consumer finance, sought to block the release of information requested by the Campaign for Accountability, a nonprofit watchdog organization.

The Campaign for Accountability had asked for correspondence between CCRF and a Kennesaw State University professor who had received CCRF research funding. Kennesaw State said it was willing to release the correspondence. CCRF convinced an appellate court to block the release, arguing that the Open Records Act prohibits the release of all information it does not require to be disclosed.

The Georgia First Amendment Foundation joined a friend-of-the-court brief in the case urging the high court to reverse. In June, it did, reiterating that agencies may decide to disclose information in the public interest, even if not required to do so.

New rules for electronics in the courtroom don't erode openness

Until this spring, the use of cameras and other electronics in Georgia courts by journalists and the public was governed by a decades-old court provision — the so-called Rule 22 — written before the advent of the smartphone. In proceedings leading to the rule's revision, the foundation worked hard to prevent the old rule's permissive ambiguity from being replaced by a total ban.

Under the new rule adopted by the Georgia Supreme Court in February, journalists and members of the public may, as before, request permission to record or photograph judicial proceedings. A judge must provide detailed rationale for denying permission — and only after holding a hearing on the issue.

The rule also gives a judge leeway to let citizens use phones, computers and tablets in the courtroom to type and text. But the judge has to specifically permit it — orally, in writing or by posting such a policy in their courtroom. Otherwise, electronic devices must be turned off.

"We wish the rule had embraced a system that automatically allowed courtroom observers to type and text in courtrooms in a non-disruptive way, but the foundation appreciates the Supreme Court's decision to reject the outright ban that had been proposed by others," said Richard T. Griffiths, president of the foundation.

Transparency laws apply to private entities performing governmental functions

Private hospitals created by public authorities are subject to open government requirements, the Georgia Supreme Court ruled in November 2017 in a case involving Atlanta's Northside Hospital. The foundation, joined by other public interest and media groups, successfully argued that private entities performing functions for governmental agencies must do so transparently.

In the ruling, justices made clear that Northside does its work "on behalf of" the governmental authority that created it — making it accountable to the public. Had the decision gone the other way, port authorities, local waste authorities, airports and other entities acting on behalf of governments could have been privatized and their activities shielded from public scrutiny and review.

Ballard Spahr is proud to support the Georgia First Amendment Foundation and sponsor the Charles L. Weltner Freedom of Information Award Banquet.

We congratulate Cobb County Superior Court Senior Judge James Bodiford. Thank you for protecting the public's right to courtroom access.

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The lawyers of Caplan Cobb are proud to celebrate **Judge Bodiford** for his commitment to the **First Amendment** and its guarantee of **open courts.**

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It's worth knowing.

As journalists, we fight for free speech, government transparency and access to public information — because it is worth knowing what's really going on.

It's worth celebrating.

Cox Media Group Atlanta applauds the work of the Georgia First Amendment Foundation and congratulates Cobb County Superior Court Senior Judge James Bodiford.



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Tom Budlong and **Carolyn Carlson** joined the board of directors when the foundation began in 1994. Both retired from the board this year after years of service to our mission. They continue to actively support the foundation. We thank them for their dedication.



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Government transparency is a cornerstone of democracy and the foundation of a free and open society.

Kilpatrick Townsend is proud to join the Georgia First Amendment Foundation in saluting Cobb County Superior Court Senior Judge James Bodiford as this year's Charles L. Weltner Freedom of Information Award winner, in recognition of his efforts to protect the public's right to view court proceedings. We applaud the Foundation's commitment to maintaining the public's trust through open government and freedom of information to all our citizens.

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