

## GEORGIA

Being one of the original thirteen states, Georgia was organized as single district by the Judiciary Act of 1789.<sup>1</sup> The state was divided into separate Northern and Southern Districts in 1848,<sup>2</sup> yet individual judges for each district were not authorized until 1882.<sup>3</sup> In 1926, Congress created the Middle District.<sup>4</sup>

GA.SD.01 is the original judgeship, and served the entire state from 1789 until the Northern District was given its own judgeship in 1882.<sup>5</sup> By 1914, Judge Speer (GA.SD.01.08) had become “inactive” on the court.<sup>6</sup> The following year, Congress authorized President Wilson to appoint a temporary judge, whose position would become permanent when the “judge...senior in commission,” namely Speer, left the bench.<sup>7</sup> This happened in 1918 with the death of Judge Speer, and as a result GA.SD.01 ended and GA.SD.02 effectively became a permanent line.

Congress later stipulated in the Act of February 25, 1919<sup>8</sup> that if a judge no longer can carry out the duties of the office due to a physical or mental disability yet refuses to retire even if eligible, the President can appoint an additional judge, with the vacancy occurring upon the death or retirement of the disabled judge going unfilled. This is precisely what happened with GA.ND.01. Judge Newman became disabled but refused to retire, thereby occasioning the appointment of Judge Sibley (GA.ND.02.01). When Judge Newman died in 1920, the succession line of GA.ND.01 ended and GA.ND.02 became the permanent position. GA.ND.03, authorized as a temporary line in 1940, effectively became permanent upon Judge Underwood’s retirement in 1948. Because this was the first vacancy on the Northern District, under the act GA.ND.02 ended. GA.MD.02 likewise was created as a temporary position in 1949, but it was converted to permanent in 1961.<sup>9</sup>

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<sup>1</sup>Act of September 24, 1789, 1 STAT. 73.

<sup>2</sup>Act of August 11, 1848, 9 STAT. 280.

<sup>3</sup>Act of April 25, 1882, 22 STAT. 47.

<sup>4</sup>Act of May 28, 1926, 44 STAT. 670. See also, T. Reese Watkins, *The Federal Judiciary in Georgia 1789-1961*, *Georgia Bar Journal*, 24:1961/1962, pp. 188-200.

<sup>5</sup>From 1848 to 1882 this was the only judgeship for the Northern and Southern Districts. See Judge Pendleton’s succession line.

<sup>6</sup>Watkins, *The Federal Judiciary in Georgia*: 191. He also had made his share of enemies. Often accused of “tyranny and pomposity,” several refused to appear in his court, and there were efforts to impeach him.

<sup>7</sup>Act of March 3, 1915, 38 STAT. 959.

<sup>8</sup>40 STAT. 29.

<sup>9</sup>Act of May 19, 1961, 75 STAT. 80.

Georgia was a member of the Fifth Circuit until the creation of the new Eleventh in 1980.<sup>10</sup> The state has eighteen district judges, distributed as follows: eleven in the Northern District, four in the Middle District, three in the Southern District.

<b>Statutory History</b>		
<i>Seat</i>	<i>Legislation</i>	<i>Authority</i>
GA.MD.01	Act of May 28, 1926	44 STAT. 670
GA.MD.02	Act of March 29, 1949	63 STAT. 16
GA.MD.03	Act of July 10, 1984	98 STAT. 333
GA.MD.04	Act of December 1, 1990	104 STAT. 5089
GA.ND.01	Act of April 25, 1882	22 STAT. 47
GA.ND.02	Act of February 25, 1919	40 STAT. 29
GA.ND.03	Act of May 24, 1940	54 STAT. 219
GA.ND.04	Act of August 3, 1949	63 STAT. 493
GA.ND.05	Act of May 19, 1961	75 STAT. 80
GA.ND.06	Act of June 2, 1970	84 STAT. 294
GA.ND.07	Act of June 2, 1970	84 STAT. 294
GA.ND.08	Act of June 2, 1970	84 STAT. 294
GA.ND.09	Act of October 20, 1978	92 STAT. 1629
GA.ND.10	Act of October 20, 1978	92 STAT. 1629
GA.ND.11	Act of October 20, 1978	92 STAT. 1629
GA.ND.12	Act of October 20, 1978	92 STAT. 1629
GA.ND.13	Act of October 20, 1978	92 STAT. 1629

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<sup>10</sup>Act of October 15, 1980, 94 STAT. 1994. See Harvey C. Couch, *A History of the Fifth Circuit 1891-1981* (Washington: Judicial Conference of the United States, 1984); Deborah J. Barrow and Thomas G. Walker, *A Court Divided: The Fifth Circuit Court of Appeals and the Politics of Judicial Reform* (New Haven: Yale University Press, 1988).

GA.SD.01	Act of September 24, 1789	1 STAT. 73
GA.SD.02	Act of March 3, 1915	38 STAT. 959
GA.SD.03	Act of June 2, 1970	84 STAT. 294
GA.SD.04	Act of October 20, 1978	92 STAT. 1629

<b>Seat Histories</b>					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
GA.MD.01.01	Tilson, William J.	Unconfirmed recess appointment <sup>11</sup>	February 28, 1928	Not confirmed	Republican
GA.MD.01.02	Deaver, Bascom Sine	March 19, 1928	October 13, 1944	Deceased	Republican
GA.MD.01.03	Davis, Thomas Hoyt	January 29, 1945	June 30, 1961	Retired	Democrat
GA.MD.01.04	Elliott, James Robert	February 7, 1962	December 31, 2000	Retired	Democrat
GA.MD.01.05	Land, Clay D.	December 13, 2001	Active	Active	Republican
GA.MD.02.01	Conger, Abraham Benjamin	June 2, 1949	December 9, 1953	Deceased	Democrat
GA.MD.02.02	Bootle, William A.	May 18, 1954	March 11, 1972	Retired	Republican
GA.MD.02.03	Owens, Wilbur D., Jr.	February 17, 1972	February 1, 1995	Retired	Republican
GA.MD.02.04	Lawson, R. Hugh, Jr.	December 22, 1995	Active	Active	Democrat

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<sup>11</sup>Recess appointment, July 6, 1926.

<b>Seat Histories</b>					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
GA.MD.03.01	Fitzpatrick, Duross	December 16, 1985	February 1, 2001	Retired	Republican
GA.MD.03.02	Royal, C. Ashley	December 20, 2001	Active	Active	Republican
GA.MD.04.01	Sands, W. Louis	May 6, 1994	Active	Active	Independent
GA.ND.01.01	McCoy, Henry K.	August 4, 1882	July 30, 1886	Deceased	Republican
GA.ND.01.02	Newman, William Truslow	January 13, 1887	February 14, 1920	Deceased	Democrat
GA.ND.02.01	Sibley, Samuel Hale	August 5, 1919	January 24, 1931	Elevated to Fifth Circuit	Democrat
GA.ND.02.02	Underwood, Emory Marvin	February 25, 1931	March 5, 1948	Retired	Republican
GA.ND.03.01	Russell, Robert Lee	August 8, 1940	October 21, 1949	Elevated to Fifth Circuit	Democrat
GA.ND.03.02	Andrews, M. Neil	Unconfirmed recess appointment <sup>12</sup>	August 31, 1950	Not confirmed	Democrat
GA.ND.03.03	Sloan, William Boyd	March 20, 1951	August 1, 1965	Retired	Democrat
GA.ND.03.04	Smith, Sidney O., Jr.	September 10, 1965	May 31, 1974	Resigned	Democrat
GA.ND.03.05	Hill, James C.	August 8, 1974	May 21, 1976	Elevated to Fifth Circuit	Republican

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<sup>12</sup>Recess appointment, October 21, 1949.

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<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
GA.ND.03.06	Murphy, Harold L.	July 28, 1977	Active	Active	Democrat
GA.ND.04.01	Hooper, Frank Arthur	February 21, 1950 <sup>13</sup>	June 30, 1967	Retired	Democrat
GA.ND.04.02	Edenfield, Newell	June 12, 1967	July 3, 1981	Retired	Democrat
GA.ND.04.03	Forrester, J. Owen	December 9, 1981	April 27, 2004	Retired	Republican
GA.ND.04.04	Duffey, William S., Jr.	June 16, 2004	Active	Active	Republican
GA.ND.05.01	Morgan, Lewis Render	August 9, 1961	July 25, 1968	Elevated to Fifth Circuit	Democrat
GA.ND.05.02	Henderson, Albert John, Jr.	October 10, 1968	July 13, 1979	Elevated to Fifth Circuit	Democrat
GA.ND.05.03	Evans, Orinda D. <sup>14</sup>	July 23, 1979	Active	Active	Democrat
GA.ND.06.01	Freeman, Richard C.	April 21, 1971	January 1, 1992	Retired	Republican
GA.ND.06.02	Cooper, Clarence	May 6, 1994	Active	Active	Democrat
GA.ND.07.01	Moye, Charles A., Jr.	October 13, 1970	January 1, 1988	Retired	Republican
GA.ND.07.02	Camp, Jack T., Jr.	April 19, 1988	Active	Active	Republican

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<sup>13</sup>Recess appointment, October 21, 1949.

<sup>14</sup>First female district judge appointed from Georgia.

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<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
GA.ND.08.01	O'Kelley, William C.	October 13, 1970	October 1, 1996	Retired	Republican
GA.ND.08.02	Story, Richard W.	January 28, 1998	Active	Active	Democrat
GA.ND.09.01	Hall, Robert H.	October 31, 1979	December 31, 1990	Retired	Democrat
GA.ND.09.02	Carnes, Julie Elizabeth	February 6, 1992	Active	Active	Republican
GA.ND.10.01	Vining, Robert L., Jr.	July 23, 1979	March 31, 1996	Retired	Democrat
GA.ND.10.02	Thrash, Thomas, W., Jr.	July 31, 1997	Active	Active	Democrat
GA.ND.11.01	Ward, Horace T. <sup>15</sup>	December 5, 1979	December 31, 1993	Retired	Democrat
GA.ND.11.02	Hunt, Willis B., Jr.	March 24, 1995	June 30, 2005	Retired	Democrat
GA.ND.11.03	Batten, Timothy C., Sr.	March 6, 2006	Active	Active	Republican
GA.ND.12.01	Tidwell, George Ernest	July 23, 1979	October 8, 1999	Retired	Democrat
GA.ND.12.02	Martin, Beverly B.	June 16, 2000	Active	Active	Democrat
GA.ND.13.01	Shoob, Marvin H.	July 23, 1979	September 30, 1991	Retired	Democrat

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<sup>15</sup>First African American district judge appointed from Georgia.

<b>Seat Histories</b>					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
GA.ND.13.02	Hull, Frank Mays	May 6, 1994	September 4, 1997	Elevated to Eleventh Circuit	Democrat
GA.ND.13.03	Pannell, Charles A., Jr.	October 15, 1999	Active	Active	Democrat
GA.SD.01.01	Pendleton, Nathaniel	September 26, 1789	September 1, 1796	Resigned	Federalist
GA.SD.01.02	Clay, Joseph, Jr.	December 27, 1796 <sup>16</sup>	February 24, 1801	Elevated to Fifth Circuit	Federalist
GA.SD.01.03	Stephens, William	January 26, 1802 <sup>17</sup>	October 13, 1818	Resigned	Jeffersonian Republican
GA.SD.01.04	Davies, William	January 11, 1819	March 9, 1821	Resigned	Democrat-Republican
GA.SD.01.05	Cuyler, Jeremiah Latouche	January 10, 1822	May 7, 1839	Deceased	Democrat-Republican
GA.SD.01.06	Nicoll, John Cochran	February 17, 1840 <sup>18</sup>	January 19, 1861	Resigned	Democrat
GA.SD.01.07	Erskine, John	January 22, 1866 <sup>19</sup>	December 1, 1883	Retired	Republican
GA.SD.01.08	Speer, Emory	February 18, 1885	December 13, 1918	Deceased	Republican

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<sup>16</sup>Recess appointment, September 16, 1796.

<sup>17</sup>Recess appointment, October 22, 1801.

<sup>18</sup>Recess appointment, May 11, 1839.

<sup>19</sup>Recess Appointment, July 10, 1865.

<b>Seat Histories</b>					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
GA.SD.02.01	Lambdin, William Wallace	March 3, 1915	December 20, 1916	Deceased	Democrat
GA.SD.02.02	Evans, Beverly Daniel, Jr.	August 15, 1917	May 7, 1922	Deceased	Democrat
GA.SD.02.03	Barrett, William Hale	June 22, 1922	May 1, 1941	Deceased	Democrat
GA.SD.02.04	Lovett, Archibald Battle	October 2, 1941	December 28, 1945	Deceased	Democrat
GA.SD.02.05	Scarlett, Francis Muir	February 13, 1946	August 2, 1968	Retired	Democrat
GA.SD.02.06	Lawrence, Alexander A.	July 25, 1968	August 2, 1978	Retired	Democrat
GA.SD.02.07	Edenfield, Berry Avant	October 10, 1978	August 2, 2006	Retired	Democrat
GA.SD.02.08	Vacant				
GA.SD.03.01	Alaimo, Anthony A.	December 2, 1971	July 1, 1991	Retired	Republican
GA.SD.03.02	Moore, William T., Jr.	October 7, 1994	Active	Active	Democrat
GA.SD.04.01	Bowen, Dudley H., Jr.	November 26, 1979	June 25, 2006	Retired	Democrat
GA.SD.04.02	Vacant				