UGA Amicus Briefs

January 1999

The University of Georgia Law Library



Book Review

Sally Curtis AwKew, Reference/Public Services Librarian

Jack Bass, Taming the Storm: The Life and Times of Judge Frank M. Johnson, Jr., and the South's Fight over Civil Rights

(KF 373 .J55 B37 1993, in the Biography Bookshelf outside the Circulation Office)

Reading this book gives not only an excellent overview of the 1960s in the South but also of the life of one of the most influential judges of that period. Frank M. Johnson, Jr., was born in north Alabama in Winston County which had more Union Army members than Confederate ones during the Civil War. His grandfather was a Confederate soldier but as sheriff of Winston County fought the Ku Klux Klan in its early days. Johnson kept a quotation from Abraham Lincoln on his desk which said "I'll do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference." This quotation sums up much of Judge Johnson's personal philosophy which made him a very effective judge.

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Judge Johnson went to law school at the University of Alabama where he and his wife Ruth were friends of his classmate George Wallace and his wife Lurline. The Judge was a staunch Republican who became involved with party politics soon after serving in World War II. On October 22, 1955, he was named by President Dwight Eisenhower to fill a vacancy on the Federal District Court in the Middle District of Alabama. It was while he was a sitting district court judge that some of his most significant decisions were made.

It was Judge Johnson who not only handed down decisions saying that segregation in schools was wrong but also gave the parties instructions on what to do to remedy the decisions. He had regular sessions for parties to report back to him on what progress was made. He was rarely overruled in his civil rights decisions and often sat on three member panels with judges from the 5th Circuit Court of Appeals as other civil rights decisions were heard on appeal from all over the south. In 1979 he was appointed to the 5th Circuit Court of Appeals by President Jimmy Carter, and when the 5th Circuit was split in 1981, he was assigned to the 11th Circuit.

Although Judge Johnson will be best remembered for his decisions regarding segregation and civil rights for black persons, he made many civil rights decisions in the areas

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of prison reform and treatment of the mentally ill and mentally disabled. His decisions first and foremost were directed toward righting wrongs he saw in society. Without thought for his own safety he continued in the face of threats to do what he felt was right. His former friend George Wallace once said Judge Johnson needed a "barbed-wire enema," while Dr. Martin Luther King, Jr. called him "a man who gave true meaning to the word 'justice'." As Jack Bass says on page 3, "[Judge Johnson] made the rule of law work during a period of social upheaval in his native Alabama and the South."

UGA Law Students & Faculty Work on Supreme Court Brief

Maureen Cahill, Reference/Faculty Services Librarian

On December 14, 1998, the United States Supreme Court agreed to hear the State of Georgia's appeal in *Olmstead v. L.C. and E.W.* Consequently, Public Interest Practicum students **Nicole Day, Adrienne Der Vartanian, Jennifer Johnson**, **Mickey Johnson, Marcy Jolles, Jenny O'Brien, Laine Schwartz, Shelley Senterfitt, Rebecca Sullivan, B.C. Taylor** and **Stephany Zaic**, along with **Professor Ann Puckett**, Director of the Law Library, have been busy this semester researching issues such as the history of institutions for the mentally retarded in Georgia, the views of individual Supreme Court justices on the weight to be accorded Department of Justice regulations, and the meaning of "reasonable accommodation" under the Americans with Disabilities Act (ADA). They are part of a network supporting Atlanta Legal Aid Society attorneys including Susan Jamieson (a guest lecturer in Professor Puckett's Law and Disability Seminar) and Susan Walker (a 1998 UGA Law grad) in a challenge to Georgia's practice of confining many mentally disabled individuals in psychiatric hospitals even when they could be appropriately treated in community settings.

PIP students and Professor Puckett have responded with hours of hard work.

The challenge, brought by patients L.C. and E.W. in 1995, has been successful so far. The 11th Circuit ruled last April that the ADA and Department of Justice's integration regulation prohibit confinement of disabled individuals who can be treated in community settings. *L.C. and E.W. v. Olmstead*, 138 F.3d 893 (11th Cir. 1998). When the Supreme Court granted certiorari in December, attorney Jamieson called Professor Puckett to see if any UGA law students would be available to help with the massive amounts of research required for the Supreme Court brief and argument. Both PIP students and Professor Puckett have responded with hours of hard work. The appellees' brief is not due until early March, but you can already get a look at the appellant's brief in the SCT-BRIEF database on Westlaw. The Court has scheduled oral argument in the case for late April of this year.

The Tax Man Cometh

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To download tax forms and accompanying directions, go to the IRS site at http://www.irs.ustreas.gov/. Please note that the most commonly used federal and Georgia forms can be found near the entrance in the Main Library.

Faculty Publications

Maureen Cahill, Reference/Faculty Services Librarian

The following publications were reported to or discovered by the Law Library staff:

AsKew, Sally Curtis: *Selective Bibliography of Elder Law Materials, in Elder Law Seminar*, 9-00i - 9-011 (program sponsored by the Institute of Continuing Legal Education in Georgia, February 26, 1999).

Perry Sentell: *The Georgia Home Rule System*, 50 Mercer L. Rev. 99 (1998); *Local Government Law*, 50 Mercer L. Rev. 263 (1998).

Michael Wells: *Constitutional Remedies, Section 1983 and the Common Law*, 68 Miss. L. J. 157 (1998).



Online Hangman for Lawyers: Shark Talk!

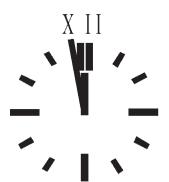
Nolo Press is providing a "lawerly" version of Hangman on their Web site at http://www.nolo.com/sharktalk/sharktalk_welcome.html. To play, you'll need either Netscape 3 (or higher) or Explorer 3 (or higher). Test your legal vocabulary while trying to save your limbs!





Who says it never snows in Georgia?! This photo was taken by JoEllen Childers, Network Specialist II, on February 24, 1999.

Library Spring Break Hours



March 5 - 14 (Spring Break):

 Friday, March 5
 7:30 a.m. - 5:00 p.m.

 Saturday, March 6
 9:00 a.m. - 5:00 p.m.

 Sunday, March 7
 9:00 a.m. - 5:00 p.m.

 Monday-Friday, March 8 - 12
 8:00 a.m. - 5:00p.m.

 Saturday, March 13
 8:00 a.m. - Midnight

 Sunday, March 14
 8:00 a.m. - Midnight

March 15 - April 19

resume regular hours

Look for **Wendy Moore**, Serials and Acquisitions Librarian, at the Reference Desk on evenings and weekends. For more information about our newest professional librarian, see the January 1999 issue of *Amicus Briefs* (available on the Web at http://www.lawsch.uga.edu/newsletter/newsjan99.html)



DetectiveTrivia



Q: Who first said, "Crime does not pay?"

A: Dick Tracy. Chester Gould was the author credited with coining the phrase.

From: The New York Public Library, *Mystery Lover's Calendar*, February 17, 1999 (Rohnert Park, CA: Pomegranate, 1998).

This newsletter is a publication of the University of Georgia School of Law Library. Read it on the Web at http://www.lawsch.uga.edu/newsletter/index.html. Please send all comments and contributions to:

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