

OPINION: Georgia Supreme Court club works to keep its seats in-house

[Bill Torpy](#).

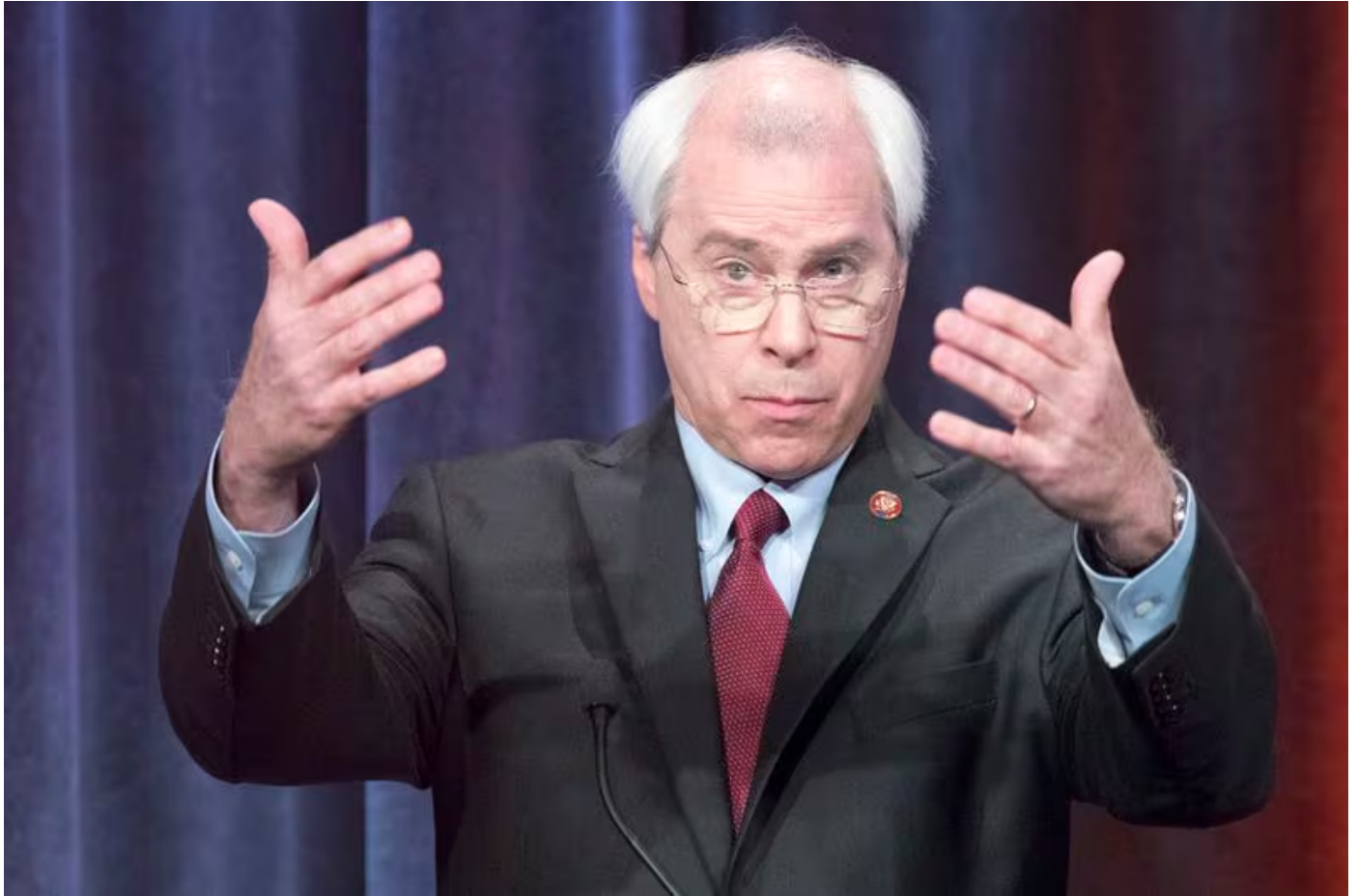
Tired of waiting for an open seat on the Georgia Supreme Court, former U.S. Rep. John Barrow is embarking upon what's been a fool's errand for 179 years: He wants to unseat a sitting justice in an election.

Barrow, [who represented Middle Georgia for 10 years](#), is running against Justice Andrew Pinson, who was appointed two years ago by Gov. Brian Kemp.

Pinson is the youngest and most junior of the four justices up for reelection this year, which seems to be part of Barrow's strategy. It's like a lion looking for the most vulnerable wildebeest at the watering hole.

"Vulnerable" might not be the proper word. No incumbent justice has lost an election since the Supreme Court [was founded in 1845](#), the year Marthasville was renamed Atlanta.

Pinson, who once clerked for U.S. Supreme Court Justice Clarence Thomas, has \$700,000 in campaign cash and the legal/political establishment behind him. Former [chief justices Leah Ward Sears](#) and Harold Melton chair his campaign and have released statements stating what a wonderful fellow he is. The fact that two of the few African Americans ever to serve on Georgia's high court are backing him publicly seems to be a way to short-circuit Barrow's more progressive credentials.



Credit: ALYSSA POINTER/ATLANTA JOURNAL-C

John Barrow. AJC archive photo: ALYSSA POINTER/ALYSSA.POINTER@AJC.COM

Judicial candidates run as nonpartisans, but partisanship often seeps in.



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Even though it's an elective seat, justices are almost always appointed. [Pinson was appointed to his seat just three days](#) after his predecessor, David Nahmias, abruptly retired in 2022. It was so fast that ambitious judge wannabes didn't have time to lobby for the job.

Barrow knows how elusive it is getting sent to the Supreme Court by the voters. In 2020, I called [it "Supreme Good Ol' Boy-itis."](#)

In 2019, Barrow announced a run for the court when former Justice Robert Benham said he would not seek reelection. However, health issues forced him to [retire early and Kemp picked a replacement](#), who got a two-year pause from having to run again. The system is set up to give newbie

appointed justices time on the bench to get their sea legs and to raise money.

In early 2020, Justice Keith Blackwell announced he wasn't going to run for reelection, that he couldn't raise a family on a Georgia Supreme Court salary.

Great, Barrow figured. A rare open seat! He threw in again as a candidate.

However, Blackwell needed to serve until near the end of 2020 to get the 10 years on the job to qualify for a pension. So the political/legal establishment figured out a plan to let him stay on, leave near the end of his term, skip an election and still provide an opening for Kemp to make his own pick.



Credit: Natrice Miller/AJC

Georgia Supreme Court Chief Justices walk into House chambers for the annual state of the judiciary address on Wednesday, Feb. 7, 2024. Pictured are Justices Verda Colvin and Andrew

Pinson, (Natrice Miller/natrice.miller@ajc.com)

Barrow squawked, went to court, lost — [in the Georgia Supreme Court, of all places](#) — and was, again, out of luck.

The former Congressman, also a private attorney, says he planned to run again in 2022 against Justice Nahmias “but then he followed the playbook” and retired before his stint was over, allowing the governor to make a pick.

I spoke with former Gov. Nathan Deal about the “tradition” of justices stepping down before their time is up and allowing governors — instead of the voters — to pick their successors. (The governor appoints after a committee vets the candidates).

“I’m not sure that’s a bad tradition,” said Deal, unsurprisingly. “We’ve seen public election to courts doesn’t always bring you the best people. (The outgoing justices) trust the governor and their advisors to pick a person of quality. If you go to election, you don’t know who you will get.”

As far as I can tell, only one Supreme Court seat has opened up for election in the past 42 years, in 2018 when Justice Justice Carol Hunstein served out her term and did not step down early. John Ellington, a longtime Georgia Appeals Court judge with wide political support and a large campaign chest, scared off contenders and walked in unopposed.



Former Georgia Gov. Nathan Deal greets lawmakers and special guests on Tuesday, Feb. 11, 2020, in Atlanta at the dedication ceremony for the new judicial center named in his honor. (credit: Miguel Martinez for The Atlanta Journal-Constitution)

Barrow raised more than \$567,000 in his previous campaign but now must go back and ask those who gave him that cash if he can use it for this effort.

He has a history of fighting uphill battles. In Congress, from 2005 to 2015, Barrow was forced to move from Athens to Savannah to Augusta as Georgia GOP legislators tried to redistrict him into oblivion. They finally did in 2014. My former colleague Jim Galloway called him “a combination escape artist and museum piece — the last white Democrat in the U.S. House from a Deep South state.”

In a statement, Barrow referred to abortion, saying Georgia needs justices “who will protect the right of women and their families to make the most

personal family and health care decisions they'll ever make."

Barrow said Pinson's stand on that issue was made clear during his time as Georgia's solicitor general, where he argued in court on behalf of the state.

"I think he's out of step with most Georgians," Barrow told me.

Pinson campaign strategist Heath Garrett says Barrow is violating judicial ethics. "You're not supposed to pre-decide cases that may come before the court," he said.

Pinson sent a statement: "My focus remains on doing the work of the Court, approaching each case with an open mind and applying the law to the facts of each case in keeping with our oath as judges."

On with the election.