

Judicial Profile

ANN MARIE FITZ

Hon. Beverly B. Martin U.S. District Court, Northern District of Georgia

“THE MAN OF character, sensitive to the meaning of what he is doing, will know how to discover the ethical paths in the maze of possible behavior.”

— Chief Justice Earl Warren

With the poise of a steel magnolia, Judge Beverly Martin humbly attributes the success she has achieved in life to luck. Although she seemed predestined to a legal career as a fourth-generation attorney—a “genetic defect” as Judge Martin calls it—her path to the federal judiciary was paved by hard work, perseverance, and an unwavering determination to do what is right.

Judge Martin was born and raised in Macon, Ga., during the unrest of the modern Civil Rights movement in the racially segregated South. She left Georgia to attend Stetson University in Deland, Fla., where she majored in political science. While in college, Judge Martin had the opportunity to work as a summer intern for U.S. Sen. Sam Nunn (D-Ga.) in Washington, D.C. She instantly fell in love with Washington, and after graduating from Stetson in 1976, she bought a one-way plane ticket to the nation’s capital, even though she had no job lined up and no place to live. Judge Martin ultimately landed a position as a clerk in the Washington, D.C., office of a Texas-based law firm, where her duties ranged from serving as a courier to attending Senate hearings on Capitol Hill.

After two years in Washington, Judge Martin enrolled in the University of Georgia School of Law, heeding the advice of her father that a legal education is a practical life tool. While in law school, she laid the foundation of her legal career by working in the Georgia attorney general’s office between her second and third years. When she graduated from law school in 1981, only 20 percent of her class consisted of women, and she became the first female attorney in her family.

Judge Martin returned to Macon after graduation to practice with Martin Snow LLP, where she handled business transactions and a handful of appointed criminal cases. As a young female attorney in a predominantly male profession, Judge Martin forged friendships with other female attorneys at various stages in



their careers, all of whom banded together and met monthly for breakfast at a local restaurant called the Canary Cottage. Judge Martin was mentored by this “ladies group” and came to appreciate through example that the many challenges facing a lawyer could be conquered by maintaining a high standard of ethics and professionalism. The two women Judge Martin credits as having the most influence on her during this time are Camille Hope, now a Chapter 13 trustee for the Middle District of Georgia, and Susan Cole, the first female attorney in Macon to become a partner at a law firm and now a U.S. magistrate judge in the Northern District of Georgia. Judge Martin’s friendship with these two women continues to this day.

In 1984, Judge Martin moved to Atlanta to work as an assistant attorney general for the state of Georgia. The position afforded her more opportunities to litigate cases, and she quickly developed a passion for

practicing in the courtroom. During her 10-year tenure as assistant attorney general, she occasionally found herself defending the state in the Georgia Court of Appeals and the Georgia Supreme Court; however, she decided to make a change after she handled a number of cases in which the state's liability was questionable, but the damages were so horrific that she felt pressured to settle the cases.

One of the last cases she handled as an assistant attorney general that she found particularly traumatizing involved a soldier who was based in southern Georgia. He had run off the road, yanked the wheel to get back on the road, and ended up swerving into oncoming traffic, hitting another vehicle head-on. The woman driving the car that was hit was killed; her infant was thrown through the windshield and paralyzed. The victims' family sued the state, alleging that a road defect was the proximate cause of the accident, even though the evidence tended to show that the soldier was at fault. During the trial, the judge called a recess and asked Judge Martin to speak with then Gov. Zell Miller about settling the case because the infant's injuries were so egregious. The case was settled, but it left Judge Martin feeling that she wanted to do something different with her career.

The opportunity for change came in 1994, when Jim Wiggins, the U.S. attorney for the Middle District of Georgia, hired Judge Martin as a federal prosecutor in Macon. Judge Martin found working in the U.S. attorney's office to be a very collegial experience, and when Jim Wiggins ran for Congress in 1996 she decided to throw her hat into the ring and applied for the U.S. attorney position. The Citizen's Selection Committee set up under Sen. Max Cleland (D-Ga.) nominated Judge Martin, and President Bill Clinton appointed her as the U.S. attorney for the Middle District of Georgia in 1997.

As U.S. attorney, Judge Martin took an active leadership role. One program in which she participated set up camps for inner-city children on military bases throughout the Middle District of Georgia, comingling the children with military and law enforcement personnel. The camps were designed to teach the children that they could trust law enforcement, instead of learning on the streets that law enforcement was the enemy. Judge Martin also served on Attorney General Janet Reno's Advisory Committee, which was composed of a select group of U.S. attorneys who met monthly with the attorney general and other senior Department of Justice officials in Washington to offer advice on policy matters and various substantive issues.

The Citizen's Selection Committee run by Sen. Cleland reconvened in 1999 to select a successor to Judge G. Ernest Tidwell, who sat on the U.S. District Court for the Northern District of Georgia in Atlanta. The committee first selected Andrew Ekonomou, who was in private practice in Atlanta, but he pulled out of the race before receiving a nomination. The committee

then chose Gail Tusan, a Fulton County superior court judge, who was nominated by President Clinton on Aug. 3, 1999. Judge Tusan, however, pulled out of the race before she was able to schedule a Senate confirmation hearing in order to qualify for the Fulton County Superior Court race.

Judge Martin was sitting at her desk in Macon and "almost fell out of [her] chair" in early 2000 when she received notification that Sen. Cleland would be calling her about the judgeship. She hadn't applied for the position and had bypassed the committee because of her earlier selection as U.S. attorney. Judge Martin called her father and a few close friends, all of whom encouraged her to apply for the position. Figuring that there was no harm in trying, but doubting that she would actually be confirmed before President Clinton left office, Judge Martin advised Sen. Cleland of her interest.

The FBI conducted an 18-month update on Judge Martin's background check, which had previously been completed for her appointment as U.S. attorney, and President Clinton nominated her for the bench on March 27, 2000. The next step in the process was to schedule a hearing before the Senate Judiciary Committee, chaired by Sen. Orrin Hatch (R-Utah), which Judge Martin knew would be difficult. What she did not count on was the help of Sen. Paul Coverdell (R-Ga.) in securing a hearing date. In May 2000, while at the National Advocacy Center in Columbia, S.C., for Department of Justice training, Judge Martin received a call notifying her that the Senate was going to hold the hearing within the next couple of days. She and her father left for a whirlwind trip to Washington, D.C., almost immediately.

Judge Martin appeared before the committee with three other judicial nominees, including Jay Garcia-Gregory of the District of Puerto Rico and Laura Taylor Swain of the Southern District of New York. During the same session of the judiciary hearing, and in the committee's consideration of a nonjudicial candidate, Sen. Charles Schumer (D-N.Y.) aggressively questioned one nominee, making Judge Martin extremely apprehensive for her turn. Although the experience was a blur, she remembers being asked a number of questions about criminal law relating to her experience as U.S. attorney, and whether she believed her personal opinions would intrude upon her ability to be a fair jurist. Judge Martin let the committee know that she describes herself as "very much a rule fol-

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lower” and that she has never been concerned about her ability to be fair. She was confirmed by the Senate on June 16, 2000, and received her commission on Aug. 3, 2000.

Judge Martin starts every day by reviewing her docket and determining what cases she can close. Endlessly efficient, she likes to get opposing parties into court, because she has found that cases move faster that way. Although she sometimes feels isolated by her position as a U.S. district judge, she plays an integral role in the evolution of societal mores. Her first trial on the bench was an employment discrimination case in which older white women working in a public library had been demoted because of their race, age, and gender; the jury returned a verdict of nearly \$23 million. The judge also sat on a three-judge panel, pursuant to 28 U.S.C. § 2284(a), on a case that was brought to challenge the constitutionality of a state law redistricting three Georgia Senate districts shortly before the Senate race. The panel worked together to hand down its decision promptly, thereby allowing the law to stand without delaying the election and impeding the printing of ballots by only one week.

In addition to her judicial duties, Judge Martin finds time to travel abroad to such places as Latvia and

Thailand in order to participate as a panelist in the Overseas Prosecutorial Development, Assistance and Training Program, which trains judges and prosecutors in developing countries in coordination with various government agencies and U.S. embassies. No matter how small her role may be, Judge Martin derives great satisfaction from knowing that she has contributed to improving people’s lives.

Although her modesty would never allow her to admit it, Judge Martin has built a career based on the consistent discovery of the ethical paths presented to her throughout her life, epitomizing Justice Warren’s definition of a woman of character. **TFL**

Ann Marie Fitz is a federal defense attorney in Atlanta, where she focuses on federal practice.