

## CHAPTER NINE

# CHALLENGES AND RESPONSIBILITIES for GEORGIA WOMEN: JURY SERVICE, MEDIATION, AND OTHER A.D.R. ACHIEVEMENTS!

*From an article prepared for publication.*

### **LET US REASON TOGETHER:**

Georgia's first mediator was a woman called Mary Musgrove. She was married to John Musgrove. Her indian name was Cousaponakeesa. Beginning in 1733 she mediated many settlements and disputes and helped keep the peace between the Yamacraw Indians and General Oglethorpe and the first settlers. She spoke several languages and believed in the notions of "come, let us reason together," that one should "reason and settle with one's neighbor," and, "blessed are the peacemakers." She was awarded an amount of cash and title to St. Catherine's Island by the British for her many contributions made toward the settlement of our state.

### **WOMEN ON THE JURY IN GEORGIA:**

Although women were allowed to practice law, vote and hold public office, it is ironic, that 220 years passed before women were allowed to serve and participate on the trial and

grand juries of Georgia. State Representative Braswell D. Deen, Jr., practicing law in deep south Georgia, in the city of Alma, and, representing Bacon County in the Georgia General Assembly, then at age 27, introduced House Bill 111 in the 1953 session of the State Legislature. His bill, after much debate, passed the House 119-61 on February 11, 1953. The Deen bill passed the Senate 30-8 on December 9 and Governor Talmadge signed it into law on December 21, 1953. Deen has said "Senators Iris Blicht and Everett Milligan" deserve much credit for their leadership toward passage of the bill in the senate.

#### **NO SHOES, SHIRT OR PLUMBING:**

The jury bill author states that the lawyers and judges of Georgia, and the law school academia were sharply divided over the merits of the legislation. Some of the objections raised against the bill, on the floor of the house, during debate was: (a) "Some of the jurors in rural counties don't wear shoes or a shirt." (b) "Most of our court houses don't have plumbing and rest rooms for women." (c) "Do we want to subject our women in Georgia to men wearing no shoes, no shirts, with no rest rooms and the bad language and discussions that are necessary in deciding ugly civil and criminal cases?" Our response was that the majority of voters, taxpayers, and landowners in our state are women and maybe its time to put in the plumbing, put on our shirts and shoes and do the right thing by giving women first class citizenship; that they are entitled to all privileges and responsibilities possessed by all other citizens.

#### **RIGHTS OF FREE MEN AND WOMEN:**

Deen, a former Chief Judge of the Court of Appeals of Georgia, retired four years ago after 40 years at the Bench and

Bar. He has been active, almost full time, as a Senior Appellate Court Judge, in conducting Appellate Settlement Conferences, Arbitration, Mediation and all other A.D.R. Options. He has been an Instructor and has Lectured at C.L.E. Seminars on A.D.R., and has taught Origins at Oglethorpe; Chess at Emory; Constitutional Law and Appellate Procedure at two evening Law Schools in Atlanta. Deen is a co-author of GEORGIA'S APPELLATE JUDICIARY. He states that during the past 40 years women have elevated and enhanced Georgia's judicial system to its highest plateau. Today, it can be said, that the motto and inscription over the bench, engraved in marble, in the courtroom of the Court of Appeals of Georgia which reads: "Upon the integrity, wisdom and independence of the judiciary depend the sacred rights of free men and women," is truly a reality.

#### **FIRST WOMAN RESULT OF MEDIATION?:**

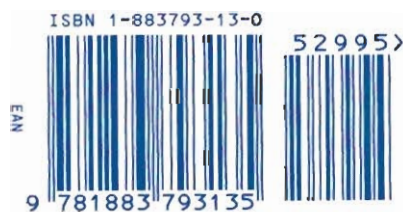
ADR in our state and the liberation of Georgia Women for jury service has historical links and connections. When conducting Mediation Conferences and Sessions, Deen states, he still likes to refer to "Cousaponakeesa or Mary Musgrove" as Georgia's first mediator," with the admonition that he is not expecting quite the same generous fee that she was given by the British. He also, like to remind all of mankind's first mediation. It was between the first man on earth and the Supreme Mediator. The former, said that he was so lonesome; that he would negotiate and give up a lot if he could only have a "helpmate." The latter said, my demand and price is high, it "could cost you an arm and a leg." The man said, "that's too much, but what about a rib?" This, truly could be the beginning, of the world's first successful mediation, ADR, leading later toward woman for jury service in the settlement of disputes in our judicial system!

**“Judge Braswell D. Deen, Jr.’s “ABC’s on ADR” is a veritable smorgasbord of observations and comments assembled from forty-five years of practical experience. There is something for everyone presented in an interesting and entertaining manner. It has a little history, a little humor, and plenty of insight into how Alternative Dispute Resolution is and should be practiced. Everyone, particularly “Busy professionals, parties, persons, practioners, and participants” can savor and profit from Judge Deen’s “Handbook”.”**

**—Hiram K. Undercofler  
Former Chief Justice  
Georgia Supreme Court**

**“I have been involved in the field of ADR for 25 years, and had the pleasure of working with Judge Deen for 4 years. I have never met anyone connected with ADR who is more competent than Judge Deen. He is the epitome of a southern gentleman, most importantly, a gentle man. His courtesy and consideration of participants are constantly a source of conversation. This book reveals all his wisdom of the process, with a wonderful touch of his humor. I highly recommend this book to anyone involved in the ADR community.”**

**—Marian F. Harrison  
Former ADR Manager  
Arbitration Forums, Inc.**



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