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Judge continues family tradition

Flournoy served on bench with his father; now he tells stories of people behind courtroom portraits

By Kathryn Hayes Tucker, Staff Reporter

Cobb County Superior Court Judge Robert E. “Rob” Flournoy III presides over what is called “the ceremonial courtroom”—so named because of the six portraits of former judges that hang on the back wall. When he impanels a jury, he likes to fill the 20 minutes or so that it takes the lawyers to strike potential jurors by entertaining the group with stories about the men in the portraits.

He knows the stories well, as one of the men immortalized on the wall was his father, Judge Robert E. Flournoy Jr., known as Bob.

Gov. Roy Barnes, also from Cobb County, appointed the younger Flournoy to the court in 2000. The father and son, who had first practiced law together—along with another son, Matthew C. Flournoy—served together as judges until the senior Flournoy's death in 2003.

One of Flournoy's stories involves his father as an attorney before another one of the men in the portraits, Judge Luther C. Hames Jr., who served from 1968 to 1988.

As a lawyer, Flournoy said with a laugh, “My father would love to test the patience of the court”—in one case asking the same question over the other side's sustained objection so many times that Hames held him in contempt and issued a \$50 fine.

In another portrait is Judge James T. Manning, who served from 1953 to 1965. Flournoy said Manning was particularly formidable and liked to play cat and mouse with the lawyers. “He'd let them think they were doing well and then smash them,” Flournoy recalled. He said Manning once sentenced a convicted murderer to death by electrocution and sent him on his way with the words, “Good luck to you now.”

Flournoy's style seems more approachable. He trades stories and good-natured remarks with colleagues and staff around the courthouse. He walks to lunch on the Marietta Square to a rotating series of restaurants with the same group of lawyers and judges every day—except Thursday, when he goes to the Kiwanis Club.

Asked about particular cases over which he has presided, Flournoy noted a recent one involving a 65-year-old grandfather with health problems and wearing an oxygen tube who pleaded guilty to aggravated sexual battery and child molestation. The man's lawyer asked for a probated sentence, contending that the client was too frail to survive prison.

Flournoy said he complimented the lawyer for doing a good job, but the judge was unmoved. When he looked up the dates of the crimes, he noted that some of them happened during the time the man claimed to be ill. “He was too sick to go to jail, but he wasn't too sick to molest his granddaughters,” Flournoy said. “I sent him to jail.” The sentence was 20 years, with five to serve.

“He won't live five years,” said Flournoy.

In another case, Flournoy gave a sentence of 50 years to serve to another defendant, age 50, convicted of raping his girlfriend's 11-year-old daughter, who then gave birth to the man's child.

“He'll get out when he's 100,” said Flournoy.

When he represented clients, Flournoy had a general practice but concentrated in family law—something in which he continues to have a particular interest.

“The most dangerous condition for their children that a lot of women can find themselves in is with a live-in boyfriend or a new marriage,” Flournoy said.

The judge has ordered divorcing parents to move their new live-in romances out of the house, noting that adultery still is on the books as a crime. “We may not prosecute you for adultery,” he said, “but you will move your boyfriend (or girlfriend) out of the house.”

He also has instructed the divorcing couple to take a break and go out to dinner. Sometimes it works. One couple recently reconciled in the middle of the divorce trial after he told them he thought they still were in love.

He said he asks every divorcing couple who comes before him to read two books: “The Good Divorce,” by Constance Ahrons, which lays out strategies for couples to work together to help their children; and “The Unexpected Legacy of Divorce,” by Judith S. Wallerstein, Julia M. Lewis and Sandra Blakeslee, which documents the long-term trauma to children of even amicable divorces.

“My No. 1 goal is to see that the children exit their parents' marriage with as little damage as possible,” he said. Despite what he calls the “temporary insanity” of divorcing spouses, no parent, when he states that goal, has ever disagreed.

His other goals in divorce proceedings are to maximize the marital assets, and do that with as little expense as possible for attorney fees.

Flournoy said his philosophy differs from some other judges. He doesn't require parties in a suit to come in for status reports. And he tries not to micromanage.

“I don't think the court has an ownership in the case. The case belongs to the lawyers and the clients,” he said. “My father always said the lawyers know when the case needs to go to trial.”

Flournoy's grandfather also was a lawyer, but never practiced law. He went to law school because he thought it would help him in his work as an Atlanta police captain. He earned a degree from Atlanta Law School in 1935, on the same day his son, the senior Judge Flournoy, was born. The family lived in Peachtree Hills.

But in 1957, Flournoy Jr. moved his young family to Marietta. “My grandmother always said the worst thing my father ever did was move to this hick town,” Flournoy said, laughing. But his grandmother later helped build a park in Marietta that has the family's name on it. His mother was a teacher and served on the school board. His father, before becoming a judge, represented Marietta in the state House of Representatives and then served as mayor.

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