



COUNCIL OF ACCOUNTABILITY COURT JUDGES OF GEORGIA

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HAPPY RETIREMENT JUDGE MELODIE CLAYTON!

BY DARCY E. MILLER, COBB DUI COURT COORDINATOR

The Honorable Melodie H. Clayton is retiring this December, and she will be leaving a tremendous legacy; not only for the Bench as an intelligent and compassionate judge, but also for DUI Courts throughout Georgia. Her work with the State Capitol and the legislature, such as her involvement in adapting the interlock driving privileges for multiple offenders receiving treatment and her involvement in helping to increase D.A.T.E. fund monies to further support Accountability Courts and their sustainability, as well as, working with the Administrative Office of the Courts, Criminal Justice Coordinating Council and the Georgia Council of Accountability Court Judges as a council member, has all been tireless as she contributed time and energy into the improvement and advancement of DUI Courts statewide.



Her guidance in drafting resources and amending laws to further benefit DUI Courts, all while protecting the sanctity of public safety, has been significant and ongoing. She has consistently been available to mentor new Judges, advise implementing Courts and support Accountability Courts in any way she can. She was not originally supposed to be the DUI Court Judge in Cobb County. She was a strong proponent advocating for its development and while the program was being drafted, she quickly came to realize her passion for the program and her commitment to offering a better form of restorative justice to the citizens of Cobb County was undeniable. She began overseeing implementation and launched the Cobb County DUI Court Program in 2008.

She has continued to govern the DUI Court up to retirement and throughout her tenure she has never ceased learning and pursuing a better way of running the program. Presently, she governs a program with an active population of 90 participants, over 275 graduates, and a program retention rate of 89%. I have worked for several judges, but none as intelligent as Judge Clayton and none as thoughtful towards the law and judiciousness in all her interactions with each individual participant. She greets each new plea with the statement, "Welcome to DUI Court, and welcome to the program. We think that we can offer you the help you need and we feel you'd be an asset to our program as well." To hear those words, at their lowest, several graduates have credited that statement alone to carry them all the way through the program.



Her retirement is a significant loss to us all in the profession.

-Darcy Miller



Just weeks after being promoted to the jury trial division in Cobb County State Court, I prevailed on my very first bench trial in Judge Clayton's courtroom as a prosecutor. It was a difficult domestic violence case with contradictory evidence. When I got back, news of the decision had already made its way back to the Solicitor's office and everyone was impressed. Judge Clayton's was not an easy courtroom for the prosecution. Clearly I was smarter and more skilled than I had previously let on. It would be months before I would win another motion or bench trial again in Judge Clayton's courtroom.

There was that one time, or maybe it was a few times, when during a hard fought motion to suppress, and I was arguing strenuously for the prosecution, when I wondered if I might not be going into the holding cell before the day was over. But in fact, even when she didn't agree with the position I took, Judge Clayton only wanted me to do my job, do it well and with passion, and be respectful and fair. There were no "gimmies" in Judge Clayton's courtroom. The state had the burden of proof, beyond a reasonable doubt, and was held to that standard unfailingly no matter the case – be it a domestic violence charge or a running a stop sign case. Because you had to dot all your i's and cross all your t's, when the state prevailed on a motion or a bench trial in Judge Clayton's courtroom, you knew you had done your job as prosecutor.

But though Judge Clayton might not agree with my position on how the law applied to a given set of facts, it was never personal. Once she was off the bench, the heat of whatever legal argument had been ensuing in the courtroom was gone and we could, and did, talk about things that were more important: family, friends, courthouse gossip, and even more contentious matters like, in spite of football, whether the University of Georgia or Georgia Tech was the best school in the state. No matter her misapprehension of the Georgia-Georgia Tech question, Judge Clayton is a person who cares deeply about what she does, and as a Judge, cares very much about her



staff, and about the people who appear before her when she's on the bench – the attorneys, the accused, the victims, the witnesses, the jurors – everyone. She is smart, kind, funny, warm, and the best example of a good judge, lawyer, person and friend. I was privileged to be in her courtroom for over four years.



I wish Judge Clayton all the best in retirement. I look forward to seeing her around Marietta and speaking with her about this and that. I do hope that future Georgia-Georgia Tech football games will leave her less happy than I. But most especially, I wish her many wonderful, joyous times with friends and family as she enjoys a well-deserved retirement after years of service to our community.



The Council of
Accountability
Court Judges
staff wishes you
a wonderful
retirement!

**Congratulations to Participants of all the
November Graduations!**

Cobb County DUI Court
Clayton County Drug Court
Gwinnett County DUI Court
South Enotah Drug Court
Richmond County DUI Court