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Rural values, rural justice

WE WOULD HOPE that the members of the state's Judicial Nominating Commission, which must pick five names from the 47 now under consideration to fill the upcoming vacancy on the Georgia Supreme Court, will take a serious look at Rome attorney David Guldenschuh.

Certainly, Guldenschuh's legal qualifications to fill the seat held by Justice Leah Ward Sears, who is retiring at the end of the month, are impressive.

A practicing attorney for 25 years, Guldenschuh has argued multiple cases in both the Georgia Supreme Court and Georgia Court of Appeals, as well as in the U.S. Court of Appeals in Texas. Guldenschuh has practiced law in Rome since 1989, first as a member of the McRae, Stegall, Peek, Harman, Smith & Manning law firm before founding his own firm in 2004. Before that, he served as a law clerk in the Fifth District U.S. Court of Appeals and was an associate at the Atlanta-based international law firm King & Spalding.

But it is not only his legal qualifications that make Guldenschuh a solid choice for a seat on the state's highest court.

THE GEORGIA Supreme Court is in desperate need of more representation from the state's rural areas. Right now, five of the seven sitting justices are from the Atlanta Metropolitan Statistical Area (MSA) — a ratio that does not represent the distribution of Georgia's population. Justices Robert Benham of Cartersville and Hugh P. Thompson are the two rural justices on the high court. Retiring Justice Sears is from metro Atlanta, so replacing her with a candidate from a rural area would give the court a 4-3 metro to rural makeup, even when you take into account that Benham's home now is technically part of the Atlanta MSA. Before Norman Fletcher, a Fitzgerald native who practiced law in Rome and LaFayette, retired in 2005, the high court had a 4-3 metro-rural split, but Fletcher was replaced by Atlanta Harold Melton, leading to the current 5-2 split.

Guldenschuh is one of 13 nominees to replace Sears who are from what would be considered rural areas of the state, and he is one of only two rural nominees to hold an A-V rating, the highest rating given by Martindale-Hubbell, a national legal rating service that rates lawyers on ability and ethics.

IT WILL BE TOUGH for the Judicial Nominating Commission to narrow the 47-person field to five candidates to submit to the governor, and Guldenschuh is rightly concerned that the 13 rural candidates will be eliminated quickly. But a strong argument can be made that Guldenschuh, who has strong conservative Republican credentials, as well as a strong legal background, deserves a place among the five finalists and on the high court.

Guldenschuh was born and raised in Rome and returned here to practice law. He has the values of this place, which tend to be conservative and are consistent with most of the people in Georgia.

He understands the role of the Supreme Court of Georgia, which is the body that must step in and correct lower court decisions, resolve conflicts in legislation and address regulatory issues. His legal background has given him the skills needed to sit on the high court, and his 25 years of legal practices has given him an understanding of the nuances of the law.

But those who know him understand that there is another side to Guldenschuh, and that is the incredible medical battles that he has fought for his twin daughters Carmen and Cristina.

While it may not be politically correct to apply the terms to a Republican candidate (who, unlike the governor who must make this selection, was Republican before Republicans were cool), that experience gives Guldenschuh the "empathy and understanding" for how the law is applied that President Obama said he was looking for to find a nominee for the U.S. Supreme Court.

THE PROBLEM, of course, is that Atlanta politics will play a huge role in the selection of the next Supreme Court justice. Two Republican state senators are on the list of candidates, as are several powerhouse Atlanta lawyers and judges.

"There are some very, very well-qualified candidates," Guldenschuh told the Rome News-Tribune earlier. "But I intend to emphasize to the commission that they really need to send at least one name to the governor representing rural Georgia."

Here's hoping that the Judicial Nominating Commission will look beyond the state's metro area when selecting the five names to submit to Gov. Perdue and include Guldenschuh on that list.

If that happens, we are confident that Perdue, who is from Bonaire in Houston County and understands Georgia's rural-metro dynamics, will take a serious look at Guldenschuh's resume. If that happens, his legal qualifications, along with his conservative GOP credentials, could bring his name to the top.