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Judge learned justice from dad

Kell tries to play the coach role in Cobb courtroom

By Kathryn Hayes Tucker, Staff Reporter

Cobb County Superior Court Judge C. LaTain Kell Sr. says he meditates daily on a quote he has framed and hanging on a private wall of a hallway he passes through as he goes from his chambers to his courtroom.

From Micah 6:8 in the King James version of the Bible, it reads: "What doth the Lord require of thee, but to do justice, to love mercy, and to walk humbly with thy God?"

The scripture reflects his Baptist background, but it is among many lessons from his upbringing that he brings with him to the bench as the son of two local public school teachers. His father, Corky Kell, taught physical education and was Wheeler High School's football coach—so highly regarded that after his death, the new Kell High School was named for him. His mother, Carole Kell, taught English. Both became school principals to boost their income after their son and daughter started college.

Like football, justice is a team effort, says Kell, 47, the 10th and newest member of the Cobb Superior Court bench, in a recent conversation in his chambers. Attorneys and staff members have to do their job to make the court run smoothly, he says.

He was a member of his father's football teams, but he recalls with a laugh, "I wouldn't say I played."

He remembers his father's sense of justice as being very clear. When the star quarterback was caught smoking—cigarettes, not marijuana—the night before a big game, his father suspended him from the team. They lost. "We didn't have a back-up quarterback," Kell recalls. "Everything was black and white to him. He'd forgive you, but he wouldn't let you get away without consequences for your actions."

The justice was tempered with mercy. "My dad could find the good in just about anyone. He taught me to search for that," Kell says. "You have to make sure that people pay the price for their crime, but remember they are human beings."

When the younger Kell began to play football in middle school, he got some good advice from his mother—who also was his eighth-grade English teacher. "She told me I'd better focus on academics," he says. "She was the best teacher I ever had." His mother, now a retired principal and community volunteer, taught him a love of literature, writing and speaking, which led him to journalism school and ultimately to law.

He earned a bachelor's degree in journalism from the University of Georgia, majoring in public relations, in 1984. He earned a J.D. from the University of Georgia Law School in 1987. His original intention was to manage political campaigns. "But I fell in love with the law," he says.

A summer internship with the office of Georgia Attorney General Michael J. Bowers led to a job there out of law school. Three days later he was trying a case by himself. The experience was far beyond what he could have gotten in a law firm, he says. He worked for the AG for 10 years as a civil litigator, arguing cases in just about every court in Georgia.

In 1997, he went to the litigation section of Troutman Sanders. In 2000, he joined the Marietta law firm of Brock, Clay, Calhoun & Rogers, where he became a partner and worked until 2007, when Gov. Sonny Perdue appointed him to the new judgeship. He was elected for a full term in 2008.

Kell also has served as chairman of the Marietta Area Council of the Cobb Chamber of Commerce and chairman of the East Cobb YMCA Advisory Board. He serves on the hospitality ministry of Johnson Ferry Baptist Church, where he is a deacon.

He and his wife, Sherry Kell, live in East Cobb where he grew up. Introduced by his sister, they have been married for 16 years. They have a son who is 9.

It was Sherry Kell who first told her husband he would make a good judge. "I thought, well your spouse has to say that," he recalls. But then when the new position was created in 2007, he decided to apply.

"I love being in the courtroom," Kell says. And as a judge with a busy caseload, he's in the courtroom almost every day.

As a civil litigator for 20 years, what's new for Kell in the courtroom is criminal law—which he estimates takes up about 40 percent of his calendar. About half is domestic—divorce and custody. And civil is about 10 percent.

On a recent day in his courtroom, Kell is businesslike and courteous to defendants, even as he is sentencing them to jail and extensive probation requirements afterward.

“Good luck to you, sir. I’ll see you back here,” he said to a man pleading guilty of forgery and identity theft and bound for jail and then probation for the next decade.

He customarily requires defendants under 25 who are high school dropouts to return to school for a GED and get a job as conditions of probation. But he adds that requirement for a 29-year-old first offender on a drug charge, along with screenings and treatment.

“The statistics tell us that if they get a GED they are less likely to be back here,” Kell says later. “You can offer the stick or the carrot. We have both.”

In some cases, he does seem to play a kind of coach role as a judge. He often tells defendants on probation that he is entering a long-term relationship with them, but that he and their lawyers and prosecutors will be very happy if they do not see them again.

Kell says he has been impressed with the quality of work by Cobb County attorneys and enjoys watching them. “Everyone tries a case differently,” he says. “I enjoy seeing their strategy.”

Perhaps because of his civil litigation background—combined with his team experience—his courtroom seems businesslike but congenial. “I try to create an atmosphere that’s lawyer friendly,” Kell says. “I will let someone do a blistering cross examination—as long as they do it in a professional manner.”



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