



# YOUNG LAWYERS D I V I S I O N

State Bar of Georgia  
*Working for the Profession and the Public*

Volume 44 , Issue 3

Spring 2003

## Great Day of Service VIII Saturday, May 3, 2003

Join your community on **Saturday, May 3** for **Great Day of Service VIII**. Great Day of Service is the Young Lawyers Division largest project and this year promises to be the best yet!

The project reaches every corner of the state and includes attorneys from every field of practice and of all ages. GDS provides all attorneys in Georgia the opportunity to participate in a local community service project and to work with friends, adversaries, judges and other lawyers in helping others.

Here's how you can help! Nineteen communities across Georgia will be participating in this year's Great Day of Service. A complete list of the communities and local contact persons in charge of organizing the

projects is listed on **page 6**. Contact the person designated for the area nearest you and make plans to give something back in your community!

If you can't volunteer your time on May 3rd, please consider assistance in the form of donations. You can also help by spreading the word about the Great Day of Service in your community.

If you would like more information on the Great Day of Service or you would like to form a project in your area, please contact the following members of the Great Day of Service Committee: Dan Snipes, (912) 764-9055; Leigh Martin, (404) 321-1700, or Marc D'Antonio, (706) 649-1230.

...Great Day of Service.....Saturday, May 3, 200.....Great Day of Service.....Saturday, May 3, 2003.....Great Day of Service.....Saturday, May 3, 2003....



### JUDGES AND EVALUATORS NEEDED FOR REGIONAL COMPETITIONS

#### Regional Competition Cities and Dates:

Macon (3/1), Canton (3/1), Brunswick (3/1), Marietta (3/1), Decatur (3/1),  
Atlanta (2/22 and 3/1), Lawrenceville (2/28 and 3/1), Dalton (2/28 and 3/1),  
Athens (2/22), Rome (3/1), Savannah (2/28 and 3/1), Jonesboro (2/28 and 3/1),  
Columbus (3/1) and Douglasville (3/1)

#### **Contact the mock trial office to volunteer!**

(404) 527-8779 or toll free (800) 334-6865 ext. 779  
or email: [mocktrial@gabar.org](mailto:mocktrial@gabar.org)

### Judges and Evaluators with PRIOR HIGH SCHOOL MOCK TRIAL EXPERIENCE Needed for State Finals

Gwinnett Justice Center;  
Lawrenceville, March 15-16, 2003

#### *What's Inside?*

President's Corner	2
LRE Golf Tournament Wrap Up	3
YLD Spring Meeting Registration	4
Military Personnel	5
Great Day of Service Contacts	6
Calendar of Events	7
Editor's Block	8

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# President's Corner

By Derek J. White



## “OPERATION ENDURING LAMP” WANTS YOU!

“It was the best of times; it was the worst of times.” These oft quoted words of Dickens must ring especially true for our country’s military personnel right now as these brave men and women leave their families for unknown places and for unspecified durations to protect our freedoms and rights.

While many citizens have already organized opportunities to support our soldiers while they are off fighting to defend our Constitution, a project has recently been created that offers training to those in the legal profession who wish to provide pro bono assistance for activated military personnel. It is called “Operation Enduring Lamp.”<sup>1</sup>

“Operation Enduring LAMP” is a nationwide project that has been launched by the ABA Standing Committee on Legal Assistance for Military Personnel (LAMP) in response to a request from the Armed Forces to help organize and educate civilian attorneys who wish to volunteer their services. Even though the military legal assistance network is currently able to handle the demand for legal assistance, should mobilization levels increase significantly, volunteer civilian attorneys will be called upon for help.

And just what sorts of help are needed? Basic legal assistance such as preparing simple wills and powers of attorney can help expedite the mobilization process. Other areas of assistance include correspondence

to creditors and financial institutions, the Soldiers & Sailors Civil Relief Act, and the Uniformed Services Employment & Re-employment Act. Pro bono services will be limited to certain types of matters. However, legal counsel and advice is vital so our service men and women can perform their military duties with minimal distraction from legal and financial difficulties beyond their control due to deployment on our behalf.

Resource materials and training are yours for the asking. The YLD and the Atlanta Bar Association have both initiated military assistance projects for the military personnel in Georgia. In fact, the Atlanta Bar Association has already conducted one training session for Georgia attorneys in January of this year. For information from the YLD, please contact Elena Kaplan or Leah Singleton at Troutman Sanders’ Atlanta office (404/885-3000). For the Atlanta Bar Association, please contact Atlanta Bar President Bill deGolian at Johnson & Ward (404/524-5626). The key is to obtain training now so if the need surfaces, you will already be in a position to help.

I’m asking each of you for your support and participation. As attorneys for the State of Georgia, we, too, have taken an Oath to protect and defend our country’s Constitution. If you think of the sacrifices our men and women in the military are making to protect our freedoms and rights, we should feel honored that we have been asked to help with their legal affairs. While contributing time preparing legal documents or making phone calls pales in comparison to what could be a soldier’s ultimate sacrifice, this is one tangible means by which we can truly serve our country in such uncertain times.

Rather than waiting to be asked, take the initiative and make the call. Accept the task before us. Accept the challenge to help. Accept, and relish the experience that accompanies true American Pride.

<sup>1</sup> Project description summarized from ABA website articles and other state bar association articles.

## YLD 15th Annual Legislative Affairs Breakfast

The 15th Annual Legislative Affairs Breakfast allows young attorneys the chance to meet leaders of the Georgia General Assembly and get their perspective on legislative issues. This year’s event, held Friday, January 17, 2003 was no exception!

This year’s panel included: Lieutenant Governor Mark Taylor, Justice Robert Benham, Appellate Court Judge Yvette Miller, Senator Rene Kemp, Representative Dubose Porter and Representative Thomas Bordeaux.

Thank you to all that participated and we look forward to seeing you next year!



Lieutenant Governor Mark Taylor addresses the crowd.



YLD Legislative Affairs Cochairs Stephen Lowry & Mike Watson with YLD President Derek White.

Please join us in thanking the following gavel sponsors for their support of the State Bar of Georgia:

5 Gavel



3 Gavel



**ABA MEMBERS  
RETIREMENT  
PROGRAM**

# THANKS TO EVERYONE FOR A GREAT DAY OF GOLF FOR A WORTHY CAUSE!



The 5th Annual Law-Related Education Golf Tournament was held on Monday, October 21, 2002 at The Oaks Course in Covington, Georgia. Organized by the Law Related Education Committee of the State Bar of Georgia, the tournament raised \$9,000 to support the efforts of the Law-Related Education Consortium.

Law-Related Education (or "LRE") is an interactive method of teaching young people and adults about the law and the fundamental principles on which it is based. LRE teaches people about their legal rights and responsibilities and encourages informed participation in our democratic form of government. National and state studies show that LRE deters delinquency and reduces disciplinary problems in young people because it fosters the development of decision-making, problem solving, and conflict management skills. For both young people and adults, LRE helps to develop a sense of empowerment through learning that people count and individuals can make a difference.

The Georgia Law-Related Education Consortium, an association of institutions, agencies, organizations, and individuals who believe LRE is an essential element in the development of people as productive, law-abiding citizens, is primarily a grant funded non-profit organization and has little, if any, carryover from year to year. Its mission is to promote the inclusion of LRE curriculum in schools and in community based programs all across our state. The Consortium adopts a "train the trainer" approach, conducting ten to twelve teacher/trainer workshops on an annual basis. The Consortium also prepares materials for all grade/age levels, including An Introduction to Law in Georgia (now in its third edition and presently being translated into Spanish to teach Hispanic adults their rights and responsibilities under Georgia law). The Consortium's materials have also been used by several YLD committees that work with at-risk children, including the Kids and Justice Committee, the Aspiring Youth Committee and the Law-Related Education Committee.

The Consortium is governed by an Executive Committee including Hon. John Ruffin, Georgia Court of Appeals, Chair; Mel Hill, Institute of Higher Learning, University of Georgia, Vice-Chair; Kendall Butterworth, BellSouth Corporation, Treasurer; and Brenda Cornelius, Georgia Human Relations, Secretary. The Consortium's day-to-day operations and annual program plan are handled by Anna Boling, Executive Director of the Georgia LRE Consortium.

The tournament is successful because of the generous sponsorship of several law firms, individuals and businesses who donate money, prizes, and refreshments, and because of the players who come out every year to support the tournament and the efforts of the consortium. **The LRE Committee wishes to extend its heartfelt thanks to each and every one of you—and we hope to see you all again next October!**

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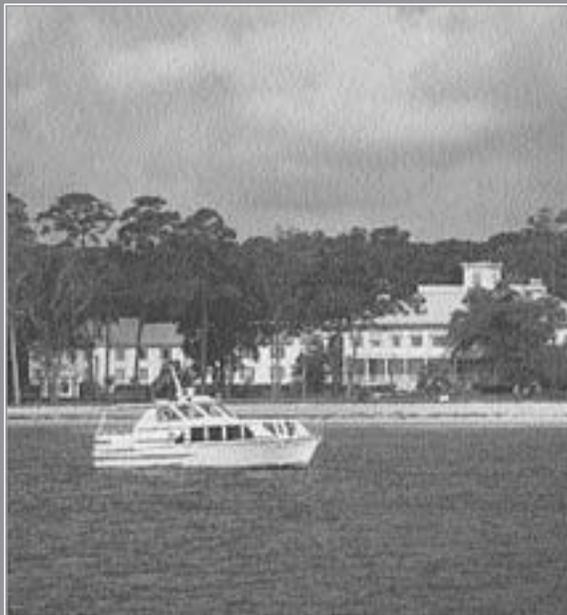
## A SPECIAL THANK YOU TO THE YLD/ACYL 'MIDYEAR MINGLE' SPONSORS

The Young Lawyers Division and the Atlanta Council of Younger Lawyers would like to thank its many sponsors for their generous support of the YLD/ACYL 'Midyear Mingle' held on Friday, January 10, 2003. Over 175 attorney's attended the event at the Atlanta History Center. Festivities included a dessert buffet, 6 award winning exhibits and dancing to the musical talents of *That 80's Band*. Thank you to everyone that came out for the event. We hope to see you again next year!



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DAVID S. GRUSKIN, CANDIDATE FOR YLD TREASURER  
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# Don't Miss the Boat ... Register Now for the YLD Spring Meeting April 25-27, 2003

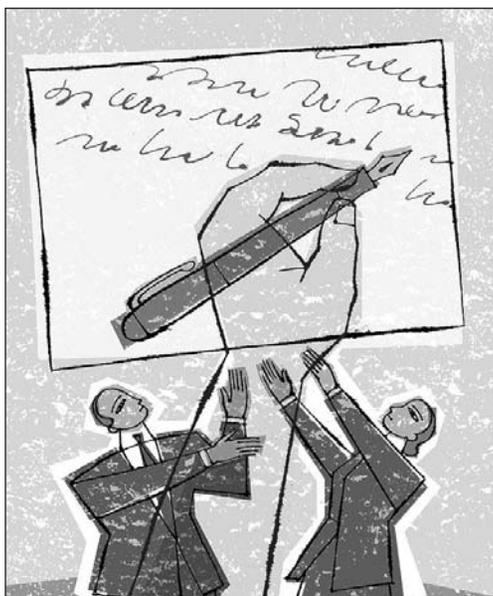
A block of 2 and 4 bedroom cottages as well as sleeping rooms in the Inn have been reserved for the YLD Spring Meeting at the rate of \$175 per night. The meeting will be held April 25-27, 2003 at the Daufuskie Island Club & Resort just one mile from Hilton Head Island, South Carolina. Please contact the resort directly at **800-648-6778** for reservations. The deadline for making hotel reservations is March 25, so don't delay!

From the moment you board one of Daufuskie's private luxury ferries from Hilton Head, distractions and stress will fade away. Once you've arrived, join the YLD on the Inn Lawn for cocktails, hors d' oeuvres croquet and lawn bowling at the YLD Welcome Reception. After the reception, there will be plenty of time to explore the island or take the water taxi to Harbour Town for a Hilton Head adventure. The Business meeting begins at 10am on Saturday morning followed by a cemetery cleanup led by the YLD Community Service Projects committee.

After a day of community service, tanning on the beach or a round of golf, join us at the Sportsman's Lodge, a rustic lodge located at the Equestrian Center, for the YLD Group Dinner featuring a buffet dinner, cocktails, billiards, darts, poker tables, backgammon/chess boards and a big screen TV.

The YLD would like to thank **Bull & Associates, Inc.**, **Crowne Office Suites** and **Esquire Deposition Services** for their sponsorship of the YLD Spring Meeting.

For more information, please contact the YLD Office at (404) 527-8778. We look forward to seeing you in April!



## I Need a Law Clerk!

By: Lynn Howell

One of the toughest decisions for a lawyer is deciding when you are far enough along in your practice to justify hiring your own law clerk. There are two schools of thought on when to hire a law clerk. The first school says that you should hire a lot of law clerks because it is cheap labor, you can

bill for their time and you can give back to the legal community by helping turn law students into lawyers. The second school says hire when it is your only option. If your administrative assistant and legal assistant refuse to do the work, then it is time to hire a law clerk!

The first question is, do you have enough work? When evaluating your work load, determine if there are enough items suitable for a law student to handle. If you are spending your time doing research that could easily be done by a law student at a lower cost to the client, you need a law clerk. If you are indexing depositions, that with a little instruction a law student could do, you need a law clerk. If you are chasing around forms, running to file pleadings at the courthouse, you need a law clerk.

If you've decided to hire a law clerk, how do you find them? Much

like the old western slogan "support your local sheriff", you should "support your local law school." Call the law school and place a listing with the career services office. Be sure to tell the career services staff how immediate your need is. If you are really desperate, tell them. In many cases they know students who need to work immediately for financial reasons. Remember that, according to ABA standards, full time students can only work twenty hours per week during the academic year. So, if you have forty hours of work, hire two or three law clerks and share the fun!

If you need law clerk assistance during the summer, expand your search to law schools outside your local area. Most schools in the southeast have students from Georgia, so fax or email your listing to the surrounding states. You will be amazed at the number of hometown folk that will apply. You do not have to have a full-blown "summer associate program" to attract students from outside your local area. They are looking for experience and opportunities in their hometowns or "wish they were my" hometowns.

Try to pay law clerks market rate if you can. Most law clerks in Atlanta are paid between \$15 to \$25 per hour while law clerks who work in other areas of the state earn from \$12 to \$20 per hour. You can negotiate lower rates depending upon experience. For example, a 1L during their first summer is usually paid less than a 3L who is graduating in December.

Remember, you can bill for law clerks' time, help them become good lawyers and have someone else do the mundane tasks. They will think these mundane tasks are exciting...well at least for the first dozen times or so!

# Legal Protections for Military Personnel

By: Elena Kaplan and Leah Singleton

With the large build-up of military in the Middle East, many Georgians who serve in the military reserves have been called to active duty. These reservists and their families are making great sacrifices in order to protect our country, including, in some cases, a substantial decrease in household income. There are two federal laws that are designed to ease these sacrifices by protecting the rights of service members and their families and reducing the burdens imposed on them during the period of active duty. These laws are broad in scope and impact on many practice areas, including family law, tax law, employment law, banking, bankruptcy, creditors' rights, real estate, landlord/tenant and civil litigation.

The two federal laws are the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and the Soldiers' and Sailors' Civil Relief Act ("SSCRA"). USERRA, established in 1994, focuses on protecting the civilian jobs and employee benefits of reservists called to active duty. SSCRA, enacted during World War II, traces its history to the Civil War and focuses on protecting service members' rights in civil actions and limiting the burden of pre-service obligations.

## USERRA

USERRA protects the jobs of service members by requiring employers to re-employ returning service members under the "escalator principle" with the same seniority, status, pay, rights, and benefits they would have attained if not for active duty. If needed, the employer must make a reasonable effort to train the service member to re-qualify for the job. Even if the employer has replaced the service member's position, an alternate job must be provided to the service member, which can be especially onerous for the small employer.

USERRA also protects employee benefits as if the service member had remained employed. Active duty spanning less than 30 days requires the employer to maintain health insurance. If the service member is called to active duty for more than 30 days, the employer must continue employer-sponsored health insurance for up to 18 months with the service member paying the same premium as required under COBRA. In addition, vesting and benefit accruals continue during active duty under a pension plan, and the employer must contribute to

any 401(k) plan, once the service member returns to work, as if the person remained employed throughout active duty.

## SSCRA

SSCRA protects service members' rights in civil proceedings by allowing a stay during active duty when a service member's ability to defend or prosecute is materially affected. This stay can also be granted to sureties, guarantors and co-obligors. In addition, SSCRA conditions entry of a default judgment on the plaintiff signing an affidavit stating that the defendant is not on active duty. If the plaintiff cannot do so because the defendant is on active duty, the judge must appoint an attorney to protect the rights of the service member. Lack of such an affidavit subjects a default judgment to the risk of being overturned. Active duty also tolls the statute of limitations for civil proceedings.

SSCRA protects service members, as well as their dependents, with respect to certain obligations incurred prior to a period of active duty where the ability to pay is materially affected by military service. These include protection from eviction where the rent is \$1,200 per month or less, protection from mortgage foreclosure, and protection from repossession of personal property sold under an installment sales contract. In addition, SSCRA allows service members and their dependents to terminate leases (residential and commercial) that were entered into prior to the service member entering active duty.

In addition, if reporting to active duty has affected a service member's financial status, the interest rate on all of the service member's debts (other than federal student loans) incurred before entering active duty is capped at 6%. Further, the service member is entitled to a grace period for filing income tax returns and paying tax due until six months after the end of active duty. It is also possible that under the general provisions of SSCRA, child support or alimony orders may be modified, although it is not specifically addressed.

Creditors are forbidden from taking a service member's use of the provisions of the SSCRA into account when making credit decisions and from submitting adverse credit reports to credit reporting agencies because of such use. Finally, SSCRA includes special provisions regarding powers of attorney, suspension of malpractice insurance and malpractice claims, life insurance guarantees and leases of public lands.

Additional information on USERRA and SSCRA can be found at <http://www.abanet.org/legalservices/helpreservists/lamphrquick.html>. If you are interested in becoming involved with the YLD in assisting service members, please contact Leah Singleton at (404) 885-3545 or [leah.singleton@troutmansanders.com](mailto:leah.singleton@troutmansanders.com) or Elena Kaplan at (404) 885-3520 or [elena.kaplan@troutmansanders.com](mailto:elena.kaplan@troutmansanders.com).

## You're never too old to get the YLD Newsletter...

If you're a Georgia lawyer, you're on our list. That's because the YLD wants lawyers of all ages to know about the worthwhile projects it organizes to serve both the profession and the community.

We hope you will take a closer look at our programs and see that the YLD is a positive reflection on the legal profession. You don't have to be under 36-years of age to appreciate endeavors like the projects like Great Day of Service (see page 1).

So you see, everyone is a "young lawyer" when it comes to the YLD *Newsletter*- think of it as the Fountain of Youth!

.....Great Day of Service.....Saturday, May 3, 200.....Great Day of Service.....Saturday, May 3, 2003.....

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## Congratulations 2003-2004 YLD Officers

President: Andrew W. Jones, Marietta

President-elect: Laurel P. Landon, Augusta

Treasurer: David S. Gruskin, Atlanta

Secretary: Jonathan A. Pope, Canton

Officers will be sworn in at the State Bar of Georgia's Annual Meeting being held June 12-15, 2003 at the Amelia Island Plantation in Amelia Island, Florida.

The law firm of Lopes McKamey-Lopes recently became a Cobb County Partner in Education with East Side Elementary School in Marietta, GA. The program allows businesses to contribute their job skills to area schools and assist the teachers and students with applying lessons learned in the classroom to real life situations.

Shown here is East Side's 5th Grade Target Class with their teacher Ms. Cynthia Lind, along with Thurston Lopes and Janne' McKamey-Lopes after the young lawyers made a presentation to Ms. Lind's class about jury selection and jury duty.



# Homeless Women and Children Toiletries Drive

Donate toiletries to the State Bar of Georgia Young Lawyers Division Community Service Projects Committee's *Homeless Women and Children Toiletries Drive*. The items will be donated to women and children that are homeless as a result of domestic abuse.

### Requested Items

- Shampoo
- Soap
- Lotions
- Deodorant
- Toothpaste
- Toothbrushes
- Razors
- Nail Clippers
- Nail Files
- Makeup Bags
- Brushes
- Combs
- Barrettes
- Diapers
- Diaper Ointment
- Baby Bottles
- Pacifiers

\*\*\*\* Travel-size items are preferred, but all size donations accepted. \*\*\*\*

Bring your donations to any of the collection sites listed below or to the State Bar of Georgia 104 Marietta St., Suite 100 from **Monday, March 24 to Friday, March 28**. Tax receipts provided upon request. Questions? Contact Katrina Quicker (KQuicker@kilpatrickstockton.com or 404-685-6765)

#### Atlanta Collection Sites

*Alston & Bird*  
One Atlantic Center  
1201 West Peachtree St., Floor 44  
Contact: Karen Couch  
KCouch@alston.com

*Arnall Golden Gregory LLP*  
1201 West Peachtree St. Suite 2800  
Contact: Harriet Day  
Harriet.Day@AGG.com

*Atlanta Legal Aid Society*  
151 Spring St., NW  
Contact: Sherry Neal  
SVNeal@atlantalegalaid.org

*Drew Eckl and Farnham, LLP*  
880 West Peachtree St.  
Contact: Annette Simelaro  
SimelaroA@deflaw.com

*Earbee, Thompson, Sapp & Wilson, LLP*  
800 International Tower  
229 Peachtree St., NE  
Contact: Lexi Liner  
Liner@etsw.com

*Ernst & Young LLP*  
Litigation Advisory Services  
Bank of America Plaza  
600 Peachtree St., Suite 2800  
Contact: Paul Greenspan  
Paul.Greenspan@ey.com

*Freeman Mathis & Gary, LLP*  
100 Galleria Parkway,  
Suite 1600  
Contact: Laura Voght  
LVoght@fmglaw.com

*Fulton County Office of the Solicitor General*  
Carnes Justice Center Building  
160 Pryor St., SW, Suite J-301  
Contact: Paula Mickens  
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*Georgia Center for the Homeless*  
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*Kutak Rock LLP*  
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Michelle.Adams@KutakRock.com

*McKenna Long & Aldridge*  
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*Nelson Mullins Riley & Scarborough, LLP*  
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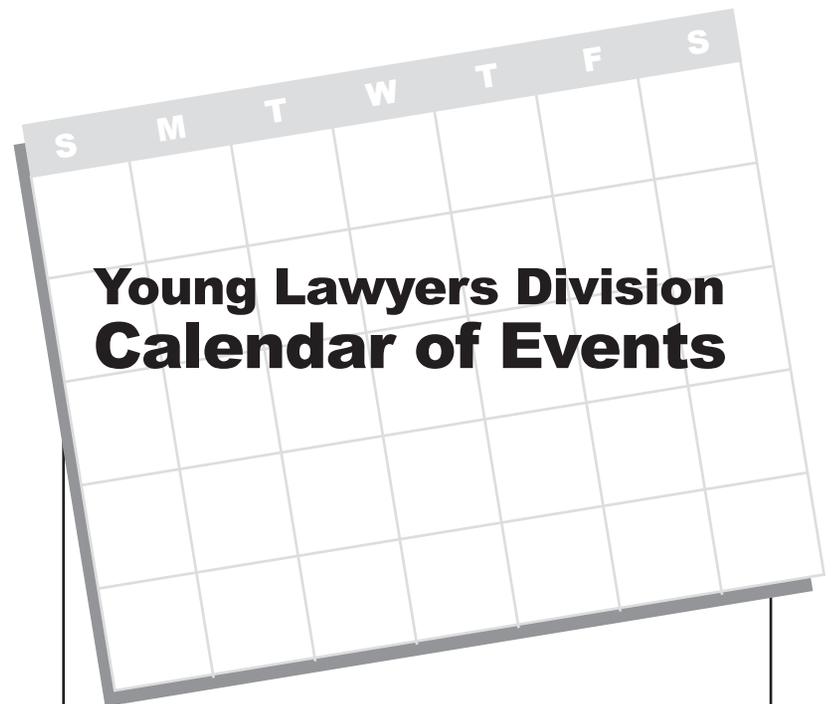
*Sutherland Asbill & Brennan LLP*  
999 Peachtree St.  
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AWells@sablaw.com

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Albany Division  
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LLandon@kilpatrickstockton.com

Columbus Collection Site  
*Georgia Legal Services Program*  
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SHaskins.Columbus@glsp.org

Macon Collection Site  
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Macon Regional Office  
241 Third Street  
Contact: Tomieka Richard  
TRichard.Macon@glsp.org



## Young Lawyers Division Calendar of Events

### MARCH

- 4 Juvenile Law Committee Meeting
- 5 Minorities in the Profession Meeting
- 13 Women in Profession CLE
- 24-28 Community Service Project
- 28 Women in the Profession Breakfast Social

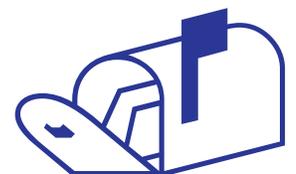
### APRIL

- 4-6 Spring Board of Governors Meeting
- 25-27 Spring YLD Meeting- Daufuskie Island, SC

### MAY

- 3 **Great Day of Service VIII**
- 15-18 ABA/YLD Spring Conference
- 26 Memorial Day: State Bar offices closed

## Coming Soon.... 2003 Annual Meeting



Check your mailboxes for registration for the 2003 Annual Meeting being held **June 12-15** at the **Amelia Island Plantation**; Amelia Island, Florida.

As expected, this year promises to be another exciting Annual Meeting complete with the YLD Meet the Candidates Pool Party, YLD Awards Brunch and the YLD Summer Supper Sing-Along II.

Look for registration materials in your mailboxes coming soon. Or you can find information on the web at [www.gabar.org](http://www.gabar.org).



# editor's block

By Laurel P. Landon  
Kilpatrick Stockton, LLP

All of us have special people in our lives who have helped us along the way and provided us with the opportunity to grow personally and/or professionally. I was fortunate to be blessed with wonderful parents and have many people who have helped me along the way. One of these people is Ted Clarkson.

Some of you may know Ted. He grew up in Augusta and attended Presbyterian College. He graduated from the University of Georgia School of Law in 1982. After clerking for a year with the Hon. Anthony A. Alaimo (U.S. District Judge for the Southern District of Georgia) he came to work for Knox and Zacks in Augusta, Georgia. He has been with the firm 20 years and seen its merger with Kilpatrick & Cody and its later transformation to Kilpatrick Stockton.

When I came to the firm in the fall of 1996, Ted took me under his wing. He spent time going over countless pleadings and letters that I drafted showing me how to improve them. He provided me the opportunity to take my first deposition and to attend my first trial. He has provided advice on many occasions (most of it solicited!). To sum it up, he taught me how to practice law.

Ted is an excellent lawyer. It is a gross understatement to say that he knows more about more areas of the law than anyone I have ever come across. What I appreciate most about Ted, however, is that everything he does is done with a view toward doing what is right. I have never met anyone who "practiced what they preached" more than Ted. He is an excellent lawyer and an excellent person.

Ted will be leaving the practice of law in a few months to answer his new calling – he will attend seminary in the fall. One of my first thoughts when I heard the news was that I will never be able to repay him for what he has done for me. Then I realized, of course, that even if he had stayed here, I could never repay him. All I can do is try to be the kind of lawyer and kind of person that he is and strive to provide someone else with the same kind of mentoring he provided to me.

[Submission deadline for the next YLD newsletter is May 9, 2003](#)

## Scenes from the Midyear Meeting

