

June 2017

Volume 22, Number 7

GEORGIA BAR JOURNAL

From the President—
Help Wanted:
Lawyers Needed
in the Legislature

A Conversation with
Edward D. Tolley

2017 Legislative Review

2017 Fiction Writing
Competition Winner:
Keep Things Merry

THE LEGAL

How Not to Get Thrown in Jail



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The *Georgia Bar Journal* welcomes the submission of news about local and voluntary bar association happenings, Bar members, law firms and topics of interest to attorneys in Georgia. Please send news releases and other information to: Sarah I. Coole, Director of Communications, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303; phone: 404-527-8791; sarahc@gabar.org.

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The June Issue

The June 2017 issue of the *Georgia Bar Journal* has a little something for everyone.

This issue's legal article is "How Not to Get Thrown in Jail," which has everything you ever wanted to know about how not to get convicted for criminal contempt. It also answers the question, "The judge can't do that to me, can she?" Spoiler alert: the answer is probably yes, and you should have lawyered up yesterday.

June is when the *Journal* publishes the winning story of our annual fiction writing competition. This year's winner is "Keep Things Merry," by Marietta attorney Gregory B. Grogan. Out of many submissions, this short story was rated the highest by the Editorial Board in an anonymous scale-of-one-to-10 voting system. On behalf of the board, I congratulate Gregory, and I thank all of the authors who submitted stories. The fiction competition is a welcome annual reminder that law school did not beat the creative flair out of all of us.

This month's From the President column, "Help Wanted: Lawyers Needed in the Legislature," offers the following sobering statistic: only 16 percent of the General Assembly members are lawyers. You don't need a statistician to explain the implications of that statistic for the content and quantity of this state's laws.

One way to mitigate the problem of too few attorneys in the General Assembly is to take the advice offered in the From the Executive Director column, entitled "Legislative Fund Helps Improve Public Policy." Do you ever wonder what the optional \$100 contribution on your annual dues notice is for? Me too, until I read this month's column. That money is for the Legislative & Public Education Fund, which allows the Bar to maintain an active voice on proposed legislation relevant to the purposes of the Bar. This month's column also highlights more hands-on approaches to influencing policy, such as signing up for the Bar's online Action Network.

This month's Georgia Lawyer Spotlight column continues its series of interviews with influential Bar members. For this issue, *Journal* Editorial Board member Jacob Daly sat down with Edward D. Tolley of the Athens firm Cook & Tolley LLP. Tolley is part of an increasingly rare breed of attorneys—renowned for work in both criminal defense and civil litigation.

So much great content, so little room to summarize. Thank you for reading, and as always, please let us know what you think. ●



TIM COLLETTI
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ON THE COVER

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Help Wanted: Lawyers Needed in the Legislature

Let me get right to the point: we need more lawyers in our state Legislature.

At our Spring Meeting, the State Bar's Board of Governors heard a final report on the 2017 session of the Georgia General Assembly, presented by Christine Butcher Hayes, our director of governmental affairs, and Rusty Sewell, head of our lobbying team at the State Capitol.

Christine and Rusty reviewed the outcome of the Bar's legislative priorities for this year, a number of which were approved and sent to the governor's desk, with final action on a few others being held over until the 2018 session. For details on this year's session, turn to page 24.

In his remarks to the board, Rusty also echoed a sentiment we have been hearing for several years, concerning the continuing decline in the number of lawyers who are serving in the Legislature. He pointed out the situation has now reached the point where the Senate Special Judiciary Committee—one of two Senate committees that handle legislation related to the courts in both civil and criminal law—is made up of six non-lawyers and *only two* lawyers.

During the 2017 session of the General Assembly, there were a scarce 28 lawyers among the 180 members of the House of Representatives (15.5 percent) and 10 lawyers among the 56 members of the Senate (17.9 percent). The total of 38 lawyer-legislators (16.1 percent of the 236 members of the General Assembly) matched an all-time low previously set in 2010 and 2013, according to a historical

analysis published in the *Daily Report* prior to last year's legislative elections.¹ The article noted that over the past decade the number of lawyer-legislators in Georgia has hovered around 40.

As a result of the resignation of Sen. Judson Hill and a special election on May 16 to fill his seat, the total number of Georgia's lawyer-legislators has now dropped to 37—a new all-time low.

In other states, the number of lawyers serving as legislators has declined even more dramatically, according to the *Daily Report* article. In 1975, lawyer-legislators made up nearly 22 percent of legislative bodies across the country, but that number declined to an average of 14 percent, according to a Pew Charitable Trusts report published in 2015.

And, believe it or not, *The Wall Street Journal* reported in January, of the 40 members of the Kansas State Senate, for the first time since 1861 not a single one is a lawyer—despite an existing statute that requires at least one lawyer/senator.²

For the legal profession and for our justice system, this is a concern because the presence of well trained, experienced attorneys on both sides of the aisle offers numerous, significant benefits to the process of making both laws and public policy.

In the *Daily Report* article, Rep. Meagan Hanson (R-Brookhaven) said legal training is critical to building effective legislation. "It's an art," she said. "You have to know what you're asking for, and how that will be interpreted in the court to know how it will affect things in practice."



PHOTO BY CASEY JONES PHOTOGRAPHY

**PATRICK T.
O'CONNOR**

President
State Bar of Georgia
president@gabar.org

Rep. David Dreyer (D-Atlanta) told the *Daily Report* an absence of lawyer-legislators can cause confusion in the drafting and consideration of proposed legislation. “You have a lot of committees without any lawyer-legislators on them whatsoever,” he said. “It makes it very difficult when you’re crafting a law if you don’t understand how statutes are interpreted in real life.”

Generally, the most controversial or complex bills are assigned to the judiciary committee in both chambers of the General Assembly. These include specialized and complex legislation such as the State Bar’s proposed trust code revisions (HB 121) during the 2017 session and the proposed 90-page adoption code rewrite (HB 159); issues related to liability, like the legislation on the proposed spaceport in Camden County (HB 1) and this year’s directors and officers liability bill (HB 192); and hotly contested legislation, such as the proposed Religious Freedom Restoration Act (SB 129) from the 2015-16 legislative term.

A primary reason these bills typically go through the judiciary committees of the House and/or Senate is because the attorney members of those committees, having a natural tendency and the experience to review documents with a fine-tooth comb, will thoroughly scrutinize the language of each piece of legislation before them. With the experience of having completed law school, having passed the bar exam and practicing law, there is an inherent skill among lawyer-legislators in reading and understanding the legalese present in every bill under consideration. Unlike most from any other line of work, lawyer-legislators have spent their professional lives working on a daily basis with the very code books they have the ability to amend while serving under the Gold Dome.

Georgia’s Senate and House committees responsible for handling legislation with the most impact on the legal profession and judiciary and the makeup of their current membership are as follows:

- Senate Judiciary Committee: nine lawyers and three non-lawyers.
- Senate Special Judiciary Committee: two lawyers and six non-lawyers.

OFFICERS’ BLOCK

In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, “What was the highest point of your year of service?”



PATRICK T. O’CONNOR

President

Through my travels and interactions around the state, the highest point of my year was the realization that most people believe in the law and our system of laws, and see the law as something much bigger and more important than any one case, one lawyer, one judge or one person.



BRIAN D. “BUCK” ROGERS

President-Elect

I consider chairing the Judicial Qualifications Commission Task Force during the most recent legislative session to be the high point of my year. It was an honor to work closely with the judges and lawyers who served as members of the task force to identify and recommend individuals for consideration to serve on the JQC.



KENNETH B. “KEN” HODGES III

Treasurer

Steering the wellness initiative, with the help of many others, from task force to standing committee, and implementing wellness activities at our meetings and CLEs, so all lawyers will have physical opportunities and educational experiences to help them enjoy fuller and healthier lives was my high point this year.



DARRELL L. SUTTON

Secretary

My high point was my work co-chairing the Senior Lawyers Committee. There is no work more important than ensuring the creation of an infrastructure that allows every Georgia lawyer to leave the practice when she or he is ready and under her or his own terms.



ROBERT J. “BOB” KAUFFMAN

Immediate Past President

The highlight of my year has been seeing the completion of the disciplinary rules revision, which started during my year as president and has now been approved by the Board. I’m confident the rules, once approved by the Supreme Court, will provide the Bar with a more efficient and fair system of lawyer discipline.

- House Judiciary Committee: 14 lawyers and three non-lawyers.
- House Judiciary Non-Civil Committee: 11 lawyers and six non-lawyers.

Lawyer-legislators are particularly helpful for legislation addressing the judiciary or a code revision. The judicial branch of government is the one with which the general public has the least interaction and, therefore, about which most people have the least knowledge. Lawyer-legislators, on the other hand, have the experience and understanding necessary to lend a hand with any legislative proposal affecting the judiciary.

It can be difficult to get a non-lawyer interested in legislation dealing with appellate jurisdiction, civil procedure or evidence, but those issues have a tremendous influence on the legal profession and the judicial system. Unlike at the federal level, where the U.S. Supreme Court and the U.S. Judicial Conference promulgate the rules of civil procedure and evidence pursuant to the authority granted by the Rules Enabling Act, at the state level, those issues are addressed legislatively by the Bar and lawyer-legislators who understand the need to update and improve certain areas of the law.

Lawyer-legislators can also provide valuable insights in areas of the law that are targets for tinkering by their non-

lawyer colleagues, particularly in the areas of criminal law and family law. Lawmakers from outside the legal profession frequently hear from constituents who may have had an adverse outcome in a discrete case, and they feel a need to create legislation to address what happened. In these instances, lawyer-legislators are able to point out potential unintended consequences of certain language in a bill, or the way a bill would change the process on a wider scale. Most often, lawyer-legislators are able to help perfect the language of a bill to make it better for all concerned.

Non-lawyers serving in the Legislature are actually appreciative of such assistance. Most lawyer-legislators can point to examples of being approached by colleagues on the House or Senate floor and being asked, based on their legal expertise, what certain wording in a bill means or how they should vote on legislation. How many of us have heard these famous last words: “I’m not a lawyer, but . . .”? Without the input of lawyers, bills involving e-filing, evidence, discovery and other uniquely “legal” topics can be fraught with problems.

Lawyer-legislators are also in high demand by those who understand the value of lawyers in sponsoring legislation they are supporting. Gov. Nathan Deal, a lawyer himself, has wisely relied on many of the lawyers in the Legislature for his initiatives.

In January 2013, under then-President Robin Frazer Clark’s leadership, the State Bar hosted a legislative forum as part of that year’s Midyear Meeting. The panel discussion featured a number of veteran lawyer-legislators from both houses and both political parties. Each panelist presented keen insights on the important role that Bar members fulfill in the drafting and perfecting of all types of legislation, including these key points that remain applicable:

- Lawyers are experienced in hearing the evidence pro and con, weighing it out and making a determination or judgment. That is a necessary skill in the legislative process generally and at the committee level in particular.

Lawyer-legislators are also in high demand by those who understand the value of lawyers in sponsoring legislation they are supporting.

- At times, the most important contribution a lawyer-legislator can make is to stand up and say “no” to a colleague’s proposal, even in opposition to what might be a popular stance among the voters back home. It’s often up to the lawyers in the room to ensure any legislation under consideration will pass constitutional muster.
- Because of our training and experience in adversarial situations, the ability to exhibit professionalism enables lawyers to radiate a moderating influence in the legislative chambers when the tension runs high during debate on certain volatile issues.
- In addition to making a positive difference in the quality of legislation, serving in the Legislature is one way to expand a lawyer’s horizons and work outside the box of a particular practice area specialty. For some lawyer-legislators, the annual General Assembly session serves as a sabbatical from the routine.

For all who are elected, public service requires a sacrifice of both time and money. Lawyers who serve in the Legislature must consider their continued obligations to their clients and their firms, but service to the citizens of Georgia and to our system of laws can be an immensely positive force for what is just and good.

Recognizing this, I would like to express my sincere thanks to the Bar members who served our state during this year’s session of the General Assembly: Senate Majority Leader Bill Cowser, Sen. Judson Hill, Sen. Harold Jones, Sen. John Kennedy, Sen. William Ligon, Sen. Joshua McKoon, Sen. Elena Parent, Sen. Jesse Stone, Sen. Curt Thompson, Sen. Blake Tillery; House Speaker David Ralston, House Minority Leader Stacey Abrams, Rep. Beth Beskin, Rep. William Boddie, Rep. Johnnie Caldwell, Rep. Christian Coomer, Rep. David Dreyer, Rep. Chuck Efration, Rep. Stacey Evans, Rep. Barry Fleming, Rep. Rich Golick, Rep. Meagan Hanson, Rep. Scott Holcomb, Rep. Trey Kelley, Rep. Dar’shun Kendrick, Rep. Brenda Lopez, Rep. Mary Margaret

Oliver, Rep. Sam Park, Rep. Jay Powell, Rep. Regina Quick, Rep. Bert Reeves, Rep. Deborah Silcox, Rep. Jason Spencer, Rep. Pam Stephenson, Rep. Brian Strickland, Rep. Robert Trammel, Rep. Andrew Welch and Rep. Wendell Willard.

We are also appreciative of the exceptional work of our Advisory Committee on Legislation, chaired by Jon Pannell, and our advocacy team at the Capitol: Christine Butcher Hayes, Rusty Sewell, Mark Middleton and Roy Robinson. They provide a tremendous service to the public, our profession and the justice system in the lawmaking process. The best way to assist their efforts would be to have a few more lawyers serving in the House and Senate. ●

Endnotes

1. Gabrielle Orum Hernandez, “Lawyers Fight to Maintain Presence in General Assembly,” *Daily Report*, April 13, 2016.
2. Jacob Gershman, “The Kansas Senate Has a Legal Problem: Not a Single Lawyer,” *The Wall Street Journal*, Jan. 11, 2017.

Stress, life challenges or substance abuse?

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2 new categories this year!

A Successful Year of Statewide Service



JENNIFER C. MOCK

YLD President
State Bar of Georgia
jennifer@mocklaw.com

The 2016-17 State Bar year is now winding to a close, and I want to thank my fellow members of the Young Lawyers Division for the honor of serving as YLD president. The success we have had this year is a result of the hard work and tremendous support of YLD members from all parts of Georgia. To let everyone else in the State Bar know what the YLD has worked to achieve this year, here are a few of the highlights:

A Centennial Celebration

Last August, the YLD's Women in the Profession Committee—co-chaired by Morgan Clemons and Baylie Fry of Atlanta—spearheaded the State Bar's celebration of "Women in the Profession: 100 Years of Georgia Women Lawyers." The occasion appropriately observed the century of progress dating back to 1916, when the Georgia General Assembly approved legislation and the Supreme Court of Georgia decided to admit women into the practice of law.

Held at the Bar Center, the event featured an exhibit of photos, articles, clothing and other historical items. The committee also presented an impressive program, which included dramatic readings, a commemorative film and a panel discussion for CLE credit—all to celebrate the progress of women lawyers and inspire us to continue to take on leadership roles within the profession.

In that spirit, the Women in the Profession Committee sponsored a two-day retreat with CLE programming and activities last October in the peaceful mountain setting of Blue Ridge, Ga. The presentations included "Creating Your Own Professional Development Path: Tips for Navigating Your Career in Today's Legal Market," "Avoiding Legal Malpractice," "Trial Advocacy for Women," "The Art of Self-Promotion," "How Women Help Women Succeed" and "Lawyer Horror Stories: Best Practices for Confronting Gender Diversity & Inclusion Issues with Professionalism & Civility."

Signature Fundraiser for Georgia CASA

In February, the YLD held our 11th annual Signature Fundraiser at Terminus 330 in Atlanta. This year's event, "Carnival for CASA," was a black-tie affair that included dinner, dancing and a silent auction—along with some carnival-themed fun like ring-toss, whack-a-mole, a claw machine and doughnut wall, covered with delectable Krispy Kreme products. YLD Past President and current State Bar Secretary Darrell Sutton was presented with the YLD's annual Signature Service Award, recognizing his committed support to the State Bar and his community.

More than 200 were in attendance, including lawyers of all ages, judges, friends, family members and sponsors. This year's

event raised more than \$50,000, with net proceeds going to our beneficiary, Georgia Court Appointed Special Advocates (CASA). This funding will benefit children statewide. CASA volunteers advocate for kids who have been placed in foster care or similar settings by state agencies.

Many thanks to Co-Chairs Audrey Biggerstaff Bergeson of Decatur, Rizza O'Connor of Lyons and Katherine Willett of Augusta and all members of the Signature Fundraiser Committee for their efforts to make this year's event such a success.

Legal Food Frenzy

The YLD again teamed up with the Office of Attorney General Chris Carr to host the Georgia Legal Food Frenzy, a food drive and fundraiser competition among law firms, law schools and other legal organizations from across the state.

The YLD Legal Food Frenzy Committee co-chairs are Daniel Burroughs of Augusta, Justin Oliverio of Decatur, Justin Purvis of Valdosta and Lisa Robinson of Lilburn. A total of 215 legal organizations, representing more than 14,000 members, participated in this year's competition, which brought in a record-breaking 1.34 million pounds of food to benefit Georgia's nine regional food banks and fight hunger in our state.

Disaster Legal Assistance

This committee, chaired by Bert Noble of Cartersville, was mobilized through a memorandum of understanding between the Georgia YLD, the American Bar Association and the Federal Emergency Management Agency (FEMA), to provide disaster legal assistance to those in need after a natural disaster.

Last October, the people of Savannah and Brunswick were hit hard after Hurricane Matthew struck coastal Georgia. Then in February, a new disaster was declared by FEMA to respond to damage from storms and tornadoes in Georgia.

The YLD committee works through a Disaster Relief Hotline, which is monitored regularly. Bert Noble directs calls to volunteer attorneys, who take calls and cases with issues related to insurance, consumer fraud, loss of identity documents, housing law and more. Several volunteer attorneys

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, we asked our YLD officers, "What was the highest point of your year of service?"



JENNIFER C. MOCK | YLD President

I have truly enjoyed meeting so many attorneys from across the state over the past year. We have such a diverse group of attorneys in this state, and I have found it interesting to learn others' perspectives on our profession and the judiciary.



NICOLE C. LEET | YLD President-Elect

This year I had the honor and privilege of serving on the Executive Committee and serving as a liaison between the YLD and "Big Bar" which provided opportunities to not only learn more about the work done by the Bar but also help identify more opportunities for the YLD to serve.



RIZZA O'CONNOR | YLD Treasurer

My highlight has been speaking to law classes and groups about balancing professional and family roles. I received such positive feedback, especially from women, who need to hear that it is possible to be active with the Bar, achieve personal satisfaction and still devote quality time to family.



WILLIAM T. "WILL" DAVIS | YLD Secretary

The highlight of my first year of service is seeing the continued growth of our active membership in the YLD. I love meeting first-time attendees at committee events or quarterly meetings and speaking with those people as they learn, first hand, how engaging YLD involvement can be.



JOHN R. B. "JACK" LONG | YLD Immediate Past President

The best part of being a YLD president was meeting so many other young lawyers and encouraging them to better our community. That aspiration was realized when a record \$135,000 was raised by the YLD Signature Fundraiser to help build a camp for disabled children.



SHAMIRACLE S. JOHNSON | YLD Newsletter Co-Editor

Being sworn in as the co-editor of *The YLD Review* was the highest point of my year of service. As co-editor, I was afforded the opportunity to connect with lawyers across the state through content that educated my colleagues about changes in the law, self-preservation and trial skills.



HEATHER RIGGS | YLD Newsletter Co-Editor

The high point of my year has been meeting, getting to know and working with so many inspiring young lawyers. I'm honored to have had the opportunity to promote their innovative projects and programs, impacting the public and our profession, in *The YLD Review* this year.

As I prepare to hand the YLD president's gavel to Nicole Leet, I again thank you for the opportunity to have been a part of such a year of accomplishment and success.

stepped forward to actively handle cases related to these two disasters.

Leadership Academy

The 12th annual edition of the YLD Leadership Academy, one of our award-winning signature programs, was another big success. Aimed at young lawyers who are interested in developing their leadership skills and using them to serve the legal profession, their communities and our state, the Leadership Academy now boasts more than 440 alumni. Many of those YLD members have gone on to become solo practitioners, judicial law clerks, partners in large and small law firms, assistant district attorneys, public defenders, nonprofit lawyers, alternative dispute resolution specialists and in-house counsel for Fortune 500 companies.

This year's program offered participants the opportunity for 12 CLE credit hours in six monthly sessions from January through June. The first two programs on "Becoming a Leader in the Bar and YLD" and "Lawyers as Leaders in State Government" were held in Atlanta, followed by "Professionalism" in Asheville, N.C., "Developing Your Leadership Skills" in Columbus and "Pro Bono and Community Service" in Macon. The closing session and graduation will take place in conjunction with the Bar's Annual Meeting on Jekyll Island.

If you are interested in applying for the 2018 YLD Leadership Academy or would like more information, send an email to yld@gabar.org.

Stars of the Quarter

A new initiative this year was the introduction of the "YLD Stars of the Quarter"

recognition program. Each quarter, we issue a call for nominations of young lawyers who have gone above and beyond in service to the profession, Bar, YLD and/or their community. Three "Stars" are then selected, and they receive recognition on our website and at YLD meetings throughout the year.

The honorees thus far include: (Fall 2016) Lori Anderson of Atlanta, Sonia Lakhany of Atlanta and LaKeisha Randall of Atlanta; (Winter 2017) Ron Daniels of Perry, Jake Evans of Atlanta and Garon Muller of Augusta; (Spring 2017) Terri K. Benton of Macon, Elissa Haynes of Atlanta and Bert Hummel of Atlanta.

Please send your quarterly nominations to Mary McAfee at marym@gabar.org.

Newsletter Redesign

ShaMiracle Johnson and Heather Riggs, co-editors of *The YLD Review*, implemented significant improvements, both in style and content, to our primary member communications vehicle. The new magazine format and substantive, practice-centered articles are a positive change for the quarterly publication.

Additionally, YLD members are now kept up to date on timely news, committee and local affiliate reports online thanks to the launch of *The YLD Review* blog at www.theyldreview.org. It's an excellent way to know what's going on in the YLD between editions of the printed newsletter.

Other Highlights

We also successfully completed another year of the YLD's Public Interest Intern-

ship Program. Applications are received from third-year law students and young lawyers who have secured a public interest internship for the summer. Our committee, co-chaired by Jana Edmondson-Cooper and Kerry Nicholson of Atlanta, grades the applicants, and the top three receive a \$5,000 stipend for their summer work.

We held three Wills for Heroes Clinics for first responders around the state. Volunteer young lawyers spend the day with first responders to assist with estate planning documents. The YLD Estate & Elder Law Committee, co-chaired by Mandy Moyer of Cumming and Jennifer Bost Thomas of Atlanta, coordinated the clinics, which were held Oct. 8 in Dallas, Feb. 25 in Gwinnett County and May 13 in Columbus.

The 11th annual Supreme Cork fundraiser took place in Atlanta on Feb. 16. The beer and wine tasting and silent auction raised money for the Atlanta Volunteer Lawyers Foundation's Guardian ad Litem Program and Domestic Violence Program. The YLD Family Law Committee, co-chaired by Jonathan Brezel and Michaela Mericle of Atlanta, sponsored the event.

As I prepare to hand the YLD president's gavel to Nicole Leet, I again thank you for the opportunity to have been a part of such a year of accomplishment and success. I wish I had space to express appreciation to each and every committee chair and member whose volunteer efforts contributed to these and all of the YLD's projects and programs, which continue to live up to our reputation as "the service arm" of the State Bar of Georgia. ●

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Legislative Fund Helps Improve Public Policy



JEFF DAVIS

Executive Director
State Bar of Georgia
jeffd@gabar.org

Every year, when you receive your dues statement from the State Bar of Georgia, I am sure you notice the optional \$100 contribution to the Legislative & Public Education Fund. You are encouraged to participate in contributing to this fund, which enables the Bar to maintain a strong and active voice on behalf of the legal profession in supporting or opposing issues of importance to the administration of justice in our state.

It is important to the public and the justice system that we continue to advocate effectively to our local, state and federal officials. Thanks to your ongoing support of the cause of justice through contributions to Legislative & Public Education Fund, we are able to enhance public awareness of these issues on the part of Georgia's citizens and assist our policymakers in their difficult decisions.

As you know, the State Bar of Georgia regularly takes positions on legislative proposals that are germane to the legitimate purposes of the Bar. While the Bar's legislative program is supported by voluntary contributions, we have historically elected to operate under the self-imposed benchmarks described in Standing Board Policy 100, and we will continue to do so.

Compliance with the policy provides for initial consideration and recommendation by the Advisory Committee on Legislation (ACL), after which the matter receives a second consideration by the Board of Governors, which determines the legislative positions of the State Bar. The Board is comprised of 160 lawyers and judges elected by active Bar members from each judicial circuit in the state, in addition to a

number of appointed members. Before any position can be taken, the policy requires a majority vote as to whether the matter is germane, followed by a two-thirds majority vote on the merits of the position.

This process is designed to limit the State Bar's political advocacy to matters that improve the quality of legal services and upon which most of our members agree. Your representatives on the Board always welcome your input on legislation and any other State Bar matter.

Once a position on legislation has received the necessary approval of the Board, our legislative team at the Capitol is responsible for preparing for action on that issue. Our advocates stay informed as to all proposed legislation that would affect members of the Bar and the practice of law. The Bar president and other lawyers from our various sections who have expertise in a particular area of the law are often called to testify in support or opposition to such legislation in committee hearings. The Bar also establishes ad hoc committees as needed for specific legislation.

The expertise and experience of Georgia lawyers have contributed significantly to the advancement of our statutory law. Most proposals are researched and written by one of our 48 law sections, which focus on specific areas of the law.

Additionally, because neither the ACL nor the Board meets while the Legislature is in session, the policy authorizes the Executive Committee to address Legislative issues during that period each year. In those cases, the Executive Committee is required to follow a three-step process. Its members must first determine by major-

ity vote that the issue is germane to the legitimate purposes of the State Bar. Next, a majority vote is required to determine that the legislation could not reasonably have been submitted to the Board. If the first two votes are in the affirmative, the Executive Committee must then decide by a two-thirds majority vote to support or oppose the legislation in question.

Most important matters addressed by the State Bar deal with Georgia's statutory law that are of little interest to the general public and rarely reported on by the news media. Occasionally, one or more of the State Bar's legislative positions will receive extensive coverage and become the source of vigorous debate, even within the legal community. That is the reason the Board policy requires a two-thirds, rather than a simple majority, vote of approval before the State Bar takes any legislative position. We recognize that most positions are not supported by 100 percent of Georgia's 49,000-plus lawyers.

However, if you look at the State Bar's total legislative program over the long term, I hope you will agree that this program allows Georgia lawyers to share their expertise and experience for the good of Georgia's citizens. This is why it is so crucial for you to voluntarily contribute to the Legislative & Public Education Fund when you pay your annual State Bar dues.

You can also support the State Bar's legislative program by keeping your representatives on the Board of Governors informed about your opinions on proposed legislation before them and by developing a personal relationship with the elected members of the Senate and House of Representatives from your community so that you may help explain the State Bar's positions on various issues.

The creation several years ago of the State Bar of Georgia Action Network has simplified the process for Bar members to contact your legislators throughout the year to share your experiences and recommendations on proposed or pend-

ing legislation. Member involvement is critical to the effectiveness of the Action Network, which is an online service to inform our members and empower our advocacy efforts.

Signing up for the network on the Bar's website will enable you to keep abreast of legislative developments at the Capitol in near real time, track the Bar's legislative agenda and monitor other legislation affecting the legal profession and help advance our efforts by conveniently communicating with your representative and senator with the click of a mouse or a tap on your mobile device. It only takes a minute to sign up, and your participation is critical to our program's success.

During the 2017 session of the General Assembly, the State Bar's legislative agenda included support for seven House and Senate bills and two state funding requests. Bar members were kept informed and were able to track the progress of our legislative initiatives via the weekly updates compiled by our advocacy team at the State Capitol and posted to our website.

Our legislative program provides a number of other opportunities for Bar members to participate during the General Assembly's annual 40-day session and throughout the year, including but not limited to:

- Submitting op-ed columns or letters to your local newspaper editor in support of Bar positions.
- Testifying before House or Senate committees on issues in your area of expertise.
- Taking your legislators to breakfast or lunch.
- Attending local legislative events to meet with and engage your legislator.
- Attending a Grassroots Lobby Day at the Capitol.

Attending a Lobby Day is one of the most effective ways to interact with your representatives in the General Assembly. You have the opportunity to see both the House and Senate in action, enjoy lunch with your legislators and our lobbying team, and attend a House or Senate Judiciary Committee Meeting.

"I was most impressed by the clear direction provided by the Bar's leadership to the staff and lobbyists working in Atlanta, i.e., to grow the Bar's political influence by fostering relationships between attorneys across Georgia and their representatives and senators serving in Atlanta," wrote Justin Franklin of CarterFranklin, LLP, in Metter in an account of his own Lobby Day experience at the Capitol. "And while many lawyers already have long-established relationships and influence with their elected officials, nothing grabs the legislators' attention like an on-site visit demonstrating commitment on specific issues, the seriousness with which you hold their service and votes, or your willingness to discuss the interpretation or potential impact of certain bills. I was able to meet with two senators and one representative from districts surrounding my practice. I also had a brief moment with the speaker of the House and the governor. I feel confident this effort will yield great things for the Bar in years to come if the effort is sustained. I would encourage any lawyer to participate in this cause."

And remember, your participation can be as simple as making that voluntary contribution to the Legislative & Public Education Fund when paying your annual State Bar dues.

If you have any questions about the Action Network, next year's Lobby Days or any legislative events scheduled between now and the 2018 legislative session, please do not hesitate to contact Christine Butcher Hayes, our director of governmental affairs, at 404-526-8608 or christineb@gabar.org. ●



How Not to Get Thrown in Jail

This article explains the court's contempt authority, outlines the important areas in the law of contempt (specifically, criminal contempt) and offers strategies for a lawyer defending against a criminal contempt citation.

BY LAWRENCE J. ZIMMERMAN

Lawyers are often held in contempt for reasons that could have been avoided with simple preventative measures, such as filing a conflict letter, or making a phone call to chambers when stuck in traffic.

Judges prefer not to hold a member of the Bar in contempt. But often the same attorney keeps getting in the judge's craw, pushing the judge over the edge and prompting the judge to take action. Other times, issues such as addiction and mental health raise concerns for the court. While contempt is usually not the best vehicle to address such issues, under certain circumstances contempt may be the only way for a judge to get an attorney's attention. To be sure, there are also times when the judge misunderstands the law of contempt and is wrong to issue a contempt citation.

This article explains the court's contempt authority, outlines the important areas in the law of contempt (specifically,

criminal contempt) and offers strategies for a lawyer defending against a criminal contempt citation.

Contempt Authority

Georgia courts are statutorily authorized to “inflict summary punishment for contempt of court” for misbehavior in court (or near court, if the misbehavior obstructs the administration of justice) and for disobeying lawful orders.¹ Additionally, the Georgia Constitution grants each court broad authority to “exercise [its] powers as necessary in aid of its jurisdiction or to protect or effectuate its judgments.”² Specific grants of authority aside, the judicial contempt power is often referred to as “inherent”—without it, the court could not preserve order or perform its public duty.³

Although the court has broad power to punish for contumacious conduct, that power is not absolute.

Criminal Contempt Versus Civil Contempt

Broadly, “contempt” refers to “disregard for or disobedience of the order or command of the court,” including “the interruption of court proceedings.”⁴ The distinction between criminal contempt and civil contempt lies in the punishment imposed for the contempt. “[C]riminal contempt imposes unconditional punishment for prior acts of

contumacy, whereas civil contempt imposes conditional punishment as a means of coercing future compliance with a prior court order.”⁵

Criminal Contempt

In *International Union, United Mine Workers of America v. Bagwell*, the U.S. Supreme Court stated that criminal contempt “is a crime in the ordinary sense,” and that “criminal penalties may not be imposed on someone who has not been afforded the protections that the Constitution requires of such criminal proceedings.”⁶ As such, the criminal contempt requires proof beyond a reasonable doubt.⁷ If the contempt is directed toward the court (i.e., “direct” contempt, discussed later) and the judge is not involved in the controversy, an attorney has no right to a hearing.⁸ Courts, though, must provide the contemnor a chance to explain the reasons for their actions before announcing punishment.⁹

In superior court and state court, the maximum punishment for each count of contempt is a 20-day jail sentence and a \$1,000 fine.¹⁰ In magistrate court, the maximum punishment is a 10-day jail sentence and a \$200 fine.¹¹ In probate court, the maximum punishment is a 20-day jail sentence and a \$500 fine.¹² In juvenile court, the maximum punishment for an adult is a 20-day jail sentence or a \$1,000 fine (but not both).¹³ These restrictions apply to criminal contempt—not to sanctions imposed for civil contempt.¹⁴

Civil Contempt

As noted above, civil contempt imposes conditional sanctions with the purpose of coercing future compliance with an existing order. With civil contempt, the contemnor has the power to avoid sanctions, which is why those subject to civil contempt sanctions are often said to “carry the keys of their prison in their own pockets.”¹⁵ The standard of proof for civil contempt is preponderance of the evidence.¹⁶

The statutory restrictions on punishment for criminal contempt do not apply to civil contempt. Thus, sanctions for continuing contempts can exceed those allowed for criminal contempt.¹⁷

Georgia courts are statutorily authorized to “inflict summary punishment for contempt of court” for misbehavior in court (or near court, if the misbehavior obstructs the administration of justice) and for disobeying lawful orders.

Direct Contempt Versus Indirect Contempt

Contempt (criminal or civil) is either direct or indirect. Direct contempt involves conduct directed toward the court; contemptuous conduct outside the courtroom, beyond the court's presence, is considered indirect contempt.¹⁸ "The procedures that a trial court must follow to hold a person in contempt depend upon whether the acts alleged to constitute the contempt are committed in the court's presence (direct contempt) or are committed out of the court's presence (indirect contempt)."¹⁹

In direct criminal contempt matters, due process is satisfied "by simply giving counsel an opportunity to speak on her own behalf."²⁰ After having given that opportunity, the court can "announce punishment summarily and without further notice or hearing."²¹

Examples of direct contempts committed by attorneys are failure to give prompt notice of a conflict, failure to appear at a calendar call and failure to show up for a trial.²² Under these circumstances, courts must provide the contemnor a chance to explain his or her actions before announcing punishment.²³

With indirect criminal contempt, "the considerations justifying expedited procedures do not pertain."²⁴ Indirect contempt cannot be summarily adjudicated—"due process requires that a person who is tried for indirect criminal contempt is entitled to more normal adversary procedures," including being advised of the charges, having a reasonable opportunity to respond, being permitted to obtain counsel and having the right to call witnesses.²⁵

Contempt and the Recusal of Judges

Judges and lawyers alike are sometimes confused as to what triggers judicial recusal from a contempt action. Thankfully, the Court of Appeals provided an instructional opinion about this issue in *In re Schoolcraft*.²⁶ In *Schoolcraft* the Court stated,

In order to maintain order in his courtroom, a trial judge has the power to issue an order of contempt for conduct conducted in his presence and after affording the contemnor an

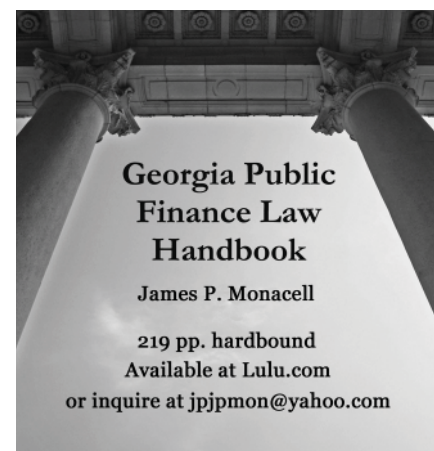
opportunity to be heard, to determine punishment summarily without further proceedings "[But where] the announcement of punishment is delayed, and where the contumacious conduct was directed toward the judge or where the judge reacted to the contumacious conduct in such a manner as to become involved in the controversy, the judge may give the attorney notice of specific charges, but the hearing, including the attorney's opportunity to be heard, must be conducted by another judge."²⁷

The trial judge in *Schoolcraft* had granted a criminal defendant a bond based on information the defendant's attorney provided in response to the judge's questioning. The judge later concluded that the information was false. The judge issued a contempt citation, scheduled a hearing and presided over the contempt hearing. At the hearing, the attorney admitted that the information was false but attributed the matter to misunderstanding the judge's question.²⁸ The judge, however, "did not think his question could have been misinterpreted" and sentenced the attorney to 48 hours in jail and 40 hours of community service, and ordered that the attorney's name be stricken from the county's appointed counsel list.²⁹

The Court of Appeals concluded that the trial judge erred in presiding over the contempt hearing himself.³⁰ There was "no question that the allegedly contumacious conduct was directed toward the judge, as it occurred in direct response to the judge's question."³¹ The hearing transcript, furthermore, "raise[d] an inference that the trial judge had become involved in the controversy as he necessarily applied his impressions from the prior bond hearings in reaching his finding of contempt."³² The Court of Appeals added, "It is difficult to maintain the objectivity required of a fair and impartial judge, when you are deciding whether it is your version or the defendant's that is correct."³³

The Burden of Proof and Due Process in Criminal Contempt Cases

Contempt must be proven beyond a reasonable doubt. Willfulness is an element



that must be proven in all contempt cases.³⁴ Furthermore, the accused has the right to be represented by counsel and to be heard in non-summary contempt actions.³⁵

In 2008, the Supreme Court of Georgia issued *In re Jefferson*,³⁶ an important opinion concerning contempt issues. In *Jefferson*, the Court granted certiorari to "clarify the proper standard for determining whether a lawyer's comments during trial constitute contempt of court."³⁷ During the trial, the judge cited the attorney with eight instances of contemptuous conduct that included the following: "inappropriate facial expressions, disrespectful tone of voice, and improper statements."³⁸ The attorney's punishment was 30 days in jail. On appeal, the Court held that to find an attorney in contempt the court must first find "the attorney's statement and attendant conduct either actually interfered with or posed an imminent threat of interfering with the administration of justice and that the attorney knew or should have known that the statements and attendant conduct exceeded the outermost bounds of permissible advocacy."³⁹

This opinion provided a non-exhaustive list of factors that may help trial courts in determining whether statements or actions by the attorney should be considered contemptuous.⁴⁰ Those factors, however, must be viewed against the backdrop of an attorney's obligation to zealously represent clients. The Court stated, "[I]n light of the important constitutional rights involved, we are of the opinion that, in adjudicating a case of possible contempt, 'doubts should be resolved

in favor of vigorous advocacy.”⁴¹ *Jefferson* is a must-read case for all lawyers for its excellent language concerning the right to vigorously advocate on behalf of a client.

Defending Contempt Matters

When faced with a contempt action, a lawyer should contact another lawyer who is well-versed in the nuances of contempt. That is particularly true if the lawyer’s situation does not involve summary contempt. “He who represents himself has a fool for a client” is accurate even for skilled lawyers.

The first task is to determine the allegations against the lawyer, and whether they are criminal or civil. If the matters in question occurred in court, there should be a record of the incident. If the lawyer is in court and an issue occurs with the judge, the lawyer should promptly confirm the court reporter is actively taking down what is being said.

The second task is to evaluate the extent to which a simple apology can resolve the matter. In this author’s experience, judges typically want to hear an acceptance of responsibility. If the issue is not one of real seriousness (i.e., the lawyer is late to court or failed to file a conflict), it is often sufficient to explain to the court that the lawyer is sorry for the mistake.

A prime example of where an apology would have been more than sufficient occurred during the O. J. Simpson murder trial. During the trial, prosecutor Christopher Darden drew the ire of Judge Lance Ito. The court threatened to hold Darden in contempt but dropped several obvious hints that an apology would resolve the issue. Darden dug in his heels, refused to apologize and requested counsel for the contempt action. The famous trial lawyer, Gerry Spence, who was conducting a play-by-play of the trial in the press section of the courtroom—out of sheer frustration at Darden’s obtuseness—slammed down his writing pad, exclaiming “Jesus Christ.” Judge Ito responded to Spence’s outburst, “Mr. Spence, your comments aren’t necessary.”⁴² A lawyer who is afforded the opportunity by a trial court to squash the issue before it goes any further should accept it. Negligence is not sufficient for a contempt conviction. It is wise

to accept the mistake if it guarantees the contempt action is dismissed.⁴³

In defending the situation, the attorney for the alleged contemnor should proceed cautiously and lay out a strategy for moving forward if it is clear the situation involves more than simple negligence. In many instances, there will be a laundry list of allegations contained within a petition or motion for contempt. If a contempt action is filed, it is always recommended to file an immediate response with a brief in support rebutting the contempt allegations. Likewise, it is imperative to immediately reach out to the opposing attorney to gain a better understanding of the allegations, and determine if an evidentiary hearing is avoidable by reaching a resolution.⁴⁴ In this author’s experience, trial courts will require court approval of any settlements of criminal contempt proceedings.

It is not this author’s place to address specific strategies and the preparation necessary for contempt hearings. However, if the lawyer charged clearly committed a contemptuous act, the lawyer should immediately start working on mitigation in an attempt to avoid a contempt conviction or to decrease the punishment given after conviction.

If a lawyer is convicted of contempt for something that did not happen in the presence of the court, the trial court must grant a supersedeas bond.⁴⁵ As discussed above, it is important, for a multitude of reasons, to discern whether the act(s) occurred in the presence of the court.

Should the trial court refuse to grant a supersedeas bond, the lawyer must seek relief with either the Court of Appeals of Georgia or the Supreme Court of Georgia. Living in an electronic world, we no longer have to scramble to get to either court seeking an order for relief. Lawyers can file an application online with those respective courts. For the Court of Appeals of Georgia, the practitioner must log in to their account, click on the link that says “Emergency Motion,” and there is a drop-down menu for contempt action filings. For the Supreme Court of Georgia, the emergency petition may be filed through the Court’s E-File system by using the “file a case” icon.

A recent line of cases suggests that a lawyer’s appeal of a contempt conviction will rarely, if ever, become moot, regardless of whether the lawyer has paid a fine or completes a jail sentence. The rationale is that a contempt conviction has continuing adverse consequences to a lawyer’s career that are not mooted by the punishment imposed being satisfied.⁴⁶

Common Contempt Issues

Two of the most commonly occurring contempt issues involve the failure to send conflict letters and the failure not to appear in court. While many attorneys think that only a phone call to chambers should suffice, a phone call may not be sufficient for a particular judge.

Under Uniform Superior Court Rule 17.1, Method of Resolution, there is a clear explanation regarding court conflicts, when they are to be filed, and to whom they should be sent. The attorney is responsible for notifying all interested parties of his or her proposed method of resolving the conflict.⁴⁷ If there is disagreement with the proposed resolution, it is up to the different judges and/or clerks to resolve the conflict, not the attorney.⁴⁸ This is why it is imperative that a lawyer provides a notice of conflict as soon as practicable: so that the court has enough time to find a resolution.

Under Uniform Superior Court Rule 17.1, lawyers “are expected” to give seven days’ notice, in writing, of the conflict.⁴⁹ As trial lawyers are aware, however, there are occasions when they may be notified of a court date within a shorter time period. In fact, the Supreme Court of Georgia in *Foster v. Gidewon*⁵⁰ opined that filing a conflict notice seven days before the scheduled court date was not mandatory and not always even possible: “The rule’s ‘expectation’ of seven days notice reflects the reality that it is not always feasible or reasonable for counsel to provide a court with notice seven days in advance”⁵¹ Stating that something is not mandatory is sometimes lost on lawyers and the trial courts, but lawyers must always do their level best to provide notice as soon as practicable.

Conclusion

A myriad of issues will always confront the trial lawyer beyond just the scope of representation of a client. It is the nature of trial practice. Court proceedings are normally adversarial, and there may be heated moments where even the judge and the lawyers may display uncharacteristic, aberrant behavior. Should lawyers find themselves in a situation where the court is claiming conduct unbecoming, it is imperative that the lawyer assesses the situation and quickly take action to protect him or herself. ●



Lawrence J. Zimmerman has been practicing state and federal criminal defense for almost 19 years throughout Georgia and other states. He is the chair of the Lawyer's Assistance Committee for the Georgia Association of Criminal Defense Lawyers. He has a boutique practice focusing on serious criminal offenses. He also provides legal commentary for different media organizations.

Endnotes

1. O.C.G.A. § 15-1-4(a) (2015); *see also* O.C.G.A. § 15-1-3 (2015) (enumerating the powers of court, including the powers to preserve order in court proceedings, to compel obedience to orders, and to control the conduct of those connected with a judicial proceeding before the court).
2. GA. CONST. ART. VI, § I, ¶ 4.
3. *See, e.g., In re Sprayberry*, 334 Ga. App. 571, 571, 779 S.E.2d 732, 732 (2015) (“[T]he contempt power is inherent in every court and, as such, is not subject to abridgement or restriction by the Legislature.”) (quoting *In re Jefferson*, 283 Ga. 216, 217, 657 S.E.2d 830, 831 (2008)).
4. *In re Herring*, 268 Ga. App. 390, 390, 601 S.E.2d 839, 840 (2004).
5. *In re Hughes*, 299 Ga. App. 66, 67 n.2, 681 S.E.2d 745, 747 n.2 (2009).
6. 512 U.S. 821, 827 (1994).
7. *See id.; In re Burgar*, 264 Ga. App. 92, 94, 589 S.E.2d 679, 681-82 (2003).
8. *In re Shook*, 254 Ga. App. 706, 707, 563 S.E.2d 435, 436 (2002).
9. *Ramirez v. State*, 279 Ga. 13, 14, 608 S.E.2d 645, 646 (2005).
10. O.C.G.A. § 15-6-8(5) (2015); O.C.G.A. § 15-7-4(5) (2015).
11. O.C.G.A. § 15-10-2 (Supp. 2016).
12. O.C.G.A. § 15-9-34(b) (2015).
13. O.C.G.A. § 15-7-4(a)(5) (2015).
14. *E.g., Chatfield v. Adkins-Chatfield*, 282 Ga. 190, 193, 646 S.E.2d 247, 250 (2007).
15. *Feiock v. Feiock*, 485 U.S. 624, 633 (1988).
16. *E.g., In re Estate of Banks*, 339 Ga. App. 144, 146, 793 S.E.2d 451, 453 (2016).
17. *See, e.g., Adkins v. Adkins*, 242 Ga. 248, 248, 248 S.E.2d 646, 647 (1978) (statutory limitation on imprisonment for contempt inapplicable to continuing violation of child support order; order imposing sentence of six-month imprisonment lawful because order provided for purge of the contempt upon payment); *Chatfield v. Adkins-Chatfield*, 282 Ga. 190, 193, 646 S.E.2d 247, 250 (2007) (the statutory “monetary limitation addresses the circumstance of criminal contempt and is not applicable to sanctions imposed for civil contempt”; fine of \$1,500 per day until compliance with order upheld).
18. *E.g., Newton v. Golden Grove Pecan Farm*, 309 Ga. App. 764, 768 n.7, 711 S.E.2d 351, 355 n.7 (2011).
19. *Ramirez v. State*, 279 Ga. 13, 14, 608 S.E.2d 645, 646 (2005).
20. *Johnson v. State*, 258 Ga. App. 33, 36, 572, S.E.2d 669, 672 (2002).
21. *Dowdy v. Palmour*, 251 Ga. 135, 141-42, 304 S.E.2d 52, 56-57 (1983).
22. *See, e.g., In re Herring*, 268 Ga. App. 390, 391-92, 601 S.E.2d 839, 841 (2004).
23. *Ramirez*, 279 Ga. at 14, 608 S.E.2d at 646.
24. *Newton v. Golden Grove Pecan Farm*, 309 Ga. App. 764, 769, 711 S.E.2d 351, 355 (2011) (quoting *Ramirez*, 279 Ga. at 15, 608 S.E.2d at 647).
25. *Id.*, 711 S.E.2d at 355 (quoting *Ramirez v. State*, 279 Ga. 13, 15, 608 S.E.2d 645, 647 (2005)).
26. 274 Ga. App. 271, 617 S.E.2d 241 (2005).
27. *Id.* at 273, 617 S.E.2d at 243-44 (quoting *In re Adams*, 215 Ga. App. 372, 375, 450 S.E.2d 851, 854 (1994)).
28. *Id.* at 271-73, 617 S.E.2d at 242-43.
29. *Id.* at 273, 617 S.E.2d at 244.
30. *Id.* at 274, 617 S.E.2d at 244.
31. *Id.* at 273, 617 S.E.2d at 244.
32. *Id.*, 617 S.E.2d at 244.
33. *Id.*, 617 S.E.2d at 244 (quoting *Adams*, 215 Ga. App. at 377, 450 S.E.2d at 855).
34. *E.g., In re Burgar*, 264 Ga. App. 92, 94, 589 S.E.2d 679, 681-82 (2003) (“In order to establish criminal contempt, there must be proof beyond a reasonable doubt not only that the alleged contemnor violated a court order, but also that he did so willfully.”).
35. *E.g., In re K. J.*, No. A16A1501, 2017 WL 822471, at *3 (Ga. Ct. App. Mar. 2, 2017); *In re Longino*, 254 Ga. App. 366, 369-70, 562 S.E.2d 761, 764 (2002).
36. 283 Ga. 216, 657 S.E.2d 830 (2008).
37. *Id.* at 216, 657 S.E.2d at 831.
38. *Id.*, 657 S.E.2d at 831.
39. *Id.* at 220, 657 S.E.2d at 833.
40. *See id.*, 657 S.E.2d at 833.
41. *Id.*, 657 S.E.2d at 833 (quoting *United States ex rel. Robson v. Oliver*, 470 F.2d 10, 13 (7th Cir. 1972)).
42. JEFFREY TOOBIN, *THE RUN OF HIS LIFE: THE PEOPLE V. O. J. SIMPSON* 287 (1996).
43. *Compare In re Patterson*, 331 Ga. App. 45, 45-46, 769 S.E.2d 762, 763 (2015) (attorney mistake in calendaring client’s arraignment resulted in attorney’s failure to appear; contempt conviction reversed because trial court did not find willfulness), *with In re Otuonye*, 279 Ga. App. 468, 470-71, 631 S.E.2d 500, 503 (2006) (affirming attorney’s contempt conviction when attorney did not notify court of conflict, appeared at a calendar call 90 minutes late, and could not adequately explain behavior).
44. *Codispoti v. Pennsylvania*, 418 U.S. 506 (1974) (holding no right to a jury trial in contempt actions).
45. *See* O.C.G.A. § 5-6-13 (2013).
46. *See In re Hatfield*, 290 Ga. App. 134, 137, 658 S.E.2d 871, 874 (2008) (attorney’s payment of criminal contempt fine did not moot appeal of contempt conviction “because of possible continuing adverse collateral consequences [the attorney] may suffer as a result of his contempt of court conviction”); *In re Hughes*, 299 Ga. App. 66, 67, 681 S.E.2d 745, 747 (2009) (same); *Ford Motor Co. v. Young*, 322 Ga. App. 348, 352-54, 745 S.E.2d 299, 303-04 (2013) (appeal of revocation of *pro hac vice* admission was not moot even when underlying lawsuit had been dismissed; the order on appeal specifically found violations of Georgia Rules of Professional Conduct, which “could affect the attorneys’ careers beyond the context of” the case before the court).
47. UNIF. SUP. CT. R. 17.1(B).
48. *Id.*
49. *Id.*
50. 280 Ga. 21, 622 S.E.2d 357 (2005).
51. *Id.* at 22, 622 S.E.2d at 358.

A Healthier Lawyer Is a Better Lawyer

The Attorney Wellness Committee invites you to get the ball rolling toward a healthier professional and personal life.

BY KENNETH B. HODGES III

Promoting health and wellness among members of the legal profession is one of the five major priority areas of the State Bar of Georgia's strategic plan for 2016-18, which was approved by the Board of Governors in January 2016. The Board had already approved the creation of an Attorney Wellness Task Force in June 2015, and since that time its members have been working to explore programs, accumulate information and educate members about wellness issues and resources.

Pending approval by the Board at this year's Annual Meeting, the task force will complete its evolution to committee status and thereafter be known as the Standing Committee on Attorney Wellness. The committee is comprised of a dedicated group of active Bar members who understand the day-to-day stresses associated with the practice of law.

It has been my honor to serve as the first chairman of the task force and would like to thank the past two Bar presidents, Bob Kauffman and Pat O'Connor, for their support and confidence in our activities, which has helped facilitate the pending elevation to standing committee status.

I am also pleased to announce that Lane Sosebee, administrative assistant in the Communications Department, will be the committee's point person on the State Bar staff for members to access information about the wellness program and submit events to be posted and promoted on our wellness website, LawyersLivingWell.com. Contact Lane at 404-527-8736 or lanes@gabar.org. I also encourage you to contact Lane if you would like to serve on any of our subcommittees: Mental Health, Physical Well-Being, Social Well-Being, YLD Initiatives, Technology and Branding.

Over the past two years, the task force has worked to incorporate wellness activities into the agenda for Bar meetings on a regular basis. For example, during the Annual Meeting this month at Jekyll Island, the Young Lawyers Division, the Pro Bono Resource Center and Capitol Partners Public Affairs Group will sponsor a 5K Fun Run on Friday morning, June 9. A Sunrise Beach Yoga session is scheduled for early Saturday morning, June 10, and we are also offering onsite massage therapy and spa treatments by Beach Life Massage LLC throughout the conference. The YLD's Women in the Profession Retreat



PHOTO BY ISTOCK.COM/KARANDAEEV

last October included yoga sessions and a mountain sunrise walk.

Another component of the Lawyers Living Well program is offering wellness-related continuing legal education seminars. During this year's Spring Meeting of the Board of Governors at Lake Oconee, Avarita Hanson, executive director of the Chief Justice's Commission on Professionalism, and I co-chaired a two-hour interactive CLE session, "Ethics of Wellness," reviewing recent research and trends in attorney wellness.

Our presenters were lawyers Stacey Dougan of the Anxiety & Stress Management Institute and Anne Brafford, chair of the Attorney Well-Being Committee of the American Bar Association. Recognizing the role of "Lawyer as Counselor," the American Counseling Association's ethical requirement of "self-care" will be used to understand how stress and other psychological issues can cause career dissatisfaction and affirmative harm to clients.

As a part of the Bar's strategic plan, we will develop and offer more CLEs on work/life balance and consider implementing a mandatory one-hour CLE on overall wellness issues.

The lawyer wellness initiative also includes promoting and increasing member awareness of existing Bar programs to help lawyers recognize when they (or others) are in need of help, including:

- Lawyer Assistance Program, a confidential service for lawyers seeking assistance with depression, stress, alcohol/drug abuse and other issues through a 24/7 telephone hotline (800-327-9631) staffed by trained counselors, prepaid personal counseling sessions and a work/life program for assistance with childcare, elder care and finances. To ensure confidentiality, the Bar contracts the services of CorpCare Associates Inc., Employee Assistance Program, a Georgia-headquartered national counseling agency. CorpCare is absolutely independent of the Bar, and no information about lawyers using this service is shared with the Office of the General Counsel. Bar members

can receive up to six free personal counseling sessions per issue per year. You are encouraged to utilize this benefit if and when it is needed.

- Suicide Awareness Campaign, which is directed toward lawyers and judges who are suffering from anxiety and depression and may be at risk for suicide, and other Bar members who need to recognize the severity of the problem and be able to identify warning signs among our colleagues. We have also promoted and encouraged Bar members to participate in community wellness events. Last November, we had good participation for the Out of the Darkness Walk, an event devoted to suicide awareness and prevention.
- SOLACE, which is designed to assist those in the legal community who have experienced a significant, potentially life-changing event in their lives, including but not limited to medical conditions, losses due to fire or other disasters, and transportation needs in a crisis situation.
- Law Practice Management Program, a member service to help lawyers and their employees solve office management issues such as technology, firm finances, organization, library materials, etc.

We also support the goals of the Senior Lawyers Committee, a special committee focused on the development of a progressive diversion and non-disciplinary system for intervention with respect to aging and impaired lawyers. This initiative will help lawyers in preparing their practices for succession upon retirement, death, impairment or otherwise, and assist the Office of the General Counsel in the disposition of the practices of lawyers who leave their practice without a succession plan.

A tangible benefit of our Lawyers Living Well program is the participation by our Wellness Partners around the state. These partners are gyms and fitness centers; running, yoga and cycling pro-

grams; athletic wear and gear retailers; and even chiropractic offices which offer significant discounts for State Bar members. Under the Physical Well-Being tab on the LawyersLivingWell.com website, click on Wellness Partners for a list of these facilities and discounts. Many are in the metro-Atlanta area, but we also have partners in Athens, Milledgeville and Savannah currently and will continue to add more partners throughout the year.

The Attorney Wellness Program exists out of a recognition that lawyers who are able to reduce the effects of work-related stress and live healthier, happier lives, will see a positive impact on their effectiveness and service to their clients and their firms.

We also know that merely promoting and encouraging a wellness program is only the beginning. The hard part is the actual commitment to exercise, nutrition, work/life/sleep balance that a busy lawyer must take in order to realize the benefits of a healthy lifestyle and become a better lawyer.

As James Herrera, founder of Colorado-based Performance Driven, a business that focuses on athletic performance and executive health and wellness, said in an interview for the *ABA Journal* Podcast, "You've got to prioritize your health, physical fitness and nutritional excellence just like you would prioritize your career or family. It has to be a big thing in your life in order to be successful with it long term."

The clients that I deal with, they buy in and they stick to it, they made it a priority and recognized the benefits. Once you get the ball rolling, it is almost impossible to stop and then you wonder how you ever lived any other way."

The Attorney Wellness Committee invites you to get the ball rolling toward a healthier professional and personal life. We're offering the tools to get you started. Please visit us at LawyersLivingWell.com. ●



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2017 Legislative Review

The State Bar successfully passed part of its legislative package and worked with state lawmakers on a number of bills that affect the profession.

BY CHRISTINE BUTCHER HAYES

With the final gavel dropping at nearly 1 a.m. on March 31, the Georgia General Assembly wrapped up the 2017 legislative session. The State Bar successfully passed part of its legislative package and worked with state lawmakers on a number of bills that affect the profession, including this year's Judicial Qualifications Commission legislation and a bill to implement mandatory e-filing in Georgia courts. Six of the State Bar's bills will carry over into the 2018 legislative session.

Budget and Bar Bills

The Legislature passed a \$49 billion budget for FY18, which includes nearly \$25 billion in state funds, with the remainder coming from federal funds. This year's budget included a 2 percent raise for teachers and other state employees, as well as \$2 million to purchase insurance against cyber-attacks or data breaches for various state agencies. The state also appropriated another wave of funding to move forward with a new judicial building for Georgia's appellate courts.



PHOTO BY ISTOCK.COM/TRAVELER116

The State Bar saw success on two of the funding proposals we supported this year. The Legislature continued its \$800,000 annual appropriation to help fund the Georgia Appellate Practice and Educational Resource Center. The Legislature also renewed its \$2.5 million appropriation to the Administrative Office of the Courts for grants to provide civil representation for victims of domestic violence.

On the final day of the session, the State Bar saw the final passage of its nonprofit corporation bill, which provides a statutory means for a foreign (out-of-state) nonprofit corporation to change its state of incorporation to Georgia. This bill began as SB 148, sponsored by Sen. John Kennedy (R-Macon), but merged with HB 87 after Crossover Day. In addition to the nonprofit corporation language attached by the State Bar, HB 87 also allows a corporation's annual registration with the secretary of state to be valid for a period of up to three years. This legislation will take effect on July 1, 2017.

The Judicial Qualifications Commission

HB 126, the Judicial Qualifications Commission Improvement Act of 2017, was passed with the intention of modernizing Georgia's JQC and correcting some of the issues that arose with the 2016 JQC legislation, HB 808. This legislation, which takes effect on July 1, 2017, splits the JQC into bifurcated panels, one investigative and one adjudicative. The investigative panel includes seven members: a lawyer appointed by the governor, a lawyer and a citizen appointed by the Speaker of the House, a lawyer and a citizen appointed by the lieutenant governor, and two judges appointed by the Supreme Court. The adjudicative panel, known as the hearing panel, is comprised of three members: a citizen appointed by the governor, a lawyer appointed by the Supreme Court and a judge appointed by the Supreme Court. Under this bill, the State Bar has the ability to provide a list of potential attorney nominees to each appointing authority that must appoint a lawyer to

the committee. The bill also includes revised provisions on confidentiality, term limits for appointees and the operation of the commission.

Mandatory E-filing

During the course of the legislative session, the State Bar closely tracked HB 15, which proposed to make electronic filing mandatory for attorneys in civil cases in Georgia's superior and state courts. Notably, the bill provided that a transaction fee for electronically filed pleadings or documents in a civil action, including electronic service, would not exceed \$7 per transaction. Under the legislation, mandatory e-filing would not apply to filings made in connection with a pauper's affidavit, pleadings or documents filed under seal or presented to a court in camera or ex parte, or pleadings or documents to which access is otherwise restricted by law or court order. An additional exception was included for a court located in an area declared to be in a state of emergency. The legislation also provided that attorneys could e-file pleadings or documents for free in-person at a public access terminal in the courthouse.

On the final day of the legislative session, the bill was sent to a conference committee and lawmakers could not come to a consensus on whether to mandate e-filing in civil cases or whether to merely make it permissive. Because this legislation did not pass before the final day of the session, it will carry over to the 2018 session. The State Bar will continue to work with stakeholders during the summer and fall to ensure that Georgia lawyers are actively involved in the outcome of this important bill.

Looking Forward to 2018

This year was the first year of the two-year legislative cycle. Any legislation that did not pass in 2017 will be carried over to the 2018 session, which will begin on Jan. 8. The State Bar had a number of bills that were filed and passed out of committee, but did not make it through in both chambers before the close of day 40. Those bills include the following.

- HB 121, sponsored by Rep. Chuck Efstration (R-Dacula), which would provide five methods for modifying an irrevocable trust. The legislation also creates a virtual representation mechanism by which the interests of unborn or unascertainable beneficiaries can participate in the aforementioned trust modification processes.
- HB 122, sponsored by Rep. Efstration, which seeks to amend O.C.G.A. § 44-4-201 (the Uniform Rule Against Perpetuities) to provide for a 360-year permissible vesting period for a non-vested property interest or a power of appointment created after a certain date. Georgia law currently provides for a 90-year permissible vesting period.
- HB 190, sponsored by Rep. Meagan Hanson (R-Brookhaven), which seeks to provide that all antenuptial agreements between spouses or parties entering into marriage be in writing and be attested by at least two witnesses, one of which must be a notary.
- SB 120, sponsored by Sen. William Ligon (R-Brunswick), which seeks to amend current Georgia law by allowing for constructive notice of an improperly executed recordable instrument that is nevertheless accepted for recording by the clerk. The legislation also expands the allowable use of affidavits to cure defects in execution to allow for either official or unofficial witnesses to provide such an affidavit.
- SB 130, sponsored by Sen. Blake Tillery (R-Vidalia), which would provide that an adoption proceeding be stayed if the child's parent is appealing a final determination terminating his or her parental rights. The bill would additionally amend the code with regard to waiver of counsel by parents in dependency cases. The amendment would require that the waiver be knowing, voluntary and on the record.

- SB 301, sponsored by Sen. Kennedy, which proposes to extend the traditional power of a fiduciary to manage tangible property to include management of a person's digital assets. Digital assets include property such as computer files, web domains and virtual currency.

You've heard a lot in this issue about the importance of lawyers in the Legislature and how to get involved with the State Bar under the Gold Dome. Whether you choose to run for office or to actively engage with a section's legislative committee, Georgia attorneys can make a lasting impact. During the 2017 session, members of the State Bar's Fiduciary Law Section did yeoman's work alongside Rep. Efstration to rewrite Georgia's power of attorney statute, which will go into effect on July 1. Members of the Real Property Law Section weighed in on specialized questions regarding land surveying and condominium regulations. Access to the expertise of specialized attorneys through our sections makes the State Bar a valuable resource under the Gold Dome. It's not unusual to be asked "well, what does the Bar think?" when members of a House or Senate committee are reviewing a complex code rewrite or legislation affecting the courts. The expert knowledge and engagement of our members is crucial to our success.

I would like to thank the other members of the State Bar's legislative team—Rusty Sewell, Mark Middleton and Roy Robinson—whose sage advice and zealous advocacy are indispensable to the State Bar during the legislative session. The Advisory Committee on Legislation will meet to discuss the State Bar's 2018 legislative package in September and December 2017. We look forward to working with you during the 2017-18 Bar year! ●



Christine Butcher Hayes

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State Bar of Georgia Diversity Program Hosts the 9th Annual Business Development Symposium

The Georgia Diversity Program annually presents this symposium to discuss diversity issues with experts of the profession and share resources with companies and firms developing diversity strategies to recruit, hire and train diverse workforces.

BY MARIAN COVER DOCKERY AND KATHLEEN O. CURREY

The State Bar of Georgia Diversity Program (GDP) presented part one of its annual Business Development Symposium, “Successful Partners Share Their Business Development Secrets,” on March 28, at the Bar Center in Atlanta. Part one attendees heard from featured law partners who shared their strategies on building a successful law practice.

GDP Vice Chair Kathleen O. Currey, partner, Parker, Hudson, Rainer & Dobbs, LLC, got things started with an introduction of returning moderator Christopher J. Chan, partner, Eversheds Sutherland LLP. The panelists included Sonjui Kumar, managing member, KPPB Law; John Lewis Jr., partner, Lawrence & Bundy, LLC; and Jeffrey E. Tompkins, partner, Thomas Kennedy Sampson & Tompkins LLP.

The partner program covered several topics including the importance of developing long-term personal relationships with current and prospective clients; using technology as a tool, not a crutch; the importance of mentors and sponsors to help launch your career, but not as a substitute for your own work at networking and business development; and the importance of always delivering a high quality work product. The common theme throughout the discussion was that effective business development is all about building relationships. Specific advice included focusing on how you can be a resource to a prospective client, remembering personal details about



PHOTO BY DON MORGAN PHOTOGRAPHY

GDP Vice Chair Kathleen O. Currey, partner, Parker Hudson Rainer & Dobbs, LLC, introduces the members of the law firm partner panel.

prospective clients and being intentional about building relationships through frequent personal touches.

Part II: Successful General Counsels Share Their Business Development Secrets

On April 26, business development secrets were shared from a different perspective as part two featured a general counsels' panel. GDP Chair Clyde E. Mize Jr., partner, Morris, Manning & Martin, LLP, moderated the discussion of in-house counsels: Michael Bishop, general counsel, AT&T; Darren Jones, attorney, UPS; Elizabeth O'Neill, general counsel, MARTA; and Patrise M. Perkins-Hooker, county attorney, Office of the Fulton County Attorney. The breakfast event was hosted by Morris, Manning & Martin, LLP. Panelists gave their advice on landing business and on the do's and don'ts of making the pitch for business with their companies. They also discussed their respective organizations' expectations when attorneys are trying to develop business with them.

Both symposiums proved to be extremely informative. The speakers provided valuable insight into strategies to develop business for your law firm and guidance regarding the landmines you should avoid in reaching your business goals.

For most new attorneys who strive to build successful law practices, there has never been a playbook or a course presented to them defining how to develop a successful practice. These symposiums have proven to be valuable not only to our new attorneys, but to more experienced attorneys who pick up tips from the panelists as well. ●



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Kathleen O. Currey

Partner
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PHOTO BY DON MORGAN PHOTOGRAPHY

GDP Vice Chair Kathleen O. Currey stands with the Law Firm Partner panelists. (Left to right) John Lewis Jr., partner, Lawrence & Bundy, LLC; Currey; Sonjui Kumar, managing member, KPPB Law; Christopher J. Chan, partner, Eversheds Sutherland LLP; and Jeffrey E. Tompkins, partner, Thomas Kennedy Sampson & Tompkins LLP.



PHOTO BY DON MORGAN PHOTOGRAPHY

(Left to right) General Counsels' Panel: GDP Vice Chair Kathleen O. Currey shown with panelists Darren Jones, attorney, UPS; Elizabeth O'Neill, general counsel, MARTA; Patrise M. Perkins-Hooker, county attorney, Office of the Fulton County Attorney; Michael Bishop, general counsel, AT&T; and GDP Chair and Moderator Clyde E. Mize Jr., partner, Morris, Manning & Martin, LLP.



SUMMER ASSOCIATES AND
JUDICIARY RECEPTION

June 29 | 5:30 - 7 p.m.

Nelson Mullins Riley & Scarborough

ANNUAL DIVERSITY LUNCHEON & CLE

Sept. 27

Bar Center

Keep Things Merry

The Editorial Board of the *Georgia Bar Journal* is proud to present “Keep Things Merry,” by Gregory B. Grogan of Marietta, as the winner of the *Journal*’s 26th annual Fiction Writing Competition.

BY GREGORY B. GROGAN

The purposes of the ficiton competition are to enhance interest in the *Journal*, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. As in years past, this year’s entries reflected a wide range of topics and literary styles. In accordance with the competition’s rules, the Editorial Board selected the winning story through a process of reading each story without knowledge of the author’s identity and then ranking each entry. The story with the highest cumulative ranking was selected as the winner. The Editorial Board congratulates Grogan and all of the other entrants for their participation and excellent writing.

Bryne Kane sat toward the back of the restaurant, facing the door. He was alone. At 7 p.m. on a Tuesday night, there were only a few other patrons. He kept his eyes alert and was rewarded when a petite woman in a red business suit clicked across the floor toward him. She smiled at his plate.

“I see you’re a fan of their Buffalo wings,” she said.

“If it isn’t Belinda Towns, assistant district attorney extraordinaire,” Kane replied. “I’m a fan of just about anyone’s wings. Have a seat. Good to hear from you. I figured I was blacklisted.” He stood as she pulled out a chair, and they sat down together.

A waitress hustled over and took Towns’ order of unsweet tea and a plain

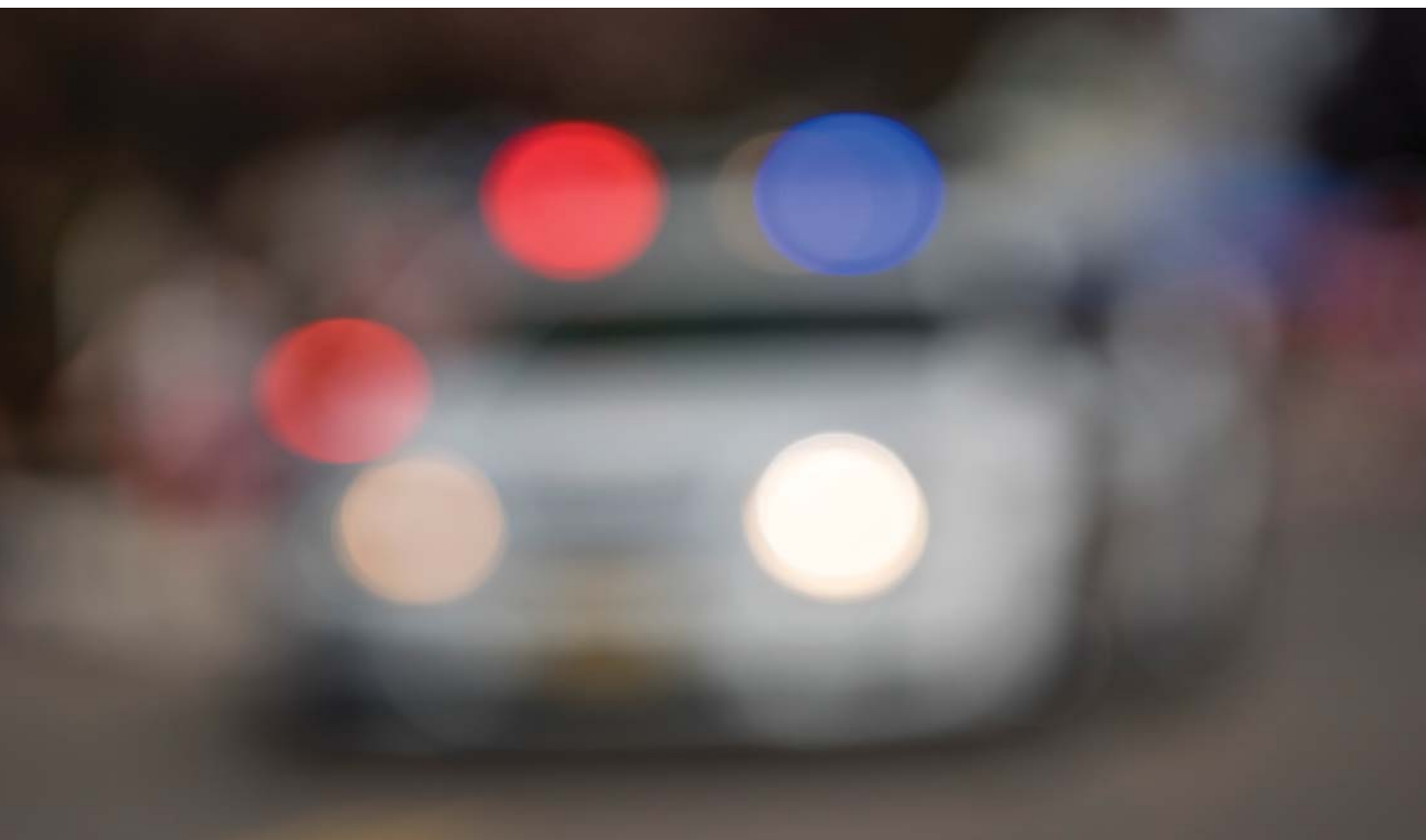


PHOTO BY ISTOCK.COM/GARYSFRP

small salad. When she had gotten her drink, Towns swirled her tea with a straw to mix in the artificial sweetener. She also looked around to see how much privacy they were being given.

"How have you been?" she asked Kane. "Despite your current suspension, the DA believes our experiment was a success. He told me he wants all future assistant DAs to spend a week or two riding along with police officers."

Kane smiled. "Glad to hear it—and that your boss doesn't hold a bad opinion of the whole police department."

Towns looked at him evenly. "Longfield likes you more than you think. I'm not saying he's a big fan. Not even close. He's just not as obsessed with your demise as you seem to think he is. He's a politician through and through. I want you to remember that when you're talking with him. I'll apologize ahead of time for that."

Kane, still watching the front doors over her shoulder, saw Douglas County District Attorney Longfield surveying all the tables. The two men's eyes met and Longfield walked their way.

Kane turned back to Towns. The air in the room turned cold. "What did you do?"

"I said I was sorry. I didn't have much choice."

Longfield approached and stood by an empty chair like he was waiting for an invitation. When none came he pulled the chair out and sat down.

"Hello Ms. Towns," he said and then turned to Kane. "Mr. Kane. I asked Ms. Towns to arrange this meeting. I want to discuss a matter of delicacy with you."

Kane sat still and said nothing. It was one of his favorite tactics and everyone at the table knew it. Silence can be a very disturbing companion. Longfield watched Kane for just a moment and then continued.

"You may know that we have an important trial coming up in a few weeks. Norris Wheeler. He fancies himself a kingpin around here and he's probably right. He's a local thug but he has a pretty good spider web. We'd call him a mafia-type if we were a bigger city. He likes to demand money from local businesses or he scares off customers. He hides money for drug dealers and launders money for

different groups. He also pulls the occasional robbery or burglary. We have him on a robbery and murder from three years ago. He actually didn't mean to kill the guy, most likely, but he shot him during the robbery so the charge sticks."

Once the politician had finished, Kane leaned forward so that only those at his table could hear him. He directed his comments to Longfield.

"What does this have to do with me? I'm currently suspended from the police department, thanks to you. I'm not one of your department's investigators and I had nothing to do with the case. I wasn't even the officer who took the initial report."

"The fact that you had nothing to do with the case is why I'm here," Longfield responded. "You're totally independent. You're not even showing your face at the office. That's what I need. You know how it is with the police department and my office—people hired because they were related to someone or made the right donation. Cronyism at its finest around here. Don't get me wrong—I'm part of it as much as anyone, but sometimes an outsider is needed. You're that outsider. You're one of the few hires who has no internal connections or relations. It's what makes you an easy target, expendable and valuable all at the same time."

Kane smiled. "You still haven't told me what you want me to do. You also haven't told me why Towns is sitting here. You really haven't told me why you can't use

your own people. You also haven't told me what's in it for me. We aren't known for being on friendly terms, so why should I help you? I don't do favors, even for friends. I'm not seeing a reason for helping you."

Longfield didn't flinch. "I can end the suspension and get you back on the force once you've finished my task. I'll get you back in good graces with the department. No problem. I also believe you do the police work because you like it. You're good at it and you like serving your cause. Help me out so I can get you back out there, fighting your crusade."

Kane stood. "Not good enough. The suspension is phony and you know it. It will end soon enough. You're also wrong about my being on some holy mission. I do what I think is right or needs doing. That changes moment to moment and day to day. I don't need the badge for it. You two have a good evening. Try the lemon pepper on the wings."

Towns reached out and grabbed his arm. Kane turned and looked at her.

"You grabbed my arm," he said. "Do you have something new to offer? I like you, Belinda, but don't grab my arm. I take offense at it."

She let go. "Kane, this guy needs to go to jail. He's earned it. He needs to go for a long time. Probably forever. My boss needs a simple favor. It really is right up your alley, and then he'll owe you a favor. Think of it that way. Longfield will owe you."

Kane put his hand over his heart and squeezed. His light-weight jacket crinkled and he faked a pained look. "That's a great spiel and that's why you're here. Solves that mystery. Heartwarming. I do like the thought of the Douglas County DA owing me a favor. I can tell that Longfield is uncomfortable with this line of conversation, so it appeals to me. Throw in the suspension lift and I'll sit back down."

Longfield nodded and Kane took his seat. Kane continued.

"Let's recap so there's no misunderstanding. When you fail on your end of the deal I want to quote you. That way we can all agree on how low you can sink. In exchange for lifting the suspen-

sion and being in my debt for a future kindness, DA Longfield has asked me to work on his behalf. My role is to help the prosecution get a strong case against Norris Wheeler. This work is to be done despite my being currently suspended from the Douglas County Police Department. In fact, I am being asked because I am in no way an official representative of Douglas County. Am I being too dramatic? Towns, did you get all that?"

Longfield just stared at him. Towns nodded. Kane chuckled.

"See, he's already debating how to stick it to me. Why would I agree to anything?"

Longfield leaned forward. "You are arrogant. I can't stand arrogance. But yes, your summary is correct. We have an agreement. Happy?"

"Maybe," Kane said quietly. "Depends on what you want me to do."

Longfield pushed himself back from the table. He looked around the room and then leaned forward again. He met Kane's stare.

"Nothing much. Just find someone. Should be right up your alley, like Towns said."

* * *

Ten minutes later Kane was driving through town. He reflected on the agreement; find a guy named Robbie Blanch, and in time for Blanch to testify for Longfield. Then he would be reinstated to the police department. The problem was trusting Longfield to keep his end of the deal. Actually, the problem was that Longfield would not keep his end of the deal. Kane knew it. Longfield knew it. Towns knew it. The waitress at the restaurant probably even knew it. Still, Kane would deliver as promised and live with the results. He didn't want a case against Wheeler to fall apart.

He pulled into the housing project known as Deer Lick. He reminded himself that the proper term was "community residence" these days. He pulled directly in front of the third building, into the spot closest to the building's walkway. Kane knocked on a certain second floor door and was greeted by a short Korean woman. She gave him a quick smile and moved to let him inside.

"Mr. Kane," she said once he was inside, "so nice to see you. Gino will be glad to talk with you."

Kane smiled. "I hope he's doing well. I miss his mother. I feel like Gino started life with a tough break, and I'd like to help him out a little, if I can."

Before she could respond, they were greeted by a four-year-old boy dressed in a superhero outfit. He zoomed in and stopped in front of Kane.

"Hello, Officer Kane. Are you here in your police car?"

"No, not today. I'll bring it over soon and we'll go for a ride," Kane said. "I'm not driving a patrol car these days. I'll get back to it soon, though."

Gino didn't hide the disappointment. He grabbed Kane and pulled him into his bedroom, where Kane was shown the latest toy fort and the latest Gino the superhero show. After 20 minutes, Kane was allowed to return to the main room and sit with the elderly lady.

"How are you doing?" he asked her. "I know raising Gino wasn't part of your retirement plan."

The woman's accent wasn't thick. "I spent years estranged from my daughter. When we finally reconciled, she was only with me for a short while. I don't think I've fully come to terms with her never walking through that door again."

Kane nodded. "I understand. I still think I'm going to see her walking around the complex or driving through town." Kane mentally winced after he finished the sentence. Peanut, real name Maria Ruth Brown, was a prostitute. Her profession was the cause of the family estrangement. Kane didn't mean to mention anything that would remind her mother about Maria's past. He also didn't like speaking ill of the dead.

If Maria's mother was offended, she showed no signs of it. "Her death was so violent. We've never fully explained to Gino what happened. He's too young. Someday we'll let him know of it and let him decide how much he wants to discover. The person who hurt my daughter—do I still have your assurances that he was brought to justice?"

"Mrs. Brown, I can't go into details," Kane said. "I will never be able to tell you

the exact nature of what happened. I can tell you that the person who hurt your daughter is paying the price for what he did. He has faced a different type of justice than what the government delivers, but a harsh justice no less. I really cared for your daughter. I wouldn't have been satisfied with anything less."

Kane thought back to the day he had chased and caught the man who murdered Peanut. The police report he wrote detailing the event was missing some information. The result was his suspension. A necessary price he was willing to pay. Plus, it made his other employers happy.

Peanut's mother reached out and squeezed his hand. "I know you cared for her. You being here shows us that. You staying in touch and checking in on Gino also shows that. I trust your assurance about justice. So does my husband. But I like hearing it again, all the same. Family justice was a part of our heritage so we understand it. Probably more than you realize."

The two sat in silence for a few moments. Kane thought it was time to bring up the present matter. "Mrs. Brown, I'm looking for someone. He's often in this area. I know you keep a good eye on the complex as you care for Gino. This man is important as a witness in a case. We need to find him quickly. His name is Robbie Blanch. Can you help me?"

She nodded and looked out the window. She pointed to the parking lot in the back of the complex, then shook her head and looked back toward Gino's room. Kane knew what she was thinking. Anyone hanging around the back parking lot was bad news. Bad news even in a low-income housing complex known for bad people. He asked her and received back a general description that matched the one given by Longfield. He then said goodbye to Gino and took his leave.

* * *

Back at his one-bedroom apartment he placed a call to North Carolina. He dreaded making the call, but it was time to call his other bosses. The phone was answered after just one ring.

"Osiyo," said the female voice on the other end of the phone.

Kane flashed a slight grin to no one. "Mammy, no one says that any more. No one has said that in many years."

"More people speak in the old Cherokee tongue than you would guess. How is my favorite of the two troublemakers your father brought into my life doing?"

"Favorite? Hah. We all know you favored the young brat."

"Mr. Bryne Kane. You still have that chip? No one could ever be a favored child over you!"

"Alright, Mammy, how are you doing? Good?"

"Good for an old woman."

"Is my brother around?"

Kane responded, "Good grief. First Mammy, and now you. Can't anyone in my family speak a language that's not dead? Oh, and there were so many things wrong with that greeting. No one speaks Gaelic anymore. You're in America, not Ireland. It actually means 'God be with you,' and I'll bet you'd catch on fire if you graced a church building. Other than that, Sean, it was perfect."

Sean said, "Well, Dad always wanted us to carry on the old ways and I don't want his teachings to go to waste. Besides, our friends like to communicate in the old language since so few actually speak it anymore. It's like having a secret code."



"You are voluntarily asking for your younger brother? That tells me you two are up to no good. I don't like it when you two start your whispering. Then he disappears to Georgia and I don't know what you two are doing. Don't like it."

"Mammy?"

"Fine, just a minute."

Kane could hear the phone being put on a counter and then Mammy call out for Sean. He could hear more noises and talking but couldn't quite make out the words. Then the phone was jostled.

"Dia Dhuit?" came a male voice.

Kane didn't bother to hide some disgust. "They aren't my friends; only yours. They're business partners and only that because of Dad. He left that as his legacy. He left us Mammy, which was good. He left us his business dealings and debts, which were bad. We may never get out of the web our Dad tangled for us."

"Who says we need to cut ties with Dad's old group? Not me. They've been pretty good to me."

"Then you're a fool, Sean. An idiot. Look at them. See any of them over 50

Kane hung up the phone and looked at the time. It was nearly midnight. By this time tomorrow night, he should have the whole plan in place. He just didn't like having to count on his brother so much.

years old? Ever wonder why? Or does your alcohol-hazed brain keep you from wondering about anything?"

There was a pregnant pause before Kane's brother spoke. "You know our friends are always watching you. Closely. Why did you call? Was it already time for another speech about me ruining my life?"

Kane silently cursed. This was not the way he wanted the conversation to go. "I actually called to ask for help from you and your friends. I have a matter that might interest them. Well, actually, a person. He might interest them."

"If you want help, then speak in the old Irish tongue or I'll hang up. If you can lecture me and then ask for help then I can make a few demands of my own. Say it in Gaelic or say it to someone else."

Kane sighed and decided to skip any further argument. He was beat and he knew it. He took a moment to reflect on what he remembered from his dad's lessons and began. His dad had been a pretty good teacher.

* * *

The next night Kane was back at the Deer Lick complex. He didn't stop to see Gino. He drove a rented car directly to the back part of the complex where Mrs. Brown had indicated. There was a small group of men standing in a tight bunch with their backs to him. As he drove closer two of the men turned and walked toward him. Kane parked and got out before they made it to his door. As he stood fully upright the two men stopped. One of them pointed at him.

"Officer Kane in regular clothes. What are you doing here?"

Kane looked hard at the man's face. Laggit Rose. Kane had arrested him at least twice on theft charges. Nothing too big. Misdemeanors.

"Laggit, I'm only here to find someone. Trying to do them a favor, really. I'm not here for you or interested in what you're doing."

Laggit rubbed his chin, which added to his permanently dumbfounded look. All the men in the area were now watching the situation. Laggit looked around at their faces and then back to Kane. Kane wondered if Laggit would be capable of adding two plus two at the moment.

Kane broke the silence. "Let me help you out, Laggit. I'm looking for Robbie Blanch. Like I said, it's in Robbie's best interest to talk with me. If he's here tonight then that's all there is to it. If not, well, me and my friends will keep coming back until he shows. Every night and all night. Most of the business out here in the park doesn't do too well with police cars around. Right?"

Laggit stepped a little closer. "You're not in a police car tonight, though, are you Kane? You're just another rich guy coming out here. Another guy who thinks he can come out here and buy stuff, sell stuff and act like a big shot. You have no police people to help you out."

Kane kept up a firm gaze. "Don't need another police officer with me. Not on police business, exactly. One more time, tell your friends that I need Blanch. Heard he's hard to find. Need him right now, though."

Laggit smiled. "Sorry, Kane, but Blanch doesn't want to see you. He doesn't want

to talk with you. He's not even here for a meeting."

Kane maintained the even gaze and said, "Sure he is, Laggit. I see him in that crowd over there. He's in the dark blue shirt." Laggit didn't flinch. "I don't see him. Never even heard the name."

Kane sighed. "Sad that it has to be that way. I had hoped for better. I'll get my friends and be on our way. We'll be back tomorrow night."

Laggit laughed. "What friends? You're here alone. Don't rush off. We'll have some fun."

Kane didn't answer, but pointed to the street light almost above their heads. It hadn't worked in years. The sound of the glass and plastic shattering reached his ears at the same time as the sound of the rifle. The men stood frozen in their tight circle.

Kane looked at Blanch, who was now crouched down. "There are a few friends of mine out and about tonight. They're watching me right now, as you can see. Since, as you noticed, I'm not here as a police officer, there is a certain amount of freedom we enjoy in what we are doing. Now, where were we? Blanch. I'm trying to help out Blanch. I need to see him. Immediately."

Laggit, who looked like he wanted to run, said, "Robbie, get over here and see Kane before he shoots something else."

A large man with some markings on his face walked over. He looked down at Kane with no expression. Scars accented the ink around his mouth. The eyes were empty.

Kane said, "Robbie, let's take a walk. What we discuss is no one's business but ours."

The two men walked toward a basketball hoop that hadn't seen an actual net in years. The area for playing the game was just the parking lot. No painted lines marked the pavement and small sprouts of grass had managed to break through the asphalt. When they were about 30 feet from anyone else, Kane stopped walking. Robbie Blanch had yet to speak.

"Mr. Blanch, I'll get right to it. You are listed as a witness in an upcoming trial. The person on trial is Norris Wheeler. You're a witness for the prosecution. There are statements you have made about seeing Mr. Wheeler with a gun and seeing him at the scene. The story is that you were playing a small part in stealing from the victim, but Norris Wheeler altered the plan by killing the guy. The DA is giving you a break in exchange for the testimony. That's the story."

Robbie said nothing. He kept his gaze moving from Kane to the other people out in the parking lot. The others seemed to have forgotten all about the interruption.

Kane continued. "There is also information that you are sort of handling things for Wheeler now that he's in jail. You have taken over parts of the business until he returns. Word is also spreading that you're taking care of his woman."

Kane looked for a reaction but saw none. Again, Robbie Blanch just kept a stoic expression while he watched the other men.

"Whether or not all this is true doesn't really matter," Kane added. "The DA believes it's true and he's told the defense attorney his theories. Word is reaching Wheeler about your testimony and about your running things while he's out of the neighborhood. So, let's make this plain. Your days are numbered. If Wheeler gets out, he will want you gone. If he doesn't get out he'll at least partially blame you and want you gone. The end result seems to be the same. See what I'm saying to you?"

Kane finally got a reaction. Blanch looked at him with some concern.

"No, I don't see what you want," the younger man said. "I testify and Wheeler goes away. He doesn't get out for a good long while. He's not a problem. Plus, who says I'm testifying? I may get too sick. I

may not get notified. I may get lost on my way to the courthouse. Lots of things could happen."

Kane answered, "I think you underestimate the man. He has connections. He's not Al Capone or anything, but he can get things done around these parts. Also, it doesn't matter how credible or damaging your testimony will be against him. It's the fact that you can testify and stay out of jail. He won't forgive that and he knows through his attorney that you are on the witness list. You won't live to see the trial."

Blanch kept his pose. "You here to scare me, Kane? What do you want me to do? I can't tell if you want me to testify or back out."

Kane was ready. "I want you to do what's in your best interest. Stay alive and put away Wheeler but then have an escape plan. One that doesn't involve the police or the district attorney. Understand? Have a plan that means leaving this area."

Blanch asked, "What's in this for you?"

Kane shrugged and said, "I'm a do-gooder. I just want what's best for everyone involved. I have a plan for you if you'll agree."

Blanch actually smiled. "I'll think about it."

"Fine," Kane said, "and I'll be back every night to make sure you do that. I need to make sure this situation stays on your mind."

An uncomfortable silence ensued as the two men walked away. Kane climbed back in his car and drove away, leaving the group to continue their nightly activities. He watched them in his rearview mirror until he was out of the complex.

* * *

Kane could hear the phone ringing as he opened his apartment door. He quickly grabbed it and spoke a greeting.

"Dia Dhuit," was the reply.

"Good shooting tonight," Kane said. "Glad you only had to prove yourself once. You got their attention."

"What's next?"

"We go back tomorrow morning. Bring a couple of friends. I don't need to give him more time than that. Also, if your buddies are doing their job tonight then we'll have all we need."

Sean answered, "They're doing their job. You don't have to worry about that."

"Alright. I'll see you tomorrow morning. Let's say 9 a.m. No need to get out too early. I'm a man of leisure these days."

"Doesn't suit you. Come work with me full time," said his brother.

"No thanks. I wouldn't get along with the coworkers."

"You don't get along with your coworkers now. I won't push it. Tomorrow morning then, big brother."

Kane hung up the phone and looked at the time. It was nearly midnight. By this time tomorrow night, he should have the whole plan in place. He just didn't like having to count on his brother so much. His delusional brother who envisioned himself and his coworkers as righteous servants to a cause. Kane had wasted too much time trying to show him the failures of that thinking. Now they just kept an uneasy truce and did their best to make Mammy happy.

Mammy had been the woman to make Kane's father happy again. A Cherokee Nation woman who met Kane's father

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while they all lived in North Carolina. She clung to her heritage as much as Kane's father clung to his Irish roots. Kane grew up learning Gaelic one day and then the Cherokee alphabet the next. Languages he never heard anyone other than his father and stepmother ever speak.

After Kane's father passed, Mammy had taken care of the two young men better than anyone could have wished. Kane was her studious one. Sean was wild and carefree. They got along like tuna fish and strawberry jam. They moved for a short while to Georgia, where Mammy was promised a good job. They settled in Douglasville and the boys attended the local high school. Soon, though, the job didn't live up to the promises and Mammy missed her home too much. Sean and Mammy moved back to North Carolina. Kane, by then a junior in high school, convinced her to let him stay with friends. He didn't tell her it was for a girl. That didn't work out too well. Kane snapped back from his memories and went to bed.

* * *

He was awakened by the telephone. It was 6 a.m.

"Dia Dhuit."

"I think, in the Irish culture, it's legal to shoot a younger brother for waking you up. Especially if he's speaking a dead language no one cares about."

"Careful brother dear. Four things we Kanes don't disgrace are the language, our dead father, Mammy or our heritage."

"Wouldn't dream of it, but that's big talk for a grown man still living with his stepmomma. Are we all set?"

"Of course. Meet you over at that crappy parking lot where you left your buddies last night. See you there in 30 minutes."

Kane hung up the phone, thought about shaving, and then ate a Pop-Tart. It was going to be a long and interesting day. He washed his face and headed out the door. It would only take him about 15 minutes to get to the parking lot, but he knew Sean was already there.

* * *

Sean stood waiting as Kane pulled up. He wasn't alone. There were three other men with him. Things were very

quiet and the five of them were the only ones outside.

Once Kane came close he saw Sean give a nod. The men turned and began walking toward the buildings. Kane could see one was carrying a duffle bag over his shoulder. He started to ask but thought better of it. He and Sean followed. They climbed a staircase and stopped in front of a badly painted green door on the second level.

"They'll be armed," Kane said.

"They'll be passed out. We made sure of that," Sean said with a wink.

Without a word, the biggest of the men gave the door a kick. Wood splinters flew through the air as the door swung backward. The men all rushed inside as quickly as possible, Kane in the rear. They covered the entry, living room, bathroom and two bedrooms in less than 20 seconds. Kane could hear screaming from the back bedroom. He walked back to it and found Sean's team on top of two men and one woman. Kane knelt down and looked at one, then another. He turned to the one whose head was underneath his brother's knee.

"Well, Mr. Blanch, I am so glad you decided to cooperate. I was afraid you would turn me down or decide to leave town. I have decided to give you a gift. An all-expense paid vacation. Get ready for the ride of your life."

Out of the duffle bag came a pair of flexible handcuffs and a black pillowcase. Robbie Blanch was cuffed and the pillowcase put over his head. Sean made a quick call and their captive was put on his feet. He was pulled with more force than necessary out to a waiting van, which sped away once Blanch and the three toughs were inside. Kane and his brother were left in the apartment. Each was kneeling over one of the remaining occupants, but they talked as if they were alone.

Kane asked, "Are we all set up for tonight?"

His brother didn't answer. Sean just looked amused.

Kane continued. "Fine. I won't badger you. See you tonight at your new office. If all goes as planned, this will be over quick. Then we'll be off to wrap things up. That will be fun, too."

Kane then looked down at the people lying on the ground. "So sorry to wake you this morning. We had some business with Mr. Blanch that couldn't wait. Don't worry, though. We'll take good care of him. I don't think he'll be back around anytime soon, but just know he'll be treated as a valued guest at his new home."

The two brothers stood and walked away, leaving the apartment and its occupants behind. They didn't say any sort of farewell as they climbed into their cars. Kane was back home before 8 a.m. He waited until 10 before calling Belinda Towns. She answered on the second ring. He wasted no time with greetings.

"Tell Longfield that I need to see him. Tonight. It's about that matter we discussed the other day. I'll need to see the both of you. Let's meet at 8 p.m. at that same place. Tell him I'm delivering what we discussed."

Towns answered, "Alright. I'll tell him. He'll have questions, I'm sure."

"Tell him to be there. All will be answered then. I'm sure the witness will have questions too, so it will be better for them to meet each other and answer the questions all at one meeting. I don't want to be the errand runner for the both of them."

"Alright," was all she said, and he hung up the phone. All was set. There were many moving parts and Sean was involved. Still, so far so good. He shaved and headed out for breakfast. He spent the day driving around Douglasville and browsing around stores. The day moved by slowly until it was time for his meeting.

He arrived early by about 20 minutes. He took a table that allowed him to watch the door. Longfield and Towns walked in just a minute before the scheduled time. They arrived at the table and Longfield gave Kane a scowl. Kane ignored it.

"What's this about, Kane?"

"We're going to meet your witness. Robbie Blanch. Not hard to find, but he's a little shy of you and the whole criminal justice system. So, we're going to go meet him. Be ready to talk sweetly."

Kane led them to his own truck and they proceeded to Highway 92, merging onto I-20 heading east.

Towns asked, "Where are we going?"

Kane looked at her in the rearview mirror. "It's an office complex area in Atlanta. Don't worry. It's safe. I've been there before. There's actually security at this place. If the other people around knew who they allowed in their buildings then they would throw a fit."

Longfield asked, "What have you told him?"

"Not much. I told him that he is a needed witness for a case against Norris Wheeler. I told him that you wanted his testimony and assistance against Wheeler. I threw in that I would not be pleased if he tried to disappear before the trial. That's all. No promises or guarantees were made. Nothing to tie your hands. What happens down here is up to you."

Longfield nodded. He was pleased. "I'll make sure he cooperates. Once I get my hands on him I'll make sure he sticks with the trial plan."

They rode in silence the rest of the way. Kane turned off the interstate and made his way to 3414 Peachtree Road. There was a gate with a security guard who looked more asleep than awake. He straightened up as Kane's truck approached. He stuck up his hand.

"Sorry, this is private property."

Kane smiled. "I'm expected. Bryne Kane. Let them know our party has arrived."

Longfield asked, "What is this place? What kind of offices?"

Kane didn't answer as he watched the guard talk on the phone. A moment later he lifted the gate and Kane was allowed to park.

As he climbed out of his truck the guard yelled out that they were to go to the front of the building. A sidewalk led through a beautifully maintained garden area. They were met by a second security guard. This one took them to an elevator where he put a key in the wall before pressing the button.

As they started to rise, Kane turned to Longfield. "I'm sorry. You asked a question. It's a big building. Lots of different types of businesses are run out of here. I couldn't begin to guess them all."

The elevator doors opened and the guard stated, "Suite 260 is to the right. Glass doors." Then he was gone.

They found the doors easily enough since the office was the only one with lights blazing. Other than the suite number, there were no markings, signs or logos on the door. The carpet was green. They were greeted immediately by a man with a strong Irish accent.

"Good evening, everyone. One of you must be Officer Kane. Good of you to come. Tricky business tonight, but hopefully all will be settled satisfactorily."

Longfield took the man's offered handshake and said, "Sorry. I don't know who

you are or what's going on. I'm expecting to meet a Robbie Blanch."

"I am Tony O'Hara. I'm just here as the office custodian for the evening since you folks are coming in after hours. Robbie Blanch is here. He should be coming down the hall any moment."

Kane peeked back out the glass door and could see Robbie walking down the hall toward him. Kane saw his brother behind him and one of the men from Robbie's abduction also in tow. Sean gave a slight wave as they walked past Kane and into the room.

Longfield didn't wait for introductions. "Robbie Blanch. I am Douglas County DA Longfield. You may have heard of me. I'm sure you know that we have important business to discuss. Let's be on our way to Douglasville."

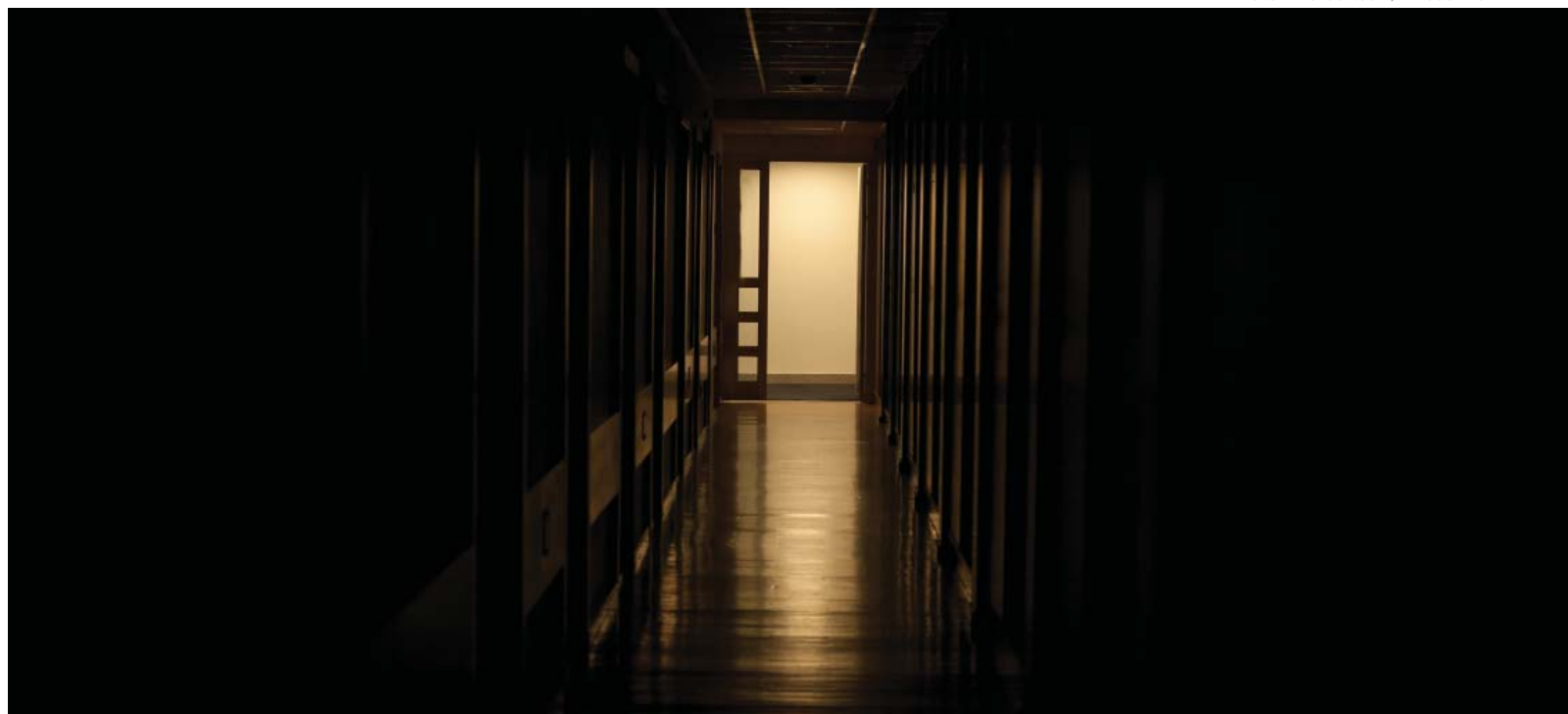
Blanch replied, "I don't plan on going back with you tonight."

The unknown man beside Sean spoke up. "Yes, my client will not be going to Douglas County tonight. He has cooperated and I believe you will have all you need right in this bag."

He held out a black soft briefcase but no one took it from his hand. Longfield just looked from Robbie Blanch to Kane to the unknown figure speaking and to the briefcase. He was not happy.

Robbie Blanch broke the silence. "This man is my representative. I have given the authorities a statement. I have turned

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over some valuable evidence. I have done all I needed to do for your case. I'm not going back to Douglas County."

Kane reached over and took the briefcase that no one else seemed to want to touch. "Do you mind telling us what is in here?" he asked.

The unknown man answered, "It's a disc with a taped statement. I was present. Mr. Blanch discussed his rights and voluntarily made a statement describing the events of Norris Wheeler's crime. Mr. Towers, our resident garda, was present and participated in the questioning. Mr. Blanch discussed Mr. Wheeler's role, his own role and the horrible outcome. He made this statement with me present, his counsel, and also local law enforcement authorities asking questions. Mr. Blanch also turned over the name of a certain individual Mr. Wheeler had bury the gun that was used. Mr. Blanch also turned over a couple of bullets, unused of course, that Mr. Wheeler left in the car after the crime had been completed. I believe you will find that the bullets match the caliber and name brand of the bullets found at the scene."

Longfield had listened attentively while looking at the briefcase. "All good," he said. "It will be even better when he comes to Douglas County with me to tell it to my investigators and in court."

Blanch spoke. "Not coming. I'm done with Douglas County."

Kane answered before Longfield could speak. "You are a witness to a murder. There is legal power to hold you in jail if needed."

The unknown man stepped near Kane. "In your country that might be true, but you're not in your country. When you walked through the office door you stepped into Ireland. This is an office of the Irish consulate. Mr. Blanch is here with us and does not wish to leave the country. We have our reasons why he should stay. You have all you need."

Longfield's face turned about five shades of red. He stomped around looking at the paperwork hanging on the wall and the papers on the desks. He then stomped passed Kane and up to Blanch. "Why would a foreign country have any interest in you?" he asked.

Blanch didn't flinch. "That's my business."

"We'll file papers for extradition."

"That takes a while. I'll fight it. Why do it anyway? You told me I wouldn't be prosecuted. I gave you all you need."

Kane gave Longfield a slight grin and said, "If our district attorney has made you a deal then I can assure you he's a man who stands by his word."

Kane could see Towns smile while Longfield's already crimson face turned a shade darker. He paced around the room and continued to inspect every wall plaque and paper he could find.

The unknown man said, "As I understand your laws, Mr. Blanch can be declared unavailable. He is clearly out of the state and even out of the country. My consulate would be happy to put this in writing. His statement is also a statement against his own interest. He provided some physical evidence and he made his statement with full knowledge of his rights and with counsel present. I think you are in good shape."

Longfield turned to Kane. "You did this. There's no reason Ireland would have any interest in a thug like Blanch. No reason at all. You made some crazy deal and it gets you something. I don't know what yet."

Kane grabbed at his chest. "You hurt me. I bring you here after finding the witness you need. I put in a face-to-face meeting. He picked the spot. You get all the evidence you need. I did my part of our deal. Are now saying you will not honor your part of the arrangement? Are you now saying that I won't be getting my badge back?"

As Kane spoke he lifted the soft briefcase up higher and higher. Then, he lowered it back down. "I guess this briefcase is pretty valuable. I hope I don't drop it. I am a little clumsy, you know."

Longfield snatched it. "What deal? I don't know what you're talking about."

"Wow. It seems like you're breaking deals tonight. Careful, Mr. DA, it's a long ride back to Douglas County. It can also turn into a long walk."

* * *

The next day Bryne Kane was called into the police chief's office. He was told that the investigation into the disappearance of the assistant district attorney was progressing and he would hear back from them soon. No specific dates were

set. Kane had made arrangements to meet Belinda Towns for lunch.

He sat down with her and they ordered their tea. She smiled weakly at him.

"It was a late night."

Kane answered, "It was. How was your boss today?"

"Happy. It seems Norris Wheeler is strongly considering a guilty plea. Very surprising."

"Congratulations."

She looked at his eyes. "Know any reason why he would do that?"

"No idea," he said, meeting her stare.

"Did you know we were going to the Irish Consulate last night? Never mind. Of course you did. I checked. That really is the Irish Consulate address. We were technically on foreign soil. Do I even want to double check on those officials we met last night?"

Kane just held her gaze. She shook her head and took a swallow of tea.

"You know, Longfield is not going to keep his word. He dislikes you just a little bit more today. He can't control or predict you."

Kane feigned a faint. "You are kidding! I just knew I was as good as back at my patrol duties."

Kane then reached into his left shirt pocket and pulled out a mini recorder. He pushed play and Longfield's voice came across. Loud and clear and discussing Kane finding a witness in exchange for getting his suspension lifted. Towns lifted her eyes and smiled.

Kane explained, "Whenever I know that Longfield is going to be around I find it convenient to have one of these. So, when you see me act out the old Redd Foxx bit where I grab my chest, it just means I'm turning this on."

Towns laughed. "It's not worth much. Not sure you can use it in court for anything."

"No, it's not for court. It's something to make me smile on a rainy day. It might also come in handy around a reporter or two. You never know."

She smiled. "You're not as dumb as they think you are."

Kane nodded. "I couldn't be, could I?"

Later, back at his home, Kane called Sean to congratulate him. After the usual dance

about their ancestral language, Kane got down to the point. He changed his tone to show he was serious.

"Listen, Sean, good work with Norris Wheeler. He's ready to plead guilty. I don't need to know how you pulled that off. Good work on Robbie Blanch, too. He giving you guys anything of value?"

"We'll make him worthwhile. He has connections and he knows Norris Wheeler's operation. There's money in it. We'll see where it goes. He knows he's not going back to your area. Not unless it's in an advisory and very controlled role. He's a new and shiny pawn."

Kane nodded, knowing Sean couldn't see it. He then said, "You know, Sean, one day your agenda and mine are going to conflict. I think you're living in a fantasy about some old ideology our father pursued. You think I have a hero complex and am turning my back on our parent's heritage. I think the world has moved on from the battles our great-great-grandparents fought. You look around and see insults and slights that I don't see. The only thing we agree on is keeping Mammy healthy and happy."

Sean replied, "We've made it this far on decent terms. I don't worry about hypotheticals. We'll cross that bridge when we have to cross it. Hope you get your badge back soon. My bosses and friends like having a friendly police officer in Georgia. Having them in North Carolina is nice. More the merrier though. You're more use to us that way."

Kane thought for a moment before saying, "I like for people to be merry, Sean. I like to keep things merry." ●



Gregory B. Grogan, Law Office of Gregory B. Grogan LLC, spent 10 years as a police officer for Fulton County prior to pursuing a career in law. He

worked in Fulton County as a prosecutor before switching to real estate law. Grogan worked at three different law firms before starting his own office, as a solo practitioner, in Marietta and has been in business for six years. He is a member of the Real Property Law Section of the State Bar of Georgia, and is also licensed to practice law in North Carolina.

Know Your Bar



PHOTO BY SARAH L. COOLE

Parking Perks

One of your best benefits of being a member of the State Bar might be a bit unexpected.

Secure parking in downtown Atlanta is a valuable commodity. As a member of the State Bar of Georgia, one of your best member benefits is free parking in the garage adjacent to the Bar Center at the corner of Marietta Street and Ted Turner Drive (formerly Spring Street). Complimentary parking is available to Bar members who are visiting and using the Bar Center during business hours, as well as evenings and weekends for events at the Bar Center or the major sporting and entertainment venues within walking distance.

Members who utilize our complimentary parking are simply maximizing the value of their annual Bar dues. Downtown parking is at a premium, and at peak times during special events, nearby lots sometimes charge up to \$40 to park near venues such as the Georgia Dome, Georgia World Congress Center, Philips Arena,

Mercedes-Benz Stadium, the Georgia Aquarium and Centennial Olympic Park. As a Bar member, you have the assurance of a safe, clean and secure parking space when you drive downtown to a Falcons or Hawks game or big-name concert, or during the business day when you attend a CLE seminar, have a client meeting or need to appear at a nearby courthouse.

Unfortunately, due to a limited number of spaces, members who work in the vicinity of the Bar Center may not use the parking deck for daily parking. The parking deck is for the benefit of all members who are visiting the area for business meetings at the Bar Center or for other nearby special events.

For more information on parking, visit the Bar's website at www.gabar.org.

PHOTO COURTESY OF EDWARD D. TOLLEY



A Conversation with Edward D. Tolley

In this installment of the Georgia Lawyer Spotlight, Editorial Board Member Jacob E. Daly interviews Edward D. Tolley.

BY JACOB E. DALY

Why did you decide to become a lawyer?

I was in the U.S. Army, and I came back to the University of Georgia to work on a Masters Degree. I also had an undergraduate degree from UGA. While working on my Master's Degree, some of my friends were taking the LSAT, so I took it also and did pretty well. Once I got into law school, I discovered I had a real passion. But before that, I never knew.

Who influenced you early in your career?

I had offers from a couple of large firms when I got out of law school, but I turned them down to join a small practice in Athens. I admired my older partner, Jay Cook, who was doing a lot of court work, and I also worked with Joe Salem, the father of a classmate in Atlanta who did

a tremendous amount of criminal law work. I found it all to be fascinating, and that's how I got interested in it. It seemed like if there was controversy, Joe was in it, and those cases were always interesting.

How did you develop a practice that spans such a wide spectrum of civil and criminal cases?

When I got out of law school, lawyers didn't specialize. We came out of law school essentially as general practitioners. If you went to a large law firm, then you specialized in a particular field. But if you were practicing law in Athens, which at that time had 90,000 people, you did a lot of different things. As long as I felt I could be competent in a subject matter, I would get involved in a case. Probably 60 percent of my prac-

tice is civil, and I've tried dozens of civil cases, but the cases that have gotten so much notoriety are the big criminal cases because people are interested in them. There's really not that much difference between a civil case and a criminal case. The first thing you do is figure out who the players are, what parts people are going to play, what the theme of the case is and how to make a simple opening statement that is persuasive to the jury and a persuasive closing argument that fits your theme of the case. Whether it's a civil case or a criminal case, it involves a lot of preparation, a lot of forethought and a lot of planning. Each case has a theme, a beginning and an end.

It seems that you try a lot more cases than most other lawyers. Why do you think you have so many cases that go to trial?

I'm not sure. Some lawyers are afraid that jurors are less reliable than if they can strike some sort of accord even when that accord might be detrimental to the client. I think human nature is such that if I can settle a case and get paid, why should I go to trial? My attitude is different. I'm always looking for the best resolution possible, and it's not because I'm hard-headed or because I just love trying cases, but sometimes the best resolution comes from the jury. I'm a real believer in jury verdicts. I think that jurors more often than not get it right, and I think jurors reflect society. For example, if I was defending a police officer right now, I might be afraid to go in front of a jury with that police officer because public sentiment is such as it is right now.

Are you concerned about the future of the profession since it seems that far fewer attorneys have the same level of trial experience as attorneys in your generation?

Well, it's good for my business because when people know a case is going to trial a lot of times they will come find me or lawyers like me and there's not a lot of us left. It's not just one thing. The courts are

under severe budgetary constraints and are overwhelmed with criminal cases. Another factor is that judges and politicians push mediation as an alternative to jury trials. Also, so many contracts today have mandatory arbitration provisions. All of that contributes to the reduction in the number of trials together with the fact that if you don't grow up with the mentality that if we can't get this worked out, we'll go to trial, then you just never do. I don't think of myself as overly contentious. I just think of myself as result-oriented, and I've always had a lot of respect for a jury verdict.

How have you seen the practice of law change over the course of your career?

A lot more attention has been paid to secure good judges. Gov. Deal has spent a lot of time trying to select good judges, and he has shepherded through the Legislature a very important thing for this state which is a new judicial building. The superior court judges now are well educated. You can't imagine how bad some judges were when I started practicing law, but most judges now are very good. Because I am the chairman of the JQC, I have an opportunity to see a lot of judges first hand, and I'm impressed with how many of them try to do the right thing. Also, lawyers are probably better educated than when I started practicing law. That's been a big change. I think the ethical behavior of lawyers has improved over the years. The good old boy system is still around, but not like it used to be. These changes create a better bar and a better bench.

What advice do you have for lawyers who are starting their legal careers today compared to when you started?

First, read and be prepared. When the books used to be green, I used to tell the law clerks the answer is probably in the green books out there in the hallway. Many lawyers, they get out of law school and think they don't ever have to open a law book again. Second, be courteous to your fellow lawyers. Third, never lie to the court. Fourth, my golden rule is to remember that any one case will not a career make, so it's not worth hiding

“If you want to have a long and healthy career, you want to develop a reputation as somebody that's honest with the court, who does what they say they're gonna do and is respectful to their opposing counsel even when opposing counsel doesn't deserve it.”

—Edward D. Tolley

evidence, lying to the court, engaging in criminal activity yourself, withholding evidence, all the deadly sins that a lawyer can commit. If you want to have a long and healthy career, you want to develop a reputation as somebody that's honest with the court, who does what they say they're gonna do and is respectful to their opposing counsel even when opposing counsel doesn't deserve it.

You were friends with Judge Duross Fitzpatrick, and as one of his former law clerks, I would love to hear a memorable moment from your friendship with him.

I first met Duross Fitzpatrick when he was a small town lawyer and was elected as president of the State Bar of Georgia, the same year I was elected president of the Georgia Association of Criminal Defense Lawyers. And this is really timely because that year the federal prosecutors were serving search warrants on law offices, and Duross and I got together in a



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meeting over coffee and said we have to put a stop to this. There's lawyer confidentiality, there's privacy for the client, there's the very fabric of the practice of law at stake here. So, that statute you see today on how you can search a law office—you have to respect the confidentiality of all the other clients, you have to have a special master—Duross and I did all that. I can tell you another story about the first criminal case he had as a federal judge was in Athens. I had filed a motion to suppress evidence, and he said he'd like to see counsel in chambers. We went back to his chambers, and he asked the lawyers, "How do we proceed?" How many judges would tell the lawyers that he needed to be educated so he could do things the right way? I can't think of enough good things to say about him. He always was a man who never took himself too seriously. He was just a regular guy. He was honest, and he knew what he didn't know.

As the chairman of the Judicial Qualifications Commission, what do you think about all the recent changes to it?

The big issue for the Bar was the loss of direct appointments to the JQC. I didn't see it as a big issue like other members of the Board of Governors, but I wasn't going to fight the system. When I was appointed to the JQC by the Bar, I realized that everybody on the JQC who was a lawyer was recommended or directly appointed by the Bar. When I got really involved with it, I realized that the biggest problem with the JQC was that it did not have an independent hearing panel. I worked with Justice David Nahmias and Richard Hyde to follow the national model, which was to have an investigative panel and a separate hearing panel.

In an AJC article last October, you described the JQC as a "train wreck" because of the volume of pending cases and because there had been some instability with the executive director position. How are things now?

Once the JQC started making the news, not only did people with legitimate citizen complaints start filing complaints, but all the crazy complaints started to be

filed. In a 10-month period, we had 550 complaints filed, most of which were people complaining about rulings by judges, and the executive director quit. But now, we've gotten the docket completely caught up, and we have a terrific executive director in Ben Easterlin and a wonderful case manager in Tara Moon.

That same article mentioned that there have been more than 60 judges who have either resigned or been removed from office since 2009-10. Is that an indication of a problem within the judiciary?

If you look at the facts of most of those cases, you'd say those judges should have resigned. I mean, if you're caught, you're caught. Several of those people are my friends. I was shocked. But then I had to remember that every now and then people slip up. What I've observed is that maybe because so many judges were removed from office by the previous administrations, we haven't seen a lot of bad judging conduct recently. We've seen two cases involving probate judges that stole money. They were easy to ask for resignations. We've seen some judges who made poor decisions, but not necessarily ethical violations, and we've handled them by talking with them which is the door I want to keep open. We've had one or two pretty serious matters, but those are in progress right now. So by and large, I feel like the commission is working well. My goal is to stay out of the newspaper. ●



Jacob E. Daly is of counsel with Freeman Mathis & Gary, LLP, in Atlanta and a member of the Georgia Bar Journal Editorial Board. He

represents private companies, government entities and their employees in personal injury litigation with a focus on defending property owners, management companies and security companies in premises liability lawsuits.

STATE BAR OF GEORGIA

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2017 Law School Orientations We Need You!



Join your colleagues, return to law school and dedicate a half day of your time this August to participate in the 25th anniversary of this annual orientation program.

Orientation Schedule

(All times are tentative and subject to change)

Tuesday, Aug. 8

Georgia State University College of Law | 3:10 – 5:35 p.m.

Friday, Aug. 11

Mercer University School of Law | 1:30 – 3:30 p.m.

University of Georgia School of Law | 2:20 – 5 p.m.

Saturday, Aug. 12

Atlanta's John Marshall Law School | 9:40 a.m. – 12:15 p.m.

Savannah Law School | 10:15 a.m. – 12:45 p.m.

Thursday, Aug. 17

Emory University School of Law* | 1 – 4 p.m.

*Please sign up directly with Emory at law.emory.edu/professionalism

CLE credit is available. For more information and to register, please visit www.gabar.org.

Sponsored by the Chief Justice's Commission on Professionalism and the Professionalism Committee of the State Bar of Georgia

Kudos



STEMBLER

University of Georgia School of Law graduates William J. “Bill” Stembler and Audrey Boone Tillman received the school’s alumni/alumnae association’s highest honor—the Distinguished Service Scroll Award—for their service to the legal profession and the law school during the school’s annual Alumni/Alumnae Weekend in March. Stembler, who began his legal career with the U.S. Securities and Exchange Commission as an enforcement attorney, created Georgia Theatre Company-II in 1991 and currently serves as chair. Tillman serves as executive vice president and general counsel at Aflac Incorporated. She directs Aflac’s legal division and its office of the corporate secretary. Her responsibilities also include oversight functions of the general counsel and compliance offices of Aflac Japan.



TILLMAN



Hon. Robert W. Chasteen Jr., of Fitzgerald, received the Lifetime Achievement Award from the Fitzgerald-Ben Hill Chamber of Commerce at its annual awards banquet. This is the highest community award presented to a local individual recognized for his accomplishments. Chasteen

practiced law in Fitzgerald for 36 years, serving as county attorney for Ben Hill County before being elected superior court judge. He currently serves as chief superior court judge of the Cordele Judicial Circuit. Active in the State Bar of Georgia for many years, he served on numerous committees, including the Board of Governors and the Bench and Bar Committee. He is a past president of the State Bar of Georgia (1995-96) and is presently chair of the Georgia Bar Foundation.



Angela Cirina Kopet, managing attorney, Carlock Copeland & Stair, was selected as a finalist for the 2017 Claims and Litigation Management (CLM) Professional of the Year Award in the Outside Counsel category. CLM is the largest insurance industry organization with more than

35,000 professionals nationwide in the claims resolution and litigation management industries.

Taylor English Duma, LLP, announced that it was selected to join Geneva Group International (GGI), the leading worldwide alliance of experienced law and accounting firms. Taylor English’s core practice groups, including corporate, real estate, litigation and employment, align with those of other GGI member firms.



HOWDESHELL



KENNEDY

Pro Bono Partnership of Atlanta recognized volunteer attorneys for their pro bono efforts at its 12th Anniversary Reception in March. Volunteer of the Year Awards were presented to Heather Howdeshell, Delta Air Lines; Dorian Kennedy, Baker Donelson; Corbin Kennelly, Paul Hastings; Michael Kline, Srixon/Cleveland Golf; and Suhail Seth, Nelson Mullins.



KENNELLY



KLINE



SETH



MARTINEZ

Corporation of the Year was awarded to Elavon, Inc.; Law Firm of the Year was awarded to Seyfarth Shaw; and The Happy Perkins Award was presented to Eduardo Martinez, UPS. The Happy Perkins Award is named after the retired general counsel of GE Energy who played a pivotal role in organizing

Pro Bono Partnership of Atlanta. Pro Bono Partnership of Atlanta is a tax-exempt organization that matches volunteer lawyers with local nonprofits in need of free legal counsel.



The Saylor Law Firm, LLP, announced that Jacquelyn “Jackie” Saylor is the recipient of the 2016 Outstanding Woman in the Profession (WIP) Award from the WIP Section of the Atlanta Bar Association. The award is given each year to a woman who has made significant contributions in furthering the interests of women in the profession, assisted women in the metropolitan area and had significant professional achievements. Saylor initiated the award in 2001 when she was chair of the Women in the Profession Committee.



Gregory T. Talley, partner, Coleman Talley, LLP, was elected as a fellow of the American College of Trial Lawyers. Fellowship in the College is extended by invitation only and only after careful investigation, to those experienced trial lawyers of diverse backgrounds, who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Lawyers must have a minimum of 15 years trial experience before they can be considered for fellowship.



Bloom Sugarman, LLP, announced that managing partner F. Skip Sugarman was appointed to the board of directors for the Georgia Law Center for the Homeless, a nonprofit organization that provides free legal services to the homeless in civil cases throughout metro-Atlanta.



The Weil Firm, LLC, announced that Amy Levin Weil was inducted as a fellow of the American Academy of Appellate Lawyers (AAAL) at its fall 2016 meeting in San Antonio. Membership in AAAL, which is limited to 500 members, is reserved for experienced appellate advocates who have demonstrated the highest level of skill and integrity.



Compass Law Group, LLC, announced that Melissa Cruthirds was named 2017 chair of the Glynn County Bar Association, and as the civics liaison for the Southern District of Georgia Chapter of the Federal Bar Association. Cruthirds previously served as president of the Young Lawyers' Division for Glynn County.



Bouhan Falligant Partner Todd Baiad served as a guest lecturer at the New York State Bar Association's International Section's meeting in Dublin, Ireland. Baiad spoke on the topic of federal court litigation in Georgia.



Joel S. Arogeti, president and chief executive officer of Kitchens Kelley Gaynes, PC, was appointed to the Boards of National Commerce Corporation and National Bank of Commerce. Arogeti was a founding board member of Private Bancshares, Inc., the parent company of Private Bank of Buckhead. He chaired its audit and executive committees and served on the bank's Loan and ALCO committees.



Andersen Tate & Carr, PC, announced that partner Eadaoin Waller was appointed regional vice president of IN-USA (Irish Networks Across America) and will represent the Washington D.C., Philadelphia, New Orleans and Atlanta chapters at the IN-USA level. Her position will be responsible for serving as a critical link between Irish Network USA and its chapters. Irish Network USA is the national umbrella organization integrating the Irish Networks that exist in various cities across the United States. It allows members of the networks to connect with their peers and to develop relationships that will foster success in their business, economic, cultural and sports ventures.



Richard Costigan was elected chair of the Finance and Administration Committee of the California Public Employees' Retirement System Board of Administration. Costigan is serving his seventh one-year term on the board. He was elected by the State Personnel Board in December 2010 and continues to serve as its ex-officio member. Costigan served as deputy chief of staff and legislative affairs secretary to Gov. Arnold Schwarzenegger, and is senior director of state and government affairs for the national law and consulting firm of Manatt, Phelps & Phillips.



David A. Garfinkel, of counsel with Levine Smith Snider & Wilson, LLC, became a member of the National Association of Parental Alienation Specialists. A family law attorney for more than 30 years, he is the only Atlanta attorney who is a member of the organization. The goal of the organization is to be a resource for parents in high-conflict divorce cases, assisting them in finding experienced attorneys and mental health professionals who are trained in parental alienation and understand how to litigate such cases effectively.

On the Move

IN ATLANTA



Smith Gambrell & Russell, LLP, announced the addition of Edward Ezekiel as an associate in the environmental practice group. He practices environmental law, assisting clients with litigation, regulatory compliance, permitting and enforcement. The office is located at 1230 Peachtree St. NE, Suite 3100, Atlanta, GA 30309; 404-815-3500; Fax 404-815-3509; www.sgrlaw.com.



Baker Donelson announced that David Gevertz, a shareholder in the firm's labor and employment group, was named managing director of the advocacy department. Gevertz focuses on the growth, alternative pricing and profitability maximization within the advocacy department, which encompasses seven practice groups (business litigation; construction; health care litigation; labor and employment; new litigators; product liability and mass tort; and transportation). He will maintain his full-time practice as an employment litigator. The office is located at 3414 Peachtree Road NE, Suite 1600, Atlanta, GA 30326; 404-577-600; 404-221-6501; www.bakerdonelson.com.

Conley Griggs Partin, LLP, announced their move to a new location in Buckhead. The firm is now located at 4200 Northside Parkway NW, Building One, Suite 300, Atlanta, GA 30327; 404-467-1155; Fax 404-467-1166; www.conleygriggs.com.



CAREY



DANIELS



KINNEY



SIMS

James Bates Brannan Groover, LLP, announced Lauren Carey, Christopher Daniels, Walker W. Kinney and Marshall S. Sims joined as associates. Carey practices in the fields of tax law and wealth planning. Daniels' practice areas include litigation, insurance, banking and financial institutions, and business and commercial litigation. Kinney's practice is focused on corporate and transactional as well as mergers and acquisitions. Sims focuses his practice in corporate and transactional, banking and financial institutions, and creditors' rights and bankruptcy. The firm is located at 3399 Peachtree Road NE, Suite 1700, Atlanta, GA 30326; 404-997-6020; Fax 404-997-6021; www.jamesbatesllp.com.



Womble Carlyle announced that Elizabeth O'Neill joined as a partner. O'Neill has nearly two decades of experience defending clients in toxic tort and product liability cases across the country. O'Neill also has an extensive background in professional liability litigation, defending lawyers, law firms, architects and other professional clients in malpractice and misfeasance cases. The firm is located at 271 17th St. NW, Suite 2400 Atlanta, GA 30363; 404-872-7000; Fax 404-888-7490; www.wcsr.com.



BROOKS



REESE

Fish & Richardson announced the addition of Zoya Kovalenko Brooks and Charles Reese as associates in the intellectual property litigation group. Brooks focuses her practice on patent litigation, including working on teams for one of the largest high-tech cases in the country pertaining to data transmission and memory allocation technologies. Reese's litigation experience includes drafting dispositive, evidentiary and procedural motions; arguing in federal district court; and participating in other stages of litigation including discovery, appeal and settlement negotiation. The firm is located at 1180 Peachtree St. NE, Atlanta, GA 30309; 404-892-5005; Fax 404-892-5002; www.fr.com.



LANGE



WIGINGTON

Baker Hostetler announced the addition of Mark Lange as partner and Cody Wigington as an associate. Lange focuses his practice on transactional tax matters, counseling clients on domestic and international corporate mergers and acquisitions, partnerships and joint ventures. Wigington focuses his practice on commercial litigation, including competition litigation, class action litigation and regulatory litigation. The firm is located at 1170 Peachtree St. NE, Suite 2400, Atlanta, GA 30309; 404-459-0050; Fax 404-459-5734; www.bakerlaw.com.



GAMMAGE



JOHNSON

The Fulton County Solicitor's Office announced the addition of newly elected solicitor-general Keith Gammage, the appointment of Kenya Johnson as deputy solicitor general and public information officer, and the re-appointment of Cynthia McCarthy as chief assistant solicitor. Gammage is a former Clayton County prosecutor. Johnson will also co-host the office's television show "Restorative Justice" on Fulton Government Television. McCarthy focuses on trial training and courtroom support. The office is located at 160 Pryor St., Atlanta, GA 30303; 404-612-4000; www.fultoncountyga.gov.



BARTON



WILLIAMSON

Kilpatrick Townsend & Stockton announced the elevation of Kathleen Barton, Kathryn McConnell and Reggie Williamson to counsel. Barton is a member of the labor and employment team and focuses her practice on labor and employment litigation and counseling. McConnell is a member of the labor and employment team and represents both multi-national corporations and domestic companies in all aspects of employment and traditional labor law. She also represents clients in commercial disputes filed in state and federal court. Williamson is a member of the construction and infrastructure projects team. His practice focuses on all issues facing clients in construction, infrastructure and government contracts, from dispute resolution to dispute avoidance through effective front end contract negotiations and real-time claims management. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-815-6500; Fax 404-815-6555; www.kilpatricktownsend.com.



GLOVER



COOPER

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., announced the opening of its first satellite office in Atlanta. Chris Glover, principal at the firm, serves as lead attorney. Glover is an experienced trial lawyer, handling products and trucking litigation. Lance Cooper, founder of The Cooper Firm, was added as a principal. Cooper specializes in product liability cases involving automobile design and manufacturing defects. He also maintains his own practice. The Atlanta office is located at 4200 Northside Parkway, Building One, Suite 200, Atlanta, GA 30327; 404-751-1162; Fax 334-954-7555; www.beasleyallen.com.



Kutak Rock announced that Leslie Powell was promoted to the firm's partnership. Powell represents domestic and foreign financial institutions in lending transactions with a focus on public finance. Her practice includes the rep-

resentation of lenders in connection with credit or liquidity support for publicly traded debt securities, the direct purchase of bonds and other debt securities and other forms of direct lending. She also represents banks in a variety of structured investment transactions involving financial products such as forward delivery agreements, repurchase agreements and investment agreements. The firm is located at 303 Peachtree St. NE, Suite 2750, Atlanta, GA 30308; 404-222-4600; Fax 404-222-4654; www.kutakrock.com.



WHITAKER



RANKIN

Entrusted Advisors announced that Anne H. Whitaker, formerly vice president of the Atlanta office of Counsel On Call, joined as principal and president of legal professional engagements, and Cristine Patterson Rankin, formerly of Cambridge Professional Group, joined as director of talent development. Whitaker brings more than 30 years of combined experience in law, business and coaching to working with lawyers in top companies and law firms to assist with their career and business goals. Rankin works with attorneys and legal professionals to place them in flexible, substantive engagements with top companies and law firms nationwide. The office is located at 3200 Cobb Galleria Parkway, Suite 200, Atlanta, GA 30339; 678-701-9621; www.entrustedadvisors.com.



HSIAO



COOPER

The Sladkus Law Group announced the addition of Amy Hsaio as partner and Jason Cooper as an associate. Hsaio is responsible for helping companies with intellectual property matters throughout Asia (with a particular focus in PRC China). She has extensive experience in a broad spectrum of branding matters including trademark prosecution, enforcement, arbitration and licensing, advertising, copyright and social media. Cooper is responsible for IP litigation, trademark enforcement, trademark prosecution and copyright matters. The firm is located at 1827 Powers Ferry Road SE, Building 6, Atlanta, GA 30339; 404-252-0900; Fax 404-252-0970; www.sladlaw.com.



BRAMLETT



LERAY



LOCKLAIR



STOJANOVIC

Hall Booth Smith, PC, announced the addition of Payton D. Bramlett, J. Felicia LeRay, Ciera Locklair and Sandro Stojanovic as associates. Bramlett joined the firm's transportation litigation group where he defends transportation and logistics companies, their drivers and insurers. LeRay joined the health care practice group and focuses on the defense of long term care and residential care facilities, post-acute care facilities, skilled nursing

facilities, assisted living facilities, community care retirement facilities, physicians, physician groups, hospitals and integrated delivery systems. Locklair focuses on litigation in the areas of government liability, employment, products liability, civil rights (sections 1983 and 1985) defense and premises liability. Stojanovic's practice focuses on business immigration and family-based immigration. The firm is located at 191 Peachtree St. NE, Suite 2900, Atlanta, GA 30303; 404-954-5000; Fax 404-954-5020; www.hallboothsmith.com.



TERAS



WARD



AKINS



MAJEED

Nelson Mullins Riley & Scarborough, LLP, announced the addition of Brian Teras and Erin Ward as of counsel, Ashley A. Akins as an attorney and Natalie R. Majeed as an associate. Teras concentrates his practice on mergers and acquisitions, corporate finance, securities offerings and regulation, and corporate governance. He regularly advises public companies in SEC reporting and compliance and in a range of securities and corporate finance transactions. Ward focuses her practice in the area of commercial real estate. Her experience includes representing developers and sponsors in the acquisition, financing, development and sale of real property, with a concentration on multifamily projects. Akins practices with the School and University Law Group. Majeed focuses her practice on corporate and regulatory health care law. The firm is located at 201 17th St. NW, Suite 1700, Atlanta, GA 30363; 404-322-6000; Fax 404-322-6050; www.nelsonmullins.com.



DOWDY



ZISHOLTZ

Morris Manning & Martin, LLP, announced the addition of L. Craig Dowdy as partner and Mark Zisholtz as special counsel. Dowdy's work includes strategic counseling and commercial and regulatory litigation for corporate clients, focusing on state and federal public utility law, energy and telecommunications. Zisholtz works in the employment practice group and counsels clients on state and federal employment laws, contracts and general corporate matters. The firm is located at 1600 Atlantic Financial Center, 3343 Peachtree Road NE, Atlanta, GA 30326; 404-233-7000; Fax 404-365-9532; www.mmmlaw.com.



DITZEL



ABERNATHY

Sean M. Ditzel and Jeremy J. Abernathy announced the formation of Abernathy Ditzel, LLC. Ditzel was previously with boutique Atlanta family law firm, Kessler and Solomiany. Abernathy has been operating his own firm, J. Abernathy Law. The firm handles all areas of domestic relations law, probate law and personal injury. The Atlanta office is located at 200 Peachtree St., Atlanta, GA 30303; 404-596-4991; www.adfamilymatters.com.



BOMAR



MCGREW



MILLER



BAGLEY



BRITT



KLAES

Weatherington McGrew, PC, announced the firm changed its name from Weatherington Smith, PC. The firm also announced that Spencer Bomar, Wayne D. "Dan" McGrew and Heather Miller joined as partners and Andrew Bagley, Samuel E. Britt III and Gabriella B. Klaes joined as associates. Bomar specializes in defending high exposure lawsuits, primarily medical malpractice suits and claims, though he has also defended individuals and corporations involved in other practice areas, including high stakes products liability, premises liability and automobile liability cases. McGrew specializes in medical malpractice and health care defense, dental malpractice defense, nursing home liability, products liability, premises liability, and construction and motor vehicle/trucking claims. Miller focuses her practice on health care litigation and general liability. Bagley's practice provides timely and effective legal defense to physicians, nurses and health care entities in state and federal courts, and matters before the Georgia Composite Medical Board. Britt's practice focuses on defending physicians, nurses and other health care professionals who devote their lives to improving the health of others. Klaes' practice primarily focuses on general liability claims, as well as the defense of physicians, hospitals and health care providers. The firm is located at 191 Peachtree St. NE, Suite 3900, Atlanta, GA 30303; 404-524-1600; Fax 404-524-1610; www.weatheringtonmcgrew.com.



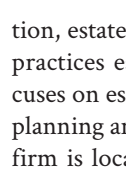
RAPPAORT



LIBBY



JORDAN



LIBBY

The Saylor Law Firm, LLP, announced the addition of Edward Rappaport as senior counsel, Kasey Libby as of counsel and Cathrine Jordan as an associate. Rappaport focuses on tax preparation, tax and estate planning, estate administration, estate controversy and business law. Libby practices estate and trust litigation. Jordan focuses on estate planning and administration, tax planning and preparation, and business law. The firm is located at 1175 Peachtree St. NE, Suite 1450, Atlanta, GA 30361; 404-892-4400; Fax 404-892-2400; www.saylorlaw.com.



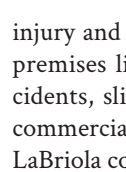
OLSEN



LABRIOLA



PATE

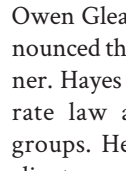


LABRIOLA

Drew Eckl & Farnham, LLP, announced the addition of David Olsen, senior associate, and Claire LaBriola and William Pate as associates. Olsen devotes his practice to bodily injury litigation, including general liability, catastrophic injury and wrongful death, inadequate security, premises liability, auto accidents, trucking accidents, slip/trip and falls, civil tort litigation, commercial litigation and general trial practice. LaBriola concentrates her practice in civil litigation defense, including general casualty, premise liability, commercial law and insurance coverage. Pate practices civil litigation defense and primarily focuses on general liability and insurance litigation, transportation/trucking law, personal injury, products liability and commercial litigation. He represents individuals, corporations and insurance companies in state and federal courts. The firm is located at 303 Peachtree St. NE, Suite 3500, Atlanta, GA 30308; 404-885-1400; Fax 404-876-0992; www.deflaw.com.



OLSEN



LABRIOLA

Owen Gleaton Egan Jones & Sweeney, LLP, announced that David Hayes was promoted to partner. Hayes works in the firm's litigation, corporate law and governmental affairs practice groups. He advises national and international clients on restructuring, strategic planning and general corporate governance. The firm is located at 1180 Peachtree St., Suite 3000, Atlanta, GA 30309; 404-688-2600; Fax 404-525-4347; www.owengleaton.com.



OLSEN



LABRIOLA

Parker Hudson Rainer & Dobbs announced Tracy M. Field joined the firm's Atlanta office as a partner in the health law practice group. Field advises health care providers and life sciences companies regarding regulatory and operational issues including Medicare and Medicaid reimbursement matters, compliance programs, OIG and government investigations, HIPAA and HiTech concerns. The firm is

located at 303 Peachtree St. NE, Suite 3600, Atlanta, GA 30308; 404-523-5300; Fax 404-522-8409; www.phrd.com.



Ford & Harrison, LLP, announced that Jill M. Harrison was named partner. Harrison has experience advising management in issues related to labor relations and employment law, as well as a variety of regulatory compliance and counseling matters. She provides strategic counsel to business executives and human resources management on all aspects of the employment relationship, First Amendment litigation, commercial litigation, corporate investigations, and counseling and privacy matters. The firm is located at 271 17th St. NW, Suite 1900, Atlanta, GA 30363; 404-888-3800; Fax 404-888-3863; www.fordharrison.com.



TENLEY



BERGMAR

Stites & Harbison, PLLC, announced the addition of Christine Tenley as a member and Nina Maja Bergmar as an attorney to the firm's employment law service group. Bergmar's practice focuses on employment discrimination, wage and hour compliance, restrictive covenants and related tort and contract law. Tenley's practice focuses on a wide range of employment law disciplines, including restrictive covenants and trade secrets litigation, employment litigation under federal and state employment statutes, traditional labor matters, and wage and hour collective actions. The firm is located at 303 Peachtree St. NE, 2800 SunTrust Plaza, Atlanta, GA 30308; 404-739-8800; Fax 404-739-8870; www.stites.com.



POLLOCK



SCHWARTZ

Butler Snow announced the addition of Kenneth B. Pollock and Laurie L. Schwartz to the firm's public finance group. Pollock has served as bond counsel, disclosure counsel and counsel to underwriters, issuers, borrowers, trustees, banks and credit enhancers in tax-exempt and taxable financings for governmental and private entities throughout the state of Georgia and several other states. Schwartz has extensive experience in bond issuance transactions, public finance and economic development projects. The firm is located at 1170 Peachtree St. NE, Suite 1900, Atlanta, GA 30309; 678-515-5000; Fax 678-515-5001; www.butlersnow.com.

IN ATHENS



Blasingame Burch Garrard & Ashley, PC, announced that Evan W. Jones joined the firm as a shareholder. Jones joins the firm's plaintiffs' trial practice, focusing primarily on representing victims of catastrophic injury, medical malpractice and nursing home negligence. The office is lo-

Congratulations to the 2017 State Champion Mock Trial Team from Henry W. Grady High School!

The Grady mock trial team placed third in a field of 46 state champion teams during the 2017 National High School Mock Trial Championship in Hartford, Conn., in May.

A special thanks to all of our financial donors for the 2017 season, including the

State Bar of Georgia Young Lawyers Division

A full list of 2017 season donors will be published on our website by the end of August.

Visit www.georgiamocktrial.org for more information about the program.



cated at 440 College Ave., Suite 320, Athens, GA 30601; 706-354-4000; Fax 706-353-0673; www.bbgbalaw.com.

IN BRUNSWICK



JORDAN



YELLIN

HunterMaclean announced the addition of Christopher R. Jordan as a partner in the business litigation group and Joshua Yellin as an associate in the real estate practice group. Jordan focuses his practice on a wide range of matters involving railroad and transportation industries, toxic torts and transportation law, and frequently presents to groups throughout the country on these issues. Yellin works to provide comprehensive legal and business counsel on a wide range of real estate matters. The firm is located at 777 Gloucester St., Suite 400, Brunswick, GA 31520; 912-262-5996; Fax 912-279-0586; www.huntermaclean.com.

IN DULUTH



Boyd Collar Nolen & Tuggle announced the opening of a new office in Gwinnett and the elevation of Kimberli C. Withrow to partner. Withrow focuses her practice exclusively in the area of family law, is trained as a mediator and is a registered neutral with the Supreme Court of Georgia. The Gwinnett office is located at 2180 Satellite Blvd., Suite 400, Duluth, GA 30097; 770-239-1618; www.bcintl.com.

IN GRIFFIN



Jody L. Sellers announced the opening of The Sellers Law Firm, LLC. Sellers practices in the areas of criminal defense, family law, personal injury, and wills and probate. The firm is located at 100 S. Hill St., Suite 502, Griffin, GA 30223; 770-415-9848; Fax 844-303-4158; thesellerslawfirm.com.

IN JACKSON



Smith, Welch, Webb & White announced the addition of Elizabeth P. O'Neal as partner. O'Neal practices in the areas of adoption, divorce, juvenile and family law, as well as probate, general civil litigation and personal injury. The office is located at 117 Brookwood Ave., Jackson, GA 30233; 770-775-3188; www.smithwelchlaw.com.

IN MACON



Butler Snow announced the addition of James D. Garner to the public finance group. Garner has served as general counsel with experience in governmental, nonprofit, business and individual legal matters, with a focus on business transactions, tax-exempt entities, and tax and estate planning. The office is located at 435 Second St., Suite 204, Macon, GA 31201; 478-238-1350; Fax 478-238-1351; www.butlersnow.com.



HORKAN



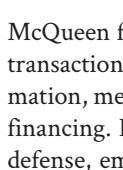
HANDBERRY



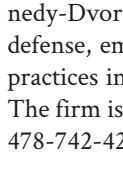
MCQUEEN



ALEXANDER



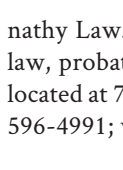
KENNEDY-DVORAK



MCMICHAEL



HORKAN



WHITE



HANDBERRY

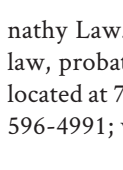
James Bates Brannan Groover, LLP, announced William P. Horkan and Michael N. White joined as partners and W. Donald Handberry, Hays B. McQueen and Dallas J. Roper joined the firm as of counsel and Carlos Alexander, Jaqueline Kennedy-Dvorak and John McMichael joined as associates. Horkan maintains a statewide general litigation and trial practice. He focuses his efforts on representing individuals, businesses, and local governments in a variety of civil matters including agricultural, business, employment, insurance claims and coverage disputes, and contractual disputes. White's practice focuses on financial institutions, regulatory and securities compliance, corporation structure, creditors' rights and bankruptcy, loan workouts, collections and contract litigation. Handberry represents individual, corporate, and government clients in matters involving civil, commercial and insurance litigation.

McQueen focuses his legal practice on business and corporate transactions including contractual negotiations, corporate formation, mergers, acquisitions and both public and commercial financing. Roper's practice focuses mainly on general liability defense, employment and general civil litigation. Alexander's areas of practice include litigation as well as employment. Kennedy-Dvorak focuses her practice mainly on general liability defense, employment and general civil litigation. McMichael practices in the fields of estate and asset protection planning. The firm is located at 231 Riverside Drive, Macon, GA 31201; 478-742-4280; Fax 478-742-8720; www.jamesbatesllp.com.

IN MARIETTA



DITZEL



ABERNATHY

Sean M. Ditzel and Jeremy J. Abernathy announced the formation of Abernathy Ditzel, LLC. Ditzel was previously with boutique Atlanta family law firm, Kessler and Solomiany. Abernathy has been operating his own firm, J. Abernathy Law. The firm handles all areas of domestic relations law, probate law and personal injury. The Marietta office is located at 7 Atlanta St. SE, Suite G, Marietta, GA 30060; 404-596-4991; www.adfamilymatters.com.



LEVINE



RIEDLING

Dawn R. Levine and Amanda Mathis Riedling announced the formation of Levine & Riedling, LLC. The boutique firm will focus on estate planning, probate and guardianship. The firm also announced that Amanda Mann



MOUTHTROP

Moulthrop joined as an associate. Moulthrop is the former director of the Cobb Justice Foundation. The firm is located at 274 Washington Ave., Marietta, GA 30060; 770-795-4992; Fax 770-795-4992; www.levineriedling.com.



Michael R. Dunham announced the formation of Dunham Legal in Marietta. Dunham Legal is a general civil litigation firm concentrating on domestic relations, landlord-tenant and small business commercial litigation. The firm is located at 137 Johnson Ferry Road, Suite 2135, Marietta, GA 30068; 770-628-7330; www.eastcobblegal.com.

IN SAVANNAH



RUBNITZ



THOMPSON

Jeffrey W. Rubnitz, Elizabeth F. Thompson and Tiece G. Ziblut announced the formation of Rubnitz Thompson Ziblut, LLC. Rubnitz concentrates on residential and commercial real estate law, as well as probate, estate planning



ZIBLUT

and corporate law. Thompson's focus is on handling purchase and refinance transactions, both residential and commercial, and other ancillary real estate work. Ziblut has practiced commercial and residential real estate law for more than 20 years, serving a variety of clients including purchasers, sellers, homebuilders, developers, lenders and title insurance companies. The firm is located at 617 Stephenson Ave., Suite 202, Savannah, GA 31405; 912-353-9300; Fax 912-353-7595; www.rubnitzlaw.com.



HESTER



MARTIN

Weiner Shearouse Weitz Greenberg & Shawe announced the elevation of Helen Hester to partner and the addition of Keri M. Martin as an attorney. Hester focuses her practice on commercial and residential real estate, real estate litigation, complex business litigation, commercial litigation and construction litigation in Georgia and South Carolina. Martin's practice is dedicated to transactional work, as well as civil litigation practice representing individuals and businesses in a variety of matters that include contract disputes, business disputes, real property disputes, commercial disputes and foreclo-

tures. The firm is located at 14 E. State St., Savannah, GA 31401; 912-233-2251; Fax 912-235-5464; www.wswgs.com.

IN STOCKBRIDGE



Smith, Welch, Webb & White announced the addition of Chris Chapman as partner. Chapman practices in the areas of criminal defense, divorce, personal injury and equine law. The office is located at 280 Country Club Drive, Suite 300, Stockbridge, GA 30281; 770-389-4864; www.smithwelchlaw.com.

IN GREENSBORO, N.C.



Bovis Kyle Burch & Medlin, LLC, announced it opened an office in Greensboro, N.C. The firm also announced the addition of Brian Alligood as partner. Alligood and his team, formerly of the firm Sharpless & Stavola, continue their established litigation practices, with emphasis on medical malpractice and long-term care defense, health care law, employment litigation and insurance coverage. The new office is located at 800 Green Valley Road, Suite 102, Greensboro, NC 27408; 336-907-3265; Fax 336-907-4178; www.boviskyle.com.

IN WASHINGTON, D.C.



Amy Wolverton joined Advanced Micro Devices, Inc., (AMD) as associate vice president, U.S. Government Affairs. Based in Washington, D.C., Wolverton is responsible for managing the company's regulatory, legislative and executive-branch related matters. Prior to AMD, Wolverton established and led the government affairs office of HTC America, Inc.

CORRECTION

In the April 2017 issue of the *Georgia Bar Journal*, Douglas "Doug" Elkins and Elisabeth "Lis" Shepard were incorrectly listed as new associates with Miller & Martin. Elkins and Shepard were named to member status effective Jan. 1, 2017. Elkins, based in the firm's Chattanooga office, focuses his practice in the area of corporate law, mergers and acquisitions, securities and general business representation. Shepard, based in the firm's Atlanta office, practices in the areas of intellectual property/technology law, corporate law, franchise/distribution law and labor and employment law. Miller & Martin's Atlanta office is located at 1180 W. Peachtree St. NW, Suite 2100, Atlanta, GA 30309; 404-9662-6100. Their Chattanooga office is located at 832 Georgia Ave., Suite 1200, Chattanooga, TN 37402; 423-756-6600; www.millermartin.com.



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Daughter Dearest

BY PAULA FREDERICK

“Jane Blow changed her mind about getting divorced—again,” you tell your bookkeeper. “She wants her retainer back. I’ve only got about an hour in the case, so go ahead and give her a full refund. She’ll be back. . .”

“Sure,” your bookkeeper responds. “There’s only one problem with that—*she* didn’t pay the retainer, her mother did.”

“That’s right,” you recall. “I remember thinking her mom wanted the divorce more than Jane did. I wonder if mom knows Jane is backing out?”

“Maybe not,” your bookkeeper guesses. “This note says Jane plans to pick up the check later today. Oh, well—I hope she’s not ripping off her own mother, but I guess it’s none of our business. We can’t go wrong following the client’s directions, can we?”

“Not so fast,” you warn.

What duties does a lawyer owe to someone who has paid the legal fees for a client?

Rule 1.8(f) treats the issue of third party payment as a potential conflict of interest. It requires informed consent of the client before accepting compensation for representing a client from someone other than the client. The rule prohibits the arrangement where it would interfere with the lawyer’s ability to exercise independent professional judgment on behalf of the client, and requires the lawyer to protect the client’s confidential information even from the person paying the bill.

But what happens when the lawyer needs to refund unearned fees? Can the

lawyer just rely on the client’s directions on who should get the refund?

The Georgia Rules of Professional Conduct do not provide a definitive answer. Since we are one of the few states that do not require unearned fees to be held in escrow, the fiduciary obligation to protect third party funds under Rule 1.15 may not even apply.

Some lawyers refund to the source. If mom paid the lawyer directly, then mom gets the refund. That can be risky, as the lawyer can be drawn into a dispute between the client and the payor over whether the funds were a loan or a gift. Some lawyers avoid the problem by not accepting payment from anyone other than the client, and ask no questions about where the client obtained the money.

A more obvious way to prevent a tug of war between the client and a third person over fees to be refunded is to address the issue in advance, in writing. Rule 1.8 requires informed consent before you accept the payment. Why not discuss disposition of any refund at the same time?

It is not unusual for a parent to pay legal fees for a child. If you see this often in your practice, plan ahead! ●



Paula Frederick

General Counsel
State Bar of Georgia

paulaf@gabar.org

PHOTO BY ISTOCK.COM/ABBIEIMAGES

Attorney Discipline Summaries

(Feb. 23, 2017 through May 12, 2017)

BY JESSICA OGLESBY

DISBARMENTS

Ted H. Reed

1601 Shammock Trail

Smyrna, GA 30080

Admitted to Bar in 1976

On Feb. 27, 2017, the Supreme Court of Georgia disbarred attorney Ted H. Reed (State Bar No. 597837). Reed was retained in 2006 to assist a client with his divorce. The client experienced considerable difficulty in communicating with Reed and Reed failed to ensure the correction of the final order in the divorce proceedings, which failed to protect the client's pension. The client eventually hired new counsel and incurred more expenses to have the matter resolved in his favor.

In aggravation of discipline, the Review Panel noted Reed's prior discipline, (previous voluntary surrender of license, Review Panel reprimand and formal letters of admonition in 2006 and 2013), his refusal to acknowledge the wrongful nature of his conduct and his substantial experience in the practice of law.

Keith Brian Harkleroad

Harkleroad Law Firm

906 N. Alabama St.

Broxton, GA 31519

Admitted to Bar in 1999

On March 20, 2017, the Supreme Court of Georgia disbarred attorney Keith Brian Harkleroad (State Bar No. 326382). The following facts are deemed admitted by default. In May 2015 Harkleroad was suspended for failure to com-

ply with CLE requirements. In September he further ceased to be a member in good standing for failure to pay his Bar dues. Nevertheless, Harkleroad continued to represent a client charged with murder. The day after the trial began, the prosecution learned that Harkleroad was not a member in good standing and advised the court. Harkleroad said that he had recently sent a check to pay his dues and that he acquired six hours of CLE. The court allowed Harkleroad to check on his membership status. He then told the court that the Bar advised him that he needed eight hours of CLE. The court declared a mistrial and filed a grievance. At that time, Harkleroad needed 18 hours of CLE and no check for dues was ever received. The court found that Harkleroad acted with a dishonest motive and that he had substantial experience in the practice of law.

Morris P. Fair Jr.

The Law Office of Morris P. Fair, Jr., PC
4262 Clausell Court, Suite C

Decatur, GA 30035

Admitted to the Bar in 2000

On Feb. 27, 2017, the Supreme Court of Georgia disbarred attorney Morris P. Fair Jr. (State Bar No. 581019). In Docket 6829, the following facts are deemed admitted by default: that a client retained Fair in 2008 regarding claims in a construction dispute; that Fair failed to terminate representation of the client when he was on interim suspension from June 3 to July 18, 2008, and when he was suspended from July 24, 2010, to Jan. 7, 2013,

nunc pro tunc to Oct. 3, 2011; that he failed to file timely responses to discovery requests, failed to respond to a motion to compel discovery, failed to provide discovery responses despite the trial court's order granting the opposing parties' motion to compel and failed to respond to the opposing parties' motion to dismiss; that the court granted the opposing parties' motion for sanctions on Oct. 2, 2012, striking the client's complaint and prohibiting him from defending the opposing parties' counterclaim regarding breach of contract; that he failed to return the client's files; that the court awarded \$28,195 in attorney fees to the opposing parties; and that he failed to communicate with the client or inform him about the case.

In Docket 6830, the following facts are deemed admitted by default: that a client paid Fair \$1,500 to represent him in a criminal case; that Fair did not act with reasonable diligence and promptness in representing the client; that Fair failed to keep the client informed about the status of the case and failed to promptly respond to the client's requests to communicate; that Fair ceased representation of the client without informing the client that he had ceased the representation or that he intended to withdraw and without filing a motion to withdraw from the case; that Fair did not provide the client file to the client in a timely manner; that the assistant of the trial judge emailed Fair to inform him that he was counsel of record in the client's case and should appear in court and that Fair replied that he filed

a motion to withdraw and that the client filed a Bar complaint; that Fair did not refund the client's money; and that he advised the Bar that he filed a motion to withdraw from representing the client when he had not.

In aggravation of discipline, Fair received formal letters of admonition in 2010 and 2015; an indefinite suspension in 2010; and two interim suspensions in 2008 and 2015, respectively. Fair acted with a dishonest motive and he had substantial experience in the practice of law.

Lawrence Edward Madison

321 Commercial Drive
Savannah, GA 31406

Admitted to the Bar in 1993

On Feb. 27, 2017, the Supreme Court of Georgia disbarred attorney Lawrence Edward Madison (State Bar No. 465530). In June 2012, Madison was convicted by a jury of felony child molestation and other offenses. In mitigation of discipline, the Special Master noted that Madison had not been the subject of any prior disciplinary proceeding, but found that the vulnerability of the minor victim in that case was a decisive aggravating factor. The Review Panel concluded that Madison's misconduct demonstrated an indifference to his obligations as an attorney and negatively reflected on his honesty and trustworthiness.

Samuel Elias Skelton

46 Meadow Drive
Royston, GA 30662

Admitted to Bar in 2009

Voluntary Surrender of License

On March 30, 2017, the Supreme Court of Georgia accepted the voluntary surrender of license of attorney Samuel Elias Skelton (State Bar No. 940392) following the entry of a guilty plea to felony counts of theft by taking in the Superior Court of Banks County.

Richard R. Buckley Jr.

409 Love Ave.
P.O. Box 415
Tifton, GA 31793

Admitted to Bar in 1985

On April 17, 2017, the Supreme Court of Georgia disbarred attorney Richard R. Buckley Jr. (State Bar No. 092905). The

following facts are admitted by default. Respondent has been ineligible to practice law for non-payment of Bar dues from September 2015 to the present.

In State Disciplinary Board Docket Number 6914, Respondent was suspended on April 26, 2016, for failure to respond to probate court orders.

In SDB 6915, a client retained Respondent in September 2015 and paid him a fee to file a civil action on her behalf, but as of Sept. 1, 2015, Respondent had become ineligible to practice law for failure to pay annual dues.

In SDB 6916, Respondent was retained by a client to prepare a deed transferring ownership of real property from another individual to the client.

In SDB 6917, a client retained Respondent in April 2015 and paid him a fee to file a civil action on his behalf. The client also entrusted to Respondent certain documents that supported his claim.

In SDB 6918, in March 2015, a client paid a retainer fee to Respondent to represent her husband in a pending criminal matter. Respondent did not notify the client or the client's wife that he had become ineligible to practice law effective Sept. 1, 2015.

In all above State Disciplinary cases, Respondent took no action on behalf of his clients and abandoned the matters without returning unearned fees.

SUSPENSIONS

Jon Gary Branan

310 Weatherford Place
Macon, GA 31210

Admitted to Bar in 1980

On March 20, 2017, the Supreme Court of Georgia accepted the petition for voluntary discipline of Jon Gary Branan (State Bar No. 075850) for a one-month suspension and a Review Panel reprimand. In May 2007, Branan was retained to represent a client in a personal injury action. In September, Branan arranged for a \$10,000 loan for the client from a bank and personally guaranteed the loan. Branan agreed with the client that the loan was to be repaid out of proceeds from the settlement of the case. After the case settled in March 2014 and before the settlement proceeds were

*"He who is his own lawyer
has a fool for a client."*

Warren R. Hinds, P.C.

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paid out in December, Branan sued the client to recover the amount of the loan plus interest. Branan submitted a sworn statement that the source of the debt was a personal loan he had made to the client. Branan ultimately obtained a writ of attachment to \$10,500 of the settlement funds. An interpleader action was filed and the funds were deposited into the registry of the court. In September 2015, the court entered an order directing that the funds subject to the writ of attachment be disbursed to Branan. Branan, who had made payments on the loan,

used the disbursed funds to pay off the balance of the loan.

In mitigation, Branan offers that he is remorseful and that at that time he was experiencing personal and professional challenges. His cooperative attitude is also a mitigating factor. Branan has no prior public disciplinary record.

Jeffrey L. Sakas

191 Peachtree St. NE, Suite 3275
Atlanta, GA 30303

Admitted to Bar in 1973

On April 17, 2017, the Supreme Court of Georgia accepted the petition for voluntary discipline of Jeffrey L. Sakas (State Bar No. 622250) for a six-month suspension. Respondent admits that in August 2012, a client hired him to pursue a legal malpractice case and paid him a \$10,000 retainer, plus \$6,000 for litigation expenses. The client also agreed to pay Sakas a 40 percent contingent fee on any amount recovered. Two years later, in October 2014, Sakas met with the client and told him that although his file had gone missing during an office move, Sakas admittedly never filed a complaint or engaged in any discovery on the client's behalf and instead abandoned the case without just cause and to the client's detriment. Sakas further admits that during the fee arbitration process initiated by the client, he entered into a consent agreement in which he agreed to refund the client \$11,000 by Aug. 9, 2015, and an additional \$5,000 by Sept. 1, 2015, in order to resolve the matter. Sakas provided a copy of a check for \$16,000 made payable to the client, and the special master made a factual finding that Sakas repaid the client.

In mitigation of discipline, Sakas contends that after agreeing to represent the client, personal matters delayed his ability to give the case the necessary attention. Those matters included the illness and death of his father; the subsequent health problems, relocation and ultimate death of his mother; his own two health problems, which required hospitalization and surgery; and the transfer of his law practice to a new location. In aggravation, Sakas had substantial experience in the practice of law and a prior disciplinary history as evidenced by the fact that Sakas

had received two formal letters of admonition and a public reprimand.

PUBLIC REPRIMAND

David J. Farnham

The Farnham Law Firm
282 W. Main St.
Blue Ridge, GA 30513
Admitted to Bar in 1986

On Feb. 27, 2017, the Supreme Court of Georgia accepted the petition for voluntary discipline of David J. Farnham (State Bar No. 255410) for a public reprimand. A former client who Farnham had hired as an investigator filed a grievance against him (Docket 6581) alleging that one of Farnham's non-lawyer employees routinely held himself out as a lawyer; that Farnham paid the non-lawyer to bring in potential personal injury clients; that Farnham divided legal fees with the non-lawyer; and that Farnham failed to properly supervise the non-lawyer. Farnham admitted that he had not maintained direction and control over the non-lawyer's activities in the past.

Docket 6705—In 2011, Farnham was retained to represent a client in a personal injury matter. He contended that he filed suit, but that the case was removed to federal court and was assigned to another lawyer in the office. The defendant's discovery requests and motions went unanswered and the lawsuit was dismissed at the summary judgment stage for failure to raise a genuine issue as to damages or causation. Farnham failed to withdraw or file a substitution of counsel once the suit was removed to federal court.

Docket 6706—Farnham admitted that he filed a divorce action for a client in June 2011; that after mediation, the parties reached a resolution which he memorialized into a proposed final order; that when the order was misplaced, a follow-up status conference was set by the trial court for Nov. 15, 2011, at which time the case was dismissed; that when Farnham learned of the dismissal, he refiled the divorce at no additional cost in June 2013; and that he promptly sought to enforce the settlement agreement. Farnham and his client missed two status conferences in the renewed action,



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discipline, visit

[www.gabar.org/forthepublic/
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State Bar
of Georgia

but Farnham contended that he did not receive notice of those conferences due to an alleged “hack” of his email account. Farnham asserted that the client terminated him and that he filed a substitution of counsel. Farnham failed to determine that the client’s suit had not been finalized and to promptly pursue the renewed action. Farnham agreed to refund \$5,000 to the client.

In mitigation of discipline, Farnham asserted that he lacked any dishonest or selfish motive, that he had been cooperative with the Bar and that he had suffered an improper suspension. Farnham received a letter of admonition in 1992, and Investigative Panel reprimands in 1992 and 2007.

REVIEW PANEL REPRIMANDS

Gary Lanier Coulter

Coulter & Associates

P.O. Box 834

Bogart, GA 30622

Admitted to Bar 1971

On Feb. 27, 2017, the Supreme Court of Georgia accepted the petition for voluntary discipline of Gary Lanier Coulter (State Bar No. 190100) and ordered that he receive a Review Panel reprimand. Coulter represented a client between 2011 and 2013 in a complex probate matter, for which he was paid approximately \$187,000. In March 2013, the client terminated Coulter’s representation, hired new counsel and disputed Coulter’s fee. Coulter agreed to repay \$30,000, to be repaid in 60 \$500 monthly installments. Coulter repaid \$9,500, but the decline of his law practice left him unable to pay more.

In mitigation of discipline, Coulter stated that he has no prior discipline; that he did not intend to charge his client an unreasonable fee; that he has been a Martindale Hubbard AV-rated lawyer for more than 34 years and has a reputation for ethical conduct and good character; that he responded in good faith to the client’s fee dispute and engaged in a good faith effort to repay the unreasonable fee; that he is deeply remorseful and intends to honor his repayment obligation when he is able; and that he made

a full and free disclosure in response to the grievance. Coulter also noted that the decline of his practice has caused him financial and emotional stress, as has his pending divorce proceedings. In aggravation, the Bar noted Coulter’s substantial experience in the practice of law.

John Andrew Leslie

The Leslie Law Firm, LLC

288 Lawrence St.

Marietta, GA 30060

Admitted to Bar in 2005

On March 20, 2017, the Supreme Court of Georgia accepted the petition for voluntary discipline of John Andrew Leslie (State Bar No. 447067) for a Review Panel reprimand. With regard to State Disciplinary Board Docket No. 6900, a client retained Leslie to represent her in a personal injury action arising out of a minor motor vehicle accident. Leslie filed a lawsuit, and the defendant offered his client a settlement that she did not accept. Apart from some pre-suit discussions with the adjuster and initial settlement discussions with opposing counsel, Leslie failed to advance the case for several years despite inquiries by his client, opposing counsel and the adjuster. He did not adequately respond to and communicate with his client about the case and he did not interview any witnesses or take any depositions. As a result, the case was dismissed and the client lost the ability to pursue her personal injury claim.

With regard to Docket No. 6901, a client retained Leslie to represent her in connection with a dental malpractice claim. Leslie says that he filed suit on her behalf, retained an expert dentist and served written discovery on the defendant. After the parties exchanged discovery and Leslie’s client was deposed, Leslie sent a demand to defense counsel, but settlement negotiations were not successful, and he failed to prosecute and advance the case for several years despite inquiries from his client. Leslie did not adequately respond to and communicate with his client about the case and he did not interview any witnesses or take any depositions. As a result, the lawsuit was dismissed

and the client lost the ability to pursue her medical malpractice claim.

Leslie asserted in mitigation that he has no prior discipline, he did not willfully intend to cause harm to his clients and his personal injury practice at the time was understaffed. Leslie also stated that he was suffering from depression following heart surgery and this affected his desire and ability to address difficult issues in some cases. Leslie has made changes to his practice to ensure that these issues do not arise again, including: (1) implementing a new phone system, which sends an email and message to his cell phone for every voicemail left for him; (2) hiring an assistant four days a week to help in tracking client communications and other matters; and (3) utilizing case-management software designed specifically for personal injury work. Leslie further stated that when the clients made legal claims against him, he worked diligently with his insurance company to resolve the claims promptly and amicably and to make sure his clients were compensated. Leslie stated that he regrets the mistakes he made, he had no intention to abandon his clients, and he will participate in the State Bar’s Law Practice Management and Lawyer Assistance Programs.

INTERIM SUSPENSIONS

Under State Bar Disciplinary Rule 4-204.3(d), a lawyer who receives a Notice of Investigation and fails to file an adequate response with the Investigative Panel may be suspended from the practice of law until an adequate response is filed. Since Feb. 23, 2017, eight lawyers have been suspended for violating this Rule and five have been reinstated. ●



Jessica Oglesby

Clerk, State Disciplinary Board
State Bar of Georgia

jessicaog@gabar.org

Legal Tech TIPS

BY NATALIE R. KELLY
AND MICHAEL MONAHAN

1 GateGuru App gateguru.com

You've just landed and you want to find the nearest restaurant or coffee shop. Look no further than the guidance from the GateGuru app. Besides its main function of tracking your flight and flight status, this app will allow you to search for amenities within major airports by simply plugging in the airport terminal or gate.

2 What Should I Read Next? whatshouldireadnext.com

Want to know which book to toss in your beach bag? Look up your next juicy title by visiting this site and logging in your favorite books and authors. The site will suggest new reads from its database of reader reviews. Happy reading!

3 MapCrunch www.mapcrunch.com

Need a quick vacation, but can't get out of town in the foreseeable future? You can plan a surprise trip to a surprise location in just a few clicks with MapCrunch. This quick vacationing idea will allow you to travel from your desktop by simply visiting the site.

The Google Street View's randomly generated "View of the Day" allows you to look around where you've landed—anywhere in the world!

4 Bluesmart Smart Luggage www.bluesmart.com

Talk about techie travel! Bluesmart Smart Luggage lets you lock your suitcase from your smart phone, charge your devices, locate your suitcase and even check the weight of your suitcase. With built-in USB ports, FAA-compliant battery, and 3G and GPS, Bluesmart luggage is already rolling around you at the nearest airport. It's TSA approved, too!

5 Turn Off the Tech (Well, mostly.)

You should learn to turn off notifications on devices and set out of office messages within your email accounts to keep vacation disruption to a minimum. We know it's easier said than done, but just stepping away from technology and interruptions is often the best tech tip you'll ever receive.

6 7-Minute Workout 7minuteworkout.jnj.com

For the busy lawyer or the lawyer on vacation, 7-Minute Workout helps you work out anywhere, anytime. Available in iOS and Android, 7-Minute Workout gives you 36 high-intensity circuit

training exercises and 19 workouts to create more than 1,000 variations to keep your exercise sessions interesting. Its Smart Workout feature gauges your fitness and motivation level and creates a variety of workouts specifically for you. You can enjoy music from your device, review exercise tutorials and share your workouts via Facebook and Twitter.

7 Buffer and Hootsuite buffer.com & hootsuite.com

Helpful hint: If you are using Facebook, LinkedIn and Twitter for marketing your firm—or just to be social—make sure you are using a social media console or "dashboard"—it comes in very handy at vacation time or trial time when you won't have time to post or tweet. For example, Buffer and Hootsuite offer free versions that will let you create posts in advance and schedule them for later automatic posting. So while you're on vacation or in trial, your marketing efforts are still ongoing.

8 Keep Your Information Secure hide.me & wifi-finder.com

Manage your data use by using available free Wi-Fi and couple it with a free secure VPN (virtual private network). Using unsecured Wi-Fi at stores and cafes can be dangerous, but we all need that free data, right? First, get a free VPN that you can use, like Hide.me or TunnelBear. These free VPNs have data



PHOTO BY ISTOCK.COM/NIKADA



limits, but plenty to make sure your emails and banking transactions are secure. Then, use a Wi-Fi finder while you are out on vacation or traveling for work to help you locate free Wi-Fi in your area. With Wi-Fi Finder, you can scan for Wi-Fi hotspots around you, search for public Wi-Fi anywhere in the world, view Wi-Fi hotspot details, call the location and get directions or share the hotspot. Wi-Fi Finder is available for phones and tablets.

9 Trip.com

www.trip.com

Use Trip.com or its Android and iOS apps to find fun and adventure near you. While out on the road, use the app



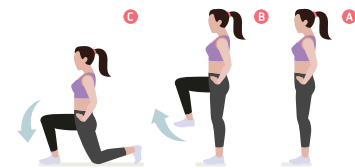
Trip.com

to find restaurants, hotels, events and other fun activities. In addition to time, location, your preselected interests and past behavior, the app also fine-tunes what it presents to you based on factors such as the weather and whether you're a local or a visiting traveler.

10 Traveling Spoon

www.travelingspoon.com

The Traveling Spoon motto says it all: "Travel off the Eaten Path." With Traveling Spoon you can book a private meal or cooking class with the best home cooks around the world. The site indicates all its hosts are personally vetted. So, when you travel, learn the local food culture.



Testimonial



Eunice Hyunhye Cho
Southern Poverty Law Center

7-Minute Workout

My work litigating immigration detention and prison conditions requires me to be on the road quite a bit; and as a new mom, I find it tough to fit in exercise. The answer? The 7-Minute workout app! Popularized by the *New York Times*, which announced to the world that high intensity interval training produces many of the same benefits as a longer workout, this app helps me to exercise and keep track of my workouts. I've done these workouts at home, at rest stops and even in the office with co-workers.



Top 10 Reasons You Should Attend Georgia's Solo and Small Firm Institute

The goal of the Solo and Small Firm Institute is to provide attendees with the confidence, skills and information to implement positive changes in their practices which can affect and improve business.

BY NATALIE R. KELLY

The annual Solo & Small Firm Institute, Take Charge, is planned by the State Bar's Law Practice Management Program with sponsorship by the General Practice and Trial Law Section, Transition into Law Practice Program and the Young Lawyers Division. The institute will be held July 14-15 at the Bar Center in Atlanta and features a mix of CLE sessions and an exhibit hall of law-related product and service vendors. If you don't already have the event on your calendar, here are 10 reasons you should attend Georgia's Solo and Small Firm Institute—David Letterman style.



PHOTO BY ISTOCK.COM/WARCHI

10 You can get a year's worth of CLE credit.

The Solo and Small Firm Institute is an ICLE program approved for up to 12 CLE credit hours including one hour of professionalism, one hour of ethics and three hours of trial practice. Attendees will be able to choose from multiple topics delivered via the five plenary sessions as well as in the conference's tracks: "How To," Technology and Practice Management; Substantive Law; Office Operations; and Vendor Showcase.

9 You can speak to vendors directly about their products.

We appreciate participating vendors in this year's conference. Dedicated exhibit hall hours and vendor showcase CLE sessions provide attendees one hour of general CLE credit. The exhibit hall is abuzz with learning about the latest products and services and provides a great chance to network and build relationships with vendors. You can also mix and mingle with the other attendees.

8 You can meet legal legends.

Catherine Sanders Reach, a leading legal technology expert and practice management advisor (PMA), will be presenting "The Flexible Law Firm," "Maximize Office 365: Tips and Tricks for the Law Office" and "Hot Practice Tips, Apps, Sites and Gadgets." Jay Foonberg, the author of the No. 1 ABA best-selling book, "How to Start and Build a Law Practice," has a special program, "E-Mentoring Program: From Law School to 'Practice Ready' Lawyers," offered as a first to Georgia lawyers. And, Casey Flaherty, a former inside and outside counsel and creator of the Legal Tech Assessment, will present, "Tech Competency: What Service Delivery Reviews Can Teach You."

7 You can attend even if you are not a solo or small firm lawyer.

You don't have to be a solo or small firm lawyer to attend Take Charge. "But what's there to learn that would apply if I'm not a solo or small firm?" you ask. Well, aside

from access to interesting and helpful CLE, you can use the opportunity to network with colleagues and tackle concerns that arise in firms of all sizes, i.e., "How to Stay Out of Trouble with the State Bar" and "Do More, Bill More" and "Go Home Early." Big Law attorneys, staff and other legal professionals can all learn something new and beneficial at Take Charge.

6 You can bring your staff.

Understanding the time constraints of being away from the office and its impact on business for solo and small firm lawyers especially if there's no one back at the office, the conference organizers work to make sure the program lasts a full day Friday and ends just after noon on Saturday. And staff should not be a problem because you can register them for the conference and bring them with you for office-wide professional development. Staff attendees can choose from sessions within the Office Operations track where topics range from how to interact within the office to dealing with clients and learning how to use the Bar's free legal research service, Fastcase.

5 You can grow your social media network.

Join fellow tweeters, bloggers and social media posters tracking the conference live using the conference's own hashtag—#gasolo17!

#YouShouldNotMissThis

#WeNeedMoreFollowers

4 You can attend an Atlanta Legal Innovation and Technology Meetup.

The Atlanta Legal Innovation and Technology Meetup group joins the conference during the Friday evening reception to host its monthly meetup. You can share and discuss what you've learned throughout the day with the meetup group made up of "legal innovators—entrepreneurs, lawyers, coders, thinkers and technologists with a passion for shaping the future of the legal industry."

3 You can get a personalized tour of the Bar Center.

Ever wonder what was on those other floors coming off the Bar's elevators in the parking garage when you were attending a CLE at the Bar's Conference Center? You will get a guided tour of the absolute best Bar Center in the United States! Tours are planned to take place during the Friday reception networking event.

2 You can win cool prizes.

Everyone's a winner at the Solo and Small Firm Institute—but there will also be ample opportunity to win cool prizes from exhibit hall vendors and during some of the conference's educational sessions. Past years winners' have walked away with free conference registrations, educational books and shiny new technology. You must be present to win!

1 You can "Take Charge" of your practice!

While the Solo and Small Firm Institute is always a fun learning event and is growing every year, it is about serious business—yours! The conference tries to provide solo and small firm lawyers—actually everyone in attendance—with the confidence, skills and information to implement positive changes in their practices which can affect and improve business. ●



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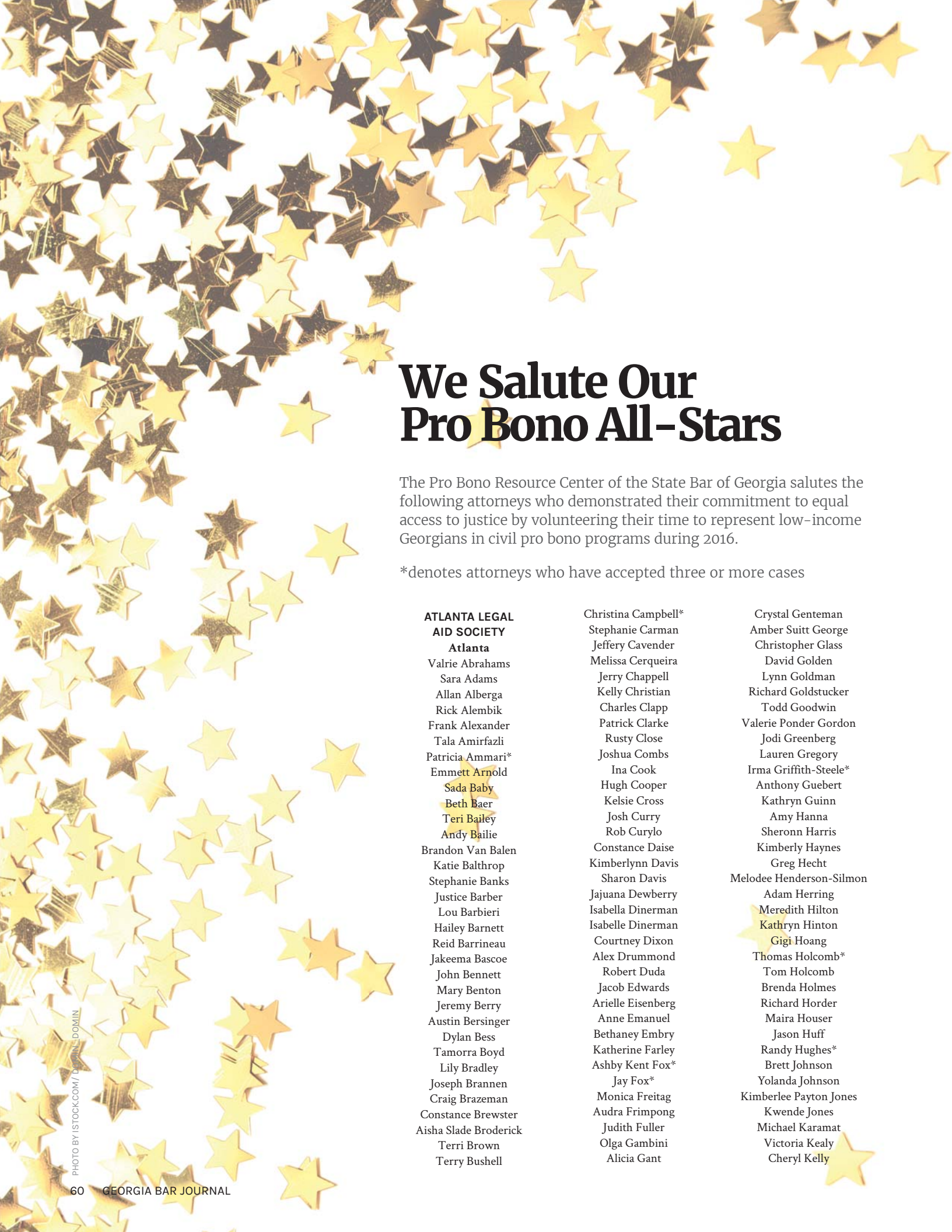
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We Salute Our Pro Bono All-Stars

The Pro Bono Resource Center of the State Bar of Georgia salutes the following attorneys who demonstrated their commitment to equal access to justice by volunteering their time to represent low-income Georgians in civil pro bono programs during 2016.

*denotes attorneys who have accepted three or more cases

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A black and white portrait of a young man, Ellis Liu, looking directly at the camera with a slight smile. He is wearing a light-colored, button-down shirt.

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— **Ellis Liu, Volunteer with Atlanta Bar Association Associates Campaign, Atlanta Volunteer Lawyers Foundation, and Barton Child Law and Policy Clinic.**

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Writing Matters: Organizing the Facts

Lawyers face three decisions with facts: what facts to include, what words to use to convey them and how to organize them. This article focuses on the final one: how to organize the facts.

BY KAREN J. SNEDDON
AND DAVID HRICIK

This installment of “Writing Matters” begins our discussion of how a legal writer may present facts in a variety of legal documents. Stated broadly, lawyers face three decisions with facts: what facts to include, what words to use to convey them and how to organize them. Obviously, these issues are intertwined. This installment focuses on the final one: how to organize the facts. Even though each decision has its own process and strategies, the choices about organization will also implicate decisions on what facts to include and what words to select to convey those facts.

As a general rule, presenting facts in chronological order works well most of the time. This is particularly true in a predictive (i.e., objective) office memorandum.

In the factual recitation of a memorandum, after any introductory sentence, generally it is easier for a reader to grasp facts when the facts are given chronologi-

cally, and ordinarily there is no reason to present a key fact out of order. So, for example, the factual recitation in a memorandum about the negotiation of an oral contract might begin:

This lawsuit arose out of the breach of an alleged oral contract. Sabbath and Wells in March 2014 discussed whether Sabbath would buy Wells’ bright yellow Porsche. That evidence is undisputed. But Wells testified that Sabbath agreed in early April 2014 to pay \$25,000 for the car; Sabbath testified they never agreed on price. Wells filed this suit, alleging an oral contract and seeking specific performance.

A chronological recitation of the facts is perceived as more objective, and thus serves the purpose of that form of writing. Yet, presenting the facts of the matter at



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hand in chronological order is not the only time to use time as the organizing principle for conveying facts. For instance, if a memorandum requires an extended discussion of a precedential case, describing the facts of that case in chronological order is generally the most effective way.

Although time is ordinarily the best organizing principle for discussing facts of both the matter at hand and any precedent in need of extended discussion, it is not always so. This is particularly true in persuasive writing. In that context, the arrow of time that physicists say everything must follow is not always the most effective means to communicate. Non-linear discussion of facts can be powerful, more efficient or both. The key is to know when that is so.

When making this decision, consider the options. Facts can be organized in several ways besides chronologically, including: (1) generally chronologically, but with non-linear exceptions, (2) topically or (3) using a combination of those approaches.

Here, for example, are different ways to describe a simple car wreck. Suppose the plaintiff, Peters, has sued two defendants—Smith and Jones—for injuries from a car wreck. One allegedly ran a red light, and the other was illegally parked. Depending on the sequence of events and the purpose of the writing, it may be more effective to avoid chronological discussion.

For example, the next three passages describe the same basic car wreck. The first is presented in chronological order, the second with a non-linear structure and the third in reverse chronological order. Each also illustrates choices about what to include or omit, and the importance of word choice.

Example 1. Peters was driving carefully as she approached the intersection of First and Main. Peters did not know it, but Defendant Jones was speeding—at nearly 60 miles per hour, well above the 35 mph speed limit—toward the intersection from Peters’ right. She could not see that, to her right, Defendant Smith had illegally parked his delivery truck. Apparently, Jones was unable to see the light because of Defendant Smith’s illegally

parked truck. Thus, Defendant Smith ran the red light, and—never even applying his brakes—collided with Peters, causing severe injuries for which she has filed this suit.

Example 2. Every week, Smith made an early morning delivery to Jen’s Flower Shop. Smith had been doing this for 30 years. It was routine. He always arrived well before traffic backed up, typically before 7:30 in the morning, just as Jen arrived. Although the load was bigger that morning—it was just before Valentine’s Day—the routine was the same: park in the spot reserved for unloading, get the boxes in, exchange pleasantries with Jen and move on to the next stop.

This day had been different.

On that day, as usual, Smith was in the back of his truck putting boxes on the hand truck to unload them. But today, he was working as fast as he could to unload the last few heavy boxes of glass vases for Jen. He was hurrying because, just a few minutes earlier, he had been forced to double-park. He had never done that before.

Just as he put the last heavy box onto his hand truck—after 30 years, his back and knees were not what they used to be—Smith was startled by the racing engine of a car careening around his truck. Almost immediately, Smith heard a loud crash. Fearing the worst, Smith jumped out of the truck, and looked ahead and saw the wreck. He rushed toward the still-steaming cars.

At that moment, he realized that the car that had raced around him was the same one that, a few minutes before, had been parked in the spot reserved for unloading, which is why he had done what he had never done before: double parked his truck. He went to that car first, because that driver looked to have suffered the worst injuries. He was right.

Example 3. The collision knocked Jones unconscious, but only for a moment. He awoke to see broken glass, crumpled steel and another badly damaged car in front of him. He had never

been to downtown Macon before, and remembered being lost, of being unsure which road to take, and of the truck that blocked the lane, and how it looked as if the driver was about to jump out of the truck into his lane, and that had caused him to look away from the road, and the light.

Did you notice that in the second example, we do not know why Smith illegally parked his truck until near the very end of the recitation of facts? This sort of non-linear “cliff hanger” construction may be useful to garner sympathy or keep the reader engaged (even if the facts are probably of no legal consequence!). The story in the second example also begins at a point far earlier, and includes a lot of irrelevant facts. Even though those facts may be “irrelevant” (i.e., not legally dispositive), these facts cast Smith as someone more than the “defendant who illegally parked a truck that caused a wreck.” That is what the plaintiff and the other defendant want him to be. The same is true for the third example, which starts after the accident occurred, and so minimizes the wrongful act and tries to humanize the person who appears to be the most culpable, the driver who ran the red light.

How to organize facts will turn on the purpose of the document and the particular discussion. While ordinarily time is the best organizing principle for facts, the key is to be deliberate and, when using non-linear presentations, to carefully structure the statement of facts, using thesis sentences, good paragraph structure and careful transitions. ●



Karen J. Sneddon is a professor of law at Mercer University School of Law.



David Hricik is a professor of law at Mercer University School of Law who has written several books and more than a dozen articles.

The Legal Writing Program at Mercer continues to be recognized as one of the nation’s top legal writing programs.

2017 Commitment to Equality Awards

The Committee to Promote Inclusion in the Profession honored the recipients of the 2017 Commitment to Equality Awards at a special program at Georgia State University College of Law.

BY SHERWIN K. FIGUEROA
AND AVARITA L. HANSON

The Committee to Promote Inclusion in the Profession honored the recipients of the 2017 Commitment to Equality Awards at a special program on May 4 at Georgia State University College of Law. These awards recognize the efforts of individuals, companies and legal employers who are committed to providing opportunities that foster a more diverse legal profession for members of under-represented groups in Georgia. The Randolph Thrower Lifetime Achievement Award recognizes an outstanding individual who has dedicated his or her career to these causes. Congratulations to all the honorees who have not only personally and professionally excelled in their practice, they have demonstrated a commitment to promoting diversity in the legal profession.

Commitment to Equality Awards

Dawn M. Jones, solo practitioner, Dawn M. Jones, LLC, is a former critical care registered nurse and former senior attorney at King & Spalding LLP. She was recognized for her community outreach efforts to help minority law students with mock interviews and resume preparation workshops, and law student retreat weekends created to enhance academics and job-seeking performance. In accepting the award, Jones shared her personal story of attending Georgia State University College of Law as a non-traditional student and woman of color, an experience that motivated her to organize those programs.

Hon. Willie J. Lovett Jr. (1963-2017), who was honored posthu-



PHOTO BY DON MORGAN PHOTOGRAPHY

Recipients of the 2017 Commitment to Equality Awards (front row, left to right) Dawn M. Jones, Sen. Leroy R. Johnson, A. James Elliott and Seletha R. Butler on behalf of Hon. Willie J. Lovett Jr.; with (back row, left to right) Sherwin K. Figueroa, program chair; Derrick A. Pope, co-chair; Joyce Gist Lewis, co-chair; and Avarita L. Hanson, executive director, Chief Justice's Commission on Professionalism.

mously, was recognized for his work impacting underserved youth as the presiding judge of the Fulton County Juvenile Court and for mentoring young minority attorneys. His wife, Seletha R. Butler, also an attorney, accepted the award and shared memories of Judge Lovett's unique spirit of devotion to serving others and fueling the pipeline for future lawyers and leaders through his judicial office, bar association activities and church engagements.

Randolph W. Thrower Lifetime Achievement Awards

The Randolph W. Thrower Lifetime Achievement Award, the highest honor the committee bestows, is named after Randolph W. Thrower, the iconic Georgia lawyer who epitomized commitment to equality and professionalism. Thrower initiated the committee's forerunner—the Women and Minorities in the Profession Committee. His legacy of commitment to equality and professionalism is celebrated through this award.

A. James Elliott, associate dean, Emory University School of Law, has a legacy of leadership in positions that serve the community, such as increasing access to legal services for minorities and the underserved through the Georgia Legal Services Program (co-founder), the Interest on Lawyer Trust Accounts Program to fund legal aid (co-founder) and the Chief Justice's Commission on Professionalism (co-founder). As State Bar President (1988-89), Elliott created the Special Committee on the Involvement of Women and Minorities in the Profession that has evolved into the Committee to Promote Inclusion in the Profession. That committee ordered the first formal study of gender and racial bias in the legal profession in Georgia. Throughout his career, Elliott has constantly promoted women and minority lawyers to positions of leadership in the legal community.

Sen. Leroy R. Johnson, Leroy R. Johnson & Associates, P.C., Atlanta, holds the distinction of being the first African-American senator elected in Georgia since the period of Reconstruction. A civil rights lawyer for many in-

fluent African-American entertainers and athletes in the '60s, Johnson's advocacy and mentoring opened the doors for many diverse lawyers in the state who ultimately assumed leadership positions and became federal, Atlanta and Fulton County judges. Sharing with the audience the five most meaningful decisions he has made thus far in his life, Johnson noted that becoming a lawyer and advocating for others was one of his most significant choices.

The Commitment to Equality Awards highlight those among us in the legal profession who open doors of opportunity for women and diverse lawyers. The memorable and enjoyable evening, shared with friends and family of the honorees, reminds us of the advancements in our profession. Please reach out to the award recipients and thank them for bringing out the very best in our profession. We also wish to thank our sponsors for their generosity and support of this important event: Sustaining Sponsors—Eversheds Sutherland LLP and Nelson Mullins Riley & Scarborough LLP; Presenting Sponsors—Jones Day and Morgan & Morgan Atlanta PLLC; and Firm Sponsor—Shingler Lewis LLC.

Send the committee your recommendations for the 2018 honorees and plan to attend the signature event which will again be held in May. For more details or to become a sponsor, please contact Sherwin K. Figueroa at sherwin.figueroa@cobbcounty.org. ●



Sherwin K. Figueroa is an assistant district attorney for the Cobb Judicial Circuit and served as the program chair for presentation of the 2017 Commitment to Equality Awards.



Avarita L. Hanson is the executive director of the Chief Justice's Commission on Professionalism and was a 2014 recipient of the Randolph W. Thrower Lifetime Achievement Award.

2016-17 Committee to Promote Inclusion in the Profession

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Derrick Alexander Pope

Honorary Co-Chair

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Gwendolyn S. Fortson Waring
Brianna E. Williams
Brenda K. Woodard

**Special thanks to Sharon Bryant and Pauline Childress of the State Bar of Georgia for their assistance.*

In Memoriam honors those members of the State Bar of Georgia who have passed away. As we reflect upon the memory of these members, we are mindful of the contributions they made to the Bar. Each generation of lawyers is indebted to the one that precedes it. Each of us is the recipient of the benefits of the learning, dedication, zeal and standard of professional responsibility that those who have gone before us have contributed to the practice of law. We are saddened that they are no longer in our midst, but privileged to have known them and to have shared their friendship over the years.

JOHN BACHELLER JR.
Atlanta, Ga.
Emory University School of Law (1959)
Admitted 1958
Died March 2017

CHARNEY K. BERGER
Atlanta, Ga.
Emory University School of Law (1968)
Admitted 1967
Died March 2017

ROBERT BURNS
Aurora, Colo.
Emory University School of Law (1951)
Admitted 1951
Died March 2017

EDWARD M. BUTTIMER
Savannah, Ga.
University of Georgia School of Law (1968)
Admitted 1968
Died April 2017

LEO W. CLIFTON SR.
Temple, Ga.
Woodrow Wilson College of Law (1968)
Admitted 1969
Died February 2017

THOMAS F. FORKNER
Norcross, Ga.
Woodrow Wilson College of Law (1940)
Admitted 1940
Died April 2017

JAMES EMMIT HARDY II
Cumming, Ga.
Woodrow Wilson College of Law (1986)
Admitted 1986
Died March 2017

JAMES C. HILL
Jacksonville, Fla.
Emory University School of Law (1948)
Admitted 1948
Died March 2017

DAVID M. HOLLIDAY
Penfield, N.Y.
Vanderbilt University Law School (1980)
Admitted 1980
Died April 2017

THU TRINH HONG HUYNH
Atlanta, Ga.
Emory University School of Law (2004)
Admitted 2004
Died April 2017

JAMES V. JOHNSTONE
Blue Ridge, Ga.
University of Miami School of Law (1967)
Admitted 1975
Died March 2017

ROBERT ARNOLD KATENKAMP
Acworth, Ga.
Georgia State University College of Law (1991)
Admitted 1991
Died March 2017

ALBERT L. KEMP JR.
Atlanta, Ga.
Georgetown University Law Center (1977)
Admitted 1985
Died April 2017

JAMES MICHAEL KETTLE
Atlanta, Ga.
Notre Dame Law School (1993)
Admitted 1993
Died October 2016

RICHARD P. KLEIN
Peachtree City, Ga.
University of Maryland School of Law (1975)
Admitted 1977
Died March 2017

SAM F. LITTLE
Dalton, Ga.
University of Georgia School of Law (1962)
Admitted 1962
Died April 2017

RICHARD A. MARCHETTI
Columbus, Ga.
Emory University School of Law (1966)
Admitted 1966
Died March 2017

CLAUDIA MCCracken
Augusta, Ga.
Samford University Cumberland School of Law (2004)
Admitted 2005
Died March 2017

WILLIAM L. MCMURRAY JR.
Atlanta, Ga.
Mercer University Walter F. George School of Law (1950)
Admitted 1950
Died April 2017

MARA MCRAE
Atlanta, Ga.
Mercer University Walter F. George School of Law (1983)
Admitted 1983
Died March 2017

JAMES CORNELL MILLER
Orlando, Fla.
Georgia State University College of Law (1993)
Admitted 1993
Died August 2016

JAMES R. MILLS
Atlanta, Ga.
Woodrow Wilson College of Law (1973)
Admitted 1974
Died March 2017

BRUCE E. MITCHELL
Atlanta, Ga.
University of North Carolina School of Law (1964)
Admitted 1972
Died March 2017

ALBERT NEWELL NESMITH
Cochran, Ga.
University of Georgia School of Law (1948)
Admitted 1949
Died February 2017

JOSEPH B. POWELL JR.
Albany, Ga.
Emory University School of Law (1958)
Admitted 1958
Died January 2017

PHILIP M. REES
Roswell, Ga.
University of North Carolina School of Law (1989)
Admitted 1989
Died January 2017

NICKEY JOHN RUDD JR.
Atlanta, Ga.
Samford University Cumberland School of Law (1991)
Admitted 2011
Died March 2017

DAVID MCFADDEN SHORT
Antioch, Ill.
Georgia State University College of Law (1998)
Admitted 1999
Died December 2016

YAKOV DMITRIEVICH SHTEYMAN
Atlanta, Ga.
Georgia State University College of Law (2008)
Admitted 2008
Died April 2017

OBITUARIES

WILLIAM BECK SIMPSON

Atlanta, Ga.
University of Georgia
School of Law (1972)
Admitted 1973
Died April 2017

MICHAEL N. SOUCY

Alpharetta, Ga.
Mercer University Walter
F. George School of Law
(1998)
Admitted 1998
Died April 2017

JULIAN H. TOPOREK

Savannah, Ga.
University of South
Carolina School of Law
(1959)
Admitted 1971
Died April 2017

JACK HOLMES USHER

Savannah, Ga.
University of Georgia
School of Law (1954)
Admitted 1956
Died April 2017

DAVID M. VAUGHAN

Clarkesville, Ga.
Georgetown University
Law Center (1960)
Admitted 1965
Died December 2016

ARTHUR M. WASHINGTON

Atlanta, Ga.
Atlanta's John Marshall
Law School (1975)
Admitted 1975
Died March 2017

MAURY STEVEN WEINER

Mobile, Ala.
University of Alabama
School of Law (1993)
Admitted 2004
Died April 2017

GEOFFREY G. YOUNG

Chattanooga, Tenn.
Vermont Law School
(1980)
Admitted 1982
Died February 2017



James Clinkscales Hill, senior judge, 11th Circuit Court of Appeals, died in March 2017. He was 93.

Born in Darlington, S.C., on Jan. 8, 1924, Hill attended the University of South Carolina for three years before joining the Eighth Air Force in England during World War II, serving in the 390th Bomb Group as a cryptographer. After the war, he entered Emory University Law School, graduating in 1948 and joining the Atlanta firm of Smythe Gambrell. He founded Hurt, Hill and Richardson in 1963 and worked primarily as a defense trial lawyer until he was appointed a federal district judge in 1974 by President Richard Nixon. President Gerald Ford elevated Hill to what was then the Fifth Circuit in 1976.

In 1946, he married Mary Black of Simpsonville, S.C. Hill and his wife were active in Atlanta's cultural, legal, political and social scene for the next 45 years. World travelers, they went far beyond the usual tourist destinations—climbing up Kilimanjaro, rafting down the Grand Canyon, trekking in the Himalayas, cruising on the Yangtze, sailing along the Nile—visiting every continent but Antarctica. For some years, Jim flew his own Beechcraft Bonanza and then learned to scuba dive. A dedicated golfer who played Augusta National and St. Andrews, he recorded three holes-in-one. Two of those came at the Golf Club of Amelia Island, Fla., where Hill and his wife moved in 1991 after he took senior status on the court, maintaining chambers in Jacksonville. Hill, who celebrated his 80th birthday with a parachute jump, heard cases until after his 90th. Among his many honors was membership in the American College of Trial Lawyers. ●



Thu Trinh Hong Huynh, 40, of Atlanta, died in April 2017.

Born in Saigon, Vietnam, Trinh Huynh and her family escaped in 1979 on a boat. They were able to make it to a refugee camp in Indonesia and from

there, connected with family in Georgia. While attending Gainesville High School, she was the Student Council president and graduated third in her class with honors in 1994. She attended Princeton University, graduating in 1998 with a Bachelor of Arts in History. Following graduation, she spent a year in Vietnam teaching students English with the Princeton in Asia program. In 1999, Hong returned to Georgia and worked in Atlanta until attending and graduating from Emory University School of Law in 2004.

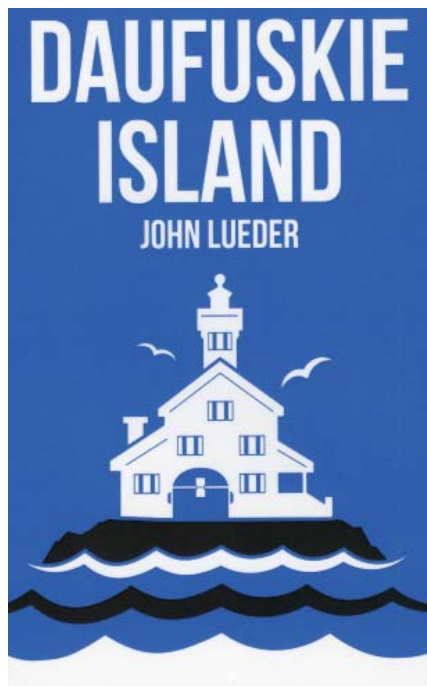
Hong began her legal career as an associate in the government contracts and construction practice group at Powell Goldstein and later as an associate in a similar practice group at Alston & Bird. She was then counsel at The Gibson Law Firm before launching a solo practice in 2011. She also worked at Coca-Cola Inc. as a contract attorney, and in summer of 2016, Hong joined the in-house legal team at UPS Inc.

Hong used her professional skills to volunteer to help the community. She served the Asian American legal community for many years through the Georgia Asian Pacific American Bar Association (GAPABA) and other bar associations. In addition to her involvement with GAPABA, Hong served as president of the Princeton Club of Georgia for several years and was an attorney coach for the Grady High School Mock Trial team for the past 10 years. She also was a member of the advisory board of the Georgia Asylum and Immigration Network, which provides pro bono legal services to immigrant victims of human trafficking, domestic violence, sexual assault and other crimes. ●

Daufuskie Island

by John Lueder, 323 pages,
Mountain Arbor Press

REVIEWED BY DONALD P. BOYLE JR.



There are two types of people in the world—those who have 10 weather apps on their phone, and those who don't. In this first novel by Georgia attorney John Lueder, the story gets going when lawyer Evan St. John heads back to Atlanta to put in a few days at the office while his wife, Caris, and their three children remain on vacation at the beach house on Daufuskie Island, between Hilton Head Island and Savannah. Golf carts seem to outnumber automobiles on Daufuskie, and you have to use a ferry to get to and from the mainland.

Evan obviously works hard, because he has no idea that a hurricane is approaching the island until the return trip on Thursday. He calls from the Interstate near Macon to check in, and Caris gives him the news that the hurricane, which the weather forecasters had expected to hit Miami, had taken an unexpected turn and smashed into Daufuskie with enough force to knock out the power and destroy a neighbor's house. The high waves make

ferry service impossible, so that Evan now has no way to get to the island, and Caris and the children have no way to leave.

The morning after, Caris tries to make the best of it and takes the children for a hike. Amongst the flotsam they find a small wooden chest, exactly what you might find at the Black Dagger, a cheesy pirate cove attraction on the mainland. When they open the chest, they find that it contains a key and a note granting "one wish made in private known only to God." Everyone makes a secret wish. When they get back to the house, they find that Evan has found his way back after all, on the only working ferry boat. Will says that this was his wish. Katie's wish soon becomes evident when she is able to levitate, and then to fly.

A disaster greater than the hurricane befalls them when Abby's wish comes true and her pesky little brother disappears. The parents pry Abby's wish out of her and determine that if the impossible really has

If one thinks of this as a vacation book to be enjoyed as a way to escape from the cares of legal practice, *Daufuskie Island* succeeds.

happened and Abby successfully wished him away, then he probably is in—Hawaii!

The key in the chest opens a mysterious door in Haig Point lighthouse, and Evan finds himself in Revolutionary War Savannah, and then Civil War Savannah. Every passage through the “magical revolving door” ends up in another time. A local history teacher, Dan Rose, travels with Evan and is there to recognize and explain for him and the reader the goings-on by Redcoats and Confederates.

The trip to Revolutionary times is short-lived because Evan and Dan stumble into the middle of a battle and have to rush back through the lighthouse door. Redcoats chase them, but Evan and Dan are transported to Savannah in December 1864, shortly before the city is occupied by Sherman’s troops. Dan’s “Duxbury, Massachusetts” T-shirt is enough to have them identified as “Yankee spies” by Confederates under General Beauregard. (The workings of iPhones, with or without weather apps, are a wonder to their Confederate captors.) Their adventures take Evan and Dan through encounters with fugitive slaves and slavehunters. Evan learns during this adventure that the magical door has a surprising connection with European history and the defense of Vienna against the Ottoman Empire.

In a subplot, a British colonel, John Maitland, who had been in hot pursuit of Evan and Dan, finds himself in 21st-century America undergoing treatment for malaria in a mainland hospital after collapsing on Daufuskie. His treating physician is mystified that anyone could have contracted malaria locally. As a way of jogging the obviously deluded historical re-enactor, the doctor makes him a gift of a book on local history. Colonel Maitland is able to read how his recently interrupted battle ended and what his fate should be. Having benefited from modern antibiotics, he liberates himself and finds his way to the local visitor center, where he reads up further on the history of American and Britain since the 18th century and plots how to find his way back to his own time, which includes his own resolution of something like *Star Trek’s* “prime directive.”

Caris and the girls stumble on the chest’s connection to Mary Ellen Hadley, a rumored “witch” and the original owner of the chest before the hurricane knocked everything into the sea and sky. At Mary Ellen’s house in nearby Bluffton, S.C., Caris learns another impossible thing—that she and Mary Ellen had met over a hundred years ago and that Mary Ellen knows how everything will turn out for the St. John family. Katie’s flying powers come in handy more than once as Caris desperately pursues clue after clue to find where (and when) Will may be, and how to bring him back home.

Through further adventures in time and space, and at least one explicit reference to *The Lion, the Witch and the Wardrobe*, Evan, Caris, and the children find their way to a happy ending. This involves more time travel to find Will in Hawaii.

The magical door owes something to C.S. Lewis, as the author admits with the *Wardrobe* reference. Even if *Daufuskie Island* has something of a “young adult” feel to it, the local Georgia detail and history elevate it beyond a mere teen read. Those details also make the novel a lot of fun for Georgia readers, who ought to be inspired to pay a visit to Daufuskie Island themselves to see whether it matches the colorful descriptions in the book. (The recent history of life for the permanent residents of the island, explored by Pat Conroy in *The Water Is Wide*, is passed over in silence.)

The author admits in his acknowledgement section that the St. John family has some basis in his own family and their love of summers on Daufuskie. The Georgia law angle is left unexplored, however, and there are no courtroom scenes or recitals of legal documents. That’s just as well. If one thinks of this as a vacation book to be enjoyed as a way to escape from the cares of legal practice, *Daufuskie Island* succeeds. ●



Donald P. Boyle Jr., a member of the *Georgia Bar Journal* Editorial Board and past Editor-in-Chief, is a litigation partner at Taylor English Duma LLP.

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JUNE

- 16-17** ICLE: **Southeastern Admiralty Law Institute Annual Seminar**
Charleston, S.C. | 10 CLE
- 23** ICLE: **Communication Essentials and Ethical Practice**
Atlanta, Ga. | 6 CLE
- 23-24** ICLE: **Environmental Law Section Summer Seminar**
Amelia Island, Fla. | 8 CLE

JULY

- 13-15** ICLE: **Fiduciary Law Institute**
St. Simons Island, Ga. | 12 CLE
- 14-15** ICLE: **Solo & Small Firm Institute**
Atlanta, Ga. | 12 CLE
- 21** ICLE: **Building Winning Appeal Issues Into Social Security Disability Cases Through Effective Vocational Expert Cross-Examination**
Atlanta, Ga. | 6 CLE

AUGUST

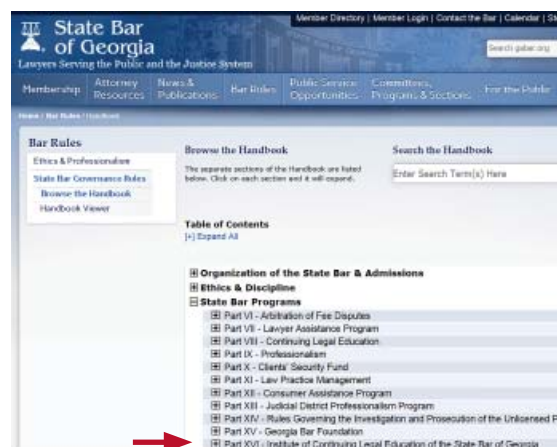
- 2-3** ICLE: **39th Real Property Law Institute Residential Real Estate Video Replay**
Atlanta, Ga. | 12 CLE
- 2-3** ICLE: **39th Real Property Law Institute Commercial Real Estate Video Replay**
Atlanta, Ga. | 12 CLE
- 4** ICLE: **11th Annual Arbitration Institute**
Atlanta, Ga. | 6 CLE
- 15** ICLE: **August Group Mentoring**
Atlanta, Ga. | No CLE
- 17** ICLE: **Child Welfare Attorney Training**
Atlanta, Ga. | 6 CLE
- 17** ICLE: **Construction Law for the General Practitioner**
Atlanta, Ga. | 6 CLE
- 18** ICLE: **School and College Law Seminar**
Atlanta, Ga. | 6 CLE
- 18** ICLE: **Contract Litigation**
Atlanta, Ga. | 6 CLE
- 18** ICLE: **Nuts and Bolts of Family Law**
Savannah, Ga. | 6 CLE
- 24-27** ICLE: **2017 Tropical Seminar (Fall)**
San Juan, Puerto Rico | 4 CLE
- 31** ICLE: **Business Immigration Law**
Atlanta, Ga. | 6 CLE
- 31** ICLE: **Trial of Leo Frank**
Atlanta, Ga. | 3 CLE

Supreme Court of Georgia Approves Amendments to the Rules and Regulations for the Organization and Government of the State Bar of Georgia

The Supreme Court of Georgia having considered the 2017-2 Motion to Amend the Rules and Regulations for the Organization and Government of the State Bar of Georgia, has ordered that Part XVI – Institute of Continuing Legal Education of the State Bar of Georgia, be approved effective April 13, 2017.

The exact text of the Order can be found on the Supreme Court's website at http://www.gasupreme.us/wp-content/uploads/2017/04/ORDER_2017_FINAL.pdf.

The new rule can be found on the State Bar of Georgia website at www.gabar.org/barrules/handbook.cfm.



Notice of Motion to Amend the Rules and Regulations of the State Bar of Georgia

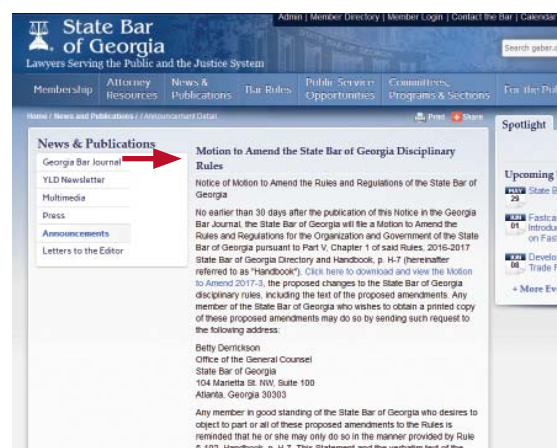
No earlier than 30 days after the publication of this Notice in the *Georgia Bar Journal*, the State Bar of Georgia will file a Motion to Amend the Rules and Regulations for the Organization and Government of the State Bar of Georgia pursuant to Part V, Chapter 1 of said Rules, 2016-2017 *State Bar of Georgia Directory and Handbook*, p. H-7 (hereinafter referred to as "*Handbook*").

The exact text of Motion to Amend 2017-3, the proposed changes to the State Bar of Georgia disciplinary rules, including the text of the proposed amendments, can be found on the State Bar of Georgia's website at www.gabar.org/newsandpublications/announcement/announcementdetail.cfm?id=54136. Any member of the State Bar of Georgia who wishes to obtain a printed copy of these proposed amendments may do so by sending such request to the following address:

Betty Derrickson
Office of the General Counsel
State Bar of Georgia
104 Marietta St. NW, Suite 100
Atlanta, GA 30303

I hereby certify that the following is the verbatim text of the proposed amendments as approved by the Board of Governors of the State Bar of Georgia. Any member in good standing of the State Bar of Georgia who desires to object to part or all of these proposed amendments to the Rules is reminded that he or she may only do so in the manner provided by Rule 5-102, *Handbook*, p. H-7. This Statement and the verbatim text of the proposed amendments are intended to comply with the notice requirements of Rule 5-101, *Handbook*, p. H-7.

Jeffrey R. Davis
Executive Director, State Bar of Georgia



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Featuring
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Atlanta law firm across from Perimeter Mall has two large office spaces available for shared workspace in a quiet, six-story office building in Dunwoody. Space includes one corner office with large windows, one oversized interior office divided into three work stations. Space includes internet, phone, fax and access to copier workroom, kitchen and two conference rooms. Contact Teri Atkinson at 770-670-4170 or tatkinson@sktblaw.com.

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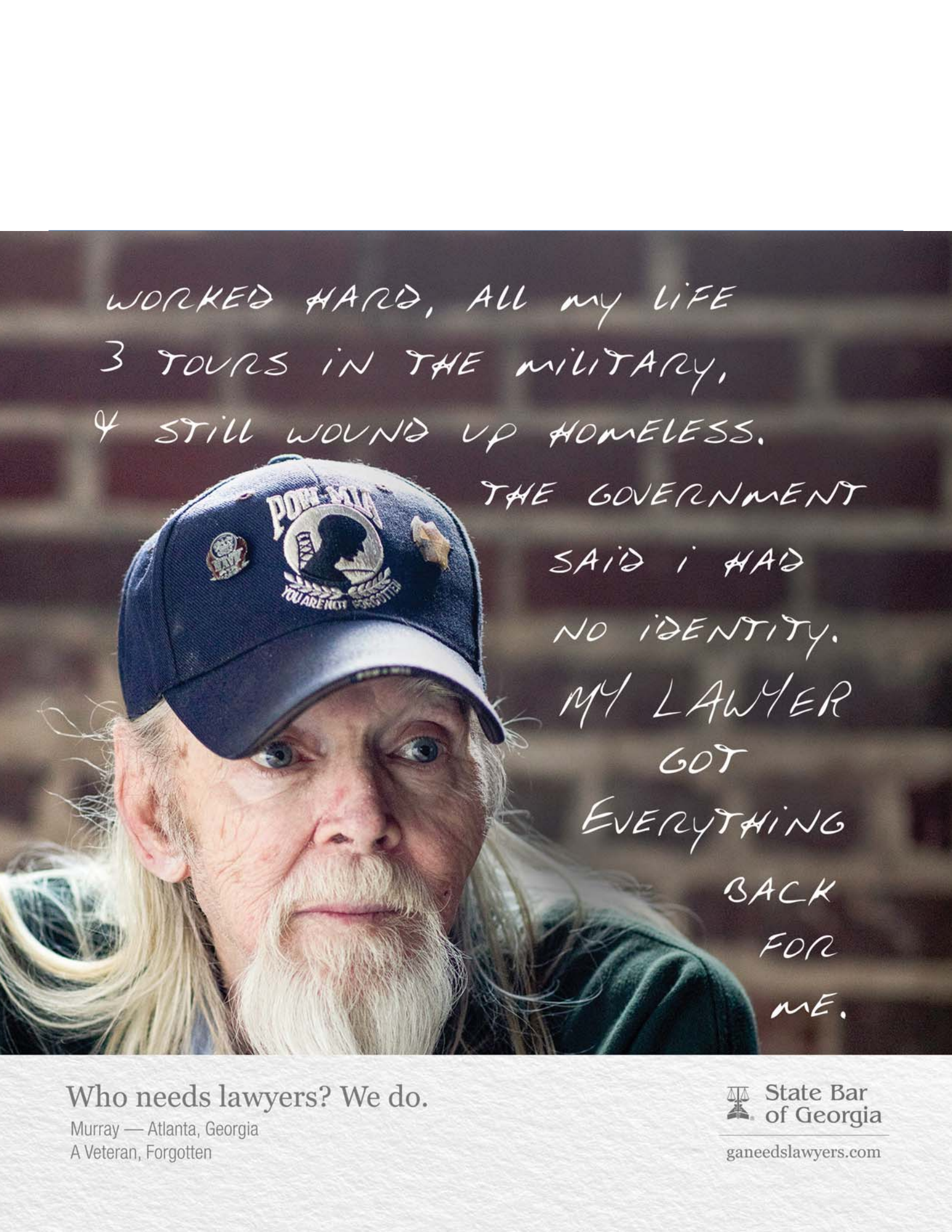
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