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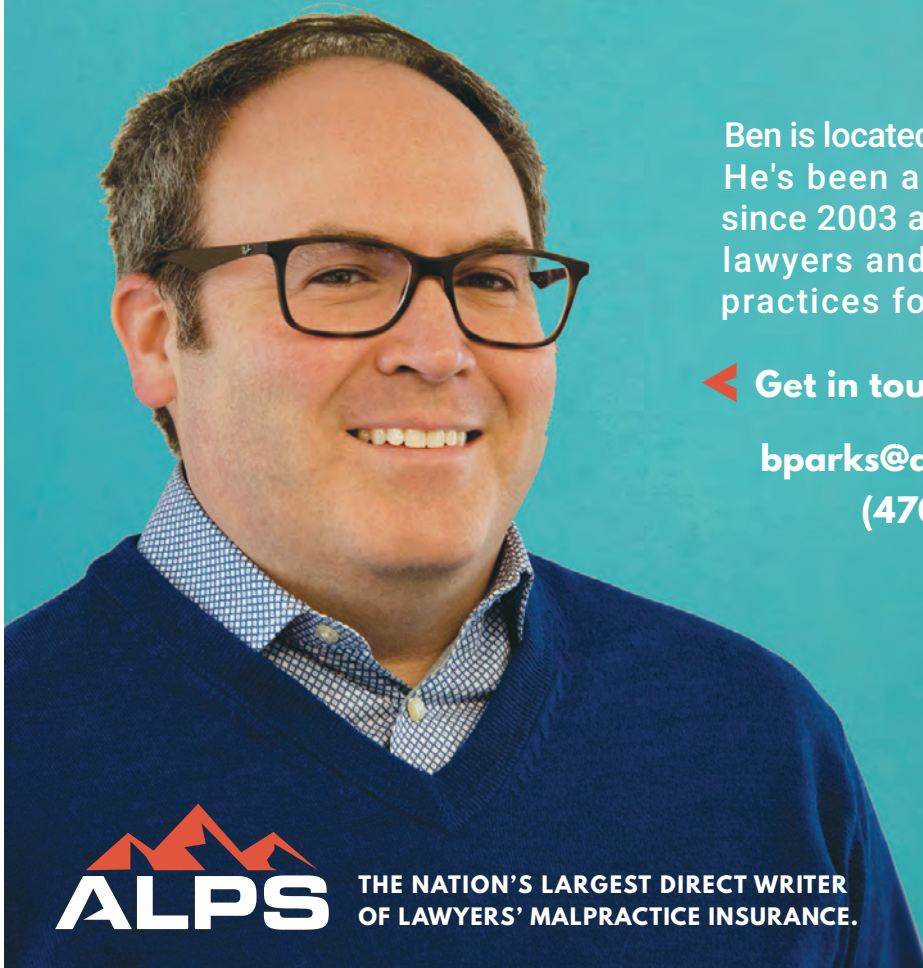
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The *Georgia Bar Journal* welcomes the submission of news about local and voluntary bar association happenings, Bar members, law firms and topics of interest to attorneys in Georgia. Please send news releases and other information to: Jada Pettus,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

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The August Issue

Did you know that Georgia courts used to close for the entire month of August? Among the many enlightening pieces in this August edition, the story on boundaries gives tips for managing life in this era of the legal field. As busy professionals in the industry, it's easy to trek along life with responsibilities from work, families, health and friends. For many, this month marks a new start to the school year. For the State Bar of Georgia, this month begins a new fiscal year. Importantly for me, this month launches my two years as editor-in-chief of the *Georgia Bar Journal*, an opportunity for which I could not be more grateful. I would like to thank my fellow members of the Editorial Board and the prior editor-in-chief, Dr. Megan Hodgkiss, for creating a publication that I can be proud to lead in the coming years.

In reviewing this August edition, it's easy to see how the *Georgia Bar Journal* and the State Bar of Georgia commemorates the past and contemplates the future to determine their present goals. We hear stories about some people in the profession who have impacted the legal community and how their lives were shaped. We also get closing remarks from the outgoing president, Sarah B. "Sally" Akins. She successfully improved "a renewed commitment to professionalism among our members," promoted member benefits and enhanced "our

continuing legal education programming." Among many things, she kept Bar license fees the same as the prior year without impacting the budget.

2023-24 Bar President Hon. J. Antonio "Tony" DelCampo spoke at the Annual Meeting in Savannah. Both at the meeting and in the article on page 36, he outlines his goals for his year.

On the timely topic of technology and the rise of artificial intelligence (AI), how could this issue not include an article on copyright law (featuring Warhol and Prince)? It walks through the fair use doctrine and emphasizes the importance of hiring a copyright attorney before using someone else's work to make sure the "purpose" of the new product differs enough from the original purpose to classify as "fair use." In addition to that informative article, this issue unveils Fastcase's newest feature: Cert. Cert is a free way to shepardize/keycite case law like you would find on the infamous research sites we've all used. Two of my favorite law school professors, David Hricik and Karen J. Sneddon (who is also Mercer Law's newest dean—kudos), provide writing tips and foreshadow using AI in their October rendition.

Whether you get the chance to read this August issue of the *Georgia Bar Journal* all at once or must carve out time to read certain articles individually, I hope you enjoy it. ●

Beth

BETH GILCHRIST

Editor-in-Chief, *Georgia Bar Journal*
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ON THE COVER

Pictured on the cover is 2023-24 President Hon. J. Antonio "Tony" DelCampo and his family. (Left to right) Michael, Tony, Kelly and Corina.

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An Inspiring Success: Law-Related Education



HON. J. ANTONIO
“TONY” DELCAMPO

President
State Bar of Georgia
president@gabar.org

In our effort to fulfill our mission of serving both the public and the justice system, the State Bar of Georgia manages 21 distinct programs that have been established at various points in the 60-year history of the unified Bar.

Fifteen of these programs are directed toward supporting our members and the practice of law. These include a broad range of services, including the Law Practice Management Program, Lawyer Assistance Program, Lawyer Wellness Initiative, Transition Into Law Practice Program and many others.

The other six programs are aimed at our duty to serve members of the public, as well as promote a better understanding of the law and its role in society among our fellow Georgians. One of our most popular and most frequently utilized public programs is Law-Related Education (LRE).

Reaching literally thousands of Georgia students every year, LRE provides an interactive method of teaching young people about the law and the fundamental principles on which it is based. More specifically, the program offers Georgia educators in grades K-12 a wide variety of strategies for including LRE in their social science education curriculum, along with suggestions for relating LRE to English, science, math, and career and technical education curricula.

The LRE program also provides instruction regarding our legal rights and

responsibilities as Americans, and it encourages informed participation in our democratic government. According to national and state studies, law-related education deters delinquency and reduces disciplinary problems by fostering the development of decision-making, problem-solving and conflict management skills.

The outreach efforts of our LRE staff fall into five key categories: the Journey Through Justice field trip; teacher workshops; online course- and subject-specific LiveBinders on a variety of legal topics; sponsorship of the American Bar Association Civics and Honor Roll, and Skills USA Georgia's Criminal Justice Quiz Bowl; and the Virtual Museum of Law.

Now that most Georgia schools are back in session, the Journey Through Justice field trips are in full swing. For example, the events calendar on the Bar website shows that 19 class field trips to the Bar Center in Atlanta and “on the road” visits by our LRE staff to school campuses are scheduled between Aug. 22 and Sept. 30.

Participating students in grades 4-12 and their teachers come from public and private elementary schools, middle schools and high schools throughout the state, as well as pre-college career academies and homeschool groups. The Journey Through Justice tours have grown so popular that the Bar's LRE staff now accepts reservations up to five years in advance.

The four-hour “Journey Through Justice” tour day begins with the Peach State School of Law, where experienced teachers and attorneys challenge students with insightful, age-appropriate lessons on such topics as juvenile justice, torts, criminal law and the Constitution. After passing a bar exam to become honorary “Attorneys for the Day,” the students go to the courtroom on the third floor of the Bar Center for a mock trial, where they serve as lawyers, witnesses and jurors.

The next stop on the tour is also on the third floor, around the corner in the Museum of Law, which features educational and interactive historical displays with LRE staff teaching students about the Bill of Rights, Freedom’s Call: the March for Civil Rights, Cruel and Unusual Punishment, Checks and Balances, the Role of the American Judiciary and Famous Georgia and U.S. Trials.

The day ends with “Reel Justice,” a 12-minute compilation of scenes from 75 Hollywood films depicting a variety of law-related courtroom scenes and cases. See page 9 for comments from recent Journey Through Justice participants about their experiences learning about the law.

While the in-person Journey Through Justice field trips receive the most attention, longtime LRE Program Director Deborah Craytor tells me that two other components—the Virtual Museum of Law and LiveBinders—

OFFICERS’ BLOCK

The State Bar of Georgia’s eight officers are elected to a one-year term by the membership and serve as members of the Executive Committee. Three of the officer positions are held by the president, president-elect and immediate past president of the YLD, shown on page 11.



HON. J. ANTONIO “TONY” DELCAMPO
President

DelCampo, of DelCampo Grayson Lopez in Atlanta, focuses his law practice in the areas of personal injury, medical malpractice, trucking accidents, premises liability and business disputes. He is also a mediator/arbitrator with Henning Mediation and Arbitration.



IVY N. CADLE
President-Elect

Cadle, of Baker Donelson in Macon and Atlanta, is a real estate litigator who advocates for property rights in the areas of eminent domain, land use, title, zoning, conservation easements and commercial lending litigation. He is also a certified public accountant and mediator.



CHRISTOPHER P. TWYMAN
Treasurer

Twyman, of Cox Byington Twyman LLP in Rome, practices in the areas of commercial and general business litigation, banking law, education and school law, and criminal defense.



WILLIAM C. “BILL” GENTRY
Secretary

Gentry, of Gentry Law Firm LLC in Marietta, focuses on divorce and family law cases, including high asset property division, child custody and alimony.



SARAH B. “SALLY” AKINS
Immediate Past President

Akins is a full-time mediator at Miles Mediation & Arbitration, where she mediates every type of civil case. She is also of counsel with Ellis Painter in Savannah.



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JOURNEY THROUGH JUSTICE COMMENTS

Absolutely wonderful program! Thank you for cultivating a love for the law in our students/children. I am so impressed with your ability to integrate communication skills and strategies within the program. They are learning even when they don't think they are learning. Love it!
—Homeschool Parent

The mock trial was great! This showed me how to handle a court trial in real life.
—Elementary Student

Thank you for an outstanding presentation regarding technology and the law. I think you really opened the students' eyes to the legal ramifications of their actions. I am sure this made an impression on them.
—High School Teacher

I learned a lot of valuable information from the law lesson and the mock trial. I loved how I felt comfortable taking about grown-up stuff while I was there.
—Middle School Student

The most memorable part to me was standing up at the stand and asking questions to the witness.
—Elementary Student

"have done a tremendous job in making the Bar's LRE efforts visible on a nationwide scale."

Found at www.thelawmuseum.org, the Virtual Museum of Law was developed over a five-year period and provides short, animated videos, student assessment quizzes and teacher LiveBinders on 30 significant federal and Georgia cases. Craytor reports that all but one of the videos have each received more than 5,000 views, with 24 of the 30 receiving more than 10,000 views each and the *Brown v. Board of Education* video closing in on half a million views.

"iCivics, a nationally prominent LRE and civics education project founded by former U.S. Supreme Court Justice Sandra Day O'Connor, used our materials on the John Peter Zenger trial in creating its fifth grade 'Private i' due process curriculum," Craytor added, "and the Rutgers

Graduate School of Education selected the *Brown v. Board of Education* video for use in its Community-Engaged Anti-Racist Education Project."

The LiveBinders component is a free virtual three-ring-binder program, which enables the LRE staff to provide large collections of curated content for teacher use. The LiveBinders include lesson plans, other classroom resources, law review articles, websites and links to current events.

In addition to the LiveBinders associated with the Virtual Museum of Law, Craytor and her staff also offer and constantly update an additional 27 LiveBinders on a variety of legal topics, ranging from constitutional law issues to employment law to environmental law and beyond. All of the LRE program's LiveBinders can be found at www.livebinders.com/s/175847.

"We also solicit contributions to our LiveBinders from Bar members," Deborah said. "If any member would like to offer articles from their firm's newsletters or other publications for inclusion, they can simply email those documents in PDF form to us (LRE@gabar.org), and we will be happy to add them."

While not purely a member service, our Law-Related Education program is an inspiring example of how broadly the State Bar interprets our duty to serve the public, by raising awareness of the law and our system of justice, starting at a very young age.

I encourage you to support our LRE Program by sending documents for inclusion in the LiveBinders, contacting educators in your community about these available resources or in any other way. Please contact the LRE Program at LRE@gabar.org. ●



**BRITTANIE D.
BROWNING**

YLD President
State Bar of Georgia
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Honored and Humbled

I am honored and humbled to serve as the 77th president of the Young Lawyers Division (YLD). The YLD is comprised of approximately 10,000 lawyers admitted to the State Bar of Georgia who are 36 years old or younger or who have been admitted to their first bar no more than five years. Over the past year, I have planned for the new Bar year and hope to engage our members across the state of Georgia. We are a diverse and growing group of attorneys—so our programming will focus on reaching members.

No one gets to lead without the support of many people. I would particularly like to thank YLD Immediate Past President Ron Daniels for his leadership, friendship and support to ensure a smooth transition. I specially thank the members of the State Bar's Executive Committee, its officers and State Bar President Tony Del-Campo. I take personal privilege to thank my wonderful family for their support. I am grateful for mentors throughout my career that supported me on this leadership journey. The State Bar of Georgia has led to personal and professional development. My journey to leadership really began when 2017-18 YLD President Nicole Leet spoke to a group of YLD members at lunch and she shared a story about her leadership role trajectory that began as a simple invitation to join. If you have not yet had an invitation to join, consider this your invitation. Please join YLD at our programs, events and meetings.

Prior to my campaign for YLD secretary, I served as a co-chair for the YLD Community Service Projects Committee for two years—the mission of service remains close to my heart. I believe that making those opportunities easily accessible will allow our members to continue positively impacting their communities. To that end, we are aiming to have a service component at each of the YLD meetings this year. The YLD is known as the “service arm of the Bar,” so we will put that motto to the forefront. To kick off the 2023-24 Bar year, YLD members volunteered with local Savannah YLD members at Second Harvest of Coastal Georgia Food Bank on June 10 following the Saturday Board of Governors Meeting at the Annual Meeting in Savannah.

What I truly enjoy about the YLD is that we can develop relationships and friendships because we can share our mutual experiences as young lawyers in the same stage. The YLD offers support to its members through programs, events, and lunch and learns across our more than 30 committees. Our committees and YLD Board of Directors work diligently to present programs for various interest groups and to connect members. This year, I will continue to build on my predecessors' successes to develop strong connections and friendships with our members, the Big Bar membership and the judiciary.

YLD MEETINGS

Fall | Nov. 9-12, 2023
Charleston Harbor Resort
Mt. Pleasant, South Carolina

Midyear | Jan. 11-13, 2024
The Westin Buckhead Atlanta
Atlanta, Georgia

Spring | April 19-21, 2024
Brasstown Valley Resort & Spa
Young Harris, Georgia

Annual | June 6-9, 2024
Omni Amelia Island Resort
Fernandina Beach, Florida

The YLD will have our Fall Meeting in Charleston, South Carolina; Midyear Meeting in Buckhead; Spring Meeting in Young Harris; and our Annual Meeting in Fernandina Beach, Florida. Midyear, Spring and Annual meetings will be in conjunction with the Board of Governors to allow for more opportunities to connect and engage new members. The YLD will continue to grow outreach across Georgia through in-person events. I am beyond grateful for the opportunity to serve as the YLD president and look forward to meeting more of our members over the coming year. I hope to see many of you at our next meeting in Charleston. ●

OFFICERS' BLOCK

The Young Lawyers Division officers consist of a president, president-elect, treasurer, secretary, immediate past president and two newsletter editors who are responsible for carrying out the purposes of the Young Lawyers Division.



BRITTANIE D. BROWNING | YLD President

Browning is an associate at Akerman LLP in Atlanta. She focuses her practice on litigation and appellate matters, as well as insurance coverage issues and insurance litigation.



KENNETH MITCHELL JR. | YLD President-Elect

Mitchell is an attorney with Giddens Mitchell & Associates, P.C., in Decatur. He has extensive trial experience and practices criminal defense and business litigation.



VERONICA ROGUSKY COX | YLD Treasurer

Cox is a trial attorney at the Atlanta District Office of the Equal Employment Opportunity Commission (EEOC). The mission of the EEOC is to prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.



VIRGINIA C. JOSEY | YLD Secretary

Josey is a trial attorney with Virginia Josey Law in Macon. Her practice focuses on helping the seriously injured.



RON DANIELS | YLD Immediate Past President

Daniels is a partner at Daniels Taylor Law LLC, which has offices in Eastman and Dublin. He maintains a general practice including civil litigation and real estate closings. He also serves as a special assistant attorney general representing the Division of Child Support Services and the Department of Corrections.



JENA G. EMORY | YLD Newsletter Co-Editor

Emory is an associate in the general liability practice group of Copeland, Stair, Valz & Lovell's Atlanta office. She represents clients in automobile and motor carrier accidents, insurance coverage issues and premises liability matters.



SIENA BERRIOS GADDY | YLD Newsletter Co-Editor

Gaddy serves as career law clerk to Chief Judge Austin E. Carter at the U.S. Bankruptcy Court for the Middle District of Georgia and is an adjunct professor at Mercer University Walter F. George School of Law in Macon.



DAMON E. ELMORE

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A New Bar Year

Every year, summer marks the beginning of a new year for the State Bar. In June, our new officers were installed, and we have some new faces on our Board of Governors. Bar President J. Antonio “Tony” DelCampo has completed his committee assignments and our fiscal year started on July 1.

We are pleased with the way our Annual Meeting turned out thanks to the support of hundreds of our fellow members, and the solid planning by our Meetings Department and support of other team members. This year, the weather was not as perfect, but the pivot was. Future meetings will have a tough act to follow, but we are up to the challenge.

At the Annual Meeting, I provided an update about the work that has our attention from an operational perspective as we concluded the previous Bar year. That included supporting 2022-23 Bar President Sarah B. “Sally” Akins’ goals centered on professionalism and improving our CLE offerings and processes. Our standing goal is always supporting our members and providing resources that improve the quality of legal services.

There were a few specific matters we believed the Board and our members are interested in having a specific update on. That includes: our work related to long-term planning; an update on staffing changes because of retirements and new opportunities, and work to optimize use

of the Bar Center at 104 Marietta Street in Atlanta.

As it relates to the work on our pledge to continue to support the process of taking a deeper look at our financial position and taking a particular focus on unallocated cash and investments, the report was that we have not forgotten the charge, and we are doing the work. In fact, this is a top priority for DelCampo as we evaluate our infrastructure, systems and return on value to our members. That includes a sustainable, long-term plan, and it is sound.

Bar Staff

We have said “see you later” to some faces since our Annual Meeting because of retirement or new opportunities. We are optimistic that departments like Fee Arbitration, Membership and the roles of clerk for the State Disciplinary Boards and paralegal for our *pro hac vice* applications, are in an exceptional position with new leadership and experience. Each of the new faces brings a focus on hard work, an innovative approach, a commitment to excellence and a solid working knowledge of the Bar and our mission.

104 Marietta Street

Our focus on the Bar Center sits on three primary pillars. We work to be sure it is

structurally and operationally sound, providing the best experience for all members that visit. We work to keep accessibility and security top of mind. Finally, occupancy and available space for lease remains a top priority.

We've identified priority projects that will ensure the Bar Center is in solid working order for a long time to come. We are grateful for the internal and external discussions with the Executive Committee, Bar Center Committee and building management partners. As matters grow, evolve or change, we will keep you updated so you are able to fully enjoy this professional home. It is still the gem of the submarket, and we could not be more excited with how strong she sits.

We are equally focused on making accessibility and security a top priority for those that are in the building on a regular basis, as well as those that visit from time to time. We are grateful for the feedback of our staff, tenants and security partners for helping us stay mindful of those issues.

Last note, we work each day to attract new tenants. Partnerships like that can support our operational expenses on the building side, and we don't take that for granted. Thanks here to our team in finance and building manager for being a part of the discussion each week and supporting our focused and intentional work.

Point of Personal Privilege:

Each year the Board holds an election to extend my term as executive director of the Bar. I am extremely grateful for their vote of confidence. We remain confident in our position and the way we will support our members in the upcoming Bar year and beyond. I appreciate the opportunity to continue the work with an amazing team, including the new faces we welcomed since our last update.

Always you will hear me boast about our staff and the work that they put in, not only carrying out their daily tasks, but how they go above and beyond the call of duty to support our members and our overall mission of improving the quality of legal services. All of it is not just because we must, but because we want to.

This may sound like the same sentiment conveyed last year, and it is. But that's because it was true then and it is true now. DEE ●

So now we get back into a groove of supporting our staff and carrying out the work of the Board of Governors and Bar leadership. This includes supporting DelCampo and his plans for ensuring our infrastructure and space is sound and secure, to move along the work of revamping and rolling out a new website, and keeping attention on

the processes we have related to lawyer regulation and discipline. That's it. My office still has no agenda or program or plan. The aim is to simply make sure that our processes and people are best suited to do that work. We will take full advantage of that space and deliver results. We always welcome your ideas and feedback. DEE ●



Supreme Court Toughens Requirements for an Accused Work to Be Deemed “Transformative” for Copyright Fair Use Defense Purposes

Given the shifted fair use legal landscape, a secondary work creator trying to decide whether to take a copyright license would do well to consult an experienced copyright attorney to obtain a fair use opinion.

BY MICHAEL A. CICERO

During his life and now posthumously, Prince proved significant not only as a legendary musical artist, but also as a celebrity involved in matters that continue to shape U.S. copyright law.

On May 18, 2023, the U.S. Supreme Court decided the copyright case *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*,¹ which clarified standards for determining whether “something new” can be deemed “transformative,” for purposes of weighing toward a finding of “fair use” that would defeat a copyright infringement claim. Times are changing as we witness the proverbial pendulum now swinging toward copyright owners when analyzing a significant fair use factor.

The Court limited its review to a single “fair use” defense factor analyzed by the U.S. Court of Appeals for the Second Circuit, which had held that that the Foundation’s licensing to Condé Nast magazine of rights to a Warhol work that, in turn, had been derived from Goldsmith’s copyrighted photograph of Prince, was *not* “fair use” under all four factors recited in § 107 of the Copyright Act.² Affirming the Second

Circuit’s conclusion that the reviewed factor favored Goldsmith, not the Foundation, the Supreme Court tightened criteria under which an accused work could be deemed “transformative,” thereby increasing the difficulty of prevailing on a “fair use” defense against a charge of copyright infringement.

A brief review of copyright law fundamentals underlying *Warhol* will promote a clearer understanding of the context surrounding the Court’s “transformative” analysis.

Copyright Law Fundamentals Underlying *Warhol*

What is a copyright?

A copyright is “a bundle of exclusive rights”³ bestowed upon a copyright owner to take certain actions concerning a copyrighted work, including but not limited to: “(1) to reproduce the copyrighted work in copies or phonorecords; (2) to prepare derivative works based upon the copyrighted work; [and] (3) to distrib-

ute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending.”⁴ “[U]nlike patents, which protect novel and useful ideas, copyrights protect ‘expression’ but not the ‘ideas’ that lie behind it.”⁵

What Is a “Derivative Work?”

Prince helped to answer the question. Regarding exclusive right (2), above, the U.S. Copyright Office paraphrased the statutory (17 U.S.C. § 101) definition of a “derivative work” as: “a work based on or derived from one or more already existing works,” such as “[a] musical arrangement of a preexisting musical work.”⁶ As stated by the U.S. District Court for the Northern District of Georgia: “To qualify for a copyright separate from the underlying work, the derivative work must (1) not unlawfully use the preexisting material (the underlying material upon which the derivative work is based) and (2) be sufficiently original.”⁷ Put another way: “Such a work—if it is non-infringing and sufficiently original—qualifies for a separate copyright, although this copyright does not protect the preexisting material employed in the derivative work.”⁸ The Seventh Circuit in *Pickett v. Prince*⁹ discussed the “non-infringing” requirement (requirement (1) above). There, a maker of

a guitar that emulated the shape of Prince’s copyrighted symbol (Figure 1, below) was held not to be entitled to own a derivative work copyright for that guitar because Prince never authorized the guitar maker to create any derivative works based upon his symbol.¹⁰

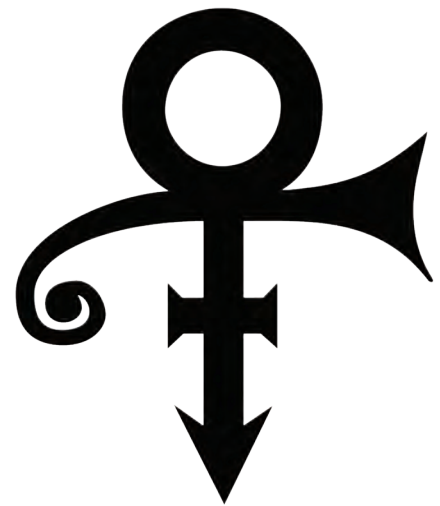


Figure 1

REPRODUCTION OF FIGURE 1 FROM *PICKETT V. PRINCE*.

What Is “Fair Use?”

“Fair use was traditionally defined as ‘a privilege in others than the owner of the copyright to use the copyrighted material in a reasonable manner without his consent.’”¹¹ As codified in 17 U.S.C. § 107, the fair use doctrine comprises four factors courts must consider in evaluating whether an accused act of infringement was “fair:” (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work.

“Congress ‘eschewed a rigid, bright-line approach to fair use.’ A court is to apply an ‘equitable rule of reason’ analysis, guided by

A fair use determination “is a mixed question of law and fact:” an ultimate conclusion as to whether an accused use was fair is a question of law, but that conclusion may (and usually does) involve “subsidiary factual questions.”

[the § 107] factors.”¹² A fair use determination “is a mixed question of law and fact:” an ultimate conclusion as to whether an accused use was fair is a question of law, but that conclusion may (and usually does) involve “subsidiary factual questions.”¹³

Fair Use Factor 1 and the “Transformative” Inquiry

“[T]he first fair use factor considers whether the use of a copyrighted work has a further purpose or different character, which is a matter of degree, and the degree of difference must be balanced against the commercial nature of the use.”¹⁴ Absent some other justification for copying, highly similar purposes between respective uses of a copyrighted work and a secondary work, plus a finding that the secondary use was of a commercial nature, will likely cause factor 1 to weigh against a finding of fair use.¹⁵

In *Campbell v. Acuff-Rose Music, Inc.* (1994), the Supreme Court introduced the concept of determining whether an accused work is “transformative:”

The central purpose of [factor 1] is to see ... whether the new work merely “supersede[s] the objects” of the original creation, or instead adds *something new*, with a further purpose or different character, altering the first with new expression, meaning, or message; it asks, in other words, whether and to what extent the new work is “transformative.” Although such transformative use is not absolutely necessary for a finding of fair use, the goal of copyright, to promote science and the arts, is generally furthered by the creation of transformative works. *Such works thus lie at the heart of the fair use doctrine’s guarantee of breathing space within the confines of copyright*, and the more transformative the new work, the less will be the significance of other factors, like commercialism that may weigh against a finding of fair use.¹⁶

In *Google v. Oracle* (2021), the Supreme Court extended the “transformative” concept beyond its characterization in *Campbell*:

Commentators have put the matter more broadly, asking whether the copier’s use “fulfill[s] the objective of copyright law to stimulate creativity for public illumination.” In answering this question, *we have used the word “transformative” to describe a copying use that adds something new and important.*¹⁷

As an example illustrating the impact of relative purposes in evaluating the “transformative” question, the U.S. District Court for the Central District of California found that an accused use was “transformative” where an accused website post of a copyrighted image was

accompanied by “a direct critique on Plaintiff’s wife’s appearance, her status as a model, her husband, and her relationship with her husband,” contrasting with the original purposes of the image, which were “to merely identify Plaintiff or his wife, as Plaintiff did on her Facebook profile page, or glorify Plaintiff and his wife’s lifestyle”¹⁸

Factual Background in Warhol

In 1981, Lynn Goldsmith, dubbed a “trailblazer” in the field of female photographers, took photographs of the musical artist Prince for an article about him eventually published in *Newsweek* magazine. Goldsmith owns copyrights in all of the photographs she took in that session.¹⁹ At issue in *Warhol* was a black-and-white photograph of Prince from that session, reproduced at Figure 2, below.



Figure 2

REPRODUCTION OF FIGURE 1 FROM WARHOL, I.E., “A BLACK AND WHITE PORTRAIT PHOTOGRAPH OF PRINCE TAKEN IN 1981 BY LYNN GOLDSMITH.” (SLIP OP. AT 4).

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In 1984, Goldsmith granted *Vanity Fair* magazine a license to use the photograph as a reference for an illustration in the magazine. *Vanity Fair* hired Andy Warhol, famous for his silkscreen portraits of other celebrities. Warhol created a purple silkscreen portrait of Prince from Goldsmith's photograph, for which *Vanity Fair* paid both Goldsmith and Warhol.²⁰

Unbeknownst to Goldsmith, however, Warhol then created 15 additional works ("the Prince Series") based on Goldsmith's photograph, 13 of which were additional silkscreen portraits. Goldsmith only found out about the Prince Series in 2016, when she saw a reproduction of an orange-themed silkscreen portrait ("Orange Prince") on the cover of a magazine published by Condé Nast, the parent company of *Vanity Fair* (see Figure 3, below).²¹

By 2016, Warhol had died, and the Andy Warhol Foundation (AWF) had acquired the rights to the Prince Series. In that year, after Prince's death, AWF granted Condé Nast a license to publish Orange Prince on the cover of a Condé Nast special commemorative edition.²²

After Goldsmith saw the Orange Prince reproduction on the cover of the 2016 Condé Nast magazine, she notified AWF of her belief that AWF had infringed her photograph copyright. In response, AWF sued Goldsmith and her agency for a declaratory judgment of non-infringement or, in the alternative, fair use. Goldsmith counterclaimed for copyright infringement. The district court granted a summary judgment in AWF's favor on the fair use defense.²³ Goldsmith appealed to the U.S. Court of Appeals for the Second Circuit.

The Second Circuit reversed the grant of summary judgment and remanded the case, finding that AWF's licensing of rights to Orange Prince was not a "fair use," and indeed, that all four § 107 factors (listed above) favored Goldsmith.²⁴ With regard to factor 1 ("the purpose and character of the use"), the Second Circuit found that the district court had erred by deeming Orange Prince "transformative," especially because the purpose of the use of Orange Prince and the purpose of the use of Goldsmith's photograph were identical, namely, to provide an image of Prince to accompany magazine stories about him.²⁵

AWF petitioned the Supreme Court for *certiorari*. The Court granted review of the Second Circuit's decision,²⁶ but the Court limited its review to the Second Circuit's analysis of fair use factor 1.²⁷



Figure 3

REPRODUCTION OF FIGURE 3 FROM WARHOL, I.E., "AN ORANGE SILKSCREEN PORTRAIT OF PRINCE ON THE COVER OF A SPECIAL EDITION MAGAZINE PUBLISHED IN 2016 BY CONDÉ NAST." (SLIP OP. AT 6).

The Supreme Court's Analysis of Fair Use Factor 1 in Warhol

In a majority opinion authored by Justice Sonia Sotomayor that traded barbs with a pointed, headline-spawning dissent from fellow liberal Justice Elena Kagan (joined by Chief Justice John Roberts),²⁸ the Supreme Court agreed with the Second Circuit that fair use factor 1 favored Goldsmith, not AWF.²⁹ Three principal factor 1 clarifications emerge from Warhol: (1) factor 1 entails "an objective inquiry into what use was made, i.e., what the user does with the original work";³⁰ (2) a determination of whether an accused work was used for the same purpose as the use of the copyrighted work is specific to the purpose of the act charged as an infringement, such that "[t]he same copying may be fair when used for one purpose but not another";³¹ and (3) "the degree of transformation required to make 'transformative' use of an original must go beyond that required to qualify as derivative."³²

Objectiveness of the Factor 1 Inquiry

The Supreme Court majority agreed with the Second Circuit that "the dis-

strict judge should not assume the role of art critic and seek to ascertain the intent behind or meaning of the works at issue,” but then added that the judge *should* consider “the meaning of a secondary work, as reasonably can be perceived, ... to determine whether the purpose of the use is distinct from the original,” and regard the secondary user’s subjective intent as irrelevant to the purpose determination.³³ Ascertaining the meaning of the works is “relevant to whether the new use served a purpose distinct from the original, or instead superseded its objects,” and the Court deemed that issue “the ‘central’ question under the first factor.”³⁴ Taking that objective approach, the Supreme Court credited the district court’s observation “that Orange Prince reasonably can be perceived to portray Prince as iconic, whereas Goldsmith’s portrayal is photorealistic.”³⁵ Nevertheless, the Court remarked that a “particularly compelling justification” was needed for factor 1 to weigh in AWF’s favor, in light of finding a “significant” degree of similarity between the respective purposes of Goldsmith’s photograph and Orange Prince.³⁶

Scrutiny of Specific Purpose of Act Charged as an Infringement

Justice Sotomayor stressed that the visual differences between the copyrighted and secondary works “must be evaluated in the context of the specific use at issue.”³⁷ In a concurring opinion, Justice Gorsuch added: “[T]he first fair-use factor requires courts to assess only whether the purpose and character of the *challenged* use is the same as a protected use.”³⁸ Demonstrating such particularity, the Supreme Court explained: “This Court goes somewhat ‘further and examine[s] the copying’s more specifically described purpose[s] in the context of the particular use at issue (here, in a magazine about Prince). The Court does not define the purpose as simply ‘commercial’ or ‘commercial licensing.’”³⁹ Notably, Justice Sotomayor went out of her way to declare what the Court was *not* deciding: “the Court expresse[d] no opinion as to the creation, display, or sale of any of the original Prince Series works,”

since Goldsmith did not allege copyright infringement arising from any of those actions by Warhol.⁴⁰ Given the Court’s admonition that “[t]he same copying may be fair when used for one purpose but not another,”⁴¹ one could speculate that Warhol’s original purpose behind creating the Prince Series was *not* for use as magazine covers, which if proven accurate could very well have produced a factor 1 conclusion as to the Prince Series differing from that reached as to AWF’s licensing of Orange Prince.

Creating Merely a “Derivative” Work Is Not Good Enough

The *Warhol* majority declared that “the degree of transformation required to make ‘transformative’ use of an original must go beyond that required to qualify as derivative,”⁴² and that “*Campbell* cannot be read to mean that § 107(1) weighs in favor of any use that adds some new expression, meaning or message. Otherwise, ‘transformative use’ would swallow the copyright owner’s exclusive right to prepare derivative works.”⁴³ Illustrating the point, Justice Sotomayor hypothesized: “The first fair use factor would not weigh in favor of a commercial remix of Prince’s ‘Purple Rain’ just because the remix added new expression or had a different aesthetic.”⁴⁴

Warhol’s Likely Impact on Creators of Secondary Works

The clarifications from the *Warhol* majority will increase the difficulty of prevailing on a “fair use” defense against a copyright infringement claim because they place more conditions on a defendant’s ability to convince a trier of fact that an accused work is “transformative,” for purposes of considering fair use factor 1. Confronted by these new challenges, a creator of a secondary work seeking to incorporate any portion of a copyrighted work should seriously consider strategies that, in the aggregate, could help to distinguish over *Warhol*.

First, the secondary work creator needs to understand that the mere translation of a copyrighted work into another medium, without more, results in a de-

rivative work that, by definition under *Warhol*, is *not* a “transformative” work. The secondary work creator should therefore add more original, substantive elements to the copyrighted work in an effort to produce a “transformative” work. The addition of new elements should also be considered in conjunction with relative purposes (discussed below), because if the purposes for which the respective works are used are identical, then even the addition of some original elements (such as the original elements resulting in Warhol’s Orange Prince) may not suffice to prevail on factor 1.

Second, when considering what kind of elements to add to the copyrighted work to avoid categorization as a mere derivative work, the secondary work creator could, if feasible, add text or imagery to the copyrighted work that would reflect one of the categories recited in the preamble of § 107, which states: “the fair use of a copyrighted work ... for purposes such as criticism, comment, news reporting, teaching ... scholarship or research, is not an infringement of copyright.”⁴⁵ As *Warhol* itself acknowledged: “Although the examples given are ‘illustrative and not limitative,’ they reflect ‘the sorts of copying that courts and Congress most commonly ha[ve] found to be fair uses,’ and so may guide the first factor inquiry.”⁴⁶

Third, the secondary work creator should focus on the purpose for which the copyrighted work was used, compare that purpose to the purpose for which the secondary work will likely be used and be able to frame a cogent argument on how the two purposes *objectively* differ from one another. As *Warhol* makes clear, the subjective intent of the secondary work creator will be irrelevant to the factor 1 analysis. If the purposes are identical, then the secondary work creator should investigate whether other factor 1 considerations could still weigh in his/her favor.

Of course, if the secondary work creator wishes to avoid altogether the uncertainty inherent in a fact-intensive fair use determination, the secondary work creator could consider obtaining a license from the owner of the copyright in the

copyrighted work. If the copyrighted work is registered, and if the “Rights and Permissions” section of the copyright registration has been completed,⁴⁷ then the secondary work creator can contact the individual identified in if that section.

As stated by the Copyright Alliance: “There is no doubt that the *AWF v. Goldsmith* decision will have a monumental impact on how courts interpret fair use in the future. ... [W]hile the decision made clear (on page 2) that the question presented by *AWF* was a ‘narrow issue,’ that does not mean the Court’s analysis is narrow or limited.”⁴⁸ Given the shifted fair use legal landscape, a secondary work creator trying to decide whether to take a copyright license would do well to consult an experienced copyright attorney to obtain a fair use opinion. A competent fair use opinion can facilitate a decision on whether to pursue the license and, if the opinion concludes that a proposed use would be fair, can help protect against a finding of willful infringement that could trigger enhanced statutory damages in the event of any ensuing litigation.⁴⁹ ●



Michael A. Cicero practices in Taylor English’s Intellectual Property Department, where he focuses his practice on patent prosecution and preparation of opinions. His work also extends to trademark prosecution and copyright matters.

Endnotes

1. *Andy Warhol Found. for the Visual Arts, Inc. v. Goldsmith*, ___ U.S. ___, No. 21-869, 2023 U.S. LEXIS 2061 (May 18, 2023) (“*Warhol*”).
2. *Andy Warhol Found. for the Visual Arts, Inc. v. Goldsmith*, 11 F.4th 26 (2d Cir. 2021), *aff’d*, ___ U.S. ___, No. 21-869, 2023 U.S. LEXIS 2061 (May 18, 2023).
3. *Harper & Row Publ’rs, Inc. v. Nation Enters.*, 471 U.S. 539, 546 (1985).
4. 17 U.S.C. § 106 (emphasis added). For an excellent article further discussing copyright fundamentals, see Derrick Alexander Pope, *It’s Your Copy, Right? Understanding the Legal Protections for Your Creative Genius*, 27 GA. B.J., No. 6, at 16 (June 2022).
5. *Google LLC v. Oracle Am., Inc.*, ___ U.S. ___, 141 S.Ct. 1183, 1196 (2021) (“*Google v. Oracle*”).
6. United States Copyright Office, Circular 14: *Copyright in Derivative Works and Compilations*, at 1 (Jul. 2020), <https://www.copyright.gov/circls/circ14.pdf>.
7. *Durkin v. Platz*, 920 F. Supp. 2d 1316, 1340 (N.D. Ga. 2013) (citing *Montgomery v. Noga*, 168 F.3d 1282, 1290 (11th Cir. 1999)).
8. *Montgomery v. Noga*, 168 F.3d 1282, 1290 (11th Cir. 1999) (citing 17 U.S.C. § 103).
9. *Pickett v. Prince*, 207 F.3d 402 (7th Cir. 2000).
10. *Id.*, 207 F.3d at 406-07.
11. *Harper & Row*, 471 U.S. at 549.
12. *Id.*, 471 U.S. at 588 (Brennan, J., dissenting) (citations omitted) (quoting *Sony Corp. of America v. Universal City Studios, Inc.*, 464 U.S. 417 (1984)).
13. *Google v. Oracle*, 141 S.Ct. at 1199-1200 (citations omitted).
14. *Warhol*, 2023 U.S. LEXIS 2061, at *33.
15. *Id.*
16. *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 579 (1994) (emphasis added; citations omitted).
17. *Google v. Oracle*, 141 S.Ct. at 1202-03 (emphasis added, citations omitted).
18. *Weinberg v. Dirty World, LLC*, No. CV 16-9179, 2017 U.S. Dist. LEXIS 221759, at *23-*24 (C.D. Cal. Jul. 27, 2017).
19. *Warhol*, 2023 U.S. LEXIS 2061, at *13 & *16.
20. *Id.*, 2023 U.S. LEXIS 2061, at *16-*17.
21. *Id.* at *17.
22. *Id.* at *17-*18.
23. *Id.* at *19-*20.
24. *Id.* at *20-*21.
25. *Id.* at *21.
26. *Andy Warhol Found. for the Visual Arts, Inc. v. Goldsmith*, ___ U.S. ___, 142 S. Ct. 1412 (2022).
27. *Warhol*, 2023 U.S. LEXIS 2061, at *15 (“In this Court, the sole question presented is whether the first fair use factor, ‘the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes,’ §107(1), weighs in favor of *AWF*’s recent commercial licensing to Condé Nast.”).
28. See, for example, Victor Nava, *Elena Kagan, Sonia Sotomayor trade jabs in Andy Warhol copyright case*, NEW YORK POST (May 18, 2023), <https://nypost.com/2023/05/18/elena-kagan-sonia-sotomayor-trade-jabs-in-andy-warhol-case/>.
29. *Warhol*, 2023 U.S. LEXIS 2061, at *15.
30. *Id.*, 2023 U.S. LEXIS 2061, at *45.
31. *Id.* at *34.
32. *Id.* at *29.
33. *Id.* at *43-44.
34. *Id.* at *41 (quoting *Campbell*, 510 U.S. at 579).
35. *Id.* at *45.
36. *Id.* at *47 & *36 n.11.
37. *Id.* at *45.
38. *Id.* at *58 (Gorsuch, J., concurring) (italics in original).
39. *Id.* at *36 n.11 (citations and internal quotation marks omitted).
40. *Id.* at *35.
41. *Id.* at *34.
42. *Id.* at *29.
43. *Id.* at *40.
44. *Id.*
45. 17 U.S.C. § 107.
46. *Warhol*, 2023 U.S. LEXIS 2061, at *28 (quoting *Campbell*, 510 U.S. at 577-78) (other citation and other internal quotation marks omitted).
47. “Providing this [Rights and Permissions] information is optional and an application will be accepted even if this portion of the application is left blank.” United States Copyright Office, *Compendium of U.S. Copyright Office Practices*, § 622.1 at 226 (3d ed. Jan. 2021), <https://www.copyright.gov/comp3/docs/compendium-12-22-14.pdf>.
48. Keith Kupferschmid, *10 Takeaways from the SCOTUS Decision in AWF v. Goldsmith (Part I)*, COPYRIGHT ALLIANCE BLOG (May 25, 2023), <https://copyrightalliance.org/awf-goldsmith-takeaways-part-one/>.
49. See *Danjaq, LLC v. Sony Corp.*, 263 F.3d 942, 947 (11th Cir. 2001) (“[F]or purposes of ... the willfulness augmentation of statutory copyright damages, the term ‘willful’ refers to conduct that occurs ‘with knowledge that the defendant’s conduct constitutes copyright infringement.’”) (citation omitted); *Superior Form Builders, Inc. v. Dan Chase Taxidermy Sply. Co.*, 74 F.3d 488, 495 (4th Cir. 1996) (“[E]vidence of reliance on the advice of counsel is generally probative of a party’s lack of willfulness in infringing a copyright.”); see also *Balsley v. LFP, Inc.*, 691 F.3d 747, 757 (6th Cir. 2012) (“The jury found in favor of Plaintiffs on the direct copyright infringement claim, thereby rejecting Defendant’s fair use defense. The jury explicitly found, however, that Defendant’s conduct was not ‘willful’ in light of the Defendant’s defense of good faith/advice of counsel.”).

Annual Meeting Returns to Georgia's First City

BY STEPHANIE J. WILSON

Board of Governors and Bar members alike were thrilled to be back in Savannah—Georgia's first city—for the 2023 Annual Meeting. This is always a special time for members of the State Bar of Georgia to not only attend to the business of the Bar but also to spend time with colleagues, friends, family members

and guests for an unforgettable weekend that is the perfect mixture of meetings and merriment.

Opening Night Festival

Under the threat of rain, the outdoor Opening Night Festival was moved in-

doors, but that didn't stop guests from enjoying a relaxing and fun-filled evening dedicated to good food, great music and a chance to catch up with old friends and make new ones. Festival activities included face painting, a balloon artist, an inflatable bounce house and more. A DJ was on hand to play tunes from oldies to current hits to keep the crowd entertained.

Weekend Bar Business

Even with the temptation of strolls along River Street for fresh pralines or a visit to one of Savannah's many art galleries, museums or historical sites, the main objective of the weekend was the business of the Bar. A number of sections and committees scheduled meetings in which they reviewed the business of the Bar year while they looked forward to the work and challenges of the next. CLE seminars on Thursday, Friday and Saturday afforded all present the opportunity to explore topics like setting and honoring boundaries, intellectual property rights enforcement or the annual installment of the war stories series. Balancing out the business of the day were the evening events that seamlessly incorporated networking and socializing in a casual and relaxed atmosphere. Beginning with the Opening Night Festival on Thursday, members and their guests could choose to attend one, two or all of



(Left to right) Board of Governors member Oto Ekpo and Justice Verda Colvin at Saturday's Presidential Inaugural Gala.

PHOTO BY ASHLEY G. STOLLAR

the events depending on their interest and affiliation. Receptions hosted by law school alumni groups, sections and other organizations afforded attendees the opportunity to enjoy time with friends and colleagues that they may not have seen in quite some time (or at least since the previous year's meeting). More formal events included the YLD Dinner and Swearing-In Ceremony on Friday and the Presidential Inaugural Gala on Saturday.

Board Meeting Highlights

The June 9 plenary session began with special recognition by President Sarah B. "Sally" Akins of members of the judiciary, past presidents of the Bar and other special guests, in addition to recognizing and honoring retiring Executive Committee members and Board of Governors members. Following a few business items, President Akins invited Justice Charlie Bethel to the podium to present the Juvenile Law and Child Advocacy Awards. The Judge Willie Lovett Award for Advancing the Field of Juvenile Law was presented to Hon. Vincent Crawford, a judge of the bench of the DeKalb County Juvenile Court. The Chief Justice Harris Hines Award for Outstanding Advocacy for Children in Dependency Proceedings was presented to Dale Austin, a lawyer in the Mountain Judicial Circuit, and posthumously to Brenda Ford-Pratt, a case manager with the Tift and Turner County Division of Family & Children Services office. Ford-Pratt's daughter, Shan, was present to accept the award in memory of her mother.

President Akins welcomed Susan Coppedge, executive director, Georgia Legal Services Program, to present a replica check in the amount of \$794,655 representing the voluntary contributions made by Bar members to GLSP's 2022 "And Justice for All" campaign.

Next, Chief Justice Michael P. Boggs delivered the State of the Supreme Court of Georgia address followed by the State of the Court of Appeals of Georgia address by Chief Judge Brian Rickman, the State of the Office of Governor by Executive Counsel David Dove on behalf



(Left to right) Georgia Legal Services Program Executive Director Susan Coppedge holds the replica check presented by 2022-23 State Bar President Sarah B. "Sally" Akins in the amount of \$794,655 representing the voluntary contributions made by Bar members to GLSP's 2022 "And Justice for All" campaign.

PHOTO BY JENNIFER R. MASON

of Gov. Brian Kemp and the State of the Georgia House Judiciary Committee by Rep. Stan Gunter (R-Blairsville).

Outgoing YLD President Ronald Edward "Ron" Daniels reported on the activities of the Young Lawyers Division. He took time to highlight the extensive work of the YLD members and committees in presenting impactful CLEs and programming, for their service to the public and the profession, a successful Signature Fundraiser benefiting Middle Georgia Justice and GLSP, and the 12th Annual Legal Food Frenzy which raised \$829,239 or the equivalent of more than 3.2 million meals for food-insecure Georgians.

President Akins then gave the Memorials Report.

During the plenary session, President Akins delivered her outgoing remarks as required by the bylaws of the State Bar. A copy of these remarks can be found on page 32.

Hon. J. Antonio "Tony" DelCampo presided over the 298th meeting of the Board of Governors on Saturday, June 10. Highlights of the meeting included:

- President DelCampo addressed the Board of Governors (see page 36).
- The Board approved the following presidential appointments:
State Disciplinary Board:
 Jeff DeLoach, Athens (2026); Jennifer Dunlap, Columbus (2026); Judy Fitzgerald, Atlanta (2026); Jennifer Davis Ward, Rossville (2026)
State Disciplinary Review Board:
 John R. B. "Jack" Long, Augusta (2026); Alfreda Lynette Sheppard, Albany (2026); William Thomas, Atlanta (2026)
Formal Advisory Opinion Board:
 C. Andrew Childers, Atlanta (2025); Jacob E. Daly, Atlanta (2025); Franklin T. Gaddy, Macon (2025); Edward B. Krugman, Atlanta (2025); Patrick E. Longan, Macon (2025); David N. Lefkowitz, Athens (2025); Jeffrey A. Van Detta, Atlanta (2025).
- The Board approved President DelCampo's 2023-24 appointments to standing, special and program committees and boards.



(Left to right) Justice Shawn Ellen LaGrue, Supreme Court of Georgia; Hon. C. LaTain "Tain" Kell Sr., Superior Court, Cobb Judicial Circuit (retired); and Hon. LaTisha Dear Jackson, Superior Court, Stone Mountain Judicial Circuit. Kell received the State Bar of Georgia Judicial Section's Spirit of Justice Award.



(Left to right) 2023-24 President Hon. J. Antonio "Tony" DelCampo and his daughter Corina danced the night away at Saturday's Presidential Inaugural Gala.

- Following a report by President DelCampo, the Board approved the following list of nominees to the Judicial Qualifications Commission: Robert "Bob" Barr, Marietta; Caren Cloud, Atlanta; J. Anderson "Andy" Davis, Rome; Hon. Christopher Edwards, Griffin; Jamala McFadden, Atlanta; Patrick T. O'Connor, Savannah; Natasha Perdew Silas, Atlanta; Christian "Chris" Steinmetz, Savannah.
- Treasurer Chris Twyman reported on the Bar's finances and investments, and the Board approved by majority vote the 2023-24 State Bar budget.
- As required by Article V, Section 8, of the Bylaws, the Board authorized the president to secure a blanket fidelity bond to cover all officers, employees and other persons handling State Bar funds.
- As required by Article V, Section 6, of the Bylaws, the Board:
 - directed that the State Bar of Georgia and related entities open appropriate accounts with such banks in Georgia, but excluding any bank that does not participate in the IOLTA Program, and other such depositories as may be recommended by the Finance Committee and/or Investment

Committee, and designated by the Executive Committee of the Board of Governors of the State Bar of Georgia, and that the persons whose titles are listed below are authorized to sign an agreement to be provided by such banks and customary signature cards, and that the said banks are hereby authorized to pay or otherwise honor any check drafts, or other orders issued from time to time for debit to said accounts when signed by two of the following: the treasurer, the president, the immediate past president, the executive director, the office manager and the general counsel, provided either the president or the treasurer shall sign all checks or vouchers and that said accounts can be reconciled from time to time by said persons or their designees. The authority herein given is to remain irrevocable so as said banks are concerned until they are notified in writing of such revocation of authority and in writing, acknowledge receipt thereof.

- designated Mauldin & Jenkins as the independent auditing firm to audit the financial records of the

State Bar of Georgia for the fiscal year 2022-23.

- The Board approved the proposed 2023-24 elections schedule.
- The Board approved proposed changes to the Investment Policy as presented by President-Elect Tony DelCampo on behalf of the Investment Committee.
- The Executive Committee elections were held with the following results: Jonathan B. "Jon" Pannell was elected to fill the unexpired term of William C. "Bill" Gentry; R. Gary Spencer was elected to fill the unexpired term of Nicki N. Vaughan; R. Javoyne Hicks, Shiriki Cavitt Jones and David S. Lipscomb were reelected to two-year terms.
- The Board approved the appointments of William "Bert" Gregory II, Elisa Kodish, D. Tennell Lockett and Suzanne Werner for two-year terms to the Georgia Legal Services Program Board.
- The Board approved the appointment of Francys Johnson and LaToya S. Williams for three-year terms to the Chief Justice's Commission on Professionalism.
- The Board elected Damon Elmore as executive director for the 2023-24 Bar year.



(Left to right) Lanette and Board of Governors member Derrick Pope didn't let the rain spoil their fun at the Opening Night Festival.



(Left to right) 2022-23 President Sarah B. "Sally" Akins presented Shiriki Jones and Terrica R. Ganzy with the Georgia Association of Black Women Attorney's (GABWA) four Local and Voluntary Bar Awards. Jones, a member of the State Bar's Executive Committee, and Ganzy served as the 2022-23 president and president-elect, respectively, of GABWA.

- Executive Director Elmore reported on the current Bar operations.
- YLD President Brittanie Browning reported that she will be focusing on small and solo firms and making connections. She said that there will be YLD programming across the state. She announced that the YLD will have its Fall Meeting in Charleston, and their other three meetings will be held in conjunction with the Board of Governors meetings. She asked Board members to encourage the young lawyers in their offices to be involved and get connected in the YLD. She said there will be many different CLE options planned by all the hardworking YLD committees. YLD President Browning said that service is important to her and that the YLD will have a service project at each of their meetings, starting today packing backpacks for the Second Harvest Food Bank.
- Chief Justice's Commission on Professionalism Executive Director Karlise Y. Grier reported on the activities of the commission.
- Christine Butcher Hayes, director of governmental affairs for the State Bar of Georgia, provided a summary of the Bar's 2023 legislative package. (*The State Bar of Georgia's Legislative*

Program is exclusively funded by voluntary contributions from our members.)

- Support for a Comprehensive Review of Georgia Nonprofit Corporate Code (SB 148)—Non-profit Law Section
Status: SB 148 passed in both the House and the Senate during the 2023 legislative session. It awaits the governor's signature.
- Support for an Amendment to O.C.G.A. § 44-2-18 Correcting the Savings Statute (HB 182)—Real Property Law Section.
Status: HB 182 passed in both the House and the Senate during the 2023 legislative session. The bill awaits the governor's signature.
- Support for the Adoption of the Uniform Unsworn Declarations Act in Georgia (HB 80)—International Trade in Legal Services Committee.
Status: HB 80 was amended in the House so that unsworn declarations may only be used in instances where the declarant is signing outside of the United States. HB 80 passed in both chambers and awaits the governor's signature.
- Support for a Proclamation by the Governor Recognizing April 2023

as Legal Professionalism Month.
Status: Proclamation issued by Gov. Kemp on March 20.

- Support for FY 2024 Judicial Council Budget Request—\$619,000 in New State Funding to Provide Civil Legal Services Grants for Medical Legal Partnerships.
Status: Funded at \$200,000 for FY 2024.
- Support for FY 2024 Judicial Council Budget Request—\$750,000 for Continued Funding for Civil Legal Services Grants for Kinship Care Families.
Status: Fully funded for FY 2024.
- Support for FY 2024 Judicial Council Budget Request—\$3 Million for Continued Funding for Civil Legal Services Grants for Victims of Domestic Violence.
Status: Fully funded for FY 2024.
- Support for FY 2024 Department of Community Affairs Funding—\$300,000 in New State Funding Appropriated to the Department of Community Affairs in the FY 2024 Budget for Civil Legal Services for Heirs Property Owners Seeking Federal Disaster Relief Funds Following Hurri-



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Photos from the ANNUAL MEETING



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1. (Left to right) Desmond Williams, Casandra Mason, Morgan Mason and Alaina Williams enjoyed the Opening Night Festival on Thursday evening.
2. (Left to right) Cassandre Damas and Mallory Fleming got their groove on at the Presidential Inaugural Gala.
3. State Bar of Georgia's 2023-24 Executive Committee: (back row, left to right) Member Gary Spencer, Member David Lipscomb, Member Javoyne Hicks, YLD Immediate Past President Ron Daniels, Member Jon Pannell, Member Shiriki Jones, Member Martin Valbuena; (front row, left to right) Secretary Bill Gentry, President-Elect Ivy Cadle, Immediate Past President Sally Akins, President Tony DelCampo, Treasurer Chris Twyman, YLD President Brittanie Browning and YLD President-Elect Kenny Mitchell.
4. (Left to right) Secretary Bill Gentry, Treasurer Chris Twyman and President-Elect Ivy Cadle were sworn in as officers of the State Bar of Georgia on Saturday, June 10.
5. (Left to right) State Bar of Georgia Executive Committee member Martin Valbuena and his wife, Jennifer, at Thursday's Opening Night Festival.
6. 2023-24 YLD Officers are sworn in by Justice Verda M. Colvin. (Left to right) Justice Colvin, YLD President Brittanie Browning, YLD President-Elect Kenneth Mitchell Jr., YLD Treasurer Veronica Cox, YLD Secretary Virginia Josey, YLD Immediate Past President Ron Daniels and Newsletter Co-Editors Jena Emory and Siena Gaddy.
7. (Left to right) 2020-21 President Dawn M. Jones and 2014-15 President Patrice Perkins-Hooker.
8. (Left to right) 2021-22 President Elizabeth Fite, Board of Governors Member Lisa Liang and Hon. Alex Manning, Superior Court, Atlanta Judicial Circuit.
9. Supreme Court of Georgia Chief Justice Michael P. Boggs addressed the Board of Governors at Friday's Plenary Session.
10. (Left to right) 2022-23 President Sarah B. "Sally" Akins, Justice John and Sandra Kate Ellington, and Georgia Defense Lawyers Association Executive Director Jennifer Ward Davis.
11. Premier party band 30Vice kept the crowd dancing the night away at the Presidential Inaugural Gala.
12. (Left to right) Zack Howard and Tawny Mack were all smiles at the Gala.

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WI-FI

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cane Michael and Hurricane Ian in Georgia.

Status: Not funded in the FY 2024 budget.

- Support for FY 2024 Judicial Council Budget Request—\$800,000 for Continued Funding for the Georgia Appellate Practice and Educational Resource Center.
Status: Fully funded for FY 2024.

- The Board received a written memo from Executive Director Damon E. Elmore for the closure of the 2016-2018 State Bar strategic plan.
- The Board received a written report from the Fee Arbitration Program.

- The Board received a written report from the Law Practice Management Program.
- The Board of Governors received written reports from the following sections: Administrative Law Section; Animal Law Section; Aviation Law Section; Construction Law Section; Creditors' Rights Section; Dispute Resolution Law Section; Environmental Law Section; Equine Law Section; Fiduciary Law Section; Franchise & Distribution Law Section; Intellectual Property Law Section; Nonprofit Law Section; Privacy & Technology Law Section; Products Liability Law Section; Real Property Law Section; Religious Liberty Law Section; Taxation Law Section; and Workers' Compensation Law Section.
- The Board received a written report from the Institute of Continuing Legal Education.
- The Board received a written report on the formal investigations undertaken by the Unlicensed Practice of Law Program.
- The Board received written reports for the Coastal Georgia Office in Savannah and the South Georgia Office in Tifton.
- The Board received a written media report from the Communications Department.
- The Board received a written report from Georgia Legal Services Program.

Annual Awards

During the plenary session, outgoing President Akins recognized specific Bar members and organizations for the work they have done over the past year.

Marshall-Tuttle Award

The Marshall-Tuttle Award is presented annually to one lawyer who provides outstanding legal assistance to service members and veterans. It is named in honor and memory of Army Cpl. Evan Andrew

Marshall of Athens, Georgia, who was killed in action in 2008, and in honor and memory of U.S. Circuit Judge Elbert Parr Tuttle. This year's recipient was Carlissa Carson, staff attorney at the Emory Volunteer Clinic for Veterans.

Chief Justice Thomas O. Marshall Professionalism Awards

The 22nd Annual Chief Justice Thomas O. Marshall Professionalism Awards, sponsored by the Bench and Bar Committee of the State Bar of Georgia, honors one lawyer and one judge who have and continue to demonstrate the highest professional conduct and paramount reputation for professionalism. This year's recipients were Hon. Robert W. Chasteen Jr., Superior Court, Cordele Judicial Circuit, Fitzgerald; and Joyce Gist Lewis, Atlanta.

Local and Voluntary Bar Awards

The Thomas R. Burnside Jr. Excellence in Bar Leadership Award honors an individual for a lifetime of commitment to the legal profession and the justice system in Georgia through dedicated service to a voluntary bar, practice bar, specialty bar or area of practice section. This year's recipient was Anne Templeton LaMalva, as nominated by the Walton County Bar Association.

The Award of Merit is given to voluntary bar associations for their dedication in improving relations among local lawyers and devoting endless hours to their communities.

- 51 to 100 members: Walton County Bar Association
- 101 to 250 members: Augusta Bar Association
- 501 members or more: Georgia Association of Black Women Attorneys

The Law Day Award of Achievement is presented to voluntary bar associations that best plan Law Day activities in their respective communities to commemorate this occasion.

- 51 to 100 members: Walton County Bar Association

- 101 to 250 members: Gwinnett County Bar Association
- 501 members or more: Cobb County Bar Association

The Best New Entry Award is presented to recognize the excellent efforts of those voluntary bar associations that have entered the Law Day or Award of Merit competitions for the first time in four years. This year's recipient was the Augusta Bar Association.

The Best Newsletter Award is presented to voluntary bar associations that provide the best informational source to their membership.

- 101 to 250 members: Gwinnett County Bar Association
- 501 members or more: Georgia Association of Black Women Attorneys

The Best Website Award is given to the local and voluntary bar associations with websites that exemplify excellence in usefulness, ease of use, content and design in meeting the needs of the website's targeted audience.

- 51 to 100 members: Walton County Bar Association
- 101 to 250 members: Gwinnett County Bar Association
- 501 members or more: Georgia Association of Black Women Attorneys

The President's Cup Award is presented annually to the voluntary bar association with the best overall program. This year's recipient was the Georgia Association of Black Women Attorneys.

Section Awards

Section awards are presented to outstanding sections for their dedication and service to their areas of practice, and for devoting endless hours of volunteer effort to the profession:

- *Section of the Year*
Real Property Law—Hilary Fentress, chair

- *Awards of Achievement*
Fiduciary Law—LeAnne Gilbert, chair
Taxation Law—Andrew Vazquez, chair
Workers' Compensation Law—Jason Perkins, chair

Tradition of Excellence Awards

The Tradition of Excellence Awards are presented annually by the General Practice & Trial Law Section to select Bar members in recognition of their commitment to service to the public, the Bar and to civic organizations. The 2023 recipients were: Lance Alan Cooper, Marietta (plaintiff), Gerald M. Edenfield, Brooklet (general practice), Robert D. Ingram, Marietta (defense) and Hon. Ethelyn N. Simpson, Athens (judicial).

Young Lawyers Division Awards

Young Lawyers Division Awards were presented during the YLD Dinner and Swearing-In Ceremony.

The Distinguished Judicial Service Award was presented to Hon. Stephanie D. Burton, Justice Verda M. Colvin, Hon. C. Michael Johnson, Hon. Benjamin Land and Justice Andrew Pinson.

The Ross Adams Award was presented to John C. Sammon, 1987-88 YLD president.

The Joe Dent Hospitality Award was presented to Maggie Daniels and Megan Wyss.

The Award of Excellence for Dedication to the YLD was presented to Dani Borel, Leslie Cadle, Lynne Fleming, Sen. John F. Kennedy and Rebecca Wyatt.

The Award of Achievement for Service to the Public was presented to Kindall Browning-Rickle, James Cox, MaryBeth Handte, Megan Kelley, Merry Layman and Mitchell Snyder.

The Award of Achievement for Service to the Profession was presented to James Banter, Mallory Fleming, Siena Gaddy, Brandi Holland, Essie Lazarus, Brennan McElhone, Terrell Thomas II, Courtney Turk and Megan Tuttle.

The YLD Rising Star Award was presented to Joanna Bowen Daniels, Courtney Gilkinson, Jamie Goss,

Jonathan Stoye, Tayah Woodard and D. Sarah Young.

The YLD Ethics & Professionalism Award was presented to Lina Khan.

The Outstanding YLD Affiliate was presented to the Macon YLD.

The Griffin Bell Triumph in Leadership Award was presented to LaToya S. Williams.

Passing of the Gavel

Saturday evening began with the annual reception honoring the justices and judges of the Supreme Court of Georgia and the Court of Appeals of Georgia, followed by the business portion of the evening. Prior to the swearing-in ceremony, President Akins presented the Distinguished Service Award, the highest accolade bestowed by the State Bar of Georgia, to John C. Sammon (see page 44).

Following the award presentation, Justice Michael P. Boggs swore in Hon. J. Antonio "Tony" DelCampo as the 61st president of the State Bar. With his hand on the Bible, DelCampo repeated the following:

I, Tony DelCampo, do solemnly swear that I will execute the office of president of the State Bar of Georgia, and perform all the duties incumbent upon me, faithfully, to the best of my ability and understanding, and agreeable to the policies, bylaws, and rules and regulations of the State Bar of Georgia and constitution of the United States, so help me God.

The gala that followed the swearing-in ceremony paid homage to President DelCampo's Peruvian heritage with traditional food, drinks, music and dancing. Attendees cut a rug well into the evening to the sounds of premier event band 30Vice. ●



Stephanie J. Wilson

Assistant Director of
Communications
State Bar of Georgia
stephaniew@gabar.org

2023–24 State Bar Officers, Executive Committee and Board of Governors Members

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Hon. J. Antonio “Tony” DelCampo
Atlanta

President-Elect

Ivy N. Cadle
Macon

Treasurer

Christopher P. Twyman
Rome

Secretary

William C. “Bill” Gentry
Marietta

Immediate Past

President

Sarah B. “Sally” Akins
Savannah

YLD President

Brittanie D. Browning
Atlanta

YLD President-Elect

Kenneth Mitchell Jr.
Decatur

YLD Immediate Past President

Ronald Edward “Ron” Daniels
Eastman

Executive Committee

R. Javoyne Hicks
Stone Mountain

Shiriki Cavitt Jones
Atlanta

David S. Lipscomb
Lawrenceville

Jonathan B. “Jon” Pannell
Savannah

R. Gary Spencer
Atlanta

Martin E. Valbuena
Dallas

New Board of Governors Members

Appalachian Circuit
Kevin William Roper, *Jasper*

Atlanta Circuit, Post 32
Susan Patricia Coppedge, *Atlanta*

Augusta Circuit, Post 2
Katrell Nash, *Augusta*

Augusta Circuit, Post 3
John C. Bell Jr., *Augusta*

Cherokee Circuit, Post 2
Howard Mark Delashmit, *Cartersville*

Cobb Circuit, Post 7
Norbert Daniel Hummel IV, *Kennesaw*

Cordele Circuit
John Craig Cotton, *Cordele*

Griffin Circuit, Post 2
Hon. Rhonda Bender Kreuziger,
Fayetteville

Northeastern Circuit, Post 2
Roger Brent Hatcher Jr., *Gainesville*

Ogeechee Circuit, Post 2
Troy Windel Marsh Jr., *Statesboro*

Out-of-State
Stacey McSwine Cameron,
New York, New York

Southern Circuit, Post 2
Kathryn Drew Parrish-Bennett,
Valdosta

Stone Mountain Circuit, Post 2
Otobong U. Ekpo, *Decatur*

Towaliga Circuit, Post 2
Jonathan Lang Adams, *Forsyth*

Waycross Circuit, Post 2
Vernon L. Chambliss, *Waycross*

Board of Governors Members

Alapaha Circuit, Post 1
Daniel Jackson Connell III, *Adel*

Alapaha Circuit, Post 2
Hon. Clayton Alan Tomlinson,
Nashville

Alcovy Circuit, Post 1
Michael G. Geoffroy, *Covington*

Alcovy Circuit, Post 2
Anne Templeton LaMalva, *Monroe*

Appalachian Circuit
Kevin William Roper, *Jasper*

Atlanta Circuit, Post 1
Nicole Christine Leet, *Atlanta*

Atlanta Circuit, Post 2
Kent Edward Altom, *Atlanta*

Atlanta Circuit, Post 3
Lisa Katsuko Liang, *Atlanta*

Atlanta Circuit, Post 4
Jeffrey Ray Kuester, *Atlanta*

Atlanta Circuit, Post 5
Catherine Koura, *Atlanta*

Atlanta Circuit, Post 6
Tracee Ready Benzo, *Atlanta*

Atlanta Circuit, Post 7
William M. Ragland Jr., *Atlanta*

Atlanta Circuit, Post 8
Hon. Paige Reese Whitaker, *Atlanta*

Atlanta Circuit, Post 9
Keith Elliott Gammage, *Atlanta*

Atlanta Circuit, Post 10
Edward A. Piasta, *Atlanta*

Atlanta Circuit, Post 11
Hon. Jill Pryor, *Atlanta*

Atlanta Circuit, Post 12
Joyce Gist Lewis, *Atlanta*

Atlanta Circuit, Post 13
R. Gary Spencer, *Atlanta*

Atlanta Circuit, Post 14
Edward B. Krugman, *Atlanta*

Atlanta Circuit, Post 15
Letitia A. McDonald, *Atlanta*

Atlanta Circuit, Post 16
James Daniel Blitch IV, *Atlanta*

Atlanta Circuit, Post 17
Hon. JaDawnya C. Baker, *Atlanta*

Atlanta Circuit, Post 18
Hon. Rachel R. Krause, *Atlanta*

Atlanta Circuit, Post 19
Zahra S. Karinshak, *Atlanta*

Atlanta Circuit, Post 20
Jennifer Auer Jordan, *Sandy Springs*

Atlanta Circuit, Post 21
Patricia Anne Gorham, *Atlanta*

Atlanta Circuit, Post 22
Frank B. Strickland, *Atlanta*

Atlanta Circuit, Post 23
Donna G. Barwick, *Atlanta*

Atlanta Circuit, Post 24
Joseph Anthony Roseborough, *Atlanta*

Atlanta Circuit, Post 25
Amanda Rourke Clark Palmer, *Atlanta*

Atlanta Circuit, Post 26
Anthony B. Askew, *Atlanta*

Atlanta Circuit, Post 27
Nancy Jean Whaley, *Atlanta*

Atlanta Circuit, Post 28
J. Henry Walker IV, *Atlanta*

Atlanta Circuit, Post 29
Tina Shadix Roddenbery, *Atlanta*

Atlanta Circuit, Post 30
Shiriki Cavitt Jones, *Atlanta*

Atlanta Circuit, Post 31
Hon. Robert David Wolf, *Atlanta*

Atlanta Circuit, Post 32
Susan Patricia Coppedge, *Atlanta*

Atlanta Circuit, Post 33
Hon. Susan Eichler Edlein, *Atlanta*

Atlanta Circuit, Post 34
Allegra J. Lawrence, *Atlanta*

Atlanta Circuit, Post 35
N. John Bey, *Atlanta*

Atlanta Circuit, Post 36
Graham Elliott McDonald, *Atlanta*

Atlanta Circuit, Post 37
Harold Eugene Franklin Jr., *Atlanta*

Atlanta Circuit, Post 38
Michael Dickinson Hobbs Jr., *Atlanta*

Atlanta Circuit, Post 39
Anita Wallace Thomas, *Atlanta*

Atlanta Circuit, Post 40
Hon. Shukura L. Ingram, *Atlanta*

Atlantic Circuit, Post 1
H. Craig Stafford, *Hinesville*

Atlantic Circuit, Post 2
Hugh J. McCullough, *Glennville*

Attorney General
Christopher M. Carr

Augusta Circuit, Post 1
Hon. Amanda Nichole Heath, *Augusta*

Augusta Circuit, Post 2
Katrell Nash, *Augusta*

Augusta Circuit, Post 3
John C. Bell Jr., *Augusta*

Augusta Circuit, Post 4
John Ryd Bush Long, *Augusta*

Bell-Forsyth Circuit
Hon. Philip C. Smith, *Cumming*

Blue Ridge Circuit, Post 1
Hon. David Lee Cannon Jr., *Canton*

Blue Ridge Circuit, Post 2
Eric Alvin Ballinger, *Canton*

Brunswick Circuit, Post 1 <i>Stephen Elliott Tillman, Baxley</i>	Dougherty Circuit, Post 2 <i>George P. Donaldson III, Albany</i>	Member-at-Large, Post 3 <i>Michael Alexander Prieto, Dunwoody</i>	South Georgia Circuit, Post 1 <i>Hon. Lawton Chad Heard Jr., Camilla</i>
Brunswick Circuit, Post 2 <i>Martha Wilson Williams, Brunswick</i>	Douglas Circuit <i>Kenneth Brown Crawford, Douglasville</i>	Middle Circuit, Post 1 <i>Mitchell McKinley Shook, Vidalia</i>	South Georgia Circuit, Post 2 <i>Tabitha Edwina Payne, Whigham</i>
Chattahoochee Circuit, Post 1 <i>Amy Carol Walters, Columbus</i>	Dublin Circuit <i>Joseph Carl Sumner Jr., Dublin</i>	Middle Circuit, Post 2 <i>Jerry Neal Cadle, Swainsboro</i>	Southern Circuit, Post 1 <i>Hon. Paul William Hamilton, Valdosta</i>
Chattahoochee Circuit, Post 2 <i>Brandon Lee Peak, Columbus</i>	Eastern Circuit, Post 1 <i>Paul Wain Painter III, Savannah</i>	Mountain Circuit <i>Hon. James T. Irvin, Toccoa</i>	Southern Circuit, Post 2 <i>Kathryn Drew Parrish-Bennett, Valdosta</i>
Chattahoochee Circuit, Post 3 <i>Alex Musole Shalishali, Columbus</i>	Eastern Circuit, Post 2 <i>Lester B. Johnson III, Savannah</i>	Northeastern Circuit, Post 1 <i>Mark William Alexander, Gainesville</i>	Southern Circuit, Post 3 <i>H. Burke Sherwood, Valdosta</i>
Chattahoochee Circuit, Post 4 <i>Donna Stanaland Hix, Columbus</i>	Eastern Circuit, Post 3 <i>Jonathan B. Pannell, Savannah</i>	Northeastern Circuit, Post 2 <i>Roger Brent Hatcher Jr., Gainesville</i>	Southwestern Circuit <i>Hon. R. Rucker Smith, Americus</i>
Cherokee Circuit, Post 1 <i>Randall H. Davis, Cartersville</i>	Eastern Circuit, Post 4 <i>John Bell Manly, Savannah</i>	Northern Circuit, Post 1 <i>Kimberly Wilkerson Higginbotham, Hartwell</i>	Stone Mountain Circuit, Post 1 <i>Hon. Stacey K. Hydrick, Decatur</i>
Cherokee Circuit, Post 2 <i>Howard Mark Delashmit, Cartersville</i>	Enotah Circuit <i>Hon. Joy Renea Parks, Dahlonega</i>	Northern Circuit, Post 2 <i>Hon. Richard Dale Campbell, Elberton</i>	Stone Mountain Circuit, Post 2 <i>Otobong U. Ekpo, Decatur</i>
Clayton Circuit, Post 1 <i>Kathryn Lauranne Powers, Jonesboro</i>	Flint Circuit, Post 1 <i>Amanda Renee Flora, McDonough</i>	Ocmulgee Circuit, Post 1 <i>Carl Santos Cansino, Milledgeville</i>	Stone Mountain Circuit, Post 3 <i>Hon. Shondeana Crews Morris, Decatur</i>
Clayton Circuit, Post 2 <i>Harold B. Watts, Jonesboro</i>	Flint Circuit, Post 2 <i>John Philip Webb, Stockbridge</i>	Ocmulgee Circuit, Post 2 <i>Ashley Mackin Brodie, Gray</i>	Stone Mountain Circuit, Post 4 <i>Donna Coleman Stribling, Decatur</i>
Clayton Circuit, Post 3 <i>Hon. Martin L. Cowen III, Jonesboro</i>	Griffin Circuit, Post 1 <i>Janice Marie Wallace, Griffin</i>	Ocmulgee Circuit, Post 3 <i>Christopher Donald Huskins, Eatonton</i>	Stone Mountain Circuit, Post 5 <i>Keith E. Adams, Decatur</i>
Cobb Circuit, Post 1 <i>Katie Kiihnl Leonard, Marietta</i>	Griffin Circuit, Post 2 <i>Hon. Rhonda Bender Kreuziger, Fayetteville</i>	Oconee Circuit, Post 1 <i>Hon. Charles Michael Johnson, Eastman</i>	Stone Mountain Circuit, Post 6 <i>Claudia Susan Saari, Decatur</i>
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Cobb Circuit, Post 7 <i>Norbert Daniel Hummel IV, Kennesaw</i>	Lookout Mountain Circuit, Post 1 <i>Archibald A. Farrar Jr., Summerville</i>	Pataula Circuit <i>Edward R. Collier, Dawson</i>	Tallapoosa Circuit, Post 2 <i>Brad Joseph McFall, Cedartown</i>
Columbia Circuit <i>Danny L. Durham, Evans</i>	Lookout Mountain Circuit, Post 2 <i>Douglas Ray Woodruff, Ringgold</i>	Paulding Circuit <i>Martin Enrique Valbuena, Dallas</i>	Tifton Circuit <i>Hon. Render Max Heard Jr., Tifton</i>
Conasauga Circuit, Post 1 <i>Terry Leighton Miller, Dalton</i>	Lookout Mountain Circuit, Post 3 <i>Hon. Ralph Lee Van Pelt Jr., Ringgold</i>	Piedmont Circuit <i>Barry E. King, Hoschton</i>	Toombs Circuit <i>Hon. Thomas Brittan Hammond, Warrenton</i>
Conasauga Circuit, Post 2 <i>Robert Harris Smalley III, Dalton</i>	Macon Circuit, Post 1 <i>John Flanders Kennedy, Macon</i>	Rockdale Circuit <i>Daniel Shelton Digby, Conyers</i>	Towaliga Circuit <i>Jonathan Lang Adams, Forsyth</i>
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Coweta Circuit, Post 1 <i>Hon. Nina Markette Baker, LaGrange</i>	Macon Circuit, Post 3 <i>Rebecca Holmes Liles Grist, Macon</i>	Rome Circuit, Post 2 <i>J. Anderson Davis, Rome</i>	Waycross Circuit, Post 2 <i>Vernon L. Chambless, Waycross</i>
Coweta Circuit, Post 2 <i>Jason W. Swindle Sr., Carrollton</i>	Member-at-Large, Post 1 <i>William Thomas Davis, Newnan</i>		Western Circuit, Post 1 <i>Hon. Lawton E. Stephens, Athens</i>
Dougherty Circuit, Post 1 <i>Joseph West Dent, Albany</i>	Member-at-Large, Post 2 <i>Rotsen Dara Diya Law, Atlanta</i>		Western Circuit, Post 2 <i>Edward Donald Tolley, Athens</i>

Akins' Final Remarks to the Board of Governors

The bylaws of the State Bar of Georgia specify the duties of the president. One of the responsibilities is to “deliver a report at the Annual Meeting of the members of the activities of the State Bar during his or her term of office and to furnish a copy of the report to the Supreme Court of Georgia.” Following is the report from 2022-23 President Sarah B. “Sally” Akins on her year, delivered June 9 at the State Bar’s Annual Meeting.

BY SARAH B. “SALLY” AKINS



As I address you this morning for the final time as the 60th president of the State Bar of Georgia, I am filled with gratitude. I first want to thank all of you for your confidence and the honor of serving in this office for the past year.

Because of your support and tireless efforts and those of our outstanding Bar staff and other Bar leaders from across our great state, we can look back on this year as one of success and accomplishment.

Standing before you 52 weeks ago, I laid out a vision for the 2022-23 Bar year in which we would:

- Foster and promote a renewed commitment to professionalism among our members;
- Increase attention to the vast array of member benefits the State Bar provides;
- Redouble our efforts to ensure the public is well served by lawyers throughout the state; and
- Enhance our continuing legal education programming.

2022-23 President Sarah B. “Sally” Akins presents her final remarks to the Board of Governors during the plenary session of the Annual Meeting.

PHOTO BY JENNIFER R. MASON

Our professionalism initiative received an unprecedented boost during the 2023 legislative session when Gov. Brian Kemp signed a proclamation designating April as Legal Professionalism Month in Georgia.

A commitment to professionalism is one of the foremost principles of our State Bar. The renewal of this commitment as an organization took shape in a couple of major events this past year.

In February, our Professionalism Committee and the Chief Justice's Commission on Professionalism co-sponsored a Signature Professionalism CLE program at the Bar Center. The purpose of the CLE was to examine the history of the professionalism movement in Georgia, explore how Georgia's concepts of professionalism evolved and consider how professionalism impacts Georgia lawyers in today's legal environment.

I want to thank Chief Justice Boggs, who delivered opening remarks, and other members of the Supreme Court who participated, along with several members of the Board of Governors, for their support of this outstanding and well-received program.

Our professionalism initiative received an unprecedented boost during the 2023 legislative session when Gov. Brian Kemp signed a proclamation designating April as Legal Professionalism Month in Georgia. The purpose of the governor's proclamation is to promote collegiality and professionalism among members of the State Bar of Georgia.

The proclamation states in part, "Collegiality among counsel is critical to the

effective and efficient adjudication of cases and controversies before Georgia Courts. ... Increased legal professionalism may help to instill public trust and confidence in the legal system."

I had the honor of attending the governor's signing of the proclamation at the Capitol, along with the Bar leaders and staff who helped make it happen, including our Professionalism Committee Chair Josh Bosin, committee members Carlos Vilela and John Lange, Chief Justice's Commission on Professionalism Executive Director Karlise Grier, as well as State Bar Executive Director Damon Elmore and Governmental Affairs Director Christine Butcher Hayes. Georgia's First Lady Marty Kemp also joined us for the ceremony.

Recognizing April as Legal Professionalism Month in Georgia is the result of exemplary teamwork among the Professionalism Committee, the Chief Justice's Commission and Bar staff and served as a timely reminder to reinforce our commitment to conducting ourselves in a professional manner, which is something we should resolve to do every year.

Remaining super-attentive to the needs of our members, I am pleased to report that the move of our Coastal Georgia Office right here in Savannah, from the congested and sometimes inconvenient location on Bay Street to the new facil-

ity on Hodgson Memorial Drive is successfully completed. We are serving our members in this area of the state even better now.

Again, I want to thank my fellow officers and Executive Committee members for your help and diligence in moving the business of the Bar forward, along with Damon Elmore, Sarah Coole, Paula Frederick and Ron Turner for your guidance and leadership as senior Bar staff. Largely because of these Bar and staff leaders, the financial position of the Bar remains sound and fiscally responsible—enabling you, the Board of Governors, to approve annual license fees for the new year at the same level as this past year.

Two of the Bar's greatest challenges in recent years—the effects of the COVID-19 pandemic and the April 2022 unauthorized access of the Bar's digital network—are, thankfully, behind us for the most part. This has enabled us to turn our focus to strategic planning and long-term Bar operations instead of dealing with existing or ongoing crises. We are looking forward to further move COVID-19-driven operations of the past three years, especially with the Bar Center having returned to full operation.

With the help of the chairs and staff liaisons, I completed a review of each Bar committee and its purpose. There were a few that needed to be streamlined a



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State Bar
of Georgia

bit and some whose committee makeup needed to be updated to reflect the current environment of the Bar. We looked at them all with an eye to what kind of service we provide to our Bar members and the public. As with a lot of things I've done this year, and what Elizabeth Fite actually started last year, I've also kept the upcoming officers abreast of what might be needed in the future for these committees.

One of my top priorities for this year was to enhance our already outstanding continuing legal education program so that it stays up to date and responsive to the needs of all of our members.

Under the direction of Julia Neighbors and with support from the Commission on Continuing Lawyer Competency (CCLC), our ICLE Department produces and promotes a high-quality, comprehensive and innovative ICLE program relevant to Georgia lawyers at affordable costs. To continue meeting this objective, we are constantly looking for ways to improve and expand our programming.

In the middle of this year, we distributed a member survey on CLE satisfaction. We received a tremendous response, and this member feedback will lead to continued improvements. A positive development from the COVID-19 era was the introduction of new ways to deliver services.

Originally a reaction to a global health emergency, the concept of offering CLE programming via livestream demonstrated other benefits for Bar members. In October 2021, the Commission on

Continuing Lawyer Competency permanently changed the regulation related to distance learning.

Attorneys can, of course, attend in-person CLE courses but are no longer required to attend an in-person CLE course to complete their CLE requirement. The CCLC made this change to allow lawyers more flexibility, to lower costs for lawyers by reducing travel-related expenses for attorneys who live in remote locations or far from learning centers, and to allow lawyers more opportunity to participate in courses that directly interest them.

Having access to effective and affordable CLE programming is already one of the most popular benefits offered to State Bar members. Hopefully this year's emphasis on programming and delivery will lead to continued enhancements for years to come.

Before I sit down and, tomorrow, place the presidential gavel in the very capable hands of Tony DelCampo, I want to thank you again for the opportunity of a lifetime: to work with you these past 12 months on behalf of our 54,000 fellow members. Thank you for your support and all you have done for the State Bar of Georgia. ●



Sarah B. "Sally" Akins

Immediate Past President
State Bar of Georgia

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Remarks of Hon. J. Antonio “Tony” DelCampo to the Board of Governors

The following is excerpted from Hon. J. Antonio “Tony” DelCampo’s remarks to the Board of Governors on June 10 during the 2023 Annual Meeting in Savannah.

BY HON. J. ANTONIO “TONY” DELCAMPO



I want to start my president’s report by saying thank you. We don’t do that often enough in our country, but I am thankful for the lawyers of this state who have given me the opportunity to lead this great organization.

I am thankful for you, the volunteer leaders who give of your time and your treasure to serve our profession.

I am thankful for the Bar staff—not just the ones who are here that helped put on this excellent event, but the ones that are in Atlanta, Savannah and Tifton who keep this organization moving forward.

I am also thankful for our families and our firms and our law partners that allow us to serve and give us the freedom to be engaged in the business of the Bar, because volunteer Bar work does take some time away from our families.

I am thankful for the judiciary and the members of the judiciary who sometimes give up financial gain to serve as judges. I

2023-24 President Hon. J. Antonio “Tony” DelCampo presents remarks to the Board of Governors on Saturday.

PHOTO BY JENNIFER R. MASON

personally had to leave the bench because I couldn't afford being a judge anymore. That's a sad statement, but it's a true statement. So, thank you to the judges that make those sacrifices in order to dispense justice fairly in our state.

And lastly, I am thankful to follow three outstanding and talented women who have led as presidents of the State Bar. That is a tall order, folks. I am following three excellent women. And over the past three years, those women have gone through and endured many, many challenges. Dawn Jones had to lead through a global pandemic where our meetings had to be virtual. We lost our chief operating officer and our executive director, all in the same year. Elizabeth Fite had to preside through an unauthorized access event by a foreign actor that disabled our website for months. Sally Akins, a die-hard Florida Gators fan, had to endure the University of Georgia winning two national championships during her term. I think we can all agree that I want a "Sally year." All joking aside, these phenomenal women have been great presidents and I want to thank them for their leadership and their advice. I hope to be up to the challenge.

For the next year, I do not have any new initiatives. Like Sally said, I just want to keep the train on the tracks and make sure it gets there on time. But I do want to focus on a few priorities. First, for many years, we have been discussing what to do with the unallocated cash that we have

built up. We started the process of looking into our reserves/unallocated cash in the fall, and we had an initial update and outline of a plan at that meeting. Since then, we have met all of the milestones that we set out and we've discussed with the Finance Committee, the Executive Committee and the upcoming leadership what we're going to do about that. We reported to you at the Midyear Meeting our initial findings and recommendations, and keeping that in mind, we were able to recommend a zero license fee increase for the upcoming Bar year. At the same time the operations side of the Bar continues to work hard to make sure member resources are spent wisely and as necessary. And we will look for ways to try to get additional revenue sources.

Now, in keeping with our plan to keep you—the Board of Governors—in the loop and being transparent on the process, I wanted to share with you what we envision happens next particularly with regard to our infrastructure expenses—and that takes us to our physical space.

As Sally mentioned yesterday, we moved the Savannah office to a new space. I had a chance to visit that space this week. It is a great space. We have a lot of room. It is getting a lot of use and our members in this area of the state are well served. I encourage all of you to visit if you have an opportunity to do so.

In Tifton, that office gets a lot of use as well. We've had some upgrades and renovations that we were able to get the

landlord to pay for, so we didn't have to pay for any of those and that's great.

And that takes us to our building in Atlanta. We've put pen to paper to a four-year plan that places an emphasis on our Bar building—our biggest asset—and critical infrastructure expenditures for update and repair. I think it's important to share a little history about the building. Some of you may not have even been members of the Bar when we bought that building. That building was built in 1960, it sits on 1.7 acres and has 333,000 square feet. It has an 11-story parking deck with 400 spaces that our members can use anytime they're going to the Benz or to the arena for free. That is a benefit to our members, and I know I get to use it when I go to all the Atlanta United games. That's a great benefit.

We started the purchase process of the building in 1997 and we moved in in 2001. We paid off the building in 2010. We had a ceremony at the Bar where we burned the note. Some of you may have been there. We had to turn the sprinklers off to make sure we didn't damage the building. But at that time when we first purchased the building around 1997, we had 30,000 members. Today, we have more than 52,000 members, with 42,000 active members. Our staff went from 58 staff members in 2000; now we have more than 100 full-time staff members and they do a wonderful job. When we purchased the Bar building, we did due diligence and we did a systems review,



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and we found that the lifespan of a lot of those big systems was about 15 to 25 years. If you do the math, we are at the very tail end of that timeframe. Our plan is not set in stone, and it will likely change. For the first year, we will be focusing on operating systems, circuit breaker replacement, Conference Center video capabilities and replacement of building access systems for enhanced compliance and improved security. Eventually we are going to have to replace the windows, as well as the cooling towers and the HVAC system.

Beyond the building, we have heard a lot of comments and some complaints about our website. It is a little long in the tooth for an organization of our size, so we need a better website, frankly; one that integrates all our systems, including ICLE. Now we will start the request for proposal process after this meeting and the goal is to have the new website launched by the Annual Meeting next year.

I also want to continue to focus on attorney wellness. As you heard yesterday with the update of the bylaws, we're going to vote today to create a State Bar Center for Well-Being. I take absolutely zero credit for that. There are a lot of people who have worked really, really hard to make that a reality. I want to highlight some of those names and thank some of those folks who have worked tirelessly on this issue: Javoyne Hicks, Judge Shondeana Morris, Karlise Grier, Joyce Gist Lewis, the Office of the General Counsel and Bill NeSmith, and lastly our executive director, Damon Elmore. That center will serve as an umbrella for the efforts

surrounding wellness in one place, including the Attorney Wellness Committee, suicide awareness and prevention, senior lawyers, among others. I also want to continue to tout the Use Your 6 campaign so our lawyers can use their six free counseling sessions. That is critically important in my view.

Next, I want to continue working with the Office of the General Counsel to improve the grievance process to the extent that we can. I want to take a point of personal privilege to thank Jenny Mitelman. She is retiring at the end of this year after 33 years working for the Bar. She has done a yeoman's job and I want to recognize her for doing a good job. We will be working with the Personnel Committee and others to ensure that we hire a new person for that position which is critically important.

I also want to continue our excellent relationship with the Supreme Court. I have already started working closely with Justice Bethel and Justice Warren. We have meetings already set up on a monthly basis. And we're starting something new, which is to include the rest of the officers in our meetings. We're going to have bimonthly meetings with the Supreme Court with all of the officers. That will ensure a smooth transition from year to year. For so many years, the Bar president had his or her priorities and then the next president would come in and sometimes those priorities did not align. This process hopefully will encourage continuity in leadership and will help our Bar at the end of the day. I've been to some meetings where I have

spoken to leaders from bars from other states and I can tell you not every state has the relationship that we are blessed to have with our Supreme Court. Thank you, Supreme Court justices for being here and for being advocates for our mandatory bar. We, the members of the Bar, thank you.

Finally, I want to continue to work with the executive and legislative branches. We heard from David Dove, the governor's executive counsel, and Rep. Stan Gunter yesterday. They are always willing to talk to us and ask us to the extent that we can help with any type of legislation. I think that relationship is critically important for our Bar so we will continue to do that.

I have also revamped the Statewide Judicial Evaluation Committee. It has not been as consistent as it could have been, so I would like to get that committee to the point where it can provide valuable and timely information to the governor and the governor's office when he—or maybe in the future, she—will be making appointments for the judiciary.

And that's it, folks. I want to take this last chance to say thank you. Thank you for allowing me to serve as your president. I look forward to working with all of you for this upcoming year. ●



Hon. J. Antonio "Tony" DelCampo

President
State Bar of Georgia

president@gabar.org

DelCampo's Rise to Bar Presidency an "American Dream Kind of Story"

Upon his inauguration in June, Hon. J. Antonio "Tony" DelCampo became the first Latino to serve as president of the State Bar of Georgia.

BY LINTON JOHNSON



On July 12, 1979, a single mother in Lima, Peru, named Ida Aaron made a courageous decision to round up her four children—ranging in age from 15 years to 9 months—and leave their home in search of a better life in the United States.

The second youngest of the children was 10-year-old J. Antonio "Tony" DelCampo, who would grow up in DeKalb County to become a lawyer, a trial-court judge and now the 61st president of the State Bar of Georgia. DelCampo became the first Latino to serve as judge in a court of record and the first Latino to serve as president of the State Bar.

"She saw the future and the opportunities this country afforded," DelCampo said of his mother during an interview shortly after taking office in June. "It's a pretty amazing story, very much the American dream kind of story. She left a fairly good job in Peru and a very good life to come here, and she started out cleaning toilets at a Marriott, as many immigrants do."

(Left to right) Michael, Kelly, Tony and Corina DelCampo.

PHOTO BY ANGEL GRAY PHOTOGRAPHY LLC

Better employment opportunities for his mother would come along at National Data Corp., Trust Company Bank and then with the Internal Revenue Service, DelCampo said, adding, "We lived in an apartment complex on Buford Highway, and the rest is history, as they say."

DelCampo graduated from Chamblee High School in 1987 and then enrolled at Emory University. "I thought I wanted to go to medical school," he said. "Then I got to organic chemistry, and my professor basically told me I was not cut out for medicine." Instead, he graduated in 1991 with a double major in Latin American literature and international studies. He was also given the lead role in two plays, which were in Spanish, while a student at Emory.

"I forget the names of the plays," he said. "It's been a long time, but I enjoyed doing that. Emory was really good to me and has been very good to me." He now serves on the Oxford College of Emory University's Board of Visitors.

Another experience at Emory was influential in his decision to pursue a law degree, DelCampo added. "I did a program, kind of like a Model U.N. program, but it was Model OAS, for Organization of American states. All of the countries of the Americas have a vote. I was selected to attend and represent Emory University as one of the diplomats." DelCampo said that was when he realized he had skill for public speaking, and he was elected chairman of one of the program's committees for the following year.

"I was like, 'hmm ... I'm not bad at public speaking and negotiating with people,'" he said. "For a minute, I thought I would go into the foreign service, but I thought, no, maybe law school is the right way to go." He applied to law school and was accepted at both Georgia State University and Mercer University. His fiancé, Kelly,

was working on her Ph.D. at Emory, so he decided to stay in Atlanta and picked Georgia State, where he was selected for the law review and trial advocacy team. "I loved law school," he said. "Not many people would say that, but I actually did enjoy law school very much."

DelCampo started his professional career in Greenville, South Carolina, where Kelly had been offered a tenure-track position at Furman University. "We knew we wanted to stay in the Southeast," he recalled, "and there were like two spots open on the whole east coast in her discipline. She got one of those, and it was at Furman, so we said OK, we'll go to Greenville."

His first two years in Greenville were with Grant, Leatherwood & Stern, where he represented corporate defendants in product liability litigation. "I had a lot of great training and worked with a lot of really good lawyers," DelCampo said. "I left there and opened a firm with a couple of other guys, and we were successful in Greenville."

During law school, DelCampo had interviewed for a position with Bondurant Mixson & Elmore in Atlanta, specifically with attorney Keenan Nix. He didn't get that job, but Nix told him, "I want you to know I think you're going to be a fantastic attorney. I want to practice with you in the future because I'm not going to be here forever." Sure enough, Nix called him to say he was starting his own firm and asked whether DelCampo was ready to move back to Atlanta.

"My wife and I had our first child at the time," he said, "and she made the decision that she wanted to stay home and not work while the kids were young. By then, I had already left my firm, so that's what brought us back to Atlanta." The firm, located in Decatur, started as Nix, Commander & DelCampo and later became

Nix, DelCampo, Thornton & Graddock. It represented plaintiffs in catastrophic personal injury cases.

In 2002, Judge Denise Majette left her DeKalb County State Court post to run for Congress. DelCampo said he was asked if he would be interested in the judicial seat, and "I said, 'I think I am.'" He received the appointment from then-Gov. Roy Barnes, and he served for more than nine years. He presided over numerous high-profile civil cases, including a \$40 million verdict against Ford Motor Company and the lawsuits connected to the 2005 Brian Nichols shootings at the Fulton County Courthouse and in Buckhead, all of which were moved to DeKalb State Court and assigned to DelCampo.

"I loved my job as a trial judge," he said. "I've always said that. That was my favorite job. We had a great bench. All of us got along really well. Unfortunately, though, what I also say is that we don't pay our public servants well enough. While I had done very well and had saved a fair amount of money before I went on the bench, the market crashed, and I lost a lot of my holdings and just basically ran out of money. I said OK, I either have to leave a job that I love or take my kids out of the only school they've ever known. They were in private schools at the time, and so that decision was easy for me. I'm always going to take care of my family. It was the absolute right decision to leave the bench."

DelCampo now serves on the state Judicial Council's Ad Hoc Committee on Judicial Salaries and Supplements. While judicial pay is not a specific platform item of his as State Bar president, he does see it as an important issue that he "absolutely would champion and get behind. I do think there is a barrier. When you look at attorneys who are applying for judicial appointments or running, the types



Tony DelCampo's love for daughter Corina and son Michael is evident. "I'm just incredibly proud of our children, not just for their achievements, but for the people that they are."

PHOTOS BY ANGEL GRAY PHOTOGRAPHY LLC

of practices those individuals are coming from generally are from the public sector. While public service is necessary and an absolutely worthwhile endeavor, I believe it is important to have diversity of experience on the bench. I also know that many judges have left the bench because they could make a significantly greater income in the private sector."

When he left the bench in 2012, DelCampo first joined the Harris Penn Lowry firm and returned to plaintiffs' personal injury and product liability litigation. Then he and a college roommate, Randy Grayson, joined with then-state Sen. Dan Weber to form DelCampo, Weber & Grayson. After Weber departed, another former DeKalb State Court judge, Dax López, came on board, and the firm is now DelCampo Grayson López.

In addition to his litigation practice, DelCampo is a mediator and arbitrator with Henning Mediation and Arbitration Services, which accounts for about 30% of his professional time. He also serves as a hearing officer for Princeton University for its Title IX cases. It's a way to, he says, "scratch the judicial itch."

"Soon after I left the bench, I thought that mediation and arbitration would be a way to use some of the skills I learned as a trial judge," DelCampo explained. "In mediations you are helping the parties assess their risk to reach an amicable resolution of the dispute. Serving as an arbitrator or a hearing officer is very similar to what you do as a judge: you make decisions that the parties have to live with."

DelCampo's path to the Bar presidency began in 2006, when Board of Governors member Lynne Borsuk told him she was stepping aside from her Stone Mountain Judicial Circuit post on the board and suggested that he run to succeed her. He was elected and remained in the post until his climb up the officers' ladder began three years ago. He was also elected to the Executive Committee of the State Bar in 2018. "I think it's incumbent on all of us,

because we've all been blessed to be in a profession that has been so good to all of us, to give back," he explained.

The significance of his being the first Latino president of the State Bar is by no means lost on DelCampo. "To be the first always makes it a little more special," he said. "It's a great thing that we now have a Bar president who happens to be an immigrant. I think diversity is a wonderful thing. I hope that it encourages other young Latinos or immigrants to seek these positions or seek to go to law school. My immigrant story informs who I am, and I think that I bring a perspective that is different from some of the other Bar members. It's always good to have different perspectives because you end up having a better leadership team. You end up making better decisions."

As an example, DelCampo mentioned an issue involving misdemeanor sentencing guidelines that came up when he was a State Court judge. "DeKalb County was writing their misdemeanor sentences in a way that caused a lot of people to potentially be subject to deportation—people who were legal residents—over a speeding ticket. Clearly, nobody meant for that to happen. Because of my unique perspective, I was able to bring that issue to my colleagues' attention, to educate them on the unintended consequences of how our sentences were written. They agreed and we changed the way we did drafted sentences—that is just one example of what different life experiences can bring to the table."

DelCampo said he wants Bar members to know "that I am going to work hard to represent all interests. I'm a proud immigrant, but I consider myself very American, more American than I am Peruvian. I'm probably a bigger patriot than most because of the life that I've been able to build for myself and my family. We're incredibly thankful. So I'm a president who is a U.S. citizen who happens to have been born somewhere else. I'm not a Latino



PHOTO BY ANGEL GRAY PHOTOGRAPHY LLC

"My wife and I have been married now for more than 30 years. We started with nothing. She was a graduate student, and I was a law student. She's been right there with me every step of the way and has been very supportive. It's been an absolute joy."

Bar president. I'm a president who happens to be Latino."

Tony and Kelly DelCampo—whose mother also emigrated into the United States from Cuba—have two children: son Michael, like his dad a graduate of Georgia State University College of Law, and daughter Corina, like both her parents a graduate of Emory University. They are both living and working in Miami, Michael with an internet technology company and Corina as a consultant.

"I'm blessed," he said. "My wife and I have been married now for more than 30 years. We started with nothing. She was a graduate student, and I was a law student. She's been right there with me every step of the way and has been very supportive. It's been an absolute joy. I'm just incredibly proud of our children, not just for their achievements, but for the people that they are. I've been blessed beyond measure by their successes as well."

And how proud is his mother, who risked everything 44 years ago to seek a better life for her family, of the fact

that her only son found success as a lawyer, a judge and now as leader of the 54,000-member State Bar of Georgia?

"She's very proud," DelCampo said. "Sometimes uncomfortably so, but I've got to let her have that, right? She definitely deserves it. It's a joy to give her that joy. It's a vindication of a very difficult decision that she had to make—to leave the only country she had known to come here, a decision that has been vindicated. My little sister is also a lawyer. My other sister has a masters in psychology and works as a school psychologist. My oldest sister and her husband have a very successful construction business. We've all been very successful in living the American dream." ●



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John C. Sammon Receives the Bar's Highest Honor

The 2023 Distinguished Service Award was presented to John C. Sammon at the State Bar's Annual Meeting for his extensive service to the legal profession, the justice system and the public.

BY ASHLEY G. STOLLAR



The Distinguished Service Award is the highest honor bestowed by the State Bar of Georgia for conspicuous service to the cause of jurisprudence and to the advancement of the legal profession in the state of Georgia.

During the Saturday evening business meeting of the State Bar's Annual Meeting in Savannah, 2022-23 President Sarah B. "Sally" Akins presented this prestigious award to John C. Sammon.

Sammon was honored for his extensive service to the legal system over his 46-year career as an attorney, which includes being elected as the 31st and youngest president of the State Bar of Georgia, serving in 1993-94 following stints as treasurer (1989-92), president-elect (1992-93) and president of the Younger Lawyers Section (1987-88). Sammon also served as a member of the Board of Governors and Executive Committee of the State Bar of Georgia from 1985-1995.

John C. Sammon accepts the Distinguished Service Award from 2022-23 President Sarah B. "Sally" Akins.

PHOTO BY JENNIFER R. MASON

Sammon is a graduate of Emory University, where he earned a bachelor of arts degree. He earned his law degree from Emory University School of Law in 1977 and was admitted to the State Bar of Georgia the same year.

Sammon has also served the legal profession as interim director of the Office of Bar Admissions, chair of the State Bar of Georgia Real Property Law Section, member of the Board of Governors, member of the State Disciplinary Board Investigative Panel and Review Panel, and member of the Georgia Judicial Nominating Commission, as well as serving as a trustee of the Georgia Institute of Continuing Legal Education and Georgia Bar Foundation, where he is also a fellow.

Upon presenting Sammon with the 2023 Distinguished Service Award, President Sarah B. "Sally" Akins remarked, "John C. Sammon distinguished himself as an attorney in multiple areas of law practice, as well as through his longstanding leadership and countless hours of service to the legal profession. The legal community in our state owes considerable appreciation to John for his exemplary commitment, integrity and leadership in service to the legal profession, the justice system and the state of Georgia."

Sammon was also honored by the Young Lawyers Division with the 2023 Ross Adams Award. Hon. Ross J. Adams served as the 1998-99 YLD president. Adams lost his brief battle with cancer in 2001. The YLD created the Ross Adams Award in his memory. Each year, the outgoing YLD president chooses a past YLD president to receive this prestigious award. 2022-23 YLD President Ronald Edward "Ron" Daniels presented the award to Sammon on Friday evening at the YLD Dinner and Swearing-In Ceremony at the Annual Meeting in Savannah. ●



Ashley G. Stollar

Communications Coordinator
State Bar of Georgia

ashleys@gabar.org

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State Bar of Georgia

Kudos



The Council of Probate Court Judges of Georgia honored Hon. Carrie Markham as its 2022-23 Outstanding Probate Judge of the Year honoree. The award is voted on by probate judges across the state of Georgia. The goal of the award is to recognize a judge who has made a significant contribution to Georgia's probate courts. Markham was also honored for her role as the chair of the Council's Ad Hoc Committee on Probate Fees, which earned recognition as the Council's 2023 Committee of the Year.



BOONE



CASEY

The Georgia Defense Lawyers Association (GDLA) announced Pamela N. Lee of Swift, Currie, McGhee & Hiers, LLP, Atlanta, was sworn in as president during its 56th GDLA Annual Meeting in June. Other officers installed were President-Elect William T. "Bill" Casey Jr., of Swift, Currie, McGhee & Hiers, LLP, Atlanta; Treasurer Ashley Rice of Waldon Adelman Castilla Hiestand & Prout, Atlanta; and Secretary Martin A. "Marty" Levinson of Hawkins Parnell & Young, LLP, Atlanta. Beth Boone of Hall Booth Smith, P.C., Brunswick, was promoted to vice president and the following were elected to the board of directors: Scott Kelly of Fulcher Hagler, LLP, Augusta, and Barbara Marschalk of Drew Eckel & Farnham, LLP, Atlanta. The Distinguished Service Award, the highest accolade given by GDLA recognizing the recipient's many years of meritorious service, was given posthumously to Past President Jeffrey S. "Jeff" Ward. GDLA is committed to advancing the civil defense bar by providing training and resources, facilitating communication and offering networking to more than 1,150 members.



KELLY



LEE



LEVINSON



MARSCHALK



RICE



WARD

Warner Robins attorney Nikitis Zoumberis announced the publication of his first book. "Oxi: The Battle Cry that Led the Greeks to Save the World" takes place near the start of World War II. This book is dedicated to Zoumberis' father, a part of the Greek Army, who was captured and became a

prisoner of war. "Oxi" may be purchased at Dorance Publishers, Books a Million, Barnes & Noble, Amazon and at zoumberis@bellsouth.net.



Mercer University Provost Dr. D. Scott Davis announced the appointment of Karen J. Sneddon as dean of the Walter F. George School of Law. Sneddon has served as interim dean since October 2021. Prior to being named interim dean, Sneddon served as professor of law and associate dean for faculty research and development.



McGlinchey Stafford announced that John Rouse was elected to the Board of Directors of the Capital Area Bar Association (CABA) in Mississippi. Rouse will serve as a director for the 2023-24 term. In May, Rouse received CABA's 2023 Service Award at the Evening Honoring the Judiciary hosted by CABA and the Jackson Young Lawyers Association. The annual CABA Service Award is presented to a CABA member who has demonstrated exemplary service to the local and legal communities through pro bono work, time and skills donated to community social service, civic, artistic or cultural organizations.

On the Move

IN ATLANTA



Arnall Golden Gregory announced the addition of Rebecca A. Davis as a partner. Davis' practice focuses on litigation, dispute resolution and environmental matters. The firm is located at 171 17th St. NW, Suite 2100, Atlanta, GA 30363; 404-873-8768; www.agg.com.



GreenbergTraurig, LLP, announced the addition of Jake Evans as a shareholder. Evans' practice focuses on complex litigation, including varying business disputes and real estate and public policy litigation. Evans also advises and defends companies responding to government investigations by state attorney general offices, U.S. attorney offices, and other state and federal agencies. The firm is located at 3333 Piedmont Road NE, Suite 2500, Atlanta, GA 30305; 678-553-2100; Fax 678-553-2212; www.gtlaw.com.



BECKERMANN



CAZAN



EPSTEIN



JOHNSON



SPANGLER

Bradley Arant Boult Cummings LLP announced the addition of Deborah Cazan and John I. Spangler III as partners, and Wayne R. Beckermann, Dmitry Epstein and Seth Pierce Johnson as associates. Beckermann is a member of the firm's Litigation Practice Group. Cazan focuses her practice on litigation, arbitration and mediation of construction, development and real estate-related disputes. Epstein

focuses his practice on litigation. Johnson's practice focuses on commercial real estate acquisitions, dispositions, financing and leasing. Spangler's practice focuses on representing owners, contractors and design professionals in construction disputes, including jury trials, arbitrations and mediations. The firm is located at 1230 Peachtree St. NE, Atlanta, GA 30309; 404-868-2100; Fax 404-868-2010; www.bradley.com.



Beasley Allen Law Firm announced the addition of Stephen Mulherin an associate. Mulherin's practice focuses on handling products liability, premises liability and trucking cases. The firm is located at 2839 Paces Ferry Road SE, Suite 400, Atlanta, GA 30339; 404-751-1162; Fax 888-212-9702; www.beasleyallen.com.



FORTSON



GERMANY

Gilbert, Harrell, Sumerford & Martin announced the addition of Rob Fortson, Ryan Germany and Lauren Greer as partners. Fortson focuses his practice on education, health care, legislative and regulatory law, and labor and employment

issues. Germany's practice focuses on all aspects of government and regulatory law, particularly election law, government investigations and state regulatory enforcement actions. Greer focuses her practice on education with a special concentration on charter schools. The firm is located at 675

Ponce de Leon Ave. NE, Suite 8500, Atlanta, GA 30308; 912-265-6700; Fax 912-264-0244; www.gilbertharrellllaw.com.



BROOKS



PATTERSON

Buckley Bala Wilson Mew LLP announced the promotion of Kyle Brooks to partner and the addition of Danny Patterson Jr. as an associate. Brooks focuses his practice on commercial litigation matters, including claims asserted under the Fair Business Practices Act, the Uniform Deceptive Trade Practices Act, ERISA and breach of contract cases. Patterson's prac-

tice focuses on complex corporate matters, including class actions, business torts, labor and employment litigation, appeals and trials. The firm is located at 600 Peachtree St. NE, Suite 3900, Atlanta, GA 30308; 404-781-1100; www.bbwmllaw.com.



FordHarrison announced the addition of Jessica D. Jackson as an associate. Jackson focuses her practice on the representation of management clients in labor and employment law disputes. The firm is located at 271 17th St. NW, Suite 1900, Atlanta, GA 30363; 404-888-3800; Fax 404-888-3863; www.fordharrison.com.



Chamberlain Hrdlicka announced the addition of Jessica R. Stephen as an associate. Stephen focuses her practice on tax controversy and litigation matters. The firm is located at 191 Peachtree St. NE, Atlanta, GA 30303; 404-659-1410; Fax 404-659-1852; www.chamberlainlaw.com.

IN ALPHARETTA



Hall Booth Smith, P.C., announced the addition of K. Stanton Kincaid as an associate. Kincaid focuses his practice on general liability and premises liability matters. The firm is located at 2710 Old Milton Parkway, Suite 200, Alpharetta, GA 30009; 470-386-6900; www.hallboothsmith.com.

IN ATHENS



James Bates Brannan Groover LLP announced the addition of Sam Kennon as an associate. Kennon's practice focuses on commercial litigation and financial institutions. The firm is located at 1 Press Place, Suite 200, Athens, GA 3060; 706-215-8321; Fax 706-215-8322; www.jamesbatesllp.com.

IN MARIETTA



Bethany Kasa joined Frye Law Group, LLC, as an associate. Kasa focuses her practice on criminal defense. The firm is located at 170 Anderson St. SE, Marietta, GA 30060; 770-919-9525; www.fryelawgroup.com.

IN TUCKER



SCLAFANI



SMITH

Laura Sclafani and Dawn Smith announced their newly rebranded firm, Evolve Family Law, LLC. Evolve Family Law—formerly Smith & Files, LLC—offers direct representation, mediation, arbitration and appellate work in every family law issue that may arise. The firm is located at 3554 Habersham at Northlake Road, Tucker, GA 30084; 404-909-8300; www.evolvefamilylawga.com.

The More You Share ...

BY PAULA FREDERICK

“Get this!” your buddy shares, crack-ing up as he tells the story. “They say the video shows my client stuffing *six turkeys* into his ...”.

“Wait a minute!” you interrupt. “I’ve heard this story before! Did this happen

at GroceriesInc? They’re clients of mine—I think I’m on the other side of your case!”

You enjoy everything about your new co-working setup. The onsite staff provides you with IT services and admin help when you need it, and there are several

other lawyers in the building who have become trusted advisors. Even though everyone has their own practice, you often share trial strategy, gossip and war stories over coffee in the living room.

But with a sinking feeling you realize that today’s coffee break might just cost you a great client.

Can lawyers who share space and staff work on opposite sides of a case?

Formal Opinion 507 from the American Bar Association, “Office Sharing Arrangements with Other Lawyers,” (issued July 12, 2023) provides guidance. The primary focus of the opinion is confidentiality, and the opinion warns against discussing cases in shared common spaces. It reminds the reader that “appropriate security measures, staff training and client disclosures” can help ensure that confidentiality is not compromised.

Lawyers in a coworking space must also be sure that clients understand the arrangement. Conflicts should not be imputed to coworking lawyers, but the opinion warns that imputation is more likely if the lawyers appear to be working as partners in one law firm.

Proper signage, firm names and ads can help dispel any confusion about exactly who is in a law practice.

And be careful what you share in the breakroom. ●



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Paula Frederick

General Counsel
State Bar of Georgia

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Attorney Discipline Summaries

March 21, 2023, through May 31, 2023

BY LEIGH BURGESS

Disbarments

Willie George Davis Jr.

881 Cascade Crossing

Atlanta, GA 30331

Admitted to the Bar 1996

On March 21, 2023, the Supreme Court of Georgia disbarred attorney Willie George Davis Jr. (State Bar No. 213371) from the practice of law in Georgia with conditions on reinstatement. This was the third appearance of this disciplinary matter before the Court, following the rejection of the petition for voluntary discipline filed by Davis after a formal complaint was filed against him (*Davis II*). The matter was before the Court on the report and recommendation of the State Disciplinary Review Board, which recommended that Davis be disbarred based on his violations of Rules 1.7 (a) and (b), 1.15 (I) (a) and (c), 1.15 (II) (a) and (b), 3.4 (a), 3.5 (d), 8.1 (b) and 8.4 (a) (5) of the Georgia Rules of Professional Conduct stemming from his mishandling of his sister's estate and his nephew's conservatorship as well as his repeated failure to comply with orders of the Cobb County Probate Court.

In *Davis II*, the special master recommended that Davis be suspended for at least 18 months with reinstatement conditioned upon Davis providing proof that he satisfied the probate court judgment and that he was no longer suffering from any mental disability that would make him unable to practice law. But if Davis failed to meet these conditions within 60 days after the 18-month suspension expired, the time-limited suspension would be converted automatically to an indefinite suspension under the same conditions. The Court rejected this recommendation, reasoning that "to impose an indefinite suspension until the reinstatement conditions are met would effectively result in Davis being suspended for approximately 50 years if he continued paying restitution at the rate the record shows he is currently paying," and the Court does not allow suspensions of that length. The Court also concluded that the reinstatement conditions recommended by the special master for Davis were "considerably less stringent than for disbarred attorneys, insofar as Davis could remain

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

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suspended for far longer than five years but—upon satisfying the conditions of his suspension—not be required to re-certify his fitness before he resumes the practice of law.” The Court also noted that the conditions seemed “more punitive to Davis” because “the large discrepancy between the amount he would be required to repay and his current rate of repayment” meant that “the recommended conditions could place Davis in disciplinary purgatory: if he cannot finish paying restitution, his discipline will be endless.”

After *Davis II*, the State Bar took Davis’ deposition and filed its motion for partial summary judgment, arguing that the record, including Davis’ deposition and unconditional admissions in his petition for voluntary discipline, established as a matter of law that he violated Rules 1.7 (a) and (b), 1.15 (I) (a) and (c), 1.15 (II) (a) and (b), 3.4 (a), 3.5 (d), 8.1 (b) and 8.4 (a) (5). After Davis failed to file a response to the motion for partial summary judgment, the special master granted the motion, finding that Davis had violated the above rules by clear and convincing evidence. After granting partial summary judgment, the special master issued her second report and recommendation that Davis be disbarred with reinstatement conditional upon (1) his payment in full of the probate judgment and (2) his obtaining a certification of fitness to practice law from a licensed mental health professional. Davis filed exceptions and requested review by the Review Board. Subsequently, the State Bar filed a response.

In its report and recommendation, the Review Board adopted the special master’s findings of fact and conclusions of law and incorporated them by reference, concluding that the special master’s recommendation of disbarment with conditions for reinstatement was the appropriate level of discipline. In her second report and recommendation, the special master summarized the procedural history of the disciplinary proceeding, including that she had granted partial sum-

mary judgment as to Davis’ violations of Rules 1.7 (a) and (b), 1.15 (I) (a) and (c), 1.15 (II) (a) and (b), 3.4 (a), 3.5 (d), 8.1 (b) and 8.4 (a) (5). The special master also adopted the facts as stated by the Court in *Davis II*. The special master concluded that Davis violated the Rules as follows: Rules 1.7 (a) and (b) by drafting his sister’s will without first obtaining informed consent, confirmed in writing, that his sister was aware of a potential conflict of interest in Davis naming himself the executor of the will; Rule 1.15 (I) (a) by depositing his sister’s life insurance proceeds into his IOLTA account, transferring the proceeds to his personal investment account and failing to maintain accurate records; Rule 1.15 (I) (c) by (1) failing to deliver the full amount of the life insurance proceeds to his nephew and “treat[ing] [him] abysmally and failed in his basic duties to him as a child,” and (2) failing to provide his nephew with an accounting of the life insurance proceeds and by admitting that an accounting was not possible because he did not maintain records of how he used the funds; Rule 1.15 (II) (a) because as a fiduciary, he was required to deposit his sister’s life insurance proceeds into an interest-bearing trust account for the benefit of his nephew, but instead, he deposited them into a personal investment account and “administered” the funds from there; Rule 1.15 (II) (b) by failing to keep and maintain accurate records of expenditures made from the life insurance proceeds; Rule 3.4 (a) when he unlawfully obstructed his nephew’s access to evidence for nearly a year during the probate court proceedings and failed to provide an accounting of expenditures of the funds after the nephew’s attorney repeatedly requested it and when he failed to produce an accounting of expenditures after ordered to do so by the probate court; Rule 3.5 (d) by failing to attend the probate proceedings; Rule 8.1 (b) by failing to provide the accounting requested by the State Bar during its investigation and failing to respond to the notice of

investigation; and Rule 8.4 (a) (5) by violating his fiduciary duties to account for funds held in trust which formed the basis of the judgment against him by his nephew and by failing to pay the probate court judgment.

The special master found that Davis violated his duties by (1) failing to preserve his nephew’s property; (2) failing to obtain informed consent regarding the conflict of interest inherent in drafting a will that allowed him to serve, without bond, as executor, conservator and guardian; (3) failing to diligently handle his nephew’s affairs entrusted to him both before and after the nephew turned 18; (4) failing to recognize his lack of competency in acting as a fiduciary for his nephew; (5) misleading the nephew’s attorney and the probate court in order to protect his actions from scrutiny; (6) deliberately withholding material information regarding the status of his sister’s estate and the nephew’s conservatorship from the probate court; and (7) violating duties owed to the probate court by unnecessarily delaying the progress of the nephew’s reasonable efforts to obtain an accounting of the funds that had been entrusted to him.

Regarding Davis’ mental state, the special master found that Davis was affected by grief, depression and anxiety but that he never suggested he was incompetent. The special master accepted that Davis’ clinical depression and anxiety played a role in his general avoidance of duties but concluded that Davis’ mental state when he drafted his sister’s will and when his sister died shortly thereafter was different than the mental state he had five years later when his nephew reached the age of majority and the probate court became involved. Ultimately, the special master concluded that Davis’ depression did not explain his behavior when the probate court and his nephew’s attorney requested that he provide an accounting and appear in court. The special master found that while Davis did not admit to stealing the money, he could not establish that he used all the money to pay his

nephew's expenses. Nonetheless, Davis acknowledged he owed his nephew the amount of the probate court judgment but stated he could not pay because the funds had been depleted. Ultimately, the special master found that some of Davis' conduct was negligent but that a significant amount appeared to be knowing and intentional with the purpose of avoiding the consequences of having misused or squandered his nephew's funds without any excuse, oversight or recordkeeping. The special master noted that Davis' nephew lived alone most of the time after his mother's death and should have been protected by the arrangements she made for him, but instead, Davis shunned his nephew, drained and depleted his funds, and attacked him when he inquired about the funds.

The special master recited that the maximum penalty for a violation of Rules 1.7 (a) and (b), 1.15 (I) (a) and (c), 1.15 (II) (a) and (b), 3.4 (a), 8.1 (b) and 8.4 (a) (5) was disbarment, and of Rule 3.5 (d) was a public reprimand and concluded that the presumptive penalty was clearly disbarment. She found that the nephew suffered serious, actual injury from the misconduct, exemplified by the probate court judgment and Davis' failure to pay and that the nephew suffered serious, actual injury because of Davis' withholding information and not appearing in court. The special master found five aggravating factors: (1) Davis violated multiple Rules over several years; (2) he obstructed the disciplinary proceedings by failing to respond to the State Bar's demands for information; (3) his nephew was a vulnerable victim because he was orphaned at 13; (4) Davis had practiced for 26 years; and (5) he was involved in two prior disciplinary matters in the form of an Investigative Panel Reprimand in 2014 and a Formal Letter of Admonition in 2016. The special master found three mitigating factors: (1) Davis had difficulty dealing with the deaths of family members, which affected his law practice and his judgments; (2) his partially untreated

depression and anxiety played a role in his misconduct; and (3) his leadership positions in his children's school organizations justified a finding of his positive character and reputation.

The special master concluded that disbarment was the presumptive penalty because, the mitigating factors were not sufficient to offset the aggravating factors and recommended Davis be disbarred with two reinstatement conditions: (1) Davis must make full repayment of his debt to his nephew and (2) he must provide certification from a licensed mental health professional that he was fit to practice law prior to seeking reinstatement.

The Review Board concluded the special master's factual findings were supported by the record and not clearly erroneous or manifestly in error and adopted them as well as the conclusions of law and recommended that the Court adopt the findings and disbar Davis with conditions for reinstatement. Davis made four exceptions to the Review Board: (1) Bar Rule 4-222 prohibited the State Bar from prosecuting conduct that occurred outside the four-year limitation provided for in the rules; (2) the recommendation of disbarment was too harsh and not suited to the facts; (3) the Bar Rules do not assign "presumptive" discipline for a lawyer's conduct; and (4) the probate court judgment was the proper vehicle for making the nephew whole. The Court concluded the exceptions were without merit and that disbarment with conditions on reinstatement was consistent with the ABA Standards and the Court's rulings in similar cases.

Claud L. McIver III

1347 Prado Drive
Union, KY 41091
Admitted to the Bar 1973

On April 18, 2023, the Supreme Court of Georgia accepted the petition for the voluntary surrender of license from Claud L. McIver (State Bar No. 494125). On April 23, 2018, following a jury trial, McIver was convicted in the Superior Court

of Fulton County of felony murder based on aggravated assault, possession of a firearm during the commission of a crime and influencing a witness. The Court accepted McIver's petition for voluntary suspension of his license pending the outcome of his appeal of those convictions. Last year, the Court reversed McIver's convictions of felony murder and possession of a firearm during the commission of a crime, but affirmed his conviction of influencing a witness, which is a felony. In his petition, McIver admitted that he violated Rule 8.4 (a) (2) of the Georgia Rules of Professional Conduct, the maximum penalty for which is disbarment and sought to voluntarily surrender his license, which is tantamount to disbarment. The State Bar had no objection to the petition, and the Court agreed to accept the petition noting that the disposition was consistent with prior, similar cases.

Ian Zimmerman

1203 W. Park Ave.
Valdosta, GA 31602
Admitted to the Bar 2011

On May 31, 2023, the Supreme Court of Georgia disbarred Ian Zimmerman (State Bar No. 853012) from the practice of law in Georgia. Five disciplinary matters came before the Court on the consolidated report and recommendation of the special master that Zimmerman be disbarred for his violations of Rules 1.2, 1.3, 1.4, 1.15 (I), 1.16, 4.1 and 8.4 (a) (4) of the Georgia Rules of Professional Conduct. These matters arose from five different client matters leading to five different complaints. Despite acknowledging service of each complaint, claiming to have provided timely answers and being given additional time to support that claim, Zimmerman never provided evidence that he in fact filed timely answers with the State Bar. After holding a hearing, which Zimmerman attended, the special master found Zimmerman in default and to have admitted the facts alleged and violations charged in the formal complaints.



Ethics dilemma?

Lawyers who would like to discuss an ethics dilemma with a member of the Office of the General Counsel staff should contact the Ethics Helpline at 404-527-8741 or toll free at 800-682-9806, or log in to www.gabar.org and submit your question by email.



State Bar
of Georgia

The cases arose from Zimmerman's representation of clients in personal injury cases, wherein he failed to communicate with the clients and did not disburse the full amount of settlement proceeds upon the settlement of each matter. With regard to State Disciplinary Board Docket (SDBD) No. 7306, Zimmerman represented a client who had been represented by an attorney at a different law firm, with whom the client had signed a contract entitling the law firm to a 33% attorneys' fee plus costs of litigation upon termination of services. The client's claim with an insurance company settled for \$25,000, and the law firm that had represented the client submitted an attorney lien to the insurance company for \$8,355.87. Zimmerman contacted the client's previous attorney and entered into an agreement whereby the law firm would release the attorney lien in exchange for Zimmerman paying 80% of the law firm's fees and costs and resolving the client's other outstanding liens and bills. Zimmerman advised the previous attorney that he would send a check overnight as soon as the settlement check cleared his bank. Zimmerman received and deposited the settlement check, but he did not respond to most of the former attorney's numerous inquiries regarding payment. When he did respond, he said he would send the funds owed to the law firm, but he never did. The special master concluded that Zimmerman violated rule 1.15 (I) by failing to disburse the funds owed to the law firm from the client's settlement, and violated Rule 8.4 (a) (4) by misrepresenting to the attorney that he would disburse the amount owed to the law firm once the settlement check cleared his bank account and subsequently failing to do so.

With regard to SDBD No. 7307, Zimmerman represented a client suing an individual and three different insurance companies in a personal injury matter. The client's claims against the individual and two of the insurance companies settled for \$11,000, and the client executed a release of her claims against those par-

ties. Zimmerman prepared a settlement breakdown whereby the client was to receive \$3,583.54, Zimmerman was to receive \$3,666.30, and the remainder was to be paid to the client's medical providers. Zimmerman advised the client that he would contact her medical providers to determine how much money was owed for her treatment, and that he would disburse any remaining funds to her after her medical bills were paid. Zimmerman disbursed the initial \$3,583.54 to the client, but he failed to pay all her medical providers and failed to disburse any remaining funds to her. Moreover, the client's claim against the third insurance company later settled and she executed a release of claims, but Zimmerman failed to disburse those settlement funds to her. Zimmerman did not respond to the client's attempts to contact him regarding the settlement funds owed to her and her medical providers, and he failed to disburse to the client the entire amount due to her. The special master concluded that Zimmerman violated Rule 1.4 by failing to respond to the client's requests for information about the settlement funds; Rule 1.15 (I) by failing to disburse the funds owed to the client and failing to pay her medical providers; and Rule 8.4 (a) (4) by withholding funds from the settlement of the client's claims that were owed to her or her medical providers.

In SDBD No. 7339, from the outset of the representation, Zimmerman's client attempted to contact him about her case on numerous occasions, but Zimmerman failed to respond or provide updates. Zimmerman told the client that he sent correspondence, including a demand letter, to the tortfeasor's insurance company. Although the client terminated Zimmerman as her attorney, Zimmerman told the client that he was required to continue working on her case because he had already sent a demand to the insurance company. But Zimmerman sent a demand to the insurance company only after the client had terminated his services, and he continued to communicate with

the insurance company on the client's behalf without her authority. The client hired a new attorney, who requested the file from Zimmerman, but Zimmerman failed to return the file to the client or the new attorney, and later accepted the policy limit offered by the insurance company on behalf of the client. The new attorney requested by email that Zimmerman cease and desist any further action on the case because he had been terminated. Nonetheless, Zimmerman sent a letter to the insurance company requesting that it forward the settlement check and a limited liability release to his firm. The new attorney again emailed Zimmerman requesting the file and advising him to stop contacting the client. Zimmerman sent a letter to the insurance company asserting a lien on the settlement proceeds. He finally turned over the file to the new attorney, but it did not contain correspondence, medical records or the demand sent to the insurance company. Zimmerman then sent a letter to the insurance company stating that he had resolved the dispute with the new attorney and requesting that the insurance company disburse \$7,500 to him and the remainder to the client and her new attorney. The special master concluded that Zimmerman violated Rule 1.2 (a) by failing to consult with the client about the scope and objectives of the representation and continuing to act on her behalf without authority after she terminated him; Rule 1.3 by failing to perform work on the client's case; Rule 1.4 by failing to communicate with the client or respond to her requests for information; and Rule 1.16 by failing to withdraw from representation once the client terminated him and failing to promptly return her file. Moreover, the special master found that Zimmerman violated Rule 4.1 by continuing to negotiate with the insurance company about the case after he was terminated, thereby misrepresenting to the insurance company that he was still the client's attorney. Finally, the special master again found that Zimmerman vio-

lated Rule 8.4 (a) (4) by misrepresenting to the client that he had sent a demand to the insurance company before being terminated and by misrepresenting to the insurance company that he was still her attorney after he was terminated.

In SDBD Nos. 7340 and 7341, two clients initially retained a different law firm to represent them, which referred their cases to Zimmerman. Zimmerman settled the cases and settlement checks were disbursed to him by the insurance company. He cashed the checks but failed to inform the clients, disburse the amounts due to them, pay their medical providers or respond to their numerous attempts to contact him about the settlement funds. The special master found that Zimmerman violated Rule 1.2 by failing to consult with the clients about the disbursement of settlement funds to them and their medical providers; Rule 1.4 by failing to respond to requests for information about the settlement funds; Rule 1.15 (I) by failing to disburse the funds owed to the clients and their medical providers; and Rule 8.4 (a) (4) by withholding funds from the clients' settlements that were owed to them or to their medical providers.

In connection with each matter, the special master noted that the maximum sanction for a violation of Rules 1.2, 1.3, 1.15 (I), 4.1 and 8.4 (a) (4) is disbarment, and the maximum sanction for a violation of Rules 1.4 and 1.16 is a public reprimand. In aggravation the special master considered Zimmerman's prior disciplinary offense, for which he received a formal letter of admonition for violations of Rules 1.2, 1.3, 1.4 and 1.15 (I); his dishonest or selfish motive shown by his receipt of financial benefit from his misconduct; his repeated pattern of misconduct; his violation of seven provisions of the Georgia Rules of Professional Conduct in five separate matters; his bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with the disciplinary rules and the special master's directives; his false statement that he filed answers to

the formal complaints; his substantial experience in the practice of law, as a member of the State Bar since 2011; and his indifference to making restitution. The special master found no mitigating facts applicable to this case.

Finally, the special master concluded that Zimmerman ignored the gravity of the disciplinary proceedings by failing to respond to the formal complaints, such that he was in default and should be disbarred based on the violations he was deemed to have admitted. The special master noted that this Court has previously disbarred attorneys in matters where they abandoned or neglected client matters, failed to perform work for their clients, and engaged in dishonest and deceitful conduct by converting funds belonging to clients and third parties and failing to protect third-party interests in funds in the attorney's possession. Neither Zimmerman nor the State Bar filed exceptions to the special master's report and recommendation or requested review by the Review Board. The Court agreed that disbarment was the appropriate sanction and was consistent with prior cases in which an attorney admitted, by virtue of default, to violating provisions of the Georgia Rules of Professional Conduct that carry disbarment as a sanction and failed to participate fully in the disciplinary process.

Suspensions

Jason Lee Van Dyke

1417 E. McKinney St., Suite 110

Denton, TX 76209

Admitted to the Bar 2015

On April 18, 2023, the Supreme Court of Georgia suspended attorney Jason Lee Van Dyke (State Bar No. 851693) from the practice of law in Georgia for three years nunc pro tunc to Feb. 28, 2019. This was the third appearance of this disciplinary matter before the Court, following the special master's rejection of Van Dyke's first petition for voluntary discipline, the Court's rejection of Van Dyke's

second petition, and the Court's rejection of Van Dyke's third petition and remand to the special master, and additional fact finding and to resolve any matters of reciprocal discipline.

The facts surrounding Van Dyke's misconduct are as follows: Van Dyke, a Texas resident, was licensed in practice in Texas, Georgia and several other jurisdictions. In September 2018, Van Dyke called local police to report the theft of several items from his truck. After the police interviewed his roommate, Van Dyke was arrested for making a false report. Van Dyke contested the charges. By his own admission, Van Dyke violated the conditions of his bond (by leaving town to attend a "waterfowl hunt") while the charges were pending. Shortly before trial, the roommate, whom the state had planned to call as a witness, went missing. Contending that Van Dyke had procured the unavailability of the witness, the state filed a motion seeking forfeiture by wrongdoing, which was granted. Van Dyke then agreed to enter a plea of nolo contendere and, on Feb. 26, 2019, he entered a plea for one count of making a false report to a law enforcement officer. He was sentenced to 24 months' deferred adjudication community supervision, with special conditions.

The State Bar initiated this matter by filing a Bar Rule 4-106 petition for appointment of a special master based on Van Dyke's plea of nolo contendere in a Texas criminal misdemeanor case. Following the rejected petitions for voluntary discipline, the matter came before the Court on the special master's report and recommendation after a hearing held on May 6, 2022. At the outset, the special master found that Van Dyke violated Rule 8.4 (a) (3) by virtue of his nolo contendere plea. The special master recounted Van Dyke's three disciplinary proceedings in Texas. On Dec. 28, 2018, Van Dyke received a six-month probated suspension from the State Bar of Texas in connection with a civil lawsuit in which

he threatened criminal or civil action to gain an advantage in the lawsuit and operated under a conflict of interest with respect to his representation of the client in that lawsuit. On Feb. 21, 2019, he received a 12-month partially probated suspension from the State Bar of Texas for making threats of violence to his alleged harasser. On April 30, 2020, he received an 18-month partially probated suspension based on his plea of nolo contendere to the criminal charge of making a false report to law enforcement, the same charge at issue in the disciplinary proceedings before the Court. Van Dyke also received partially probated suspensions in Colorado, the District of Columbia, and the U.S. District Courts for the Northern and Eastern Districts of Texas.

The special master found that in connection with the misdemeanor criminal case, the state of Texas moved to hold Van Dyke's bond insufficient on the basis that he had committed additional criminal offenses and threatened to commit future offenses—specifically, by making threats to his alleged harasser by email in September 2018. The special master noted that Van Dyke denied sending the September 2018 emails and testified that the emails were the basis for new criminal charges for which he was arrested, but the charges were not billed by a grand jury, and Van Dyke's arrest on those charges were expunged. The special master found no evidence that Van Dyke was convicted of any crime or that disciplinary action was taken against him for the alleged September 2018 email threats against his alleged harasser. The special master noted that Van Dyke failed to attend the hearing on the motion to hold bond insufficient because he chose to go on a hunting trip. When Van Dyke returned, he immediately notified his attorney and arranged for him to turn himself in. The special master noted that the Texas court increased the amount of Van Dyke's bail after he turned himself in, but it was unclear from the record whether bail was increased as

a result of the state's motion to hold bond insufficient, Van Dyke's failure to appear for the hearing or both. The special master found that Van Dyke's failure to attend the hearing was willful.

The special master further found that the state of Texas filed a motion for forfeiture by wrongdoing in Van Dyke's criminal case, alleging that Van Dyke had procured the unavailability of a witness the state planned to call in the case. The Texas court granted the motion and ruled that, as a result of the wrongdoing, Van Dyke waived his right to confront the witness and to object to the admissibility of statements made by the witness. The special master noted that Van Dyke admitted that the Texas court concluded that he procured the unavailability of the witness, but that Van Dyke denied that he did so. The special master found this incident was part of a pattern of misconduct showing Van Dyke's lack of respect for the law and legal process. The special master then turned back to the issue of reciprocal discipline. First, he found that Van Dyke's conduct underlying the first and second Texas incidents indicated a lack of respect for the law and legal process. As to the first incident, Van Dyke admitted to making threats to gain an advantage in a civil lawsuit; as to the second, Van Dyke admitted that in March 2018, he made threats to a person he understood at the time to be his alleged harasser. The special master accepted Van Dyke's stipulation that he timely notified the State Bar of the second incident. However, the special master concluded that Van Dyke was not subject to discipline in Georgia for the second Texas incident. In this regard, he compared Georgia Rules 8.4 (a) (2) and (3), which require either a felony or misdemeanor criminal conviction to impose discipline, with Texas Rule of Professional Conduct 8.04 (a) (2), which permits discipline for criminal acts that do not result in convictions. The special master ultimately concluded that reciprocal discipline in

Georgia based on the other out-of-state discipline against Van Dyke would be duplicative and inappropriate.

In connection with the fact-finding ordered in *Van Dyke I*, the special master found that several facts specifically mitigated Van Dyke's demonstrated lack of respect for the law: the misconduct was limited to a one-year period from fall 2017, when Van Dyke threatened civil or criminal action to gain an advantage in a civil lawsuit and had a conflict of interest with respect to representing his client in that lawsuit, through Sept. 13, 2018, when he made the false report to the police that formed the basis for his misdemeanor charge; he was suffering from emotional distress during that time due to harassment from his alleged harasser who has since passed away; Van Dyke successfully completed counseling as a condition of his criminal probation; and he expressed remorse for his misconduct. The special master found that Van Dyke's emotional problems and completion of counseling were mitigating with respect to the threats he made to gain an advantage in a civil lawsuit which formed the basis of the first Texas incident; the threats he made which formed the basis of the second Texas incident; and his willful failure to attend the bond hearing. However, the special master determined that Van Dyke's emotional problems and treatment were not mitigating as to the conflict of interest violation which was another basis for the first Texas incident, and they were not mitigating as to the Texas Court's finding that Van Dyke procured the unavailability of a witness because he denied doing so.

The special master issued the following conclusions of law. Regarding Rule 8.4 (a) (3), it is a violation of the Rules for a lawyer to be convicted of a misdemeanor involving moral turpitude where the underlying conduct relates to the lawyer's fitness to practice law. Van Dyke entered a plea of nolo contendere to a misdemeanor count of filing a false



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police report, which is a crime involving dishonesty and moral turpitude and relates to the practice of law. In aggravation the special master found that Van Dyke engaged in a pattern of misconduct indicating a lack of respect for the law; and that he had been practicing law for at least 10 years at the time of his misconduct. In mitigation, the special master considered Van Dyke's emotional problems arising from his issues with his alleged harasser, again noting that they were mitigating as to some of Van Dyke's misconduct but not all of it, and that Van Dyke had completed a counseling program and was pronounced fit to return to the practice of law by a licensed therapist. Also in mitigation, the special master considered Van Dyke's cooperative attitude toward this disciplinary proceeding; letters from his colleagues and therapist vouching for his good character and reputation; his remorse; that the underlying criminal charge involved a purely personal issue and not the practice of law; and that he made a timely, good-faith effort to rectify the consequences of his misconduct. The special master concluded that although the Court has imposed disbarment in cases where a lawyer engages in criminal conduct involving fraud, deceit or false swearing, disbarment is not mandatory in cases involving dishonesty and moral turpitude when mitigating factors warrant a lesser penalty.

The special master found that a lengthy suspension, rather than disbarment, was the appropriate penalty due to the mitigating factors and recommended that the Court impose a three-year suspension from the practice of law, *nunc pro tunc* to March 1, 2019, because Van Dyke offered evidence that he ceased practicing law on Feb. 28, 2019, and that he fulfilled his ethical obligations to his Georgia clients by finding new general counsel to represent them and ensuring their files and critical information were transferred to the new general counsel. The Court concluded that a three-year suspension was the appropriate penalty noting that although the special master declined to impose

reciprocal discipline, the three-year suspension was equal to the suspensions imposed in the three Texas incidents and the Court general imposed substantially similar discipline in the reciprocal discipline context. As the record showed that Van Dyke provided evidence that he voluntarily ceased the practice of law as of Feb. 28, 2019, the court accepted the recommendation to impose the three-year suspension *nunc pro tunc* to that date. The Court also reinstated Van Dyke given that his three-year suspension would be completed by the date the opinion was issued.

Brian Walton Whiteside

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Admitted to the Bar 1996

On May 31, 2023, the Supreme Court of Georgia suspended attorney Brian Walton Whiteside (State Bar No. 756040) from the practice of law for three months. The matter came before the Court on the report and recommendation of the special master who recommended the Court accept Whiteside's amended petition for voluntary discipline after the filing of a formal complaint as discipline for his violation of various Georgia Rules of Professional Conduct in two separate matters undertaken for the same client.

According to the report and recommendation, Whiteside had a career in law enforcement prior to becoming a member of the Bar in 1996, at which point he engaged in private practice, primarily representing defendants charged in criminal cases. In 2018, he was elected a solicitor-general for Gwinnett County—a position he held through Jan. 1, 2023. Prior to his election, in January 2015, Whiteside agreed to represent a friend who was in law enforcement in a medical malpractice case that arose from the client's December 2014 visit to the emergency room at Piedmont Newnan Hospital. In February 2015, Whiteside sent a one-paragraph letter with the salutation: "Piedmont Legal Staff," demanding, on the client's behalf, \$5 million for "Grave Damage, Physical Harm, Mental Harm, Sexual

Dysfunction,” but including no date of medical treatment, no information about the diagnosis or treatment, no names of the treating professionals and no explanation of how the client’s treatment at the hospital caused the various general harms described. The letter was not directed to any individual, and although it stated that it had been delivered by electronic mail “and/or” hand delivery, it bore no email address or physical address to which it was purportedly sent. Whiteside did not charge the client for this work. After sending the letter, he told the client he had met with the hospital’s lawyers over multiple days regarding the client’s claims, but he later admitted to the client that the statement was untrue. Over the ensuing months and years, the client made numerous requests for information about his legal matter, but his requests went unanswered, and, finally, in late 2018, he checked the court’s electronic docket and discovered that no case had been filed on his behalf. He contacted Whiteside who responded by attempting to file a medical malpractice complaint in Fulton County in December 2018, but Whiteside named the defendant incorrectly and failed to include the required expert affidavit. Also, the statute of limitations had already expired on the client’s claims. Ultimately, the case was dismissed in February 2019, but Whiteside did not advise the client of the dismissal. Instead, the client only learned that his case had been dismissed when he contacted the court and made an inquiry. The special master noted that Whiteside’s claim that he sent the names of potential experts to the client so that he could hire one for the case but noted that there was no correspondence from Whiteside to the client notifying him about the date that the statute of limitations would expire or clearly advising him that his malpractice case depended on his obtaining an expert who could make the required averments. The special master concluded these failures were the result of Whiteside not having an adequate understanding of how to prosecute a medical malpractice claim.

In June 2015, Whiteside agreed to file and litigate a divorce action on behalf of the same client for \$450. Although he filed the action in February 2016, he failed to serve the wife or take any other action with respect to the case. The client made multiple requests for information about this divorce case, but Whiteside failed to respond to any of these inquiries. In February 2019, the client texted Whiteside once again asking about the status of the case, and Whiteside responded that he had been elected to be solicitor-general and that he was looking for an attorney to handle the divorce case, but Whiteside never found a new attorney and never withdrew from the representation. Eventually, the client was forced to hire substitute counsel to represent him in the divorce case.

Noting that Whiteside admitted all of the above facts and acknowledged that he should have declined to represent the client, particularly in the medical malpractice case, since he did not possess the requisite skills or experience to handle the case, the special master accepted Whiteside’s admission that, during the course of the representation of the client in both cases, he violated Rules 1.1, 1.3, 1.4, 1.16 (d), 3.2 and 8.4 (a) (4). The special master noted the maximum penalty for a violation of Rules 1.1, 1.3 and 8.4 (a)(4) was disbarment, while the maximum penalty for a violation of Rules 1.4, 1.16 (d) and 3.2 is a public reprimand.

In aggravation of discipline, the special master found that, through his actions in these cases, Whiteside engaged in multiple offenses and in a pattern of misconduct, and that he had substantial experience in the practice of law. In mitigation, the special master noted that Whiteside had no prior disciplinary history; that, although he took some steps in an attempt to cover up his mistakes, he lacked a dishonest or selfish motion; and that he was experiencing personal and emotional problems as a result of his responsibility for caring for his dying mother out of state; that he fully cooperated in the disciplinary process and admitted his

violations; that he demonstrated he possessed good character and reputation as demonstrated by his history of serving the public through various law enforcement positions and by the various letters from people in the community attesting to his good character and reputation, and that he demonstrated remorse for his conduct. Noting that Whiteside had requested a public reprimand, but had agreed to accept up to a three-month suspension, the special master indicated a reprimand might have been appropriate if his misconduct was solely the result of negligence, but that here, Whiteside accepted the malpractice case knowing that he had no relevant experience; his false statement was knowing, if not intentional; his failure to inform his client about the statute of limitations was knowing; his filing of the malpractice complaint without the required affidavit and after the statute of limitations had expired suggested that Whiteside acted knowingly and intentionally to cover up his mistakes; and his failure to advise his client that his malpractice action had been dismissed was done knowingly and as part of a pattern of behavior intended to hide his misconduct. The special master concluded that, while the knowing and intentional nature of Whiteside’s actions rendered a reprimand an inadequate sanction, the mitigating factors suggested that a short suspension would be appropriate discipline and recommended the Court accept the amended petition for voluntary discipline and impose a three-month suspension as discipline. The Court agreed that a three-month suspension was appropriate given his lack of any prior discipline, his full cooperation in the proceedings and the mitigating factors identified by the special master. ●



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Unlocking Profitability: Building a Profitable Law Practice

A profitable law practice is the cornerstone of a thriving legal career.

BY NKOYO-ENE R. EFFIONG

In the fiercely competitive legal landscape, building a profitable law practice is not just a desire; it is a necessity for long-term success. In this article, we explore why profitability matters, how it impacts professionalism, and how you can begin or continue to design a profitable law practice.

As the director of Law Practice Management, I have the privilege of speaking with attorneys across the state about their law practices. One issue that I encounter frequently (outside of trust accounting issues) is the overworked, underpaid attorney who is struggling

to stay on top of a huge caseload. Often, what we uncover is that they have unwittingly created a volume practice for themselves because they have not priced or positioned their services appropriately. Running a volume law practice requires a level of precision and process for which many have not designed their practice to have. As a result, many lawyers find themselves in the rat race bringing on more clients than they can handle. All the while, they are barely paying expenses and meeting payroll. There is another way, a more profitable (and peaceful) way.

Picture it: you open your banking app and check the balance in your operating account. All your auto drafts have been posted, rent is paid, payroll ran and there is still a healthy amount of money in the account. You can actually pay yourself that reasonable salary that the IRS requires ...

This is what building a profitable law practice can bring. Confidence. Security. Ease.

A profitable law practice is the cornerstone of a thriving legal career. It enables you to attract and retain top-tier talent, invest in cutting-edge technology and provide exceptional client service. Profits open doors to growth opportunities, allowing you to expand your practice and explore new areas of specialization. Moreover, profitability ensures stability during lean times, allowing you to navigate economic uncertainties without compromising the quality of your services. A profitable practice also bolsters your reputation, reinforcing the perception that your legal expertise is worth every penny.

There is also a sense of peace that comes from knowing you will have the resources you need to lead the life and practice you desire. That is a big deal, especially as it relates to well-being.

Research shows that financial stress is increasingly associated with psychological distress.¹ Simply put, “when your money



is funny,” it negatively impacts your decision-making, communication with clients (or lack thereof), mood, matter management and more. In a prolonged stressed state, it is hard for any attorney to live up to the Lawyer’s Creed and Aspirational Statement.² Financial stress has also led some to make unethical decisions.

With all these benefits, why do solo and small firm attorneys have a harder time building profitable law practices? If you are anything like me and other attorneys, you did not have a lot of business training before launching your own law practice. Perhaps you came to law because you did not like math.

However, you got here, building a profitable law practice requires you to overcome several common challenges. These include:

- Little or no market research, which leads to underpricing or a lack of positioning;
- Lack of clarity around the problem you solve and for whom;
- Ineffective pricing strategy and billing practices;
- Lack of systems and processes to deliver the service;
- Discomfort talking about money, promoting yourself, asking for business and the like;
- Lack of knowledge about what makes a business profitable.

It is time to overcome some of these roadblocks.

Below we compiled a list of questions to get you started designing a more profitable firm.

- What unique experience or expertise do you bring to the practice that differentiates you from other attorneys?
- Who is your target audience, and what problem of theirs do you solve?

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- How can you strategically position your services based on your market research?

Want more guidance in your law firm profitability journey? You are in luck!

The LPM Program is also excited to present Take Charge! The Summit—a 6-hour CLE designed to help you build a more profitable law practice. We will have three morning plenary sessions chock full of the information you need to build a profitable practice and better market and position it. The afternoon will be filled with how-to skill-building workshops where you can apply what you learned, work on your business and leave with something done.

The Summit will take place Friday, Sept. 22, at the Bar Center. For more details, follow us on social media @gabarlpm or subscribe to The LPM Insider at bit.ly/lpmnewsletter.

We hope to see you there! ●



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Legal Research Just Got Easier

Fastcase announced the launch of its new negative citator: Cert.

BY LEANNE BATTLE

Fastcase, that recently announced its merger with vLex to establish the world's largest global law library, is delighted to unveil its latest innovation in legal research: Cert, a cutting-edge negative citator tool. Cert empowers legal researchers by swiftly and effortlessly identifying cases that have been treated unfavorably in subsequent decisions, thus providing a comprehensive perspective on a case's precedential value.

Fastcase's Cert, available to State Bar of Georgia members at no additional cost, has launched for the U.S. Supreme Court, the U.S. Court of Appeals for the Fifth Circuit, the U.S. Court of Appeals for the Eleventh Circuit, the Supreme Court of Georgia and the Court of Appeals of Georgia with complete nationwide coverage forthcoming. This new feature is the first to launch since joining forces with vLex, and the company's now collective knowledge of intelligent legal technology, combined with the work of a human review team whose members have more than 100 years of collective editorial expertise, will bring more advances to Fastcase users in the future.



How It Works

Cert seamlessly integrates into Fastcase's user interface, streamlining the research process. When searching for cases, legal researchers will find intuitive visual cues that provide instant insights into negative treatment. An orange inverted triangle denotes treatments such as criticism, disagreement or the refusal to extend a ruling. Meanwhile, a red circle indicates that a case has been overruled, abrogated, superseded or otherwise invalidated.

Other features include a badge affixed to the top of negatively treated cases for easy identification, a label specifying the treatment applied, a treatment summary box setting forth the history of the treatment, the number of citing cases, the last cited date and a link to a full Cert report (see fig. 1).

The Cert report is a downloadable document encompassing the foregoing information and listing cases treating the cited case as "bad law," inclusive of the precise language underlying the applied treatment (see fig. 2).

Benefits

Cert's launch means that one of the most-requested tools will be freely available to State Bar of Georgia members. Its main benefit is streamlining legal research. In particular, Cert enables users to cite "good law" with confidence, trim research time and avoid costly mistakes. Further, Fastcase's editorial team keeps Cert up to date, meaning users can stay current on legal developments as rulings are issued.

In addition, Cert focuses on negative treatments as the most important treatments. Targeting these allows legal researchers to make the critical distinction between viable, citable law and bad law without getting bogged down in a cluttered interface. ●



Leanne Battle is the managing director for primary law, citator and legal research API products at vLex for Fastcase. In her 25 years in the legal industry, Battle has held a variety of positions in law firms and legal information and technology companies in the United States and abroad. She leads the product team that is developing the new citator, Cert.



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State Bar
of Georgia

Boundaries: The Secret to Being a Lawyer Who Lives Well

Lawyers with a strong boundary practice are able to reduce their personal and professional stress, decrease burnout, increase happiness, make stronger decisions, enjoy healthier and more robust relationships, and create more business and money.

BY TARA R. SIMKINS

News Flash #1: You are a lawyer and a human. Which means, you have human needs. Needs that must be met to maintain your well-being. Needs like sleeping, eating, exercising, socializing, spending time in nature, working on meaningful projects and having fun. Needs you often sacrifice because you are inadvertently being sucked dry by your technology or by prioritizing other people's needs over your own.

News Flash #2: You can meet your needs and serve your clients and family more effectively when you know how to set and honor boundaries.

This is why the Attorney Wellness Committee sponsored a Boundaries Workshop CLE at this year's Annual Meeting. Keep reading for some of the takeaways from the Boundaries Workshop, which will soon be added as an on-demand CLE if you missed it.

Setting and Honoring Boundaries: You and Your Technology

Boundaries are foundational to achieving work-life balance in today's 24/7, always

on and available culture. When you think about setting and honoring boundaries, the first thing that may come to mind is your mother whom you feel guilty about not having seen all week, the work colleague who is adding work to your plate because he is not pulling his weight or the belittling counsel who requires every ounce of restraint you can muster not to give a piece of your mind—all of which are workshopped for you in the on-demand Boundaries Workshop.

Learning to set boundaries with other people is important, but there is an often-overlooked area of your life in which learning how to set and honor boundaries could have an even greater impact on your well-being: boundaries with your technology. Unlike challenging people, you interact with your technology on a daily basis. Thus, the payoff is much greater.

Forty years ago, the practice of law looked much different. Courts closed for the month of August. Telephone calls were handled during office hours. Fax machines, overnight mail delivery services, cellular phones and the internet had not infiltrated your life or your practice.

Today, however, technology has eroded much of the cultural and professional boundaries that previously protected your well-being, and for some of you, you may never have lived in a world without 24/7 technology.

This is why it is important to understand what the research reveals about the negative ways technology can impact your well-being:

- The onslaught of your phone and computer notifications keeps you on guard and on edge, encourages overuse, decreases task performance¹ and increases your susceptibility to depression, anxiety and boredom proneness.²
- TV news, even if it is playing in the background at home or work, increases your anxiety levels, sad moods and tendency to catastrophize worries.³
- Disasters reported on TV can trigger post-traumatic stress, post-traumatic stress disorder, depression, fear, stress reactions, anger and complicated grief.⁴



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Technology is a wonderful thing, but without boundaries, technology wreaks havoc on your well-being every day.

The low-hanging fruit when it comes to setting boundaries, therefore, is with yourself and your technology.

Here are some effective boundaries you can implement with your technology right now to increase your well-being:

- Stop watching and listening to the news. Limit your news intake as much as possible to written news outlets. You will stay informed and protect yourself from the negative psychological and emotional impact of TV news. Your brain doesn't know the difference between a video replay and actually witnessing catastrophic events.⁵
- Silence your smartphone and computer push notifications to increase your attention and task performance levels.
- Diary a time in your day when you check email, phone messages and texts. Diary another time in your day when you respond to communica-

tions from clients, opposing clients and family members.

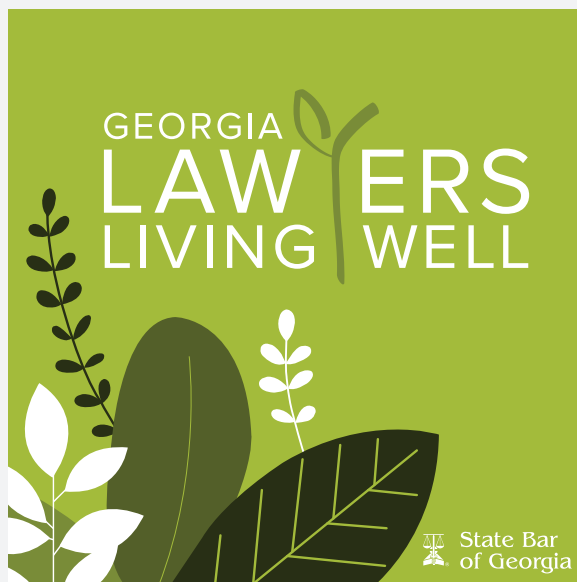
- Communicate your boundaries with others. Managing expectations prevents problems. Remember: there are very few true emergencies in life. 911 exists for a reason. Your brain and your nervous system cannot sustain being "on call" all the time. Even police officers, firefighters and emergency responders do not work 24/7.

Setting and Honoring Boundaries: You and Others

The good news is that setting and honoring boundaries with others is a straightforward skill. One that can be learned, practiced and mastered. All for the benefit of your well-being and the well-being of your personal and professional life. The bad news, however, the news that nobody wants to hear, is that setting and honoring boundaries is 100% your responsibility. No one else can do this for you.

When it comes to setting and honoring boundaries, here are some guidelines:

- Boundaries include a clear course of action *and* consequences.
- Boundaries are always for you and not against someone else.
- Boundaries are not requests. A request is an ask. This is what most people get wrong. Most people make a request and when the other person doesn't comply, they think, "She didn't honor my boundaries." The problem is you didn't set a boundary, you made a request, and "she" doesn't have to comply.
- Boundaries are communicated with this language: "If you do _____, [then] I will do _____." You can see the difference clearly between boundary language and request language.
- Boundaries respect that people have free will.
- Sometimes not setting boundaries is a defense mechanism to avoid experiencing the uncomfortable feeling of following through with the consequences you have set. Learning to feel temporarily uncomfortable in



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The good news is that setting and honoring boundaries with others is a straightforward skill. One that can be learned, practiced and mastered. All for the benefit of your well-being and the well-being of your personal and professional life.

the present moment in exchange for increased well-being in the long run is the icky, and unavoidable, part of setting and honoring your boundaries.⁶

Check out the Boundaries Workshop for specific examples of how to navigate this terrain.

Conclusion

You need you at your best, and your clients and your family need you at your best.

To be at your best, however, you have to take care of yourself.

If you approach setting and honoring boundaries as the secret wellness tool that will allow you to be at your best, you will be well on the path to improving your own wellbeing. You will also be part of a movement to model what it means to be a lawyer living well today. ●



Tara R. Simkins, J.D., is a member of the State Bar of Georgia Attorney Wellness Committee. Simkins retired from the practice of law

eight years ago to pursue a full-time professional life and money coach practice. Simkins works 1:1 with her

clients and is the founder of Soul Shine Labs, an online learning platform for women. Simkins prepared and facilitated the Boundaries Workshop hosted by the Attorney Wellness Committee at the Annual Meeting in June 2023. You may learn more about Simkins by listening to her SOUL-u-tions podcast or following her on Instagram @soulshinelabs.

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5. E. Alison Holman; Dana Rose Garfin; Roxane Cohen Silver, "Media's Role in Broadcasting Acute Stress Following the Boston Marathon Bombings," Washington, DC: U.S. Department of Justice, Office of Justice Programs, 2013; www.ojp.gov/ncjrs/virtual-library/abstracts/medias-role-broadcasting-acute-stress-following-boston-marathon#additional-details-0. ("The authors advised that although it is important to stay informed, watching coverage of a traumatic event repeatedly may exacerbate psychological distress and impede the normal recovery process. This can lead to increased health problems that can extend to individuals living well beyond the communities directly affected by the traumatic event.")
6. This is what Daniel Goldman describes in his book *Emotional Intelligence: Why It Can Matter More than IQ*, as the ability to motivate yourself to delay gratification.

Five Strategies to Enhance Your Legal Writing Skills

Use these five strategies to enhance your legal writing skills.

BY DAVID HRICIK AND KAREN J. SNEDDON



We are always trying to help you enhance your writing skills. In this installment of “Writing Matters,” we’ve drawn upon an expert to share the following five strategies.

1 Lawyers should strive to use clear and straightforward language in their writing.

Avoid unnecessary jargon, complex sentence structures and convoluted expressions. Focus on conveying your ideas in a concise and easily understandable manner, ensuring that your message is crystal clear to your audience.

For example, rather than using Latin phrases like “prima facie” or “sua sponte,” use simpler alternatives such as “at first glance” or “on its own accord.” Consider how the average person would understand the information and aim to communicate in a clear and accessible manner. Similarly, where the use of legal terms is unavoidable, lawyers should take the time to define and explain them to their readers. Provide concise and user-friendly definitions of specialized terms or phrases that might be unfamiliar to non-lawyers. This helps ensure that the reader understands the content without being overwhelmed by excessive legal jargon.

By adopting these practices, lawyers can make their writing more inclusive and accessible to a wider audience, improving communication and understanding both within and outside the legal profession.

By adopting these practices, lawyers can make their writing more inclusive and accessible to a wider audience, improving communication and understanding both within and outside the legal profession.

2 Effective legal writing requires a logical and well-structured organization.

Begin with a clear introduction that outlines your main argument or objective. Use headings and subheadings to break down complex ideas and facilitate readability. Ensure that each paragraph focuses on a single point and that there is a smooth transition between paragraphs.

Here's an example of how to ensure that each paragraph focuses on a single point and maintains smooth transitions between paragraphs:

Original Paragraph

"The plaintiff alleges that the defendant breached the contract by failing to deliver the goods on the agreed-upon date. In addition, the plaintiff claims that the defendant provided substandard quality products, which further violated the terms of the agreement. Furthermore, the plaintiff asserts that the defendant misrepresented

the specifications of the goods during the negotiation phase."

Revised Version

"The plaintiff alleges two distinct breaches of the contract by the defendant. Firstly, the defendant failed to deliver the goods on the agreed-upon date, as specified in the contract. This failure to meet the contractual deadline constitutes a breach of the agreement. Secondly, the plaintiff claims that the defendant supplied substandard quality products, which directly violates the terms and conditions outlined in the contract. The plaintiff further contends that the defendant misrepresented the specifications of the goods during the negotiation phase, contributing to the breach of contract. By alleging these two separate breaches, the plaintiff seeks appropriate remedies and damages for the harm suffered."

In the revised example, each paragraph focuses on a single point. The first paragraph discusses the failure to deliver the goods on time, while the second paragraph addresses the substandard quality of the products and the misrepresentation during negotiations. The transition between paragraphs is achieved by summarizing the main point of the previous paragraph and smoothly introducing the

next point. This creates a logical flow and helps the reader understand the distinct issues being presented.

3 Pay close attention to grammar, punctuation and spelling in your writing.

Errors in these areas can undermine your credibility and make your writing difficult to comprehend. Proofread your work carefully and consider using grammar-checking tools or seeking feedback from peers to catch any mistakes or inconsistencies.

Here are examples of how errors in grammar, punctuation and spelling can undermine credibility and hinder comprehension:

Grammar Errors

Original Sentence

"The lawyer's client was files a lawsuit against the company."

Revised Sentence

"The lawyer's client filed a lawsuit against the company."

Explanation

In the original sentence, the incorrect verb form "was files" disrupts the sen-

tence's grammatical structure. This error not only detracts from the clarity of the sentence but also creates doubts about the writer's competence.

Punctuation Errors

Original Sentence

"The judge stated that the evidence was inconclusive, however she ruled in favor of the defendant."

Revised Sentence

"The judge stated that the evidence was inconclusive; however, she ruled in favor of the defendant."

Explanation

The original sentence lacks appropriate punctuation, making it confusing to read. By adding a semicolon and a comma, the revised sentence clarifies the relationship between the judge's statement and her ruling, improving the reader's understanding.

Spelling Errors

Original Sentence

"The appellate court affirmed the district court's decision."

Revised Sentence

"The appellate court affirmed the district court's decision."

Explanation

In the original sentence, the misspelling of "district" instead of "district" undermines the writer's credibility and professionalism. Such spelling errors can cause

confusion and make it challenging for readers to trust the accuracy of the information presented.

By avoiding these errors, lawyers can ensure that their writing maintains a high level of credibility and is easily comprehensible to their intended audience.

4 Lawyers often need to persuade their readers, whether it's a judge, jury or opposing counsel.

Develop your skills in using persuasive language techniques such as rhetorical devices, logical reasoning and strong arguments. Use evidence and legal authorities to support your positions and demonstrate your credibility.

Here's an example of using a rhetorical device, specifically the rhetorical question, as a persuasive language technique:

Original Sentence

"The defendant's actions clearly demonstrate a lack of regard for public safety."

Revised Sentence

"How can we trust a defendant whose actions show such a blatant disregard for public safety?"

In this example, the rhetorical question is employed to emphasize the defendant's lack of regard for public safety. By posing the question "How can we trust," the writer appeals to the reader's sense of logic and prompts them to consider the defendant's credibility. This rhetorical device adds persuasive impact by engaging the reader and inviting them to reflect on the

argument being presented. It strengthens the writer's position by making the reader question the defendant's reliability and thus supports the overall persuasive tone of the writing.

5 Writing is a process, and revision is a crucial part of producing high-quality legal documents.

After completing a draft, set it aside for a while and then return to it with a fresh perspective. Review your work for clarity, coherence and effectiveness. Edit out unnecessary or repetitive information, refine your arguments and ensure that your writing flows smoothly.

Here's an example of editing out unnecessary and repetitive information:

Original Sentence

"The defendant, John Smith, who was found guilty of embezzlement, a serious white-collar crime involving the misappropriation of funds, was sentenced to 10 years in prison, a significant period of time that will serve as a deterrent for others considering engaging in similar criminal activities."

Revised Sentence

"John Smith, the defendant, was found guilty of embezzlement and sentenced to 10 years in prison, serving as a deterrent for others."

In the original sentence, there is unnecessary repetition and wordiness. The additional details such as "a serious white-collar crime involving the misappropriation of funds" are redundant and can be removed to make the sentence more concise and impactful.

tion of funds” are already implied by the term “embezzlement.” By removing the repetitive information, the revised sentence becomes more concise and clearer in conveying the essential information. Unnecessary repetition can often hinder the flow of the writing and make it less engaging for the reader. Editing it out allows for a more streamlined and effective expression of the intended message.

By implementing these strategies, lawyers can enhance the quality and effectiveness of their writing, enabling them to communicate more persuasively and successfully in their legal practice.

Conclusion

We stated that we drew upon an expert to create this column. Well, this entire column was written by using iterative prompts on ChatGPT. In our next installment, we will provide tips on using that tool responsibly in your practice—from refining your emails to enhancing your formal writing. ●



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.



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



When the unthinkable happens.

The SOLACE program is designed to assist any member of the legal community (lawyers, judges, law office and court staff, law students and their families) in Georgia who suffer serious loss due to a sudden catastrophic event, injury or illness. Visit www.gabar.org for more information on SOLACE, or email solace@gabar.org

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Living Legends of the Macon Bar

The Bootle Inn of Court in Macon presented a series of programs titled, “Living Legends of the Macon Bar,” which told the stories of Manley F. Brown, Hon. Lamar W. Sizemore Jr. and Virgil L. Adams.

BY TATE CRYMES AND SIENA BERRIOS GADDY



One of the best ways to learn professionalism is to hear about the lives and careers of distinguished lawyers and judges. In that spirit, the Bootle Inn of Court in Macon presented a series of programs titled, “Living Legends of the Macon Bar.” The programs told the stories of Manley Brown, Hon. Lamar Sizemore and Virgil Adams. These are Macon’s “Living Legends.”

Manley F. Brown

Manley Brown¹ was born into humble but loving circumstances in the mountain community of Sols Creek, North Carolina. His mother was the only formally educated person in Sols Creek and, because of her influence, Brown learned to read at age five. He attended Western Carolina University but, after three years, was running out of money. He learned that Mercer University School of Law would admit him without an undergraduate degree. Brown enrolled at Mercer, hoping that he would do well enough that he might find a way to stay.

Manley F. Brown

PHOTO COURTESY OF O'NEAL & BROWN, P.C.

Brown did well but still found himself without enough money to continue. After Brown missed one quarter, Dean Jim Quarles offered Brown a scholarship to return. Brown accepted and graduated with the class of 1964.

Brown then clerked for Hon. William A. Bootle on the federal district court in Macon. After his clerkship, Brown became an assistant U.S. attorney, where he tried more than 75 cases. Brown speaks of the importance of that experience by comparing it to his time as a high school basketball star: in lawyering—like in basketball—“you can’t learn ... from sitting on the bench.”

Brown then entered private practice in Macon with legendary trial lawyer Hank O’Neal. O’Neal and Brown worked together for 15 years until O’Neal passed away. Brown attributes much of his success to lessons he learned from O’Neal. Until Brown retired, he kept O’Neal’s name first in the name of his law firm.

Over more than 40 years of private practice, Brown established a reputation as a superb attorney. In 1985, he was inducted into the American College of Trial Lawyers. Brown became a mentor to generations of trial lawyers and, as an adjunct professor of law at Mercer for 44 years, to law students.

Hon. Lamar W. Sizemore Jr.

Hon. Lamar Sizemore² likes to say that he has had three careers: trial lawyer, judge and mediator. Along the way, he has also served as an adjunct professor and a mentor.

Sizemore learned how to be a lawyer from, among others, his father, Hank



Hon. Lamar W. Sizemore Jr.

PHOTO COURTESY OF CLARK, SMITH & SIZEMORE LLC

O’Neal and Manley Brown. He urges lawyers to treat each prospective client with empathy, explaining that while attorneys see many cases, to the plaintiff, “it is [their] only case, and generally ... [their] only involvement with the legal system.”³ Sizemore’s relationships with his clients were particularly rewarding. They were grateful for his time and expertise and sometimes sent tokens of their appreciation long after the representation ended—such as the client who delivered a bushel of sweet potatoes every Thanksgiving.

Sizemore served for 10 years as a Superior Court judge in Macon. He often shares his three rules with new judges: (1) “just rule,” because the parties cannot proceed until you do; (2) remember you

were a lawyer first, because otherwise you become a tyrant; and (3) when it is possible, err on the side of mercy. He is now of counsel at Clark, Smith & Sizemore in Macon, where he practices with his son, Rick. Sizemore concentrates now on serving as a mediator. He has often said that the best part about being a mediator or a judge is helping lawyers resolve their cases.

Sizemore recognizes his debt to those who mentored him and repays it by mentoring younger lawyers and, as a long-time adjunct professor at Mercer, law students as well. He explains, “[w]e all stand ... on the shoulders of the people who came before [us]. Well, every lawyer practicing law does that, and I think we have an obligation to return that or pay it forward.”⁴



It's a great idea to join
a State Bar Section.

Virgil L. Adams

Virgil Adams⁵ is a founding partner of the firm now known as Adams, Jordan & Herrington in Macon. Adams was raised in modest circumstances but enjoyed the support of his mother and his grandmother, who emphasized the importance of education. Adams took that lesson to heart and graduated from Albany State University, after which he enrolled at Mercer University School of Law. There he discovered he was drawn to the courtroom.

Adams spent the first seven and a half years of his career as an assistant district attorney in Macon, where he tried all kinds of cases, from shoplifting to murder. Adams gained a reputation as an outstanding trial lawyer and was known especially for delivering powerful closing arguments. For example, Adams tried a death penalty case against a man who beat the victim to death with a baseball bat. In his closing argument, Adams smacked a pointer with such impact on counsel table that it shattered. In the appeal, the defendant argued that the closing argument unfairly prejudiced him, but the Supreme Court held, "Bombastic argument is not unconstitutional."⁶

After his years in the DA's office, Adams co-founded his firm, originally known as Mathis, Sands, Jordan & Adams, PC. The firm has recovered millions for their clients and counts among its former partners two federal judges, Hon. W. Louis Sands and Hon. Marc T. Treadwell.

The State Bar of Georgia's 51 sections provide newsletters, programs and the chance to exchange ideas with other practitioners. Section dues are very affordable, from \$10-35. Join one (or more) today by visiting www.gabar.org > Our Programs > Sections. Questions? Contact Sections Director Mary Jo Sullivan at maryjos@gabar.org.



State Bar
of Georgia

He continues to demonstrate his flair for closing arguments. In a recent case, Adams prevailed after describing to the jury in a medical malpractice case how one document was the “stealth bomber” that would decide the case.

Adams attributes his success to his mentors, Sands, Hon. Walker P. Johnson and Manley Brown, and to his experience as an ADA. Adams reminds lawyers that reputation is paramount and suggests that they become involved in their local communities because “people in the community need to see that you care about them.”

We hope these stories inspire lawyers to lead similar lives of professionalism and honorable service. ●



Virgil L. Adams

PHOTO COURTESY OF ADAMS, JORDAN & HERRINGTON, P.C.



Tate Crymes serves as term clerk for Hon. Austin E. Carter, U.S. Bankruptcy Court for the Middle District of Georgia.

Crymes graduated *cum laude* from Mercer University Walter F. George School of Law and earned her Bachelor of Science in public policy with highest honors from the Georgia Institute of Technology.



Siena Berrios Gaddy serves as career law clerk to Hon. Austin E. Carter, U.S. Bankruptcy Court for the Middle District of Georgia

and is an adjunct professor at Mercer University School of Law. She teaches

Advanced Legal Writing in the Legal Writing, Research, and Drafting Certificate Program and has taught Bar Preparation. Gaddy is the secretary/treasurer of the William A. Bootle American Inn of Court. She graduated magna cum laude from Mercer University Walter F. George School of Law and earned an undergraduate degree in psychology from Saint Leo University.

Endnotes

1. To read the details of Manley Brown’s life, see *An Oral History of Manley F. Brown*, 26 J.S. Legal Hist. 7 (2018).
2. For more of Sizemore’s story, listen to several recorded interviews with him on the website of the Mercer Center

for Legal Ethics and Professionalism, <https://law.mercer.edu/academics/centers/clep/inside-legal-profession/>. See also the transcribed interview in Patrick E. Longan, *Inside the Legal Profession: Conversations with Leaders of the Georgia Bench and Bar* 260 – 282 (Mercer University Press 2023).

3. *Inside the Legal Profession*, *supra* note 2 at 261 (Mercer University Press 2023).
4. *Id.* at 266 – 267.
5. You can hear Adams talk about his own career in an interview he gave as part of Mercer Law’s 1L class on professionalism. The recording is available at <https://www.youtube.com/watch?v=LKpRfOn0DpM>.
6. *Patillo v. State*, 258 Ga. 255, 262, 368 S.E.2d 493, 498 (1988).

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.

MARVIN S. ARRINGTON SR.
Atlanta, Georgia
Emory University School of Law (1967)
Admitted 1970
Died July 2023

ALVIN BUTTON
Marietta, Georgia
Atlanta Law School (1971)
Admitted 1974
Died December 2022

R. WAYNE BYRD
Myrtle Beach, South Carolina
University of South Carolina School of Law (1975)
Admitted 1975
Died May 2023

ROBERT T. GREENE
Bethesda, Maryland
Emory University School of Law (1985)
Admitted 1985
Died February 2023

BRENDA KAYE KATZ
Brunswick, Georgia
Mercer University
Walter F. George School of Law (1980)
Admitted 1980
Died January 2023

GEORGE O. LAWSON JR.
Atlanta, Georgia
Atlanta Law School (1975)
Admitted 1976
Died May 2023

MONZER JULES MANSOUR
Fayetteville, Arkansas
Georgia State University
College of Law (1995)
Admitted 1996
Died May 2023

FAYE SANDERS MARTIN
Statesboro, Georgia
Woodrow Wilson College of Law
Admitted 1956
Died May 2023

THORNTON W. MORRIS
Rome, Georgia
University of Georgia
School of Law (1964)
Admitted 1964
Died June 2023

JAMES L. MULLINS
Stone Mountain, Georgia
University of Georgia
School of Law (1979)
Admitted 1979
Died May 2023

LEE CARTER MUNDELL
Savannah, Georgia
University of Georgia
School of Law (1977)
Admitted 1977
Died June 2023

JOHN N. PAGE JR.
Wilmington, Delaware
Potomac School of Law (1981)
Admitted 1983
Died May 2023

PILAR JAN PENN
Stone Mountain, Georgia
Vanderbilt University
School of Law (1993)
Admitted 1994
Died June 2023

FREDERICK E. SCHUCHMAN III
Cumming, Georgia
Duquesne University
Kline School of Law (1982)
Admitted 2007
Died April 2023

WILLIAM DELMAR SMITH
Alpharetta, Georgia
Massey Law College (1970)
Admitted 1973
Died December 2022

JOHN P. TUCKER JR.
Gillsville, Georgia
University of Virginia
School of Law (1974)
Admitted 1974
Died May 2023

HAROLD W. WHITEMAN JR.
Atlanta, Georgia
Mercer University
Walter F. George School of Law (1980)
Admitted 1980
Died February 2023

In Memoriam Contributions to the Georgia Bar Foundation

In Memory of Jack Keith Berry
Weiner, Shearouse, Weitz, Greenberg & Shawe LLP

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Robert M. Brinson Sr.

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Susan W. Cox

In Memory of Nan Davis Ellington
Susan W. Cox

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Robert M. Brinson Sr.

*Unless otherwise directed by the donor, In Memoriam contributions will be used for the Fellows program of the Georgia Bar Foundation.

OBITUARIES



Hon. Faye Sanders Martin, retired Superior Court judge for the Ogeechee Judicial Circuit, passed away in May 2023. She was born in 1934 in Brooklet, Georgia.

Faith was foremost in Martin's life. During her childhood she attended and was a member of Lanes Primitive Baptist Church in Stilson, Georgia, baptized by her father, Elder Carol Eugene Sanders at age 14. After moving to Statesboro, she transferred her membership to Statesboro Primitive Baptist Church, where she was a lifelong member.

Martin was born and reared in Bulloch County, graduated from Stilson High School in 1952, attended Georgia Teachers College (now Georgia Southern University) and Woodrow Wilson College of Law. She was awarded an honorary Juris Doctorate degree from Woodrow Wilson School of Law in October 1981. Martin was admitted to the Georgia Bar Association in 1956, and practiced law in Statesboro with the firm Anderson & Sanders until 1978, when she was appointed as Superior Court judge for the Ogeechee Judicial Circuit by Gov. George Busbee to fill a newly created judgeship for the Ogeechee Circuit. She was elected to and served five consecutive four-year terms until her retirement and was appointed as a senior judge in 2000. She served as chief judge of the Ogeechee Circuit from 1984 to 2000.

Admitted to the Georgia Bar Association at the age of 22, Martin was the first woman attorney in Bulloch County, the first woman appointed to the Georgia Superior Court bench, the first woman Superior Court chief judge in Georgia and the first mother to swear in her daughter as an attorney in Georgia.

A biography of her life, "Judge Faye Sanders Martin: Head Full of Sense, Heart Full of Gold," written by Drs. Rebecca Davis and Sandra Peacock, was published in 2004 by Mercer University Press.

She received numerous honors and awards during her lifetime, the Amicus Curiae award from the Supreme Court of Georgia for distinguished service and contribution to the administration of justice; Tradition of Excellence Award from the State Bar of Georgia General Practice & Trial Law Section for service to the public and bar; Woman of Achievement by the Statesboro Business and Professional Women's Club; Certificate of Merit from the National Organization of Black Law Enforcement Executives, Georgia Chapter, for service to Law Enforcement and Criminal Justice; Distinguished Alumni Award from Georgia Southern College; "Famous Bulloch Countian" in celebration of Georgia's 250th birthday; Who's Who of Women of the World, of American Women, of the South and Southeast, of American Law, America and Georgia. She served on the Bulloch County Committee for construction of the Judicial Complex in Statesboro; served as justice of the Supreme Court of Georgia in absence of Justice Charles L. Weltner; served on the Superior Court Sentence Review Panel; appointed to the Commission on Certainty in Sentencing by Gov. Roy Barnes. She served as judge pro-tem for the Office of Justice of the Peace in Bulloch County during the late 1950s and early 1960s.

She was a member of the State Bar of Georgia, Bulloch County Bar Association, Council of Superior Court Judges of Georgia, Statesboro Business & Professional Women's Club, Georgia Southern University Alumni Association and Georgia Association for Women Lawyers.

Beyond the bench, Martin was an excellent cook, and often prepared her famous roasted goat for the Bulloch County Bar Association. She loved to fish in the Ogeechee River, the intracoastal waterways and St. Catherines Island Sound. She and her family enjoyed weekends at Yellow Bluff Fishing Camp and Colonels Island in Liberty County, Georgia. Her family was her pride and joy. Once asked if rearing children or practicing law was harder, she replied, "both," which she did equally well. She had a love of nature and was generous of spirit. ●

She had a love of nature and was generous of spirit. ●



Marvin S. Arrington Sr., a retired Fulton County judge and former Atlanta City Council president, died in July. Arrington, a native Atlantan, was a fixture in the city's politics since the late 1960s.

Arrington graduated from Henry McNeal Turner High School in 1959 and went on to Clark College on a football scholarship. He earned his bachelor's degree in 1963 and spent his 1L year at Howard University School of Law. Arrington later transferred to Emory University School of Law. He graduated from Emory Law in 1967 as one of the school's first Black graduates.

Shortly after graduating, Arrington was elected to the Atlanta Board of Aldermen in 1969 at age 28. He later became an Atlanta councilman after the 1974 city charter amendment changed the board into the city council that governs Atlanta today. Arrington eventually became Atlanta's city council president in 1980.

In 1989, Arrington joined civil rights attorney Donald Hollowell to form Arrington & Hollowell, P.C. Years later, Arrington unsuccessfully ran for mayor of Atlanta against Bill Campbell

during the 1997 election. In 2002, then-Gov. Roy Barnes appointed Arrington to the Fulton County Superior Court. He retired from the bench in 2012.

Clark Atlanta University later awarded Arrington with an honorary doctorate. He was also a member of Big Bethel African Methodist Episcopal Church, the National Bar Association, the American Bar Association, the State Bar of Georgia, the Lawyers Club of Atlanta, the Gate City Bar Association Hall of Fame and Kiwanis International.

Arrington also served as chairman of the Emory Advisory Committee of Black Alumni and sat on the school's Board of Trustees. During his time on the bench, Arrington advocated for youth mentorship and programs to reform young offenders.

As an Atlanta alderman, Arrington pushed for "quality of life" ordinances against vagrancy, and his involvement in the Atlanta Zoo resulted in a \$25 million plan for upgrades. He also introduced legislation to support federal prohibitions against housing discrimination, appointed the first woman chair of the council's finance committee and initiated measures to require all city council meetings to be recorded and kept on file by the city clerk. ●

Note: ICLE courses listed here are subject to change and availability. For the most up-to-date ICLE program details, please visit icle.gabar.org. For questions and concerns regarding course postings, please email ICLE@gabar.org.

SEPTEMBER

- 7 Secrets to a Successful Plaintiff's Personal Injury Practice**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 14 Medical Malpractice Boot Camp**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 19 How the Law is Shaping the Future of Sports**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 21-24 Wellness and Practical Skills**
Wild Dunes Resort
Isle of Palms, South Carolina
12 CLE Hours
- 22 Take Charge: Solo and Small Firm Summit**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 28 Nursing Home Litigation**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 29 Aviation Law**
Bar Center | Atlanta, Georgia
6 CLE Hours

OCTOBER

- 5-7 Workers' Compensation Law Institute**
Jekyll Island Convention Center
Jekyll Island, Georgia
12 CLE Hours
- 12-14 Insurance Law Institute**
Ponte Vedra Inn & Club
Ponte Vedra Beach, Florida
12 CLE Hours
- 13 Title Standards**
Bar Center | Atlanta, Georgia
6 CLE Hours

- 19 Truck Wreck Cases**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 20 Criminal Practice**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 20 Zoning Law**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 25 MBA Concepts for Lawyers**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 26 Basic Fiduciary Law 201**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 27 Family Law Seminar**
Savannah Rapids Pavilion
Martinez, Georgia
6 CLE Hours
- 27 Torts Trial Practice**
Bar Center | Atlanta, Georgia
6 CLE Hours

NOVEMBER

- 3 Adoption Law**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 7 Restrictive Covenants and Trade Secrets**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 8 Class Actions**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 9 Workers' Compensation for the General Practitioner**
Bar Center | Atlanta, Georgia
6 CLE Hours

- 14 Business Immigration Law**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 14 Business Litigation**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 15 Handling Big Cases**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 15 VA Accreditation**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 29 Animal Law**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 30– Defense of Drinking Drivers Institute**
DEC 1 Bar Center | Atlanta, Georgia
12 CLE Hours

DECEMBER

- 5 Labor and Employment Law**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 7 Health Care Fraud**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 8 Recent Developments**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 14–15 Corporate Counsel Institute**
Grand Hyatt Atlanta in Buckhead
Atlanta, Georgia
12 CLE Hours

JANUARY

- 9 Trial Advocacy**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 19 School and College Law**
Bar Center | Atlanta, Georgia
6 CLE Hours

FEBRUARY

- 1–2 Estate Planning Institute**
The University of Georgia Center for
Continuing Education & Hotel
Athens, Georgia
9 CLE Hours
- 2 Special Needs Trusts**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 8 Entertainment Law**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 9 Boot Camp for Trial Lawyers**
Bar Center | Atlanta, Georgia
8 CLE Hours
- 15 Advanced Debt Collection**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 16 ADR in the Workers' Compensation Arena**
Bar Center | Atlanta, Georgia
6 CLE Hours
- 16 Ancient Foundations & Modern Equivalents**
Michael C. Carlos Museum | Emory University
Atlanta, Georgia
3 CLE Hours
- 16 Punitive Damages**
Bar Center | Atlanta, Georgia
6 CLE Hours

Please note: Not all programs listed are open for registration at this time.

Notice of and Opportunity for Comment on Amendments to the Rules of the U.S. Court of Appeals for the Eleventh Circuit

Pursuant to 28 U.S.C. § 2071(b), notice and opportunity for comment is hereby given of proposed amendments to the Rules of the U.S. Court of Appeals for the Eleventh Circuit. The public comment period is from Wednesday, Aug. 2, to Friday, Sept. 1, 2023.

A copy of the proposed amendments may be obtained on and after Aug. 2 from the court's website at <http://www.ca11.uscourts.gov/rules/proposed-revisions>. A copy may also be ob-

tained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St. NW, Atlanta, GA 30303 [phone: 404-335-6100].

Comments on the proposed amendments may be submitted in writing to the Clerk at the above address, or electronically at <http://www.ca11.uscourts.gov/rules/proposed-revisions>, no later than Sept. 1.



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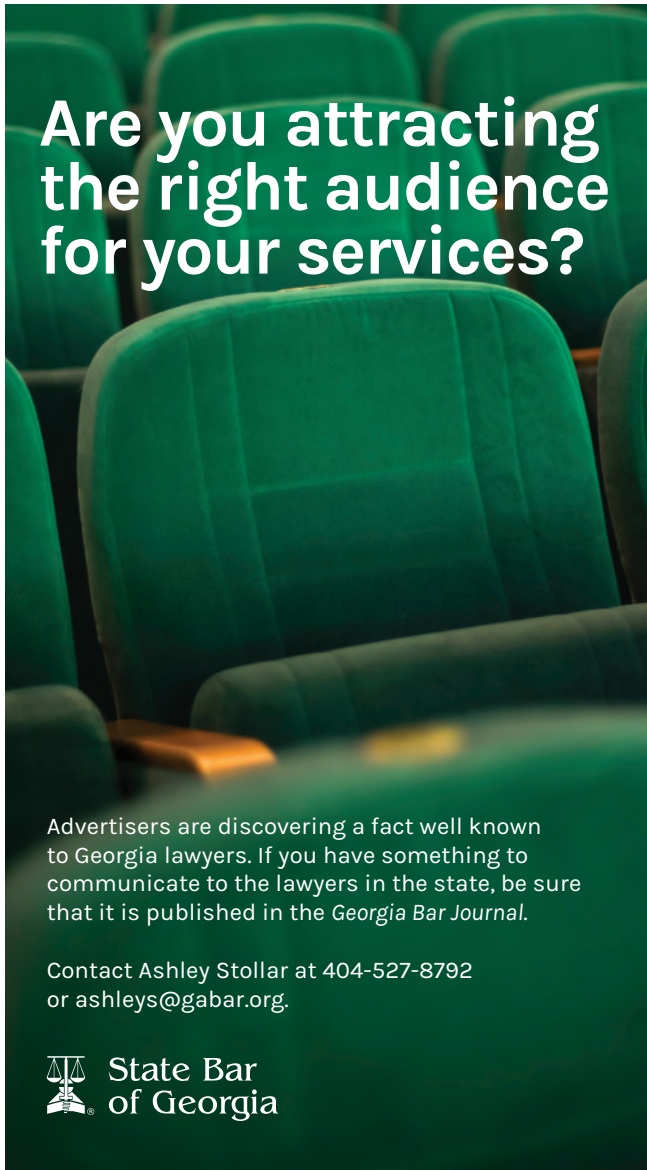
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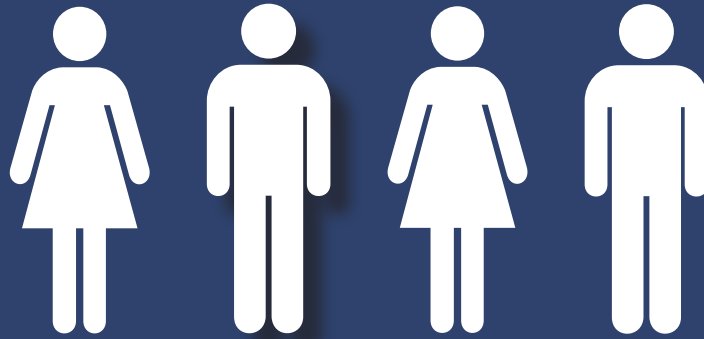


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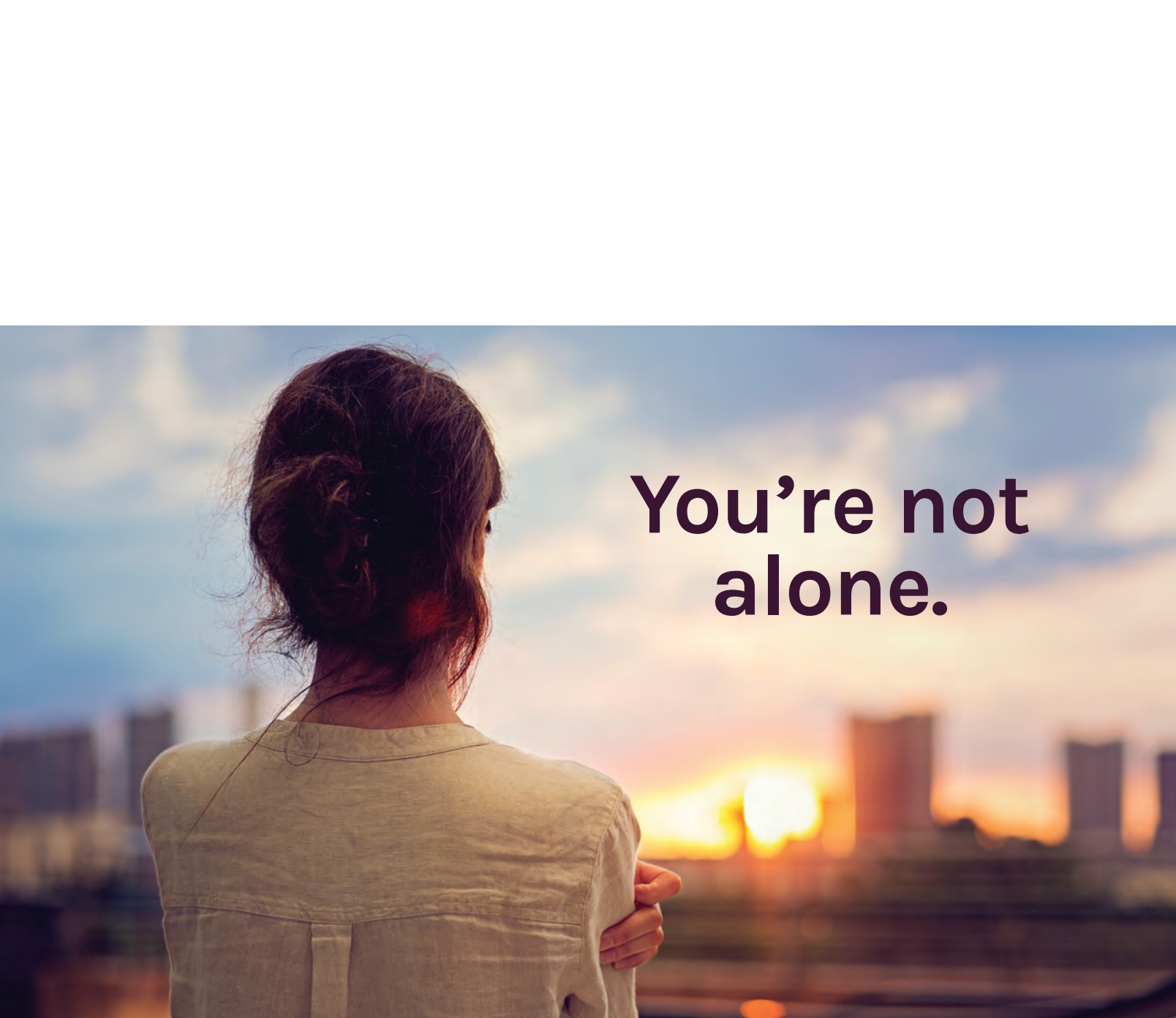
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