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GBJ | The Features

26 Strange Bedfellows?
The Classic Lawyer–Statesman and the Modern–Day Biller
CHRISTINE BUTCHER HAYES

30 Georgia Bar Foundation Awards
$1,891,319 in Grants
LEN HORTON

34 The Appling County Courthouse at Baxley: The Grand Old Courthouses of Georgia
WILBER W. CALDWELL

36 Notice of Expiring Board Terms

“THE BROKEN MACHINE”
MANDATORY MEDICAL TREATMENT UNDER GEORGIA WORKERS’ COMPENSATION / 18
Charles W. Snyder
56 Pro Bono
The Healing Power of Pro Bono
Michael Lucas
The October Issue

One hundred fifty-nine counties. Every few issues, the Georgia Bar Journal features the history of one county courthouse in its column “The Grand Old Courthouses of Georgia.” This month, we feature the Appling County Courthouse. The Georgia General Assembly whittled away at Appling County over the years, carving out other counties around it, but you wouldn’t know it from looking at the stately, imposing courthouse in the county seat of Baxley. This grand old courthouse, like so many other grand old courthouses in Georgia, stands out in the town and reflects the importance of government and law in the daily life of everyday citizens. The article on the Appling County Courthouse not only tells the story of the courthouse, but also tells the history of the county and the surrounding area. The beautiful courthouse of today evolved as the needs of the community evolved, from a log courthouse in 1849 when the population was only 20, to a courthouse in an old boxcar in 1872 as the railroad traversed south Georgia, to frame courthouses, and then to brick as the population grew and the county assumed its current geographical contours. The grand old courthouses of Georgia have a larger story to tell than just bricks and mortar would suggest.

Fifty thousand lawyers are currently barred in the state of Georgia. Yet, so it is told, when Gen. James Oglethorpe settled in Georgia, he established that the colony would be “free from that pest and scourge of mankind called lawyers.” In our other feature, “Strange Bedfellows? The Classic Lawyer-Statesman and the Modern-Day Biller,” Christine Butcher Hayes highlights one Georgia law firm that places a premium on attorney service to the community, in addition to service to the client. Hayes quotes Alexis de Tocqueville’s “Democracy in America” when she writes, “[t]he profession, which draws ‘from their work the habits of order, a certain taste for forms, a sort of instinctive love for the regular sequence of ideas’” intrinsically cultivates civic leaders. This feature shows how the firm of Bondurant, Mixson and Elmore incorporates civic responsibility into the practice of law.

The same story can be told of so many of those 50,000 lawyers, who may very well spend their time billing hours, but who also spend their time and talent in service to the communities that have built up around those grand old courthouses. The courthouse is not just a building; it is an ideal of justice. The article on civil rights attorney C.B. King, who used “the power of his advocacy” to achieve justice through the courts during the Civil Rights Movement, gives one powerful example of this.

One State Bar of Georgia. I’m proud to say that in 2018, we’re proving General Oglethorpe wrong.

BRIDGETTE E. ECKERSON
Editor-in-Chief, Georgia Bar Journal
journal@gabar.org
“Sic vos non vobis” is the message of 19th century Scottish philosopher Thomas Carlyle from his revolutionary novel, Sartor Resartus. The Latin phrase means “not for ourselves but for others.” Carlyle’s message, published in 1836, is timeless and one to be emulated by all—and especially by those of us in the legal profession.

The ideal of lawyers being of service “not for ourselves but for others” even precedes Carlyle. Thomas Jefferson, for example, once said, “The study of law qualifies a man to be useful to himself, to his neighbors and to the public.” More recently, U.S. Supreme Court Justice Stephen Breyer noted, “The lawyers’ public service tradition has a proud American history. Thirty-three of the 55 delegates to the Constitutional Convention were lawyers. . . . The tradition of public service work was the engine that helped reformers . . . to reshape early 20th century law better to serve modern society’s commercial and social needs.”

Georgia lawyers have a long and substantial record of using that qualification to serve the public in a broad range of capacities. For many Bar members, public service is their full-time job, as leaders of or staff attorneys for practically every agency of federal, state and local government representing all three branches of government—executive, legislative and judicial. Some elected officials, including judges, attorneys general, district attorneys, solicitors general and others fall into this category.

Additionally, for a large number of lawyers by education and profession, public service is their avocation. They practice law on behalf of their clients by day and work for the public “after hours” as elected officials or appointed members of state, regional and local commissions, authorities, councils and boards. Georgia lawyers have served in the state legislature, Congress and as constitutional officers, including governor.

For several years now, State Bar presidents have spoken and written about the importance of attorneys serving in the Georgia Senate and House of Representatives and lamenting the steady decline in the number of lawyer-legislators at our State Capitol. Currently, we are down to 26 lawyers in the House (14.4 percent) and 10 lawyers in the Senate (17.9 percent). Our Legislature needs more lawyers to pass good laws, and hopefully those numbers will begin to increase as
we continue to encourage Bar members to seek election to the House or Senate.

This year, I am working with State Bar Governmental Affairs Director Christine Butcher Hayes and several of our current and past lawyer-legislators on encouraging more attorneys to run for the General Assembly for the betterment of our laws, the legislative process and our justice system.

What we have not talked about as often is the public service being rendered by Bar members at the local level—on our city councils, county commissions, school boards, development authorities, hospital authorities and other capacities of local leadership. It is just as important for the legal profession to be represented at this level of government as under the gold dome of the State Capitol.

Justice Breyer contrasts “the negative contemporary image of the well paid, but narrow, hostile, and detached lawyer . . . with a more positive and more traditional professional ideal. The second, more positive, ideal is that of the lawyer as a generalist, as a problem solver, as a ‘statesman,’ as a productive participant in public life.

“Public confidence in the law depends upon widespread provision of legal services,” he added. “Sound law—law that works properly for those whom it affects—requires the lawyer’s participation in its creation. Government benefits significantly when lawyers from the private sector spend at least a portion of their careers as public servants. And our constitutional democracy, built on assumptions of public confidence and participation, also presumes that members of our profession will act as teachers, at least through example.”

For lawyers who lead by example, I need to look no further than my hometown of Albany, where former Gov. George Busbee, former Lt. Gov. Mark Taylor, former state Senate Majority Leader Michael Meyer Von Bremen and former House Judiciary Committee Chairman Tommy Chambless—to name a few—have been exemplary leaders in our state. At the local level, Chris Cohilas now serves as chairman of the Dougherty County Commission, and Bob Langstaff is a member of the Albany City Commission.

OFFICERS’ BLOCK

In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, “As fall approaches and we get ready for Halloween this year, what’s your all-time favorite costume that you’ve worn as an adult or from your childhood?”

KENNETH B. HODGES III
President

My favorite Halloween costumes have been worn by my children, Margaret and Jack. One favorite was when Margaret combined several old costumes and was a werewolf-pirate-princess. Jack was always more conventional and he was and is an awesome Superman! I can’t wait to see what this year brings.

DARRELL L. SUTTON
President-Elect

Halloween 1983. Shedding my husky-sized Toughskins, I transformed into He-Man. Stepping onto the streets of Kennesaw, Ga., I had two missions: defeat the evil sorcerer Skeletor and ply my special powers for enough candy to yield a mouth’s worth of cavities. Mission accomplished!

DAWN M. JONES
Treasurer

My favorite costume was when I dressed up as a nurse in elementary school. I knew from a very young age I wanted to be a nurse and take care of people. (Nursing was my first career, and I’m still taking care of people in my second career as a lawyer!)

ELIZABETH L. FITE
Secretary

I love dressing up for Halloween, so it’s tough for me to pick my favorite. In my teens, I discovered thrift stores, and one of my best finds was an orange leisure suit with some serious white piping that I used in a Charlie’s Angels group costume. I still have the suit and keep threatening to wear it to work on Halloween. Maybe this will be the year.

BRIAN D. “BUCK” ROGERS
Immediate Past President

My favorite childhood Halloween costume was an alligator my mother made out of a pee wee football helmet, painted green, with a wire coat hanger that supported the protruding teeth. My 11-year-old daughter, Makenzie, is going as a pickle this year and is very excited about it, as she talks about it every chance she gets.
Following the example of these and other Albany lawyers in public service, I have the honor of serving as vice chairman of the Albany Aviation Commission, where I am able to utilize both my legal experience and background as a pilot to serve the community.

Albany is certainly not unique in this regard. Lawyers across Georgia serve their communities as elected or appointed local leaders. For example, Keisha Lance Bottoms is mayor of Atlanta, Robert Reichert is mayor of Macon, Teresa Tomlinson is mayor of Columbus, Jim Thornton is mayor of LaGrange, William McIntosh is mayor of Moultrie, Lawrence Collins is mayor of Byron, Peter Banks is mayor of Barnesville and Deborah Jackson is mayor of Lithonia. Michael Chidester is mayor pro-tem of Byron, and other attorneys who are city council members include David Dickinson in Monroe, Megan Pulsts in Pine Lake, Linley Jones in Brookhaven and Ben Bradford in LaFayette.

Peter Olson is county administrator of Bartow County, and other county officials include DeKalb County CEO Michael Thurmond, Fayette County Commission Chairman Eric Maxwell, Terrell County Commission Chairman Wilbur Gamble III, Lee County Commission Vice Chairman Billy Mathis, Spalding County Commission Vice Chairman Donald Hawbaker, Cobb County Commissioner Lisa Cupid, Columbus-Muscogee County Commissioner Walker Garrett, DeKalb County Commissioner Mereda Johnson, Fulton County Commissioners Marvin Arrington Jr. and Lee Morris, Harris County Commissioner Martha Cheynning, Houston County Commissioners Gail Robinson and Jay Walker III, Rockdale County Commissioner Sherri Washington, Stephens County Commissioner Deborah Whitlock and Tift County Commissioner Fred Rigdon.

In service to education, Laura Marsh of Statesboro is a member of the Board of Regents of the University System of Georgia. Serving on the Boards of Education for county and city school systems are Jason Downey and Lester Miller in Bibb County, Brad Shealy in Brooks County, Johnny Vines in Candler Coun-
The current Bar year: Deal to these important policymaking or appointed or reappointed by Gov. Nathan and commissions. Here are the attorneys of state and local boards, authorities members also accept positions on a variety, to recognize as many attorneys who are Georgia and Georgia School Boards Association, Association of County Commissioners of our friends at the Georgia Municipal Association, commissions or school boards. But it does represent members of their city councils, county elected members of their city councils, county commissions or school boards. But it does represent our best effort, with assistance from our friends at the Georgia Municipal Association, Association of County Commissioners of Georgia and Georgia School Boards Association, to recognize as many attorneys who are serving in these roles as possible.

Perhaps with less fanfare, many Bar members also accept positions on a variety of state and local boards, authorities and commissions. Here are the attorneys appointed or reappointed by Gov. Nathan Deal to these important policymaking or oversight bodies since the beginning of the current Bar year:

- Amy Auffant, Alpharetta—State Personnel Board
- Andrew Garner, Rome—Georgia Circuit Defender Supervisory Council
- Sen. Brian Strickland, McDonough—Georgia Film, Music and Digital Entertainment Advisory Commission
- Houston County District Attorney George Hartwig—Georgia Board of Public Safety
- Joel Wooten, Columbus—Georgia Ports Authority
- Michael “Sully” Sullivan, Snellville—Technical College System of Georgia Board
- DeKalb County Magistrate Court Chief Judge Berryl Anderson—Board of Commissioners of the Magistrates Retirement Fund of Georgia
- Jacqueline Bunn, Decatur—State Commission on Family Violence
- Clayton County Superior Court Judge Kathryn Powers—State Commission on Family Violence
- Forsyth County State Court Judge Leslie Abernathy-Maddox—State Commission on Family Violence
- Chatham County Chief Magistrate Mary Kathryn Moss—Board of Commissioners of the Magistrates Retirement Fund of Georgia
- Fulton County Superior Court Judge Paige Whitaker—State Commission on Family Violence
- Laurens County Chief Magistrate Thomas Bobbitt—Board of Commissioners of the Magistrates Retirement Fund of Georgia
- Cobb County District Attorney Vic Reynolds—State Commission on Family Violence
- Hall County Solicitor-General Stephanie Woodard—State Commission on Family Violence
- Catalina Alvarez, Gainesville—State Commission on Family Violence
- Douglas County Superior Court Chief Judge David Emerson—Georgia Criminal Case Data Exchange Board
- Comer Yates, Atlanta—Georgia Commission for the Deaf and Hard of Hearing
- Bartow County Administrator Peter Olson—Georgia Emergency Communications Authority Board of Directors
- Phillip Peacock, Smyrna—Georgia Board of Homeland Security

At the state level, it is also worth noting that two of the top leaders of the executive and legislative branches are Bar members: Gov. Deal and House Speaker David Ralston.

As U.S. Securities and Exchange Commission Chair Mary Jo White, speaking to the Association of American Law Schools’ 2015 annual meeting, said, “. . . we should view our public service obligation as a long-term, continuous responsibility that guides how we conduct ourselves—whether working in the public or private sectors. And it is an obligation that extends far beyond our still aspirational duty to provide 50 hours of pro bono legal services each year.”

White added, “Perhaps if lawyers were better at fulfilling this aspect of our public service obligation, we could elevate our collective reputation, and finally make the list of most admired professions—a list where teachers and members of our military always rightfully do well. . . . Lawyers, for example, played a central role in the founding of our nation and enshrining the values that guide our country today. Thomas Jefferson was a lawyer, as was Abraham Lincoln.

“Public service though is about much more than image. It is about lawyers being good citizens as well as knowledgeable, well-trained practitioners. Personally, it has been one of the most satisfying aspects of my career, whether in the public or private sector. And make no mistake, private practitioners, not just public sector lawyers, need to absorb and live the public service mandate in order to raise the bar on our real worth as a profession. The ‘image part’ will follow right behind.

“There is in my view, no higher calling for a lawyer than public service.”

In addition to saluting our many colleagues who are answering the call to public service, we need to continue to encourage others to do so.

We acknowledge the rising demands for billable hours increase and the growing frustrations of dealing with partisan politics that are causing more and more attorneys to opt out of public service at a time when their valuable insights are most greatly needed. We must reverse this trend, and frankly the only way to do so is for more lawyers to step up and fulfill our duty to serve the public.

Bar members invest plenty of time in their service, and I know that it means that their law practices sacrifice that time. But I would argue that they are better lawyers for doing that, and I know that their communities and the state of Georgia are better for their service.”

2018 OCTOBER 9
From the YLD President

As young lawyers, the demands on our time are exhausting. Work is full of the constant pressure of deadlines and client or colleague expectations. On the personal side, finding time with family and friends while also keeping up with work obligations can be difficult and frustrating. I have certainly felt this pressure and stress. I graduated from law school at 25; by 28 I was married, pregnant and the chief magistrate judge of my small county. By 31, I was a full-time working mother of two children still in diapers. With all of the challenges of being young lawyers, the question is whether adding Bar service to the growing list of engagements is worth it. I believe it is.

I went to my first YLD meeting in 2012 on Saint Simons Island. It was intimidating to go to a meeting with a lot of people that I did not know, but I am glad I did. From that weekend, I began to see all the opportunities the YLD offered. Through the years, my YLD involvement grew even though my professional and personal life responsibilities also increased. While it was challenging to find the time to be involved, the YLD bettered my life both professionally and personally. I am excited to share those benefits of Bar service and why you should make time for the YLD.

YLD Service Will Expand Your Legal Network

The most obvious value of the YLD is fostering relationships among its members. There are endless networking opportunities from the many events the YLD puts on every year. You will meet lawyers from all over the state and from diverse practice areas. The value of being able to call a YLD colleague to ask a legal question or obtain insight about a particular judge cannot be discounted. You also never know what a relationship with another YLD member will bring. You may receive a case referral or find yourself as friendly adversaries. In some cases, the relationship could lead to future employment.

The YLD also organizes events for young lawyers to meet and mingle with distinguished lawyers and judges. Getting to know the active members of the Bar will help you develop a professional rapport that will serve you and your client well.
YLD Involvement Provides Leadership Opportunities

Lawyers are natural born leaders. It has become a hallmark of the legal profession that lawyers are expected to fill leadership roles in our profession, in our communities and in government. The YLD has produced superior court and appeals court judges, managing partners of large law firms and those who have successfully run for political office. Many of these successful people were YLD leaders before achieving these prestigious positions. The YLD offers many opportunities for lawyers to develop and strengthen their innate skills as leaders. The skills learned and the relationships formed are the building blocks to future leadership opportunities.

Our nationally recognized YLD Leadership Academy assembles some of the brightest and most diverse young leaders in our state. During a six-month period, participants engage in quality programming designed to make them more effective leaders in our profession, state government and community. This year, Leadership Academy members will receive a well-rounded perspective on leadership as they travel throughout the state to Macon, Atlanta and Vidalia. The Leadership Academy will also include a session in Washington, D.C.

The best way to improve your leadership skills in the YLD is to join a committee or become a member of the Representative Council and pursue a leadership role. These positions allow young lawyers to gain practical experience in leadership by setting goals, making decisions, communicating and holding responsibility. As committee chairs, young lawyers are responsible for engaging and inspiring their members to create and participate in programming that serves the profession and the public. There are currently 23 YLD committees in a variety of practice areas and interests. Every year, the YLD president-elect is always looking for enthusiastic and engaged people to lead these committees.

Members of the Representative Council are comprised of the positions of president, president-elect, treasurer, secretary, district representatives,

OFFICERS’ BLOCK

In this issue of the Georgia Bar Journal, we asked our YLD officers, “As fall approaches and we get ready for Halloween this year, what’s your all-time favorite costume that you’ve worn as an adult or from your childhood?”

HON. RIZZA P. O’CONNOR | YLD President

Last year, I wore an inflatable 7-foot T-Rex costume to the courthouse. I went to each department and held up a sign requesting them to help with a particular service. For example from the Superior Court clerk, I asked for paperwork to divorce my “T-Ex.”

WILLIAM T. “WILL” DAVIS | YLD President-Elect

One year, I dressed up as a milkshake in a McDonald’s value meal costume with friends who respectively dressed as a burger and fries. The best part is that the burger had one of those crying dolls for her home-ec class that she had to carry with her. We got lots of funny looks that night!

BERT HUMMEL | YLD Treasurer

When I was a kid I dressed up as Raphael from the Teenage Mutant Ninja Turtles, and I had one of those cheap plastic masks with the elastic band that made it almost impossible to breathe. It was the best.

ELISSA B. HAYNES | YLD Secretary

My all-time favorite Halloween costume was a hand-made movie star costume. I was 6 years old and my mom’s co-worker made me a red satin dress with a silver sequined star and matching sequined headband. I topped it off with a mink coat, red lipstick and terrible bangs.

NICOLE C. LEET | YLD Immediate Past President

One Halloween, I was Jem from Jem and the Holograms. I had pink hair and fantastic makeup!

AUDREY B. BERGESON | YLD Newsletter Co-Editor

DIY costumes aren't my forte, so I'm particularly proud of a costume I wore circa age 4 (all credit goes to my parents). I wanted to dress as Clifford the Big Red Dog. My costume involved lots of red construction paper, a red bathing suit and doggy whiskers face paint.

BAYLIE M. FRY | YLD Newsletter Co-Editor

My boyfriend and I dressed up as Mario and Luigi one year. For those who played Mario Kart, we came prepared with peeled bananas and turtle shells!
members-at-large, and the positions of newsletter editor and Board of Directors. The Representative Council is the decision-making arm of the YLD. Their job is to help evaluate policy and help decide what paths are in the best interest of the YLD. The Representative Council also oversees the committees and affiliate YLD organizations around the state. Campaigning for the positions of president-elect, treasurer and secretary typically start in January with the election a few months later in March. Members-at-large and district representatives elections occur during the Bar’s Annual Meeting. Typically, the incoming YLD president chooses the newsletter editors and Board of Directors from a pool of active YLD members.

Bar Involvement Serves the Public

The most important reason to be involved with the YLD is that it is an effective platform to serve people in need. The YLD is often referred to as the service arm of the Bar. There are many opportunities in the YLD to provide help and support to the public. Across the state, committees and YLD affiliate organizations are planning community service events like wills clinics and pro bono clinics. Wills clinics provide estate document planning to first responders. Pro bono clinics give free legal consultations to those who could not otherwise afford a lawyer. The best way to keep up with these service events is to subscribe to the YLD electronic newsletter on the Bar website. Every two weeks, an email highlighting upcoming events is sent out to all YLD members. If you aren’t receiving this biweekly email, please log in and review your member record to ensure you have checked the box marked “add me to the email distribution list.”

My goal this year is to grow the YLD. We cannot do it without you. I hope you will come see for yourself what the YLD can do for you, and how you can improve the YLD.
2019 HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

ATHENS | GEORGIA

May 16-18 | athens2019.nhsmtc.org | athens2019@gabar.org

The State Bar of Georgia and its Young Lawyers Division are excited to host the 2019 National High School Mock Trial Championship! Athens, “The Classic City,” is a beautiful southern college town and will be a perfect setting for crowning the 2019 National Champion.

Volunteer:
> With about 46 teams coming in from all over the country, we will need a lot of help to make the 2019 Nationals a success.
> We need lawyers, legal professionals and community members to serve in a variety of roles, including 368 spots on judging panels.

Donate:
> Our fundraising goal is $200,000.
> Sponsorship opportunities are available at varying financial levels.
> Donations are tax-deductible if made through the State Bar of Georgia Foundation.
C.B. King: A Lifetime of Fighting Racial Injustice

In the early 1960s, Albany, Ga., was a flashpoint of the American Civil Rights Movement. In fact, the first mass effort of the modern era to desegregate an entire community became known as the Albany Movement. The drive to register black voters and public protests against discriminatory laws resulted in the arrests and jailing of some 1,000 demonstrators from the Albany area and prominent civil rights leaders, including Martin Luther King Jr.

When the movement consequently transitioned from the streets to the courthouse, the push for justice remained an uphill battle. For African-Americans in the area who were battling inequality in education, employment, housing, public accommodations and other fronts, there was one place to turn.

C.B. King was the only black lawyer during that period, not just in Albany—in all of South Georgia. According to his New Georgia Encyclopedia biography written by Mary Sterner Lawson, Chevene Bowers “C.B.” King was born in Albany in 1923. Both his parents were graduates of Tuskegee Institute in Alabama, and his father, Clevon W. “Daddy” King, had founded the local branch of the NAACP during the Jim Crow era.

King attended Tuskegee for a brief period, served a tour in the Navy and graduated from Fisk University in Nashville, Tenn., in 1949. Unable to attend any of Georgia’s whites-only law schools, he earned his law degree from Case Western Reserve University in Cleveland, Ohio, in 1952, returned to Albany and started his law practice.

He took on both criminal and civil cases. Often facing injustice against his clients from all-white juries in the trial courts, he found success in the appellate courts, commonly achieving reversals of flawed verdicts. Both his knowledge of the law and his tenacity as a litigator simultaneously confounded and impressed his opponents in the courtroom. The ongoing struggles for equality throughout his career meant an endless supply of clients.

“C.B. King was the only black lawyer in South Georgia, which made it very difficult for the people who were protesting to get representation,” recalls Herbert E. Phipps, retired chief judge of the Court of Appeals of Georgia. A Baker County native, Phipps joined King’s firm in 1971 prior to his first judicial appointment as a part-time magistrate and associate judge of the Dougherty County State Court in 1980. “No white lawyer from down here would represent them. He was overworked and in demand when I was growing up and when I returned.”

In a recent interview, Phipps said he was inspired to study law by King, whom he first met during his freshman year of high school.

“He had come to talk to us about fighting racial injustice,” Phipps recalled. “After that time, we stayed in touch. I would visit his office and go to court when he had a trial. We stayed in touch throughout my college and law school years. I
knew the kind of work that he was doing, and it was one of the reasons I wanted to become a lawyer, to do that kind of work and even join him. He was involved in civil rights work throughout his lifetime.”

Phipps, by following C.B. King, was exposed to other legal giants of the civil rights era, including Donald L. Hollowell, Constance Baker Motley, William Kunstler and others. One memorable trial, Phipps said, took place prior to passage of the Voting Rights Act. It involved two black teachers with master’s degrees who had been prohibited from voting because they couldn’t pass a literacy test. They had actually passed the test several times but were forced to take other tests until there was one they did not pass.

“That was a way of keeping people from voting and it showed the importance of lawyers fighting for voting rights and civil rights,” Phipps said. “Later, the Voting Rights Act abolished the literacy tests. I remember how well they presented the case, but the federal judge still ruled against them.”

In another case, King and William Kunstler were representing some civil rights protesters. During a break in the trial, Phipps followed the lawyers back to the judge’s chambers. “I heard the judge tell C.B. that although his case did have merit, he was going to rule against his client ‘because I have to live in this little town.’”

Although other lawyers would come to Albany to assist King, Phipps became the first permanent associate of King’s firm.

“We filed many, many jury discrimination cases in South Georgia, in both civil and criminal cases,” he said. “We would depose jury commissioners. Blacks were always underrepresented on jury lists, along with women. Whenever we presented a jury discrimination case, there was a count based on race and a count based on gender.”

In addition to Martin Luther King Jr., the clients of C.B. King included many other prominent civil rights leaders, including John Lewis, Ralph David Abernathy, Andrew Young and Dr. William G. Anderson, a local physician and leader of the Albany Movement. But according to Phipps, they were the exception and not the rule.

“The overwhelming majority of his clients were ordinary, everyday black people, poor people, who had nowhere else to turn. They had no money, and they were just being mistreated.”—Herbert E. Phipps
“He was the most aggressive civil rights lawyer I ever saw, but he always stayed within the boundaries of the law. If we had 10,000 like him, this country would be a much better place.”—Herbert E. Phipps
Georgia Lawyers Helping Lawyers (LHL) is a new confidential peer-to-peer program that provides colleagues who are suffering from stress, depression, addiction or other personal issues in their lives, with a fellow Bar member to be there, listen and help.

The program is seeking not only peer volunteers who have experienced particular mental health or substance use issues, but also those who have experience helping others or just have an interest in extending a helping hand.

For more information, visit: www.GeorgiaLHL.org
An injured worker is neither a broken machine nor a guinea pig. He is a human being, who should, in consultation with his doctor, have freedom to determine what medical treatment he should, or should not, undergo.

BY CHARLES W. SNYDER

The Georgia’s Workers’ Compensation Code, from its first enactment in 1920, placed a duty on employers to provide medical care to injured workers, and imposed a reciprocal obligation on employees to accept such medical care, or else risk losing their disability income benefits. In its original version, the pertinent part of the statute reads as follows:

[T]he employer shall furnish or cause to be furnished free of charge to the injured worker, and the employee shall accept such necessary medical attention as the nature of the accident may require . . . . The refusal of the employee to accept any medical, hospital or surgical service when provided by the employer, or on order by the Industrial Commission [now the State Board of Workers’ Compensation, hereinafter “the Board”], shall bar said employee from further compensation until such refusal ceases, and no compensation shall at any time be paid for the period of suspension unless in the opinion of the Industrial Commission the circumstances justified the refusal, in which case the Industrial Commission may order a change in the medical or hospital service.¹

The requirement that an injured worker might have to submit to potentially harmful forms of medical treatment proved controversial from the outset. In 1928, the Board suspended a disabled worker’s income benefits because he refused to submit to an operation involving rebreaking and resetting his fractured leg, a procedure that, according to medical testimony, had only a 50 percent chance of success and involved great risk of infection and even of death. Nonetheless, the Superior Court affirmed the Board’s order. The Court of Appeals, however, reversed. Judge Alexander W. Stephens issued an eloquent, if scathing, opinion in Zant v. United States Fidelity & Guaranty Co:

The Compensation Act, which is designed as a humanitarian measure for the purpose of affording compensation
The injured employee is not a machine which has become broken in the performance of its duties in industry. He is a human being, entitled to compensation for his injury, and the right of his employer to have him repaired, so to speak, by giving him medical or surgical treatment, is but an incidental and subsidiary right of the employer.

in the nature of insurance to injured employees, does not contemplate that the reduction in compensation, by means of medical or surgical treatment extended by the employer to the injured employee, should be accomplished with reference solely to the material and pecuniary benefits to the employer or to the insurance carrier, and without regard to humanitarian considerations. The injured employee is not a machine which has become broken in the performance of its duties in industry, and which can be torn to pieces and experimented with solely for the purpose of rendering it fit to perform material services and produce pecuniary rewards for the person in whose service he is employed. He is not an animal to be vivisected for some one’s material gain. He is not a guinea pig to be experimented upon by doctors. He is a human being, entitled to compensation for his injury, and the right of his employer to have him repaired, so to speak, by giving him medical or surgical treatment, is but an incidental and subsidiary right of the employer by which the compensation payable by the employer might be reduced or minimized, and must necessarily be exercised by the employer with due regard, not only to the injured employee’s right to compensation under the act, but with due regard and consideration for the injured employee’s right as a human being not to be subjected to, or compelled to undergo, pain and suffering, or to jeopardize his life or endanger his health, merely for the pecuniary advantage of another.3

Subsequent cases confirmed and extended the Zant decision. It was even indicated that an injured worker could properly refuse diagnostic testing, such as a myelogram, that might not be 100 percent accurate or that might result in “after effects of a painful nature.”3 The Georgia General Assembly amended the statute granting the Board authority to suspend income benefits if an injured worker unjustifiably refused to submit to unwanted treatment many times. Its essentials remained unchanged, however, for more than 80 years. For example, the version enacted in 1985 read as follows:

The refusal of the employee without reasonable cause to accept either medical, surgical or hospital care or other treatment, as provided by this Code section, when ordered by the board, shall entitle the board in its discretion to suspend or reduce the compensation otherwise payable to such employee unless in the opinion of the board the circumstances justify the refusal.4

Clearly, the terms of the statute did not bar the Board from requiring injured workers to submit to surgery or other intrusive procedures. Nonetheless, over the years, the Board generally refrained as a matter of policy from doing so. An authoritative treatise even stated without qualification that, “as a practical matter, the Board will simply not order an employee to accept medical treatment or hospital care.”5 Possibly, the Board exercised self-restraint in light of court decisions holding it unconstitutional to require a competent adult to submit to unwanted medical treatment. In 1989, the Supreme Court of Georgia held that, “in Georgia, as elsewhere, a competent adult patient has the right to refuse medical treatment in the absence of conflicting state interest.”6

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The right to refuse unwanted medical treatment is also protected under the United States Constitution.7

It should not have been surprising, in view of this history, therefore, that, in 2003, the Georgia General Assembly amended the Code by abrogating the Board's authority to suspend an injured workers' income benefits based upon his or her refusal to submit to medical treatment. The controlling statute now addresses only a claimant's refusal to submit to an examination.8

“As long as an employee is receiving compensation, he or she shall submit himself or herself to examination by the authorized treating physician at reasonable times. If the employee refuses to submit himself or herself to or in any way obstructs such an examination requested by and provided for by the employer, upon order of the board his or her right to compensation shall be suspended until such refusal or objection ceases and no compensation shall at any time be payable for the period of suspension unless in the opinion of the board the circumstances justify the refusal or obstruction.”9

Paradoxically, in view of the Board's former policy of not ordering an injured worker to submit to treatment when it had authority to do so, the Board in recent years has repeatedly asserted the right to suspend the income benefits of an injured worker who refused to submit to medical treatment, despite the amendment of the statute. The Board has explicitly stated that position in awards published on its website. The following excerpts from published Board orders suffice to make the point:

Further, I note that O.C.G.A. § 34-9-200(c) / O.C.G.A. § 34-9-202(c) and Board Rule 200(c)(1) generally require that as long as an employee is receiving compensation, he shall submit himself to examinations, treatment, and testing requested at reasonable times and with reasonable notice. If the employee unreasonably or unjustifiably refuses to attend or in any way obstructs an examination, treatment, or test requested, the Board may order the suspension of benefits until such refusal or objection ceases. See Goswick v. Murray County Board of Education, 281 Ga. App. 442, 636 S.E.2d 133 (2006) (Failure to comply with medical treatment may result in the suspension of TTD benefits); O.C.G.A. § 34-9-200(c); Board Rule 200(c)(1); Board Rule 200(d). In that case, no compensation would be payable to the employee for the period of refusal unless, in the opinion of the Board, the circumstances justify the refusal or obstruction. See O.C.G.A. § 34-9-200(c).10

Also:

The Board has broad discretion under the standard set forth in O.C.G.A. § 34-9-200 to determine what medical treatment the employer and insurer will be required to furnish to an injured employee. . . . Therefore, the employee has an obligation to cooperate with medical treatment pursuant to O.C.G.A. § 34-9-200(c) and Board Rule 200(a)(1).11

Goswick and O.C.G.A. § 34-9-202, in fact, concern only examinations, not treatment. In Goswick, the claimant refused to appear for an examination by his authorized treating physician, contending that O.C.G.A. § 34-9-202 only provided for examinations by non-treating physicians. In rejecting the claimant's argument, the Goswick court pointed out that O.C.G.A. § 34-9-202 does not distinguish between treating and non-treating physicians; rather, it states that: “After an injury and as long as he claims compensation, the employee, if so requested by his or her employer, shall submit himself or herself to examination, at reasonable times and places, by a duly qualified phy-
I had him on a Sunday. Monday we noticed swelling. Wednesday they took him. I cried every night. My lawyer fought to get my baby back.

Who needs lawyers? We do.
Queenyona — Lithonia, Georgia
Loving Mother Falsely Accused Of Abuse
sician or surgeon designated and paid by the employer or the board.”

The Goswick decision explains that the law recognizes a distinction between treatment and examination. The opinion then goes on to state that:

Former O.C.G.A. § 34-9-200(c) authorized the suspension of benefits for refusal to accept treatment ordered by the Board. . . . [But] in 2003 the legislature amended O.C.G.A. § 34-9-200(c) to address a claimant’s refusal to submit to an examination rather than address his refusal to submit to treatment. . . . Thus, the new statute overlaps with O.C.G.A. § 34-9-202, in that O.C.G.A. § 34-9-202 addresses employer-requested examinations by a duly qualified physician or surgeon and O.C.G.A. § 34-9-200(c) addresses employer-requested examinations by the claimant’s authorized treating physician.

The Goswick claimant’s argument that he could not be required to submit to an examination by his authorized treating physician would therefore fail regardless of the 2003 amendment of O.C.G.A. § 34-9-200(c). “The legislature’s decision to change the subject of O.C.G.A. § 34-9-200(c) to address examinations rather than medical treatment does not help Goswick’s position . . . as he would lose either way.”

It was that “legislature’s decision,” referenced by the Goswick court, which deprived the Board of the authority it now purports to assert. The fact that O.C.G.A. § 34-9-200(c) was amended “to address examinations rather than medical treatment” makes manifest the intent of the Legislature. Once the Legislature enacted the 2003 amendment, there remained no statutory warrant for requiring injured workers to submit to unwanted treatment.

Which fact brings us to Board Rule 200(d), another provision the Board cites in support of its policy. Board Rule 200(d) simply states: “The employer/insurer may suspend weekly benefits for refusal of the employee to submit to treatment only by order of the Board.” As might be inferred from the phrasing of that Rule, it presupposes the existence of statutory authority for the Board to order suspension of benefits based on the refusal of treatment. That would make sense, because the Board Rule in question had been enacted while the pre-2003 version of O.C.G.A. § 34-9-200(c) was still in effect. The Rule was thus appropriate when the Board was authorized to issue such an order. Once the Legislature repealed the former version of the Code section, however, the Board Rule that had mirrored the now-defunct provision was thereby rendered void.

The Board’s rule-making authority is limited by statute. A Board Rule unsupported by statutory authority is “an impermissible extension of the Board’s authority [and] . . . is invalid.” Board Rules are intended to address procedural matters only, and cannot determine the substantive rights or obligations of the parties. Accordingly, Rule 200(d) does not empower the Board to suspend benefits based on a refusal of treatment.

Why, then, does the Board continue to assert the authority to require an injured worker to submit to treatment? Part of the answer lies in the fact that the Board retains the authority to determine what treatment the employer must provide to the injured worker. The Board customarily enjoys equal control over both the employer and the employee alike, and no doubt feels it should have the right to do so with respect to medical treatment as well.

A more immediate explanation for the Board’s position is its policy of seeking to reduce the costs of medical coverage under Georgia Workers’ Compensation. The current controversy over the use of opioid-based medications affords an opportunity to effectuate that policy. It saves the employer/insurer money if the Board orders an injured worker to submit to detoxification from pain medications instead of requiring the employer/insurer to pay for treatment for chronic pain. For that reason, the Board has begun ordering injured workers to submit to detoxification treatment.

The Board’s efforts to deny injured workers pain medications prescribed by authorized treating physicians may dovetail with legitimate concerns about opioid abuse. But there is a world of difference between the use and the abuse of opioids, a distinction too often ignored. “An addict uses a drug to get high. . . . Patients taking narcotics for pain don’t get high; they get relief from their pain.”

The public policy of this state recognizes this distinction. The statute granting the Probate Court authority to require involuntary detoxification of drug abusers (authority the Board lacks) contains the following exception: “no person shall be deemed a drug dependent individual or abuser solely by virtue of his taking, according to directions, any such drugs pursuant to a lawful prescription issued by a physician in the course of professional treatment for legitimate medical purposes.”

If the Board can require an injured worker to submit to involuntary detoxification, then it can thereby deny that individual treatment for legitimate medical purposes as recommended by an authorized treating physician. Such denials are part and parcel of the national trend whereby governmental agencies are preventing qualified medical practitioners from providing their patients with the most effective, and in many cases the only, treatment to control severe chronic pain. Too often, patients are ordered into detoxification simply to save insurers the costs of pain management.

Indeed, the Board’s leadership has signaled to employers and insurers its determination to reduce the costs of treating patients for chronic pain, and has even celebrated the fact that opioid prescrib-
The current controversy over the use of opioid-based medications ... saves the employer/insurer money if the Board orders an injured worker to submit to detoxification from pain medications instead of requiring the employer/insurer to pay for treatment for chronic pain.

Endnotes
1. 1920 Ga. Laws 167, 181. Originally, the employer was required to provide medical care for only the first 30 days after the date of injury. Id. Later, medical benefits were required for as long as the work-related injury required treatment. For injuries occurring after July 1, 2013, medical coverage is limited to 400 weeks unless the injury is designated as catastrophic. O.C.G.A. § 34-9-200(c) (2013).

14. Id. at 445-446.
15. Id. at 446.
17. Board Rule 200(d) (2012).
20. Id.
21. The same point applies to the other Board Rules cited by the Board.
22. O.C.G.A. § 34-9-200(a)(1) and (2)(2013).
25. O.C.G.A. § 37-7-1(8) (2009). Opioids are included in the class of drugs to which this statute applies.
The State Bar of Georgia’s 49 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 > Member Login > Section Membership > Join Sections. Questions? Email maryjos@gabar.org.
Strange Bedfellows?
The Classic Lawyer-Statesman and the Modern-Day Biller

Can the early American lawyer-statesman coexist with the modern American legal business model under one roof? Governmental Affairs Director Christine Butcher Hayes looks at Bondurant Mixson and Elmore LLP as an example of how firms can find this balance.

BY CHRISTINE BUTCHER HAYES

As the story goes, when Gen. James Oglethorpe settled in Georgia, he established that the colony would be “free from that pest and scourge of mankind called lawyers.” Apparently, Oglethorpe could only keep them away for so long. The legal profession served as a backbone during the infancy of the American democratic experiment, determined to uphold the rule of law. Lawyers organically controlled the judicial branch and were frequently elected to the legislative and the executive within the federal government and at the state level.

In 1831, Frenchman Alexis de Tocqueville famously toured America to study its society and eventually publish his findings. His work, Democracy in America, not only foreshadowed some of the country’s greatest struggles, but also perceived the unique dynamic of the legal profession in American democracy. From Tocqueville’s viewpoint, a lawyer’s enlight-
enment to the framework and mechanics governing society, along with his interest in serving the popular cause, made him a natural middleman between the government and the people. In effect, the people historically entrusted lawyers with public office. Of the 45 individuals who have served as president of the United States, 26 have been lawyers. Not to mention the numerous governors, mayors, alderman, council members and association leaders that have also been members of the bar. The profession, which draws “from their work the habits of order, a certain taste for forms, a sort of instinctive love for the regular sequence of ideas” intrinsically cultivates civic leaders.

As America has evolved since Tocqueville’s early reflections, so too has the practice of law. Back then there were far fewer lawyers, far fewer Americans and far fewer volumes of the state and federal code. As the American population swelled to more densely populated urban and suburban cities, the lawyers followed the people and their problems. Legal professionals evolved to become more specialized, both to distinguish themselves and to help clients navigate the increased complexity that accompanied a century of technological and commercial growth. As a result, “[private] lawyers are now to a greater extent than formerly business men, a part of the great organized system of industrial and financial enterprise.”

The modern economic pressure upon lawyers has lent to more time billing clients and less of it to other civic pursuits. This begs the question: can the early American lawyer-statesman coexist with the modern American legal business model under one roof? This inquiry lends itself to a conversation I find myself repeatedly having with members of the Bar: what’s happened to the lawyers in part-time and voluntary public service? Are we billing the profession out of civic existence?

In search of a model that struck this balance, a few legal luminaries told me to take a look at Bondurant Mixson and Elmore (BME). The firm often tops the list of the highest starting salary for first year associates in the Atlanta legal market and boasts an impressive roster of former federal law

“I have become a better lawyer through pro bono casework. There is always a new skill to perfect, or an interesting area of law to learn. I have worked with many fantastic attorneys who have taught me lawyering techniques that I had not tried before. Of course, it feels good to serve disadvantaged clients who benefit from my experience and skills, but I often come away from pro bono projects with new knowledge and experiences that help me better represent my private clients. I love it when everyone wins!”

— Kerry McGrath, Volunteer with Catholic Charities Atlanta and Immigration Equality
clerks decked with academic accolades. But notably among the firm’s roster of 27 attorneys, active participation in civic life is the rule rather than the exception.

From my chat with Emmet Bondurant, it is clear that the leadership model that has developed at BME is an effect of the support and opportunity he had as a young lawyer at Kilpatrick Townsend beginning in 1962. Ambitious to get in the courtroom, Bondurant took on three pro bono matters that allowed him to argue before the then-Fifth Circuit Court of Appeals in Atlanta. His young-and-hungry initiative led to an opportunity that few lawyers ever see in their career. At just 26 years old, Bondurant successfully argued Wesberry v. Sanders before the U.S. Supreme Court, which held that the state of Georgia must conform its congressional districts to the principal of “one person, one vote.” After that, he was hooked. The leadership at Kilpatrick continued to allow Bondurant to take on pro bono work while managing his regular billable caseload. But for taking the Wesberry case pro bono, he would not have had the appellate experience as such a young lawyer. The maturity Bondurant developed from the experience has shaped the culture of the firm that bears his name today.

Bondurant describes the ethos at BME as “the classically liberal law firm.” The attitude is not left or right in the political sense, but rooted in a philosophy that emphasizes freedom and independence—an attorney is left to pursue his or her own interest in his or her own way. That could be through board leadership, bar leadership, pro bono work or even running for governor. Whatever the pursuit, all of his colleagues agree—the leadership comes from the top down and it starts with Bondurant.

BME does not have an annual billable hour requirement, but attorneys are expected to get the job done. That can sometimes lead to long days, or even long months, when juggling clients and other obligations. John Floyd, a BME partner, described getting to the office at the crack of dawn to squeeze in a few hours of billable work before heading down to the Fulton County Courthouse in 2015, where he spent months as part of the prosecution team in the RICO trial of 12 teachers and administrators stemming from the Atlanta Public Schools cheating scandal. Floyd ultimately put approximately 2,400 pro bono hours into the case.

BME Partner Robbie Ashe calls it “paying his civic rent.” Ashe currently serves as chairman of the board of directors of the Metropolitan Atlanta Rapid Transit Authority (MARTA). According to Ashe, he spends between 600-700 hours per year on voluntary work related to the MARTA board. Ashe says his work with MARTA has given him the opportunity to be the client and enhance his perspective as an attorney. And he enjoys it, so he finds ways to squeeze in the time.

Admittedly, some commitments may be more encompassing than others, but the firm’s philosophy lends itself to dynamic options. This allowed Jason Carter to cut back to part-time while he served in the Georgia Senate so he could pursue his interest in politics. Carter also took a leave of absence for a year while he ran for governor in 2014. Now back in full-time partnership, he spends his time outside the firm as chairman of the Carter Center Board of Trustees.

For some attorneys, there may be perceived risks in representing controversial clients in pro bono matters or serving in a political capacity that may expose them to public scrutiny. But according to Bondurant, these risks haven’t deterred clients from coming through the door—in fact, quite the opposite. He says that the firm has developed a reputation for being up for a challenge. They receive a number of pro bono referrals from judges, who appreciate when private lawyers can handle these often-complicated cases. Plus, gaining exposure to new areas of the law and a different group of practitioners is often helpful for business development.

To be sure, there are some attorneys at BME that do not embrace pro bono work and civic activities with the same level of fervor. But as Carter explains, the firm “has built a harmony of people with different interests.” For those who aren’t as active outside their billable work, they see the benefit of supporting the passions of their colleagues. Pursuing their interests keeps these skilled individuals fulfilled, so ultimately the firm is less likely to lose the investment it has made in its highly talented lawyers. The overall consensus is that these civic pursuits also make them better attorneys.

BME’s blended litigation practice may lend itself better to the culture of civic responsibility than other traditional corporate legal practices that solely rely on revenue through billable time. The firm represents individuals and entities on both sides of the “v.”, which provides a mix of contingency and hourly work. They also work with clients on alternative fee arrangements. This isn’t to say that the firm doesn’t take on risk or realize loss when its lawyers take on a pro bono case or commit time to other civic activities. BME has exhausted millions of dollars in time and in resources over the years to lead these pro bono cases until they reach a final disposition. But at the end of the day, there is more to the practice of law than making money.

Perhaps the biggest takeaway from my conversations at BME was the satisfaction they derived from their work. They were unequivocally happier lawyers because of their ability to engage in civic and public service. Perhaps the lawyer-statesman and the modern-day biller don’t make such strange bedfellows after all.

Ultimately, balancing life and legal practice looks different for everyone. But if you ask Emmet Bondurant, he’d tell you he’d rather argue a $1983 case pro bono than play golf.

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Endnotes
The State Bar of Georgia announces its Annual Fiction Writing Competition.

The Editorial Board of the Georgia Bar Journal is pleased to announce that it will sponsor its Annual Fiction Writing Contest in accordance with the rules set forth below. The purposes of this competition are to enhance interest in the Journal, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. For more information, contact Sarah I. Coole, Director of Communications, 404-527-8791 or sarahc@gabar.org.

1. The competition is open to any member in good standing of the State Bar of Georgia, except current members of the Editorial Board. Authors may collaborate, but only one submission from each member will be considered.

2. Subject to the following criteria, the article may be on any fictional topic and may be in any form (humorous, anecdotal, mystery, science fiction, etc.). Among the criteria the Board will consider in judging the articles submitted are: quality of writing; creativity; degree of interest to lawyers and relevance to their life and work; extent to which the article comports with the established reputation of the Journal; and adherence to specified limitations on length and other competition requirements. The Board will not consider any article that, in the sole judgment of the Board, contains matter that is libelous or that violates accepted community standards of good taste and decency.

3. All articles submitted to the competition become the property of the State Bar of Georgia and, by submitting the article, the author warrants that all persons and events contained in the article are fictitious, that any similarity to actual persons or events is purely coincidental and that the article has not been previously published.

4. Articles should not be more than 7,500 words in length and should be submitted electronically.

5. Articles will be judged without knowledge of the author’s identity. The author’s name and Bar number should be placed on a separate cover sheet with the name of the story.

6. All submissions must be received at State Bar headquarters in proper form prior to the close of business on a date specified by the Board. Submissions received after that date and time will not be considered. Please direct all submissions to: Sarah I. Coole, Director of Communications, by email to sarahc@gabar.org. If you do not receive confirmation that your entry has been received, please call 404-527-8791.

7. Depending on the number of submissions, the Board may elect to solicit outside assistance in reviewing the articles. The final decision, however, will be made by majority vote of the Board. Contestants will be advised of the results of the competition by letter. Honorable mentions may be announced.

8. The winning article, if any, will be published. The Board reserves the right to edit articles and to select no winner and to publish no article from among those submitted if the submissions are deemed by the Board not to be of notable quality.

Deadline: Jan. 11, 2019
Georgia Bar Foundation Awards $1,891,319 in Grants

Twenty-four organizations received funding from 30 grants made up of a combination of IOLTA funds and Fellows contributions.

BY LEN HORTON

At its annual grants meeting in July, the Board of Trustees of the Georgia Bar Foundation awarded $1,891,319 in 30 grants to 24 organizations. A total of 19 grants were from Interest On Lawyer Trust Account (IOLTA) funds and 11 grants were from contributions by Fellows of the Georgia Bar Foundation (Fellows). This was the most money awarded in one meeting since fiscal year 2009-10.

“We were all pleased that IOLTA revenues had grown enough so we could begin to assist more than just a few organizations,” said Kitty Cohen, president of the Georgia Bar Foundation. 

2018 Fellows grantees. (Back row, left to right) Darleen Kelley and Nancy Long, Southwest Georgia Legal Self-Help Center; Pearson Beardsley, Georgia Heirs Property Law Center; Darcy Meals, deputy director, Center for Access to Justice, GSU College of Law; Mary Alexander, Truancy Intervention Project; Sarah Babcock, executive director, Lawyers for Equal Justice; Bucky Askew, creator of Lawyers for Equal Justice; Mike Monahan, State Bar of Georgia Access to Justice Committee. (Front row, left to right) Skipper Stipemaas, executive director, Georgia Heirs Property Law Center; Kitty Cohen, president, Georgia Bar Foundation; Derrick Pope, executive director, the Arc of Justice Institute; and Talley Wells, executive director, Georgia Appleseed. Not pictured: Lily Pad SANE Center; Middle Ga. Access to Justice Council; and the Safe Shelter for Domestic Violence.
of the Georgia Bar Foundation. “While we have a long way to go before revenues are back to pre-Great Recession levels, we are seeing steady improvement in IOLTA revenues.”

Of the almost $1.9 million in awarded grants, $1,814,600, or 95.9 percent, was from IOLTA and 4.1 percent was from the voluntary contributions of the Fellows.

The primary purpose of the Georgia Bar Foundation is to assist civil indigent legal services throughout the state. Georgia Legal Services received $850,000 and Atlanta Legal Aid received $400,000. Recipients of U.S. government funding through the Legal Services Corporation, both organizations are permitted to use Georgia Bar Foundation grant awards to pay for operating expenses, which is rare. As Steve Gottlieb, executive director of Atlanta Legal Aid, has said, grants from the Georgia Bar Foundation are particularly useful because they typically can be used for operating expenses.

The Atlanta Volunteer Lawyers Foundation (AVLF) received $100,000 to support its Safe Families program that is currently seeing more than 3,300 people from troubled families annually.

The Truancy Intervention Project Georgia (TIP) is a program that originated in Fulton County and provides resources and intervention services to children who are chronically absent from school. TIP received an $80,000 grant to provide support for related truancy programs throughout the state.

The Georgia Bar Foundation awarded a Fellows grant of $10,000 to TIP to fund a consultant who will assist in developing a strategic plan.

A $60,000 grant was awarded to the Georgia Appellate Practice and Educational Resource Center. This organization provides legal assistance to death row inmates.

What do you do when an excellent organization loses funding that simply cannot be replaced? The Georgia Law Center for the Homeless lost a major federal grant and soon thereafter began downsizing. Eventually it suffered survival issues, and not long after that its demise had to be faced. As a previous recipient of 16 Georgia Bar Foundation grants totaling $533,400, a number of caring lawyers and non-lawyers stepped up to offer assistance. Geoff Frost and Jason Carter, both with Bondurant Mixson and Elmore, Ed Powers with HOPE Atlanta and others including Steve Gottlieb with Atlanta Legal Aid advocated that the Georgia Bar Foundation help. Frost, as chairman of the center, made it his mission to keep it alive. After an emergency $5,000 foundation grant kept the center operational, a plan was created to make the center part of Hope Atlanta. The Georgia Bar Foundation awarded a $50,000 grant to Hope Atlanta to continue supporting the center and its work in assisting Atlanta’s homeless.

Before it became a super crisis, the Georgia Asylum and Immigration Network (GAIN) was working to assist asylum seekers through its Asylum Program. GAIN partners with law firms and nonprofits to provide legal assistance to asylum seekers who cannot return home without facing danger. To help them expand to meet a large demand for assistance, the Georgia Bar Foundation awarded GAIN $45,000.

Lawyers for Equal Justice (L4EJ) received a $32,000 IOLTA grant to represent low-income litigants in Toombs County Magistrate Court by way of a remote, electronic connection. The funds will also be used to offer community education clinics. L4EJ assists new solo attorneys as they develop sustainable law practices while serving those who otherwise could not afford legal representation.

An additional $5,500 grant was made to L4EJ from voluntary Fellows contributions. The money will be used to purchase video conferencing software and hardware along with two laptops and other equipment needed to implement a pro bono remote consultation project.

The Southwest Georgia Legal Self-Help Center, based in Albany, also received IOLTA and Fellows grants. Its $25,000 IOLTA grant was made to support staff salaries, office renovations and equipment purchases. Serving Dougherty County and 32 surrounding counties, this organization assists 19 walk-in clients daily and receives 127,000 website hits each month.

The organization’s $6,219 Fellows grant was awarded to support a pilot project for a regional, multi-county self-help center that can be replicated across Georgia. The goal is to connect clients with a wide range of legal resources from self-help information to referrals to full-service attorneys.

The Georgia Heirs Property Law Center received a $25,000 IOLTA grant and a $10,000 Fellows grant. About two-thirds of the IOLTA grant will support salaries with about 7 percent going for case costs including court fees, recording fees and title searches. The $10,000 Fellows grant will be used to fund two wills clinics in Fitzgerald.
and to expand outreach to six additional counties not currently covered by the Equal Justice Works Housing Corps. It will also fund a title clinic to assess the condition of title for at least 10 heirs properties.

Georgia Appleseed also received both IOLTA and Fellows grants. The $25,000 IOLTA grant will be used to support attorney representation of foster children in school tribunals and to update the attorney manual, improving the student tribunal section as well as supporting the creation of a parent guide. In addition, the grant will be used to recommend a statewide process to increase foster care representation in school tribunals.

Appleseed’s $10,000 Fellows grant will be used to provide training to attorneys who will be assisting with restorative practices in Dougherty County and Richmond County school districts. Restorative practices is a school model for solving discipline problems by arranging for the offending students to have face-to-face meetings with the harmed students.

Catholic Charities Atlanta received an IOLTA grant of $22,600 to fund three months of services for an attorney and paralegal to make group know-your-rights presentations to detainees in the Atlanta City Detention Center. Following the presentations, one-on-one meetings will be held to provide information and orientation for 12 detainees each week.

The Georgia Justice Project received a $20,000 IOLTA grant to fund attorney time to meet with court officials and other interested parties in multiple jurisdictions to discuss record restriction (expungement). The goal is to make 50 presentations to 1,500 attendees, five of which will be outside Atlanta.

SafePath Children’s Advocacy Center in Marietta, recognized as a vital part of the community’s effort to eliminate child abuse, received a $20,000 IOLTA grant for non-salary support of its operations including rent, supplies, training, insurance and an audit.

The Sexual Assault Center of Northwest Georgia, headquartered in Rome, received an IOLTA grant for $20,000 for legal representation of victims of sexual assault. Most of the money will be used to pay discounted attorney fees, filing fees and various court costs, in addition to educational programs for the staff.

Jefferson County Community Ships for Youth, which is the Louisville agency of Georgia Family Connection, received a $15,000 grant mainly to counsel first-time offenders recommended by the district attorney’s office. The goal is to provide life skills geared toward helping them avoid further criminal behavior, increasing the probability that they will become contributing members of the community.

Asian Americans Advancing Justice—Atlanta received a $10,000 IOLTA grant to support the direct provision of legal services to immigrants. Applications for naturalization and adjustment of status will be provided along with representation in bond and custody proceedings for immigrants detained in Georgia.

Safe Shelter Center for Domestic Violence Services, based in Savannah, received a $10,000 IOLTA grant and a $10,000 Fellows grant to support the provision of legal assistance to victims of domestic violence. Temporary protective orders, 12-month hearings and divorces are all covered. This organization has been serving Savannah since 1979 and is the city’s only shelter devoted to victims of domestic violence.

The Halcyon Home for Battered Women in Thomasville received a $5,000 IOLTA grant to provide legal assistance to victims of domestic violence.

The Access to Justice Committee of the State Bar of Georgia received a $10,000 Fellows grant to pay for consultants to design a study to identify how best to make the religious community sensitive to and supportive of legal assistance to the poor. This grant pays for travel expenses, meals, lodging and research.

The Center for Access to Justice at Georgia State University College of Law received a $7,500 Fellows grant to fully fund the Alternative Spring Break component of its Rural Justice Initiative that is focused on increasing awareness of access to justice in rural communities. The grant eliminates the need for students to pay part of the cost of participating, thus increasing the number of students who will become part of this initiative.

Lily Pad SANE Center in Albany received a $5,000 Fellows grant to support the operation of this sexual assault center which provides a 24-hour crisis line, interviews of child victims, and child and family advocacy.

The Middle Georgia Access to Justice Council received a $2,500 Fellows grant to help it start an incubator program in the Macon area. The goal is to have new lawyers set up in solo practices featuring a socially conscious approach. The organization will also focus on recruiting attorney volunteers to give time, talent and legal expertise in serving citizens who cannot afford to hire legal representation.

Another startup receiving a Fellows grant was the Arc of Justice Institute. Created by Derrick Pope, this organization received $5,000 to support its goal of educating the public about the role of lawyers and judges in the American Civil Rights Movement. The goal is to create a traveling exhibit entitled Under the Color of Law, which will be the first of its kind in civic and cultural education. The exhibit will premiere in 2019 at the National Center for Civil and Human Rights in Atlanta.

Added together, these grants make this year one of the most productive since before the Great Recession. As IOLTA revenues increase over fiscal year 2018-19 and as interest in the Fellows program increases, the future is getting brighter for the Georgia Bar Foundation’s ability to assist legal aid and other law-related organizations throughout Georgia.

Len Horton
Executive Director
Georgia Bar Foundation
len@gabarfoundation.org
GEORGIA BAR JOURNAL LEGAL ARTICLES
Earn up to six CLE credits for having your legal article published in the Journal. Contact sarahc@gabar.org for more information.

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Volunteer and complete online training to be a peer in the Georgia Lawyers Helping Lawyers Program and earn up to two CLE hours during your training. Visit www.GeorgiaLHL.org for more information.
The Appling County Courthouse at Baxley
The Grand Old Courthouses of Georgia

According to Joan Niles Sears in “The First Hundred Years of Town Planning in Georgia,” the land that comprised the original Appling County, created in 1818, was at first “considered useless.” Until lumbermen began to clear the vast reaches of virgin pine, the area was only sparsely populated by struggling farmers and stockmen. In the late 1820s, the population of the sprawling new county was only about 1,200, and it was not until
1828 that a location for the county seat was established. In that year, the now extinct town of Holmesville was laid out as the seat of government, and a log courthouse was erected. Twenty years later, the noted traveler George White noted in his 1849 “Statistics of Georgia” that the town had two stores and a population of 20. In 1870, the trains of The Macon and Brunswick Railroad began to traverse the county, and in 1872, the voters of Appling County voted 249 “for” and 121 “against” to move the county town to Station #7. Later called Baxley for Wilson Baxley, a local cattlemen and merchant, the new town centered on the depot, which county histories describe as an “old box car.” Most of the residents of Holmesville moved to Baxley in the first year of the town’s existence.

As timber and cattle interests began to develop, Baxley slowly grew reaching a population of 175 by 1879, 250 by 1886 and 350 by 1896 according to various Sholes’ Gazetteers of Georgia. A simple frame courthouse was erected in 1874, and was replaced by a larger frame building in 1876. A rudimentary brick courthouse was completed in 1886. As the years passed, the huge expanses of the county were slowly whittled away. Eleven new counties would claim lands contained in the original Appling County.

Surprisingly, H. L. Lewman’s 1906 Appling County Courthouse at Baxley was the only limestone courthouse built in Georgia before 1910. In remote areas of the state, wooden court buildings were erected right up until 1900, and as we have seen, there were a few courthouses constructed of concrete block in the first decade of the new century. Otherwise, except for the granite hulk of J. W. Golucke’s 1900 DeKalb County Courthouse at Decatur, all of the state’s great court buildings of the early era were built of brick.

In the Wiregrass, the myth of a New South would appear late. It arrived with considerable thrust after the turn of the century, and it arrived on the promise of so many crossing rails. As timberlands played out, many logging railroads were converted to common carrier lines, and a wave of courthouse building followed. Here in Baxley, a town that had sustained only modest growth in the closing decades of the 19th century, this promise must have seemed enticing indeed. In 1906, just as a fine wooden depot was going up in Baxley, the county’s citizens approved the expenditure of more than $50,000 for the construction of H. L. Lewman’s Neoclassical monument to their aspirations for the new century. Built at more than twice the cost of the nearby 1906 Jeff Davis County Courthouse at Hazlehurst, this building reflects not only the hope for crossing rails but a considerable competition with Appling County’s neighbors.

Despite its expensive limestone walls, the building, like all of those built in Georgia by Louisville’s Falls City Construction Company, lacked the exuberance and force of the Neoclassical court buildings of the first half of the decade. Walter Chamberlain’s Warren County Courthouse at Warrenton was such a building, a transitional link between the flamboyant symbols of 19th century aspirations and the governmental architectural doldrums which were to come. Originally called M. T. Lewman and Company, The Fall City Construction Company was organized in 1907 by the three sons of M. T. Lewman who had drowned in Savannah while building the DeSoto Hotel. The company built eight courthouses in Georgia. Three of these are quite similar in design to H. L. Lewman’s 1907 court building here in Appling County. Although executed in brick, the 1905 Stephens County Courthouse at Toccoa, the 1909 Chatooga County Courthouse at Summerville and the 1910 Irwin County Courthouse at Ocilla all have front elevations, rooflines and lanterns which match Lewman’s design here in Baxley.

The first decade of the 20th century witnessed the construction of 55 courthouses in Georgia. Some architects, like J. W. Golucke, had developed their own personal versions of Neoclassicism, which were mindful of both flamboyant national trends and the simpler Old South Classicism of Jefferson and of the Greek Revival. Others like Frank Milburn, who were more at home with Beaux-Arts Classicism, were able to fashion modern symbols which were still acceptable to conservative, even reactionary, Southern tastes. The third group of Neoclassicists working in Georgia in this period were designers like H. L. Lewman and Walter Chamberlain, men who were denizens of the age they were seeking to introduce. Theirs was an ordinary, fundamentally commercial brand of architecture. They employed classical symbols, yet failed to achieve emotional effects. Before 1910, Classical architectural success in Georgia would only come from men who understood Southern predicaments as well as Southern prospects, only from men who sought to express this confused essence in their buildings.

All of this notwithstanding, there is a simple dignity in Lewman’s Appling County Courthouse, and with its 1966 remodeling, the old building proudly occupies a prominent corner in the center of town.

Notice of Expiring Board Terms

Listed below are the members of the State Bar of Georgia Board of Governors whose terms will expire in June 2019. These incumbents and those interested in running for a specific post should refer to the election schedule (posted below) for important dates.

State Bar of Georgia 2019 Election Schedule

2018

AUG 10 Deadline for submission of election schedule for publication in October issue Georgia Bar Journal

OCT Official Election Notice, October issue Georgia Bar Journal

DEC 1 Nominating petition package mailed to incumbent Board of Governors members and other members who request a package

2019

JAN 10–12 Nomination of Officers at Midyear Board Meeting, Macon Marriott, Macon

JAN 25 Deadline for receipt of nominating petitions for incumbent Board members including incumbent nonresident (out-of-state) members

FEB 22 Deadline for receipt of nominating petitions for new Board members including new nonresident (out-of-state) members

MAR 8 Deadline for write-in candidates for officer to file a written statement (not less than 10 days prior to mailing of ballots (Article VII, Section 1 (c))

MAR 8 Deadline for write-in candidates for Board of Governors to file a written statement (not less than 10 days prior to mailing of ballots (Article VII, Section 2 (c))

MAR 25 Ballots mailed

APR 26 11:59 p.m. deadline for ballots to be cast in order to be valid

MAY 3 Election service submits results to the Elections Committee

MAY 10 Election results reported and made available

Alapaha Circuit, Post 1
Larry Michael Johnson, Nashville

Alcovy Circuit, Post 1
Michael G. Geoffroy, Covington

Appalachian Circuit
Will H. Pickett Jr., Jasper

Atlanta Circuit, Post 1
Hon. Diane E. Bessen, Atlanta

Atlanta Circuit, Post 3
Kathleen M. Womack, Atlanta

Atlanta Circuit, Post 5
Catherine Koura, Atlanta

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

Atlanta Circuit, Post 9
Keith Elliott Gammage, Atlanta

Atlanta Circuit, Post 11
Hon. Jill Pryor, Atlanta

Atlanta Circuit, Post 13
R. Gary Spencer, Atlanta

Atlanta Circuit, Post 15
Letitia A. McDonald, Atlanta

Atlanta Circuit, Post 17
Hon. JaDawnya C. Butler, Atlanta

Atlanta Circuit, Post 19
Zahra S. Karinshak, Atlanta

Atlanta Circuit, Post 21
Patricia Anne Gorham, Atlanta

Atlanta Circuit, Post 23
Donna G. Barwick, Atlanta

Atlanta Circuit, Post 25
Phyllis J. Holmen, Atlanta

Atlanta Circuit, Post 27
Nancy Jean Whaley, Atlanta

Atlanta Circuit, Post 29
Tina Shadix Roddenbery, Atlanta

Atlanta Circuit, Post 30
Shiriki Lean Cavitt, Atlanta

Atlanta Circuit, Post 32
Seth David Kirschenbaum, Atlanta

Atlanta Circuit, Post 34
Allega J. Lawrence, Atlanta

Atlanta Circuit, Post 36
J. Marcus Edward Howard, Atlanta

Atlanta Circuit, Post 39
Anita Wallace Thomas, Atlanta

Atlanta Circuit, Post 2
Carl Robert Varnedoe, Hinesville

Augusta Circuit, Post 1
Sam G. Nicholson, Augusta

Augusta Circuit, Post 3
Thomas Reuben Burnside III, Augusta

Blue Ridge Circuit, Post 2
Eric Alvin Ballinger, Canton

Brunswick Circuit, Post 1
James L. Roberts IV, Saint Simons Island

Chattahoochee Circuit, Post 2
Hon. William C. Rumer, Columbus

Chattahoochee Circuit, Post 4
Donna Stanaland Hix, Columbus

Cherokee Circuit, Post 2
John Thomas Mrozcko, Cartersville

Clayton Circuit, Post 1
H. Emily George, Forest Park

Clayton Circuit, Post 3
Hon. Martin L. Cowen III, Jonesboro

Cobb Circuit, Post 2
Ronald Arthur Lowry, Marietta

Cobb Circuit, Post 4
Patrick H. Head, Marietta

Cobb Circuit, Post 6
Laura Joan Murphree, Marietta

Conasauga Circuit, Post 2
Robert Harris Smalley III, Dalton

Cordele Circuit
James W. Hurt, Cordele

Coweta Circuit, Post 2
Jason W. Swindle Sr., Carrollton

Dougherty Circuit, Post 2
William Fleming Underwood III, Albany
Dublin Circuit
Joseph Carl Sumner Jr., Dublin

Eastern Circuit, Post 2
Lester B. Johnson III, Savannah

Eastern Circuit, Post 4
John Bell Manly, Savannah

Flint Circuit, Post 1
Gregory A. Futch, Jackson

Griffin Circuit, Post 2
Roy B. Huff Jr., Peachtree City

Gwinnett Circuit, Post 1
David S. Lipscomb, Lawrenceville

Gwinnett Circuit, Post 3
Hon. Robert V. Rodatus, Lawrenceville

Lookout Mountain Circuit, Post 2
Douglas Ray Woodruff, Ringgold

Macon Circuit, Post 1
John Flanders Kennedy, Macon

Macon Circuit, Post 3
Ivy Neal Cadle, Macon

Member-at-Large, Post 1*
Gregory W. Edwards, Albany

Member-at-Large, Post 2*
Hon. Shondeana G. Morris, Decatur

Middle Circuit, Post 2
Thomas Alexander Peterson IV, Vidalia

Mountain Circuit
Hon. James T. Irvin, Toccoa

Northeastern Circuit, Post 2
Nicki Noel Vaughan, Gainesville

Northern Circuit, Post 1
Walter James Gordon Sr., Hartwell

Ocmulgee Circuit, Post 2
Wilson B. Mitcham Jr., Gray

Oconee Circuit, Post 2
Hon. Stephanie Diane Burton, Hawkinsville

Ogeechee Circuit, Post 2
Susan Warren Cox, Statesboro

Out-of-State, Post 1
Stephanie Kirijan Cooper, Birmingham, Ala.

Pataula Circuit
Edward R. Collier, Dawson

Piedmont Circuit
Barry E. King, Jefferson

Rome Circuit, Post 1
Christopher Paul Tuyuman, Rome

South Georgia Circuit, Post 2
Hon. Joshua Clark Bell, Whigham

Southern Circuit, Post 2
Robert Allen Plumb Jr., Valdosta

Southwestern Circuit
Hon. R. Rucker Smith, Americus

Stone Mountain Circuit, Post 2
William Dixon James, Decatur

Stone Mountain Circuit, Post 4
Donna Coleman Stribling, Decatur

Stone Mountain Circuit, Post 6
Claudia Susan Saari, Decatur

Stone Mountain Circuit, Post 8
R. Javoyne Hicks, Decatur

Stone Mountain Circuit, Post 10
Hon. Dax Eric Lopez, Decatur

Tallapoosa Circuit, Post 1
Michael Douglas McRae, Cedartown

Toombs Circuit
Dennis C. Sanders, Thomson

Towaliga Circuit
Curtis Stephen Jenkins, Forsyth

Waycross Circuit, Post 2
C. Deen Strickland, Waycross

Western Circuit, Post 1
Hon. Lawton E. Stephens, Athens

*Post to be appointed by president-elect.

www.lawyerslivingwell.org

The State Bar of Georgia has made lawyer wellness a priority. Visit lawyerslivingwell.org to view articles and resources related to wellness, and learn more about State Bar programs that help lawyers in their lives and practices. Be sure to check out the wellness resources and get discounts on gym memberships, fitness classes and more.
Kudos

The Burgoon Law Firm announced that Brian D. Burgoon was installed as president of the University of Florida Alumni Association. In addition, Burgoon, a member of The Florida Bar Board of Governors, was re-elected to The Florida Bar Executive Committee, which acts on behalf of the bar in times of sensitive situations and helps set policy. He was also named chair of the Board’s Technology Committee and vice chair of the Disciplinary Review Committee.

Mercer University School of Law announced the addition of Virgil Adams, partner, Adams, Jordan & Harrington; Supreme Court of Georgia Justice Michael P. Boggs; Betsy Cross Griswold, in-house attorney, United Parcel Service, Inc.; Court of Appeals of Georgia Judge Clyde L. Reese III; and Scott Smith, senior vice president and corporate counsel, Genuine Parts Company, to its Board of Visitors for three-year terms. The board is composed of attorneys and judges, most of whom are alumni, and provides advice to the dean and support to the law school.

Baker Donelson announced that Linda A. Klein, senior managing shareholder and immediate past president of the American Bar Association, was honored with the Daily Report’s Attorney of the Year Award in June. Klein was recognized for her work as president of the American Bar Association, including protecting access to justice and the rule of law.

Smith, Gambrell & Russell, LLP, announced the release of Perry McGuire’s new book, “Nice, But Not Naïve And Other Lessons I Learned From Chick-fil-A Founder Truett Cathy.” McGuire, a partner at the firm, served as an attorney for Cathy and Chick-fil-A® for more than 11 years.

Keith Lamar Jr., deputy district attorney, Fulton County, was elected president of the National Black Prosecutors Association. In this role, Lamar will oversee association programming for 10 regions nationwide. The National Black Prosecutors Association is the only professional membership organization dedicated to the advancement of blacks as prosecutors.

Fulton County Chief Deputy Solicitor General Kenya Johnson received the Distinguished Leader Legal Award from the Daily Report. Johnson was selected due to her substantial efforts toward criminal justice reform through expungement summits and youth crime prevention programs.

The Greater Atlanta Black Prosecutors Association (GABPA) announced that Simone Hylton was elected chapter president. GABPA provides training to scores of metro-area minority prosecutors and performs community outreach to at-risk communities.

Taylor English Duma LLP announced that partner Michele Stumpe was honored for her conservation efforts with an award presented by Dr. Jane Goodall during a gala celebrating the Ngamba Chimpanzee Sanctuary’s 20th Anniversary in Uganda, Africa. The ceremony recognized individuals who have contributed to Africa’s conservation efforts. Stumpe, a board member of Ngamaba Island Chimpanzee Sanctuary, was recognized for her dedication to shaping and improving the lives of Africa’s children, communities and wildlife.

Kilpatrick Stockton announced that Stephen Dew was appointed to Georgia PATENTS Advisory Board. Georgia PATENTS (pro bono assistance and training for entrepreneurs and new, talented, solo inventors), established by Georgia Lawyers for the Arts (GLA) in 2014, helps Georgia and South Carolina inventors find patent agents and attorneys to help draft and file patents on a pro bono basis. GLA has provided pro bono legal assistance to Georgia artists and arts organizations unable otherwise to afford the help they need since 1975.
VetCounsel, LLC, announced that Betsy Choder was voted 2018 Speaker of the Year at the North American Veterinary Conference. Choder is a lecturer, consultant and author of veterinary medical law-related topics. In addition, she was elected chair of the Animal Law Section of the State Bar of Georgia for 2018-19.

Smith Moore Leatherwood LLP announced that Dan M. Silverboard was selected to the Anti-Defamation League’s (ADL) 2018-19 Glass Leadership Institute. The Glass Leadership Institute is a leadership development program designed to teach a select group of young professionals about the programs, policies and expertise of the ADL. Founded in 1913, the ADL exists to stop the defamation of the Jewish people and to secure justice and fair treatment to all.

Georgia Defense Lawyers Association (GDLA) announced the installment of Hall F. McKinley III as president during its 51st Annual Meeting in June. Other officers elected include David N. Nelson, president-elect; Jeffrey S. Ward, treasurer; and George R. Hall, secretary.

GDLA also announced that Past President Jerry Buchanan was honored with the GDLA Distinguished Service Award, and Ward received the President’s Award for his three years of service as editor-in-chief of GDLA’s magazine, Georgia Defense Lawyer.

On the Move

IN ATLANTA

Butler Snow announced that E. Righton J. Lewis has joined the firm’s product liability, toxic tort and environmental litigation group as a partner. Her experience includes the representation of automobile manufacturers, highway product manufacturers and industrial, commercial and residential control manufacturers. The firm is located at 1170 Peachtree St. NE, Suite 1900, Atlanta, GA 30309; 678-515-5000; Fax 678-515-5001; www.butlersnow.com.
Chamberlain Hrdlicka announced that Michael B. Coverstone and Kevin Langley have joined the firm as associates. Coverstone's practice focuses on representing business and individual taxpayers in tax disputes with the Internal Revenue Service and various state tax agencies. Langley's practice focuses on the nationwide representation of businesses in all facets of labor and employment law with an emphasis on litigation matters. The firm is located at 191 Peachtree St. NE, Atlanta, GA 30303; 404-659-1410; Fax 404-659-1852; www.chamberlainlaw.com.

Parker Poe Adams & Bernstein LLP announced the addition of Ellen Smith as partner. Smith will be working with Parker Poe's development services industry team, which helps clients navigate the entire life cycle of real estate projects. She has worked on every kind of transaction in the commercial real estate industry, including helping developers, owners and operators close a broad variety of multimillion-dollar loans, sales and acquisitions. Smith has also advised residential care facilities on their real estate needs, including specialized loans through the U.S. Department of Housing and Urban Development. The firm is located at 1180 Peachtree St., Suite 3300, Atlanta, GA 30309; 678-690-5749; Fax 404-869-6972; www.parkerpoe.com.

Alston & Bird announced the addition of Lawrence R. Sommerfeld and Angela Spivey as partners. Sommerfeld focuses his practice on privacy and protection of proprietary data. Spivey defends food makers, suppliers, distributors and packagers in high-exposure class action litigation over labeling, packaging, advertising and other claims, as well as U.S. Department of Justice criminal investigations. She also advises clients on regulatory and compliance issues stemming from U.S. Food and Drug Administration recalls, safety alerts and foodborne illness outbreak investigations. The firm is located at One Atlantic Center, 1201 W. Peachtree St., Suite 4900, Atlanta, GA 30309, 404-881-7000; Fax 404-881-7777; www.alston.com.

Strickland Brockington Lewis LLP announced that Bryan Tyson joined as counsel. He focuses his practice in the areas of civil litigation, appellate litigation, election law and government. The firm is located at 1170 Peachtree St. NE, Suite 2200, Atlanta, GA 30309; 678-347-2200; Fax 678-347-2210; www.sblaw.com.

The U.S. Attorney's Office for the Northern District of Georgia announced the addition of Angela Adams, Austin Hall, Theodore Hertzberg, Flora Manship, Leanne Marek, Andrew Sandoval, Noah Schechtman and Erin Spritzer as criminal division assistant U.S. attorneys. Adams joins the office from the Department of Justice in Washington, D.C., where she served as a trial attorney in the fraud section of the criminal division. Hall returns to the office from the Georgia Attorney General's Office, where he served as an assistant attorney general in the Medicaid Fraud Control Unit. Hertzberg was previously an assistant U.S. attorney for the Southern District of Georgia, where he served as the asset forfeiture chief. Manship was previously a senior associate at Kilpatrick Townsend & Stockton LLP, where she focused on labor and employment litigation. Marek joined the office from Alston & Bird LLP, where she was a senior associate focused on white collar matters. Sandoval joined the office from Sequor Law, P.A., in Miami, where he was a civil litigator, specializing in asset recovery, financial fraud, bankruptcy and other commercial actions. Schechtman worked for the DeKalb County District Attorney's Office, where he was a senior assistant district attorney in the trial division and tried a wide range of cases, including narcotics, trafficking, armed robbery and murder. Spritzer joined the office from the U.S. Attorney's Office for the Middle District of Georgia, where she prosecuted narcotics, firearms, public corruption and child pornography cases. The office is located at 75 Ted Turner Drive SW, Suite 600, Atlanta, GA 30303; 404-581-6000; Fax 404-581-6181; www.justice.gov/usao-ndga.

Hall Booth Smith, P.C., announced that Walter Bibbins, Sean Cox, Crystal Filiberto and Lissa Klein joined the firm as partners. Bibbins’ practice focuses on products liability, medical malpractice, mass torts and transportation litigation. Cox specializes in transportation, data privacy and security, employment and insurance coverage. Filiberto focuses her practice on the defense of professional and medical malpractice cases as well as general liability cases. Klein devotes her practice to the defense of
employers, insurers and self-insurers in workers’ compensation claims. The firm is located at 191 Peachtree St. NE, Suite 2900, Atlanta, GA 30303; 404-954-5000; Fax 404-954-5020; www.hallboothsmith.com.

Boyd Collar Nolen & Tuggle announced the addition of Alexis Garcia and Hayley Settles as associates. Both Garcia and Settles counsel clients in a range of family law issues, including divorce, annulment, protective orders, modification of child support, and custody and legitimation for the family law firm. The firm is located at 3330 Cumberland Blvd., 100 City View, Suite 999, Atlanta, GA 30339; 770-953-4300; Fax 770-953-4700; www.bctnlaw.com.

McGuireWoods announced that Christopher Greene was recently appointed managing partner of the firm’s Atlanta office. Greene represents agents, lenders and borrowers across industries in syndicated and bilateral finance transactions, including working capital lines of credit and leveraged buyouts, with a focus on the health care and life sciences sectors. He advises on transactions in the areas of senior care, physician practice management, early-stage life sciences companies, pharmaceutical manufacturers and distributors, and hospital and other provider organizations. The firm is located at 1230 Peachtree St. NE, Suite 2100, Atlanta, GA 30309; 404-443-5500; Fax 404-443-5599; www.mcguirewoods.com.

Polsinelli announced the addition of Raazia “Roz” K. Hall as shareholder in the immigration and workforce mobility practice and Katherine “Kate” Smith as an immigration associate. Hall has more than two decades of experience practicing corporate immigration law. Working with multinational and domestic companies regarding employment-based immigration matters, she assists clients in developing immigration strategic plans, securing visas and permanent residency status for key employees, and helps companies comply with immigration laws and requirements governing its global workforce. Smith focuses her practice on advising clients through complex issues related to U.S. immigration laws and global mobility including inbound nonimmigrant and immigrant visas. She also counsels clients in a wide array of immigration and workforce mobility matters, including employment eligibility verification (I-9 and E-Verify) best practices and ICE audits. The firm is located at 1201 W. Peachtree St. NW, Suite 1100, Atlanta, GA 30309; 404-253-6000; www.polsinelli.com.

CORRECTION
In the August 2018 issue of the Georgia Bar Journal, we incorrectly announced the addition of Ed Emerson as a partner at Morris, Manning & Martin, LLP. Emerson has been a partner at the firm since 2013; he was recently appointed chair of the Employment and Benefits Practice group. We apologize for this error.
Swift, Currie, McGhee and Hiers, LLP, announced the addition of attorney Lauren Woodrick to the firm. Woodrick represents clients in complex litigation matters and has experience handling a wide range of legal matters including breach of contract actions under state law, criminal law, employment discrimination, SEC enforcement, civil rights, immigration and federal jurisdiction. The firm is located at 1355 Peachtree St. NE, Suite 300, Atlanta, GA 30309; 404-874-8800; Fax 404-888-6199; www.swiftcurrie.com.

Nelson Mullins announced the addition of Larry W. Shackelford as partner. Shackelford is experienced in advising technology, telecommunications and financial services companies as well as community banks. His focus includes securities offerings, mergers and acquisitions, corporate governance and bank regulatory matters. The firm is located at 201 17th St. NW, Suite 1700, Atlanta, GA 30363; 404-322-6000; Fax 404-322-6050; www.nelsonmullins.com.

Levine Smith Snider & Wilson, LLC, announced that Deborah B. Koslin joined the firm as an associate. Koslin handles a full range of domestic relations matters including divorce, custody and legitimation, prenuptial and postnuptial agreements, modifications, contempt and family violence actions. The firm is located at One Securities Centre, 3490 Piedmont Road NE, Suite 1150, Atlanta, GA 30305; 404-237-5700; Fax 404-237-5757; www.lsswlaw.com.

Atlanta Personal Injury Law Group announced that Anita Lamar joined the firm as a lead attorney. Her experience includes representing clients in motor vehicle accidents, slip and falls, wrongful death, medical malpractice and product liability cases. The firm is located at 5755 North Point Parkway, Suite 246, Alpharetta, GA 30022; 678-399-6161, Fax 678-399-6166; www.atlinjurylawgroup.com.

Hall Booth Smith, P.C., announced that Stephanie McDonald joined the firm as a partner. Her practice consists of defending professional liability, general liability and long term care cases, as well as federal criminal defense including Medicare fraud. The firm is located at 3528 Darien Highway, Suite 300, Brunswick, GA 31525; 912-554-0093; Fax 912-554-1973; www.hallboothsmith.com.

Hall Booth Smith, P.C., announced that Sean Mims joined the firm as partner. Mims specializes in dental, fiduciary litigation, general liability, insurance coverage, retail and hospitality and workers’ compensation matters. The firm is located at 1301 1st Ave., Suite 100, Columbus, GA 31901; 706-494-3818; Fax 706-494-3828; www.hallboothsmith.com.

Stress, life challenges or substance abuse?

The Lawyer Assistance Program is a free program providing confidential assistance to Bar members who are facing personal difficulties that may be interfering with their ability to practice law.

LAP Confidential Hotline | 800-327-9631
Be Well. Do Well.

BY PAULA FREDERICK

You haven’t seen your law school classmate for a while, so you are surprised to hear his voice when you pick up the phone. “Are you still doing lawyer discipline cases?” your buddy asks. “I need your help. I just got a letter saying I’m about to be suspended from practice!”

“I take it a client complained about you?”

“Actually it’s a couple of clients and a judge,” your buddy responds. “They’re acting like I just disappeared and they couldn’t find me. I can’t even say they got it wrong—but I had a good excuse.”

“Start from the beginning and tell me what happened,” you say.

“It all started when I got sick,” your buddy responds. “I was on trial and I didn’t have time to see a doctor, but I was taking a bunch of medicine and I overslept one morning. The judge was real mad when I missed court. When I finally went to the doctor they admitted me to the hospital because my diabetes had gotten so bad. I was in and out for a few weeks and really not paying attention to work. That’s when the clients started complaining.”

“Why didn’t you call me sooner?” you ask.

“I guess I was in denial,” your buddy sighs. “There’s got to be a better way to make a living.”

Yep.

There is a backstory to every grievance we receive at the Bar. Far too often, the lawyer’s own mental, physical or emotional health condition has caused an ethical lapse.

On its face a grievance may allege the lawyer was rude and unprepared. She may have been held in contempt by a court for not appearing at a hearing. She may even be accused of theft from a trust account. Underlying these transgressions may be a lawyer whose ill-temper comes from a hangover, whose depression renders her unable to get out of bed, much less go to court, or who is so desperate for money to feed an addiction that “borrowing” from the trust account seems like a good idea.

The profession has finally started to recognize the link between a lawyer’s health and the ability to practice competently. After a 2016 study by the American Bar Association and the Hazelden Betty Ford Foundation documented shockingly high rates of substance abuse and mental disorders among lawyers and law students, Bar leaders began to take corrective action.

The Path to Lawyer Well Being is a comprehensive report that makes recommendations for change. There are several recommendations for disciplinary prosecutors to prioritize well-being and to promote it through education and diversion programs. Georgia’s new procedural rules allow the Office of the General Counsel to request evaluation of a lawyer when a grievance seems to stem from the lawyer’s impairment or substance abuse. Early detection of prob-
The Well-Being Pledge for Legal Employers

In September 2018, the Working Group to Advance Well-Being in the Legal Profession of the American Bar Association (ABA) launched a campaign targeting substance-use disorders and mental health issues among lawyers.

The primary vehicle for the campaign is a pledge calling upon legal employers (including law firms, corporate entities, government agencies and legal aid organizations) to first: (a) recognize that substance use and mental health problems represent a significant challenge for the legal profession and acknowledge that more can and should be done to improve the health and well-being of lawyers; and, (b) pledge to support the campaign and work to adopt and prioritize its seven-point framework for building a better future.¹

1. Provide enhanced and robust education to attorneys and staff on topics related to well-being, mental health and substance-use disorders.

2. Disrupt the status quo of drinking-based events:
   a. Challenge the expectation that all events include alcohol; seek creative alternatives.
   b. Ensure there are always appealing nonalcoholic alternatives when alcohol is served.

3. Develop visible partnerships with outside resources committed to reducing substance-use disorders and mental health distress in the profession: health care insurers, lawyer assistance programs, EAPs and experts in the field.

4. Provide confidential access to addiction and mental health experts and resources, including free, in-house, self-assessment tools.

5. Develop proactive policies and protocols to support assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.

6. Actively and consistently demonstrate that help-seeking and self-care are core cultural values, by regularly supporting programs to improve physical, mental and emotional well-being.

7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.²

The Working Group encourages all legal employers to join the campaign and take the pledge by Jan. 1, 2019.

Available resources include a well-being toolkit and the pledge commitment. Share your ideas with the ABA’s Working Group by emailing Tracy Kepler at tracy.kepler@americanbar.org.

Endnotes


2. https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/is_colap Working_group_pledge_and_campaign.authcheckdam.pdf.

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Endnotes


2. The Path to Lawyer Well-Being can be found at www.lawyerwellbeing.net.
Attorney Discipline
Summaries

July 6, 2018 through Sept. 13, 2018
BY JESSICA OGLESBY

Suspensions
Nathaniel Antonio Barnes
572 Goldsboro Road
Atlanta, GA 30307

On Aug. 20, 2018, the Supreme Court of Georgia accepted the Petition for Voluntary Discipline and suspended the license of attorney Nathaniel Antonio Barnes (State Bar No. 220785), for a minimum of 21 months, retroactive to Nov. 9, 2017, with conditions for reinstatement.

On Nov. 9, 2017, Barnes pled guilty in the Superior Court of DeKalb County to a felony charge of possession of cocaine and a related misdemeanor charge of disorderly conduct, but sentencing was deferred subject to Barnes’s completion of the DeKalb County Drug Court Program. Per the terms of the order accepting Barnes into the drug court program, upon his successful completion of the program, the state will dismiss the charges. After 21 months from Nov. 9, 2017, he must submit proof that he successfully completed the drug court program as a precondition for seeking reinstatement of his license.

Barnes acknowledged that entry of his guilty plea for possession of cocaine is sufficient to invoke the disciplinary process. Barnes noted that, shortly after his release, he admitted himself for voluntary inpatient treatment for his depression and addiction issues. Following his discharge from that treatment, he has participated in additional counseling and recovery treatment and views his entry into the drug court program as part of his commitment to rehabilitation and recovery. Barnes changed the status of his Bar membership to “inactive” prior to the entry of his guilty plea and is employed full time outside of the legal profession.

In mitigation, Barnes had no prior disciplinary record, did not have a dishonest or selfish motive, was suffering from depression and chemical dependency at the time of his conduct, has accepted full and unqualified responsibility for his behavior, made timely disclosure to the disciplinary authorities and has maintained a cooperative attitude throughout the process, is respected professionally and within the drug court program and his recovery community, and is remorseful.

Ricardo L. Polk
1302 Invermere Drive
Mableton, GA 30126

On Aug. 20, 2018, the Supreme Court of Georgia accepted the Petition for Voluntary Discipline and suspended the license of attorney Ricardo L. Polk (State Bar No. 332353), for a minimum of 30 months, retroactive to Nov. 10, 2017, with conditions for reinstatement.

On Nov. 10, 2017, Polk pled guilty in the Superior Court of Cobb County to a felony charge of possession of a controlled substance and a related misdemeanor charge of disorderly conduct, but sentencing was deferred subject to Polk’s completion of the Cobb County Drug Court Program. Per the terms of the order accepting Polk into the drug court program, upon his successful completion of the program, the state will dismiss the charges. After 30 months from Nov. 10, 2017, he must submit proof that he successfully completed the drug court program as a precondition for seeking reinstatement of his license.

Polk acknowledged that entry of his guilty plea for possession of a controlled substance is sufficient to invoke the disciplinary process. Polk noted that, shortly after his release, he admitted himself for voluntary inpatient treatment for his depression and addiction issues. Following his discharge from that treatment, he has participated in additional counseling and recovery treatment and views his entry into the drug court program as part of his commitment to rehabilitation and recovery. Polk changed the status of his Bar membership to “inactive” prior to the entry of his guilty plea and is employed full time outside of the legal profession.

In mitigation, Polk had no prior disciplinary record, did not have a dishonest or selfish motive, was suffering from depression and chemical dependency at the time of his conduct, has accepted full and unqualified responsibility for his behavior, made timely disclosure to the disciplinary authorities and has maintained a cooperative attitude throughout the process, is respected professionally and within the drug court program and his recovery community, and is remorseful.
Bar No. 001354), for six months with conditions for reinstatement, to run consecutively with the 30-month suspension with conditions imposed by the Court on May 19, 2014.

In this matter, Polk admitted a client retained him for representation with regard to two separate criminal charges in municipal court; that they agreed on a flat fee of $1,500 for each charge; that Polk appeared on his client’s behalf multiple times between June and October of 2013; and that, at Polk’s last appearance, both cases were transferred to state court because the client wanted a jury trial. Polk asserted that this Court suspended his license to practice law in May 2014 and that he notified all of his clients, including this particular client, of that suspension. Polk stated that he was honest and straightforward with the client; told the client that he could no longer represent the client and to find another attorney right away; and told the client he would assist in finding a new lawyer to whom to transfer the client’s file. Polk stated that the client contacted him a year later demanding a full return of his retainer, but that after discussion, he and the client agreed that Polk would return only $1,000 of the retainer. Polk stated he told the client, however, that he would be unable to return the $1,000 at that time, because he was unemployed. Polk says that his last communication with the client was on Dec. 8, 2015, and that the client has not made any attempts to communicate since then. Polk asserted that it is still his intention to reimburse the $1,000 to the client, but admits that he had not yet done so.

The Court determined that Polk admitted conduct violated Rule 1.16 (d), for which the maximum sanction ordinarily is a public reprimand, but that given Polk’s disciplinary history, a more severe punishment was appropriate under Bar Rule 4-103, which says that a finding of a third or subsequent disciplinary infraction shall constitute discretionary grounds for suspension or disbarment.

In mitigation, the Court accepted Polk’s suggestions that he lacked a dishonest or selfish motive, that he is remorseful, that he acknowledges the wrongful nature of his behavior and that he has had a cooperative attitude toward these disciplinary proceedings. However, the Court rejected his suggestions that it consider in mitigation his willingness to make restitution, the supposed remoteness of his prior discipline, or the financial difficulties he experienced resulting, at least in part, from his prior suspension.

In aggravation, the Court concluded that, in addition to his multiple suspensions for disciplinary matters involving clients, Polk also has had two administrative suspensions for failure to pay Bar dues in 2008 and 2015, and another administrative suspension from February 2010 to July 2011 for his failure to pay child support.

After the period of suspension, Polk must demonstrate that he has complied with his reimbursement obligation to the client before seeking reinstatement of his license.

Andrew Bennet Koplan
1870 The Exchange
Atlanta, GA 30039

On Aug. 27, 2018, the Supreme Court of Georgia accepted the Petition for Voluntary Discipline and indefinitely suspended the license of attorney Andrew Bennet Koplan (State Bar No. 428152), pending the resolution of a criminal complaint filed against him on April 10, 2018, in Cobb County for theft by conversion.

Koplan stated that he represented a company formed by a client; that the company deposited $600,953.19 into his trust account; that he made authorized payments of $396,000 from those funds; that a portion of the balance was to be used to pay outstanding legal fees; and that he failed to promptly disburse the remaining balance and failed to render a full accounting to the client. He admitted that by this conduct he has violated Rule 1.15 (l) (c). He further stated that he has not engaged in the practice of law for at least 1 1/2 years.

Scott L. Podvin
5600 Collins Ave.
Miami, FL 33140

On Aug. 27, 2018, the Supreme Court of Georgia accepted the report and rec-
ommendation for reciprocal discipline from the State Disciplinary Review Board and suspended Scott L. Podvin (State Bar No. 512283) from the practice of law for 18 months with conditions for reinstatement.

Podvin was admitted to practice law in Florida in 1994 and became a member of the State Bar of Georgia in 2001. On Feb. 16, 2017, the Supreme Court of Florida approved his “Conditional Guilty Plea for Consent Judgment” to resolve seven disciplinary matters, and imposed an 18-month suspension with conditions on reinstatement (evaluation and compliance with all recommendations made by Florida Lawyers Assistance, Inc., participation in The Florida Bar’s binding fee arbitration program, and payment to The Florida Bar of an administrative fee and investigative costs totaling $2,357.10). Podvin’s admitted disciplinary violations in Florida involved failing to process and work on several loan modifications in a timely manner that resulted in long delays for his clients, failing to provide updates to clients in response to their requests, and rarely communicating with clients; attempting to avoid payment to creditors and circumvent a valid debt by entering into a consent judgment through a legal entity that he knew was already dissolved and then continuing previous legal work under a new legal entity; and, while being sued by a former associate for unpaid wages, scheduling a hearing when he knew that opposing counsel was unavailable, attending the hearing, attempting to submit an agreed order to the court for execution even though no agreement had been reached, and engaging in ex parte communication with the court by sending a letter requesting reconsideration of a sanctions order and threatening to file a motion to recuse.

The State Disciplinary Review Board did, however, find that it would be impractical to include as conditions on Podvin’s reinstatement in Georgia the conditions on his reinstatement in Florida, which involve programs administered and monitored by, and payment of certain costs to, The Florida Bar. The State Disciplinary Review Board recommended the Court impose as reciprocal discipline the 18-month suspension running from the date of the Court’s order, with reinstatement conditioned on proof of his reinstatement in Florida.

Matthew Thomas Dale
P.O. Box 2177
Tifton, GA 31793

On Sept. 10, 2018, the Supreme Court of Georgia accepted the Petition for Voluntary Discipline and suspended the license of attorney Matthew Thomas Dale (State Bar No. 787590) for 18 months or until the conclusion of his term of probation, whichever is longer.

On Oct. 6, 2017, Dale entered a guilty plea for one count of “Peeping Tom,” in violation of O.C.G.A. § 16-11-61. The indictment charged him with unlawfully going upon a residential premises of a named individual for the purpose of becoming a peeping tom, at which time he peeped through the windows of the residence and invaded the individual’s privacy. Dale was sentenced, as a first offender, to four years served on probation, provided that he complies with the terms of his probation, which include that he pay restitution to the victim in the amount of $1,200, that he perform 40 hours of community service and that he serve four weekends in jail. The State Bar acknowledged that these three conditions have already been satisfied, and also that Dale has paid a fine and surcharges to the court, and that he pays monthly probation and Georgia Crime Victims Emergency Fund fees of $32. Dale also remains subject to testing for drugs and alcohol on request, to protective and no-contact orders with respect to the victim and her family, and waived his Fourth Amendment rights.

In mitigation, Dale stated his lack of a prior disciplinary record, that he was suffering from personal and emotional problems at the time of the offense, that he has made a full and free disclosure to the disciplinary authorities and has been cooperative toward the disciplinary proceedings, that he otherwise has good character and a reputation for such (demonstrated by the numerous character letters he attaches to his petition), that he is remorseful and acknowledges the nature of his wrongdoing and that his conduct was not related to a client or his practice of law. The record includes numerous letters from individuals who have known Dale for a significant period of time in various roles and settings. Each of the letters expresses the writer’s opinion that Dale’s conduct represents an aberration in an otherwise commendable life. Some of the writers indicate they have personal knowledge that the criminal conduct arose at a time when Dale was facing a challenging time in his personal and professional life. And some of the writers vouch for the fact that he has expressed deep remorse for his conduct and that they believe he has been rehabilitated.

Reinstatements Granted
Nancy Jean Martin-Veator
5491 East Emerald Court
Acworth, GA 30102

On Aug. 28, 2018, the Supreme Court of Georgia determined that attorney Nancy Jean Martin-Veator (State Bar No. 726590) had complied with all of the conditions for reinstatement following her suspension and reinstated her to the practice of law.

Jessica Oglesby
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Microsoft Apps on the iPad
The long-standing battle between Microsoft and Apple has waned over recent years, and the result is some pretty functional apps for the iPad. For instance, the new Microsoft Office apps make it easier to design PowerPoint slides and work directly on Word documents when you’re on an iPad. And, with Microsoft Office 2016, it is easy to bring those documents online for editing and then store them on your computer or in OneDrive later.

Surpass Library Trek App for the LPM Resource Library
The State Bar’s Law Practice Management (LPM) Program uses Surpass library automation software for managing its resource library items. Members of the Bar can check out materials and reserve items by using the Surpass Library Trek App.

Boost Your Wi-Fi Signal
Use an extender or Wi-Fi adapter if you have a spotty connection in your office. Look for extenders from Netgear, which will match your channel and relay the signal further. TP-Link has Ethernet adapter kits that transform your electrical outlets into Ethernet ports for a reliable wired connection.

Check Before Upgrading
When new smartphones are released, we all want to upgrade immediately. Before you upgrade those phones, make sure your time and billing apps are compatible with the new upgrade and will continue to work well.

Bluetooth Keyboard
The Logitech K380 Multi-Device Bluetooth Keyboard makes it easier to type on Bluetooth devices. The LPM department uses these sturdy keyboards alongside their iPads to take notes instead of carrying around a heavy laptop.

Shortcuts 101
Remember these basic keyboard shortcuts for word processors. If you have a Mac, use “Command” instead of “CTRL.”

- CTRL+C: Copy
- CTRL+X: Cut
- CTRL+V: Paste
- CTRL+Z: Undo
- CTRL+Y: Redo
- CTRL+B: Bold
- CTRL+U: Underline
- CTRL+I: Italicize
7 #LawyersLivingWell Tech Tip
Reduce your exposure to “blue light” from your tech devices. Blue light screen emissions can reduce the level of melatonin in your body causing sleep problems. If you have to use your smartphone or tablet at night, adjust the screen to filter out blue light.

8 Unsubscribe From Spam
Need a simple way to get your mailbox under control? Search in your email using the keyword “unsubscribe” to find emails that are likely solicitations or spam. Then use those unsubscribe links within the emails to stop unwanted spam.

9 Plan for the Worst
http://ready.ga.gov
We have three important tips for you when it comes to dealing with natural disasters. First, invest in a solar charger for your phone for the days or even weeks when you might not have electricity. You can purchase a solar charger at minimal cost from a variety of stores and online vendors. Second, it’s always good to back up your documents to the cloud, but keep local access, too, for the most important files you might need if you are unable to access the internet. Next, download Ready Georgia to your smartphone and set up your disaster plan that you can share with friends and family.

10 Splitwise
www.splitwise.com
Use Splitwise to share your bills. It’s free for Android and iPhone. Dining out for business or with friends? Use Splitwise to settle up on the spot or even later. If you and your friends often cover for one another, Splitwise can help you track, tally and later pay in one lump sum.

Testimonial
Jessica Wood
Bodker, Ramsey, Andrews, Winograd & Wildstein, P.C., Atlanta

Splitwise is brilliant for parties, vacations, and other shared expenses. Everyone in the group records expenditures and then—voila!—the app settles you up.
Tips for Better Managing the Growing Small Firm or Legal Department

Use these tips to help assess next steps and create a comprehensive plan for dealing with your firm or legal department’s growth.

BY NATALIE R. KELLY

Sometimes it’s on purpose and at other times, it just seems to happen out of nowhere—your firm grows! Getting a handle on the new environment can be challenging. To help navigate a growing number of lawyers and staff, managing partners (this role might be new, too) and other administrators and firm leaders can use these tips to help assess next steps and create a comprehensive plan for dealing with the firm or legal department’s growth.
• Have a monthly financial management meeting to review firm production and profitability at the lawyer, practice area and firm levels.

• Consider adding an office manager/firm administrator to enforce policies and procedures of the firm and to serve as a conduit between firm management and employees.

• Ensure the firm uses written job descriptions and an annual evaluation process to meet work production goals. Look to distribute attendant power and responsibility to best meet firm goals.

• Have the talk about retirement and succession plans for the practice and choose successors.

• Update written policies and procedures manuals and checklists to reflect current firm needs.

• Evaluate technology implementation and its impact on automation; leverage with training for staff and lawyers.

• Orient new associates and introduce partnership options for retention goals and setting desired parameters.

• Review bonus and compensation plans to meet financial management needs and goals.

• Formalize partnership/ownership arrangements to reflect business structure.

• Get advice from accountants, tax or financial advisors on proper record-keeping and filing procedures for new firm size.

• Review appropriate staffing levels for workloads.

• Review marketing outlets to monitor inflow of new business with expanded legal services capacity or specialization.

• Determine whether current facilities are adequate for staff.

• Offer clients updated options like extranet portals and business texting for communication with firm team members to prevent unnecessary production slowdowns.

• Update benefits according to firm size changes, especially for health insurance options.

• Increase savings and reduce short-term debt to build financial cushion to aid with the firm’s likely growing cash flow needs.

• Look at equipment leases/purchases to set up a plan for a smoother transition or sunsetting of outdated systems/supplies.

• Assign managing partner duties to an individual lawyer to work with the firm’s administrator to make sure staff adhere to firm policies and procedures.

• Consider credit for managing partner duties when reviewing hourly or other production-based lawyer requirements.

• Plan group activities/gatherings to build camaraderie and aid with building firm loyalty in organic ways.

• Expand introductions to include others when interacting with clients; show clients how your larger team can help the firm more efficiently manage their matters.

• Update online marketing channels and techniques for keeping content and listings for the firm and individual lawyers up to date.

• Revise back-up and disaster recovery procedures to ensure compliance at all firm staffing levels.

• Work with consultants or retreat facilitators to learn the best options for proceeding with changes to management structure, processes and service delivery methods.

• Use leadership retreats for goal setting and development of policy and procedures for the growth of the firm.

• Designate internal “trainers” to be trained and set as the “go-to” staff for technology, procedures, etc.

• Check for and invest in systems integrations across practice (case) management, document management, time billing, accounting, litigation support and other matter management tools.

The Law Practice Management Program can assist lawyers with business management concerns. Contact the program for helpful library resources, individualized consulting and other services regardless of firm size.

Natalie R. Kelly
Director, Law Practice Management
State Bar of Georgia
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Arguing a Different Case: Legal Experience Proves Invaluable for New Calling

BY BONNE DAVIS CELLA

Don’t misunderstand—they love the law. For a collective 125 years they prospered as attorneys but for them, something was missing. They all made a gutsy decision to change directions and their legal experience laid the groundwork.

Jimmy Towson

Jimmy Towson was originally from Dublin, Ga., where his father was a Superior Court judge. Towson followed his father in the law and graduated from Mercer Law School in 1981. He practiced in Macon for 20 years—first as a partner with Jones Cork & Miller and then with his own firm Miller and Towson. He did a good bit of insurance defense work and said, “Sometimes in court I quoted scripture and oftentimes a juror said, ‘you should be a preacher, you missed your calling.’”

Towson and his wife of 39 years, Debbie, were active in lay ministry at Vineville Methodist Church in Macon when he decided to go to Candler School of Theology at Emory University in 2001. His wife was very supportive but their son Jim, a ninth grader at the time, was not convinced his dad should change professions. In a short
time, Jim warmed to the idea and in a few years chose the same path as his father; he is now a pastor in Saint Simons. Towson’s father, Judge William Towson Sr., passed away in 2013 and was his son’s No. 1 supporter. “He was very proud of me as a lawyer—and even more so as a minister,” Towson said.

One of the greatest compliments Towson ever received from his tenure as senior pastor at Mulberry Street United Methodist Church was from legendary Macon attorney Cubbage Snow Jr., who said one day after church: “Jimmy, that’s the best closing argument I’ve ever heard.” Towson is now the senior pastor at Park Avenue Methodist Church in Valdosta.

Galen Mirate
Also in Valdosta is Galen Mirate, or Mother Galen as she is known to her parishioners. Galen, originally from Nash-ville, Ga., is the granddaughter of another legal legend—Elsie Griner.

Mirate graduated from Emory University in 1977 with a B.S. in math and a B.A. in physics. She returned home to Nashville and dropped a lead balloon by announcing to her family that she wanted to work in computer programming. “Computers are just a flash in the pan.” “You need to find something else,” they said. So Mirate began working at her grandmother’s law firm and then attended the University of Georgia School of Law, graduating in 1981. She practiced in Nashville with her grandmother (who lived to be 106) and then married Dr. Donald Mirate in 1992 and moved to Valdosta. Their son, Milo, graduated from Georgia Tech in 2018 and works for a cyber-security firm. “My ambition to work with computers was fulfilled in him,” Mirate said.

While practicing law, Mirate did enjoy appellate court work. “I could sometimes fix things for my clients and get them out of a jam, but I was not helping them with the root of their problem—I wanted to offer something transformative. Dealing with people at their worst gave me a lot of insight.” She found that practicing law was a great preparation for the priesthood. Her grandmother had been carrying her along on client visits to prisons since she was a small child, so being exposed to people at their worst was not unusual. Studying and analyzing statutes and case law was a fine preparation for the study of scripture. After completing courses at the University of the South School of Theology in Sewanee, Tenn., she was ordained as a priest in 2006.

Her path to priesthood was somewhat unlikely because she was “unchurched” as a child but joined the Episcopal church as a young adult. Back in the 1920s her grandmother Elsie went to a dance held at a pavilion on Lucy Lake in Berrien County. Elsie’s vivacious dance partner dipped her and some of the church ladies saw the “provocative” move. Elsie was asked not to return to church and she didn’t. Years later, Mirate’s mother wrote a progressive essay for a church essay contest and her preacher said, “Young lady, you are dangerous,” before expelling her from the church as well. Although Mirate’s mother and grandmother did not go to church, they sang in a popular gospel group—The Holy Notes.

Currently, Mirate serves as a supply priest for the Episcopal Diocese of Georgia and as priest associate at St. Anne’s Episcopal Church in Tifton where her homilies resonate with wisdom and humor, and she indeed offers something transformative.
Joseph Carter
Originally from Lakeland, Ga., Joseph Carter graduated from Mercer in 1989. During his first year of law school something happened that forever changed his perspective on life. Returning to his apartment after being out, he walked in on a burglary; the assailant shot him in the chest. As a result, Carter’s search for a deeper understanding of life began early.

Carter practiced law in Tifton for 29 years and served as a state senator for four years. Although a successful attorney, Carter was restless. “But in a good way.” After much prayer and contemplation, Carter was led into the ministry with the support of his wife Rebecca and their sons, Isaac and Candler. He completed study through Asberry Seminary earlier this year. While still practicing law, Carter pastored two small Methodist churches near Tifton. He was asked to fill in at Shiloh Church in Homerville one Sunday for pastor Howard Slocumb (also a former attorney). On the way home, Carter passed the First Methodist Church in Homerville and Rebecca commented on how pretty the church was. The very next day, out of the blue, Carter received a call from the South Georgia Methodist Association asking him to move to Homerville and to pastor the First Methodist Church. Carter began as the full-time pastor in July of this year.

Howard Slocumb
Howard Slocumb, originally from Valdosta, graduated from Mercer in 1987 and practiced law for 27 years in Homerville with a firm and as a solo practitioner. He and his wife, Dawn, were both active at Shiloh Church. Slocumb taught Sunday school for many years and was regional coordinator for Prison Ministries. Around 2011, Slocumb felt that a change was coming to his life and that God wanted him to do something different. The message was “slow down your practice and get your passport” in other words—be on the ready. Slocumb did just that and with his wife’s full support studied at the International School of Theology and Leadership. He closed his law office and began as the full-time pastor of Shiloh Church in 2014. “It found me, I didn’t hunt it,” Slocumb said of his life in ministry.

Slocumb’s and Carter’s paths crossed many times over the years. Slocumb was ahead of Carter at Mercer Law School and was an excellent student. Carter somehow ended up with Slocumb’s notes and they helped him greatly during his time at Mercer. Now Slocumb is mentoring Carter for the clergy.

Jim Elliott
Jim Elliott of Valdosta is a partner with Elliott, Blackburn & Gooding where he has represented clients since 1995; he is also a mediator. After receiving an undergraduate degree from Davidson College in 1982, Elliott earned his J.D. at the University of Georgia School of Law in 1985. Prior to joining Elliott, Blackburn & Gooding, he was a partner in the Savannah law firm now known as Ellis, Painter, Ratterree & Adams.

Elliott was ordained to the priesthood in 2010 and is the Vicar of St. James’
Episcopal Church in Quitman. He also serves as legal counsel for The Episcopal Church and as chancellor of the Episcopal Diocese of Georgia. Elliott and his wife, Susan, have three children: Gus, Alex and Carter.

Thoughts on Wellness
Because of the State Bar of Georgia’s commitment to attorney wellness (mental, physical and social well-being) through the Georgia Lawyers Living Well Program, these five members of the clergy were asked to weigh in on the high incidence of stress and addiction in our society and specifically in the legal profession.

- “You tell yourself that you are only as good as your next victory—the adversarial system itself produces anxiety.”—Jimmy Towson
- “We are all told a lie: that happiness comes with a title or money, but there is no ultimate fulfillment in those things. Lawyers are under tremendous pressure—guarding information, protecting clients, being a confidant—it is so easy to get sucked in, to become a workaholic. The same can be said about any profession; we all have to be careful.”—Joseph Carter
- “God created humans to find their true fulfillment. Success is a good thing but only when it is in the right framework; we won’t find it always in hot pursuit of just a little more.”—Howard Slocumb
- “We live in a world filled with stress. One needs to look no further than the morning paper or evening news to be reminded of that reality. As a bi-vocational priest, I have found that my ministry and my law practice are more compatible than I ever would have imagined. I often find myself being priest and pastor to clients and others that I encounter in my law practice. And I also find that the problem solving and conflict management skills that I have developed over 30-plus years of law practice are invaluable in a variety of ministerial contexts. But regardless of vocational context, it is Christ’s call to all of us to love and respect one another, including those with whom we disagree, that is the foundation of all of our relationships.”—Jim Elliott
- “There is a troubling lack of willingness for us to take responsibility for what we see is wrong and a lack of real human connection. On a positive note, we are seeing a shift where people are more willing to ask for help and to open up—there is much less stigma. Ultimately, God’s love is the only real curative.”—Galen Mirate

Endnote
The Healing Power of Pro Bono

As you consider whether and how to make pro bono part of your practice, never underestimate the impact you can have.

BY MICHAEL LUCAS

As has been detailed in this column before, there are many good reasons to do pro bono work. In addition to making a real difference in the lives of our neighbors too often denied access to justice, you can develop skills, expand your network, and even enhance your career. Through Atlanta Volunteer Lawyers Foundations' (AVLF) Standing with Our Neighbors program, which embeds teams of AVLF staff attorneys, community advocates and volunteer attorneys inside neighborhood
schools to help stabilize the community, I have come to appreciate another powerful reason to make pro bono part of your practice: you can be part of someone's healing process. Let me explain.

Many of the clients served by AVLF and our amazing sister organizations in the pro bono community have a healthy sense of distrust of not just legal institutions, but institutions in general. They have come by this distrust honestly. Specifically, many are living with the long-lasting effects of pain and trauma. In far too many cases, institutions have failed to protect or help them or have been directly involved in inflicting the harm. Organizations or agencies charged with assisting them may not have kept their word or had enough resources to follow through. The judicial system may have played a role, real or perceived, in what they experienced as an injustice in their lives.

At AVLF, we might see this in the children who are living in trauma because the conditions of their rental housing are akin to a third-world slum, despite years of efforts by their mom to get any institution to intervene. For the clients of our friends at organizations like the Georgia Asylum and Immigration Network, it could mean that after the institutions in their home country failed to protect them from violence, the legal institutions here are deaf to their pleas and working to send them back. In either case, the therapeutic community and common sense tells us that those clients will develop a well-founded sense of distrust. And that distrust, while understandable, often impedes their ability to move forward, to accept help, to thrive. What might be perceived as irresponsible behavior—e.g., not returning a call from legal services, not showing up for an appointment, arguing with and turning away those trying to help—is really just a manifestation of their trauma.

Turning back to the issue of healing, the key innovation in AVLF’s Standing with Our Neighbors program is that AVLF staff have their full-time offices inside public schools in neighborhoods that are fighting for stability. In a few of our now eight partner schools, we work closely with a nonprofit that provides trauma-informed counseling and services for students at the school. At a recent forum, I had the benefit of listening to one of their lead counselors who explained that a central component of the healing process for people who are living with trauma is rebuilding trust. Specifically, she spoke of the importance of routine and consistency and commitment from service providers, or anyone else for that matter. She drew on AVLF’s neighborhood-based tenant advocacy work as an example, explaining that for many of the elementary school children we serve, the living conditions are so unpredictable and unstable—another eviction notice or a falling ceiling or more rats could befall them at any time—that they don’t fully develop the psychological ability to trust. She stressed that what our volunteer attorneys achieve—finally causing critical repairs to be expedited, stopping repeated abusive eviction filings once and for all—greatly compliments their therapeutic work.

When Atlanta Volunteer Lawyers Foundation launched its Standing with Our Neighbors (SWON) initiative by placing lawyers in schools to help stabilize neighborhood housing, we knew we couldn’t succeed without strong pro bono help. Out of the many firms and lawyers who have stepped up to help SWON thrive, many stand out as true all-stars, including Andrew J. Rosenzweig of Nelson Mullins.

Rosenzweig has represented several residents of Atlanta’s impoverished Thomasville Heights neighborhood, helping them avoid displacement so their children can remain in their neighborhood school. One of his clients was living with her two children in a dilapidated apartment with leaky sinks and dangerous black mold. Rosenzweig pushed the property manager until he finally relocated the family to a cleaner, healthier unit. In another case, he helped his client avoid eviction and get reimbursed for astronomical electric bills that were due to her landlord’s negligence.

Rosenzweig has also represented numerous low-income tenants through AVLF’s Saturday Lawyer Program, as well as domestic violence survivors through AVLF’s Safe Families Office. His unyielding, steady advocacy and deep commitment to achieving justice for his clients make him a true pro bono all-star.
Ms. Sarah Hendley is 81 years old and has Parkinson’s disease. She lives in her own home and is mentally competent to make decisions. When she became very sick, she gave her only son a power of attorney over her income of $1,200 monthly. Her son stole hundreds of dollars from her accounts for his own use and would tell his mother that he was entitled to be compensated for visiting her and buying her groceries. He controlled his mother with threats that he would place her in a nursing home if she made any trouble for him. Ms. Hendley was aware of the Georgia Legal Services Program from her neighbor who was a GLSP volunteer. A GLSP lawyer provided legal assistance to execute a revocation of the power of attorney and filed it at the courthouse. Ms. Hendley’s bank accounts were immediately cut off from her son. The GLSP lawyer prepared a new will for Ms. Hendley, removing her son as a beneficiary. Ms. Hendley has full access to her money now and is living a more peaceful life free from her son’s control and threats.

Please give at www.glsp.org (Click on Donate Now).
Thank you for your generosity and support!

2018 “And Justice for All” State Bar Campaign for the Georgia Legal Services Program®
be comfortable there—and when they see us come back every day, week, and year—that consistency and reliability starts to chip away at that distrust that will hold them back. And every school year that our staff and attorneys return to the neighborhood, the residents begin to have faith again in people and institutions that are trying to help.

That consistency and reliability matters. That experience with our volunteers, wholly aside from the housing benefit we might achieve, is actually part of their process of recovering from and breaking through the trauma. Our team, this counselor explained, was furthering their work and playing an important role in helping people heal—so that they could thrive. That insight has stayed with me and now informs the way we approach our work. We now have a greater appreciation for the importance of consistency and long-term commitments to the neighborhoods we serve. We are thinking about how to integrate these lessons about healing into our volunteer trainings. We are working to make sure our approach takes into account the trauma our clients have experienced.

And let’s be honest: the legal community should be working to build trust with the public, particularly with those who may not have had the best experience with lawyers and the courts. It does not take a lot of imagination to see all the ways that lower-income individuals—those who cannot afford representation—may have had less-than-positive experiences with the legal system. Doing meaningful pro bono work is an important way for an individual lawyer to do her part to help restore faith in our system. It is an important way to help someone trust again, and that trust may be exactly what is needed to help that person move forward, to heal, to thrive.

As you consider whether and how to make pro bono part of your practice, never underestimate the impact you can have, not just on the individual legal matter, but on the reputation of our profession, on faith in our institutions and on the lives of your pro bono clients. Pro bono, it turns out, has the power to heal.

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Michael Lucas, deputy director of the Atlanta Volunteer Lawyers Foundation, is responsible for AVLF’s day-to-day operations, managing its relationships in the community and overseeing all of the foundation’s provision of legal services. Lucas previously served as the director of Housing and Consumer Programs at AVLF, managing a variety of programs that provide legal representation to low-income individuals and litigating in the areas of landlord-tenant law, unpaid wages, debt-defense and debt collection.
Legal research can be time consuming so anything that makes the process more efficient is welcome. Fastcase and the State Bar of Georgia are working to provide you with excellent customer service support.

Fastcase is continually adding features that are designed to make legal research easier and smarter. To make sure you’re aware of the latest improvements, check out the Fastcase blog found at the bottom right of your research homepage. There you will find blog posts, news items and press releases highlighting these features as well and informing users on current developments in law and technology. Other help and support tools are available online, including a variety of ways to receive customer service for more personalized assistance. This article discusses how members can access Fastcase help options for better legal research.

Help and Support
There are two ways to access help and support in Fastcase 6: the right side of the homepage or from the navigation menu.
tool bar that runs across the top of the screen (fig. 1). In Fastcase 7, the help menu can be found in the orange block in the center of the page as well as in the navigation bar on the far right (see fig. 2). Click to get connected to Fastcase.com where you’ll find a full range of support tools including user guides, live help, tutorials and frequently asked questions. Also available in all help menus is the ability to contact a Fastcase reference attorney. These help options are accessible when you log in to Fastcase from the State Bar of Georgia website. But you don’t have to be logged in to use the tools. You may access them directly at Fastcase.com from any device.

Video Tutorials
Fastcase has provided a complete set of training resources available under the Video Tutorials section, including a series of 5-minute tutorials that cover the basics. In fact, there are currently a total of 22 videos ranging in length from a short 18 seconds to just over seven minutes. The videos can be viewed anytime, anywhere, on any device. Again, you do not have to be logged in to access the material. If you are looking for a way to introduce your staff to Fastcase, these videos are a great tool.

Webinars and In-Person Training
As you scroll down the Help and Support page, you’ll see a list of CLE-approved webinars that provide in-depth training (see fig. 3). These are offered monthly and cover: Introduction to Legal Research on Fastcase, Advanced Tips for Enhanced Legal Research, Introduction to Boolean (Keyword) Searches, and Ethics and Legal Research on Fastcase 7. You can also sign up for these webinars through the State Bar’s events calendar and the CLE course calendar, both accessible on www.gabar.org. If you are more inclined toward in-person training, you can choose to attend a 1-hour introductory class or a 3-hour bundled class at the Bar Center. The 1-hour class consists of an overview of both Fastcase 6 and 7 while the 3-hour class allows for more in-depth exposure to both versions and provides hands-on training so attendees can ask questions while exploring the many features.

Documentation and Resources

Contact Support
Sometimes you just need to talk to an actual person. Fastcase reference attorneys are ready and waiting to assist by phone, email and live chat. To reach a Fastcase reference attorney, call 886-773-2782 or email support@fastcase.com. Support staff are available 8 a.m. to 8 p.m., Monday through Friday, and they monitor email on the weekends. These same individuals respond to live chats as well. To access Fastcase live chat, click on the “Need Help” sidebar at the bottom right of the page and follow the prompts. An attorney will respond in under three minute’s time with suggestions and tips. You can also contact me at 404-526-8618 or sheilab@gabar.org for assistance.

As always, our goal is to help members find what they need fast using Fastcase’s powerful searching, sorting and data visualization tools. Happy searching! •

Sheila Baldwin
Member Benefits Coordinator
State Bar of Georgia
sheilab@gabar.org
Dare I Deconstruct the Binary? How Derrida’s Deconstruction Can Disarm Your Opponent

While deconstruction traditionally appears in critical theory courses, lawyers can use deconstruction as an additional tool in their toolbox as they advocate for their clients.

BY ASHLEY SILLAY

Writing: it is the topic of this column, and it dominates nearly every lawyer’s time. Lawyers often seek meaningful ways to improve their own writing. One potential resource for legal writing strategy lies in the world of critical theory. French philosopher and poststructuralist Jacques Derrida theorized that our language derives meaning because it fits into a binary system in which each side of the binary defines and is defined by its opposition. Because of the duality of a binary, one side of the binary necessarily wields power over the other. A common example of this power-play lies in the man/woman binary: man is not-woman and woman is not-man. Man is masculine; woman is feminine. Binary thought limits our options for meaning to two distinct choices. A man with feminine qualities or a woman with masculine qualities simply does not “fit in” to the binary roles prescribed to them. Derrida theorized that a process known as “deconstruction” could undermine the binary system that purports to give all language meaning by breaking down binaries and revealing how binary systems of meaning betray the depth of meaning and understanding and collapse within their own system.

While deconstruction traditionally appears in critical theory courses, lawyers can use deconstruction as an additional tool in their toolbox as they advocate for their clients.

How might lawyers practically use deconstruction?
Because lawyers are trained to advocate “one side or the other,” deconstruction may initially feel counterintuitive. However, binary thinking is damaging to the lawyer’s advocacy because it limits creative thought and encourages us to rely on either/or reasoning, purported universal truths and ambiguous language.

To put deconstruction into practice, we should ask the following questions.

How does binary thinking affect my advocacy?
Different types of legal disputes share different cultural signifiers within a binary system: criminal defendants are unscrupulous (why else would they be...
charged with a crime?) and the government-prosecutors are protecting justice; corporate defendants are greedy and corrupt and squash the injured little guy, and so on.

If we fail to identify common binary thought with respect to our clients, we may fall short of advocating fully for them.

Practical Tip: When we take on a new case, we should honestly review our own beliefs about the client and the facts of the case. Do we believe that our clients are exaggerating their injuries to make a dollar? Do we believe our criminal client is immoral? If so, what facts in our case make us feel this way? Perhaps a weak medical diagnosis or a statement our client made to law enforcement? Recognizing the weaknesses in our facts will improve our ability to anticipate the problems with our case in the future.

Do I rely on “universal truths” in my writing?
Reliance on universal truths weakens a lawyer’s argument and detracts from the facts at hand. If the facts do not support the premise, a lawyer weaves a dangerous web when relying on universal truths.

Practical Tip: Review your arguments. Do any of your claims lack legal or factual authority and rely solely on purported “universal truths”? For instance, in domestic disputes, in which the maxim “children belong with their mothers” circulates, do we rely on this principle? Do the facts specific to our case support the contention that the mother is most qualified? If so, we should reconsider using such universal truths and limit our argument to those contentions supported by the law.

Do I rely on double-entendres or ambiguous language?
A commonly used double-entendre is the phrase “Marriage is a fine institution, but who wants to be in an institution?” Here, marriage has two meanings. First, marriage as an institution is a social custom; second, the institution is a mental health facility. The purported meaning of this sentence is conveyed through inference: that being married is akin to being locked up in a mental health facility. This double-entendre requires the reader to infer meaning.

Lawyers should rarely require readers (adversaries; judges) to infer meaning. Ambiguity in advocacy weakens the argument and exposes lawyers to potential retaliation from their opponents.

Practical Tip: Carefully close-read your writing. Have I used ambiguous words or phrases that require my reader to infer what I mean? Is my writing concise and clear? For example: “The defendant saw her dress” is grammatically ambiguous. The message is unclear. Did the defendant see her putting on her clothes, or did the defendant see a dress belonging to her? Requiring the reader to infer meaning opens the lawyer’s writing to potentially harmful misunderstanding.

Do I make any “one true meaning” arguments about cited case law?
Citing case law is a monumentally important part of legal writing. We learned in law school that one case can be interpreted in many different ways. When citing to a case, be aware that any case you choose is subject to scrutiny by your opponent. To avoid the pitfalls of the “one true meaning” mistake, we should go beyond mere shepardizing the case and carefully review the case for alternative interpretations of its precedent.

Practical Tip: Carefully review each case you have cited. How could my opponent interpret the case differently? Does the case actually support my proposition? Have I either actually or tacitly suggested that the case has “one true meaning?” Have I used phrases such as “it is clear” or “it is well settled”? If so, I should consider editing my writing to avoid suggesting a case has “one true meaning” in the event that an alternative viewpoint is possible.

Once we have employed methods of deconstruction, what next?
By deconstructing binary thinking, we open our minds to a depth of meaning far beyond the two possible choices provided within binary thought. We should apply the depth of meaning to our analysis of the case at hand and distill our observations into claims. Deconstructing binary thinking just might reveal the key to winning our case buried beneath the surface, helping us better advocate for our clients.

Ashley Sillay works in the federal judiciary in the Middle District of Tennessee and teaches law. Her research agenda includes the intersection of law and critical theory, trauma and eastern philosophy.
The Real Man Behind the Robe

BY MARIA F. MACKAY

The tension in the courtroom was palpable. The elegance of the room only added to the solemnity in the air. The wood-paneled walls displaying portraits of former chief justices framed the room, packed with people waiting for the hearing to begin. The American and Georgia flags adorned each corner, like soldiers protecting the justice proclaimed. The silence ended when the sound of a gavel echoed throughout the courtroom, giving way to a procession of nine justices dressed in black robes who took their assigned seats behind the bench. Throughout the proceedings Justice Harold Melton remained quiet and focused, concentrating on the matter before him.

We first met many years ago during college, so I was familiar with part of his life. Harold David Melton was born on Sept. 25, 1966, in Washington, D.C., and grew up in Marietta. He received his undergraduate degree from Auburn University, where he became the first black student in the history of the university to be elected president of the Student Government Association. He went on to earn a law degree from the University of Georgia School of Law. He began his professional life in the Georgia Attorney General’s office, where he worked for 11 years. In 2002, Justice Melton left to serve as executive counsel to then-Gov. Sonny Perdue. Three years later, Gov. Perdue appointed him to fill the vacancy on the bench created by the retirement of Justice Norman Fletcher. His reason, "Harold Melton embodies the conservative values that I believe will best serve the state of Georgia on the Supreme Court."

My mind raced back in time to those college memories we shared of Bible studies, Pictionary parties, bowling nights and football games as members of Campus Crusade for Christ. I knew that he had accomplished a lot for his age, but I wondered: Who is the real man behind the robe? I hoped my visit with him would answer that question.

Justice Melton’s assistant escorted me to his office, which shone some light into his world. I scoured the walls, covered with his diplomas, achievement awards and pictures. Among the numerous photographs were one with the governor and one with the president. The rest were with family.

I heard footsteps coming down the hall from his office. I walked to the doorway to find out who it was and saw him, tall and thin, his step unhurried but confident, his brown eyes exuding sincerity and his face framed with a warm smile.

Our conversation went smoothly and it felt as if time had never passed. He told me about his lovely wife, his three wonderful children and his faith in God. He spoke of his love for the people he works with and how he loves cases dealing with, "interpreting and trying to give life to some aspect of our Constitution." He believes that a judge makes very important decisions that shape people’s lives throughout the state. He
declared, “I have an obligation to be responsible, to be faithful to the task that I’ve been allowed and blessed to be able to enjoy.”

Justice Melton is also involved in shaping lives outside the courtroom. Since his college years he has poured his life into the lives of young people through youth ministries such as Young Life Ministries and Atlanta Youth Academies, as well as the Teen Ministry at Southwest Christian Fellowship Church.

However, Justice Melton’s greatest endeavor is trying to be a nurturing husband and father. The highlight of his day is when he gets to take off that robe and go home to his family. His greatest joy comes from playing outside on a beautiful afternoon with his children, grilling on his treasured Big Green Egg or attending his children’s sports events. At the end of the day, the man who was the first Georgia justice to be appointed by a Republican in 137 years, puts his children to bed, reads a devotional by John Piper and turns out the light. Finally, Harold Melton prays for God to give him the wisdom he needs to carry on the many responsibilities he has been assigned, that of a husband, a father, a mentor, and now the Supreme Court of Georgia’s newest chief justice. Clearly, the man behind the robe is a man changing lives at many levels, both inside the courtroom and out. It’s a privilege and an honor to also be able to call him my friend.

(Editor’s Note: Justice Harold D. Melton was sworn in as chief justice on Sept. 4, 2018, by Chief Justice P. Harris Hines (retired).)

Maria Mackay is a certified legal interpreter and a member of the Chief Justice’s Commission on Professionalism.
**In Memoriam**

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.

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Knoxville, Tenn.
Vanderbilt University Law School (1978)
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OCTOBER

4  ICLE: Zoning Law
   Atlanta, Ga. | 6 CLE

4-6  ICLE: Workers’ Compensation Law Institute
     Jekyll Island, Ga. | 12 CLE

5  ICLE: Premises Liability
   Atlanta, Ga. | 6 CLE

5-15  ICLE: CLE at Sea—Mediterranean
     Rome, Italy | 12 CLE

11  ICLE: 4th Annual Not Your Everyday Custody Case
     Atlanta, Ga. | 7 CLE

11  ICLE: VA Accreditation
     Atlanta, Ga. | 7 CLE

12  ICLE: Advanced Health Law
     Atlanta, Ga. | 6 CLE

12  ICLE: 14th Annual Family Law Seminar
     Martinez, Ga. | 6 CLE

12  ICLE: Title Standards
     Atlanta, Ga., and via satellite in Savannah and Tifton | 6 CLE

16  ICLE: Beginning Lawyers Program Replay
     Atlanta, Ga., and via satellite in Savannah and Tifton | 6 CLE

18  ICLE: U.S. Supreme Court Update
     Atlanta, Ga. | 6 CLE

19  ICLE: Basic Fiduciary Practice
     Macon, Ga. | 7 CLE

19  ICLE: 33rd Privacy and Technology Law Institute
     Atlanta, Ga. | 8 CLE

24-25  ICLE: 37th Business Law Institute
      Atlanta, Ga. | 10 CLE

25  ICLE: Civil Prosecutions of DUI and Dram Shop Cases in Georgia
     Atlanta, Ga. | 6 CLE

26  ICLE: 26th Annual Securities Litigation
     Atlanta, Ga. | 6 CLE

26  ICLE: Expert Testimony in Georgia
     Atlanta, Ga. | 6 CLE

31  ICLE: E-Discovery
     Atlanta, Ga. | 3 CLE

NOVEMBER

1-3  ICLE: Medical Malpractice Liability Institute
     Amelia Island, Fla. | 12.5 CLE

2  ICLE: 25th Annual John Mayoue Family Law Convocation on Professionalism
     Atlanta, Ga. | 6 CLE

2  ICLE: Milich on Criminal Evidence
     Atlanta, Ga. | 6 CLE

2  ICLE: Trial Advocacy
     Cobb Galleria Centre and satellite locations | 6 CLE

6  ICLE: Commercial Real Estate
     Atlanta, Ga., and via satellite in Savannah and Tifton | 6 CLE

7  ICLE: Real Property Law Foreclosure
     Atlanta, Ga. | 6 CLE

8  ICLE: Litigation Under 42 Section 1983
     Atlanta, Ga. | 6 CLE

8  ICLE: Trial Advocacy Rebroadcast
     Cobb Galleria Centre and satellite locations | 6 CLE

9  ICLE: School and College Law Update
     Atlanta, Ga. | 6 CLE

9  ICLE: Recent Developments in Georgia Law
     Cobb Galleria Centre and satellite locations | 6 CLE
<table>
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| 13   | ICLE: Personal Injury Law Clinic I  
Atlanta, Ga. | 2 CLE |
| 15   | ICLE: Mentor Orientation  
Atlanta, Ga., and via satellite in Savannah and Tifton | 3 CLE |
| 15   | ICLE: Recent Developments in Georgia Law Rebroadcast  
Cobb Galleria Centre and satellite locations | 6 CLE |
| 16   | ICLE: The New Negotiation Advantage  
Atlanta, Ga. | 6 CLE |
| 29   | ICLE: Entertainment Law Bootcamp  
Atlanta, Ga. | 3 CLE |
| 30   | ICLE: Chief Justice’s Convocation on Professionalism  
Atlanta, GA | 7 CLE |
| 30   | ICLE: AAML Georgia Chapter Family Law Seminar  
Atlanta, Ga. | 6 CLE |
| 30   | ICLE: Professionalism, Ethics and Malpractice  
Cobb Galleria Centre and satellite locations | 3 CLE |
| DECEMBER | |
| 3    | ICLE: Women in the Profession  
Atlanta, Ga. | 3 CLE |
| 5    | ICLE: Update on Georgia Law  
Martinez, Ga. | 6 CLE |
| 6    | ICLE: Health Care Fraud Institute  
Atlanta, Ga. | 6 CLE |

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| 6    | ICLE: Professionalism, Ethics and Malpractice Rebroadcast  
Cobb Galleria Centre and satellite locations | 3 CLE |
| 6-7  | ICLE: Defense of Drinking Drivers  
Atlanta, Ga. | 12 CLE |
| 7    | ICLE: 48th Annual Labor and Employment Law Institute  
Atlanta, Ga. | 6 CLE |
| 7    | ICLE: 25th Annual ADR Institute and 2018 Neutrals’ Conference  
Atlanta, Ga. via satellite in Savannah and Tifton | 6 CLE |
| 11   | ICLE: Personal Injury Law Clinic II  
Atlanta, Ga. | 2 CLE |
| 12   | ICLE: Winning Your Case with a Better Memory  
Atlanta, Ga. | 6 CLE |
| 12   | ICLE: Georgia and the 2nd Amendment  
Atlanta, Ga. | 4 CLE |
| 13   | ICLE: Partnership Audit Update  
Atlanta, Ga. | 6 CLE |
| 13–14| ICLE: Consumer and Business Bankruptcy  
Greensboro, Ga. | 7 CLE |
| 13–14| ICLE: Corporate Counsel Institute  
Atlanta, Ga. | 12 CLE |
| 14   | ICLE: Powerful Witness Preparation  
Atlanta, Ga. | 6 CLE |
| 14   | ICLE: Finance for Lawyers  
Atlanta, Ga. | 6 CLE |
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