GEORGIA BAR

JOURNAL

From the YLD
President—The Benefits
of Serving Others

The Taliaferro County
Courthouse at
Crawfordville: The
Grand Old Courthouses
of Georgia

Mentorship Academy
Gains Momentum

The 10 Principles
of Plain English

THE LEGAL

Taxation of
Settlement Payments
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The October Issue

The October 2019 issue of the Georgia Bar Journal is full of helpful and interesting information for our members, and I am confident that you will enjoy this month’s content.

In our President’s Page, Darrell Sutton highlights the status of the Bar’s current efforts to combat the problem of case runners in the personal injury realm.

Our legal article, “Taxation of Settlement Payments” by Julian A. Fortuna and Gerika Kelly, addresses a topic that is tremendously important across a wide range of practice areas. The authors provide valuable information regarding the tax consequences of payments for both the recipient and the payor of settlement proceeds. In so doing, attorneys can shape the way in which they advise clients to achieve the best possible outcome.

Our new monthly feature focused on lawyers living well gives readers an introduction to the Bar’s initiative to promote mental, physical and emotional wellness for attorneys and legal professionals. We will continue to highlight this important campaign through articles in our future issues.

In keeping step with the Bar’s wellness initiative, this issue contains tips from our Law Practice Management Program about setting boundaries in your practice, whether dealing with staff, colleagues, opposing counsel, clients or family members. Setting healthy boundaries can be an important component for reducing stress, maintaining mental health and ensuring that we remain productive and successful.

Productivity and success are some of the benefits members can enjoy as a result of pro bono work, as I am sure you will agree after reading YLD President Will Davis’ thoughtful column. The YLD has a number of great opportunities available to serve, and when we give our time, we also receive experience, people skills and networking opportunities that in turn help us advance our own careers.

Another great organization that is focused on serving our communities, the Georgia Bar Foundation, recently awarded grants totaling more than $2 million. In this issue, you can read about the Georgia Bar Foundation awards and the wonderful organizations and causes that benefited from the work of the foundation.

We also take a closer look at the lives and careers of two men whose professionalism and commitment to justice should inspire us all. Our Executive Director’s column features Donald Lee Hollowell, a civil rights icon who fought segregation and racism both inside and outside of the courtroom. And an interview with Emmet Bondurant gives us a glimpse of a legal career spanning nearly six decades, with a special focus on Bondurant’s work on ensuring fair elections and providing indigent defense, issues that are just as important today as ever.

In other professionalism news, the end of summer brings us a new group of future lawyers entering their first year of law school and, with that, the annual Professionalism Orientation at the various law schools in Georgia. I hope you will take the time to read the remarks from keynote speaker Presiding Justice David Nahmias to these incoming law school students, and let us all strive to live by those words.

Thank you for reading!

KATHLEEN KELLY
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Tackling Case Runners

Anyone who has seen the movie adaptation of John Grisham’s “The Rainmaker” surely remembers Danny DeVito’s entertaining portrayal of the prototypical personal injury “case runner,” Deck Shifflet.

In a particularly memorable scene, Shifflet and young lawyer Rudy Baylor, played by Matt Damon, are on a client solicitation run to the hospital and have just made their pitch in the room of an injured patient when, leaving the hospital, Baylor exclaims, “That was blatant ambulance chasing.”

“Right!” Shifflet replies. “You’d better learn quick, or you’re going to starve.”

Unfortunately, illegal and unethical client solicitation is not so entertaining. Case runners, who prey on recently injured victims and their families, are nothing new to the legal profession.

The use of these true “ambulance chasers” on the part of some personal injury lawyers has for decades been a prevalent practice. In Georgia, it is an issue that has been around for a long time but in recent years has become more common and, because of advances in technology, more sophisticated.

Gone are the days when runners operate in the shadows. Even though the practice is illegal in Georgia and stands in violation of State Bar rules about client solicitation, I have listened as lawyers from Athens to Savannah to Atlanta shared first-hand accounts of lawyers not only engaging in case-running, but boasting about their use of the practice.

So brash have some Bar members become that they even employ hospital personnel themselves to generate personal injury clients. This practice is the subject of a currently pending lawsuit in Athens-Clarke County, alleging an attorney hired a staff member of a local hospital to run cases for him.

This illegal, unprofessional and unethical form of client solicitation casts a bad light on the legal profession. It makes us the worst caricature of ourselves. All the while, it operates to the detriment of the public, whose best interests we are sworn to serve.

Rule 7.3 (c) specifies, “A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure the lawyer’s employment by a client, or as a reward for having made a recommendation resulting in the lawyer’s employment by a client; . . . The maximum penalty for a violation of
this Rule is disbarment.” While there are exceptions for the use of advertising and referral services that meet specific qualifications, this rule makes clear lawyers are not permitted to pay another person for channeling professional work and are prohibited from accepting work generated by direct client solicitation.

As a self-regulating profession, the State Bar of Georgia has the responsibility to determine the best method for combating this insidious form of client solicitation in order to protect the public and serve the justice system. This is why I have appointed a special committee to research the problem and make recommendations for curtailing the use of case runners.

One approach likely to be employed is a public awareness campaign. Educating lawyers about permissible client solicitation is important. Even more important is the development of materials alerting those suffering from a personal injury and their families about the practice of illegal client solicitation, how to identify it and what to do when they encounter it.

Co-chaired by State Bar Young Lawyers Division Past President Michael Geoffroy and DeKalb County State Court Judge Dax Lopez, both of whom are members of the State Bar’s Board of Governors, this special committee is comprised of all stakeholders in the fight against illegal client solicitation, including personal injury lawyers, civil defense lawyers, the judiciary, prosecuting attorneys and the attorney general’s office.

I want to thank Michael, Judge Lopez and committee members Tracee Ready Benzo of Atlanta, Kelly Campanella of the attorney general’s office, Andrew Conn of Atlanta, Fulton County Solicitor General Keith Gammage, Ryan Ingram of Marietta, John Jackson of Carrollton, YLD Past President Nicole Leet of Atlanta, D’Andrea J’Lynn Morn-
As our special Client Solicitation Committee moves forward with its work, I would be grateful for your thoughts, information or suggestions that I could share with the members. Send an email to president@gabar.org, or, better yet, use the new #ShapeTheBar link on the Bar’s website to join the effort to tackle case runners in Georgia.

What we’re going to do first is try to raise awareness of the issue, in a targeted way, especially in hospitals where people come across case runners most often.”

To be sure, the Bar will not be engaging in “sting” operations to catch case runners in the act. What we will do, however, is launch an educational initiative so hospital staff and patients know how to identify the use of case runners and what to do when they observe illegal client solicitation.

We will be working with the state attorney general’s office to spread the message to hospital staff, patients and visitors in a manner similar to the state’s highly effective public education effort to combat human trafficking. This is not an issue of the same gravity as human trafficking, but we’d like to replicate that effort in hospitals in order to fight against illegal client solicitation.

Georgia is, of course, not alone in the prevalence of case runners. In Texas, three Houston-area personal injury lawyers, a legal aid and a clinic owner were recently arrested and charged with the offense of “barratry,” another term for ambulance chasing, for unlawfully soliciting clients through recruiters, along with other offenses including tax evasion, witness tampering and obstruction of justice.

Texas State Bar spokesperson Claire Reynolds told the Houston Chronicle that illegal client solicitation is difficult to uncover. “To assist us in stopping barratry,” Reynolds said, “we need people to file complaints. We work with local law enforcement, but we don’t know about it unless you tell us about it.”

As our special Client Solicitation Committee moves forward with its work, I would be grateful for your thoughts, information or suggestions that I could share with the members. Send an email to president@gabar.org, or, better yet, use the new #ShapeTheBar link on the Bar’s website to join the effort to tackle case runners in Georgia. •
#SHAPETHEBAR

We want to hear from you.

www.gabar.org/shape

BAR BENEFITS

Conference Center

DID YOU KNOW?
The Bar Center conference rooms can be reserved at no charge for law-related meetings. Similar amenities are available at the Savannah and Tifton offices.

CONTACT
Faye First, Atlanta | faye@gabar.org
Kindall Harville, Savannah | kindallh@gabar.org
Bonne Cella, Tifton | bonnec@gabar.org

State Bar of Georgia
The Young Lawyers Division has long been known as the “service arm” of the State Bar of Georgia. Our programming offers numerous opportunities for YLD members to serve both the legal profession and the community at large.

Ever since the YLD helped create the Georgia Legal Services Program (GLSP) 48 years ago, we have continuously added new service programs, such as Build a Better Georgia Day, regional Wills Clinics, our Signature Fundraiser and, in collaboration with the state attorney general’s office, the Georgia Legal Food Frenzy. These are just a few of the successful programs that enable our members to make a difference in the lives of our fellow Georgians—not to mention helping us fulfill the mission of the YLD and State Bar to serve the public, the legal profession and the justice system.

Providing pro bono legal services to those who cannot afford representation is perhaps the most obvious way for a lawyer to serve others, but it is certainly not the only way. The YLD, our local affiliates and voluntary bar associations throughout Georgia regularly take on all kinds of service projects in the communities we represent. We do so not only because of the warm feeling we get internally when we volunteer for a good cause, but also for the practical, tangible benefits that serving others brings to us as lawyers.

As a new lawyer in 2010, I moved to Albany where I served as a staff attorney for GLSP for three years and appeared in courts in nearly 30 counties in Southwest Georgia. I met with clients in libraries, DFCS offices and local health centers, and I saw firsthand the level of need across Georgia that simply cannot be met solely by our nonprofit law firms. Barriers to justice are prevalent across Georgia, and those barriers are even more present in our rural counties. Whether it be lack of attorneys in a certain county, a language access issue or financial reasons, clients end up on the wrong side of their case every day—not for lack of trying or for lack of a having a good case, but for lack of resources. We, as a legal community and especially as young lawyers, should take our educational and professional resources to serve our communities and fellow Georgians in an effort to make our legal system more effective and accessible for all.

“Engaging in community service will sharpen your skills in whatever area you
are volunteering,” contends Shayda Zaerpoo Le, writing for Law Practice Today. “People learn by doing. Pro bono representation of clients in a low-income tax clinic will undoubtedly help you learn how to practice tax law. You will learn terminology, legal analysis, familiarity with whatever topics or issues you undertake to research, and a range of possible options on how to achieve your client’s legal goals. These are all skills that will make you a better lawyer, and a more valuable member of whatever firm or office you practice in.”

Equally important, Le adds, “Community service also helps you develop skills beyond your substantive practice area. Indeed, you will develop these skills even if the service you are undertaking involves no legal representation whatsoever, and they are crucially important skills. They also tend to be the skills most underdeveloped in attorneys, particularly in young attorneys, and that are not taught in law school, but are essential to success in the workplace. Yes, I’m talking about the ‘soft skills,’ . . . leadership, communication, decision-making and confidence.”

Another benefit of engaging in volunteer service to the profession and the public is the chance to meet and connect with other attorneys. In the case of YLD activities, that means establishing a network of colleagues—other young lawyers who are facing the same professional challenges we all experience early in our careers—which can pay dividends, sometimes immediately or sometimes down the road. As Le writes, “. . . half an hour in a committee meeting with someone once a week, every other week, or several hours spent over the phone planning an event, or half a day together running a volunteer group, is an opportunity for exposure and information-gathering in a much more detailed and significant way. It’s enough time to show your strengths, not just talk about them. It’s enough time to learn about the target attorney’s personality, casually ask about some details of their firm and firm culture, demonstrate interest in particular areas in which they practice, and most importantly, it can be done naturally and organically.”

**OFFICERS’ BLOCK**

*In this issue of the Georgia Bar Journal, we asked our YLD officers, “What’s your favorite memory of law school?”*

**WILL DAVIS | YLD President**

Law school introduced me to an amazing group of friends whom I remain incredibly close to today. Ole Miss Law also introduced me to the second greatest city in the SEC—Oxford, Mississippi, where I learned the true definition of “tailgate” on many Saturdays in The Grove.

**BERT HUMMEL | YLD President-Elect**

I had a lot of great memories at Mercer Law School, so it’s tough to narrow down a favorite. However, being part of Prof. Reynold Kosek’s final class was special. Prof. Kosek left a lasting impact on my writing style and went well-beyond any lessons on the UCC.

**ELISSA B. HAYNES | YLD Treasurer**

Winning the Tulane Sports Law Moot Court Competition my 2L year and receiving the “Best Oral Argument” award. Loyola’s Moot Court program was a significant part of my law school experience and thoroughly prepared me for my first oral argument at the Court of Appeals of Georgia last September.

**RON DANIELS | YLD Secretary**

Meeting my best friend by happenstance while sitting in the lobby of Mercer Law School. We are now adversaries in court on an (almost) weekly basis.

**RIZZA O’CONNOR | YLD Immediate Past President**

Former U.S. Attorney General and past YLD President Griffin Bell was the speaker at a Mercer event and I was tasked to direct Judge Bell around campus. After he spoke, he asked me to drive his car and take he and his wife to an electronics store in Macon to look at wall mounts for his new flat screen television.

**ASHLEY AKINS | YLD Newsletter Co-Editor**

I loved participating in moot court! I had wonderful teammates and loved learning from Prof. Fleissner at Mercer Law. Moot court taught me how to effectively advocate for a position through brief-writing and oral arguments. I encourage all law students to give moot court a try!

**AUDREY B. BERGESON | YLD Newsletter Co-Editor**

As a moot court member, I spent some late nights editing appellate briefs with my teams and preparing for competitions. It was hard work, but some of the best laughs are shared at 2 a.m. I was also excellent training both for litigation and for raising a newborn baby.
As the service arm of the Bar, the YLD provides ample opportunities for our members to serve. I encourage you to take advantage of these or any other opportunities in your community to realize the benefits that come from serving others.

Raising your profile within your community can also pay off for your law practice. Establishing a reputation as someone who is community-minded and willing to volunteer for the public good, not to mention interacting with your town’s movers and shakers in a positive endeavor, is bound to open doors that might otherwise be unapproachable. Providing representation in pro bono and low bono cases gets you facetime with local judges and other attorneys who may be quick to call on you in the future for more lucrative client referrals.

“Even if you are engaging in community service that has absolutely nothing to do with legal representation at all, every hour that you spend out in your town or your city helps expand your relationship with the local community,” Le writes. “. . . [T]he best way to expand your network and bring in clients is to be out there. Be seen. Be someone that people think of when their issue or their need comes up. By being out in your city, you develop a sense of how industry functions, and you become familiar with the attitudes and values of your community. These people that you serve with, and often the people who are the recipients of the service, are your future potential clients, sources of business, referrals, resources for information and your friends.”

For active members of the Georgia YLD, the opportunities to serve are not hard to find. We have more than 30 hard-working committees that are constantly producing an array of service projects and programs. While each of these committees is engaged to some extent in service to the profession and the public, the YLD Community Service Projects Committee specifically provides opportunities for young lawyers to participate in local, state or national service projects focused on various social issues, such as working with organizations that address the needs of underprivileged children, hunger, domestic violence and the environment. The YLD’s Disaster Legal Assistance Committee, High School Mock Trial Committee, Law School Outreach Program Committee and Legal Food Frenzy Committee are among the other opportunities for young lawyers to get involved with helping our neighbors in need and future colleagues.

Additionally, there truly are countless opportunities for lawyers to realize the benefits that come from serving others. Writing for the Solo Practice University blog, Paul Jeff Perez provides these five tips for lawyers to build their community presence:

- Volunteering to mentor and help small businesses by leading legal seminars and workshops can help you meet like-minded entrepreneurs, and “you will gain recognition and respect in the business community.”
- Hosting a charity event “gets you noticed and truly shows that you care. It is important to be perceived as a compassionate business, as many people have jaded views about lawyers.”
- Volunteering for a not-for-profit organization enables you to work on projects that fit your interests or your firm’s practice area. “These can be immensely rewarding on a personal level and can also serve as a team-building exercise for your staff.”
- Volunteering for your church, temple, synagogue or mosque might result in members of your faith-based organization “feeling more comfortable coming to you for legal advice.”
- Joining a court-sponsored volunteer attorney program or pro bono program helps “build your legal expertise and gain CLE credits, get to know other lawyers and court personnel, and you can volunteer on a schedule that is convenient for you.”

As lawyers, we have an ethical and professional duty to “use our powers” for good. While helping a client with an advance directive, a name change or an eviction may involve sacrificing a few hours of time on your part, those hours could make a lifetime of difference for the client who otherwise would have no legal recourse or assistance. As the service arm of the Bar, the YLD provides ample opportunities for our members to serve. I encourage you to take advantage of these or any other opportunities in your community to realize the benefits that come from serving others.
Ms. Mason, a family violence survivor, faced serious breast cancer without medical insurance, including Medicaid. The state agency denied her application for Medicaid claiming that she was not eligible because of a federal waiting period created as part of Welfare Reform in the mid-1990’s. GLSP attorneys filed an appeal of the denial, represented the client at an administrative hearing, filed and won a petition in a Georgia superior court, and successfully represented the client in the Georgia Court of Appeals. Because of the favorable Court of appeals decision, the state agency approved our client’s application for Medicaid. With Medicaid, our client obtained life-saving medical care.

This case is one of first impression in Georgia and first in the nation to hold that a legal permanent resident who entered the U.S. before the waiting period went into effect in 1996 and remained physically present was not subject to the five-year waiting period for Medicaid eligibility imposed as part of federal Welfare Reform. Because of GLSP's advocacy, the state agency and the Office of the Attorney General are on notice about the legal application of the five-year waiting period.

Give to the Georgia Legal Services Program at www.glsp.org.
Thank you for your generosity and support!

The Georgia Legal Services Program (GLSP) is a 501(c)(3) nonprofit law firm. Gifts to GLSP are tax-deductible to the fullest extent allowed by law. The client story is used with permission. The name does not necessarily represent the actual client.
Donald Lee Hollowell: Mr. Civil Rights

Among the dozen or so African-American lawyers in Atlanta in the 1950s, Donald Lee Hollowell was the most active in the effort to desegregate public institutions throughout Georgia.

During a volatile period of our state’s history, Hollowell courageously provided counsel to student activists during the Atlanta sit-ins, defended Martin Luther King Jr. and other demonstrators during the Albany Movement for civil rights and successfully litigated the landmark case integrating the University of Georgia. When President Lyndon B. Johnson appointed him to oversee the southeastern regional office of the Equal Employment Opportunity Commission, Hollowell became the first African-American regional director of a major federal agency.

According to his biography written by Edward A. Hatfield in the New Georgia Encyclopedia, Hollowell was born in Wichita, Kansas, in 1917. During Hollowell’s youth, his family moved regularly, usually in search of employment for his father, who worked primarily as a custodian and also took odd jobs to better provide for his wife and four children.

While his parents encouraged the Hollowell children to pursue a college education, the family had suffered financial distress during the Great Depression, and in 1935 his father informed him that he would have to suspend his studies to help support the family. After searching unsuccessfully for work, Hollowell enlisted in the Army and was assigned to Fort Leavenworth, Kansas, and the segregated 10th Calvary Regiment, better known as the Buffalo Soldiers.

During his military service, Hollowell encountered institutional and pervasive racism for the first time, being “relegated to eating in the kitchen, sleeping in quarters adjacent to prisoners and patronizing Jim Crow canteens” — an experience he later credited with inspiring his civil rights activism. Despite suffering those indignities, he performed admirably as an enlisted man, completing his high school education through correspondence classes and rising to the rank of private first class specialist five by 1938, when he withdrew from regular service to continue his education.

Hollowell then enrolled at Lane College, an all-black school in Jackson, Tennessee, where he excelled in the classroom and on the athletic field as a three-sport athlete. During his freshman year, he joined the Colored Methodist Episcopal Church (now known as the Christian Methodist Episcopal Church), whose headquarters were located in Jackson. He also served as the editor of the student newspaper and was elected president of his freshman, sophomore and junior classes.

After the Japanese attack on Pearl Harbor on Dec. 7, 1941, precipitating the U.S. entry into World War II, Hollowell was recalled to active military service. Before his deployment overseas, Hollowell was stationed at Fort Benning, where he met his future wife of 61 years, Louise Thornton Hollowell, a Seminole County native.
who later became a distinguished professor of English at Morris Brown College. They were married in May 1942, after which Hollowell was transferred to the European theater, where he again served his country with distinction, ultimately rising to the rank of captain.

Following the war, Hollowell returned to Lane College, where he graduated magna cum laude in 1947. He enrolled in law school at Loyola University in Chicago and earned his law degree in 1951. The next year, he moved to Atlanta and used $300 he had borrowed from a friend to establish a law practice on Hunter Street, now Martin Luther King Jr. Boulevard.

Hollowell distinguished himself as a gifted attorney and advocate for social justice. "As the civil rights movement gathered momentum," Hatfield wrote, "high-profile plaintiffs sought his counsel, and Hollowell found himself at the center of numerous legal flashpoints in his adopted state. As a result, he enjoyed a reputation throughout Georgia for courage in the courtroom and was often referred to as 'Mr. Civil Rights.'"

Along with Gate City Bar Association founder A.T. Walden and another noted civil rights attorney, Constance Baker Motley, Hollowell represented Horace T. Ward, who in 1950 had been the first African-American to apply for admission to the University of Georgia School of Law. The denial of his application led to the filing of a federal lawsuit, which, not unexpectedly at the time, was dismissed. Ward, however, later earned his law degree from Northwestern University, joined Hollowell's law firm, served in the Georgia State Senate and in 1979 was appointed by President Jimmy Carter as the first
“When I remember the days of the civil rights movement,” the Rev. Otis Moss Jr., a veteran of that movement, recalled, “there is one person who must be recognized. Attorney Donald Lee Hollowell. His contribution cannot be exaggerated.”

African-American to serve as a U.S. District Court judge in Georgia.

Hollowell, meanwhile, earned a decisive legal victory against state-sanctioned segregation in higher education in 1959, when he successfully represented three applicants who had been denied admission to the Georgia State College of Business Administration, now Georgia State University. In that case, a federal judge ruled the school’s admission policies to be unconstitutional, which paved the way for an even more contentious legal showdown the same year.

Hollowell had accepted another school desegregation case, this one on behalf of two undergraduate applicants who were denied admission to the University of Georgia, Hamilton Holmes and Charlayne Hunter. The case captured attention throughout the state because it concerned the integration of Georgia’s flagship institution of higher learning. Throughout the hearings, university officials maintained that the two students were not denied admission on the basis of race, instead citing a variety of procedural explanations. However, with the help of Constance Baker Motley, Vernon Jordan and Horace Ward, Hollowell skillfully exposed contradictions in the state’s defense. As a result, U.S. District Judge William Augustus Bootle of the Middle District of Georgia issued a ruling on Jan. 6, 1961, ordering UGA to admit the two students.

Hollowell also represented college students who waged sit-ins at lunch counters in Atlanta in 1960, and he secured the release of Martin Luther King Jr. from the state prison at Reidsville, where he was being held on charges stemming from his participation in the student demonstrations. Hollowell represented King again two years later, when he and other activists were arrested for participating in the Albany Movement.

According to Maurice C. Daniels and Derrick P. Aldridge, writing for the Foot Soldier Project for Civil Rights Studies at the University of Georgia, “Hollowell and members of his firm prevented the electrocution of a 15-year-old black youth from Monticello, Georgia, five days before the scheduled execution. Hollowell was also chief counsel in historic cases that enabled blacks to ride desegregated buses, in the Atlanta sit-in cases that opened up public facilities, and in numerous other precedent-setting civil rights cases.”

In 1966, President Johnson appointed Hollowell as director of the southeastern regional Equal Employment Opportunity Commission, based in Atlanta, a position he held for the next 19 years. From 1971 to 1986, he led the Voter Education Project in Georgia as chairman of the board and helped to increase the number of registered African-American voters in the United States at the time from 3 million to 5.5 million.

The University of Georgia awarded Hollowell with an honorary Doctor of Laws degree in 2002, and both UGA and Emory University have named professorships in Hollowell’s honor. In 1998, the Georgia Department of Transportation and the city of Atlanta named a six-mile urban corridor on U.S. 78, also known as the Bankhead Highway, connecting Midtown with Northwest Atlanta and Cobb County, the Donald Lee Hollowell Parkway.

Over the course of his career, he mentored a number of younger attorneys and civil rights activists, including Ward, Jordan, Marvin Arrington and Lonnie King. Jordan later called Hollowell “a friend, mentor, boss, idol and role model.” Hollowell died on Dec. 27, 2004, in Atlanta, of heart failure eight days after his 87th birthday.

“When I remember the days of the civil rights movement,” the Rev. Otis Moss Jr., a veteran of that movement, recalled, “there is one person who must be recognized. Attorney Donald Lee Hollowell. His contribution cannot be exaggerated. One of those historic moments happened in the desegregation case at the University of Georgia. I remember attorney Hollowell in the courtrooms: his brilliance, eloquence, and impact as he questioned state representatives and educators trying to defend that which was wrong and evil—segregation, racism. The desegregation of the University of Georgia was one of the great historic breakthroughs in the Deep South—one that you carry with you. That is what Attorney Hollowell brought—not just to the civil rights movement, but to the whole nation. It was a history bearing moment . . . which I will carry for all my days.”

Thanks to Linton Johnson, media consultant to the Bar, for his assistance in researching and drafting this article. These articles are in support of the Arc of Justice Institute and its Hidden Legal Figures project. For more information, visit onthearc.net.
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Taxation of Settlement Payments

Whether you are a plaintiff, a defendant or counsel for one of the parties, failing to address probable tax consequences before a settlement is finalized can cause major problems. In fact, it is prudent to consider tax implications at each and every stage of the proceedings, all of which can impact the taxability of its ultimate resolution.

BY JULIAN A. FORTUNA AND GERIKA KELLY

As with many other areas of tax law, analyzing the tax consequences of the payment and receipt of settlement funds can become quite complex. Despite a tendency by litigants to avoid contemplating the tax consequences of a dispute until just prior to executing a settlement agreement, such consequences are usually impacted by prior stages in the process and are often material to both the recipient and the payor. A recipient should generally seek to allocate settlement proceeds to claims that produce non-taxable income, return of capital or capital gains (in that order of preference), and try to preserve tax deductions for attorney fees. Conversely, a payor should consider the impact of a proposed allocation on the tax deductibility of the payments as ordinary losses, capital losses or depreciation/amortization of capital costs, while carefully also considering and satisfying any tax with-
holding and reporting obligations. Even more ominous is the tug-of-war between a defendant and a governmental entity. While it is clearly in the defendant’s best interest to allocate payments to tax deductible compensatory damages and away from non-deductible fines and penalties, the government’s objective will be to allocate payments to fines and penalties in order to generate tax revenue and avoid adverse publicity.1

General Principles

Origin, Nature and Substance of Claims
A shallow dive into the tax treatment of settlement payments starts with consideration of general factors, such as the origin, nature and substance of the underlying claims, the terms of the settlement agreement and the intent of the parties, particularly the payor.2 In addition to these factors, the courts have also taken a “substance over form” approach, requiring that an allocation among claims in a settlement agreement will be respected only if entered into by parties in an adversarial context, at arm’s length and in good faith.3 Relevant evidence as to the true nature and substance of the claims and the proper allocation of settlement proceeds among those claims may include: (1) allegations contained in information claims or demand letters; (2) allegations and claims for relief contained in formal complaints; (3) the judgment of a tribunal judge or jury (if the case was tried); (4) records detailing the history of settlement negotiations; (5) the method used to calculate the settlement payments; and (6) the specifics of the settlement agreement, preferably approved by a court.4

Impact of Classification of Payments on Recipient
Compensation for lost wages, sales, profits, royalties, salaries or similar items are generally taxable to the recipient as ordinary income at tax rates as high as 37 percent.5 Compensation for the sale, exchange, loss or decline in value of tangible or intangible property may produce a non-taxable return of capital up to tax basis, and then either ordinary income or capital gain, depending upon the type of asset.6 Capital gains are taxed to individual taxpayers at rates of 0, 15 or 20 percent depending on total taxable income.7 However, what constitutes compensation for the sale, exchange, loss or decline in value of tangible or intangible property in a litigation context is not always clear.8 Finally, as discussed in detail below, payments allocable to either (1) workmen’s compensation, (2) damages for personal physical injury or physical sickness or (3) damages for wrongful conviction are generally not taxable to the recipient.

Impact of Classification of Payments on Payor
Settlement payments are currently deductible against ordinary income only if they qualify as trade or business expenses or expenses incurred for the production of income.9 Transfers to certain “designated” or “qualified” liability settlement funds may generate current deductions for accrual basis taxpayers even though claimants may be paid later.10 However, payments that facilitate or are ancillary to the acquisition or ownership of a capital asset must be capitalized.11 Any capitalized costs may or may not generate depreciation or amortization tax deductions.12 Finally, as discussed in detail below, no tax deductions are allowed for payments of fines or penalties to, or at the direction of, a government or governmental entity in relation to the violation of any law or

A shallow dive into the tax treatment of settlement payments starts with consideration of general factors, such as the origin, nature and substance of the underlying claims, the terms of the settlement agreement and the intent of the parties, particularly the payor.
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the investigation or inquiry by such government or entity into the potential violation of any law.13

Payments by Employers

Severance Payments

Severance payments to terminated employees (absent allocations to claims for damages) are generally considered wages subject to both income tax and Federal Insurance Contributions Act (FICA) withholding.14 Under a narrow exception, the Internal Revenue Service (IRS) does not require FICA to be withheld from severance payments tied to the receipt of state unemployment benefits.15 However, the IRS takes the position that amounts paid for the early termination of an employment contract are wages under the “substitution for ordinary income” doctrine.16 A recent court decision calls into question this rationale, by holding that the substitution for ordinary income doctrine is not applicable to the right to earn future income.17 Alternatively, a key employee without an employment contract may seek more favorable treatment by allocating severance payments to the sale of personal goodwill, resulting in capital gain rather than ordinary wage income.18 Nevertheless, employers should resist such allocations because they would require the employer to capitalize and amortize rather than currently deduct the severance payments.19

Other Payments

Payment for “back-pay” under various workers’ rights and civil rights statutes are generally considered wages subject to withholding in the year paid.20 A majority of courts have classified “front pay” as wages, but not all circuits have followed suit.21 The circuit courts are also split as to whether settlement proceeds in illegal refusal to hire cases are wages.22 Furthermore, authorities are split concerning whether damages paid for violating the Family and Medical Leave Act constitute wages.23

The tax deductibility of certain settlement payments made by an employer is just as fluid. For example, the Tax Cuts and Jobs Act of 201724 (TCJA) included a provision disallowing deductions for any settlement, payout or attorney fees related to sexual harassment or sexual abuse if such payments are subject to a nondisclosure agreement.25 However, the statutory language and legislative history are unclear. Among the unanswered questions are: (1) When is a payment considered “related to” sexual harassment or abuse, and how are those terms defined; (2) Is the entire settlement payment non-deductible if it only partially relates to sexual harassment or abuse; and (3) Will a nondisclosure agreement prevent deductibility if it applies only to claims other than sexual harassment or abuse?

Non-Taxable Payments

Workmen’s Compensation

Section 104(a)(1) of the Internal Revenue Code (the Code) excludes from taxation “amounts received under workmen’s compensation acts as compensation for personal injuries or sickness[,]”26 In the settlement context, the courts have strictly applied two additional conditions not expressly set forth in the statute: the settlement agreement must be valid under workers’ compensation laws and not go beyond the scope of such laws in order for payments thereunder to qualify as non-taxable.27 Furthermore, the IRS and the courts have declined to extend the applicability of the exclusion to a pension or annuity payment “to the extent that it is determined by reference to the employee’s age or length of service, or the employee’s prior contributions, even though the employee’s retirement is occasioned by an occupational injury or sickness.”28

Damages for Personal Physical Injury, Physical Sickness or Emotional Distress

Damages (other than punitive damages) received “on account of personal physical injuries or physical sickness” and “emotional distress” that is “attributable to a physical injury or physical sickness” are not taxable.29 If the origin of a claim is physical injury or physical sickness, then all damages (other than punitive) that flow therefrom (e.g., loss of consortium) are non-taxable whether or not the recipient of the damages is the injured party.30 In cases involving qualified structured settlements (i.e., one to which the Section 104(a)(2) exclusion applies), the IRS has ruled that the sale of structured settlement rights does not result in the realization of income to the plaintiff, even though a portion of the payment for the settlement rights reflects interest.31

Before a recipient of settlement funds can take advantage of this favorable tax treatment, the recipient must be certain that the particular damage claim to which the settlement proceeds are allocable qualifies as “physical injury or sickness.” IRS rulings have attempted to define “physical injuries.”32 Damages received for emotional distress, that are not “attributable to” physical injuries or physical sickness are taxable, except to the extent of any amounts paid for medical care (other than long-term care) related to the emotional distress.33 The legislative history states that emotional distress damages include compensation for “symptoms” of emotional distress “(e.g., insomnia, headaches and stomach disorders) . . . .”34 What it does not address is whether these “symptoms” can progress into physical injuries or sickness that would qualify (e.g., emotional distress caused by a stressful or hostile workplace can progress to a “physical sickness,” a “stomach disorder” that becomes an ulcer or throat cancer, or high blood pressure leading to a heart attack or stroke). From an evidentiary standpoint, most cases involving this issue are decided based on sufficiency of the evidence as to the origin of the settled claim, but the severity of an injury appears to also impact the decisions.35

Damages for Wrongful Conviction

Of course, it would seem fair to extend favorable tax treatment to settlement payments received by those who have been wrongfully convicted and incarcerated. Yet, only recently did Congress add Section 139F excluding from taxable income civil damages, restitution, or other monetary awards relating to an individual’s wrongful conviction and incarceration for certain offenses.36 Excludable damages are awards for loss of liberty, lost income, pain and suffering, and other physical and emotional injuries.37
Punitive Damages

Punitive damages are generally taxable to the recipient and, if paid by a business, deductible by the payor. The Code provides a very limited exception to taxability that is applicable to certain wrongful death actions. Section 104(c) excludes from taxable income punitive damages when (a) awarded in a civil action that is a wrongful death action, and (b) applicable state law provides (or a court has construed it to provide) that only punitive damages may be awarded in the action. Punitive damages received for physical injuries and physical sickness are taxable, but the law is unclear as to whether punitive damages received for wrongful conviction are also taxable.

Attorney Fees and Related Costs

General Rules

The taxation of payments for attorney’s fees and court costs generally corresponds to the taxation or non-taxation of the underlying claims, except payments in employment litigation specifically designated for attorney’s fees and court costs are not considered wages. When a settlement agreement in an employment case does not clearly allocate an amount to attorney’s fees, and the claim is brought under a statute that does not provide for fee-shifting, the entire amount paid to the claimant-employee is considered wages. Generally, a plaintiff’s recovery of damages and/or attorney’s fees paid to the plaintiff’s attorney is included in the plaintiff’s gross income regardless of whether there was a contingency-fee arrangement. In class actions and similar cases, the taxation to plaintiffs of attorney’s fees awarded under “fee-shifting” statutes depends on whether the plaintiffs would have otherwise been liable for the fees.

Tax Deduction Limitations

Generally, an individual claimant is not entitled to deduct attorney’s fees and court costs unless they relate to the recovery of taxable damages in the individual’s trade or business. Exceptions to the general rule allow individual claimants to deduct attorney’s fees paid in whistleblower lawsuits brought under tax, securities, false claims or commodity futures trading laws, and in lawsuits brought by employees for the violation of civil rights, unlawful discrimination, or any other form of retaliation or reprisal for asserting rights or taking other actions permitted by law. As previously discussed, Section 162(q) precludes a deduction for attorney’s fees related to “any settlement or payment related to sexual harassment or sexual abuse if such settlement is subject to a nondisclosure agreement[.]” Initially, there was some question as to whether Section 162(q) disallows deductions for attorney’s fees paid by plaintiffs, but it is apparent from the legislative history that Congress only intended to disallow defendants’ deductions, and the IRS has now informally agreed.

Fines and Penalties

Prior to the enactment of the TCJA, Code Section 162(f) provided that no tax deduction was allowed for any “fine or similar penalty paid to a government for the violation of any law.” A fine or penalty was defined in regulations to include an amount paid in settlement of an actual or potential liability for a fine or penalty (civil or criminal), or forfeited as collateral posted in connection with a proceeding which could result in imposition of such a fine or penalty. Legal fees and related expenses paid in defense of a prosecution or civil action arising from a violation of a law imposing a fine or civil penalty were not considered part of the fine or penalty.

Revised Code Section 162(f) (enacted as part of the TCJA) generally disallows tax deductions “for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or governmental entity in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.” A limited exception allows tax deductions for amounts “constituting restitution or paid to come into compliance with law” but only if three requirements are satisfied: (1) the settlement agreement identifies the payment as restitution or as an amount paid to come into legal compliance, (2) the taxpayer establishes that the payment is restitution or compliance-related, and (3) the payment does not reimburse the government’s investigation or litigation costs.

Until proposed regulations are issued, the IRS has stated that the first requirement will be treated as satisfied “if the settlement agreement or court order specifically states on its face the amount,” if any, to be paid is for “restitution, remedia­tion, or for coming into legal compliance.” However, there is likely to be litigation over the second requirement that the taxpayer “establish” that payments are “restitution or compliance-related.” For example, the IRS takes the position that SEC disgorgement payments are penalties and not compensatory because they are imposed primarily for purposes of deterrence and punishment. Finally, with respect to the third requirement that the payment not constitute reimbursement for the government’s investigation or legal costs, the statute is silent about the deductibility of similar payments to cover related third-party costs such as those paid under the False Claims Act which authorizes qui tam relators to recover their reasonable attorney’s fees and costs, even when the case ends through settlement.

If a taxpayer is able to demonstrate that restitution payments are tax deductible, other issues may arise with respect to the timing and character of the tax deductions. Restitution payments are usu-
ally made years after income attributable to the payments may have been reported on the tax returns of the payor, but any losses arising from the deductions for the restitution payments will not be eligible to offset the income reported in the prior years. Furthermore, if the tax deductions for the restitution payments are required to be treated as capital losses, they will only be eligible to offset a nominal amount of ordinary income in the year of the payment and future years. However, Section 1341 entitled “Computation of tax where taxpayer restores substantial amount under claim of right” sets forth a complex set of rules which may provide relief from the tax deduction timing and character limitation issues that arise in some restitution cases.

**Conclusion**

The resolution of nearly every dispute eventually presents tax issues for the parties. It can be tempting to just resolve the dispute and deal with the tax issues later. However, whether you are a plaintiff, a defendant or counsel for one of the parties, failing to address probable tax consequences before a settlement is finalized can cause major problems. In fact, it is prudent to consider tax implications at each and every stage of the proceedings, all of which can impact the taxability of its ultimate resolution.

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**Endnotes**


2. Espinoza v. Comm’r, 636 F.3d 747, 750 (5th Cir. 2011).


7. Compare Dye v. United States, 121 F.3d 1399, 1409 (10th Cir. 1997) (IRS’s determination that none of taxpayer’s settlement proceeds or legal expenses were capital in nature was arbitrary) with Patrick v. Comm’r, 799 F.3d 885, 888 (7th Cir. 2015) (qui tam reward was compensation for services rather than capital gain from the sale of information) and Connell v. Comm’r, 116 T.C.M. (CCH) 588 (2018) (loan forgiveness income was compensation for services rather than proceeds from sale of client lists and relationships).

8. Compare Dye v. United States, 121 F.3d 1399, 1409 (10th Cir. 1997) (IRS’s determination that none of taxpayer’s settlement proceeds or legal expenses were capital in nature was arbitrary) with Patrick v. Comm’r, 799 F.3d 885, 888 (7th Cir. 2015) (qui tam reward was compensation for services rather than capital gain from the sale of information) and Connell v. Comm’r, 116 T.C.M. (CCH) 588 (2018) (loan forgiveness income was compensation for services rather than proceeds from sale of client lists and relationships).


17. See Long v. Comm’r, 772 F.3d 670, 675-77 (11th Cir. 2014).


19. Id. (Plaintiff’s unilateral allocation to personal goodwill not respected where underlying claims and settlement agreement made no reference to sale of personal goodwill).


21. Compare Gerbec v. United States, 164 F.3d 1015, 1026 (6th Cir. 1999) (portion of award allocated to front pay was subject to FICA taxation), with Dotson v. United States, 87 F.3d 682, 690 (5th Cir. 1996) (portion of settlement allocated to front pay was not wages subject to FICA).


23. Compare Carr v. Fresenius Med. Care, No. 05-2228, 2006 U.S. Dist. LEXIS...
by wrongful termination were taxable and not on account of physical injury or sickness). See also Parkinson v. Comm'r, 99 T.C.M. (CCH) 1583 (2010) (compensatory damages were attributed one-half to "physical injury" and one-half to "emotional distress" where employee suffered heart attack while working under stressful conditions), and Simpson v. Comm'r, 141 T.C. 331, 347 (2013) (court's "best judgment" was that 10% of settlement payment was made on account of physical injuries and physical sickness).


37. Id.


44. Compare Sinyard v. Comm'r, 268 F.3d 756, 759 (9th Cir. 2001), aff'd 76 T.C.M. (CCH) 654 (attorney's fees awarded in an "opt-in" class action suit taxable to claimant), with I.R.S. Priv. Ltr. Rul. 200906010 (Feb. 6, 2009) (attorney's fees paid from common fund pursuant to settlement of opt-out class action suit not taxable to class representatives or members). See also I.R.S. Priv. Ltr. Rul. 201552001 (Dec. 24, 2015) (attorney's fees and costs awarded directly to legal aid organization not taxable to claimant); I.R.S. Chief Counsel Memo 20133501F (citing Rev. Rul. 80-364, 1980-2 C.B. 294, situation 3) (amounts paid by employer to labor union reimbursing attorney's fees incurred to enforce collective bargaining agreement not taxable to claimants).


52. I.R.C. § 162(f)(2).


55. See Fresenius Med. Care Holdings, Inc. v. United States, 763 F.3d 64, 67 (1st Cir. 2014).

56. I.R.C. § 172(b)(1)(A) (2018) generally no longer allows net operating loss carrybacks but provides for an indefinite carryforward period. If the restitution payments are deductible as trade or business expenses they will be eligible to offset 80 percent of taxable income annually until exhausted; however, if they are deductible by an individual taxpayer either under I.R.C. § 165(c)(2), relating to losses incurred in transactions entered into for profit but not connected with a trade or business, or I.R.C. § 212, relating to expenses incurred for the production of income, such deductions can be taken into account only to a limited extent in computing a net operating loss carryforward. See, I.R.C. § 172(d)(4).

57. I.R.C. § 1211(b) allows non-corporate taxpayers to deduct capital losses only to the extent of capital gains, plus the lower of (a) $3,000 ($1,500 for married individuals filing separate returns), or (b) the excess of the losses over the gains. I.R.C. § 1212(b) provides that capital losses exceeding the limit may not be carried back but may be carried forward indefinitely with the same limit applied annually.

58. See Mihelick v. United States, No. 17-14975, 2019 U.S. App. LEXIS 18205, at *7-8 (11th Cir. 2019); Naccio, 824 F.3d at 1374.
Georgia Bar Foundation Awards $2,089,625 in Grants

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

BY LEN HORTON

At its annual grants meeting in July, the Georgia Bar Foundation awarded $2,089,625 in grants to 26 applicants, $2,020,000 to 16 applicants from IOLTA funds and $69,625 to 10 applicants from Fellows funds.

“This meeting reflected the Foundation Board’s confidence that IOLTA revenues are heading in the right direction after the Great Recession,” said Timothy Crim, who was elected president of the Georgia Bar Foundation at the meeting. “Atlanta Legal Aid and Georgia Legal Services together received $1.47 million, a 17.6 percent increase versus last year’s awards. While revenues are not yet where they once were, I am pleased that our ability to assist grantees is growing.”

He went on to say, “The fact that we provided funding to a total of 26 organizations shows our commitment to funding many applicants, some of whom could not receive funds after the economic crisis of the last decade.”

Fifteen of the 16 organizations receiving IOLTA grants at this meeting provide civil indigent legal services in one form
Former Chief Justice Carol Hunstein Receives the Inaugural Carol Hunstein Justice Award

Former Chief Justice Carol Hunstein was presented with the inaugural Carol Hunstein Justice Award at the Georgia Bar Foundation Board of Trustees meeting in July.

The award, with its capital J for justice, recognizes individuals who have significantly promoted justice for all in Georgia throughout their careers.

Hunstein’s entire career has been devoted to finding and implementing justice for disadvantaged Georgians. She has been one of the major advocates for the Interest On Lawyer Trust Accounts (IOLTA) program of the Georgia Bar Foundation and found ways to grow its resources. Thanks in no small part to her actions, IOLTA in Georgia has surpassed $100 million in revenues.

The Carol Hunstein Justice Award will be presented periodically to extraordinary individuals who have had a major impact on civil justice for the disadvantaged in Georgia.

or another. As previously mentioned, the two organizations receiving the largest grants were Georgia Legal Services and Atlanta Legal Aid, both Legal Services Corporation grantees. Georgia Legal Services received $1,000,000, and Atlanta Legal Aid received $470,000. Both organizations are free to use the funds to pay for general operating costs.

The Georgia Appellate Practice and Educational Resource Center received $110,000 for its death row legal assistance. This grant is particularly important now as the center searches for a new executive director.

Atlanta Volunteer Lawyers Foundation was awarded $100,000 for its Safe Families Office, which expects 3,300 clients to seek its assistance annually for protective orders, family legal assistance, family violence issues and more.

Two organizations received grants focusing on immigration. Catholic Charities Atlanta received $15,000 to continue representing unaccompanied children who are in removal proceedings. The Georgia Asylum and Immigration Network received $40,000 to provide legal representation to immigrants who cannot return to their home countries.

Children having difficulty staying in school received attention with two grants. Georgia Appleseed received $25,000 to fund a program designed to assist students with disabilities who are facing long-term suspensions and expulsions from school. Georgia Appleseed will be partnering with Atlanta Legal Aid in fighting to ensure that these disadvantaged children have a future in school.

The Truancy Intervention Project Georgia (TIP) received $100,000 to maintain its program to keep kids in school. The grant will permit TIP to resume expanding into other jurisdictions that had to be neglected when funding became scarce. Furthermore, TIP received a separate $10,000 Fellows grant to implement new case management software.

The Georgia Heirs Property Law Center received $25,000 in IOLTA money to help support the Estate Planning Forms Project. With the assistance of the State Bar of Georgia’s Fiduciary Law Section, a comprehensive set of estate planning forms and educational materials will be made available to nonprofits and their volunteers throughout Georgia. Also, the Center received a Fellows grant of $10,000, which funds five additional properties where title can be checked.

Three organizations received grants to tackle the problems associated with domestic violence. The Halcyon Home for Battered Women in Thomasville received $5,000 to continue its work, legally representing the victims of domestic violence. In addition to temporary protective orders, the funds can be used to assist the abused parties in getting divorces. Similarly, SAFE Shelter Center for Domestic Violence Services in Savannah received $10,000 in IOLTA funds to provide legal assistance to domestic violence victims. Services offered include divorces and representation at 12-month temporary protective order
Fellows grant for the same purpose. The Georgia Bar Foundation awarded MGJ a grant of $10,000 and a $5,000 Fellows grant in the amount of $5,000 for the same work. The focus of the center is always on the safety of the victims, their families and the community.

SafePath Children’s Advocacy Center in Marietta received $20,000 to support its work in preventing child abuse. It is an expert in child-friendly investigation of allegations of child abuse. An additional Fellows grant of $2,500 was awarded for staff training.

Jefferson County Community Ships for Youth, based in Louisville, received $15,000 to fund a program that takes first-time offenders and puts them on a path to a clean criminal history. Regular drug testing and meetings with the assistant district attorney ensures that the path, while narrow, is clearly defined.

The Middle Georgia Access to Justice Council (MGJ), created and nurtured by Hon. William Adams, is Macon’s version of Bucky Askew’s Lawyers For Equal Justice. It is a lawyer incubator program, a lawyer referral service plus legal aid organization, all working to ensure Macon’s citizens of limited means receive the legal assistance they need. The Georgia Bar Foundation awarded MGJ a grant of $10,000 and a $5,000 Fellows grant for the same purpose.

Crim brings a unique perspective to the Foundation. He knows what it means to be an executive in a large bank, but he also knows what it means to start a successful business, having started two of his own. Furthermore, he earned his Executive Doctorate in Business from Georgia State University in 2014.

An entrepreneur and former banker, Timothy Crim was elected the 17th president of the Georgia Bar Foundation at the Board of Trustees meeting on July 18. He has served on the Board since 1994.

The Southwest Georgia Legal Self-Help Center, in Albany, received $50,000 in IOLTA funds to assist it in providing self-help civil legal assistance to lower- and middle-income people who lack the means to purchase legal assistance themselves. The Georgia Bar Foundation, aware of the center’s excellent work and its need for funding, also awarded a Fellows grant of $6,225 to expand the Foundation’s support further. The Foundation also encouraged the Georgia Civil Justice Foundation to support the center, leading to an additional $2,000 grant to help produce a laminated card to distribute to clerks of courts advising them how to assist people without practicing law. The Georgia Bar Foundation wanted to make sure that this grantee had acceptable funding to enable it to survive while it makes arrangements for additional local long-term support. The center connects lower- and middle-income Georgians “with a wide range of resources, from self-help information to referrals to full-service attorneys.” It has the full support of the State Bar of Georgia’s Access to Justice Committee. Prior to its annual grants meeting, the Georgia Bar Foundation had awarded the center a $15,000 emergency grant.

Hope Atlanta received $25,000 to keep alive the work of the Georgia Law Center for the Homeless (GLCH). With support from Steve Gottlieb of Atlanta Legal Aid and from community leaders like Kim Anderson, GLCH had for years worked to meet the legal needs of homeless Georgians. When GLCH itself needed a home, Steve Gottlieb, Jason Carter and others found it a place inside Hope Atlanta with the financial assistance of the Georgia Bar Foundation.

The Georgia State College of Law-Externship Program received $7,500 to help defray the housing, travel and other costs incurred by participating law students. This program will pair law students with legal services organizations and smaller practices serving rural Georgia.

The Lily Pad SANE Center in Albany received a $10,000 Fellows grant to pay for part of the costs of forensic medical examinations of children and adults who have been the victims of sexual assault and rape.

The State YMCA of Georgia received an $8,400 Fellows grant to cover administrative expenses, program books and conference fees to support the Judicial Programs at both Georgia Youth Assemblies in November 2019.

The Arc of Justice Institute, Inc., created by Derrick Pope, was awarded a Fellows grant of $5,000 to produce “Hidden Legal Figures: Conversations with the Unseen” as a podcast to expand the reach of the institute to more people. The podcast will publish first person accounts and reflections about the legal efforts that brought about the American Civil Rights Movement.

IOLTA grants are funded primarily by interest received by the Georgia Interest On Lawyer Trust Account program. Fellows grants are funded by the individual, voluntary contributions of Fellows of the Georgia Bar Foundation.

The Georgia Bar Foundation is the charitable arm of the Supreme Court of Georgia and is the named recipient of interest on lawyer trust accounts. The Foundation is headquartered in Atlanta.

Timothy Crim Elected President of the Georgia Bar Foundation

An entrepreneur and former banker, Timothy Crim was elected the 17th president of the Georgia Bar Foundation at the Board of Trustees meeting on July 18. He has served on the Board since 1994.

Crim brings a unique perspective to the Foundation. He knows what it means to be an executive in a large bank, but he also knows what it means to start a successful business, having started two of his own. Furthermore, he earned his Executive Doctorate in Business from Georgia State University in 2014.

An entrepreneur and former banker, Timothy Crim was elected the 17th president of the Georgia Bar Foundation at the Board of Trustees meeting on July 18. He has served on the Board since 1994.
The State Bar of Georgia announces its annual

Fiction Writing

COMPETITION

Deadline: Jan. 10, 2020

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 State Bar ID 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.
The Taliaferro County Courthouse at Crawfordville
The Grand Old Courthouses of Georgia

BY WILBER W. CALDWELL

Taliaferro County was already white with cotton when The Georgia Railroad arrived in 1838. The county had been carved from its neighbors in 1825, and the county seat, Crawfordville, had been laid out in the same year at the intersection of the two main roads in the area: Washington to Sparta and Greensboro to Waynesboro.

By 1849, George White’s “Statistics of the State of Georgia” put Crawfordville’s population at 250, and Sherwood’s 1860 Gazetteer states that the town “had not grown much.” But with the end of the plantations, Crawfordville began to slowly grow as the merchant side of the tenancy equation began to expand. Various Sholes gazetteers of Georgia put the 1879 population at 600 and the 1897 population at 800.

James Carlton, who built many early buildings in Athens, designed and built the original 1828 Taliaferro County Courthouse using brick he made himself. Only one blurry photograph of Mr. Carlton’s creation has been discovered, but it reveals a great deal despite the lack of focus. It is an excellent example of a typical builder-
designed, vernacular courthouse of the era. Scores of such buildings graced Georgia’s squares, but only 13 remain standing today. Most followed a similar pattern: a rectangular or square floor plan, with four entrances on the ground floor each flanked symmetrically by windows. All had two stories and gabled or hipped roofs. Decoration was Spartan on these predictable structures. Cupolas, cornices, corbels, modillions, dentals or brackets, are sometimes used. Sometimes arched windows appear, and some employ a portico or decorative detail around the entrances. Rarely do we find a balustrade, rarely dormers, almost never quoining nor ornament beyond window and door treatments. The second floor almost always contained the courtroom, and occasionally the stairs were external with a courtroom entrance on the second floor. Some of these buildings achieved near classical perfection, but more often they were charming at best, and at worst merely functional.

In Crawfordville at the end of the 19th century, few embraced the New South myth of progress. Here New South prophets would encounter only hostility and skepticism. So, when Taliaferro County finally built a new courthouse in 1901, the building rose amidst considerable protest. According to the Crawfordville Advocate Democrat, supporters of the new courthouse movement had to demolish the old courthouse in the middle of the night in order to confirm the county’s need for a new structure.

The 1901 Taliaferro County Courthouse, designed by architect Lewis F. Goodrich of Augusta, was an almost exact copy of the courthouse Goodrich designed four years earlier at Sylvania in Screven County. This kind of copying was not unique. The prestigious Atlanta architect, Alexander Bruce, designed nearly identical buildings at Sparta, Gainesville and Monroe in the early 1880s, and the prolific J. W. Golucke would create twins in Union and Henry counties and triplets in Jones, Baker and Schley counties just after 1900.

Probably influenced by earlier Queen Anne designs by Atlanta architects, Bruce and Morgan, in Talbotton (1892), Buchanan (1892), Statesboro (1894) and Dublin (1895), Goodrich employed similar Queen Anne detail here in Crawfordville. The Picturesque asymmetrical massing of the two corner towers with their bell domes, as well as the ornate chimneys and dormers that break the silhouette of the roof line and the sashed windows with grids of tiny panes above are all characteristic of the Queen Anne. Like Bruce and Morgan, Goodrich undoubtedly employed Queen Anne ornament in order to achieve a more modern effect, dressing an older, fundamentally Romanesque form in up-to-date finery.

However in step with the times this structure might have been, there is a simplicity here which is unusual in buildings in this style. The Queen Anne is usually a jubilant expression—ornament for ornament’s sake. Here we find a singularly unornate approach with simple lines and expanses of flat, unadorned brick. What little ornament there is, the corbeling beneath the eaves for example, is of a seemingly vernacular type found in infinite variation on almost every brick storefront built in Georgia after 1890.

The simplicity of this courthouse might be considered a stylistic lag, but perhaps it is also a statement. Although the people of Taliaferro County took a step toward monumentality, in truth they merely chose the natural extension of the vernacular, brick building that had served them for almost three-quarters of century. Somewhere, not too far beneath the surface of Lewis Goodrich’s 1901 Taliaferro County Courthouse, we find a reminder of James Carlton’s old, 1828, brick courthouse torn down to make way.

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 2020. 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 2020 Election Schedule

2019

AUG 9 Deadline for submission of election schedule for publication in October issue Georgia Bar Journal

OCT Official Election Notice, October issue Georgia Bar Journal

DEC 2 Nominating petition package mailed to incumbent Board of Governors members and other members who request a package

2020

JAN 9–11 Nomination of Officers at Midyear Board Meeting, The Georgian Terrace and Fox Theater, Atlanta

JAN 24 Deadline for receipt of nominating petitions for incumbent Board members including incumbent nonresident (out-of-state) members

FEB 21 Deadline for receipt of nominating petitions for new Board members including new nonresident (out-of-state) members

MAR 6 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 6 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 23 Ballots mailed

APR 24 11:59 p.m. deadline for ballots to be cast in order to be valid

MAY 1 Election service submits results to the Elections Committee

MAY 8 Election results reported and made available

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

Alcovy Circuit, Post 2
Michael R. Jones Sr., Loganville

Atlanta Circuit, Post 2
Kent Edward Altom, Alpharetta

Atlanta Circuit, Post 4
Jeffrey Ray Kuester, Atlanta

Atlanta Circuit, Post 6
Tracey Ready Benzo, Atlanta

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

Atlanta Circuit, Post 10
Scott Dewitt Delius, Atlanta

Atlanta Circuit, Post 12
Joyce Gist Lewis, Atlanta

Atlanta Circuit, Post 14
Edward B. Krugman, Atlanta

Atlanta Circuit, Post 16
James Daniel Blitch IV, Atlanta

Atlanta Circuit, Post 18
Foy R. Devine, Atlanta

Atlanta Circuit, Post 20
Jennifer Auer Jordan, Atlanta

Atlanta Circuit, Post 22
Frank B. Strickland, Atlanta

Atlanta Circuit, Post 24
Joseph Anthony Roseborough, Atlanta

Atlanta Circuit, Post 26
Anthony B. Askew, Atlanta

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

Atlanta Circuit, Post 31
Michael Brian Terry, Atlanta

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

Atlanta Circuit, Post 35
Terrence Lee Croft, Atlanta

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

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

Atlanta Circuit, Post 40
Carol V. Clark, Atlanta

Atlantic Circuit, Post 1
H. Craig Stafford, Hinesville

Augusta Circuit, Post 2
William James Keogh III, Augusta

Augusta Circuit, Post 4
John Ryd Bash Long, Augusta

Bell Forsyth Circuit
Hon. Philip C. Smith, Cumming

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

Brunswick Circuit, Post 2
Martha Wilson Williams, Brunswick

Chattahoochee Circuit, Post 1
Amy Carol Walters, Columbus

Chattahoochee Circuit, Post 3
Thomas Frederick Cristina, Columbus

Cherokee Circuit, Post 1
Randall H. Davis, Cartersville

Clayton Circuit, Post 2
Harold B. Watts, Jonesboro

Cobb Circuit, Post 1
Katie Kiinh Leonard, Atlanta

Cobb Circuit, Post 3
Vacant

Cobb Circuit, Post 5
Dawn Renee Levine, Marietta

Cobb Circuit, Post 7
William C. Gentry, Marietta

Conasauga Circuit, Post 1
Terry Leighton Miller, Dalton

Coweta Circuit, Post 1
Nina Markette Baker, LaGrange

Dougherty Circuit, Post 1
Joseph West Dent, Albany

Douglas Circuit
Ryan Reese Leonard, Douglasville
Eastern Circuit, Post 1
Paul Wain Painter III, Savannah

Eastern Circuit, Post 3
Jonathan B. Pannell, Savannah

Enotah Circuit
Hon. Joy Renea Parks, Dahlonega

Flint Circuit, Post 2
John Philip Webb, Stockbridge

Griffin Circuit, Post 1
Janice Marie Wallace, Griffin

Gwinnett Circuit, Post 2
Judy C. King, Lawrenceville

Gwinnett Circuit, Post 4
Gerald Davidson Jr., Lawrenceville

Houston Circuit
Carl A. Veline Jr., Warner Robins

Lookout Mountain Circuit, Post 1
Archibald A. Farrar Jr., Summerville

Lookout Mountain Circuit, Post 3
Christopher Sutton Connelly, Summerville

Macon Circuit, Post 2
Thomas W. Herman, Macon

Member-at-Large, Post 3*
Ana Maria Martinez, Decatur

Middle Circuit, Post 1
Hon. Kathy Stephens Palmer, Swainsboro

Northeastern Circuit, Post 1
Mark William Alexander, Gainesville

Northern Circuit, Post 2
Hon. Richard Dale Campbell, Elberton

Ocmulgee Circuit, Post 1
Carl Santos Cansino, Milledgeville

Ocmulgee Circuit, Post 3
Christopher Donald Huskins, Eatonton

Oconee Circuit, Post 1
Hon. Charles Michael Johnson, Eastman

Ogeechee Circuit, Post 1
Daniel Brent Snipes, Statesboro

Out-of-State, Post 2
William J. Monahan, Washington, D.C.

Paulding Circuit
Martin Enrique Valbuena, Dallas

Rockdale Circuit
Daniel Shelton Digby, Conyers

Rome Circuit, Post 2
J. Anderson Davis, Rome

South Georgia Circuit, Post 1
Lawton Chad Heard Jr., Camilla

Southern Circuit, Post 1
Christopher Frank West, Thomasville

Southern Circuit, Post 3
H. Burke Sherwood, Valdosta

Stone Mountain Circuit, Post 1
Hon. Stacey K. Hydrick, Decatur

Stone Mountain Circuit, Post 3
Hon. J. Antonio DelCampo, Atlanta

Stone Mountain Circuit, Post 5
Amy Viera Howell, Atlanta

Stone Mountain Circuit, Post 7
John G. Haubenreich, Atlanta

Stone Mountain Circuit, Post 9
Sherry Boston, Decatur

Tallapoosa Circuit, Post 2
Brad Joseph McFall, Cedartown

Tifton Circuit
Hon. Render Max Heard Jr., Tifton

Waycross Circuit, Post 1
Douglas Kirk Farrar, Douglas

Western Circuit, Post 2
Edward Donald Tolley, Athens

*Post to be appointed by president-elect.

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.
Why did you become a lawyer?
I went to law school by accident. I was an undergraduate at Georgia, and I had changed majors eight times. I couldn’t find anything to major in, and one of my fraternity brothers who was in law school, Irwin Stolz, suggested that I consider law school. I thought I was going to join the Air Force because I was in the ROTC program, but it turned out that I liked law school, so I stayed.

How was the practice of law different when you started compared to today?
The law firms in Atlanta were vastly smaller than they are now. The largest firm in Atlanta was Hansell & Post, which was formed as a result of a merger and had maybe 25 lawyers. The rest of the bar in Atlanta thought that was outrageously large. When I joined Kilpatrick, the associates all had a common office known as the Mole Hole, which was an interior office with no windows next to the library. Things have changed significantly, and in many respects I view that as a golden age of law practice because firms and the bar were smaller. Also, the U.S. Supreme Court viewed its role as making things better and being a source of reform, not reaction, which is quite different from today.

What was your billable rate when you started practicing?
There were no billable rates. This was before the days of time records. The partner who was in charge of the matter would wait until it was all over and then look out the window, wave a file, wet his finger and hold it up to the wind, and come up with a bill for the client. My starting salary was $550 a month, which I thought was a princely sum until I had to support my children on it.

What qualities from the early years of your career do you wish were still present today?
When the bar was smaller, you knew most of the lawyers in your fields of practice. Particularly in the litigation practice, the judges knew most of the lawyers, and that had a significant disciplinary effect on conduct. You built a reputation by credibility and performance, not by advertising on late-night television, the NFL game of the week or on the back of a bus.

You’ve argued a couple of congressional redistricting cases in the U.S. Supreme Court, first in 1963 when you were just 26 years
old, and then again earlier this year at the age of 82. Having argued in the U.S. Supreme Court over a span of about 56 years, how did your experience in 1963 compare to your experience in 2019?

They were the same but different. The U.S. Supreme Court in the late 1950s and early 1960s was a court that was engaged in legal reform, protection of individual rights and interpretation of the Constitution. Today, the Court is heavily politicized, more so than perhaps any other time in its history, and the decisions reflect that. It is not a reform court. On the other hand, an oral argument in the Supreme Court is an oral argument in the Supreme Court.

How did you manage to get the opportunity to argue a case in the U.S. Supreme Court only four years after graduating from law school?

Well, you have to know some history. After I graduated from law school in 1960, I clerked for a judge on the Fourth Circuit Court of Appeals, Clement Haynsworth, for a year, and with his encouragement, applied for and received a fellowship at Harvard in the masters program. I had a particular interest in constitutional law and election law, Georgia politics being what it was. At that time, the Legislature was hopelessly malapportioned. Fulton County, which had 556,000 people, had three members in the House of Representatives. Echols County, which had 1,876 people under the 1960 census, had one member in the House of Representatives. We had the Georgia County Unit System under which the governor was elected based on county unit votes, not the popular vote, which meant that you had overwhelmingly rural-dominated statewide elections. It was not uncommon for the winner of the popular vote to lose the county unit vote, much like we’ve had some presidential elections in the last 20 years decided by the Electoral College, which is a constitutional version of the County Unit System. I was interested in that subject and spent the year writing what I thought was going to be a cutting-edge paper on how you could challenge the constitutionality of the County Unit System in the federal courts.

Prior to that time, the prevailing view in the federal courts was that all issues related to reapportionment were political questions beyond the jurisdiction of the courts, and that judges couldn’t get their robes involved in what they called the political thicket because they might get cut by the briars. That was a cutting-edge paper until March 1962, when the Supreme Court decided *Baker v. Carr*, which overnight converted my paper from cutting-edge to a rear-guard action. But I had read every known reapportionment case ever decided by the Supreme Court and tried to reconcile them, which was no easy task. *Baker* resulted in the filing of cases all over the country, including three almost simultaneously here in Georgia, one of which challenged congressional districting. Georgia had not reapportioned congressional districts since 1930, and so the congressional districts were vastly unequally apportioned. When I came back to Atlanta, I was introduced to the lawyers in some of those cases and was invited to work with them. I argued the case in November 1963, only four days before the Kennedy assassination. Fortunately, the Supreme Court ruled that congressional districts had to be equally apportioned not only between states but also within states on a population basis.

“When the bar was smaller, you knew most of the lawyers in your fields of practice. Particularly in the litigation practice, the judges knew most of the lawyers, and that had a significant disciplinary effect on conduct.”
Do you have any concerns about how the redistricting process is going to play out here in Georgia in the next few years?

Absolutely. Georgia is probably the most gerrymandered state in the country. In 2016, I think only five of the 14 congressional districts had a contested general election. Why is that the case? Because the districts were so clearly gerrymandered in favor of one party or the other, it was not worth the filing fee for the opposing party to even field a candidate. In the state Senate and the state House, since the gerrymandering after the 2010 census, roughly 80 percent of the House seats and 80 percent of the Senate seats have not had contested general elections, which is clearly a huge problem. It’s a huge problem nationally when in 2016, only 35 or 36 out of 435 House seats were even competitive, meaning they were decided within plus or minus 5 percent.

A hot issue in presidential politics today is whether the Electoral College should be abolished in favor of a national popular vote. As a member of the National Governing Board of Common Cause, which advocates for this change, why do you believe such a fundamental part of the Constitution should be changed?

The Electoral College is an artifact, a product of the Constitutional Convention of 1787. It is the price that had to be paid to get the small states like Connecticut, Rhode Island and New Jersey to accept the Constitution. James Madison’s view of the Constitution when he went into the convention was that both the House and Senate would be popularly elected based on the populations of the various states, but that didn’t happen. Instead, there was a compromise in which two senators were assigned to each state and were at that time not elected by the people but elected by the state legislatures. Members of the House were apportioned among the states based on population and were elected by people who had the same qualifications as electors for state legislatures. Today, Wyoming has a population of almost 40,000,000 and also has two senators. Wyoming has three electoral votes, and California has 55 electoral votes, which means that you have minority rule. In the last 20 years, we have had two presidents elected by the Electoral College who lost the popular vote, and that’s not a good thing. Presidents are not elected to represent acreage or historic state boundaries, which is essentially what the Electoral College does.

You have been dedicated to indigent defense throughout your career. Why is this cause so important to you?

You can’t have a justice system that lives up to the name “justice” unless the poorest of the population are effectively represented in a trial. Georgia has a checkered past when it comes to indigent defense. The Supreme Court of Georgia said in 1873 that no person was so poor that he was not entitled to have competent counsel to represent him. He would have the same responsibilities as if he were working for a paying client. That’s what they said in 1873. The truth is that until Gideon v. Wainwright, most indigent defendants in Georgia did not have a right to counsel and were not represented. That continued for years after Gideon was decided in 1963. By the time the Georgia Indigent Defense Act was enacted in 2003, there were still superior court judges who were telling poor defendants, most of whom were black, to negotiate pleas with the district attorney without a lawyer to represent them. That is an unjust system, and there are many people who ended up in jail who were not guilty of anything, and others who got much longer sentences and pleaded to even more offenses than they were guilty of.

You’ve been described as someone who likes to represent underdogs in litigation. What attracts you to underdogs?

People with fewer resources frequently get picked on and taken advantage of, and they need effective counsel. One thing a lawyer can do is to even the odds. The rich and the powerful should not always win because they have more resources.

With the benefit of almost 60 years of experience as a lawyer, how do you view the current state of the legal profession? What should be done to improve it?

The profession has many able lawyers and many able judges, but it is becoming more of a commodity. That is, lawyers are no longer viewed as professionals, particularly by corporate clients, but rather as employees, interchangeable parts, and are being treated accordingly. I don’t think that’s good for the profession. As firms have gotten much larger, relationships between lawyers and firms are much more like a relationship with someone working on the assembly line at the GM plant formerly in Doraville, compared to law firms when they were much smaller and you knew everyone. I don’t think that is good for the younger lawyers or good for the firms. Whether lawyers will ever be looked on again as counselors to whom people would turn for sage advice remains to be seen.

According to your firm bio, you’ve run several marathons, including Boston and New York. Do you have another one in you?

No. As a result of running those marathons, I have two metal knees, and that has permanently ended my running of any kind. I enjoyed the marathons, but I did not enhance their reputations. That was my psychotherapy at the time.

Jacob E. Daly is of counsel with Freeman Mathis &amp; Gary, LLP, in Atlanta and a member of the Georgia Bar Journal Editorial Board. He represents private companies, government entities and their employees in personal injury litigation with a focus on defending property owners, management companies and security companies in premises liability lawsuits.
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*AS PROVIDED AT GRPC 1.5(E).
Fisher Phillips announced the appointment of Edwin G. Foulke Jr., a partner in the firm’s Atlanta and Washington D.C. offices, as president of the firm’s new company, Fisher Phillips Safety Solutions. Foulke will oversee the development, implementation and management of safety programs for clients across the country, with the goal of achieving ISO 45001 certification. Foulke was a member of the U.S. Technical Advisory Group that wrote the ISO 45001 standard, which has been adopted by 70 countries.

The U.S. Department of Justice announced that Joy Lampley-Fortson was appointed by U.S. Attorney General William Barr to serve as an assistant chief immigration judge with the Executive Office for Immigration Review (EOIR). Located in Washington, D.C., the primary mission of the EOIR is to adjudicate immigration cases by fairly, expeditiously and uniformly interpreting and administering immigration laws. Under delegated authority from the U.S. attorney general, EOIR conducts immigration court proceedings, appellate reviews and administrative hearings.

Akerman LLP announced that partner Jacob A. Brown, deputy chair of its bankruptcy and reorganization practice group, was selected as chair of the Business Law Section of The Florida Bar. The section is the primary resource for Florida business lawyers who network with other business lawyers around the state and who seek practical information about business law developments in Florida.

Berman Fink Van Horn P.C. announced that shareholder Charles Van Horn was appointed to a leadership role for the Marriott data breach case. In this role, Van Horn joined a five-person team representing financial institution plaintiffs.

The Employment Law Solution: McFadden Davis, LLC, announced that attorney Raquel Crump was selected as an academy fellow by the National Employment Law Council, an organization committed to enriching the minority bar among management-side employment lawyers.

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announced that Dylan Howard was recognized with the Advocates for Human Rights’ 2019 Human Rights Volunteer Award and the American Immigration Lawyers Association’s 2019 Arthur C. Helton Memorial Human Rights Award. These awards were presented to teams in recognition of their pro bono representation of a group of 92 men and women who were on a failed deportation flight to Somalia, known as the “Somali 92.”

The firm also announced that Alex Koskey earned a Certified Information Privacy Professional (CIPP/E) credential from the International Association of Privacy Professionals. A preeminent credential in the field, the CIPP credential means the recipient has gained a foundational understanding of privacy and data protection law and practice, and has knowledge of jurisdictional laws, regulations and enforcement models. The CIPP/E concentration focuses on European and national data protection laws, and Koskey also holds the CIPP/US concentration (earned in 2018), which focuses on the U.S. Private Sector.

Shareholder Joe D. Whitley served as co-chair of the Southeastern White Collar Crime Institute, presented by the American Bar Association Criminal Justice Section in early September in Braselton, Georgia. The institute is a two-day program featuring practitioners from around the nation covering topics such as electronic discovery, sentencing issues, white collar enforcement under new Department of Justice leadership, health care fraud enforcement and ethical guidance in conducting internal investigations. In addition to co-chairing the event, Whitley moderated a panel entitled “Through the Looking Glass: A Glimpse at International Criminal Enforcement in 2019.”

Linda A. Klein, senior managing shareholder and past president of the American Bar Association and the State Bar of Georgia, was appointed to the Board of Councilors of The Carter Center, a nonprofit organization advancing peace and health worldwide. The Board of Councilors is a leadership advisory group that promotes understanding of The Carter Center and its activities among opinion leaders and the broader community.
Mercer University School of Law announced that Brian Kammer, executive director of the Georgia Resource Center since 2009, was appointed as the new director of Mercer Law School’s Habeas Project, beginning the summer of 2019. The Habeas Project is the only program in Georgia to handle non-capital, post-conviction cases on a strictly pro bono basis. Much of the clinic’s work is on behalf of pro se litigants in criminal or habeas cases pending in the Supreme Court of Georgia.

Mercer University School of Law also announced that 2019 graduates Addison Gantt and Christopher Meredith were accepted to work in the U.S. Department of Justice Attorney General’s Honors program, the largest and among the most competitive of government honors programs. Gantt serves as an honors attorney/advisor for the Office of Legal Education at the National Advocacy Center in Columbia, South Carolina. Meredith serves in the Executive Office of Immigration Review in Fort Worth, Texas. Mercer was the only law school in Georgia to have students hired into the program in 2019.

Litchfield Cavo LLP announced that partner Steven Ginsburg published “Effective Juror Selection Strategies: Part 3” in the summer 2019 newsletter of the American Bar Association’s Section of Litigation Business Torts and Unfair Competition. The article looks at juror stereotypes, when to keep bad jurors, things to avoid on voir dire, and special and sensitive areas of inquiry.

C. Donald Johnson Jr. of Royston, director emeritus of the Dean Rusk International Law Center at the University of Georgia School of Law, received the 2019 Certificate of Merit (Honorable Mention) from the American Society of International Law in recognition of his 2018 Oxford University Press Book, “The Wealth of a Nation: A History of Trade Politics in America.” Johnson’s book, which traces the history of trade politics in the United States from colonial times through the first year of the Trump administration, is one of only five so honored this year.

James B. Outman, of counsel to the firm of Hester Outman LLC, was recognized as the 2019 Fellow of Distinction by the Academy of Adoption & Assisted Reproduction Attorneys at their 30th annual conference held in May in Seattle, Washington. Established in 2015, the award is presented to any fellow who has distinguished himself or herself in the areas of adoption and/or assisted reproductive technology law.

The National Association of Criminal Defense Lawyers (NACDL) announced the installation of Christopher Adams, founding partner at The Law Offices of Adams & Bischoff, P.C., as president-elect at its annual meeting in Philadelphia in August. He is a life member of NACDL, which seeks to advance the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing.

Burgoon Law Firm, LLC, announced that Brian D. Burgoon was appointed to serve as chair of The Florida Bar’s Disciplinary Review Committee, which oversees the prosecution and appeals of disciplinary offenses committed by Florida lawyers. He is serving his seventh term on The Florida Bar Executive Committee. He is one of the out-of-state representatives on The Florida Bar Board of Governors, which sets policy for the more than 107,000-member Bar and oversees lawyer regulation, discipline and ethics. Additionally, Burgoon was named to the Executive Committee of the University of Florida College of Law’s Board of Trustees.


HunterMaclean announced that partner Wade W. Herring II was elected as a fellow in the College of Labor and Employment Lawyers. Election as a fellow is the highest recognition of sustained outstanding performance in the profession, exemplifying integrity, dedication and excellence.

The College of Labor and Employment Lawyers was established in 1995 through an initiative of the council of the American Bar Association’s Section of Labor and Employment Law.

Oliver Maner LLP announced that attorney David Bobo Mullens was installed as the president of the Young Lawyers Division of the Savannah Bar Association for 2019-20. In this position, Mullens will oversee the organization’s mission of enriching the lives of its members and the greater Savannah community by offering numerous fellowship and community service opportunities.
Chamberlain, Hrdlicka, White, Williams & Aughtry announced the addition of Jeffrey S. Luechtefeld as senior counsel and Jennifer Garner and William A. Stone III as associates. Luechtefeld focuses his practice on tax controversy and litigation. Garner’s practice focuses on commercial real estate, including acquisition and disposition of property, commercial leasing, and other business and institutional concerns. Stone’s practice focuses on tax controversy and litigation. The firm is located at 191 Peachtree St. NE, 46th Floor, Atlanta, GA 30303; 404-659-1410; Fax 404-659-1852; www.chamberlainlaw.com.

Doyle Law, formerly Jean Padberg & Associates, PC, announced its inception under the leadership of Audra Doyle upon the retirement of Jean Padberg. Doyle’s practice focuses on immigration law; Padberg will remain as of counsel. The firm is located at 3136 Clairmont Road NE, Atlanta, GA 30329; 404-325-5858; Fax 404-325-5825; www.doylelawatl.com.

The Employment Law Solution: McFadden Davis, LLC, announced the addition of Tennille Hoover as an attorney and human resources professional. Hoover’s practice focuses on employment law. The firm is located at 3100 Cumberland Blvd. SE, Suite 1480, Atlanta, GA 30339; 678-424-1380; Fax 404-891-6840; www.theemploymentlawsolution.com.

Littler Mendelson P.C. announced that shareholder Whitney Ferrer was appointed as office managing shareholder of the firm’s Atlanta office. Ferrer focuses her practice on advising employers regarding compliance with federal and state wage and hours laws, including issues relating to exemption classification and pay practices. The firm is located at 3344 Peachtree Road NE, Suite 1500, Atlanta, GA 30326; 404-233-0330; Fax 404-233-2361; www.littler.com.

Kevin P. Race, formerly of Insley & Race, LLC, announced the formation of Race Law, LLC. Race will focus his practice on plaintiff’s medical malpractice and catastrophic personal injury law, including premises liability, trucking and auto cases. The firm is located at 5555 Glenridge Connector, Suite 550, Atlanta, GA 30342; 404-751-4720; www.raceinjurylaw.com.
Kilpatrick Townsend & Stockton LLP announced the addition of Anthony “Tony” Glosson, Jessica Nwokocha and Caitlin Smith as associates. Glosson focuses his practice on a range of privacy, communications and regulatory compliance matters. Nwokocha’s practice focuses on white collar criminal defense, internal investigations and government enforcement matters. Smith focuses her practice on intellectual property litigation and trademark portfolio management. The firm is located at 1110 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-815-6108; Fax 404-541-3343; www.kilpatricktownsend.com.

Swift, Currie, McGhee & Hiers, LLP, announced the addition of Alex A. Mikhalevsky, Jenifer F. Pfanzelt, Kathryn B. Robertson, Lauren R. Smith, Riley W. Snider, Pearce W. J. Taylor, Brendan S. Thompson and Kenneth C. Wilson as associates. Mikhalevsky’s practice focuses on insurance coverage, arson and fraud, bad faith and commercial litigation. Pfanzelt focuses her practice on insurance coverage, commercial litigation and construction litigation. Robertson’s practice focuses on medical malpractice defense, premises liability and trucking litigation. Smith’s practice focuses on automobile litigation, insurance coverage, premises liability and property insurance. Snider focuses his practice on commercial litigation and premises liability. Taylor’s practice focuses on workers’ compensation claims and disputes, negotiating settlements and mediating resolutions. Thompson’s practice focuses on insurance defense matters, personal injury, premises liability and automobile accidents. Wilson’s practice concentrates on automobile litigation, premises liability and products liability. The firm is located at 1355 Peachtree St. NE, Suite 300, Atlanta, GA 30309; 404-874-8800; Fax 404-888-6199; www.swiftcurrie.com.

Fox Rothschild LLP announced the addition of Bryan S. Kaplan as partner. Kaplan focuses his practice on financial restructuring and bankruptcy. The firm is located at 999 Peachtree St. NE, Suite 1500, Atlanta, GA 30309; 404-962-1000; Fax 404-962-1200; www.foxrothschild.com.

Nelson Mullins Riley & Scarborough LLP announced the addition of Vanessa G. Morris as partner. Morris’ practice focuses on real estate, real estate capital markets, and affordable housing and tax credits. The firm is located at Atlantic Station, 201 17th St. NW, Suite 1700, Atlanta, GA 30363; 404-322-6000; Fax 404-322-6050; www.nelsonmullins.com.


Henning Mediation & Arbitration Service, Inc., announced the addition of R. Clay Ratterree as a panel member. Ratterree’s mediation experience includes personal injury, wrongful death, professional liability, premises liability, construction and trucking law. The office is located at 3350 Riverwood Parkway, Suite 75, Atlanta, GA 30339; 770-955-2252; Fax 770-955-2494; www.henningmediation.com.

Barnes & Thornburg LLP announced the addition of Zachary Johnson as director of state government affairs for Georgia. Johnson’s practice focuses on government relations and public affairs issues, with an emphasis on procurement and sourcing. The firm is located at 3475 Piedmont Road NE, Suite 1700, Atlanta, GA 30305; 404-846-1693; Fax 404-264-4033; www.btlaw.com.

Adams and Reese LLP announced the addition of Jeffrey P. Willison as an associate. Willison’s practice focuses on financial services law, litigation and corporate transactions. The firm is located at Monarch Tower, 3424 Peachtree Road NE, Suite 1600, Atlanta, GA 30326; 470-427-3700; www.adamsandreese.com.
Akerman LLP announced the addition of Sul Kim, Erica Mason, Anthony Morris and Peter Spanos as partners and Ana Dowell as an associate. Kim’s practice focuses on labor and employment, labor law, wage and hour issues, employment training, and compliance and employment litigation. Mason focuses her practice on labor and employment, wage and hour issues, employment litigation, employment training and compliance, hospitality and restaurant. Morris’ practice focuses on litigation, professional liability, commercial disputes and insurance litigation. Spanos focuses his practice on labor and employment, employment litigation, trade secrets, restrictive covenants and unfair competition, wage and hour issues, and labor law. Dowell’s practice focuses on a variety of employment law matters. The firm is located at 999 Peachtree St. NE, Suite 540, Atlanta, GA 30309; 404-733-9800; Fax 404-733-9898; www.akerman.com.

John Herman and Peter Jones announced the formation of Herman Jones LLP, with a focus on a wide range of complex civil litigation, transactions and other business and legal issues. Herman’s practice focuses on complex civil litigation and licensing, with an emphasis on high technology matters, including securities, patent, antitrust, data breach, whistleblower and class action litigation. Jones focuses his practice on a range of complex civil litigation matters, with an emphasis on securities, intellectual property, whistleblower, product liability, premises liability, class action and commercial disputes. The firm is located at 3424 Peachtree Road NE, Suite 1650, Atlanta, GA 30326; 404-504-6500; www.hermanjones.com.


Ferrelle Burns, P.A., announced the addition of Fraser B. Rowell as an associate. Rowell focuses her practice on a variety of civil litigation matters, including admiralty, maritime, plaintiffs’ automobile and product personal injury, professional malpractice and commercial litigation. The firm is located at 777 Gloucester St., Suite 411, Brunswick, GA; 912-264-0209; www.ferrelleburnslaw.com.

Adams, Hemingway, Wilson & Rutledge, LLC, announced the addition of John Sillay as an associate. Sillay’s practice focuses on banking and financial services, commercial real estate, corporate and transactional, probate and estate administration, and school and education law. The firm is located at 544 Mulberry St., Suite 1000, Macon, GA 31201; 478-743-4601; Fax 478-746-8215; www.adamshemingway.com.

James-Bates-Brannan-Groover-LLP announced the addition of S. Elizabeth Hall in the firm’s financial institution and real estate practice group. Hall focuses her practice on all areas of commercial litigation, including regulatory compliance, regulatory issues (enforcement actions and licensing), bankruptcy, creditor’s rights, collections, workouts, contract litigation, negotiation, commercial real estate and title disputes. The firm is located at 231 Riverside Drive, Macon, GA 31201; 478-742-4280; Fax 478-742-8720; www.jamesbatesllp.com.

Bouhan Falligant LLP announced the addition of Shayna A. Bowen as partner. Bowen’s practice focuses on health care in areas of corporate, regulatory and compliance matters. The firm is located at One West Park Ave., Savannah, GA 31401; 912-232-7000; Fax 912-233-0811; www.bouhan.com.
Boyd & Jenerette P.A. announced that partners J. Patrick Connell and D. Jay Thaw Jr. will lead its new Savannah office. Connell’s practice focuses on catastrophic personal injury, wrongful death, professional malpractice, products liability and premises liability. Thaw focuses his practice on medical malpractice defense litigation, health care facility defense litigation, transportation and logistics, business and general litigation, and governmental affairs policy matters. The firm is located at 33 Bull St., Suite 100, Savannah, GA 31401; 912-921-8820; www.boydjenerette.com.

HunterMaclean announced the addition of Robert H. Steinhoff as an associate. Steinhoff’s practice focuses on real estate, including acquisitions, dispositions, leasing, joint ventures, and public and private debt financing. The firm is located at 200 E. Saint Julian St., Savannah, GA 31412; 912-236-0261; Fax 912-236-4936; www.huntermaclean.com.

**IN ST. SIMONS ISLAND**

Choate & Company, P.C., announced the addition of Casey Viggiano Harris as partner, a change of name to Choate Harris, P.C., and the addition of Glenn E. Jones as senior associate. Harris focuses her practice on business transactions, advising and litigation, as well estate planning and administration. Jones focuses his practice on business, construction and HOA litigation. The firm is located at 300 Main St., Suite 201, St. Simons Island, GA 31522; 912-264-4211; Fax 912-264-1204; www.choateharris.com.

**IN ROSWELL**

The Hilbert Law Firm, LLC, announced the addition of Douglas Jacobson as of counsel. Jacobson’s practice focuses on general civil litigation. He also maintains a separate bankruptcy practice. The firm is located at 205 Norcross St., Roswell, GA 30075; 770-551-9310; Fax 770-551-9311; www.hilbertlaw.com.

**IN WOODSTOCK**


**IN NEW HAVEN, CONNECTICUT**

Freeman Mathis & Gary, LLP, announced that of counsel Fred N. Knopf will lead its new office in New Haven. Knopf focuses his practice on commercial litigation, financial services and banking, professional liability, lawyer professional liability and accountant liability. The firm is located at 157 Church St., 19th Floor, New Haven, CT 06510; 267-761-9317; www.fmglaw.com.

**IN SEATTLE, WASHINGTON**

Stoel Rives LLP announced the addition of Bryan Glover as partner. Glover’s practice focuses on commercial and bankruptcy litigation, and project and corporate finance and restructuring. The firm is located at 600 University St., Suite 3600, Seattle, WA 98101; 206-624-0900; Fax 206-386-7500; www.stoel.com.

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**NEW: Fastcase 7**

Effective Oct. 7, Fastcase is switching its platform from Fastcase 6 to Fastcase 7. Fastcase 7 offers many new features, including bottomless search results, an interactive timeline, and updated visuals and search results.

Webinars and in-person trainings are available. To learn more and to register, visit [www.gabar.org/fastcase](http://www.gabar.org/fastcase).

For more information and help with Fastcase 7, contact Member Benefits Coordinator Sheila Baldwin at 404-526-8618 or sheilab@gabar.org.
She’s No Friend of Mine

BY PAULA FREDERICK

Your opponent’s motion takes you by surprise. “Your Honor, I’m going to have to move to recuse you,” she announces. “I see on Facebook that you and Mr. Johnson are very close friends. Your children are in the same class. Your wife used to work at his law firm. You are members of the same church, and you often attend the same functions. It’s clear that you know each other well. I’m afraid that means you cannot be impartial in deciding this case.”

“Ms. Jones, I know you’re from Atlanta, where you might never get the same judge twice. But around here we all know each other,” the judge responds. “I started kindergarten with half the lawyers in this circuit! If I had to recuse just because I know the lawyers or one of the parties I couldn’t hear any cases!”

“Besides,” the judge adds. “I wouldn’t call Mr. Johnson a friend. I’ve known him for years, but we have never socialized outside of a group setting. He’s just someone I know—a neighbor and a colleague. I’d call him an acquaintance, at most. For that reason, I’m going to deny your motion.”

“Thank you judge,” you mutter, even though you aren’t sure whether to be relieved or hurt by the judge’s comments. “Clearly our friendship means more to me than it does to you,” says a little voice inside your head.
Rule 2.11 of the Georgia Code of Judicial Conduct requires judges to recuse when their “impartiality might reasonably be questioned.” In addition to familial relationships the rule requires recusal when the judge has a personal bias for or against a lawyer or party.

Must a judge recuse from a case because of a friendship with one of the lawyers? Rule 2.11 of the Georgia Code of Judicial Conduct requires judges to recuse when their “impartiality might reasonably be questioned.” In addition to familial relationships the rule requires recusal when the judge has a personal bias for or against a lawyer or party. The comments to the rule mention a few specific situations that would likely cause bias—large campaign donations from a lawyer or litigant, or the dilemma posed by a judge seeking employment with a firm while handling cases involving one of its lawyers—but neither the rule nor the comment defines the level of “friendship” required to warrant recusal.

New ABA Formal Opinion 488 attempts to tackle the question. Titled “Judges’ Social or Close Personal Relationships with Lawyers or Parties as Grounds for Disqualification or Disclosure,” the opinion distinguishes between “acquaintanceships,” “friendships” and “close personal relationships.”

A lawyer and judge are acquaintances when their interaction is “coincidental or relatively superficial.” While they may be cordial when they do meet, neither deliberately seeks contact with the other. A friendship “connotes some degree of mutual affection,” according to the opinion. Friends may regularly communicate and socialize together, exchange gifts at birthdays and holidays, and even vacation together. A close personal relationship is more intimate and may include romantic relationships.

According to the opinion, there is no need for a judge to recuse when an acquaintance appears before him or her. The judge should disclose a friendship to the lawyers and parties if they might reasonably believe the judge’s impartiality could reasonably be questioned. Whether disclosure is enough depends on the circumstances. The same goes for close relationships. Requiring disclosure provides the litigants with the information they need to determine whether a motion for recusal is necessary.

As a bottom line, the opinion reminds us that judges are presumed to be impartial even when determining matters where they know a party or lawyer. The question of recusal is within the judges’ discretion and should not become the default option.

Paula Frederick
General Counsel
State Bar of Georgia
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Attorney Discipline Summaries

Aug. 5, 2019 through Sept. 19, 2019

BY JESSICA OGLESBY

Disbarment
Christopher J. Thompson
649 Monticlair Dr.
Macon, GA 31210

On Aug. 19, 2019, the Supreme Court of Georgia disbarred attorney Christopher J. Thompson (State Bar No. 707559) from the practice of law. The State Bar of Georgia attempted to personally serve Thompson with a Notice of Discipline, but he could not be found at the address on file with the State Bar, and he failed to respond. As a result of his default, the facts alleged and violations charged in the Notice of Discipline were deemed admitted.

In 2014, Thompson was retained to file a personal injury lawsuit on behalf of a client who had been injured in an automobile accident. Thompson filed the lawsuit in April 2014, but he thereafter abandoned his client. Other than a certificate acknowledging service of discovery that he filed in October 2014, Thompson filed nothing else in the lawsuit. The trial court eventually dismissed the lawsuit, and the client filed a grievance against Thompson in 2018. Thompson violated Rules 1.2 (a), 1.3, 1.4 and 1.16 (d), of the Rules of Professional Conduct. The maximum sanction for a violation of Rules 1.2(a) and 1.3 is disbarment.

Jeffrey L. Sakas
119 Pharr Road
Atlanta, GA 30305

On Aug. 5, 2019, the Supreme Court of Georgia disbarred attorney Jeffrey L. Sakas (State Bar No. 622250) from the practice of law. The State Bar of Georgia attempted to personally serve Sakas with six formal complaints, but he could not be found at the address on file with the State Bar. The State Bar then properly served Sakas by publication, but he failed to file an answer. As a result of his default, the facts alleged and violations charged in the formal complaints were deemed admitted.

In multiple matters, Sakas purported to represent clients while he was suspended from the practice of law due to a prior disciplinary violation. In two matters, Sakas was retained by clients but did not perform the agreed-upon work and failed to respond to inquiries from his clients about the status of their matters. When the clients eventually terminated the representations, Sakas with six formal complaints, but he could not be found at the address on file with the State Bar. The State Bar then properly served Sakas by publication, but he failed to file an answer. As a result of his default, the facts alleged and violations charged in the formal complaints were deemed admitted.

In one matter, Sakas was hired to assist a couple in their efforts to recover an overpayment on their mortgage, but after Sakas failed to take any action on their behalf, they terminated the representation and demanded a refund. When Sakas failed to return their retainer, they filed a petition for fee arbitration. While suspended from the practice of law, Sakas answered the arbitration petition with a letter in which he identified himself as an attorney and made numerous false statements about the type and amount of work he had performed for these clients. Sakas retracted some of those misrepresentations at the fee arbitration hearing, but he still failed to document any work he had actually performed on the clients’ behalf, and was ordered to refund the entire retainer.

In the final matter, a client hired Sakas to handle the appeal of an eviction order entitled to a refund as the retainer had been earned. With regard to the other client, whose representation Sakas took on while he was suspended from practice, Sakas submitted a response to the Notice of Investigation indicating that he was working on the client’s bankruptcy matter, while the evidence showed that the client was proceeding pro se.

In another matter, Sakas was hired to assist a couple in their efforts to recover an overpayment on their mortgage, but after Sakas failed to take any action on their behalf, they terminated the representation and demanded a refund. When Sakas failed to return their retainer, they filed a petition for fee arbitration. While suspended from the practice of law, Sakas answered the arbitration petition with a letter in which he identified himself as an attorney and made numerous false statements about the type and amount of work he had performed for these clients. Sakas retracted some of those misrepresentations at the fee arbitration hearing, but he still failed to document any work he had actually performed on the clients’ behalf, and was ordered to refund the entire retainer.

In the final matter, a client hired Sakas to handle the appeal of an eviction order entitled to a refund as the retainer had been earned. With regard to the other client, whose representation Sakas took on while he was suspended from practice, Sakas submitted a response to the Notice of Investigation indicating that he was working on the client’s bankruptcy matter, while the evidence showed that the client was proceeding pro se.
obtained by the client’s mortgage lender. Although Sakas filed the appeal, he failed to respond to a dispositive motion and advised his client to ignore the court’s order that the client pay his mortgage payments into the court’s registry. As a result, the court granted the lender’s motion for summary judgment and issued a writ of possession. Sakas later filed a separate complaint in an attempt to stave off the eviction, but his request for injunctive relief was denied, and his failure to respond to a motion to dismiss resulted in dismissal of the suit. When this client later requested the return of his file, Sakas failed to do so.

Sakas violated Rules 1.1, 1.2, 1.3, 1.4, 1.5, 1.15 (l), 1.15 (ll), 1.16 (d), 3.1, 3.3, 4.1, 5.5 and 8.4 (a) (4) of the Georgia Rules of Professional Conduct. The maximum sanction for a single violation of Rules 1.1, 1.2, 1.3, 1.15 (l), 1.15 (ll) (a) or (b), 3.3, 4.1, 5.5 or 8.4 (a) (4) is disbarment, while the maximum sanction for a single violation of Rules 1.4, 1.5, 1.15 (ll) (c), 1.16 (d) or 3.1 is a public reprimand.

Charles Edward Taylor
809 Deerwood Dr.
Stockbridge, GA 30281

On Aug. 19, 2019, the Supreme Court of Georgia disbarred attorney Charles Edward Taylor (State Bar No. 699681) from the practice of law. The State Bar of Georgia personally served Taylor with the formal complaint underlying this matter, but he failed to respond to the complaint or seek an extension of time for responding. As a result of his default, the facts alleged and violations charged in the formal complaint were deemed admitted.

In the underlying matter, Taylor associated with a non-lawyer who advertised mortgage loan modification services to consumers. In furtherance of this enterprise, Taylor cooperated in setting up a business entity, C. Taylor Law Firm, LLC, and in setting up an account that would allow the LLC to accept credit card payments, which Taylor did not accept in his regular practice. Taylor’s non-lawyer associate created a website for the LLC; created and disseminated marketing materials on behalf of Taylor and the LLC, some of which contained misrepresentations to the effect that Taylor had offices in Texas and Colorado; created email addresses for the LLC, separate from Taylor’s official email address on file with the Bar; created a phone number for the LLC, separate from Taylor’s official phone number on file with the Bar; wrote and signed letters on behalf of the LLC; and told customers responding to the marketing materials that they were being represented by Taylor, for whom the associate maintained he was an employee.

Taylor permitted funds paid to the LLC to go directly to the non-lawyer associate, rather than to Taylor’s trust account; failed to exercise any oversight as to the payment account for the LLC; accepted referrals from the associate and filed cases without personally vetting the clients or their cases, resulting in the filing of “skeletal” bankruptcy petitions containing only basic information and often only a partial filing fee; and identified himself on bankruptcy petitions and supporting documents as representing the clients referred by the associate. In the absence of supervision from Taylor, the associate had clients sign forms in which they agreed to pay money to Taylor, to allow the LLC to withdraw funds from their accounts, and to release their information not only to the LLC, but also to the associate and other individuals who were not associated with Taylor.

In one of the client matters leading to this disciplinary matter, the client received a mailed advertisement from the LLC and contacted Taylor’s non-lawyer associate, who provided the client with a contract with the LLC. The client, whose home was scheduled to be sold at a foreclosure sale, signed the contract and made payments totaling $2,250 to the LLC. The client then paid a further $475 to Taylor, but Taylor paid only $75 toward the filing fee for the client’s bankruptcy petition, retaining the balance for himself and failing to account for it. Taylor also falsely declared to the bankruptcy court that he had to that point received no compensation and that his entire fee remained due. Taylor filed a skeletal bankruptcy petition on the client’s behalf, resulting in the postponement of the foreclosure sale, and an application seeking to pay the filing fee in installments. The bankruptcy court entered an order directing that the balance of the filing fee would have to be paid in installments or else the case would be dismissed and further ordered that the skeletal petition be supplemented.

Taylor then failed to appear at a scheduled meeting of creditors, without giving notice to the court or his client that he would not appear. The court subsequently dismissed the client’s case for non-payment of the full balance of the filing fee and sent the client a bill for the remaining fee. The client’s matter was brought before the fee arbitration panel, which concluded that the client paid Taylor $2,725 for services that were not provided and the payments were made through the LLC’s account. Taylor violated Rules 1.2, 1.3, 1.4, 3.1, 3.3, 5.3, 8.4 (a) (1) and 8.4 (a) (4) of the Georgia Rules of Professional Conduct. The maximum sanction for a violation of Rules 1.2, 1.3, 3.3, 5.3 and 8.4 (a) (4) is disbarment; the maximum sanction for a violation of Rules 1.4 and 3.1 is a public reprimand; and the maximum sanction for a violation of Rule 8.4 (a) (1) is the maximum penalty for the specific rule violated.

In aggravation, the special master found that Taylor displayed a dishonest or selfish motive, that the facts demonstrated a pattern of misconduct and multiple violations of the Rules, that he failed to comply with the Bar’s rules and directions, that he refused to acknowledge his misconduct, that he had substantial experience in the practice of law, and that he had shown indifference to making restitution. Taylor’s lack of prior discipline history was found to be a mitigating factor.

Jessica Oglesby
Clerk, State Disciplinary Boards
State Bar of Georgia
jessicaog@gabar.org
If you need to back up your website, you can use myRepono. (And, you should check the ethics rules on this requirement, too!) The myrepono.com service is an automated, web-based website and mySQL database backup for secure website and database backup. The service also has a plug-in for WordPress backups. The cost for online storage is $0.01 per 1GB per day, and $0.14 per 1GB for data transfer, if over 100GB.

When you login to Fastcase, you will now see the Version 7 interface. Version 7 has easier navigation and more “in your face” information that is typically needed for more efficient searching. The service’s Interactive Timeline shows on all results, and the list of results doesn’t stop. You don’t have to scroll to a next page and then another. The list continues without having to go to another page. Also, the Bad Law Bot indicator is visible on all results and shows any negative treatment of cases. Overall, the new interface is not only here to stay, but is a more efficient search tool. Take advantage of Fastcase 7 by logging in to your free Fastcase account from the State Bar’s website at www.gabar.org.

Don’t be afraid of artificial intelligence; let it help you. One service to consider is Braina. It’s an AI-enabled virtual assistant software program that uses a human language interface on Windows PCs to let you interact with your computer with voice commands. The service can also convert speech to text in several foreign languages. Both Android and iOS apps are available for the program, and it allows voice commands to be executed from anywhere via a local Wi-Fi network. Data generated via the service is secured with local-only processing and storage.

Need to make a quick note and wish you had a notepad you could just talk to and have your words transcribed? Android users and users of a Chrome browser can have just that with the free online speech-to-text online notepad, Speechnotes. This app allows immediate voice-to-text transcription. Transcribed text can be copied to your computer’s clipboard, uploaded to Google, sent as an email, or downloaded as a text file or Word document. For security, keep in mind that the service goes through Google, therefore Google’s security policies will apply to anything generated with the service.

If you are a Facebook user, you can voice your concerns as a citizen by using the Facebook Town Hall feature. You can access your local legislators and elected government officials who use Facebook by entering your address at the URL above.

The Internet always seems to break when you have a work deadline, right? You can verify if the site you want to access is down for everyone by visiting the URL above. Or maybe it’s just you!
Your Apple Earbuds = Camera Remote
Your Apple headphones can improve your selfie—and we all need that help. You can use the Apple earbuds as an iPhone camera remote. To take a picture using your headphones, set up your phone and turn on the camera app. When ready, push the + button on the earbuds remote. You can also use the play/pause button in the middle of the remote to start and stop recording a video in video mode.

You and Google Have a History Together
chrome://settings/passwords
We are not suggesting you save your passwords in your browser, but if you have asked Google Chrome to save your passwords at any point, then you can access those passwords. It might help you retrieve a password without having to do a password reset. To access the Chrome password storage area to see if you have any saved passwords, type this into your browser’s address bar—chrome://settings/passwords. You’ll see a list of sites for which you have saved passwords—and all the sites you’ve visited! You will have to supply your computer’s password to reveal the hidden passwords listed there.

Create an Event QR Code
Create a Wi-Fi QR code for your guests. Use a QR code generator to create a unique QR code based on your Wi-Fi network details. If you throw frequent dinner parties, have napkins or your coasters printed with your QR code or simply post the QR code in a location convenient to your guests.

Save Webpage as Word Document
https://bit.ly/2Io7NES
We have all printed a webpage. The printed version is rarely anything similar to the beautiful and informative webpage we really want a hard copy of. Usually, we use the “print” function or we save the webpage we want as an HTML file and then try to open it in Word. Try this instead: Add an extension to your Chrome browser called “Save Webpage as Word Document.” You’ll get a much better and more easily editable document.

Testimonial
Mike Monahan
Director, Pro Bono Resource Center
State Bar of Georgia

You and Google Have a History Together
chrome://settings/passwords
I’m a natural hoarder and I also have about 4-5 major projects on my desk at any given time. I do not clear out my Google history because I often resort to it to find images or documents I had previously considered or used. Sometimes it’s faster to go to my Google history than search email or my hard drive files, or reset passwords.
Maintaining Healthy Boundaries in a Busy Law Practice

When lawyers and staff set boundaries, they can often better protect their mental space, which can lead to healthier and more productive time both in and out of the office.

BY NATALIE R. KELLY

Recent headlines have reported on a lack of empathy and resources for mental health challenges affecting lawyers and legal staff. To help combat these concerns, we have decided to provide practice management tips to help with maintaining healthy boundaries in the busy practice of law. Why boundaries? When lawyers and staff set boundaries, they can often better protect their mental space, which can lead to healthier and more productive time both in and out of the office.

Here are some tips for setting healthy boundaries in your practice.

Healthy Boundaries with Staff
Have regular meetings to review expectations on assignments and other items you have delegated. Meetings can help you stay organized and poised to make the best of your time in the office.

Maintain proper decorum as it relates to personal interactions. Do not be overbearing in letting staff know you are the boss or their supervisor. If you’ve managed the assignment and delegation process properly, the simple act of holding staff accountable for their work should be reminder enough of your expectations and what you think of their performance. Always set the example of the level of professionalism you expect from staff.

Conduct annual performance reviews and have detailed conversations covering performance and expectations for improvement. Give your staff the opportunity to evaluate their own performance. It’s important for you to see what they think of their performance so that you can agree on what can and should be improved.

Do not be afraid to manage work situations where you think there needs to be a change. Even if the change requires termination of an employee, it is very important to manage this concern immediately and fairly because continuing to foster an unhealthy work environment is not good for anyone’s ultimate physical and mental health—yours or theirs. You should constantly seek a healthy space and balance within your workforce.

Healthy Boundaries with Other Lawyers in Your Firm
Don’t abuse other lawyers’ time or allow them to abuse yours within the office. If you need to set up meetings to get advice
or work through joint matters, do so. It can limit interruptions in everyone’s workflow.

Introduce your delegation and response style to other lawyers in the firm. Showing others who have to work with you and your team how you prefer to work can help keep work flowing in the office with limited bottlenecks. You will want to make sure the system you are using matches up to an acceptable style of the firm.

When interrupted or asked for completion of a task outside of your own task list, ask when items can be handled, what their deadline is and how they expect the task to be managed. Use the process of receiving work requests to relay where you are in your production so that you are positioned to better manage expectations and contribute to better overall firm workflow.

Respecting boundaries of other lawyers in the firm can often lead unsuspecting lawyers to respond in kind. Ultimately, this becomes a good thing for everyone in the office.

Healthy Boundaries with Opposing Counsel
Respond professionally to abusive lawyers on the other side by reminding them of their ethical duties and the tenets of professionalism for lawyers. Those kindergarten rules you learned will go a long way toward not only protecting your reputation, but you can mentally relax knowing you have managed situations professionally.

Keep up with deadlines and make sure you provide advance notice if you require extensions of time for any items. Having calendaring systems where you track not only what you are responsible for with matters, but what those on the other side of cases are responsible for too, can be helpful in keeping matters progressing.

Do not rely on extensions, but instead focus on building workable timelines for completing work so you eliminate the need to be worried about pressure or threats from opposing counsel about completing tasks. Using practice management systems’ workflow templates with advanced calendaring and task management can help you stay on top of items, including those you’d otherwise be worried about and have cluttering your mind.

Healthy Boundaries with Clients
Educate clients about their matter’s typical progression and how to expect communications to go during the representation. When clients can anticipate more of what may occur in their cases, they are less likely to find it necessary to interrupt your workflow—sometimes! And if they insist on interruptions, you should have already expressed to them what this means in terms of billable time and expense to them, so they can proceed under their own knowledge of the consequences.

Set time for meetings and know when to arrange meetings and calls so as to better control time with clients. Be diligent in how you block out time to respond to text, calls and email with clients and related parties.

Use client portals within practice management systems to manage the flow of information during representation. Having checklists online and easy ways to see who’s done what, and to track information real-time on matters, can ease your mind about items you fear may be overlooked or missing.

Introduce staff and explain their roles in communicating information to clients. When clients understand who and what the “who” can help them with in their representation, you control the flow of information into, through and out of the firm. Make team introductions a part of every matter for your firm.

Of course, there are no boundaries when dealing with the courts, right? Well, to the extent you have at least checked to see if you have included some of the policies and safeguards already mentioned, you should have no problem making sure you are present and ready when duty calls for court appearances and interacting with court staff. Again, remaining professional is paramount to keeping your headspace free from unnecessary stress and distractions.

Finally, don’t set boundaries to keep others out completely. You don’t want to build walls and risk alienating those who can help you maintain a healthy working balance and necessary boundaries. Take time to interact personally and professionally, especially when you know it will help your mental state. Visit www.lawyerslivingwell.com and take advantage of the six prepaid confidential counseling sessions for Bar members and other incredible resources. If you have questions about any of the practice management tips or resources available from the Law Practice Management Program, be sure to reach out to us.

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Join Us to Celebrate Pro Bono in 2019: October and Beyond

While the National Pro Bono Celebration target week is the last full week of October, here in Georgia, our public interest and legal aid programs host events and programs throughout October and well into November.

BY MIKE MONAHAN

It’s been 10 years since the first National Pro Bono Celebration Week. Every October since 2009, legal organizations in Georgia and across the country participate in the American Bar Association Standing Committee on Pro Bono and Public Service’s National Celebration of Pro Bono. Pro bono lawyers make an invaluable contribution to our justice system, our communities and the poor and marginalized.

While the National Pro Bono Celebration target week is the last full week of October, here in Georgia, our public interest and legal aid programs host events and programs throughout October and well into November. If you have not yet signed up with a pro bono program, now is the time to catch up with the members of your profession who are learning new areas of the law, making new connections and improving their lawyer wellness. Volunteering is energizing and makes you a better lawyer—and that’s worth celebrating.

Join in on the celebration. Atlanta Legal Aid and Georgia Legal Services Program are hosting several legal advice and brief services clinics in October and November. Check out their websites for more information. Atlanta Volunteer Lawyers Foundation (AVLF) and the Pro Bono Partnership of Atlanta always have the welcome...
mat out, too, with trainings and social events. Check out the AVLF Winetasting scheduled for November 7. Georgia is home to other powerhouse programs that open their doors to volunteers, including Kids in Need of Defense, the Georgia Asylum and Immigration Network, DeKalb Volunteer Lawyers Foundation, the Georgia Justice Project and many more. You can find a full listing at www.georgialegalaid.org/find-legal-help/directory.

Joining the ranks of volunteer lawyers is one way to celebrate. Recognizing the good work of lawyers is also part of the Pro Bono Celebration. If you didn’t catch the Pro Bono All-Stars in your initial read of the June edition of the Georgia Bar Journal, I encourage you to go back and take a look. We compile an annual honor roll of lawyers who have connected with a structured, coordinated pro bono program and have handled at least one pro bono case during the year. Our programs appreciate your contributions to improving access to justice, so social gatherings are important, too and the perfect way to celebrate pro bono.

The Atlanta Bar Association is set to host its 12th Annual Celebrating Service Luncheon on Nov. 6, honoring volunteers in the legal community who have made significant local impacts through their dedication to public service. The State Bar of Georgia’s Access to Justice Committee and the Pro Bono Resource Center will host the annual State Bar of Georgia Pro Bono Awards Reception on Nov. 12.

At its core, the Pro Bono Celebration is an important vehicle for broadening and deepening services to Americans living on the social margins, says the ABA. Here in Georgia, we use the celebration to draw attention first to our professional responsibilities. The State Bar of Georgia’s Access to Justice Committee is on the road with its message about access to justice and pro bono. The #ProBonoRoadShow is a one-hour Professionalism CLE program available to local and voluntary bars across the state. Panelists discuss how attorneys can ethically and professionally incorporate pro bono work into their current practices. Statewide and local initiatives are highlighted as well, with the presentation tailored to the local or voluntary bar association. Take a moment this month to contact probono@gabar.org to bring the roadshow to your local or voluntary bar.

We also work to support you in fulfilling your professional responsibilities. We understand the perceived and real concerns about pro bono legal service. Our Due Justice. Do 50. campaign aims to mitigate those concerns. Working with Georgia’s esteemed advocacy organizations, we’ve made it easier for you to get involved. Visit www.DueJusticeDo50.org to learn why your annual 50 hours of pro bono service are needed and where you can best fit in.

Share your celebration stories with us. Post your photos, videos and stories using #CelebrateProBono. We’d love to see how you are supporting and celebrating pro bono service.

If you have any questions about pro bono or about the National Pro Bono Celebration, email me at probono@gabar.org.

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Erin Reeves McGinnis first learned about Pro Bono Partnership of Atlanta (PBPA) as an associate when a mentor in her firm mentioned volunteering for the organization. As a transactional attorney, McGinnis was looking for ways to use her legal skills in helping others. In 2011, she presented a webcast on directors and officers insurance for nonprofits as her first PBPA project. Since then, she has advised PBPA’s nonprofit clients, including Special Pops Tennis and Voices for Georgia’s Children, on corporate legal matters such as drafting board policies and procedures and bylaws. Jim Hamm, executive director of Special Pops Tennis, commented, “Erin has done an extraordinary amount of work in delivering the end product. [She was] very professional and flexible in helping our organization become more organized and efficient.”

McGinnis serves on SpringBoard (PBPA’s Young Professionals Committee), and she is currently advising the committee on their chart. McGinnis is a partner at Nelson Mullins and focuses on securities transactions as well as corporate governance.

**PRO BONO STAR STORY**

BY RACHEL EPPS SPEARS

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**And Justice For All**

**Celebrate Pro Bono**

**An ABA Day of Service**
The academy is the first of its kind at the State Bar of Georgia and serves as an example of how State Bar sections or other legal organizations can provide professional growth opportunities for their young members.

BY BERT BRANNEN AND JAY ROLLINS

The Mentorship Academy of the State Bar of Georgia’s Labor & Employment Law Section celebrated the graduation of its 2018-19 mentee/mentor class at the Center for Human and Civil Rights in June. More than 100 members of the section have participated in this successful program since its inception, just three short years ago.

The academy is the first of its kind at the State Bar of Georgia and serves as an example of how State Bar sections or other legal organizations can provide professional growth opportunities for their young members.

The academy’s program is an amalgam of mentorship programs developed by the National Employment Lawyers Association—Georgia Chapter, private practice law firms like Fisher Phillips and similar...
programs utilized by various federal government agencies. Its leadership is comprised of past or present section members and seasoned practitioners who serve on the advisory board as mentors and subject matter experts presenting CLE and other sessions.

Founded to provide its members with opportunities for networking, professional and personal development, and educational enrichment, the academy’s focus is to pair seasoned lawyers who serve as mentors with more junior lawyers for a full year of coordinated activities. The participants are expected to commit to spending time and energy attending meetings and generally working together to grow and learn from the relationships that the academy fosters.

Participants in the academy have access to educational programs, regular one-on-one mentoring meetings and networking events. Additionally, participants attend meetings with local judges who provided practice tips. This year, the academy held two new “courtroom experiences” where participants argued a motion on a current issue in employment law before an actual federal judge in the judge’s courtroom. We thank Judges Mark H. Cohen, Walter E. Johnson, Leigh M. May and Catherine M. Salinas for their tremendous support and participation in these events.

Part of the success of the academy is rooted in the fact that it brings together lawyers who represent employees and employers, unions and management interests, government employees and government employers. In addition to the networking aspect of the program, the goal is to increase respect and civility among participants. Because of this, participants gain different perspectives and feedback that may have not otherwise been available to them at an in-house mentorship program. History shows that the combination of these different interactions helps young attorneys form lifelong bonds with their colleagues practicing in the same area of law but perhaps on differing sides.

Just this past year, the State Bar’s Health Care Law Section adopted the academy’s model for their own mentorship program. We are encouraged by the support from State Bar President Darrell Sutton as well as former State Bar presidents on our efforts to groom the state’s next generation of lawyers and look forward to working with other sections to adopt some variation of this program for their members.

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Fastcase 7: Transitioning to Smarter and Faster Results

Fastcase is one of the State Bar of Georgia’s most valuable member benefits and has been since its introduction in 2011. Over the years, Fastcase has gone through several changes as they adapted to the advances in technology, ensuring that it was providing users with all the information they needed in the best possible format. Throughout all of the updates, the general navigation has remained very similar, until now. If you are one of the regular users of Fastcase, you have likely noticed that the view and navigation tools that you are familiar with have been replaced with a more streamlined look and feel. This is the face of Fastcase 7, which you will see from this point forward. Why the change? As technology advances, there are new possibilities for the design of the database that were not possible when Fastcase 6 was created. Creating the new system has allowed for the development of new features, such as predictive typing in the Type-Ahead feature, Universal Searching, Semantic Tag
Cloud and others. The benefit here is that you are automatically able to access the most usable and technologically-advanced options that are available to you from the moment you log in. It’s that simple.

All the primary law content that is currently available in your Bar subscription will remain the same. Fastcase 7 has more secondary content available for your use without an additional charge. These include legal blogs from Fastcase’s partnership with Lexblog, and expert witness profiles from their partnership with Jurispro.

The most prominent change you see is the design, which includes new tools and features that were conceptualized and created with the idea of making your legal research smarter and faster. The new user guide, located at www.fastcase.com/fastcase7transition (see fig. 1), gives a thorough review of the changes and additions you will encounter. I encourage you to take a moment and review the information contained therein for an overview of what is now available to you.

The launch page has a minimalist look with just a few options, including the Search Bar and links to Help and Support, History, Favorites and the Fastcase Blog. Typical of well-designed software, there are a number of ways to navigate Fastcase 7 to achieve the desired results. The suggestions in this article are meant to ensure a smooth transition with the new format for regular users and to provide clear instruction on the best way to gather results for those of you who are first-time users.

To begin a search, enter a query in the search box on the start page and then click the search button or select “Jurisdiction & Sources,” where you can choose specific levels of court or types of materials from a drop-down list. It’s easiest to begin typing into the box or go straight to the bottom of the list to “Advanced Options” where a dashboard view may be helpful (see fig. 2). The map view offers an additional option for choosing your search preference and is accessed by the tab in the blue field labeled Jurisdiction. Federal courts can be added to your search criteria from this view as well as specific states. When you open a state from the map view, you will notice “Matching Libraries” to the right of your screen that enable you to choose specific types of material by category. “Cases and Court Materials” open up to Caselaw opinions or Court Rules for example. Other categories include “Legislative,” “Administrative” and “Other Primary Materials,” each with related jurisdictions (see fig. 3). Once you set up your preferences, you can save them for future use by clicking on the blue tab labeled “Save this Scope” on the top right.

Next, you’ll see the guided search that will assist you in formatting your search using Boolean Terms. You can also utilize the Advanced search option here, which will allow you to adjust your results based on multiple factors and customize the algorithm to meet your needs. You can opt in or out of content with additional cost and choose to include historical documents and materials outside of your chosen jurisdiction in this area.

The hope is that the new tools and features in Fastcase 7 will make your research process fast and easy.

Several CLE approved Fastcase 7 training options are available. You can find these and other resources by visiting www.gabar.org/fastcase. You can also reach me at sheilab@gabar.org or 404-526-8618.

Sheila Baldwin
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Welcome to “Attorney Wellness,” a new addition to the Georgia Bar Journal. You may have noticed the first installment of this section in the August 2019 issue, where LaKeisha R. Randall addressed how today’s Americans feel largely disconnected from one another in her article, “The Loneliness Crisis.” In future issues, this wellness-focused section of the Journal will continue to feature content like this and more, keeping with the State Bar of Georgia’s goal to emphasize and promote health through the Lawyers Living Well initiative among its more than 50,000 members.

What is Lawyers Living Well?
You may not even know it exists, so let us fill you in!

In 2016, the State Bar of Georgia made attorney wellness a priority and sought to make its members aware of the many programs and offerings available to them. This vision followed close on the heels of a report published by the American Bar Association’s National Task Force on Lawyer Well-Being, entitled “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change.” What the report highlighted was that too many lawyers throughout the nation are experiencing high levels
of stress and are unhealthy and unhappy, which is adversely affecting their professional and personal lives. (Read the full report at the National Task Force’s website, www.lawyerwellbeing.net.) In the wake of these findings, the State Bar of Georgia established Lawyers Living Well to promote health and wellness among members and staff, identify factors that impact the physical and emotional well-being of attorneys, develop work/life balance CLE programs, increase awareness of existing Bar programs that deal with such issues, and accumulate information and educate members about wellness issues and resources. The Attorney Wellness Committee was formed to oversee the pursuit of this vision and contains multiple subcommittees, covering mental health to CLE development. These committee members are actively dedicated to achieving the goals of the wellness initiative and, in the process, seek to assist all Bar members in their wellness journey.

Georgia Bar Journal “Attorney Wellness” Section
Borne out of the goal to increase awareness and disseminate wellness-related information to members, the Journal’s “Attorney Wellness” section will highlight a range of wellness programs, stories, tips, challenges and other tools to help you grow and pursue a lifestyle of wellness. You will hear from attorneys, legal professionals, members of the Attorney Wellness Committee and others in future issues of the Journal, who will share varying facets of wellness to inform and benefit you.

How to Follow Lawyers Living Well
We want to keep the conversation going and give you as many resources as possible. You can find Lawyers Living Well online at www.lawyerslivingwell.org and on social media—Twitter, Instagram, Facebook and LinkedIn—by searching for the #LawyersLivingWell hashtag. We invite you to take part in the challenges (we played Wellness Bingo in August) and show us how you practice wellness. Make sure to use the #LawyersLivingWell tag!

The Lawyers Living Well website is a robust center for all things wellness. Read articles on a variety of topics, from signs of depression to the practice of mindfulness, and check out the wellness resources available to you. Various athletic programs and facilities located throughout the state offer discounts just for Bar members. Plus, get specifics on the many Bar programs focusing on wellness, like the Lawyer Assistance Program, SOLACE (Support of Lawyers/Legal Personnel—All Concern Encouraged), Lawyers Helping Lawyers and more. Stay in the loop about upcoming events and monthly activities.

Also, be sure to check out the wellness corner included in the Bar’s monthly e-newsletter, Enews, which features a tip or observation from one of the Attorney Wellness Committee members regarding lawyer health and wellness.

Learn More
If you have questions about the Lawyers Living Well Program or its offerings, reach out to one of the Attorney Wellness Committee members for further information (a complete list can be found on www.lawyerslivingwell.org).

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How to Follow Lawyers Living Well
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The Lawyers Living Well website is a robust center for all things wellness. Read articles on a variety of topics, from signs of depression to the practice of mindfulness, and check out the wellness resources available to you. Various athletic programs and facilities located throughout the state offer discounts just for Bar members. Plus, get specifics on the many Bar programs focusing on wellness, like the Lawyer Assistance Program, SOLACE (Support of Lawyers/Legal Personnel—All Concern Encouraged), Lawyers Helping Lawyers and more. Stay in the loop about upcoming events and monthly activities.

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The 10 Principles of Plain English

Legal writing should be clear and accessible. These principles of Plain English serve as helpful reminders on how to do just that.

BY DAVID HRICIK AND KAREN J. SNEDDON

The Plain English Movement, also known as the Plain Language Movement, is decades old but still is rich with insights into how to improve your legal writing. The movement had originally focused on the writing of statutes and consumer contracts, but its foundational principles were found to apply to a wide range of legal documents. This installment of “Writing Matters” provides a primer on Plain English by presenting what are considered the 10 principles of Plain English.

1. Include a Table of Contents, Outline or Roadmap

Good legal writing is organized. One Plain English principle focuses on providing up-front organizational information to the reader. In some documents, that can be contained in a table of contents or a summary, such as a summary of the argument or “executive summary.”

While that may satisfy a macro-level view of providing up-front organization, the principle applies within the document. For example, good organization can take the form of providing a roadmap paragraph within a section, and topic sentences to start each paragraph. Establish-
ing and maintaining an organizational scheme throughout a document guides the reader and increases comprehension of information.

2. **Use Descriptive Headings**
   People are busy. While the ideal reader reads from beginning to end and a text should be structured with that in mind, headings can help readers looking for particular information. Headings help both types of readers. Descriptive headings help move the reader from one topic to the next and help the reader who needs to find a particular subject. Using bold or italics ensures that the headings stand out.

3. **Embrace Short Sentences**
   Readability studies suggest that our brains best process sentences that are less than 20 to 30 words long. Short sentences are better, but the writer should include shorter and longer sentences to vary the rhythm of the text. With complicated concepts to convey and expert knowledge of commas, semicolons and colons, a writer might unintentionally present a series of long, dense sentences. Being attentive to sentence length thus will help the writer to present information in reader-accessible units of information, but also not have a staccato effect.

4. **Leverage Subject-Verb-Object Sentence Constructions**
   Each language has its own conventions about the sequencing of particular parts of speech. In English, we favor a sentence construction that begins with a subject, followed closely by a verb and ends with an object. This is referred to as the subject-verb-object sentence construction. Consider the following examples.

   - Never have I written only one draft of an appellate brief.
   - I have never written only one draft of an appellate brief.

   When writers invert this typical word order, the writer may draw attention to the atypically constructed sentence. The writer can lose the reader or force the reader to re-read sentences if they continually invert the typical word order. The subject-verb-construction meets the expectations of the reader and often forces the writer to use active voice with shorter sentences.

5. **Favor Active Voice**
   Active voice requires a writer align the actor in the sentence with the grammatical subject of that sentence. The writer also has to use a strong verb. The following sentence is an example of active voice. Erik wrote the email. Erik is both the actor in the sentence (i.e., the person who is performing the act of writing) and the grammatical subject of the sentence (i.e., the word that occupies the position in the sentence where subjects are typically placed, at the beginning). The verb “wrote” is also a strong verb.

   In contrast, that sentence information in the passive voice would read: The email was written by Erik. Erik continues to be the actor in the sentence because Erik is performing the act of writing. But the grammatical subject of the sentence is now the object—the email. “Was written” is also not as strong as “wrote.” As another example using passive voice, consider: The email was written. Now the actor of the sentence is missing. At times, passive voice can be appropriate—if you’re representing the defendant in a breach of contract case, “the contract was breached” may be better than “defendant breached the contract”—but active voice should be favored.

6. **Feature Positive Forms**
   Sentences are stronger and the information more accessible if written in the positive form, not the negative form. Negative words include cannot, do not and will not. Consider these two sentences:

   - Never have I written only one draft of an appellate brief.
   - I have never written only one draft of an appellate brief.

   When writers invert this typical word order, the writer may draw attention to the atypically constructed sentence. The writer can lose the reader or force the reader to re-read sentences if they continually invert the typical word order. The subject-verb-construction meets the expectations of the reader and often forces the writer to use active voice with shorter sentences.

7. **Use Parallel Constructions**
   Being proficient with grammar is an important skill for all writers, legal writers included. Because a large part of our jobs consists of writing, lawyers are, relatively to many other professionals, more proficient at using proper grammar. But parallel constructions can cause problems even for a grammar nerd.

   The principle is straightforward: parallel ideas should be presented in parallel grammatical forms. The following sentence does not follow that principle: When calculating the appropriate child support award, the court considers the financial costs of maintaining, caring, and educating the child.

   Below are two ways to provide that information using parallel forms:

   - When calculating the appropriate child support award, the court considers the financial costs of maintaining, caring for, and educating the child.

8. **Select Concise Phrasing**
   Selecting concise phrasing is about more than adhering to word counts, line limits or page restrictions. Unnecessary wordiness and bulky constructions can bog the reader down. Below are a few examples of a wordy phrase and its concise counterpart.

   - at that point in time . . . when
due to the fact that . . . . . . . . . because
despite the fact that . . . . nevertheless
   - for the period of . . . . . . . for
   - in order to . . . . . . . . to
   - places emphasis . . . . . . . . emphasizes

9. **Choose Simple Words**
   This principle does not mean to avoid words having more than a certain number of syllables. Instead, it reminds us to minimize use of jargon, confusing acronyms and outdated legalese. Legal writers should not aspire to have their text read like Blackstone’s Commentaries. Es-
chewing use of words like “executrix” or “administratrix” are examples of avoiding outdated legalese. Avoiding words like “eschew” may be good, too.

10 Prefer Precise Words

With more than 650,000 words in the English language, writers have a lot to choose from. Unfortunately, English also has a lot of words that look and sound the same but mean entirely different things. Consider the difference between counsel and council. Or the difference between affect and effect. Both pairs sound the same but have different meanings. They illustrate a principal reason why it can be hard to always follow Plain English principles.

Likewise, avoid the clutter caused by nominalizations. The following sentence uses a nominalization.

The attorney made a recommendation that the client consider mediation.

Removing the nominalization—a verb that had been turned into a noun—results in:

The attorney recommended that the client consider mediation.

Legal writing should be clear and accessible. These principles of Plain English serve as helpful reminders on how to do just that.

David Hricik is a professor of law at Mercer University School of Law who has written several books and more than a dozen articles. The Legal Writing Program at Mercer continues to be recognized as one of the nation’s top legal writing programs.

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

Want to read more about Plain English?

Here are some articles that may be of interest to you.


Endnote

We all have to start somewhere.

The State Bar of Georgia values wellness in the legal profession, and we offer a variety of resources to help lawyers in their lives and practices. Visit lawyerslivingwell.org to read articles on wellness and access discounts to gym memberships and classes. Plus, learn about the following programs:

Lawyer Assistance Program
Lawyers Helping Lawyers
Suicide Awareness Campaign
SOLACE
#UseYour6

Questions? Please contact one of our Wellness Committee members, listed at gabar.org/committees under Attorney Wellness.
Building Community by Enhancing Professionalism

A look at the law school orientations on professionalism.

BY KARLISE Y. GRIER

In memory of Judge Stephen Goss, whose prior years of service as a group leader at the University of Georgia School of Law’s orientations. He will be remembered and is already missed.

In 1992, when the Supreme Court of Georgia adopted an Order setting forth an Aspirational Statement on Professionalism, it wrote: “The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort.” Each year Georgia’s legal community has breathed life into these words during the law school orientations on professionalism. For the past 27 years, the State Bar of Georgia Committee on Professionalism, the Chief Justice’s Commission on Professionalism (Commission), each of Georgia’s five law schools, and Georgia judges and lawyers have worked together to introduce incoming first-year law students to professionalism concepts during professionalism orientations.

This year as in past years, each school selected a keynote speaker to discuss professionalism topics. The keynote speakers for 2019 were Presiding Justice David E. Nahmias, Supreme Court of Georgia (Georgia State University); Presiding Judge Stephen Louis A. Dillard, Court of Appeals of Georgia (Mercer University); Hon. Timothy C. “Tim” Batten Sr., U.S. District Court, Northern District of Georgia (University of Georgia); Hon. Eric Dunaway, Fulton County Superior Court (Atlanta’s John Marshall School of Law); and Sherry Boston, district attorney, DeKalb County (Emory University).

In 2019, Nahmias returned to participate in the law school orientations on professionalism in multiple ways after having volunteered with the program several times in the past. He served as a group leader, gave the keynote speech and administered the “Professionalism and Honor Code Pledge” at Georgia State University College of Law. Two days later, Nahmias also participated in the professionalism orientation at Emory University School of Law by giving brief remarks, by administering the student oath, and by leading students and lawyers in reciting “A Lawyer’s Creed.”

When asked why he continued to participate in the program—despite his increasingly demanding work load—Nahmias responded: “I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers.”

During his remarks at Georgia State and Emory, Nahmias recounted that he had married his law school orientation.
leader, as he fondly remembered his wife Catherine O’Neil, who passed in 2017. Then he shared with the students something they may not have expected to hear from a judge. He talked to them about love. Recalling what the late Chief Justice P. Harris Hines liked to tell lawyers, Nahmias told the students they need to love each other. He continued:

“You are in a community. You are going to be part of a community in this law school. You are going to be a part of our community in the practice of law. . . . You are going to deal with each other in a stressful, chaotic atmosphere that is designed to be adversarial in many of its relationships. That doesn’t mean that you have to put aside the moral compass you brought to this law school or forget that we are all neighbors in the practice of law. Keep in mind when you fight all day, to love your colleagues, to love them as people in the same way you love other people that you interact with daily. You want them to do well. You can beat them in the case, you can beat them in the transaction, but that doesn’t mean you need to be mean to them or fight with them or not treat them as fellow important members of our profession.”

In addition to hearing from the keynote speakers during the orientations, the judges, lawyers and students engaged in breakout sessions to discuss professionalism in small groups. The volunteer judges and lawyers served as group leaders and facilitated student discussions using hypothetical problems created by the State Bar Committee on Professionalism. This year, approximately 946 students and 175 judges and lawyers participated in the orientations. The 2019 orientations boasted many first-time group leaders and also included many dedicated volunteers who have returned frequently over the years to serve as group leaders. Several lawyers—and one justice—also volunteered to serve on multiple dates at the various law schools.

A comment from one student at the University of Georgia School of Law articulated two of the primary reasons for the professionalism orientations, stating: “I thought this was an incredible chance to bond with real attorney[s]. I think it was important to understand the implications of the honor code and professionalism aspirations for the next three years.”

The State Bar Committee on Professionalism, the Commission and each of the law schools were deeply grateful to all of the judges and lawyers who volunteered their time to make the 2019 Law School Orientations on Professionalism a huge success. The law school orientations planning team has already begun work on the 28th Annual Law School Orientations on Professionalism, which will be held next August. If you are interested in volunteering to serve as a group leader for 2020, please contact the Commission’s executive director at kygrier@cjcpga.org.

“I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers.”
—Presiding Justice David E. Nahmias

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Endnote
1. To view “A Lawyer’s Creed” and the “Aspirational Statement on Professionalism,” visit the Commission’s website at www.cjcpga.org/lawyers-creed.
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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Emory University School of Law (1993)
Admitted 1993
Died July 2019

ANDRE COURE
Atlanta, Georgia
University of Tennessee
College of Law (1990)
Admitted 2012
Died June 2019

ZACHARY ROBERT BRUCE CROFT
Houston, Texas
University of Virginia
School of Law (2014)
Admitted 2018
Died July 2019

ROBERT A. ELSNER
Atlanta, Georgia
Emory University School of Law (1957)
Admitted 1962
Died August 2019

JOSHUA SCOTT LANE
Atlanta, Georgia
Nova Southeastern
University Shepard Broad
College of Law (2010)
Admitted 2017
Died August 2019

MICHAEL A. RAY
Jasper, Georgia
Woodrow Wilson College of Law (1980)
Admitted 1984
Died February 2019

JAN R. GILBERT
Smyrna, Georgia
Atlanta’s John Marshall Law School (1977)
Admitted 1977
Died July 2019

CHARLES W. LANE
Marietta, Georgia
Atlanta Law School (1981)
Admitted 1984
Died July 2019

TED R. RIDDLEHUBER
Athens, Georgia
University of Georgia
School of Law (1963)
Admitted 1964
Died March 2019

MARC H. GLICK
New York, New York
Mercer University Walter F. George School of Law (1974)
Admitted 1974
Died August 2019

EDWIN R. LEE
Woodstock, Georgia
Woodrow Wilson College of Law (1971)
Admitted 1971
Died August 2019

LYNN SAMUELS
Stone Mountain, Georgia
Georgia State University
College of Law (1992)
Admitted 1992
Died February 2019

STEPHEN S. GOSS
Albany, Georgia
University of Georgia
School of Law (1986)
Admitted 1986
Died August 2019

PHILIP JOHN MARZETTI
Flowery Branch, Georgia
Harvard Law School (1975)
Admitted 1975
Died August 2019

JAY JOHN SCHNELL
Denver, Colorado
University of Georgia
School of Law (1975)
Admitted 1975
Died May 2019

HARRY L. GRIFFIN JR.
Atlanta, Georgia
Duke University School of Law (1963)
Admitted 1964
Died July 2019

MALCOLM G. MCCARN
Marietta, Georgia
Atlanta’s John Marshall Law School (1976)
Admitted 1976
Died March 2019

LORRAINE RUTH SILVO
Marietta, Georgia
Georgia State University
College of Law (1990)
Admitted 1990
Died July 2019

HENRY OSMUND JONES III
Cordele, Georgia
Mercer University Walter F. George School of Law (1973)
Admitted 1973
Died May 2019

GARY R. SMITH
Atlanta, Georgia
University of Kentucky
College of Law (1970)
Admitted 1971
Died April 2019

BEN KIRBO
Bainbridge, Georgia
University of Georgia
School of Law (1967)
Admitted 1966
Died March 2019

MARVIN W. SORRELLS
Monroe, Georgia
University of Georgia
School of Law (1962)
Admitted 1961
Died April 2019

AJAY KODURI
Redwood City, California
Vanderbilt University Law School (2005)
Admitted 2005
Died February 2019

MILTON M. MOORE JR.
Bennettsville, South Carolina
University of South Carolina School of Law (1967)
Admitted 1969
Died July 2019

CHARLES DEMPSEY STRICKLAND
Covington, Georgia
Emory University School of Law (1960)
Admitted 1962
Died June 2019

ANSELL T. MAUND III
Blue Ridge, Georgia
Atlanta Law School (1976)
Admitted 1976
Died March 2019

STEPHEN S. GOSS
Albany, Georgia
University of Georgia
School of Law (1986)
Admitted 1986
Died August 2019

MALCOLM G. MCCARN
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ALAN R. PETERS
Venice, Florida
Atlanta Law School (1975)
Admitted 1976
Died July 2019

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Admitted 1969
Died July 2019

ALAN R. PETERS
Venice, Florida
Atlanta Law School (1975)
Admitted 1976
Died July 2019
OBITUARY

Hon. Stephen "Steve" S. Goss, 57, passed away in August in Albany, Georgia. A native southwest Georgian, Goss grew up on the family farm in Sale City. He graduated from the University of Georgia with a bachelor’s degree in political science and was elected as a member of the Phi Beta Kappa and Phi Kappa Phi honor societies. He graduated from the University of Georgia School of Law with a J.D. in 1986.

Before being appointed a judge, Goss was a partner in the Albany law firms of Watson, Spence, Lowe and Chambless, LLP, and Cannon, Meyer von Bremen and Goss, LLP. He also served as a past president of the Dougherty Circuit Bar Association and a life fellow of the Lawyers Foundation of Georgia.

Goss was appointed as judge of the Dougherty Circuit Juvenile Court and served from 1995-99. He served as chairman of the Council of Juvenile Court Judges’ Permanency Planning committee dealing with issues involving child suffering, deprivation and neglect. He was a member of the Supreme Court of Georgia’s Child Placement Project committee.

In 1999, Goss was appointed to fill a vacancy on the Superior Court of the Dougherty Judicial Circuit. He served as a Superior Court judge for 19 years, having been elected five times. He was appointed by Gov. Nathan Deal to serve as a judge on the Court of Appeals of Georgia on Aug. 1, 2018. Goss was president of the Council of Superior Court Judges of Georgia in 2008-09, and he was the 2018 recipient of the Emory Findley award for career service to the Superior Courts of Georgia. Goss was also a fellow of the national Henry Toll leadership program of the Council of State Governments.

In 2002, Goss founded the Dougherty Superior Court Mental Health/Substance Abuse treatment programs, and since 2006, the Dougherty Superior Court program has served as one of four national learning sites for mental health courts as designated by the U.S. Bureau of Justice Assistance and the Council of State Governments. Goss also served as the chairman of the Council of Accountability Court Judges of Georgia in 2017-18, and was the founding vice-chairman of its executive committee and the chairman of its education and training committee.

Goss was very involved in continuing education for judges and court personnel. He was an active faculty member of the National Judicial College since 2003, a member of the teaching faculty of the National Drug Court Institute and a senior consultant to the U.S. Substance Abuse Mental Health Services Administration GAINS Center for persons with co-occurring mental health and substance use issues. He was a trainer in southwest Georgia for many years for Crisis Intervention Training for law enforcement officers dealing with persons struggling with behavioral health issues.

In Albany, Goss served on numerous civic boards and community organizations. He was a member of Porterfield Memorial United Methodist Church, a former trustee of the Dougherty County Public Library System, a longtime member of the board of directors of the Boys and Girls Clubs of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany. He was the 2001 recipient of the Man and Youth award from the Albany Boys and Girls Club of Albany, a past president of the Artesian City Sertoma Club and a graduate of Leadership Albany.

He is survived by his wife, Dee Collins Goss; his children, Collins (Jay) Desselle, Clark (Greg) Pearson, and Clint Goss (Alyssa Walters); his granddaughter, Strickland Dee Pearson; and his sister, Barbara (Jim) Hilliard.
### OCTOBER

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Title</th>
<th>Location</th>
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<tr>
<td>10</td>
<td>Title Standards</td>
<td>Atlanta, Ga.</td>
<td>6 CLE</td>
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<tr>
<td>10</td>
<td>VA Accreditation</td>
<td>Atlanta, Ga.</td>
<td>6 CLE</td>
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<tr>
<td>11</td>
<td>Family Law Seminar</td>
<td>Augusta, Ga.</td>
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<td>14</td>
<td>Real Property Law Institute Replay—Commercial Real Estate</td>
<td>Atlanta, Ga.</td>
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<td>Real Property Law Institute Replay—Residential Real Estate</td>
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<td>17</td>
<td>U.S. Supreme Court Update</td>
<td>Atlanta, Ga.</td>
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<td>22</td>
<td>Beginning Lawyers Program Replay</td>
<td>Atlanta, Ga., and live via simulcast in Savannah and Tifton, Ga.</td>
<td>6 CLE</td>
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<td>23</td>
<td>Family Immigration Law</td>
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<tr>
<td>25</td>
<td>Securities Litigation and Regulatory Practice</td>
<td>Atlanta, Ga.</td>
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<td>25</td>
<td>Basic Fiduciary Law 101</td>
<td>Macon, Ga.</td>
<td>6 CLE</td>
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<td>25</td>
<td>Civil Prosecutions of DUI and Dram Shop Cases in Georgia</td>
<td>Atlanta, Ga.</td>
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<tr>
<td>30-31</td>
<td>Business Law Institute</td>
<td>Atlanta, Ga.</td>
<td>10 CLE</td>
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<td>31</td>
<td>Expert Testimony in Georgia</td>
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### NOVEMBER

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<td>1</td>
<td>Trial Advocacy</td>
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<td>6 CLE</td>
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<td>6-8</td>
<td>Medical Malpractice Institute</td>
<td>Amelia Island, Fla.</td>
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<tr>
<td>7</td>
<td>Georgia Auto Insurance Claims Law</td>
<td>Atlanta, Ga.</td>
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<tr>
<td>8</td>
<td>Advanced Health Law</td>
<td>Atlanta, Ga.</td>
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<tr>
<td>8</td>
<td>Adoption Law</td>
<td>Atlanta, Ga., and live via simulcast to statewide locations</td>
<td>6 CLE</td>
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<tr>
<td>12</td>
<td>Commercial Real Estate</td>
<td>Atlanta, Ga., and live via simulcast in Savannah and Tifton, Ga.</td>
<td>6 CLE</td>
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<tr>
<td>14</td>
<td>Business Immigration Law</td>
<td>Atlanta, Ga.</td>
<td>6 CLE</td>
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<tr>
<td>14</td>
<td>Litigation Under 42 Section 1983</td>
<td>Atlanta, Ga.</td>
<td>6 CLE</td>
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<tr>
<td>15</td>
<td>Boot Camp for Trial Lawyers</td>
<td>Atlanta, GA</td>
<td>6 CLE</td>
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<tr>
<td>15</td>
<td>Recent Developments</td>
<td>Atlanta, Ga., and live via simulcast to statewide locations</td>
<td>6 CLE</td>
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<tr>
<td>20</td>
<td>Economic Development Law in Georgia</td>
<td>Atlanta, Ga.</td>
<td>6 CLE</td>
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<tr>
<td>20</td>
<td>Entertainment Law Bootcamp</td>
<td>Atlanta, Ga.</td>
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<tr>
<td>21</td>
<td>Real Property Foreclosure</td>
<td>Atlanta, Ga., and live via simulcast in Savannah and Tifton, Ga.</td>
<td>6 CLE</td>
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</tbody>
</table>
Note: ICLE courses listed here are subject to change and availability. For the most up-to-date ICLE course details, including location and CLE information, please visit our page at www.gabar.org. For questions and concerns regarding course postings, please call ICLE at 678-529-6688.

DECEMBER

21 Women in the Legal Profession
   Atlanta, Ga. | 6 CLE

22 The New Negotiation Advantage
   Atlanta, Ga. | 6 CLE

4 Update on Georgia Law
   Martinez, Ga. | 6 CLE

5 Health Care Fraud Institute
   Atlanta, Ga. | 6 CLE

5-6 Defense of Drinking Drivers Institute
   Atlanta, Ga. | 12 CLE

6 Labor and Employment Law Institute
   Atlanta, Ga. | 6 CLE

6 Professionalism, Ethics and Malpractice
   Atlanta, Ga., and live via simulcast to statewide locations | 3 CLE

10 Finance for Lawyers
   Atlanta, Ga. | 6 CLE

10 Powerful Witness Preparation
   Atlanta, Ga. | 6 CLE

11 Personal Injury Law Clinic I
   Atlanta, Ga. | 3 CLE

12 What Every General Practitioner Should Know About New Tax Laws
   Atlanta, Ga. | 6 CLE

12-13 Consumer and Business Bankruptcy Institute
   Greensboro, Ga. | 7 CLE

12-13 Corporate Counsel Institute
   Atlanta, Ga. | 12 CLE

13 ADR Institute and Neutrals’ Conference
   Atlanta, Ga. | 6 CLE

13 Convocation on Professionalism
   Atlanta, Ga. | 6 CLE

13 AAML Family Law Seminar
   Atlanta, Ga. | 6 CLE

18 Georgia and the 2nd Amendment
   Atlanta, Ga. | 6 CLE
Supreme Court of Georgia Approves Amendments to the Rules and Regulations for the Organization and Government of the State Bar of Georgia

Aug. 1, 2019

The Supreme Court of Georgia, having considered the 2019-2 Motion to Amend the Rules and Regulations for the Organization and Government of the State Bar of Georgia, has ordered that Part XII – Consumer Assistance Program, Preamble and Rules 12-101 through Rule 12-109 be deleted and New Part XII – Client Assistance Program, Preamble, and Rules 12-101 and 12-102, be approved, effective Aug. 1, 2019.


The new rule can also be found on the State Bar of Georgia website at www.gabar.org/rules.

Aug. 8, 2019

The Supreme Court of Georgia, having considered the 2019-1 Motion to Amend the Rules and Regulations for the Organization and Government of the State Bar of Georgia, has ordered that Part VII – Lawyer Assistance Program, Chapter 1, Lawyer Assistance Committee, Preamble, Rule 7-101 (Committee); Rule 7-102 (Membership); Rule 7-103 (Responsibility); Rule 7-104 (Funding); Chapter 2, Guidelines for Operation, Rule 7-201 (Education, Information and Awareness); Rule 7-202 (Volunteers); 7-203 (Procedures for Receiving and Action on Information Concerning Request for Assistance); Rule 7-204 (Definitions); Chapter 3, Procedures, Rule 7-301 (Outsourcing of Clinical Services); Rule 7-302 (Confidentiality); Rule 7-303 (Reports), and Rule 7-304 (Immunity) be amended, effective Aug. 8, 2019.


The new rule can also be found on the State Bar of Georgia website at www.gabar.org/rules.

Sept. 5, 2019


The new rule can also be found on the State Bar of Georgia website at www.gabar.org/rules.

Visit www.gabar.org for the most up-to-date information on committees, members, courts and rules.
Proposed Amendment to the Uniform Rules for Superior Court

At its business meeting on Aug. 14, 2019, the Council of Superior Court Judges approved a proposed amendment to Uniform Superior Court Rule 6.1. A copy of the proposed amendment may be found at the Council’s website at http://georgiasuperiorcourts.org.

Should you have any comments on the proposed amendment, please submit them in writing to the Council of Superior Court Judges at 18 Capitol Square, Suite 104, Atlanta, GA 30334 or email them to uniformrules@cscj.org. To be considered, comments must be received by Monday, Jan. 6, 2020.
Position Wanted
Active Law Practice—Tucker. Senior lawyer with bilingual civil practice seeks an associate lawyer to assist with the practice. Bilingual (English/Spanish) preferred, but not required. Salary commensurate with experience. At least 3-5 years experience preferred. Please submit resume and qualifications to will@wharroyo.com.


PI Associate Attorney—Personal Injury Law Firm is seeking a junior associate and experienced associates in the Jacksonville and Gainesville, FL area with 0-5 years of PI experience for entry level personal injury position. Energetic self-starters with great written and verbal communication skills are a must. Military veterans given preference but not required. If you are highly motivated to do great lawyering for your clients, aren’t afraid to pay your dues and want excellent professional development and earnings potential, then send detailed cover letter (explaining your desire to represent the injured and your willingness to pay your dues) along with resume and references to nina@youhurtwefight.com. Compensation commensurate with experience. If you are not serious about your legal career and willing to pay your dues, then do not apply.

Regional insurance defense firm is in need of a motivated associate with preferably 2-3 years of experience in complex litigation. Breadth of practice and maturity is a plus. Can be expected to handle depositions, hearings and trials immediately upon hiring. Fast paced office with significant opportunities. Salary commensurate with skill level and experience. Competitive compensation package with health benefits and 401(k) option offered. Email your resume to bveras@gallowaylawfirm.com.

Property/Rentals/Office Space
Individual 159 sq. ft. office for rent—Downtown Decatur. $975/Mo. 150 yards from DeKalb Courthouse. Shared suite w/ attorneys. Free shared Wi-Fi, kitchen, furniture, conference room, receptionist. Free parking. 24/7 access. One year min. term. Full service lease. Janitorial incl. Contact: gwest@westrealestateadvisors.com.

Luxury Office Space for Lease—Peachtree Law Group “Class A brick & glass building,” with client wow factor, in the church district, 125 Flat Creek Trail, Fayetteville, GA at Highway 54. Beautiful offices available. Abundant free parking at door. Convenient to Peachtree City (one mile). Leases starting as low as $550 per month furnished and includes all utilities, cleaning service, security system and break room. Well maintained. Receptionist available. Beautiful, modern and spacious conference room. Private entrance. Also, 2K sq. ft. space available. For more information, contact david@peachtreelawgroup.com.

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