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The Georgia Bar Journal welcomes the submission of unsolicited legal manuscripts on topics of interest to the State Bar of Georgia or written by members of the State Bar of Georgia. Submissions should be 10 to 12 pages, double-spaced (including endnotes) and on letter-size paper. Citations should conform to A UNIFORM SYSTEM OF CITATION (19th ed. 2010). Please address unsolicited articles to: Kristin Poland, State Bar of Georgia, Communications Department, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303. Authors will be notified of the Editorial Board’s decision regarding publication.

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

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The April Issue

As I write this, businesses across the state have announced closures for an indefinite period. Schools are closed. Those who can are isolating themselves and their families in an effort to stop the spread of COVID-19. Essential employees are bravely stepping out every day to try to provide necessary services to our citizens. I’ve never experienced anything quite like what is happening right now. When it all began, my first hope was that we would all be able to get back to our normal lives and our normal routines quickly. Now, weeks later, I find myself hoping for something better. Perhaps that something is a little more kindness and gratitude in our hearts. In the spirit of that hope, we are bringing you some great content this month. So, allow me to take a deep breath, and tell you about this edition.

Darrell Sutton’s president’s page this month is filled with examples of dedication and hard work of legal professionals all over the state in the face of the COVID-19 pandemic. Their efforts are making a difference in the lives of Georgians at this trying time and reflect the very best of our profession.

In our legal article this month, author Rachel A. Elovitz takes a closer look at the challenges faced by those attorneys serving children, who are such a vulnerable group. In “The Perils of Guardian Ad Litem Appointments,” Elovitz discusses the complications that can arise when dealing with children in the justice system, even for guardians ad litem with the best of intentions, and shows us the tragic consequences these complications can have on the children.

If you are in search of your next book, we have the good fortune of having two book reviews featured in this edition. Patrick W. McKee’s new novel, “Ariel’s Island,” comes strongly recommended by reviewer Bill Bost. The fictional novel has it all—courtroom drama, murder, mystery and romance. If nonfiction is more to your taste, author Vincent Coppola’s fantastic biography, “Tommy Malone, Trial Lawyer,” is an excellent choice, according to reviewer Kevin Patrick. Patrick, also a member of our Editorial Board, had the great foresight to set up a meeting with the book’s subject during the review process, and we get the benefit of reading some of Malone’s own thoughts on the book.

Thanks for reading, and take care!

KRISTIN POLAND
Editor-in-Chief, Georgia Bar Journal
journal@gabar.org
In the Face of Difficulty, Hope Can Be Found

This edition of the Georgia Bar Journal went to press and is being delivered to you during a time that for most of us is filled with uncertainty, worry, fear, anxiety and grief—all unlike any we have ever before experienced. Our world as we know it has been shuttered—in many cases literally.

The global COVID-19 pandemic has brought previously unimaginable devastation. Lives lost. Businesses closed. Jobs eliminated—and millions upon millions of unemployment benefit claims. Nearly all of us ordered into isolation from our extended families, friends and coworkers. All amid more than 1 million confirmed cases and growing worldwide at the beginning of April, with forecasts of up to 100,000 deaths in the United States alone.

The devastation extends to our very “way of life” through the cancellation of popular entertainment and sports events. Just here in Georgia, the NCAA Final Four men’s basketball championship did not take place. A ballpark in Cobb County sat empty, devoid of Braves’ baseball. And the world of golf will now wait until November for its return to Augusta, Medinah instead of the annual April pilgrimage to the Masters.

Georgia lawyers are no different from any other professionals having to adapt to this “new normal” in American society. Law firms large and small have closed their offices and have their partners, associates and staff members working from home. Client “meetings” now take place online or on the phone except when absolutely necessary.

On March 14, Supreme Court of Georgia Chief Justice Harold Melton declared a statewide judicial emergency, essentially grinding the wheels of justice to a temporary halt, except for matters critical or essential to protecting the “health, safety and liberty of individuals.” And on April 6, that declaration was extended through May 13.

Even though many of us—and those we know and love—have already lost so much, perhaps the worst part is the unknown: what is yet to come. I suspect that for so many of us, we will look back upon the first half of 2020 as the most difficult time of our lives.

In the face of this difficulty is a struggle to find hope. But over the last month, I have time and again seen strength; time and again witnessed demonstrations of support and care for others; and time and again observed concern for one another. This is where hope can be found.

Hope can be found in the dedication of those like Lamont Burwell.

On March 12, we made the difficult decision to close the Bar Center, the Bar’s Coastal Georgia Office in Savannah and South Georgia Office in Tifton. Since then, that closure was extended to April...
In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, “If you could only have three apps on your smartphone, which would you pick?”

OFFICERS’ BLOCK

DARRELL SUTTON
President
Considering I am directionally challenged and the number of trips being president has afforded me the opportunity to make, I would be hard-pressed to function without my Maps app (and sometimes Waze). And being a sports fan, I have an unhealthy devotion to the ESPN and CBS Sports apps.

DAWN M. JONES
President-Elect
1) Tiny Scanner Pro (on-the-go scanning); 2) Waze (pretty accurate navigation); and 3) Amazon Alexa (while away I can change HVAC settings, turn lights on/off, play music for my fur baby, etc.).

ELIZABETH L. FITE
Treasurer
Who can live now without Messages? In addition to that, I would choose Safari and Apple News.

SARAH B. “SALLY” AKINS
Secretary
1) Outlook—My virtual office for email and calendar; 2) Waze—I have NO sense of direction; and 3) Words With Friends—I’m addicted!

HON. KENNETH B. HODGES III
Immediate Past President
I’d have three categories: 1) Navigation—ForeFlight for air and Waze for ground; 2) News—NY Times for national, AJC for state and Albany Herald and WALB for local; and 3) Social media—Facebook and Twitter, both to monitor Steve Dillard, to see where he has checked in and what he’s doing.

7, and is currently extended through May 13.

In the process, the more than 120 members of the Bar’s staff were, like so many of you and so very many American businesses and their employees, in an instant required to work remotely—even though the Bar did not necessarily have in place the infrastructure needed for them to do so.

Enter Lamont Burwell, director of the Bar’s Management Information Systems Department. Because of Lamont’s tireless effort, as of March 30, nearly two-thirds of the Bar’s staff had the server access, hardware and other infrastructure necessary for them to function remotely just as they would if in the office, and 100 percent of staff had access to their Bar email accounts.

Hope can be found in the random acts of kindness demonstrated by Georgia’s lawyers.

Despite the closure of the Bar Center, the Bar’s security staff have remained on site 24 hours per day. As the first faces we see each time we enter the Bar Center building, the security staff members are familiar to many of us.

Perhaps because of this, Bar members have shown concern for them, too. This includes Bar member Nancy Prager of Atlanta, who arranged to have pizza delivered to the security guards each Wednesday since the Bar Center’s closure was announced.
It is in these examples of hope that we will find the strength to endure what lies ahead. In our community and collective support for each other, this is how we will ensure our resurgence.

Hope can be found in the concern about the ability of Georgia’s lawyers to continue working.
For weeks, Director of Governmental Affairs Christine Butcher Hayes and the legislative program team have worked every day to secure the various orders needed from the State Capitol and the Supreme Court for Georgia’s lawyers to continue operating their practices. These include an order permitting remote real estate closings and remote notarization and witnessing in the context of real estate transactions, an order that classifies lawyers and law firms as essential services, and an order that permits remote notarization and witnessing of a broad array of other legal documents.

Hope can be found in the desire of Georgia lawyers to help others.
The pandemic and its fallout have impacted us all, especially the less fortunate in our state and country. People are in need of civil legal services; people are facing food insecurity; and people need donations of blood. Georgia’s lawyers are helping fulfill those needs.

Near the end of March, a task force among the State Bar, Atlanta Legal Aid Society and Georgia Legal Services Program was formed to address issues related to the delivery of civil legal services for low-income Georgians that have arisen and continue to arise as a result of this pandemic.

The Bar’s role in this task force is being fulfilled by a special committee chaired by Board of Governors member Paul Painter of Savannah. For sure, Paul’s committee will provide support to Atlanta Legal Aid and Georgia Legal Services as they continue to fulfill their missions under these trying circumstances. Under Paul’s leadership, the committee will also identify other issues arising as a result of the pandemic affecting both the legal system and the legal profession, develop solutions to them, and then work with Bar leadership and other appropriate entities to implement those solutions.

Meanwhile, under Young Lawyers Division President Will Davis’ leadership, the YLD Signature Fundraiser raised more than $20,000 for Georgia Legal Services—despite the fact the pandemic forced the cancellation of the fundraising event itself.

Will and the YLD have also converted their “Build a Better Georgia Day”—originally devoted to Habitat for Humanity builds—into a day of blood donation drives in conjunction with local Red Cross offices across the state.

The YLD is also using its partnership with the state’s community food banks and the Attorney General’s Office through the annual Legal Food Frenzy to ensure that every Georgian—especially Georgia’s children—have access to food as the pandemic continues. The Legal Food Frenzy will take place between April 20 and May 1, raising funds so that Georgia’s eight community food banks can continue, among other things, providing free breakfast and lunch to children who rely on free or reduced-priced school meals.

It is in these examples of hope that we will find the strength to endure what lies ahead. In our community and collective support for each other, this is how we will ensure our resurgence. ●
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Why Diversity Matters in the Legal Profession

“We, as lawyers, have been given great power and responsibility in preserving the health of our democracy. Our various colors, national origins, genders, religions and sexual preferences are irrelevant to our worthiness to shoulder those burdens, yet allow us as a profession to understand and ably represent every combination of those constituencies. Hearing every voice makes us stronger as a nation.”

That statement was submitted to the newsletter of the Illinois State Bar Association’s Diversity Leadership Council, among those written by members of the Illinois Bar’s Standing Committee on Women and the Law, and the Standing Committee on Minority and Women Participation, on why diversity matters to them. I will share several others in italics throughout this article.

Diversity is important to the legal profession, despite the profession’s history and how long it took for Bar leaders to realize it. Here in Georgia, I am proud to say the Young Lawyers Division has always been at the forefront of change and creating new programs for the State Bar. I think that is, in part, based on our diverse participation.

As the first openly LGBT president of the YLD, I can look back on leaders who have come before me and appreciate that the YLD has led the way in terms of diversity within the State Bar leadership.

The YLD’s first woman president, Donna Barwick, served in 1988-89, nine years before Linda Klein became the State Bar’s first woman president, in 1997-98. The YLD has now had 14 female presidents, compared to three for the “big Bar,” although current President-elect Dawn Jones, Treasurer Elizabeth Fite and Secretary Sally Akins are standing in line to potentially double that total over the next three years.

Derek White became the first African-American YLD president in 2002-03. He was followed by Damon Elmore (2005-06) and Amy Howell (2009-10). Patrise Perkins-Hooker (2014-15) remains the only African-American president of the State Bar, until Dawn Jones takes her oath of office two months from now.

My immediate predecessor, Toombs County Chief Magistrate Judge Rizza Palmares O’Connor, is Georgia’s first Filipino-American judge and first Filipino-American president of the YLD.

“The interpretation of the law is influenced by a person’s background and life experiences. Because we are a diverse nation, we need lawyers with diverse backgrounds to interpret and draft the law within our Constitutional framework. The legal profession, therefore, should be inclusive of all peoples and many ideas. When a client has a legal issue to solve, the client must feel confident that his or her voice will be heard, no matter his background, gender, color or faith. If the client can see diversity in the legal profession, the client will
feel more confident that he has received a fair resolution of his legal issue.”

In State Bar leadership, diversity in all areas (race, age, geography, practice area, gender) helps us succeed in so much of what we do. Bar leaders have increasingly embraced the concept in the election of officers and Executive Committee members and appointments of at-large Board of Governors members, various committee chairs and the overall makeup of Bar committees.

Addressing the Board of Governors, 2016-17 State Bar President Pat O’Connor talked about that year’s Bar nominees to the Judicial Qualifications Commission: “We have continued to promote diversity among our ranks. Tomorrow this board will vote on a list of proposed nominees to the JQC. You will receive seven names. Of those seven, three will be persons of color, two will be women and every region of the state will be represented. In my appointments this year, I have tried to be equally aware of the need for diversity in the leadership of our Bar. I am pleased to welcome Dawn Jones as our newest officer, and I hope that many more women and members of various ethnic and other minority groups will continue to seek and attain leadership roles in the State Bar. Equal and diverse representation makes us stronger.”

OFFICERS’ BLOCK

In this issue of the Georgia Bar Journal, we asked our YLD officers, “If you could only have three apps on your smartphone, which would you pick?”

WILL DAVIS | YLD President
If I had to limit myself to three apps, I would choose: 1) Facebook—It’s a 15-year habit I cannot seem to kick; 2) Lyft—An essential app for getting around when I travel; and 3) DoorDash—Never underestimate the power of being able to easily order food at a minute’s notice.

BERT HUMMEL | YLD President-Elect
My three iPhone apps would have to be Mail, Apple News and my credit card app. This is probably an answer that qualifies me for an AARP card rather than qualifying as a “young lawyer.” If it was during football season, I would maybe cut the credit card app and add a fantasy football app.

ELISSA B. HAYNES | YLD Treasurer
Assuming the Mail and Messages apps do not count against my three, given their “pre-loaded” status, the three apps I likely use the most are Peloton, Waze (I have zero sense of direction) and Instagram (cue the Millennial insults...).

RON DANIELS | YLD Secretary
In this fantasy world we have created, I would live in the confines of Walt Disney World. Thus, my apps would be My Disney Experience, Facebook and TikTok (whatever that is).

RIZZA O’CONNOR | YLD Immediate Past President
I would have to pick: 1) Camera—I need to take pictures/videos of my cute kids!; 2) Photos—So I can look at pictures/videos of said cute kids; and 3) Google Maps—So I know where I’m going.

ASHLEY AKINS | YLD Newsletter Co-Editor
If I could only choose three, they would be the iPhone Camera app, Google Maps and Spotify.

AUDREY B. BERGESON | YLD Newsletter Co-Editor
My three apps would be: 1) FaceTime, which I need to keep up with my sister, who is currently abroad; 2) Photos, because I love scrolling through pictures of my baby daughter any time we are apart; and of course, 3) Mail. What can I say? Lawyers need constant access to email.
We must remain constantly diligent in our efforts to ensure that all communities have seats at the table in the years ahead.

His immediate successor, 2017-18 President Buck Rogers, concurred, stating at the outset of his term, “The very definition of a unified State Bar requires there be diversity within the legal profession—and we must embrace it now more than ever. The State Bar does not represent just one segment of Georgia’s legal community. It represents them all, and we need the viewpoints of all our diverse communities and practice areas to be heard. I remain committed to working with each of you to ensure the actions we take as the year goes on are in the best interest of all of our membership and the public at large.”

“Diversity matters because it leads to the creation of better problem solving models. Without diversity creativity can be stunted. Without diversity it becomes a struggle to brainstorm new and innovative ideas and problem solve because everyone has the same mind set, the same worldview. With the same or similar mindsets people are less capable of bringing divergent perspectives, experiences, knowledge or histories to the table. For me diversity matters most especially for those of us involved in conflict resolution as the same or similar mindsets people are less capable of bringing divergent perspectives, experiences, knowledge or histories to the table. For me diversity matters most especially for those of us involved in conflict resolution as it allows us to tap into the vast creativity, which only diverse experiences and perspectives can bring.”

The State Bar maintains an active Diversity Program and promotes the inclusion of all Bar members, which in turn helps fulfill the constitutional promise of justice for all. According to the program’s website, the Georgia Diversity Program was established in 1993 by then-Immediate Past President Charles Lester and Fulton County Superior Court Judge Marvin Arrington Sr. Its mission is to provide support to, and to promote the inclusion of and advocate for the advancement of, all members of the State Bar of Georgia regardless of race, nationality, ethnicity, religion, sex, gender identity, sexual orientation, disability or age. The program achieves its mission by:

- Providing forums to discuss recent diversity and inclusion developments in the legal profession;
- Presenting annual continuing legal education programs on diversity and inclusion trends, strategies, policies and initiatives that corporate, government and not-for-profit legal departments and law firms are successfully implementing;
- Furnishing resources on diversity and inclusion and strategies to promote diversity in the legal workforce;
- Presenting an annual business development symposium that is designed to (1) promote inclusion of women and minorities on outside counsel teams that serve corporate and governmental clients; (2) create opportunities for women and diverse counsel to develop relationships with corporate in-house counsel and government counsel; and (3) provide majority and minority-owned law firms opportunities to hear from corporate and government in-house counsel on how corporations and governmental entities measure diversity and inclusion initiatives of firms when selecting outside counsel;
- Presenting an annual judicial and summer associates reception to demonstrate to law school students the State Bar of Georgia’s commitment to diversity and inclusion in the profession, and encourage new attorneys to become members of the State Bar of Georgia; and
- Coordinating a High School Pipeline Program that introduces law firms, and corporate, government and not-for-profit legal departments to talented minority students in Georgia’s high schools who have expressed an interest in pursuing a career in law after college and that provides educational programs designed to help such students achieve their goals.

“Diversity is critical to the legitimacy of our judicial system and the rule of law. If our justice system does not reflect the diversity of our community, it will lose credibility and respect among those who feel their views and circumstances are not being fairly represented within the system. Accordingly, we must have diversity not only on the bench, where we have placed great authority for decision-making, but also among lawyers, who have been granted a special privilege to represent the interests of those with business before the courts and a corresponding responsibility to understand the clients’ unique needs and circumstances. For those who are less altruistic, diversity is important to a law firm’s bottom line. The American population is becoming increasingly diverse and our legal business is transcending our national borders. Law firms that appreciate and embrace diversity—in their personnel and within the law firm environment as a whole—will be best positioned to attract this diverse clientele and thrive.”

I am happy that the State Bar of Georgia recognizes the importance of diversity in shaping the future of an increasingly diverse population. I am also proud of the fact the YLD has led the way in diversifying the leadership structure of the Bar. We must remain constantly diligent in our efforts to ensure that all communities have seats at the table in the years ahead.

“There is strength in diversity, and I want to be as strong as I can be.”

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Quintairos, Prieto, Wood & Boyer, P.A., a growing multi-office national law firm, is seeking litigation attorneys for its Roswell, Atlanta office with experience in the following practice areas: Professional Liability Defense, General Liability Defense, Insurance Defense, Commercial Litigation and Workers’ Compensation Defense. We will consider Attorneys located in other areas of Georgia as we continue to expand our Georgia footprint and Attorneys licensed in Georgia who live and are licensed in Georgia neighboring states. Portable book of business a plus.

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Aaron Buchsbaum: An Example of What Human Beings Should Be

During the American Civil Rights Movement of the 1960s, change swept through communities across the South—in some cases amid great resistance and eruptions of violence, while in others through the influence of local heroes who were determined to bring an end to segregation and injustice.

In Savannah, Georgia, one of those heroes was a lawyer named Aaron Buchsbaum, whose abhorrence to bigotry and a belief in equal justice for all were the driving forces in his legal career, along with a lifelong dedication to the betterment of his community and the lives of his fellow citizens.

Aaron Levy Buchsbaum was born April 9, 1931, the son of Herbert and Sarah Levy Buchsbaum. According to his obituary in the Savannah Morning News, his father was co-owner of Buchsbaum Brothers wholesale grocery. His mother was the daughter of Aaron Levy, the founder of Levy Jewelers, for whom Aaron was named.

Buchsbaum attended Massie School, which was behind his house on Gaston Street, and Savannah High School where, despite being the top-ranked tennis player, he was barred from becoming team captain because of his religion. He graduated from Tulane University in 1952 and earned his law degree from Emory University School of Law, with honors and as editor-in-chief of the Journal of Public Law, and was admitted to the State Bar of Georgia in 1954.

Before starting his career in the legal profession, Buchsbaum served in the Army as a specialist first class with the Army Audit Agency in Paris. He then returned to Savannah, where he had grown up amid widespread poverty and racism, witnessing abuses he could neither comprehend nor accept. As a lawyer, he would spend the next 50 years working to end injustice and inequality in his hometown and elsewhere.

Early in his career, Buchsbaum successfully challenged legal practices used in Savannah to jail civil rights demonstrators, including a teenager named Edna Jackson, who was arrested at a Tybee Island sit-in. In 2012, Jackson was the first African-American woman elected as mayor of Savannah.

Buchsbaum also took on the case of Rick Tuttle, a civil rights Freedom Rider who had come to Savannah in 1963 to help register black voters. Tuttle, who went on to serve as city controller of Los Angeles, was quoted in Buchsbaum’s obituary as saying, “I was a pretty unpopular fellow in Savannah when Aaron took my case. This could have gone very badly for someone trying to build a practice, support a young family, pay a mortgage. That’s called courage.”

The same year, Savannah Mayor Malcolm Maclean appointed Buchsbaum to serve on a biracial committee that sought to negotiate an end to the city’s segregated public facilities, a year before Congress passed and President Lyndon Johnson
signed the Civil Rights Act. The work of the committee was widely credited with ushering in a relatively peaceful desegregation of Savannah facilities.

Buchsbaum also challenged support of segregation within his own profession. In 1965, he and several other members desegregated the Savannah Bar Association by quietly stacking a meeting with supporters of integration and proposing Gene Gadsden, president of the NAACP Legal Defense Fund in Savannah, for membership. Gadsden’s membership was approved during an acrimonious meeting. Fifteen years later, Buchsbaum resigned from the Savannah Bar because it continued to hold events at private clubs with discriminatory membership policies over his longstanding objections, writing, “bigotry or discrimination practiced against any minority or other group is as abhorrent to me as if I were the individual victim.” He rejoined the association in 2004 only after it changed that practice.

One of Buchsbaum’s most influential cases came in 1967 when he was the first attorney to challenge racial discrimination in Georgia’s grand and petit jury selections. A ruling on his appeal of a death penalty case forced the state to expand jury pools from property owners to all registered voters, thus allowing more African-Americans into the system and effectively desegregating the state’s juries. Buchsbaum fell short of a complete victory in 1969, when he took on efforts by Savannah authorities to ban local distribution of a liberal, Atlanta-based underground newspaper. He defended local teenagers who were repeatedly arrested for distributing it and an Armstrong State College professor who was fired for giving it away. Although courts repeatedly threw out obscenity charges, police harassment ultimately drove the publication out of town, and the professor never regained his job.

In a 1970 speech, Buchsbaum asked, “Are we so unsure of our way of life that we cannot have dissent in word and print? We should not only tolerate but welcome dissent in America. Our nation was born of dissent.” Throughout his career, Buchsbaum worked countless hours pro bono and to establish and expand organizations that provided legal representation for the poor.

In 1966, he became president of the Legal Aid Society of Savannah, opening its first full-time office, and later joined the board of its successor, the Georgia Legal Services Program (GLSP). As GLSP president from 1976 to 1981, he oversaw a broad expansion to include representation of migrant farmworkers and legislative advocacy, and doubled the number of offices statewide to more than 20. His obituary notes that in 1974, then-Gov. Jimmy Carter appointed Buchsbaum to the Governor’s Commission on Criminal Justice Standards and Goals, where he helped recommend new laws to improve the state justice system, especially to make it more accessible to the poor.

Buchsbaum was the volunteer cooperating attorney with the American Civil Liberties Union for Savannah, and a member of its Georgia advisory board. He joined the NAACP and for more than 40 years served as the attorney for the local anti-poverty agency, the Economic Opportunity Authority. Buchsbaum also actively promoted minority professionals into positions of leadership.

When Buchsbaum received the NAACP Freedom Award in 1991, his former law partner, Judge James W. Head, said, “He has confronted issues and people
at times and places when and where it was unpopular, very unpopular. But this has not deterred his efforts or determination to change those things he deems in need of alteration. If you truly know this man, as I do, you respect him for his courage, his intellect, his zeal and his sense of humor.” Buchsbaum once said in an interview that his mother sometimes worried his civil rights activities would hurt his practice, but she never tried to talk him out of it. “She knew she couldn’t,” he said. “It was something that I believed in, that people should be treated fairly, regardless of their race, religion, sex, age or anything else.” Buchsbaum’s contributions to the Savannah community were not limited to his work as a lawyer and civil rights activist. A lover and ardent proponent of classical music, he was active in the Savannah Concert Association, the Cultural Arts Commission, the Savannah Symphony and City Lights Theatre, helping bring acclaimed musical performances to Savannah. Frustrated by losing the signal of an Atlanta public radio station on return car trips from the state capitol, he and a group of friends brought public radio to Savannah by founding WSVH, which went on the air in 1981. He also served on the board of Savannah Landmark Rehabilitation Project, a nonprofit organization that renovates housing for occupancy by low-income tenants and has restored hundreds of homes in the Victorian District without gentrification. A longtime leader of Savannah’s Jewish community, Buchsbaum served twice as chairman of the United Jewish Appeal, to which he gave generously. He served on the board of the Savannah Jewish Council and on the executive committees of the National Jewish Community Relations Advisory Council, including a stint as vice chairman from 1971 to 1976. He was also a lifetime member of the southeastern advisory board of the Anti-Defamation League. In 2011, the Economic Opportunity Authority for Savannah-Chatham County Area Inc. honored Buchsbaum, who had been the authority’s attorney for more than 40 years, by naming its Head Start building on May Street as the Aaron L. Buchsbaum Learning Center. The center assists hundreds of local children ages 1-4 from low-income households with getting ready to enter the school system. John Finney, longtime executive director of the authority, said of Buchsbaum at the time, “He was the only attorney we ever knew. He has done so much but done it so quietly. Aaron rendered many community services without fanfare.”

Buchsbaum was married for 58 years to the former Esther Rosenbaum of Atlanta. They had four children and four grandchildren. He died April 12, 2014, at age 83 of complications from Alzheimer’s disease, but his legacy of representing those unable to afford a lawyer lives on. Near the end of his life, a gift of $650,000 from the Buchsbaums to his law school alma mater at Emory University established the Aaron L. Buchsbaum Fellowship Fund. As a result, a recent Emory Law graduate will be chosen every other year to receive funding to work as a fellow at GLSP for a year. Emory Law Dean Robert A. Schapiro said at the time, “For our graduates who will be lucky enough to serve GLSP, they will derive—as Aaron did—enormous satisfaction from improving the lives of individuals while always being aware of opportunities to change a policy or law for the benefit of many.”

When it comes to benefiting the lives of others, those who remember Aaron Buchsbaum can point to his success as a lawyer, his courageous work for the cause of civil rights, his service to his hometown and faith community, or his dedication to pro bono legal services. But when you add them up, Buchsbaum achieved legendary status, or as former Savannah Mayor Otis Johnson once described his friend, “an example of what human beings should be.” ●

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

The guardian ad litem, an officer of the court, holds a position of trust with respect to the minor child at issue and is duty bound to exercise due diligence in performing her (or his) role under the Code. Their work, generally considered valuable, “is not without legal and ethical uncertainty. . . .” This article speaks to potential complications that can arise.

BY RACHEL A. ELOVITZ

Our law views children, in most regards, as legally incapacitated. They are thought to lack the maturity, life experience and sound judgment that adults enjoy in making fundamental life decisions. This belief informs our legal tradition. It is why our common law has long recognized the fundamental right of parents to speak and make decisions for their minor children—and why minors, absent limited circumstances, are unable to contract,1 marry,2 sue or be sued in their own names;3 appeal a civil case without the aid of a guardian or next friend;4 or refuse medical or surgical treatment for their own bodies.5 The nature of childhood, in the eyes of the law, is for the most part wanting and weak, requiring the assistance of one sui juris, which the law explains as follows:

The wants and weakness of childhood render maintenance by someone other than the child himself indispensable, and the voice of nature indicates the parent . . . as the fittest person to afford it . . . . The municipal laws of all well regulated societies take care to enforce this duty; though Providence has done it more effectually by implanting in the heart of every parent that unquenchable affection which not even the deformity of person and mind, nor the wickedness, ingratitude, and rebellion of children can totally extinguish.6

When that unquenchable affection, the innate bond between parent and child, is inexplicably absent or lacking, or a parent’s natural desire to protect his or her own flesh and blood takes a back seat to incapacity, abusive inclination or neglect, the state acts to protect one of its most vulnerable populations. Nowhere is this more evident than in abuse and neglect cases, in which the court routinely appoints guardians ad litem as “protector[s] of a child’s best interest.”7

The practice of appointing a guardian ad litem (GAL) to represent the best interests of minor children has been pro-
lific since the 1974 passage of the Child Abuse Prevention and Treatment Act (CAPTA),8 the goal of which was to ensure adequate representation for children at issue in state-initiated abuse and neglect cases (“deprivation” or “dependency” cases). GAL representation was subsequently expanded to other proceedings, including custody and visitation.

In recent years, the utilization of GAL appointments has become even more widespread, resulting in GALs performing diverse roles that include everything from fact investigator, mental health evaluator, next friend attorney, family mediator and child’s attorney.10 Their work, generally considered valuable, “is not without legal and ethical uncertainty. Incompatible ethical mandates, sparse statutory guidance, and undeveloped case law compound these quandaries.”11 Complicating matters further, the role, appointment, training and compensation of GALs vary greatly state to state,12 county to county, judge to judge and case to case.13 In fact, a study by the U.S. Department of Health and Human Services undertaken to evaluate the effectiveness of the guardian ad litem system found that “a lack of legislative guidance and disagreement among and within States regarding how best to provide this representation has resulted in a chaotic and inconsistent system of GAL representation.”14

In dependency proceedings alone, there are courts that “use only attorney guardians, others [that] use a combination of attorneys and CASAs or other trained citizens and volunteers, and yet others [that] use CASAs or trained citizens and volunteers exclusively.”15 Just within the greater metropolitan area of Atlanta, Georgia, “Fulton County [Juvenile Court] appoints legal counsel for each child who is the subject of a deprivation petition and may not appoint a guardian ad litem, whereas DeKalb County Juvenile Court appoints counsel to serve in a dual role as attorney and best-interest advocate.”16 The distinction between the role of the GAL and Child Advocate is one with a difference. “A child’s attorney, unlike a [GAL], must attempt to maintain a normal client-lawyer relationship with the child, and the attorney must defer to the child’s wishes regarding the ultimate objectives of representation.”17 A GAL, however, “is bound to protect the best interests of the child, even in contravention [to] the child’s personal desires.”18 Nonetheless, there are jurisdictions, like Georgia, that allow a GAL to serve in a dual capacity, a practice that has been characterized as “ethically and legally problematic, insofar as it permits GALs to act simultaneously as attorneys and witnesses.”19

In dependency proceedings alone, there are courts that “use only attorney guardians, others [that] use a combination of attorneys and CASAs or other trained citizens and volunteers, and yet others [that] use CASAs or trained citizens and volunteers exclusively.”
vestigation, whereby the GAL “functions as the court’s investigative agent, charged with the same ultimate standard that must ultimately govern the court’s decision.”

At the federal level, the appointment of a GAL is a “procedural question controlled by Rule 17(c) of the Federal Rules of Civil Procedure (FRCP), which allows for such an appointment “only in the case of ‘an infant or incompetent person.”’ FRCP 17(c) does not make a GAL appointment mandatory; it is sufficient if the court believes that the person’s interests are “otherwise adequately represented and protected.” The judge, however, may not “ignore or overlook such a fundamental requirement for the protection of infants.” This rule has been interpreted to mean that

(1) as a matter of proper procedure, the court should usually appoint a guardian ad litem; (2) but the court may, after weighing all the circumstances, issue such order as will protect the minor in lieu of appointment of a guardian ad litem; (3) and may even decide that such appointment is unnecessary, though only after the court has considered the matter and made a judicial determination that the infant is protected without a guardian.

The GAL, an officer of the court, holds a position of trust with respect to the minor child at issue and is duty bound to exercise due diligence in performing her (or his) role under the code. The most common GAL role is that of investigator, which requires the GAL to “ review documents, reports, records and other information relevant to the case, meeting with and observing the children in appropriate settings, and interviewing the natural parents . . . therapists for both children and parents, and any other person, such as school personnel, with knowledge relevant to the case.” The GAL consolidates information gathered, augmented by his or her own observations and the results of any psychological testing, which the GAL then presents to the court in the form of a written report, including recommendations concerning custody, visitation and special parenting time parameters.

It is axiomatic that in drawing conclusions about a child’s best interest, a GAL should listen to and consider a child’s concerns. Doing so, however, requires the GAL to first establish a basic level of trust with the child and an ability to communicate with the child in such a way that the child feels safe being open and honest with the GAL. Establishing the necessary trust can be made difficult when parents instruct the child not to speak about certain matters, or the child does not speak easily to strangers, or the child tries to please one or both of his parents by manipulating the interview to achieve that end. “Warnings [by the GAL or from parents] of non-confidentiality only exacerbate this difficulty.”

The resulting risks are minimally two-fold. One is that a GAL, particularly one without sufficient training or insight, submits a report that is quiet on the child’s concerns, such that the child does not have a voice in a decision that meaningfully impacts him or her. The second is that the GAL’s report speaks to concerns articulated by the child—but fails to identify or articulate when, because of an unhealthy family dynamic, a history of domestic violence, mental health issues, situational anxiety, parental alienation, or any other matter or reasons, the child’s concerns may have been influenced by a desire to please, the fear of reprisal, coaching or other manipulation.

What makes this process particularly perilous is that courts tend to defer to GAL opinions, even in cases when GALs may not be qualified (as in cases involving allegations of domestic violence and sexual abuse) to make a best interest recommendation:

In custody cases, courts often ask those performing the role of guardian ad litem to render expert opinions even though they do not have the requisite training to do so. It is assumed that they can make such a recommendation merely because they have done an investigation at the request of the court. In effect they are imbued with expertise, merely by virtue of having been placed in that role, irrespective of their actual background. Most courts and voluntary programs require some type of training in order to qualify for appointment as a [GAL], but such training could be as little as seven hours . . . . Even if the training is for up to forty hours . . . very little time is spent on child development, family dynamics during stress, and the other substantive knowledge that one would expect from an expert.

For a cautionary tale of the perils of GAL appointments, taken to their extreme, consider the Mississippi case of S.G. v. D.C. In 2000, the parents of two minor children, Jane (five) and John (three), divorced. Their mother was awarded physical custody, and their father liberal visitation. In 2004, Jane wrote her mother a note in which she said that her “privates hurt BAD.” Accompanying Jane’s note was a sketch of what appeared to be an erect penis. Following her outcry, Jane was brought to a psychologist and a pediatrician, and investigations were instituted by the Lauderdale County Sheriff’s Department and the Mississippi Department of Human Services (DHS). Jane began counseling, but was hesitant to discuss the abuse. While on one occasion she identified her father as the perpetrator, at other times she claimed that she wouldn’t have noticed any abuse, because she “slept real sound.”

The mother relocated with the children to Texas, where the Texas Department of Family and Protective Services (TDFPS) began its own investigation. Jane told TDFPS investigators that her father visited her room on a number of occasions, scratched her “private part” with his fingernail and touched the “fold part” of her genital area. At the Collin County Child Advocacy Center (CCCAC), Jane also described in even greater detail how her father molested her. While investigations were ongoing, Jane’s father filed a motion for contempt to enforce his visitation rights, along with a petition for modification. The mother counterclaimed, requesting that visitation be held in abeyance pending the state’s investigation into the alleged abuse. The trial court appointed a GAL and ordered the mother to return the children to Mississippi.
Georgia Lawyers Helping Lawyers (LHL) is a confidential peer-to-peer program that provides colleagues who are suffering from stress, depression, addiction or other personal issues in their lives, with a fellow Bar member to be there, listen and help.

If you are looking for a peer or are interested in being a peer volunteer, visit www.GeorgiaLHL.org for more information.
During Spring Break 2005, the mother brought the children to Mississippi. The GAL met with them for an hour. During that time, she concluded that the father should be entitled to visit with the children every day during the break from 10 a.m. until 5 p.m., under the supervision of his new wife. After one of the visits, the GAL found Jane visibly upset. Jane refused to discuss what had occurred with the GAL, ostensibly because at that point, there was a deficit of trust. She went home and became hysterical. Her mother and grandmother brought Jane to the hospital, where she found Jane in the fetal position. Jane reported that her father "pulled up [her] shirt, pulled down [her] panties, and touched [her]." The GAL directed that there would be no more visits. The mother returned to Texas with the children, after which the CCCAC told the GAL that during forensic interviews, both children "clearly identified the sexual abuse of [Jane] and named the father as the perpetrator." On June 6, 2005, the father filed a motion in the Mississippi trial court, seeking visitation with the children. Absent a hearing, an order was entered granting the father a week of visitation, supervised by his new wife or his mother. The mother refused to comply and instead absconded from the children. The grandmother brought the children to Mississippi. The GAL met with them for an hour. During Spring Break 2005, the mother and grandmother brought Jane to the ER. The GAL came to the hospital, where she found Jane in the fetal position. Jane reported that her father was the perpetrator. According to the Supreme Court of Mississippi, "[g]laringly absent from the [GAL’s] report is any discussion, evaluation or investigation of either the considerable physical evidence that Jane actually had been sexually abused (if not by her father, then by someone), or the identity of the perpetrator." After receiving the GAL’s preliminary report, the trial court removed custody from the mother and placed them in DHS custody. The trial court ordered that the father and mother be allowed supervised visitation at the discretion of DHS and the GAL and ordered a psychological evaluation of the children. Because the grandmother was concerned that the trial court was ignoring the abuse evidence, she sought to intervene. Her motion was denied.

A scheduled trial did not occur because the GAL was not ready to go forward. Instead, she decided that the children should begin therapy with a new counselor, who recommended that the children be returned to their mother. The GAL submitted another interim report. The judge "skipped to the back," where the GAL recommended that custody of the children remain with DHS but that the children be placed with the mother. The court returned the children to their mother and granted the father unsupervised visitation. The mother refused to comply and instead absconded from the jurisdiction with the children. When she failed to appear for trial, the court granted custody to the father and ordered the mother’s incarceration until she produced the children. The grandmother filed a notice of appeal, seeking reversal of the chancellor’s denial of her motion to intervene, and the mother appealed the custody order. After applying the clean-hands doctrine and fugitive-dismissal rule, the Supreme Court of Mississippi dismissed the mother’s appeal, holding that “it would not serve the best interest of the children if we were to allow the mother who has demonstrated a recurring disregard for the orders of the [Chancery Court], to proceed with her appeal.” The Supreme Court of Mississippi held that the trial court abused its discretion in denying the grandmother’s motion to intervene and remanded for proceedings consistent with that opinion. The Court also took the opportunity to comment extensively on the role of the GAL, stating that:

The chancellor failed to define clearly the purposes for which a [GAL] was appointed. In fact, the record reveals, that at times, the chancellor viewed the [GAL] as a special master for the court, and at other times, as an attorney representing the children.

The Court continued, stating as follows:

If the [GAL] was appointed . . . . as an attorney representing the children, he owed the children all of the loyalty, duties, and confidentiality mandated by the attorney-client relationship. In describing those duties, the Mississippi Rules of Professional Conduct include no exception for a [GAL]. No rule of ethics allows a [GAL] to ignore or violate the attorney-client privilege, or any other aspect of the attorney-client relationship.

On the other hand, if the [GAL] is to act as one who investigates and makes recommendations to the court, that role must be made clear to the parties, and particularly, to the children of suitable age and experience for whom the [GAL] is appointed. Such children have a right to be informed whether or not the guardian ad litem is their attorney, and whether a confidential relationship exists.

Furthermore, where a [GAL] is appointed as an investigator for, or advisor to, the court, the [GAL] should recommend a course of action to the court, but the [GAL] should never serve as a substitute for the court. The court is not bound by the [GAL’s] recommendation, and the court, not the [GAL], is the ultimate finder of fact.

As for the recommendations of the GAL, the Court directed that:

The [GAL] should make recommendations only after providing the court with all material information which weighs on the issue to be decided by the court, including information which does not support the recommendation (emphasis added). The court must be provided all material information the [GAL] reviewed in order to make the recommendation. Recommendations of a [GAL] must never substitute for the duty of a chancellor.
The weight of the evidence in this case demonstrated that the minor child had been subjected to sexual abuse. The GAL, armed with information from the children, a parent, state investigative agencies, medical evaluators, therapists and forensic examiners, limited the material evidence presented to the Court that buttressed his conclusions that the father had been railroaded, failing to even acknowledge or identify the medical evidence that supported the allegations of child abuse. Further, because the GAL was at times afforded the power of the court to make visitation decisions, and because the court at times seemed to rubber stamp the GAL’s conclusions (including after reading just the “back page” of one of the GAL’s reports), interim orders were entered that placed a child who had likely been victimized back in the care of the parent whom she accused of molesting her. As these events unfolded, a mother seeking to safeguard her children from further abuse ignored court orders that she believed put them at risk, and as a result, lost custody of them and was ordered incarcerated. This tragic result speaks to the potential perils of using a GAL, particularly when the dual role is employed, when his or her role is not clearly defined, when material information provided to the court is limited in an effort to buttress the GAL’s conclusions and when the judiciary impermissibly delegates its independent judgment to a GAL. Making decisions about the custody of children is said to be a “Solomonic task.”77 In this representative Mississippi case, Solomon was absent, and the children were figuratively torn apart.●

Endnotes
1. O.C.G.A. § 13-3-20 (indicating that the contract of a minor is generally voidable).
2. O.C.G.A. § 19-3-2 (requiring a person to be at least 18 years of age or be an emancipated 17-year-old as defined in subsection (b) of that Code Section to be competent to marry).
3. O.C.G.A. § 9-11-17. If an infant or incompetent person does not have a duly appointed representative, he may bring an action by his next friend or by a guardian ad litem. Id.
4. In re W.L.H., 314 Ga. App. 185, 187, 723 S.E.2d 478, 479 (2012), aff’d, 292 Ga. 521, 739 S.E.2d 322 (2013). The court could “find no law…authorizing a minor to appeal a civil action on his own behalf without the benefit of a guardian or next friend.” 314 Ga. App. at 186. However, Georgia law does recognize “the right of children as young as 13 to bring direct appeals through their attorney.” 292 Ga. at 533.
7. 292 Ga. at 521.
8. Id. (citing LaShanda Taylor, American Bar Association Center on Children and the Law Youth Empowerment Project White Paper: A Lawyer for Every Child: Client-Directed Representation in Dependency Cases, 47 Fam. Ct. Rev. 605, 611 (2009)).
9. In Georgia, the Code defines a “dependent child” as one who, among other things, “[h]as been abused or neglected and is in need of the protection of the court.” O.C.G.A. § 15-11-2 (22). The Code defines “abuse” as “[a]ny nonaccidental physical injury or physical injury which is inconsistent with the explanation given for it suffered by a child as the result of the acts or omissions of a person responsible for the care of a child; or [or] . . . [e]motional abuse. . . .” In the Interest of R. D., 346 Ga. App. 257, 259, 816 S.E.2d 132, 134 (2018)(alteration in original)(internal quotation marks omitted).
11. Id.
12. Daniel McNeely and Jiayan Chen (DV LEAP interns under the supervision of Joan Meier, Executive Director) and updated by Michael Bassett & Elizabeth Liu (DV LEAP attorneys), The Problematic Role of Guardians Ad Litem in Custody and Abuse Cases, Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)(citing Inga Laurent, This One’s for the Children: The Time has Come to Hold Guardians Ad Litem Responsible for Negligent Injury and Death to Their Charges, 52 CLEV. ST. L. REV. 655, 660 (2004-2005)).
13. Id. See also Emily Gleiss, The Due Process Rights of Parents to Cross-Examine Guardians Ad Litem in Custody Disputes: The Reality and the Ideal, 94 MINN. L. REV., 2103, 2116 (2010) (“explaining that current state statutes illustrate basic differences in appointment guidelines and the variations in terminology, roles and responsibilities, and levels of discretion of those appointed to represent the interests of children.”). 14. Id.
15. 292 Ga. at 532.
16. Id. (citing BENCHBOOK, ch. XXIX, § (C) (f)).
17. Id. at 524 n.2 (alluding to Ga. R. Prof. Con. 1.2 and 1.14).
18. Id. See also Formal Advisory Opinion 10–2 (stating, “At the point that the attorney [who is also acting in the dual role of guardian ad litem] concludes that the child’s wishes and best interests are in conflict, the attorney should petition the court for removal as the child’s guardian.”).
19. Daniel McNeely and Jiayan Chen (DV LEAP interns under the supervision of Joan Meier, Executive Director) and updated by Michael Bassett & Elizabeth Liu (DV LEAP attorneys), The Problematic Role of Guardians Ad Litem in Custody and Abuse Cases, Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)(citing ABA Section of Family Law, Standards of Practice for Lawyers Representing Children in Custody Cases, Rule III.B (Aug. 2003) (stating, “A lawyer appointed as a Child’s Attorney or Best Interests Attorney should not play any other role in the case, and should not testify, file a report, or make recommendations.”)).

24. *Id.*


29. 256 F.2d at _____.

30. *Id.*


34. *Id.* See also USCR 24.9.

35. *Id.*

36. *Id.*


38. S.G. v. D.C., 13 So. 3d 269 (Miss. 2009).

39. *Id.* at 272.

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.* at 272-3.

44. *Id.* at 273.

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.* The appellate decision does not state as much, but it appears that either the GAL had the authority or apparent authority to make interim visitation decisions or the trial court adopted the GAL’s interim recommendation and made it the order of the Court, absent, it would seem, an evidentiary hearing.

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.* at 274.

59. *Id.*

60. *Id.*

61. *Id.* at 275.

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.* at 275-6.

68. *Id.* at 276.

69. *Id.*

70. *Id.*

71. *Id.* (alteration in original)(quoting D.C. v. D.C., 988 So.2d 359, 363-64 (Miss. 2008)).

72. *Id.* at 279.

73. *Id.* at 281.

74. *Id.* at 282.

75. *Id.* (citing Hensarling v. Hensarling, 824 So.2d 583, 587 (Miss. 2002)).

76. *Id.* See also *In re Marriage of Goberville v. Goberville*, 280 Wis. 2d 405 (Wis. Ct. App. 2005).

Annual Bar Media & Judiciary Conference Exceeds Expectations

The annual Bar Media and Judiciary Conference brings light to Georgia’s elections and investigative reporting through engaging panels and discussion.

BY ASHLEY G. STOLLAR

On Friday, Feb. 28, the 29th Annual Bar Media & Judiciary Conference kicked off to a full auditorium of judges, attorneys and journalists at the Bar Center in Atlanta. This yearly conference, organized by Jones Day Partner Peter C. Canfield, is a primer on recurring and emerging issues in journalism and the law. This year’s conference focused on elections and investigative reporting.

Political Rewind: What’s the State of Play in Georgia

Moderator
• Bill Nigut, Georgia Public Broadcasting

Panelists
• Jim Galloway, Reporter, Atlanta Journal-Constitution
• Samuel S. Olens, Counsel, Dentons

Hon. Angela Butts (retired) comments during the question and answer session of the last panel of the day, “A Look Back: Law Enforcement, the Media and the Suspect.”
Veteran Atlanta news reporter Bill Nigut energized the crowd first thing in a rousing edition of Political Rewind, broadcast live to its GPB audience.

The hour-long program began with Michael Thurmond’s announcement that he would seek re-election as CEO of DeKalb County rather than run against incumbent Kelly Loeffler’s Senate seat. Despite his life-long dream of serving in the U.S. Senate, Thurmond made the decision after speaking with former Georgia Sen. Sam Nunn and Sen. Saxby Chambliss, as well as Sen. Joe Lieberman who all counseled him to stay local, “if you’re really interested in getting things done and helping people, in a hands-on fundamental way.”

The panel then discussed the upcoming presidential preference primary and the two Senate elections that will be decided this year. In the race for the Democratic presidential nominee, Dr. Amy Steigerwalt noted that, “People are focused on electability and determining what that is."

In the senior Senate race, Sen. David Perdue has an edge in running for re-election because he’s a seasoned politician and his campaign is already well funded. The race for Senate seat 2 includes incumbent Sen. Kelly Loeffler along with 20 qualifying candidates, all of whom have the task of introducing themselves to Georgia’s voting public.

The panel spoke of politicians attacking the judicial branch. When political officials make negative comments about courts, public sentiment sways against courts and judges.

The Media and the Courts: Content and Coverage

Moderator

- Hon. William Duffey, U.S. District Court, Northern District of Georgia

Panelists

- Robin McDonald, Reporter, Daily Report
- Bill Rankin, Reporter, Atlanta-Journal Constitution
- Mark Sherman, Reporter, The Associated Press

Retired U.S. District Court Judge William Duffey spoke with three reporters who cover the courts. He opened with the question, “What is the media now?”

Mark Sherman, former AJC reporter now with the AP, said, “With the internet, people avoid the filter that traditional journalism provides. This new model provides a much broader range of political viewpoints to news reporting.” Robin McDonald noted that new-style journalists don’t have to meet the strict legal standards that traditional journalists are bound by, since laws haven’t caught up with social media. Sherman explained that a different set of standards apply saying, “There is an expectation that what we write will withstand scrutiny and criticism.”

The panel discussed writing articles that support their organizations financially and the ideas of metrix and “dwell time” being used to determine which stories to write, how reporting is perceived, whether reporters interpret facts for readers and if the media deprives the public of context in its coverage of events.

In response to a question about the public’s appetite for long, thorough pieces, Bill Rankin stated, “Despite people getting news on their phones now, if stories are well-written, people will stay with them.” McDonald added, “Two years ago, I was writing 2,000 word stories. Our audience liked the analysis and context. It’s hard to do that in 500 words.”
No longer bound by federal rules of judicial conduct, Duffey allowed himself to be questioned by the reporters. But he had the last question of the panel when he inquired of the reporters: Would you still go into journalism? Rankin and Sherman answered yes. McDonald emphatically said no.

Behind the Headlines: Reporting on Georgia Senior Care

Moderator
- Andre Jackson, Editorial Editor, Atlanta-Journal Constitution

Panelists
- Lois Norder, Investigative Editor, Atlanta-Journal Constitution
- Carrie Teegardin, Investigative Reporter, Atlanta-Journal Constitution

AJC reporters discussed their series of stories into Georgia’s private-pay senior care facilities and how that work ended up at the Gold Dome this year in the form of legislation.

Carrie Teegardin became interested in Georgia senior care centers after writing a piece about Christopher Brogdon, co-founder of a popular Atlanta restaurant and operator of elder care facilities, who was ordered to pay millions to investors in his facilities.

Throughout the senior care investigation, Lois Norder and other reporters bemoaned the lack of information available to families looking for assisted living facilities for their aging family members. They found that staff was inadequately trained, or not trained at all. The low pay scale led to high staff turnover, which led to inconsistency in care. They also uncovered failed restaurant inspections and instances where abuse reports to the police were not handled correctly.

Getting information from the Department of Community Health (DCH) was difficult throughout the investigation. Delving into inspection reports was time-consuming and yielded little result. Much of their work was aided by police reports, which included more information than a facility’s inspection report. It was not uncommon to find that facilities were not reporting incidents they were required to report. Also uncovered was that state agencies were not sharing information with DCH, as there is no legal obligation for agencies to contact DCH. Jackson noted that DCH was contacted for comment, and the agency refused.

HB 987, which has passed the House and is currently in the Senate, includes provisions for training for executive directors and staff; creates a special certification for memory care centers; increases staffing requirements; doubles fines if someone dies in care of the facility; and provides that administrators pass a competency exam.

For more information on the “Unprotected” series and to view the database created by the AJC, go to www.ajc.com/senior-care-quality-report/.

The State of Investigative Reporting: Nationally and in Georgia

Moderator
- Richard T. Griffiths, Georgia First Amendment Foundation
Panelists

- David Barstow, UC Berkeley Graduate School of Journalism
- Ashley Fantz, Investigative Reporter, CNN
- Shawn McIntosh, Editorial Director, Atlanta-Journal Constitution
- Dale Russell, Senior Investigative Reporter, Fox 5 I-Team

An assemblage of Atlanta print and TV investigative reporters, joined by David Barstow, fresh off his stint at the New York Times, spoke with Richard Griffiths about the state of investigative journalism today.

The group discussed how their role is different from other journalists, how story ideas are developed, what sort of organization systems are employed and the challenges for new investigative journalists, among other things. Asked what the best characteristic of an investigative journalist was, Ashley Fantz replied, "Fearlessness."

When asked about "gotcha journalism," Shawn McIntosh replied, "The AJC doesn’t do ‘gotcha’ journalism. You’re going to know what’s coming long before it comes."

You’re going to have every opportunity to tell your side of the story. We’re not out to get anyone. If you don’t want to talk for the record, you still ought to have a conversation. We’ll let you know what we’re going to say."

Investigative journalists “shoulder the weight of all the facts gathered. Being organized with your material is a way of managing the psychological burden of that weight,” Barstow said.

In the waning moments of the panel, the journalists spoke about an investigative moment where they made a mistake in judgment. The stories ran the gamut from Barstow’s misunderstanding of a police chief’s chummy behavior to Dale Russell’s mistake of not reading all the contracts on a story.

After the panel, Barstow spoke with a group of two dozen journalism students in a breakout session.

Justice or a Revolving Door?

Interlocutor

- Richard Belcher, Investigative Reporter and Anchor, WSB-TV

Panelists

- Hon. Robert McBurney, Fulton County Superior Court
- Paul L. Howard Jr., Fulton County District Attorney
- J.P. Matzigkeit, District 8, Atlanta City Council
- Tiffany William Roberts, Movement Building Counsel, Southern Center for Human Rights

This panel examined the debate swirling around criminal justice in Fulton County and elsewhere in the state. For illustration, the panelists were given the following scenario:

Seventeen-year-old Michael Thrasher has been in and out of the juvenile system several times. He started skipping school at age 13, comes from a broken home and his mom works two jobs. He and some friends take a joy ride and commit a slider crime. They are caught. What happens?

Current Georgia law defines juveniles as 16 and under. "Because Thrasher is 17,
he will be tried in superior court," McBurney explained. How could his trip to superior court have been headed off? Fulton County District Attorney Paul Howard pointed to the Level Up program, which takes a look at juveniles who have been arrested at least three times. Level Up is meant to provide structure in lives of juveniles in the form of mentors, after-school programs and other avenues, before they end up in superior court. Because of his prior run-ins with the law, this defendant would have been eligible for the program.

Tiffany Williams Roberts said looking at the resources that are available and determining why the crime was committed in order to lead with compassion is more likely to create a difference than throwing a kid in jail. J.P. Matzigkeit noted that the community has to come together to address and solve issues, efficiently using tax dollars.

McBurney addressed blame in the criminal justice system saying, “Everyone gets blamed. The judge can’t change charges, only the prosecutor can. If the prosecutor is brought a case where there was hiccup a from the police, the prosecutor can’t create police work. What are the options that are brought to the judge? Prison for 10 years or probation again? Some judges may opt for probation again. The issue in each case is unique but they get lumped in the same bucket. In Fulton County, most repeat offenders are older men who are addicts and may be mentally ill, not juveniles. Because of one tragedy that gets amplified in the media, the repeat offender concept becomes a boogeyman, and we start looking at limiting options regarding repeat offenders.”

Howard remarked, “People of the community expect us to all work together to make the community safer. It’s practical. It makes sense. But that doesn’t happen to the degree that it should. We continue to have the same problems because our system is bad. Not the people in the system. It’s the system judges are forced to work within. In 1982, a Fulton County review of the criminal justice system included five recommendations, none of which have been put into effect. Since then, seven other studies have been completed.”

The panelists agreed that increasing the number of judges would help more people through the system quicker, but without a substantive change in how courts operate by law, not much more can be changed. McBurney noted that the chief judge of a superior court is only a nominal figurehead. The other judges have just as much authority as the chief.

Panelists
 • Josh Belifante, Robbins Firm
 • Bruce Brown, Managing Partner, Bruce P. Brown LLC
 • Mark Niesse, Reporter, Atlanta-Journal Constitution
 • Andrea Young, Executive Director, ACLU of Georgia

Georgia is no stranger to debate when it comes to election readiness. This election year is no different. With a completely new system in place for March’s presidential preference primary, this panel looked at the state of Georgia’s readiness to go to the polls. Some discussion centered around the size of screens for the new machines, which brings ballot secrecy, which Georgia requires, to the forefront as an issue.

Mark Niesse noted the broad interest from his readers regarding elections. Conservatives are concerned about fraud. Those on the left are concerned about foreign interference and voter suppression. The unifying factor is that they want election results that are accurate.

Andrea Young said the ACLU is concerned about the accessibility for all voters. Georgia does not have a voter-friendly attitude. Many are concerned about people who are not eligible to vote rather than those who are eligible getting a fair opportunity to vote.

Other topics that were touched on during the panel were litigation, the efficacy of hand-marked paper ballots and how the Shelby County v. Holder decision has affected Georgia’s election landscape. Asked what a successful outcome would be, answers varied from “acceptance of results” to “no long lines.” Discussion was followed by a Q&A session.

A Look Back: Law Enforcement, the Media and the Suspect

Moderator
 • Sally Sears, Reporter, WGCL/CBS46

Panelists
 • Kent Alexander, co-author, “The Suspect”
Kent Alexander, Atlanta attorney and co-author of “The Suspect: An Olympic Bombing, the FBI, the Media, and Richard Jewell, the Man Caught in the Middle,” was joined by a panel of reporters to discuss how Atlanta and the world dealt with the bombing of the Centennial Olympic Games and hero-then-suspect Richard Jewell.

The panel began by discussing the Clint Eastwood movie, “Richard Jewell,” which was widely panned for its inaccuracy, then delved into the work of reporters and law enforcement in the aftermath of the bombing. In 1996, Alexander was a U.S. attorney working with the FBI to determine who planted the bomb during the Atlanta Olympics: “There was a rush to judgment.” By the time the FBI zeroed in on Jewell, two suspects had been considered and dismissed. Jewell’s status as a suspect was based on the knowledge he would have gained through his law enforcement background.

Ron Martz explained that the AJC’s story was reviewed by numerous editors. The AJC’s information was then verified by the FBI. He noted that it would be naïve to say that the AJC’s coverage ruined Jewell’s life. Jewell’s life would have been torn apart no matter who published this story because of the circumstances: the Olympics, so many media in town, this singular event of the bombing. Kevin Riley, who wasn’t in Atlanta at the time said, “People who had that story would have gone with it.”

A short Q&A session rounded out the presentation.

Excerpted from David Barstow’s keynote address to the attendees of the Bar Media & Judiciary Conference.

I’ve been thinking a lot lately about Dr. Li Wenliang, who tried to raise an early alarm about the coronavirus. Instead of being praised for reacting quickly to the emerging facts, he was forced to apologize for speaking the truth. Because his government was intent on lies and feel-good propaganda for crucial weeks, we are now facing a global pandemic and economic contraction.

Dr. Wenliang is a symbol of the idea that truth needs reinforcements, urgently. The idea of truth as the organizing principle of our society is up for grabs. Our world is built on facts, on measurable realities, on science, on and around truth. I’m not talking just about the lies from political leaders across the globe. I’m talking about bot armies that are used to spreading lies, social media that doesn’t stop misinformation, journalists being laid off while spin and strategic communication grows, aggressive attempts to demonize and criminalize the act of reporting, eroding whistleblower protections, diminished public records laws and the willingness of titans to make the obliteration of truth a core part of their business models.

I have devoted my life to investigative reporting to combat a world organized around lies. I assert my right to question authority, to scrutinize the dark corners where power is concentrated, where power is abused. I love the dark. More than that, I cherish how lucky I am to live in a country where we can still publish hard and unwelcome facts about people in power without fear of being killed or imprisoned or exiled or sued into oblivion simply for telling the truth.

We can no longer take for granted our right to do this work. The more politicians insist that 2+2=9, the more dangerous it is to tell inconvenient truths. This basic dynamic has long ruled in places like China and Russia. The same toxic dynamic is rapidly spreading. In the course of my 33 years of reporting, I have had a contract taken out on my life, been assaulted, been held at gunpoint and had more death threats than I can count. In the last few years, it has never felt more dangerous to do this type of work. The venom and threats have increased significantly. We can no longer take investigative reporting for granted, even in the United States of America.
TILPP’s 2020 Events Off to Great Start

The Transition Into Law Practice Program is continually working to offer engaging programs and speakers to the newer members of the Bar. See what’s been going on to date.

BY KELLYN O. MCGEE

We are in the midst of the busy season of programming for the Transition Into Law Practice Program (TILPP). On Feb. 26, we held the annual Beginning Lawyers Program, the day-long CLE for newly admitted Bar members. The program, which was held in Atlanta and simulcast to the Savannah and Tifton offices, was filled with important and informative content.

The morning began with a welcome from the Bar’s Executive Director Jeff Davis, who also discussed some of the Bar’s resources. Darrell Sutton, State Bar president, offered greetings from the Board of Governors and encouraged the new lawyers to become involved with the Bar. Will Davis, Young Lawyers Division (YLD) president, reminded the attendees that they are automatically members of the YLD and encouraged them to be active members.

After an overview of TILPP, the new lawyers learned about “Navigating Sexual Harassment Issues in the Workplace” from panelists Eleanor Attwood, Joshua Bosin, Raquel Crump and James Rollins. They then received financial advice from the “Money Matters” panel, featuring Joy
Gorney, Niv Persaud and Moise Piram. After a break, the attendees separated into practice-related sessions. They were able to choose from hearing about "Making Your Mark in a Transactional Practice" with Timothy Bratcher; "Crime, Punishment and Implications" with Robert Johnson; or "Document and Strategy Considerations When Filing a Lawsuit" with Henry Quillian.

During the lunch hour, the new lawyers were able to dine with experienced lawyers and get advice on attending to their mental and physical well-being while working in our stressful profession.

Following lunch, Chief Justice Harold Melton brought greetings and encouraged the new lawyers to absorb and use all they could as they complete the requirements of TILPP. Although it may seem like there are many barriers to fully—and finally—enter the profession, one day they will look up and realize that they are being asked to mentor younger lawyers and speak at CLE seminars.

After Justice Melton’s remarks, State Bar General Counsel Paula Frederick, Will Davis, Jamie McDowell and Pete Werdesheim discussed how to "Stay Out of Trouble" by avoiding malpractice and ethics mishaps. The day ended with a choice of breakout sessions on "How to Succeed as an Associate" with Tracee Benzo, Carol Clark and Carmen Toledo; "Acting for Your Client" with Hon. Cassandra Kirk, Nick Lotito and Pamela Peynado Stewart; and "The Path to a Non-Traditional Legal Career" with Mercedes Ball, Caren Cloud, Kendall Kerew, Monica McCullough and Rita Treadwell.

Two weeks later, on March 10, lawyers enrolled in TILPP’s Group Mentoring attended a half-day session to fulfill part of their requirements. This session was also simulcast to the Bar’s offices in Savannah and Tifton.

The "Networking Through Bar Service" panel featured leaders from voluntary bar associations. Christina Baugh (Georgia Association for Women Lawyers), Stephen Scriber (Stonewall Bar Association), Ricardo Lopez (Georgia Hispanic Bar Association) and Ryan Walsh (Atlanta Bar) discussed the benefits of being an active member of bar associations because of the networking, leadership and community service opportunities the organizations provide. They also dispelled some of the reasons against joining, such as the cost to join or the lack of time, by explaining the discounted membership fee structure some associations offer and suggesting ways to be involved without sacrificing important time serving clients.

The panelists speaking on "Starting and Sustaining a Solo Practice" provided advice and tips, even for those lawyers who (currently) have no interest in opening their own practices. Laurie Dugoniths Busbee talked about marketing techniques and reminded the group that there are free and low-cost ways to build a presence on the internet. She also discussed how having a niche practice comes with its own inherent marketing strategy. Rebecca Cummings offered advice on mentoring and cautioned that lawyers should get to know the personalities of their mentors; not every person wants to mentor via lunch, but they might be available for "five-minute mentorships," a short phone call to answer a question. Tanner Pittman discussed ways to build a new law practice and offered a unique tip for getting to know other lawyers: rather than ask a lawyer to meet for coffee, of-
Kellyn O. McGee
Director, Transition Into Law Practice Program
State Bar of Georgia
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Beginning lawyers from across the state and state lines get advice and practical tips during TILPP’s Beginning Lawyers Program.

The attendee poll taken during the event revealed the reach of the Beginning Lawyers Program, with in-house and simulcast attendees hailing from across the state and across state lines.

The month of March also offers a rebroadcast of the Beginning Lawyers Program, and after a short reprieve in April, another Group Mentoring session is held in May. TILPP is continually working to offer engaging programs and speakers to the newer members of the Bar.

Natalie Kelly, director of the Law Practice Management Program, rounded out the morning by giving an enumeration of State Bar benefits available to members. She highlighted resources that are particularly helpful to solo and small firm practitioners such as the Private Insurance Exchange, Fastcase and the ability to reserve rooms in the Bar Center.

fer to bring coffee to her office and have a 15-minute chat. As a reminder of the importance of networking, each of the panelists stated that most of the referrals they receive come from lawyers.

What city do you live in?

The attendee poll taken during the event revealed the reach of the Beginning Lawyers Program, with in-house and simulcast attendees hailing from across the state and across state lines.
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Honor Roll of Contributors: 2019 “And Justice for All” State Bar Campaign for Georgia Legal Services Program

The following individuals and law firms contributed $150 or more to the “And Justice for All” State Bar Campaign for GLSP from 4/1/19 - 2/12/20.

VISIONARIES CIRCLE ($10,000 & UP)
- American College of Bankruptcy Foundation
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- Elizabeth V. Tanis
The Georgia Legal Services Foundation launched a $1,000,000 capital campaign in January 2017, in recognition of the Foundation’s 20th anniversary, and in honor of the late Senior U.S. District Court Judge Marvin Shoob. Judge Shoob awarded a $1,000,000 cy pres to the Georgia Legal Services Foundation. Judge Shoob was a mentor to many of the Foundation’s contributors. If we have inadvertently omitted your name, we apologize and encourage you to contact the Development Office at 404-206-5175. Some donors have requested anonymity. Gifts to the GLS Foundation are tax-deductible to the fullest extent allowed by law. To make a contribution, go to www.glsf.org and click on “Get Involved” to designate your gift to the GLS Foundation. Or, mail your check to Georgia Legal Services Foundation, Development Office, 104 Marietta St. NW, Suite 250, Atlanta, Georgia, 30303.

Thank you for your support.
Why did you want to become a judge?
I never thought about becoming a judge seriously until about eight months to a year before I was appointed. I’d been a prosecutor most of my career, but then I was at the Secretary of State’s office and was doing a lot of administrative law, election law, licensing law and securities law. I was ready to get back into the courtroom, so when I saw an opportunity to be on the trial bench, I decided I’d apply, and I was fortunate enough to get it. But I was not one with a lifelong dream of being a judge. I loved prosecuting cases.

Shortly after you became a judge, you created the “My Journey Matters” program, which you have described as “probably the best thing I’ve ever done professionally.” Tell us about this program and why it is so important to you.
I became a felony prosecutor straight out of law school in DeKalb County. Back then, and this is anecdotal from my experiences over 20-plus years, the average violent criminal was probably 19-21 years old and had dropped out of school in the 11th grade, and that was when we did not have near the violence or the gang activity that we’re dealing with today. When I took the bench, the violent criminals were as young as 14. I am not going to tell you that a 10-year minimum mandatory on armed robbery is not an appropriate sentence, but I started thinking about what we do with that person when he gets out of prison in 10 years. He is going to get out of prison. He will by then be a gang member. He’ll have no education. He’ll have no job skills. That means there’s going to be another victim. And unless he kills somebody, he is going to get out again, and you’re likely going to have another victim. I thought about finding a way to turn some of this around.

We figured out we could put defendants on bond in the program for a period of time and have proven themselves to the district attorney. That gives the district attorney a little more comfort in taking an armed robbery charge to a robbery charge where I actually have some discretion. People in the program have to come to court every month, and they have to be in school, either in high school or in a GED program. They have to be employed when appropriate; they have to bring me their report card. They have to maintain a B average unless somebody tells me they’re incapable of doing it. They have to read for 30 minutes a day in addition to their schoolwork. These are kids that didn’t grow up reading. They have to write one-page book reports. I require them to be handwritten because I don’t want them on the computer cutting and pasting. I want to see how they progress and whether they can spell and write. They have to get drug tested, and they have curfews. They don’t get out of the program until they have a high school diploma or a GED and are in either college or a trade. They have to be drug free for at least a year.
We realized early on that this was about two things that are missing in their lives. One, there are no expectations or accountability for these folks. Two, there is no praise. So, you start setting expectations and then praising them. You’d be shocked to see these kids come running in here when they get their GED or their high school diploma. They are so proud of something they never thought they’d accomplish.

The goal is for them not to come back into the system. They’re going to be productive members of our community. They’re going to take care of their families. They’re going to work. They’re going to buy a house. They’re going to buy a car. They’re going to do things that we think of as the American dream, and it’s been working. The city of Atlanta has even hired some of these folks, knowing their criminal histories.

About four years ago, then-Deputy Chief of Police Erika Shields got interested in the program, and she got a federal grant to have three police officers assigned to my courtroom. These officers go to the participants’ homes and schools to check on them. They go to birthday parties and take them on field trips. They’ve taken them to the Civil Rights Museum, the Rialto Theater, Hawks games, Falcons games, the Black College Football Hall of Fame, all kinds of things. They mentor and counsel these young folks. Clearly, if somebody does something really bad, they have an obligation to report it to the court, but they are not out there trying to catch them doing something wrong. They don’t talk to them about their cases. Imagine the narrative in this country if you could replicate this program and show police officers having good relations with the at-risk community that they’re policing.

They are like family, these kids and their families, are like family to me.

_How do you respond to the critics who say you shouldn’t give people who’ve committed violent crimes a second chance?_ 

They may be right. It can be risky. I am not sure how you catalog success in a program like this, because it doesn’t matter where you are in the criminal justice system, you can’t predict what somebody is going to do. You could have a shoplifter that could go out and kill somebody. If we have a 30 percent success rate, which I think is beyond conservative, but for the sake of what you’ve asked me, think about the lives that have been changed. Not just the defendants who now are working, taking care of their families, paying taxes and saving us $20,000 a year in incarceration costs, but also the intangibles, such as not having more victims. I think it’s worth the risk.

_Is there anything about being a judge that keeps you up at night?_ 

I’ve gotten to a point, especially with the My Journey Matters program, where if I impose a sentence, I am comfortable with it. Part of that is having been a prosecutor because 80 percent of my time in court is for criminal cases, so it’s not foreign to me.

_Until recently, you were a member of Gov. Kemp’s Judicial Nominating Commission. What does the JNC look for in judicial candidates on behalf of the governor?_ 

I think it is looking for folks that come with the right temperament, the right reasons for wanting to be a judge and rel-

“**You’d be shocked to see these kids come running in here when they get their GED or their high school diploma. They are so proud of something they never thought they’d accomplish . . . . They are like family, these kids and their families, are like family to me.**"
evant experience. The members have to keep in mind the philosophies of the governor because it’s his JNC, but the process is not nearly as political as some people think. The JNC really strives to make good choices to send to the governor, and I think it’s been successful at that.

You are now the president of the Council of Superior Court Judges, and when you were president-elect you said that you wanted to make sure every superior court judge in the state has a staff attorney, increase the pay of staff attorneys and rewrite part of the pattern jury instructions. Where do those issues stand now?

We have asked for 10 more staff attorneys from the Legislature. Historically, we’ve gotten about half of what we asked for, so we are still about five years away from getting to that goal, but we’re moving in that direction. There were a bunch of questions when I was testifying before the Senate Appropriations Committee about the compensation for staff attorneys being lower than a brand new assistant solicitor-general. The jury instructions rewrite is in progress. We have asked for 10 more staff attorneys from the Legislature. Historically, we’ve gotten about half of what we asked for, so we are still about five years away from getting to that goal, but we’re moving in that direction. There were a bunch of questions when I was testifying before the Senate Appropriations Committee about the compensation for staff attorneys being lower than a brand new assistant solicitor-general. The jury instructions rewrite is in progress. We had our winter conference. I expect by our July conference, we will have some significant changes. This is a multi-year project. We are starting with criminal and then moving to civil. I read some of the charges and I don’t know what they mean, and we are giving them to lay people. It seems like we should be able to put them in plain English.

There has been a lot of controversy in Fulton County recently about the so-called revolving door at the courthouse for criminals. Blame has been directed at the judges, the prosecutors and the police. Is this an incorrect perception, or is there a problem somewhere in the system that needs to be fixed?

I think there’s plenty of blame to go around, and I am not sure blame is necessarily the right word. It’s a very complex problem. There is a tension between trying to get too many people that are in jail out, and to keep in the offenders that need to be there. We have been working with the magistrates here to address some of the issues that have come up with bond. I think there are times when some of the coverage is fair. I think sometimes the whole story doesn’t get told.

If somebody has been arrested five times in the last eight years, if the case hasn’t been processed through and brought to me, I can’t do anything about somebody being arrested. Now if somebody is in front of me for a bond and they’ve been arrested four times in the last four months, and somebody keeps letting them out on bond, I think that’s a rational thing for me to look at. But if somebody hasn’t been convicted of something that they were arrested for five years ago, that does not lie at the judge’s feet. Where does it lie? I don’t know.

So I don’t know that there is any one entity to blame. We need to have a good conversation with the parties involved. It’s funny because to a neighborhood, quality-of-life crimes are much more impactful to them than a murder case, but if I have a shoplifter in jail and a murder defendant in jail, which one should I be addressing? I don’t know that there’s an easy fix or an easy answer. I think we don’t have resources for certain things.

It’s a complicated issue. It’s easy to point the finger at whoever, and I don’t believe in doing that. There is a lot of blame to go around, and maybe we should figure out how to fix the problem instead of pointing fingers at each other.

Is there anything about judges that you wish lawyers had a better understanding of?

One is that we have to make difficult decisions. When we do, one side or the other or both are not going to be happy. That’s just the reality of the job. Another is that I wish they would remember we’re human. We have our good days and our bad days just like everybody else, and if we have a bad day, we probably don’t mean it personally.

Jacob E. Daly is of counsel with Freeman Mathis & Gary, LLP, in Atlanta and a member of the Georgia Bar Journal Editorial Board. He represents private companies, government entities and their employees in personal injury litigation with a focus on defending property owners, management companies and security companies in premises liability lawsuits.
Bob is a high school student hoping to be the first in his family to graduate. But, his mother put those aspirations at risk by charging bills in his name and refusing to pay. Bob decided to live temporarily with a family in another county who offered to help him. However, the school refused his enrollment forms. A search for legal help brought them to the Georgia Legal Services Program.

A GLSP lawyer contacted the school requesting they classify Bob as a homeless student under the McKinney-Vento Homeless Assistance Act which requires immediate enrollment for homeless youth. Bob was enrolled in time for the first week of classes and is on track to graduate.

GLSP’s mission is to provide civil legal services for persons with low incomes, creating equal access to justice and opportunities out of poverty. Younger lawyers from the State Bar of Georgia founded GLSP in 1971.

Give to the Georgia Legal Services Program at www.glsp.org.

Thank you for your generosity and support!
Kudos

Morris, Manning & Martin, LLP, announced that partner Daniel Huynh received the 2020 Emerging Leader Award from the Southeast Region of the Anti-Defamation League (ADL) for his advocacy efforts on behalf of immigrants across a broad range of humanitarian and legal issues, and other pro bono work. ADL is the world’s leading anti-hate organization in exposing extremism, delivering anti-bias education and fighting hate online.

Smith, Welch, Webb & White, LLC, announced that Scott Mayfield was appointed municipal court solicitor and Elizabeth O’Neal was appointed assistant municipal court solicitor by the Griffin Board of Commissioners.

Attorney Peter T. McCary announced his commission as a first lieutenant in the U.S. Army Reserve and graduation from the 209th Judge Advocate Officer Basic Course at The Judge Advocate General’s Legal Center and School in Charlottesville, Virginia. McCary achieved the distinctions of Honor Graduate and Commandant’s List, and received the award for Distinguished Achievement in Contract and Fiscal Law. McCary serves in the U.S. Army Reserve’s 12th Legal Operations Detachment.

Nelson Mullins Riley & Scarborough LLP announced that associate Amy Cheng was named a member of the 2020 class of Pathfinders. Cheng will participate in the program designed by the Leadership Council on Legal Diversity (LCLD) to train diverse, high-performing, early-career attorneys in critical career development strategies, including leadership and the building of professional networks. The LCLD Pathfinder Program offers participants intensive in-person training, online experiential learning and opportunities to network with peers and LCLD fellows and alumni in small group gatherings.

Adams and Reese LLP announced that the firm was named a service partner of AiRXOS, part of GE Aviation and a leading provider of Unmanned Traffic Management (UTM) solutions, in an expansion of its Air MobilityTM Platform Ecosystem. Adams and Reese is one of 12 Unmanned Aerial System technology and service partners to AiRXOS throughout the United States that partners with the company to help develop and advocate for the adoption of compliant, safe and extensible UTM solutions for states, government agencies and enterprise organizations.

On the Move

IN ATLANTA

Krevolin & Horst, LLC, announced the election of Michael Karamat and Wesley Turner to partner and the addition of Daniel Alfino, Sada Bâby, Kana Caplan and John Wisiackas as associates. Karamat’s practice focuses on corporate finance transactions, including structured financings, acquisition financings and asset-based financings. Turner focuses his practice on acquisitions, divestitures, development and investment activities for multi-family housing, retail, commercial and industrial property. Alfino’s practice focuses on a wide range of transactional fields, including venture capital and private equity investment, banking and secured finance, mergers and acquisitions, joint ventures, real estate purchase and leasing, and technology and software licensing. Bâby focuses her practice on a variety of complex business litigation matters. Caplan’s practice focuses on a wide range of complex business litigation, including disputes relating to business divorce, non-compete agreements, business torts and contracts. Wisiackas focuses his practice on business law, including entity formation, mergers, acquisitions and corporate finance transactions. The firm is located at One Atlantic Center, 1201 W. Peachtree St. NW, Suite 3250, Atlanta, GA 30309; 404-888-9700; Fax 404-888-9577; www.khlawfirm.com.
Merchant & Gould P.C. announced the election of Loretta L. Freeman to partner. Freeman’s practice focuses on trademark clearance and registration, and enforcement, patent prosecution and preparation of opinions on patentability and validity. The firm is located at 191 Peachtree St. NE, Suite 3800, Atlanta, GA 30303; 404-954-5100; Fax 612-332-9081; www.merchantgould.com.

Alston & Bird LLP announced the election of Alexander G. Brown, Maki DePalo, Jonathan D. Parente, David S. Park, Amber Pelot, Andrew Sumner, Kyle R. Woods and Charles R. Yates III to partner. Brown’s practice focuses on complex antitrust, consumer protection and data privacy matters. DePalo focuses her practice on complex technology transactions, data privacy, cybersecurity compliance and risk management. Parente’s practice focuses on complex commercial litigation and arbitration, including high-stakes business disputes and cases involving constitutional law, consumer-protection statutes, antitrust issues and the Racketeer Influenced and Corrupt Organizations Act. Park focuses his practice on mergers and acquisitions, securities transactions and other strategic corporate transactions. Pelot’s practice focuses on commercial real estate projects spanning a number of asset classes, including industrial, multifamily, office, retail and mixed-use. Sumner focuses his practice on complex civil and criminal litigation related to securities class actions; merger litigation, shareholder derivative suits; director, officer and professional liability matters; regulatory enforcement actions; and corporate investigations. Woods’ practice focuses on assisting domestic and international clients in providing competitive and attractive benefit programs to all levels of employees. Yates focuses his practice on complex transactions involving acquisitions, dispositions, joint ventures, and public and private debt and equity offerings. The firm is located at One Atlantic Center, 1201 W. Peachtree St., Suite 4900, Atlanta, GA 30309; 404-881-7000; Fax 404-881-7777; www.alston.com.

Shook, Hardy & Bacon LLP announced that partner John Lewis Jr. has returned to Atlanta and is now resident in the firm’s Atlanta office. Lewis’ practice focuses on business litigation, bankruptcy, compliance, investigations and diversity consulting. The firm is located at 1230 Peachtree St. NE, Suite 1200, Atlanta, GA 30309; 470-867-6000; Fax 470-867-6001; www.shb.com.

James-Bates-Brannan-Groover-LLP announced the addition of Morgan S. Ownbey and Adam J. Wittenstein as associates. Ownbey’s practice focuses on business and corporate transactions with an emphasis on mergers and acquisitions. Wittenstein focuses his practice on commercial litigation matters, employment law issues, alternative dispute resolution and appellate litigation. The firm is located at 3399 Peachtree Road NE, Atlanta, GA 30326; 404-997-6020; Fax 404-997-6021; www.jamesbatesllp.com.

MendenFreiman LLP announced the election of Jeffrey J. Meek as partner and the addition of Kristen M. Nugent, Samantha C. Page and Cassandra L. Tuchscher as associates. Meek focuses his practice on business, tax and estate planning for businesses and individuals. Nugent’s practice focuses on business law and tax planning. Page focuses her practice on estate planning, trust and estate administration, tax planning and business law. Tuchscher’s practice focuses on tax controversy and tax planning. The firm is located at 5565 Glenridge Connector NE, Suite 850, Atlanta, GA 30342; 770-379-1450; Fax 770-379-1455; www.mendenfreiman.com.

Hall Booth Smith, P.C., announced the election of Alexandra “Alex” Battey to partner. Battey focuses her practice on professional and medical malpractice defense. The firm is located at 191 Peachtree St. NE, Suite 2900, Atlanta, GA 30303; 404-586-6605; Fax 404-954-5020; www.hallboothsmith.com.

Smith, Gambrell & Russell, LLP, announced the addition of W. Collins Brown as partner. Brown’s practice focuses on wealth and estate planning for businesses and individuals. The firm is located at 1230 Peachtree St. NE, Suite 3100, Atlanta, GA 30309; 404-815-3500; Fax 404-815-3509; www.sgllaw.com.
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announced the addition of Scott Robertson as an associate. Robertson’s practice focuses on litigation and health care. The firm is located at 3414 Peachtree Road NE, Suite 1500, Atlanta, GA 30326; 404-577-6000; Fax 404-221-6501; www.bakerdonelson.com.

Kilpatrick Townsend & Stockton LLP announced the election of Michael Breslin and Brittany Summers to partner, the promotion of Jeffrey Fisher and Maritza Knight Winfunke to counsel and the addition of Christopher Caiaccio as counsel. Breslin’s practice focuses on technology-based litigation, blockchain and cryptocurrency, privacy and data security issues, and counseling clients in the Fin-tech sector. Summers focuses her practice on corporate and banking transactions and regulatory law, including the representation of the world’s largest telecommunications holding company in various business transactions. Fisher’s practice focuses on class actions and technology-related litigation, including Telephone Consumer Protection Act and data breach class actions. Winfunke focuses her practice on representation of lenders, servicers and investors in various financial market transactions. Caiaccio’s practice focuses on working with employers to assist with human resource issues, including employment discrimination, non-compete agreements, employment contracts, sexual harassment, wage and hour issues, and independent contractor misclassification.

Dell’Orto focuses his practice on several areas of litigation, including real estate, land use and zoning, breach of contract, labor and employment, and employment, construction disputes and shareholder litigation. The firm is located at 3424 Peachtree Road NE, Suite 1200, Atlanta, GA 30326; 404-977-7710; Fax 404-977-7715; www.bloom-law.com.

Miller & Martin, PLLC, announced the election of Todd Goodwin to firm membership, the addition of Lynsey Barron as a member and the addition of Joseph Helm as an attorney. Goodwin’s practice focuses on commercial real estate, with a concentration on the acquisition, financing, development, leasing and disposition of commercial property. Barron focuses her practice on litigation in the areas of white-collar criminal defense and government investigations. Helm’s practice focuses on advising on the tax aspects of business formations, transactions and reorganizations. The firm is located at 1180 W. Peachtree St NW, Atlanta, GA 30309; 404-962-6100; Fax 404-962-6300; www.millermartin.com.

Bloom Parham, LLP, announced the election of Troy Covington, Adam Nugent, Shannan Oliver and Ryan Pumpian to partner and the addition of Daniel Barrett and Ben Dell’Orto as associates. Covington’s practice focuses on business matters involving trademark and trade secret claims, contract disputes, corporate governance disputes, partnership disputes, business torts, commercial property tax appeals, eminent domain and property condemnation, church governance disputes, boundary disputes and lender liability. Nugent focuses his practice on contract disputes, partnership disputes, business torts and trade secrets, employment litigation, intellectual property litigation and construction litigation. Pumpian’s practice focuses on employment and business litigation. Pumpian focuses his practice on intellectual property, trade dress, trademarks, copyrights, false advertising, claims of unfair competition and other business disputes. Barrett’s practice focuses on civil litigation matters, including real estate, land use and zoning, franchising, breach of contract, labor and employment, construction disputes and shareholder litigation. Dell’Orto focuses his practice on several areas of litigation, including real estate, construction, zoning, code violations, ad valorem tax appeals and breach of contract. The firm is located at 977 Ponce de Leon Ave. NE, Atlanta, GA 30306; 404-577-7710; Fax 404-577-7715; www.bloom-law.com.

Henning Mediation & Arbitration Service, Inc., announced the addition of Adam R. Gaslowitz as a panel member. Gaslowitz’s expertise includes complex fiduciary disputes, complex domestic relations and family disputes, commercial litigation and contract disputes, and business dissolution. The organization is located at 3350 Riverwood Parkway, Suite 75, Atlanta, GA 30339; 770-955-2252; Fax 770-955-2494; www.henningmediation.com.

Litltler Mendelson P.C. announced the addition of Dane Steffenson as special counsel. Steffenson’s practice focuses on the Employee Retirement Income Security Act, wage hour, and Occupational Safety and Health Act litigation. The firm is located at 3424 Peachtree Road NE, Suite 1200, Atlanta, GA 30326; 404-233-0330; Fax 404-233-2361; www.littler.com.
O’Daniel McDonald, LLC, announced the election of Matthew R. Johnson to partner. Johnson’s practice focuses on commercial litigation, representing corporate and individual clients in a variety of business, employment and contractual disputes. The firm is located at 9040 Roswell Road, Suite 500, Atlanta, GA 30350; 404-419-6300; Fax 404-419-6301; www.odmclaw.com.

Barnes & Thornburg LLP announced the addition of Eric Fisher and Sean Honeywill as partners and the addition of Abraham Llama, Brian Saling and Devin Schoonmaker as associates. Fisher focuses his practice on litigation, including disputes involving contracts, business partnerships, and insurance and employment matters. Honeywill’s practice focuses on tax-incentivized private equity transactions, with a particular emphasis on federal and state tax credit investments. Llama focuses his practice on general corporate matters and tax-incentivized transactions, particularly in affordable housing, historic rehabilitation and renewable energy developments. Saling’s practice focuses on tax-incentivized transactions involving federal and state tax credit private equity investments. Schoonmaker focuses his practice on the acquisition, financing and syndication of transactions that utilize federal and state low-income housing tax credits, historic rehabilitation tax credits and renewable energy tax credits. The firm is located at 3475 Piedmont Road NE, Suite 1700, Atlanta, GA 30305; 404-846-1693; Fax 404-264-4033; www.btlaw.com.

Gray Eittreim Martin, LLC, announced the election of Alexander R. Cutler to named partner and a name change to Eittreim Martin Cutler, LLC. Cutler’s practice focuses on divorce and family law, including high net worth divorce litigation, child custody litigation, alimony and child support matters, actions for modification of custody and support, and contempt actions. The firm is located at 100 Galleria Parkway, Suite 1120, Atlanta, GA 30339; 770-225-7000; Fax 770-225-7001; www.emcfamilylaw.com.

Berman Fink Van Horn P.C. announced the promotion of Daniel H. Park to principal. Park’s practice focuses on business and real estate litigation, non-compete/trade secrets, and labor and employment. The firm is located at 3475 Piedmont Road NE, Suite 1100, Atlanta, GA 30305; 404-261-7711; www.bfvlaw.com.

Chamberlain, Hrdlicka, White, Williams & Aughtry announced the elevation of shareholders John W. Hackney and Gina M. Vitiello to equity status; the election of Drew V. Greene, Jennifer Duval Lindy and Christine R. Norstadt as shareholders; and the addition of John Nail and Melissa Spearman as associates. Hackney’s practice focuses on representing clients in disputes with the Internal Revenue Service and other taxing authorities. Vitiello focuses her practice on construction law and contract litigation. Greene’s practice focuses on state and federal commercial matters in the discovery, dispositive motions, trial and appellate stages of litigation. Lindy focuses her practice on representing individual, partnership/pass-through and multinational corporate taxpayers, with a special focus on cross-border and international tax issues in disputes with the IRS. Norstadt’s practice focuses on all aspects of commercial real estate representing owners, managers and users of office, retail and industrial properties, apartments and land. Nail focuses his practice on tax controversy and litigation. Spearman’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.

McAngus Goudelock & Courie LLC announced the addition of Jennifer Foster as an associate. Foster’s practice focuses on bad faith, litigation and transportation matters. The firm is located at 270 Peachtree St. NW, Suite 1800, Atlanta, GA 30303; 678-500-7300; Fax 678-669-3546; www.mgclaw.com.

Butler Snow LLP announced the addition of Derek S. Rajavuori as an attorney. Rajavuori’s practice focuses on product liability, toxic tort and environmental litigation. The firm is located at 1170 Peachtree St. NE, Suite 1900, Atlanta, GA 30309; 678-515-5000; Fax 678-515-5001; www.butlersnow.com.

Fox Rothschild LLP announced the addition of Vivian D. Hoard as a partner and Brian Gardner, Gerika Kelly and Ashley Swan as associates. Hoard’s practice focuses on civil and criminal tax litigation, whistleblower claims and voluntary offshore disclosures. Gardner focuses his practice on federal, state and international tax controversy, and tax planning matters. Kelly’s practice focuses on tax audits, filing requests for relief from collection activity and litigating deficiency cases in the federal and state tribunals. Swan focuses her practice on federal and state tax controversy matters, representing clients in IRS audits, appeals and refund claims. The firm is located at 999 Peachtree St. NE, Suite 1130, Atlanta, GA 30309; 404-962-1000; Fax 404-962-1200; www.foxrothschild.com.

The Law Offices of Nathaniel F. Hansford, LLC, announced the election of Wesley B. McDaniel III to partner. McDaniel’s practice focuses on workers’ compensation. The firm is located at 1447 Peachtree St. NE, Suite 570, Atlanta, GA 30309; 770-629-9321; www.hansfordlawfirm.com.

Miles Mediation & Arbitration announced that its office has moved to 115 Perimeter Center Place, Suite 1100, Atlanta, GA 30346; 678-320-9118; www.milesmediation.com.

IN CANTON
Grisham & Poole, P.C., announced the election of Ashley T. Carlile to named partner and a name change to Grisham, Poole & Carlile, P.C. Carlile’s practice focuses on family law matters, including divorces, child custody cases, child support issues, alimony disputes and contempt actions. The firm is located at 577 E. Main St., Canton, GA 30114; 678-880-9360; www.grishamandpoole.com.

IN MADISON
DuBose Law Group LLC announced the addition of Brittain Z. Hunt as an associate. Hunt’s practice focuses on civil litigation, zoning, estate litigation, and business and contract matters. The firm is located at 285 N. Main St., Madison, GA 30650; 706-342-7900; Fax 706-342-0011; www.duboselawgroup.net.

IN MCDONOUGH
Smith, Welch, Webb & White, LLC, announced the election of Grant E. McBride and Warren M. Tillery to partner and the addition of Chase Collum and Brooke White as associates. McBride’s practice focuses on eminent domain, civil litigation, appellate litigation and education law. Tillery focuses his practice on eminent domain, zoning, other real estate matters and local government representation. Collum’s practice focuses on general civil litigation, eminent domain/condemnation, education law, real estate litigation and family law. White focuses her practice on family law, juvenile law (dependency and delinquency) and criminal defense. The firm is located at 2200 Keys Ferry Court, McDonough, GA 30253; 770-957-3937; www.smithwelchlaw.com.

IN PEACHTREE CITY
Webb & Taylor, LLC, announced the addition of Scott Commander and Charles Jones as attorneys. Commander’s practice focuses on medical malpractice, personal injury, wrongful death, brain injury, trucking and automobile accidents. Jones focuses his practice on medical malpractice, premises liability and automobile accidents. The firm is located at 400 Westpark Court, Suite 100, Peachtree City, GA 30269; 678-369-7348; Fax 770-631-1771; www.webbfirmattorneys.com.
IN SAVANNAH

Bergen and Bergen, P.C., announced the election of Zachary H. Thomas to partner and a name change to Bergen, Bergen & Thomas. Thomas focuses his practice on medical malpractice, catastrophic personal injury and wrongful death cases for individuals and families. The firm is located at 123 E. Charlton St., Savannah, GA 31401; 912-233-6600; www.bbtlawfirm.com.

Weiner, Shearouse, Weitz, Greenberg & Shawe, LLP, announced the election of Stuart R. Halpern to partner. Halpern’s practice focuses on residential and commercial real estate, real estate litigation, business/corporation law, business litigation, contract law, municipal law and civil litigation, estate planning and probate work. The firm is located at 14 E. State St., Savannah, GA 31401; 912-233-2251; Fax 912-235-5464; www.wswgs.com.

Bouhan Falligant LLP announced the election of Lucas Bradley to partner. Bradley’s practice focuses on appellate advocacy, admiralty, complex motions practice and tort defense. The firm is located at One W. Park Ave., Savannah, GA 31401; 912-232-7000; Fax 912-233-0811; www.bouhan.com.

Harris Lowry Manton LLP announced the addition of Joshua H. Dorminy as an associate. Dorminy’s practice focuses on personal injury, product liability, medical malpractice and wrongful death. The firm is located at 410 E. Broughton St., Savannah, GA 31401; 912-651-9967; Fax 912-651-1276; www.hlmlawfirm.com.

HunterMaclean announced the election of Patrick L. Barkley and William J. Gallagher to partner. Barkley’s practice focuses on specialty litigation, including admiralty, transportation, logistics, commercial collections, insurance defense, business litigation and real estate litigation. Gallagher focuses his practice on trusts and estates, taxation and corporate law. The firm is located at 200 E. Saint Julian St., Savannah, GA 31412; 912-236-0261; Fax 912-236-4936; www.huntermaclean.com.

Bowen Painter, LLC, announced the election of Gini Lynn Jenkins to partner. Jenkins’ practice focuses on personal injury and wrongful death cases involving automobile negligence, premises liability, motorcycle and tractor collisions, and claims involving vicious animals. The firm is located at 7302 Abercorn St., Suite 3, Savannah, GA 31406; 912-335-1909; Fax 912-335-3537; www.bowenpainter.com.

IN STOCKBRIDGE


IN SHREVEPORT, LOUISIANA

Hayter | Reynolds, LLC, announced the relocation of its Shreveport office. The firm is now located at 611 Absinthe Court, Suite C, Shreveport, LA 71115; 318-698-3000; Fax 318-698-3234; www.hayterlaw.com.

IN HOUSTON, TEXAS

Balch & Bingham LLP announced the election of David Bowsher to office managing partner at its Houston office. Bowsher’s practice focuses on energy matters, oil and gas acquisitions and financing, mergers and acquisitions, and bankruptcy matters. The firm is located at 811 Louisiana St., Suite 1010, Houston, TX, 77002; 888-254-2466; www.balch.com.

Announcement Submissions

The Georgia Bar Journal welcomes the submission of news about local and voluntary bar association happenings, Bar members, law firms and topics of interest to attorneys in Georgia. Learn more at www.gabar.org/newsandpublications.

To place an announcement, please contact Amber Rikard at amberr@gabar.org or 404-527-8736.
You’re Fired!

BY PAULA FREDERICK

As you answer the telephone, you aren’t surprised to find an irate opposing counsel on the line.

“My client and I are in the parking lot at McDonald’s, waiting for your client and the kids. Where are they? She’s almost an hour late!” opposing counsel asks.

“I have no idea,” you respond. “I don’t represent her anymore; she fired me earlier today.”

“My client knew she was planning to run with the kids! Do you know where they are? You can tell her that we’re calling the police if she doesn’t turn up in the next 30 minutes,” opposing counsel demands.

“She fired me! She confirmed it in writing!” you protest. “I can’t intervene at this point.”

“If you don’t have a signed order allowing your withdrawal you are still her lawyer,” opposing counsel insists. “There’s still time to help your client avoid doing jail time for contempt.”

The interval between being fired by a client and obtaining an order allowing withdrawal can seem endless. What are a lawyer’s obligations during this time?

While it may seem obvious that you can’t continue to represent a client who has fired you, Bar Rule 1.16 imposes some seemingly contradictory obligations. Part (a) of the rule requires a lawyer to withdraw if discharged, but part (d) requires the lawyer to take “steps to the extent reasonably practicable to protect the client’s interest” upon withdrawal. Comment 9 elaborates on this obligation: “[e]ven if the lawyer has been unfairly discharged by the client, a lawyer must take all reasonable steps to mitigate the consequences to the client.”

So what are the “reasonable steps” that a lawyer might take in this case to mitigate consequences to the client from the withdrawal?

It would be OK to call the client and tell her about the call from opposing counsel; even if the client has obtained new counsel, such a call would not violate Rule 4.2 and could prevent the client from creating new legal problems for herself. It would not be OK to continue to negotiate on behalf of the client, settle the case or to have any dealings with third parties on the client’s behalf.

Until the court rules on the request for withdrawal or substitute counsel enters the case, “mitigating the consequences of withdrawal” probably amounts to preserving the status quo. Beyond that, a fired lawyer simply does not have any authority to act.

Paula Frederick
General Counsel
State Bar of Georgia
paulaf@gabar.org
Attorney Discipline Summaries

January 14, 2020 through March 9, 2020

BY JESSICA OGLESBY

Disbarments
Julianne Wesley Holliday
420 10th St.
Columbus, GA 31901

On Feb. 28, 2020, the Supreme Court of Georgia disbarred attorney Julianne Wesley Holliday (State Bar No. 362498) from the practice of law in Georgia based upon three disciplinary matters.

As to S20Y0065, Holliday was retained to represent a client with regard to traffic citations. Despite repeated prompting from the client and despite telling him she had done so, she failed to file the required information to challenge the client's license suspension. Holliday initially ignored the client's attempts to contact her but advised him through social media that he could seek reinstatement of his license. She failed to tell him, however, that reinstatement of his license could not be pursued for one year. After the client terminated Holliday's services, she failed to refund his fee despite asserting she would do so. Additionally, there was evidence that during the time she represented the client, Holliday served as a public defender and thus was not authorized to represent private clients for a fee. The Bar asserted that Holliday violated Rules 1.2 (a), 1.3, 1.4 (a)(3) and (4), 1.16 (d), 3.2 and 8.4 (a)(4) of the Georgia Rules of Professional Conduct. The maximum sanction for a violation of Rules 1.4, 1.16 and 3.2 is a public reprimand and of Rules 1.2, 1.3 and 8.4 (a)(4) is disbarment.

As to S20Y0066, Holliday was hired to represent a client in a habeas corpus action. Despite the client providing a draft petition, Holliday failed to file the requested petition, and the client had to file it pro se in order to preserve his rights to subsequently seek federal habeas corpus relief. When the client's family attempted to contact Holliday, they were unable to do so. The Bar asserted that Holliday violated Rules 1.2 (a), 1.3, 1.4 (a)(3) and (4), 1.16 (d) and 3.2.

As to S20Y0067, Holliday was hired by a client to complete work undertaken by a previous attorney in a divorce case. During the representation, the client learned that the counterparty’s proposed decree...
had been presented to the judge without the client’s requested modifications or a quitclaim deed that was supposed to be included. Holliday initially told the client she didn’t understand what had happened but later acknowledged that she failed to include the deed. Although Holliday promised to fix her error, she failed to do so. Holliday then ignored the client’s attempts at communication for three months until the client requested a refund. Holliday returned a portion of the fee but did not return the entire amount until after a grievance was filed. She also ignored the client’s request for the file and relocated her office without notifying the client. The Bar asserted that Holliday violated Rules 1.2 (a), 1.3, 1.4 (a)(3) and (4) and 1.16 (d).

In mitigation in each case, the State Bar noted only Holliday’s lack of prior discipline. In aggravation, in each case the Bar noted her failure to respond to disciplinary proceedings, her failure to respond to the client, her abandonment of her client’s case and her substantial experience in the practice of law. In S20Y0065, the Bar also noted her dishonesty toward her client in aggravation.

The State Bar served Holliday by publication after attempts to serve her by mail and personally were unsuccessful. Holliday returned a portion of the fee but did not return the entire amount until after a grievance was filed. She also ignored the client’s request for the file and relocated her office without notifying the client. The Bar asserted that Holliday violated Rules 1.2 (a), 1.3, 1.4 (a)(3) and (4) and 1.16 (d).

In mitigation in each case, the State Bar noted only Holliday’s lack of prior discipline. In aggravation, in each case the Bar noted her failure to respond to disciplinary proceedings, her failure to respond to the client, her abandonment of her client’s case and her substantial experience in the practice of law. In S20Y0065, the Bar also noted her dishonesty toward her client in aggravation.

The State Bar served Holliday by publication after attempts to serve her by mail and personally were unsuccessful. Holliday failed to file a Notice of Rejection; therefore, she was in default, found to have waived her right to an evidentiary hearing and subject to such discipline as determined by the Court. The Court agreed with the State Bar that disbarment was the appropriate sanction.

Melvin T. Johnson
P.O. Box 721
Lithonia, GA 30058

On Feb. 10, 2020, the Supreme Court of Georgia disbarred attorney Melvin T. Johnson (State Bar No. 395044) from the practice of law in Georgia based upon his misconduct in connection with five client matters and multiple violations of the Georgia Rules of Professional Conduct. In State Disciplinary Board Docket (SDBD) No. 6899, Johnson failed to appear at several hearings during the course of representing a client in a domestic relations case. One hearing was scheduled during a time period during which he was suspended. When the trial judge’s secretary called Johnson to inquire as to his appearance, he did not inform her of his interim suspension. The Court agreed with the finding of the special master that Johnson violated Rules 1.3 and 3.3 (a) in this matter. The maximum sanction for a violation of these Rules is disbarment.

SDBD No. 6919 involved Johnson’s representation of a client in an estate matter in which the client was the executor. The client gave Johnson two checks totaling $344,570.97, which Johnson failed to deposit into his IOLTA account. Over the next 12 months, Johnson gave the client misleading information about his handling of the funds, did not give the client an accounting of the funds and did not promptly disburse the funds when requested. While Johnson ultimately returned the funds to the client, he did so via a cashier’s check, which was not drawn on his IOLTA account and which was in the amount of $344,584.97. The Court agreed with the special master’s conclusion that Johnson violated Rules 1.15 (I) and (II) and 8.4 (a)(4). The maximum sanction for a violation of these Rules is disbarment.

In SDBD No. 6994, Johnson’s office contacted a client about representation in a personal injury action one day after she was involved in a car accident although the client had never contacted Johnson about representation. Johnson performed work on the matter while he was under interim suspension in March and April 2015 and did not disclose his suspension. During the representation, Johnson failed to adequately respond to the client’s re-
requests for information, failed to appear in court and sued the client for legal fees after she terminated his representation. Although Johnson informed the Bar that he prevailed in his lawsuit against the client, he did not respond to the Bar’s request for documents pertaining to his fee agreement or judgment in the suit against the client. The Court agreed with the special master’s conclusion that his conduct violated Rules 1.2, 1.4, 5.5 (a), 7.3 (d), 8.1 and 8.4 (a)(4). The maximum sanction for a violation of Rule 1.4 is a public reprimand and for the remaining rules is disbarment.

In SDBD No. 7045, Johnson represented a couple in a medical malpractice case in Alabama despite not being licensed there. The clients enlisted an Alabama attorney to serve as local counsel, but Johnson forged that attorney’s signature on the complaint. The Alabama court issued an order directing the clients to have an Alabama attorney file an entry of appearance, but Johnson did not inform his clients of this order and instead filed a dismissal without prejudice also without informing the clients. He then forged the clients’ signatures on the certificate of service for the notice of dismiss, and two months later, falsely told them the case was progressing well. Johnson was indicted on two counts of possession of a forged instrument in October 2015. In responding to the Bar, Johnson falsely stated that the Alabama lawyer authorized him to file the complaint. The Court agreed with the special master’s conclusion that Johnson violated Rules 1.3, 1.4, 8.1 and 8.4 (a)(4).

In SDBD No. 7046, Johnson performed work in a divorce action while under interim suspension and sought a continuance for a hearing without disclosing that he was suspended. At a hearing to address representation, the client advised the court that Johnson had told him only the day before that he was suspended. Johnson also failed to adequately communicate with the client during representation. The Court agreed with the special master’s conclusion that Johnson violated rules 1.16 (a), 5.5 (a) and 8.4 (a)(4). The maximum penalty for a violation of Rule 1.16 (a) is a public reprimand.

The five formal complaints underlying this matter were consolidated, and the special master entered a scheduling order on May 22, 2019, setting a Sept. 19, 2019, deadline for completion of discovery. The order provided that the failure to comply “may result in sanctions, including striking of pleadings and exclusion of witnesses and evidence.” The Bar served interrogatories, requests for admissions and requests for production of documents on Johnson on May 28, 2019, to which he was required to respond within 30 days. Johnson failed to respond to the discovery requests at all and failed to respond to the Bar’s motion for sanctions filed on July 17, 2019. The special master entered an order on Aug. 2, 2019, granting the motion for sanctions, striking Johnson’s answers and deeming the facts alleged and the violation charged in the formal complaints admitted.

In aggravation, the Court noted Johnson’s prior disciplinary offenses, his dishonest or selfish motive, his pattern of misconduct and multiple offenses, his intentional failure to comply with the rules of the disciplinary authorities, his refusal to acknowledge the wrongful nature of his conduct, the vulnerability of his victims, his substantial experience in the practice of law and his indifference in making restitution. The Court found no mitigating factors.

Reinstatement
Christopher Aaron Corley
436 Greene St.
Augusta, GA 30901

On Jan. 31, 2020, the Supreme Court of Georgia determined that Christopher Aaron Corley (State Bar No. 940383) has complied with all of the conditions for reinstatement following his suspension and reinstated him to the practice of law.

Richard M. Colbert
P.O. Box 123
Gulf Breeze, FL 32562

On Jan. 13, 2020, the Supreme Court of Georgia accepted the petition for voluntary surrender of license for attorney Richard M. Colbert (State Bar No. 176530). Colbert is currently incarcerated in federal prison as a consequence of his December 2016 guilty plea to 13 felony counts in the U.S. District Court for the Northern District of Florida. He notified The Florida Bar of the convictions, and The Florida Bar subsequently granted his petition for disciplinary revocation, which is tantamount to disbarment. Colbert did not notify the State Bar of Georgia of the conviction or of the revocation, and when the State Bar ultimately became aware of them, it requested that Colbert submit a petition for voluntary surrender. Colbert acknowledged that because of his convictions and failure to notify the State Bar, he violated Rule 8.4 (a)(2) which is punishable by disbarment and Rule 9.1 which is punishable by a public reprimand. He also acknowledged that he was subject to reciprocal discipline under Rule 9.4; that imposition of substantially similar discipline would be disbarment; and that voluntary surrender of his license was tantamount to disbarment. The State Bar filed a response recommending the Court accept Colbert’s petition.
MacRumors Buyer’s Guide
https://buyersguide.macrumors.com
Use this online service to check out a product summary and recommendation for each newly-released Apple product. Even though there are no guarantees if the information is 100 percent accurate, the reviews can be very helpful to Apple product purchasers.

Exceljet
www.exceljet.net
Want to learn how to better utilize Microsoft Excel? This service offers free resources, including short training videos and lists of functions, formulas and shortcuts, in addition to a blog covering a variety of topics. Paid training services are also available.

Flipping Data in Excel
Speaking of Excel, did you know you can flip your data? With the Paste Special/Transpose command, you can make your rows columns and your columns rows. Give it a try: Highlight and copy the Excel spreadsheet. Select “Paste Special.” Check “Transpose.” Click “OK.” Done!

Excel’s NETWORKDAYS
Here’s a quick tip for calculating available work days for projects or other uses. The Excel NETWORKDAYS function calculates the number of working days between two dates. The command automatically excludes weekends (Saturday and Sunday) and can optionally exclude a list of holidays supplied as dates. For the holidays argument, supply a range that contains holiday dates. These are also treated as non-working days and will not be included in the result. To use this command, just open a new Excel sheet and click on “Formulas” at the top. Click in any cell and select “Insert Function.” Type “Networkdays” in the search box and click on the result. Now enter your start and end dates, and enter the number of holidays in that period, if any. Press Enter, and you’ll know how many work days you have available.

Office Cheat Sheets
Microsoft wants its users to get good help quickly and has developed a comprehensive set of cheat sheets covering Microsoft Office programs on both Windows and Mac platforms. Get downloadable PDF cheat sheets via the link above.

Speaker Clearinghouse
If you are responsible for a program agenda and would like to feature a minority or woman lawyer speaker, use the State Bar’s Committee to Promote Inclusion in the Profession’s Speaker Clearinghouse. Minority and women lawyers can also sign up on the site to be included in the Clearinghouse if they desire to speak. Navigate to the Clearinghouse from the State Bar’s website (www.gabar.org) under For Lawyers > Attorney Resources > Speaker Clearinghouse.
Bots are common on websites these days, and if you are interested in adding one to your firm’s site, consider a service like LawDroid. LawDroid provides law firms with automated workflow options for service delivery using AI and bot automation.

Most of us have lots of documents we need to store online for our own use or to share with team members, clients or others. To refresh your memory, the “big four” of cloud storage right now, and their storage maximums, are the following: 1) Dropbox offers 2 GB of free storage, and uploads must be 50 GB or smaller; 2) WeTransfer offers 2 GB of free storage, and uploads must be 2 GB or smaller; 3) OneDrive offers 5 GB of free storage, and uploads must be 15 GB or smaller; and 4) Google Drive offers 15 GB of free storage, and upload size maximums vary by file type, between 5 TB and 100 MB.

Conference calls ask you to dial a number and input a sometimes lengthy code to get on the line. Since doing that while driving isn’t a good idea, don’t forget to automate the full call log-in on your iPhone. When you’re saving a calendar event for your call, place the phone number and dial-in passcode in the Notes section like this: 555-555-1212;12345#. When you access the calendar to join the conference call, your phone app will then call the number (555-555-1212) and when prompted, input the code (12345#). Safe and simple!

Staying healthy with #lawyerslivingwell includes your life with your furry friend. We’ll use doggo-lovers as an example. Try Puppr or Fitbark (available for free on iOS and Android). Puppr features step-by-step videos to help you teach your young or old dog new tricks. The lessons rely on “positive reinforcement,” so keep the treats handy. FitBark is a tracker and health monitor for your dog—like a Fitbit.
There are many advantages to using client portals to share documents and information with your clients. The Law Practice Management Program can help guide you through the process.

BY NATALIE R. KELLY

Client portals are a real thing. Your clients can log into a secure space where you, and they, can share documents and information. Advantages abound, the least of which is being able to keep clients reasonably informed to remain in compliance with ethical rules about communication with clients—if they are on board, of course.

So, where does one find a client portal, and how do you best use them?

First, there are a variety of sources for client portals. Portals are offered from either a law practice management application, on a virtual law office platform or from a standalone, online platform designed to provide a joint experience for general users.

Practice Management Application—Client Portals

One positive feature of cloud-based practice management applications is the ability to allow clients to log into a shared platform for their matters. This portal format, even though attempted in networked versions of practice management programs years ago, was not met with any real acceptance until the platforms were delivered via the cloud. It seems users anticipated the portal experience would match other online services they encountered in daily life (e.g., pizza delivery ordering, medical records access, online government services, etc.), and if they were able to get basic service information and deliveries ordered online, why not access to information about their legal matters, too?

Cloud-based practice management applications generally offer users the option to “invite” clients to sign into their portals. This typically happens with the firm sending an email that requires the user to set up a username and password to access the program. As with other online service programs, the amount of information that can and should be shared may be impacted by the maturity of the program. Most, if not all, allow users to have full access to the various features within the portal.

Typical features of the practice management client portals are access to client documents, task schedules and secured messaging. There might also be security within the portal that only allows document access to portal users based on their roles in a particular matter. So for instance, opposing counsel would be allowed to see the negotiated matter documents, but not the client’s office file information like the intake form or a copy of the client’s executed representation agreement. Consequently, client portal accessibility can streamline the firm’s workflow.

Virtual Office—Client Portals

As with client portals found in practice managers, portals available in virtual office systems focus heavily on the communication functionality of the portal (e.g., secure messaging) and full matter access to documents which move a case forward (e.g., invoices and documents requiring execution). Client portals are the center of virtual office platforms, as the entire file is managed and activity tracked directly on the platform. So the client portal is the center of the idea behind a virtual office platform.

The virtual office client portal is the hub of activity for the legal work happening for clients. Each client matter has its own space within the portal, and the lawyer accesses her files from this hub as they work on individual matters. Virtual office client portals will sometimes have more integrated collaboration tools like online meeting functionality. The portal is also generally accessed initially from a button or link from the firm’s website. There might also be direction from chat bot or other advanced help technology service. Like with practice management client portals, streamlined access to information via a virtual office platform can drive efficiencies for lawyers and their clients.

General Business—Client Portals

Services like Huddle, ZoHo, HyperOffice and Citrix ShareFile likely find their roots in programs that gave users of the same organization access to each other—intranets. However, the need for parties beyond the organization to meet and collaborate met the ability of the internet to deliver a space for this online meeting, and extranets, a.k.a. client portals, were created. And, while general business portals are not legal-specific, they are functionally robust like the portals placed in virtual law office
spaces. Hosted spaces may be large enough to incorporate the full range of documents and information of a firm. Even though they may not have initially been intended specifically for lawyers, general business portals have functions that serve law firm collaborative needs well. Services like Box and DropBox allow for file upload and download and folder management, but have not yet extended as far as other programs with mobility options like messaging and user communication functions. This makes the general business options more viable for law firm use. Accessing the portal from anywhere is not unusual, and for many of these modern services, it is certainly expected. Despite their non-legal setup, general business portals can deliver efficient access for lawyers and their clients.

Client Portal Advantages
There are many advantages to using client portals. Here are some of the more immediate advantages:

- Intake process improvement
- Secure workspace for document execution
- Mobility options for access from anywhere functionality
- Faster document collection for moving cases along
- Ability to provide regular client information updates
- Secure document storage space
- Online invoice and client payment management
- Secured sharing with opposing counsel and other matter-related parties
- Integrated office system functionality

Client portals’ advantages can be easily overlooked. And sometimes, due to lawyer fear of adoption and concerns with security, firms unfortunately do not reap the benefits of these useful office programs.

How to Make Your Client Portal a “Winning” Portal

Give Clients Access
First, clients must have internet access. This can often be a problem for certain segments of the population and causes many access to justice issues. Where internet access is not a concern, however, clients are likely accustomed to using portals to retrieve on-demand information from their service providers. Provide access and convenience where able and warranted. Train users on your portal via short videos and hands-on demonstrations.

Set Up Portal Policies and Procedures
Clients will also need a clear understanding of what can and should be allowed when using the portal. You should look to educate clients on how to properly use the service. Invoke appropriate data governance principles with clear instructions for using the portal, including directions for uploading and using documents stored on the platform. The policies must be clear so that they avoid inadvertent client data disclosure, particularly confidential data that violates professional conduct rules. The portal usage rules must be shared with clients as well as all staff and firm team members.

Automate, Automate, Automate
Look to automate the steps in legal service delivery from managing client intake to invoicing clients via the portal. These steps can enhance workflow and serve as the basis for a more streamlined process for overall matter management. To test your set up, run an entire case through your portal, and fix any concerns with proper steps and policies for the firm, clients and other portal users. Remember to check how potential clients, current clients, opposing parties and others related to matters can access and use your “winning” client portal.

For more information about client portals, including a review of what you use currently or assistance with set up in a new service, contact the Law Practice Management Program.

Natalie R. Kelly
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Spring Into Action: October is Just Around the Corner

Every Georgia lawyer holds the keys to the courthouse. Let’s open some doors in October and beyond.

BY MIKE MONAHAN

The National Pro Bono Celebration is held each year in the last full week of October. We’re barely into the first days of spring, but the week of Oct. 25-31, 2020, requires attention now.

Georgia lawyers will join their colleagues across the country to provide free legal services to those in need and honor the good work performed by lawyers every day as part of the annual National Pro Bono Celebration. The 2020 Georgia Pro Bono Celebration will bring together civil legal services and other public interest programs with local bar associations, law schools, law firms and individual lawyers.
to offer free services to those unable to afford a lawyer. Hundreds of volunteers are expected to participate in events and activities across the state that will offer access to justice for Georgians with critical legal needs. Activities include legal advice clinics, education programs, public presentations, open houses and other social events.

The 2019 National Pro Bono Celebration encouraged events focused on advice and brief services clinics, services for veterans and service members, and disaster law counseling. In 2010, in support of the National Pro Bono Celebration, the State Bar of Georgia, along with its Young Lawyers Division (YLD), issued a resolution urging Bar members to reflect on the call to provide access to the courts for Georgians with critical legal needs who cannot afford a lawyer, and to join or sponsor a pro bono event during the celebration week. The State Bar’s General Practice & Trial Law Section has hosted a statewide “Ask-a-Lawyer” day every October for years.

Your local bar association, law firm, law school or public interest organization should begin planning for the 2020 National Pro Bono Celebration. Let’s continue to address disaster legal services and veterans’ issues. Add in local pro bono service challenges among and between law schools, law firms or bar associations—who can do the most pro bono? Think of pro bono activities and projects that can continue to grow and thrive after the Celebration weekends, like “Lawyer in the Library” programs, teen “street law” activities, court-based help center volunteer work or pro bono programming for retired lawyers who would like to continue to serve their communities. Maybe set up a pro bono activity around an issue you hold dear—like legal services for cancer survivors or for children with disabilities.

Your local legal aid, public interest or pro bono program can be a jumping-off point for your pro bono service ideas. Start by contacting the program and asking how you can get involved, with an eye toward celebrating your involvement in October. Your local legal aid program may also have an interest in jump-starting a new program that you and your close colleagues can help get off the ground.

Every Georgia lawyer holds the keys to the courthouse. Let’s open some doors in October and beyond.

If you need assistance or are interested in discussing your ideas for the October Pro Bono Celebration, contact me at probono@gabar.org.

Brown-Williams has been an active volunteer attorney assisting Georgia Legal Services Program with clients since 1999. Her expertise and enthusiasm in services provided to our clients has always been very commendable in areas of family law, wills, estates and providing one-on-one free consultations and assistance at our local clinics. We are very proud to have Valerie Brown-Williams as one of our dedicated volunteer attorneys who really cares about our clients and is willing to travel miles out of the area to render her time and services.

Valerie Brown-Williams is a native of Albany, Georgia, a 1992 graduate of Albany State College and a 1995 graduate of the Walter F. George School of Law at Mercer University. While at Mercer she received the Dan Bradley Fellowship and worked with the Macon Regional Office of Georgia Legal Services Program.

Brown-Williams is an active member of the Dougherty County Bar Association, where she serves as treasurer. She opened her private practice in 1999, representing clients in the areas of personal injury, divorce, adoption and other domestic areas, as well as real estate, wills and estates, and juvenile law.

Valerie Brown-Williams
Attorney
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BY LORILYNN DANIEL

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Member Benefits: Law Practice Management Program

The State Bar of Georgia’s Law Practice Management (LPM) Program debuted in 1995 with a focused goal of supporting Georgia lawyers in the technological and business aspects of managing their practices. That was 25 years ago, when lawyers were ditching their IBM electric typewriters for laptops, communication was going wireless with the advent of cell phones and marketing strategies were jumping into a brand new online world via company websites. Fast-forward to 2020, and one appreciates how much technological advances have positively affected the law, the legal landscape and general business practices. Increasingly, the practice of law requires legal, technological and business expertise, and that is what LPM can provide. Since its inception, this highly regarded member service has been available to assist Georgia lawyers in adapting their practices with a wide variety of innovations. Whether you need advice on technology, firm finances, organization or reference materials, we have the resources and available training opportunities to assist, including online forms and articles, reference materials in the library and access to onsite management consultations and training sessions.

Read on to discover what is available to you, our members. And visit www.gabar.org/LPM for more detailed information about LPM and the programs and services it provides (see fig. 1).

Law Office Start Up Resources
Whether you are opening a law office from the ground up or are looking for clarity and direction to move your business forward, we suggest starting with the Guide to Starting Your Georgia Law Practice (often referred to as the “Office Start Up Kit”). This guide provides solid advice, offers quality suggestions and answers a majority of the questions one would have about opening a practice in Georgia. You can pick up a copy the next time you are at the Bar Center, or you can log in to your member profile at www.gabar.org, visit the store and order a copy (orders for the guide placed online include a $5 shipping fee). If you are looking for more in-depth business planning advice, call the LPM department at 404-527-8772 to schedule a free in-office visit that will include a business plan review and related practice advice. (Please note that this visit will take place at the State Bar of Georgia unless special circumstances dictate otherwise and should not be considered a consultation, which the program also offers for a nominal fee.)

Solo & Small Firm Resources
Accessible only when you log in to your member profile, the Solo & Small Firm Resources page provides a link to a discussion board that facilitates communication with Georgia solo and small firm lawyers on topics from insurance to marketing and everything in between. Request membership to the group and start your discussion today. Members can also view on-demand videos of each session of the “Start Up Conference—Chicago Bar CLE” featuring Jim Calloway, Oklahoma Bar Association; Natalie Kelly, State Bar of Georgia; Catherine Sanders Reach, Chicago Bar Association; and Reid Trautz, American Immigration Lawyers Association at no cost. (Note: not CLE credit approved.) You also have access to a variety of groups and sections specifically geared toward the solo and small firm practitioner (see fig. 2.)

Consultations
Operating a business isn’t always easy, and doing so in conjunction with practicing law can be incredibly stressful. Sometimes, a
law firm can benefit from a more in-depth review of practices and procedures that will identify areas in which you can improve your productivity and your personal life. The LPM program offers in-person general and technical consultations to firms of all sizes. A general consultation provides an in-depth evaluation of your existing office management procedures with a written assessment of the areas discussed and recommendations therein. The technical consultation includes training for all staff on the most effective use of law office software applications. Consultations are generally limited to one day (approximately eight hours), and the cost varies depending on the size of the practice. The associated expenses including travel are included. Visit www.gabar.org/LPM, scroll down to Consultations and click for more information, including specifics on pricing.

Resource Library
LPM maintains a resource library with more than 1,600 practice management resources on a wide range of topics related to law office management and technology. You may check out items when you are at the Bar Center, or online at gabar.mysurpass.net.

Practice Management Forms
Forms play an essential role in running a business and managing a law practice. We have worked diligently to provide access to a large number of forms on varying topics on the LPM webpage. You can download PDFs of forms on case management; client agreements, interview forms and surveys; forms for closing a law practice; file and work management forms; firm financial and employment agreements; and miscellaneous management forms. If you have questions about downloading these forms or have a request for a specific form not referenced on the list, call 404-527-8772.

Solo & Small Firm Institute
The Solo & Small Firm Institute is an annual gathering for solo and small firm practitioners who have distinct practice needs and desire to learn how to take advantage of developments in the practice of law and business. Enjoy two days of programming and receive a years’ worth of CLE credit at an affordable rate. Special guest speakers, networking and access to more than 30 local and national vendors ensure that this is an event you won’t want to miss. Information about the upcoming Solo & Small Firm Institute will be highlighted and promoted closer to the event date.

Other Resources
Other resources that can be found on the LPM webpage include the Georgia Practice Advisor blog from LPM Director Natalie Kelly and the Office of the General Counsel, providing State Bar members useful practice management advice and general ethical guidance specific to their Georgia law practice; LPM Tidbits, an area that showcases hot new tips, websites and apps; a direct link to Fastcase News, highlighting the latest developments from Fastcase; and access to discounted ABA publications.

We hope you take advantage of all the resources and services that the Law Practice Management Program of the State Bar has available. We are here to make things easier for you. If you have questions about the program, contact 404-527-8770.

Sheila Baldwin
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What exactly is mindfulness? An attorney-turned-wellness consultant shares her strategies for practicing mindfulness to reduce stress and promote professionalism in the legal field.

BY DANIELLE “DANI” BERRY

In his inaugural address at the height of the Cold War, President John F. Kennedy said, “So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is subject to proof.” A core concept of professionalism in the law is civility or how we treat others, including lawyers, judges, clients and the public.1 Zealous representation of clients has been misconstrued as behavior that is intimidating, antagonistic or rude. We see and accept this behavior from members of the Bar. Why? I believe this is a result of the well-being crisis in the law, and I believe the path out of this crisis begins with mindfulness.

The Well-being Crisis
To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. The . . . studies . . . reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers’ basic competence. Th[e] research suggests that the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.2 (emphasis added)

Not all stress is bad. “Mild to moderate levels of stress . . . can actually enable peak performance.”3 Negative consequences, like cognitive decline, strained relationships, incivility, anxiety, alcohol abuse and burnout, among others, arise as stress becomes overwhelming. As our stress levels increase, our tolerance to be triggered by stress decreases. Once triggered
we often revert to conditioned (mindless) reactions that appear automatic.

A mindful response to a stressful event includes taking a pause, considering the present moment by observing sensations in the body, etc., and taking right action. Often times, with a mindful pause, one’s initial (over)reaction to a stressful event will pass and a more civil (mindful) response will arise.

What is Mindfulness?
Mindfulness is simply being fully aware of what is happening at the present moment, without judgment, through awareness of the mind (thoughts and emotions) and sensations within the body. It is an act of detached observation without attaching a label, criticism, spin or other judgment. Through the practice of mindfulness, choosing where to focus our attention with intention, we cultivate inner listening and the ability to be with varying experiences, from stress to joy, to anxiety or fear, without triggering habitually negative stress reactions.

How Mindfulness Can Help Increase Civility
Mindfulness training alters how we interact with ourselves and others, including those at work. Research shows that a repeated mindfulness practice decreases activity in the part of the brain responsible for the fight-or-flight reactions, while increasing activity in the part of the brain responsible for executive functioning skills, logical thought and impulse control. This means mindfulness puts you in control of your emotions and impulses, which results in you becoming a generally nicer and more effective person to be around.

Research has also found that mindfulness can reduce rumination, stress, depression and anxiety, pain and insomnia, and increases overall quality of life. As many Georgia attorneys can now attest, a mindfulness practice can also enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration, working memory, critical cognitive skills, reduced burnout, and ethical and rational decision-making.4

ABA Encourages Mindful Meditation
The American Bar Association (ABA) Task Force recommends mindfulness mediation as one way to improve lawyer well-being, saying, “Mindfulness meditation is a practice that can enhance cognitive re-framing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed.”5

Mindfulness meditation encourages one to be still and focus objectively, without judgment, on thoughts as they pass through your mind as you move toward a state of calm. The practice is to turn toward your thoughts, even the difficult ones, and, over time and with practice, your relationship with those thoughts will change. “Mindfulness meditation is extremely useful in this regard, helping you get in touch with these concerns and learning to work with them so they aren’t so paralyzing . . . [I]t is possible to live with stress and also with less suffering and fear.”6 It also encourages brain health. Studies show that daily practitioners of meditation have more gray matter in the frontal cortex and the same amount of gray matter as individuals half their age.7

How to Start a Mindful Meditation Practice
If you are interested in starting a mindful meditation practice, remember to keep it simple and start with short sessions. General guidelines to start a mindful meditation practice include:

- Find a quiet place to meditate. (Also, do not be weirded out by the word “meditate”; it simply means to focus, a skill we lawyers are both trained in and have experienced.)
- Sit comfortably anywhere you want.
- Close your eyes or soften your gaze on a fixed point about six feet in front of you.
- Breathe in and out through your nose.
- Keep your mind focused on your breath. When it wanders to a thought, “be kind” to the thought for visiting, but simply dismiss it for a later time, and return to your breath.
- Cultivate an awareness of body and mind without judgment and without labeling thoughts or feelings.
- Don’t complicate it! If all else fails, simply breathe.

Endnotes
3. Id. at 51.
4. Id. at 52. (internal citations omitted).
5. Id.
Breaking Bad . . . Writing Habits

As legal writers, we all develop habits. While “old habits die hard,” bad writing habits are made to be broken.

BY DAVID HRICIK AND KAREN SNEDDON

Lawyers are professional writers who produce countless pages of text every year that serve a variety of purposes. Because of that frequency, lawyers form habits, many of which lead to effective and efficient writing. But sometimes those habits are bad and hard to break. This installment of Writing Matters identifies 10 bad writing habits that should be broken.

1. Doing only one draft

We start here because most of the bad habits discussed in this installment can be avoided by revision, which requires breaking the bad habit of doing only one draft. No matter how proficient we are at creating a document and no matter how many times we have drafted one like it—such as a motion for summary judgment—every document will improve if it is revised. Allowing for time between drafts is crucial, too. To break the bad habit of doing one draft, or doing a couple but in a rush, manage your time so you can create a draft, let it sit and then later return to it.
2 Including content of limited value
A particular document must efficiently achieve its purpose. Each word, each sentence, each paragraph, each authority, each argument and each section should contribute to the document’s purpose. This requires removing tangential information, redundant legal authorities, extraneous facts or marginal arguments. Including that sort of content can sap the document’s power or obscure its purpose. For instance, including marginal arguments in an appellate brief may undermine the overall persuasiveness of the brief.

3 Overusing weak constructions
The active voice is stronger than passive voice, and so using the “there is” / “it is” construction is weak. Likewise, using nominalizations and adjectives leads to using weaker verbs. Strengthen every text by avoiding these weak constructions. And, because passive constructions are generally longer, this step will help to shorten any text.

4 Using long sentences and jargon or legalese
The law is complex. That does not mean that complex ideas need to be conveyed in long sentences, let alone those that incorporate jargon or legalese. In addition, long sentences, jargon and legalese can obscure the meaning of the text. A document will be more meaningful and accessible when jargon and legalese are kept to a minimum, and short sentences are the norm.

5 Being inconsistent
Inconsistencies distract readers. Disturbing inconsistencies include using different terms to refer to the same person or thing—referring to a person as “the plaintiff,” “Ms. Smith,” “Susan” or “Appellant”—for example. Likewise, a text should not use both “car” and “vehicle” unless a distinction is being made. Using different words to refer to the same thing—without a reason to do so—can confuse the reader.

Inconsistencies that distract also include using more than one font, or using not just italics or underline or bold, but all of them. This may cause the reader to focus on the document’s formatting—wondering if there is a reason why some words are bold, others italicized and some both, for example—rather than the content. Good writing aims for consistency in formatting and phrasing.

6 Overusing quotes
Quotations are often required. For example, a memorandum addressing the meaning of a provision of a will should quote the exact provision. However, overusing quotes can result in a disjointed text or a jumble of disconnected quotes. In addition, including too many quotes can cause the writer to omit the legal relevance of the quoted authorities. When including a quote, be sure the quote is needed or if, instead, a paraphrase will suffice.

7 Not modifying a form for a specific case
Forms are ubiquitous and a vital part of efficient practice. As refined as a form may be, however, every matter is different. Whether using a form to draft a contract or a motion to dismiss, confirm the information in the form is appropriate for the particular matter—that what is present is needed—that any boilerplate is appropriate and that nothing needed is omitted.

8 Relying exclusively on spell and grammar check
Technology can support good writing. Relying exclusively on technology to create or edit text can create problems. As sophisticated as spell and grammar check have become, they will not catch all mistakes. For instance, spell check may fail to catch the misspelling of a client’s name. Likewise, grammar check may fail to identify a sentence that is missing a word. These glitches can be avoided by using various proofreading techniques, including reading the text out loud.

9 Not creating an outline
Faced with a writing project, the temptation is to immediately create a new document and begin typing. While that can be efficient, it may become a bad habit if it leads to avoiding the critical pre-writing step of creating an outline. The outlining step ensures that you have identified what information must be conveyed and what type of authorities are required and evaluated which arguments are strongest. In the long run, skipping the outline may make the writing process harder and more time-consuming.

10 Procrastinating
We end with the bad habit that can help to break many of the bad habits we discussed so far. Procrastination is the enemy of good writing. It takes multiple drafts to develop the ideas, refine the text and polish the document. To help you stay on track, set goals and deadlines. If you are writing an appellate brief, for example, commit to having a working draft of the issue statement by the end of the day. And the worst form of procrastination—one that leads to all of the bad habits here—is to put off starting the project.

Conclusion
As legal writers, we all develop habits. While “old habits die hard,” bad writing habits are made to be broken.
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.

JACK B. ALBANESE
Atlanta, Georgia
Emory University School of Law (1972)
Admitted 1979
Died February 2020

MARGO M. BENTLEY
Tucker, Georgia
Wayne State University Law School (1986)
Admitted 1995
Died January 2020

JAMES B. BLACKBURN
Savannah, Georgia
University of Georgia School of Law (1949)
Admitted 1949
Died January 2020

ELAINE LYNN CARLISLE
Atlanta, Georgia
Admitted 1983
Died February 2020

CECIL B. DELORME
Savannah, Georgia
Gilbert Johnson Law School (1968)
Admitted 1968
Died January 2020

JOHN A. GRAM
Gainesville, Georgia
University of Georgia School of Law (1974)
Admitted 1974
Died August 2019

DAVID JONATHAN GRINDEL
Winston-Salem, North Carolina
Mercer University Walter F. George School of Law (1990)
Admitted 1990
Died January 2020

PAULA KOSKY HAMANN
Worcester, Massachusetts
American University Washington College of Law (2001)
Admitted 2001
Died November 2019

RICCARDA N. HEISING
Atlanta, Georgia
Georgetown University Law Center (1985)
Admitted 1985
Died December 2019

STEVEN IRWIN HOLM
New York, New York
Emory University School of Law (1977)
Admitted 1977
Died October 2019

GEORGE HOUSEN
Crawfordville, Florida
Admitted 1996
Died June 2019

KATHLEEN MARIE HURLEY
Norcross, Georgia
University of Georgia School of Law (2000)
Admitted 2000
Died July 2019

JOHN L. KIMMEY III
Atlanta, Georgia
Emory University School of Law (1974)
Admitted 1974
Died February 2020

LAWRENCE P. KLAMON
Atlanta, Georgia
Yale Law School (1961)
Admitted 1962
Died December 2019

FREDERICK PETER KROSS III
Gainesville, Georgia
Georgia State University College of Law (1993)
Admitted 1993
Died January 2020

JOHN S. LANGFORD JR.
Atlanta, Georgia
Emory University School of Law (1958)
Admitted 1957
Died February 2020

JOHN K. LARKINS JR.
Atlanta, Georgia
University of Georgia School of Law (1976)
Admitted 1976
Died February 2020

DARYLL LOVE
Atlanta, Georgia
Admitted 1970
Died January 2020

MICHAEL A. PANNIER
Atlanta, Georgia
Mercer University Walter F. George School of Law (1983)
Admitted 1983
Died January 2020

N. WILLIAM PETTYS JR.
Clayton, Georgia
Emory University School of Law (1966)
Admitted 1965
Died January 2020

EVAN HARRIS PONTZ
Atlanta, Georgia
University of North Carolina School of Law (1996)
Admitted 1996
Died December 2019

EMILY PATE POWELL
Buford, Georgia
Mercer University Walter F. George School of Law (1982)
Admitted 1982
Died December 2019

ANDERSON BUTLER SCOTT
Atlanta, Georgia
Emory University School of Law (1993)
Admitted 1993
Died January 2020

CHRISTINA ANDRETTA SCOTT
Athens, Georgia
Charlotte School of Law (2015)
Admitted 2017
Died January 2020

WILLIAM P. “BILL” SMITH III
Decatur, Georgia
Emory University School of Law (1964)
Admitted 1965
Died January 2020

EDWARD E. STRAIN III
Cornelia, Georgia
University of Georgia School of Law (1970)
Admitted 1970
Died September 2019

DONALD EUGENE STRICKLAND
Albany, Georgia
University of Florida Levin College of Law (1966)
Admitted 1969
Died January 2020

TYRONE THOMAS
Falls Church, Virginia
Vanderbilt University Law School (1974)
Admitted 1975
Died September 2019
In Memoriam:
Bill Smith shaped Georgia’s lawyer discipline system

By Darrell Sutton

On Jan. 23, Georgia lost a dedicated servant of the legal profession in our state, Bill Smith. We are all left saddened by his loss.

Smith became a member of the State Bar of Georgia in 1965. Over the 55 years that followed, he dedicated himself to serving the Bar, first as a member of its Board of Governors and Executive Committee. Then, in 1984, Smith became the Bar’s general counsel, a position he would hold until his retirement in 2009.

Employing his unique diligence, innovation and progressive leadership, Smith shaped the Bar’s lawyer disciplinary system. Ensuring that the system served the profession and the public, Smith streamlined the grievance process, pioneering the concept of grievance counsel, which sped the review and disposition of consumer grievances. He also instituted a “Helpline” so Bar members could preemptively obtain advice about ethics issues. And he complemented this with an extensive outreach program, traveling the state to provide Georgia’s lawyers the concise and practical ethics advice for which he was renowned.

So well respected in the field of lawyer ethics was Smith that he was elected president of the National Organization of Bar Counsel, holding that position in 1996-97. In part because of his national reputation as an expert in professional responsibility, Smith helped successfully wage the campaign that culminated in Georgia’s adoption of the ABA Model Rules of Professional Responsibility in 2000.

Though Smith’s tenure as general counsel ended in 2009, his service to the Bar did not. He remained on the Bar staff, serving as ethics counsel. Additionally, his service on the Bar’s International Trade in Legal Services Committee helped Georgia become the titan in international business that it is today.

As great as Smith’s professional accomplishments were, even greater was his marriage to Dot and his love and unwavering devotion to her and their two children, four grandchildren and one great-grandson.

The State Bar of Georgia, indeed the entire legal profession in Georgia, is better because of Bill Smith. We will remember him fondly and miss him greatly. And each time we think of him, we will remember his challenge to each of us: practice ethically, responsibly, and with a humble respect for the power of the legal system.

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Sidney F. Wheeler
Atlanta, Georgia
University of Georgia
School of Law (1962)
Admitted 1961
Died January 2020

Francis Earl Wiggers Jr.
Young Harris, Georgia
Emory University School of Law (1972)
Admitted 1973
Died February 2020

John G. Wolinski
Hahira, Georgia
University of Georgia
School of Law (1975)
Admitted 1975
Died October 2019

Lawrence Douglas Young
Atlanta, Georgia
Georgia State University College of Law (1986)
Admitted 1987
Died January 2020

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James B. Blackburn, 94, passed away in January in Savannah. Born in Screven County, Georgia, on Oct. 18, 1925, Blackburn graduated at the age of 16 from Rocky Ford High School and worked on electric engines at Savannah Machine and Foundry, and later at Southeastern Shipbuilding Corporation, building Liberty ships. At 18 years old, he enlisted in the U.S. Navy and served in World War II in the South Pacific as a radarman on a sea-going tugboat.

After the war, Blackburn entered the University of Georgia at the Hunter Air Force Base on the G.I. bill. He married Mercer Griffith in 1947, and they moved to Athens, Georgia, to attend the University of Georgia together. Blackburn studied law and graduated with an LL.B. in 1949. He began practicing law in 1950 with Casper Wiseman, and they practiced law as partners in Savannah until Wiseman’s death in 1991.

In 1950, Blackburn entered the U.S. Naval Reserve and served until 1967 as a full lieutenant. During the 50s and 60s, he was a member of The Savannah Jaycees and participated in its effort to establish a council-manager form of government in Savannah. In 1957, he was appointed assistant city attorney of Savannah and served in that position until 1961, when Mayor Malcolm Maclean appointed him city attorney. He served as the city attorney until 1967. Four years later, Mayor John Rousakis reappointed him as city attorney, where he served until 2012.

In addition to the city of Savannah, Blackburn was the attorney for the Savannah Pilotage Commission and the Savannah Airport Commission. In 2016, he semi-retired from the practice of law at the age of 91 but continued to represent the Airport Commission until 2019.

Blackburn always tried to do what was right, even if it was unpopular. He believed in treating all people with fairness, dignity and compassion, no matter the color of their skin, their gender or their beliefs. He was a man of faith, though he did not wear his religion on his sleeve. He was a Sunday School teacher from 1950 until his death, and a deacon and former chairman of deacons at Ardsley Park Baptist Church.

Blackburn was a 32nd degree Mason and a member of the Alee Shrine, serving for many years as recorder and a member of the Patrol. He was proud to be a member of the Shrine’s Royal Order of Jesters, and was a past president of the Kiwanis Club of Savannah, of which he had been a member for more than 50 years. Blackburn was inducted into the Georgia Municipal Association’s Hall of Fame in 2002 and was the recipient of many awards, including the NAACP Freedom award (1989), the Savannah Bar Association’s Robbie E. Robinson Award for protection of the rights of individuals and the promotion of justice through law (1997) and the State Bar of Georgia’s Professionalism Award (2001).

John Lansing Kimmey III, 70, passed away in February in Atlanta. He was born on July 12, 1949, in Charlottesville, Virginia to Jane Kennedy Kimmey and John Lansing Kimmey II, and was raised in Columbia, South Carolina. After graduating from A.C. Flora High School, Kimmey attended the University of Virginia and graduated with a bachelor’s degree in English in 1971. He then attended Emory University School of Law, where he obtained his J.D. in 1974. From 1974 to 1985, Kimmey practiced as a trial lawyer with Northcutt & Edwards, and, in 1985, he formed his own firm, now known as Kimmey and Murphy.

In his almost five-decades-long career, Kimmey was a true general practitioner, representing clients in criminal and civil matters in courtrooms in Atlanta and across Georgia. Deeply rooted in the Atlanta legal community, he served as president of the Atlanta Lawyers Club and a member of the Old War Horse Lawyers Club. Those who knew him attest that Kimmey practiced law with professionalism, honesty and integrity—values he applied to all aspects of his life.

Kimmey coupled his work ethic with a deep faith in God. He was a parishioner at Holy Spirit Catholic Church, where he regularly served as an usher. When he was not serving, he was likely in the balcony passing on his love for the church to his grandchildren.

Recreationally, Kimmey’s greatest passion was golf, a game which his parents taught him to love and he shared with his siblings. He passed that love to his daughters and looked forward to teaching his grandchildren. He was a member at the Capital City Club and the Lake Toxaway Country Club, and played in the annual Judicial Invitational tournament, reserved for distinguished members of the legal community. He twice won Club Championships at Capital City, had four holes-in-one and shot his age at 67.
Hon. John S. “Jack” Langford Jr., 88, passed away in February in Atlanta. Born on July 4, 1931, to John S. Langford Sr. and Virginia Flynt Langford, Langford graduated from Griffin High School in 1949. He then graduated from Alabama Polytechnic Institute (now Auburn University) in 1953, where he played varsity football and served as president of the Sigma Alpha Epsilon fraternity. He served for two years in the U.S. Air Force and graduated from Emory University Law School.

Langford practiced law with Bryan, Carter, Ansley and Smith until his appointment to the Fulton County State Court in 1964. He then served as chief juvenile court judge until he was elected to the Fulton County Superior Court in 1972, where he served for 38 years.

Langford’s loves of football and jurisprudence were perfectly combined when he served for 13 years as a Southeastern Conference football official. He was also an Eagle Scout and a volunteer scout troop leader for decades. For many years, he led Troop 42 at All Saints’ Episcopal Church, where he guided a group of boys from diverse backgrounds in the heart of Atlanta with great success.

Additionally, Langford was also a member of the West End Rotary Club, the Piedmont Driving Club, the Carrie Steele Pitts Home Board of Directors and the Atlanta Touchdown Club. He was a member of All Saints’ Episcopal Church and served multiple terms on the vestry. He ran in several Peachtree Road Races and was an Olympic torch bearer in Atlanta in 1996. An avid adventurer, he climbed both Mt. Kilimanjaro and Mt. Rainier in his lifetime.

Sidney Frank Wheeler, 85, passed away in January. Born on July 4, 1934, he was the son of Elizabeth Nowell Wheeler and Sid Wheeler of Monroe, Georgia, and graduated from Monroe High School. He later graduated from the Georgia Institute of Technology and the University of Georgia School of Law. While at Georgia Tech, Wheeler was commissioned an ensign in the U.S. Navy and was on active duty between college and law school.

Wheeler was admitted to the State Bar of Georgia while still in law school and began his law practice in Atlanta in 1962 with the law firm then headed by E. Smythe Gambrell, where he was made a partner. In 1967, Wheeler joined Ben L. Weinberg Jr. and Palmer H. Ansley to form Long, Weinberg, Ansley & Wheeler. In 1999, he was a founding partner in the law firm of Weinberg Wheeler Hudgins Gunn & Dial, where he practiced until his retirement. He was a trial lawyer for more than 40 years, principally representing doctors and hospitals in numerous medical malpractice cases.

Further, Wheeler was a member of numerous bar associations and court rosters and was a Fellow of the American College of Trial Lawyers. He was a member of the Old War Horse Lawyers Club, the Advocates Club, Phi Delta Phi, the Lawyers Club of Atlanta and the Gridiron Secret Society.

Memorial Gifts are a meaningful way to honor a loved one. The Georgia Bar Foundation furnishes the Georgia Bar Journal with memorials to honor deceased members of the State Bar of Georgia. Memorial Contributions may be sent to the Georgia Bar Foundation, 104 Marietta St. NW, Suite 610, Atlanta, GA 30303, stating in whose memory they are made. The Foundation will notify the family of the deceased of the gift and the name of the donor. Contributions are tax deductible. Unless otherwise directed by the donor, In Memoriam Contributions will be used for Fellows programs of the Georgia Bar Foundation.
Wherever you are, stay updated at gabar.org.
"I've come to believe that I was put on earth to make a meaningful difference in the lives of others [...]" is the quote from Tommy Malone that marks the beginning of this biography and shapes the story of Malone's life and career as one of Georgia's finest trial lawyers. In that vein, the early chapters of the biography focus on Malone's work on the Sutton case, which involved an infant child's life-changing injuries during birth. The book chronicles the case as it made its way through the trial and appellate courts. Malone took the case because his heart went out to the family, and his advocacy ultimately led to a verdict favoring the family.

The biography then shifts to Malone's childhood in Albany. Malone's father, Hon. Rosser Malone, was shaped by post-Reconstruction views in southwest Georgia, but Malone began to question the established mores. He recognized the inherent unfairness associated with segregationist policies. Malone grew concerned about the lack of representation for African-Americans in the jury system and regular injustices faced by attorneys, such as C.B. King, in the community. Leaving Albany to begin college at the University of Georgia, his initial foray into Athens (as so many are) was met with social inducements and declining grades. After some initial setbacks, Malone transformed him-

“Tommy Malone Trial Lawyer” is a wonderful biography and well-worth reading for all attorneys.
self into a model student and leader. Upon graduation from UGA, Malone attended Mercer Law School before heading back to Albany to practice law with his father. During Malone’s early years of practice, many of his cases involved criminal defense, where he continued to witness many injustices in the legal system. He persevered in his practice and ambitions to change the status quo. For example, Malone challenged a referendum for a new governmental complex due to funding irregularities. He also brought a lawsuit against a prominent doctor for malpractice, which set the tone for his career and willingness to be an advocate for injured people despite unfavorable odds.

Malone began focusing even more on medical malpractice. He met Melvin Belli, a California attorney, referred to as the “King of Torts.” Malone and Belli developed a special friendship and tried several high-profile cases together. In fact, Belli travelled to Albany to try the Bitterman III case, which involved an allergic reaction to prescription drugs. He also went on to open a satellite office in Atlanta due in part to more favorable venues.

Malone was known for his deep affection for fishing, love for his wife Debbie and his unflagging professionalism amongst the bench and bar. He developed lasting friendships with opposing counsel in his cases forged on mutual respect. Malone devoted significant time and resources to charitable organizations, especially the Shepard Center. These friendships and commitments have forged a lasting legacy for Malone as one of the finest trial lawyers in Georgia and across the county.

Along with reading his biography, I also had the distinct pleasure of speaking with Malone before his passing in October 2019. I was especially moved by Malone’s remark, “Every lawyer should be the best lawyer they can be because you can’t be someone else.” Our own unique abilities and talents give us the ability to make a positive impact into the lives of others. He stressed the importance of honesty and credibility in the practice of law and life. To this end, Malone reaffirmed the importance of our jury system and willingness to take a case to trial because jurors will recognize these inherent characteristics and values.

“Tommy Malone Trial Lawyer” is a wonderful biography and well-worth reading for all attorneys. Coppola has woven a profound story with moving personal details of a fine trial lawyer: Malone serves as an inspiration and role model. May he forever rest in peace and in our hearts.

Kevin Patrick is the principal and founder of Kevin Patrick Law, LLC. His firm exclusively handles personal injury cases. Patrick is an AV Preeminent rated trial lawyer. He serves in various leadership capacities with the State Bar of Georgia, Georgia Trial Lawyers Association and the Atlanta Bar Association. Patrick also actively volunteers in the community with organizations, such as the Georgia Center for Child Advocacy and Clyde’s Kitchen.
Ariel’s Island

by Patrick W. McKee
352 pages, Southern Fried Karma, LLC

REVIEWED BY WILLIAM L. BOST JR.

Paul McDaniel, a star litigation associate with one of Atlanta’s oldest and most prestigious law firms, arrives early at the office to start an 18-hour day when he is stopped in his tracks by a grizzly sight. His partner and mentor, Frank Billingsley, has apparently jumped from a balcony outside the law firm’s office and landed unfortunately on the spear of a statute in the fountain below. This gripping beginning to the legal thriller “Ariel’s Island” is only a small foretaste of the action-packed twists and turns that follow.

Newnan, Georgia, trial lawyer Pat McKee has somehow found the time in his busy trial practice to write a riveting novel, which offers courtroom drama in a high stakes patent case, multiple murders followed by chases and rescues, and the workings of an artificial intelligence named “Ariel,” who is both Paul McDaniel’s guardian angel and ultimately, something more.

Paul McDaniel’s danger-filled odyssey begins in the courtroom defending the Milano Corporation in a bet-your-company lawsuit seeking hundreds of millions of dollars for alleged illegal use of patents. From that courtroom, and a successful jury verdict, Paul McDaniel’s path takes him to Frederica Island, the wealthy enclave on the coast of Georgia, and then into the
swampland of deep South Georgia. His odyssey continues to South Florida and Bimini, ultimately bringing him back to Frederica Island and the skyscraper canyons of midtown Atlanta.

On this journey, Paul has many encounters with the Milano family including the beautiful Melissa Milano with whom he is smitten. Paul exposes himself to countless personal risks to try to safeguard Melissa, but their would-be courtship has an ironic and deadly ending to it. In “Ariel’s Island” we also meet William Fowler, Paul’s senior partner and the patriarch of Strange and Fowler, the premier law firm in Atlanta, Georgia. We meet Judge Richards, a federal judge and a champion trap shooter, who presided over the patent litigation. And we meet two people who will ultimately be very important to Paul McDaniel: the retired GBI agent, Grey, and his friend Rebecca.

Running through all of this, we have the workings of an almost magical artificial intelligence, Ariel, who has been assigned by one of the Milano Corporation founders to assist and safeguard Paul.

Although innocent, Paul is directly implicated in the murder of the federal judge who presided over the patent case as well as Paul’s senior partner, William Fowler. It seems that it will be impossible for Paul to escape punishment for those crimes even though he did not commit them. Author Pat McKee skillfully weaves a tale of adventure whereby Paul, with the assistance of retired GBI agent Grey and the artificial intelligence, Ariel, attempts to save Melissa from her evil uncle and to establish his own innocence.

If the name Ariel is familiar to the reader, that is because Ariel is a character in Shakespeare’s play, “The Tempest.” “The Tempest” takes place on an island and involves a struggle between two powerful Italian Dukes, one of whom is assisted by the magic of Ariel. McKee has taken plots and themes from Shakespeare’s “The Tempest,” and skillfully woven them into “Ariel’s Island.”

This gripping tale is hard to put down. Whether it be the high stakes patent trial, the violent deaths of the federal judge and the senior partner in a gated enclave on the Georgia coast, or law enforcement’s pursuit of Paul as he attempts to rescue Melissa, this book is riveting. The reader is compelled to consider the role of artificial intelligence and how it may be a great force for good or ill.

This is a remarkable first novel by a busy trial lawyer. We can only hope that McKee will provide us with more.

William L. Bost Jr. is a partner with the Atlanta law firm of Greenfield, Bost & Kliros, and is a former editor-in-chief of the Georgia Bar Journal. His practice focuses on commercial litigation, probate litigation and professional negligence defense.

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The Institute of Continuing Legal Education of the State Bar of Georgia (ICLE) misses seeing your face during this important time of sheltering in place. However, please know that we are still here as your continuing legal education and lifelong learning provider.

Although we are not able to convene in person, there are many online learning opportunities in our webcast library. Simply visit www.gabar.org/webcasts to view the full list of available webcasts.

We have recently rescheduled a number of programs from our mid-March and April calendar to later this fall and winter, however you can view webcast topics that correspond to those programs online now through ICLE webcasts.

As we chart these unprecedented times and sail into May, don’t forget that the first Lawyer Well-Being Week will take place May 4-8. The aim is to raise awareness and encourage action across the profession to improve well-being for lawyers, judges, law students, as well as their support teams. If you are looking for a webcast CLE program to coincide with the occasion and support your wellness journey, then the Attorney First Aid Kit webcast (www.gabar.org/attorneyfirstaidkit) is a wonderful option.

For additional information and an array of resources on wellness, visit www.lawyerslivingwell.org or the American Bar Association National Task Force on Wellness site at www.lawyerwellbeing.net.

ICLE looks forward to welcoming you back in the near future. Until then, stay safe and take care.

Michelle E. West  
Director, Institute of Continuing Legal Education  
State Bar of Georgia  
michellew@gabar.org
Below is a list of our mid-March and April programs that have been rescheduled for later this fall and winter, but you can view corresponding webcasts online now, along with all available programs, at www.gabar.org/webcasts.

ICLE WEBCASTS

- Adoption Law and Practice in Georgia
- ADR Institute and Neutrals Conference
- Attorney First Aid Kit
- Basic Fiduciary Law
- Basic Fiduciary Law 201
- Carlson on Evidence
- Employee Benefits
- Entertainment Law Basics Bootcamp
- Expert Testimony
- Fighting the Good Fight—Employment Law in the Courtroom
- Georgia Foundations & Objections
- Jury Trial
- Jury Trials for Divorce
- Labor & Employment Law Institute
- Mediation Advocacy
- Not Your Everyday Custody Case
- Not Your Typical CLE
- Post Judgment Collection
- Professional and Ethical Dilemmas
- Professionalism and Ethics Update
- Professionalism Ethics and Malpractice
- Proving Damages
- Restrictive Covenants and Trade Secrets in Georgia
- Toxic and Mass Torts
- Trial Advocacy
- Trial and Error
- Trying Your Best: Employment Law Goes to Court

#STAYHOME
Proposed Amendments to the Uniform Rules for Superior Court

At its business meeting on Jan. 23, 2020, the Council of Superior Court Judges approved proposed amendments to Uniform Superior Court Rules 1, 3, 4, 24, 36 and 43 as well as proposed new Rule 49. A copy of the proposed amendments may be found at the Council's website at georgiasuperiorcourts.org. Should you have any comments on the proposed amendments, please submit them in writing to the Council of Superior Court Judges at 18 Capitol Square, Suite 104, Atlanta, Georgia 30334 or email them to uniformrules@cscj.org. To be considered, comments must be received by Monday, July 6, 2020.

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