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Whether you’re scrolling through the digital edition or flipping through the pages of the paper copy, thank you for reading the spring issue of the Georgia Bar Journal. We’ve got a lot of great content for you.

President Elizabeth L. Fite writes about professionalism and civility being integral to our existence as legal professionals in “Professionalism and Civility After the Pandemic.” These sentiments are reflected in “You Can’t Make This Stuff Up,” the Professionalism Page article.

Executive Director Damon E. Elmore is on a mission to help State Bar of Georgia members remember and connect with the Bar’s different programs and departments. In “Your State Bar: What We Do, Who We Are…” Elmore walks readers through the different resources available and how they can benefit Bar members.

In our legal article, “The Fireman’s Rule in Georgia: Litigating Claims Brought by Public Safety Officers,” Eric Retter explores the contours of the Fireman’s Rule. He also discusses the fundamentals related to litigating claims brought by public safety officers for injuries sustained while in the execution of their duties.

“A Judge and His Son: Malcoms Bond as a Courthouse Team,” shares the story of Northern Judicial Circuit Chief Judge Jeffery Malcom and his 33-year-old son Ryan Malcom. Linton Johnson interviews the father-son team about their relationship and what it’s like to spend their days inside the Elbert County Superior Court.

Concerning resources and tools for attorneys, this issue of the Georgia Bar Journal provides advice on research, writing and working with diverse clients. Check out “Journals, Blogs and Expert Witness Directory,” “Ten Tips for Clearer Legal Writing” and “Six Surprisingly Simple Shifts to Serve Diverse Clients with Confidence.”

The State Bar of Georgia has had some exciting (in person!) events in the past few weeks. You can read about the 31st Annual Georgia Bar Media & Judiciary Conference, an event that brings together judges, journalists and attorneys to delve into current and timely issues regarding the law and the First Amendment, as well as highlights of the Judicial Council of Georgia’s and State Bar of Georgia’s Access to Justice Committees and their recent joint retreat to the Legacy Museum in Montgomery, Alabama.

And finally—did you know the State Bar has an Equine Law Section? In his article, Section Chair Philip Burrus re-introduces us to the section and explains the relaunch of the legal group. You can read all about it in “The Equine Law Section Rides Again.”

As always, thank you for reading this issue of the Georgia Bar Journal, and I will see you again soon. Take care!
The arrival of spring is a something to celebrate. Everything seems fresh and new, or at least restored to the way we remember it before the harshness of winter set in. Warm sunshine, colorful flower gardens and the opportunity to spend more time outdoors can brighten anyone’s outlook—even those averse to pollen.

That is not to say all our worries disappear. The past two years have brought unique challenges to the legal profession and justice system—as well as new ways of doing things. Court proceedings, client meetings and Bar conferences conducted virtually became the new normal and will remain so to some extent. Despite the convenience of working from home, enduring trial delays and being deprived of personal interaction with our colleagues has been difficult for many in the legal community.

No doubt most of us have had difficult moments getting through all of this, and nerves were worn thin on more than a few of those Zoom sessions. Extra doses of grace and understanding have been needed to maintain the level of civility and professionalism expected among our attorney peers, especially opposing counsel. What have these challenging situations taught us as we return to in-person office and courtroom settings?

Dentons partners Shari Klevins and Alanna Clair addressed this in their article “The New Professionalism Created by the Pandemic,” published by Law.com in January. They contend that during COVID, “there has been an increased emphasis on civility and respect for others in the practice of law, and a call for practitioners to think of their litigation opponents as colleagues and people first.”

Part of this, they said, arose from an increased understanding for “colleagues (who) are dealing with health issues or other pandemic-driven logistics. ... With the challenges faced by courts and attorneys alike during the pandemic, courts recognized the need for perspective, even when attorneys would otherwise act as a zealous advocate for clients.” In certain court orders, judges “have been critical of litigators who cannot work together to resolve technical or deadline-related disputes or who seek to use the court’s limited resources to resolve issues that the courts do not view as truly ‘urgent.’”

Indeed, our judicial system faces an unprecedented backlog and limited resources, and I respectfully submit that the lack of civility and professionalism will only increase the backlog and unduly tax those already limited resources. Before you scroll to the next article, however, hear me out. While I sincerely believe we should adhere to our duties of professionalism and civility or risk shifting the legal “profession” to a collection of legal “jobs,” I am also pragmatic and believe some colleagues do not realize how their actions may not only reflect poorly upon them with the very people from whom they seek a ruling, but also directly contribute...
In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, “What led you to a career in law?”

**ELIZABETH L. FITE**
*President*

As I wrote about in the August 2021 Georgia Bar Journal, serving as a peer mediator while in middle school showed me the value and importance of a system where people can peacefully resolve their disagreements.

**SARAH B. “SALLY” AKINS**
*President-Elect*

I never wanted to be anything other than a lawyer because lawyers are problem solvers and—at their best—instruments for positive change.

**HON. J. ANTONIO “TONY” DELCAMPO**
*Treasurer*

In undergrad, I was selected to represent Emory in the Model Organization of American States competition in Washington, D.C., and realized I had some talent for persuasive speaking. After that experience, I applied to law school and matriculated at Georgia State Law. I have loved the legal profession ever since and never looked back!

**IVY N. CADLE**
*Secretary*

I struggled to find something I enjoy. I tried several fields; first, medicine, then accounting and finally law. I continue to practice law because I enjoy working with people to solve complex problems.

**DAWN M. JONES**
*Immediate Past President*

As a graduate nursing student at Georgetown University in the early 90s, I was introduced by then Dean Dorrie Fontaine to several former RNs who were U.S. Department of Health and Human Services attorneys in D.C. They spoke to our class about how their work of enforcing rules and regulations ensured that patients nationwide received optimal care and treatment. A seed was planted!

to the backlog that we all lament, thereby doing a disservice to their clients.

As I have previously shared, I have had the opportunity to work with several trial court judges across the state during the last two years, and a common refrain (that may be hard for some of you to hear) is that attorneys often misjudge the efficacy of their motions practice—especially as it relates to discovery disputes or those matters that are readily apparent and could have been resolved to the mutual (dis) satisfaction of the parties without court intervention. Stated another way, just because you can file it—and not be subject to sanctions—doesn’t mean you should.

Now more than ever, courts are willing to have status conferences (via Zoom or in person) with parties to resolve certain disputes quickly and without the parties resorting to extensive brief writing. N.B.: I have also heard several trial judges comment that those zingers some lawyers use to characterize the opposing party’s position are similarly not well-received by most judges or their staff.

As this is an article about fresh starts, however, I reached out to several judges to get their take on how the pandemic has affected civility and professionalism for the good and what they hope to see moving forward.

Bibb County State Court Judge Jeff Hanson said what has stood out to him is “ironically, increased personal interaction during virtual hearings, and it has...”
We’ve now had two years refine our skills, renew our focus and realize that treating each other with dignity and respect is as good for the soul as it is the legal profession.

increased civility.” Before the pandemic, he explained that when he entered the courtroom, called the case for the motion hearing and made some preliminary remarks about his assessment of the issues, it was all business as attorneys proceeded with their arguments.

“With virtual hearings, I am usually the first one in the ‘room,’” Judge Hanson added. “When I admit the others, we have an opportunity for some informal conversations while we wait for someone’s audio to connect or for someone else to figure out why their video isn’t working. In almost every hearing, this conversation includes personal questions about how everyone is doing. Are they working from home, is their office open, have they been to any live proceedings in court, are their kids back in school yet? After these preliminary, personal conversations the opposing attorneys are still adversaries, but their arguments seem more civil, with less personal venom and general disdain for each other.”

DeKalb County Superior Court Judge Shondeana Morris said she has also been impressed with the conduct exhibited by lawyers during virtual proceedings.

“Prominently displayed on my bench is an engraved plaque that reads: ‘Professionalsm and Civility—Nothing Less Will Be Tolerated.’” Judge Morris said. “During Georgia’s 15-month-long Statewide Judicial Emergency due to COVID-19, I have presided over hundreds of Zoom civil, criminal and domestic nonjury trials and motions hearings in which no one could see the plaque on the bench. I am proud to share I only made reference to the quote four times in the last two years.”

She continued, “Our lawyers have exhibited the highest level of professionalism and civility. I was most touched recently when a lawyer announced an important celebratory event for his child. The lawyer’s entire family was attending the event. He was hopeful someone would record the event. Before I had an opportunity to respond to the lawyer, opposing counsel and their client asked that I continue the matter so the lawyer could be a part of his child’s special moment. I hope our lawyers will continue to be kind, patient and courteous to each other as exhibited on that day.”

Cobb County Superior Court Judge Robert Leonard noted that instead of complaining when their opposing counsel might have been having technical difficulties with his or her case presentation during an online court session, lawyers would come to each other’s assistance.

“On Zoom I have noticed that the attorneys that have really caught on to virtual court being willing to help their opposing party when it comes to showing exhibits,” Judge Leonard said.

These testimonials of lawyers in-court good behavior are to be expected. As Elizabeth Holt Andrews of Troutman Pepper in San Francisco and Andrew Trask of Williams & Connolly in Washington, D.C., pointed out in their Bloomberg Law article, “Professional Civility Is Essential in the Pandemic,” goodwill among counsel was seen as critical to our system of justice even before the pandemic—the 1918 flu pandemic, that is.

It was in 1908, in fact, when “the American Bar Association promulgated its first national code of legal ethics, which included this directive: ‘Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case.’”

Andrews and Trask conclude, “The wisdom of those words persists today, with efforts to encourage civility in the legal profession proliferating in recent decades among courts and bar associations. The current pandemic thus pairs unprecedented challenges with an unrivaled opportunity. Whether in the midst of contentious litigation or protracted contract negotiations, we cannot know all the burdens our colleagues may be carrying. But we can recognize these trying times as an opportune moment to showcase our profession’s commitment to civility.”

Will lawyers continue to carry that commitment as we march boldly into the post-pandemic era? Judge Leonard reports he has seen some good signs since the courthouses have reopened.

“In a couple of recent in-person proceedings, I have noticed that they seem genuinely glad to see their colleagues that they haven’t been in person with for quite a while,” he said. “Lots of handshakes, back slaps and even a couple of hugs.”

There is a proverb that contends, “smooth seas don’t make skillful sailors.” These unprecedented times have given us an opportunity to reflect on what we do as a profession and why. We’ve now had two years to refine our skills, renew our focus, and realize that treating each other with dignity and respect is as good for the soul as it is the legal profession. Professionalism and civility remain integral to our very existence, and my belief is the lessons we have learned, and the goodwill and grace that many of us discovered over the last two years will only improve what it means to be a lawyer. ●
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3 Coach a team or judge a trial for the High School Mock Trial program and receive up to three hours of CLE credit. Contact michaeln@gabar.org for more information and to volunteer.

6 Earn up to six CLE credits for having your legal article published in the Georgia Bar Journal. Contact jenniferm@gabar.org to learn more.
Fake It ‘Til You Make It: Establishing Your Brand as a Young Lawyer

“Personal branding is about managing your name—even if you don’t own a business—in a world of misinformation, disinformation and semi-permanent Google records.”—Tim Ferris

Webster’s defines marketing as “the process or technique of promoting, selling, and distributing a product or service.” Regardless of the type of law you practice, you market yourself daily. Personal injury attorneys may advertise on billboards and market to other lawyers in hopes of obtaining case referrals, while civil defense attorneys may direct their marketing efforts towards insurance carriers and other businesses. If you are a prosecutor or criminal defense attorney, you market yourself to the jury to “sell” your client’s position. And unless you are a solo practitioner, we, as young lawyers, market to our superiors to gain their trust or to get more desirable assignments. Ultimately, we all market directly to our target audience through our interactions and communications.

Marketing can have a different meaning depending on who you ask, but at its core, it is about building your brand. Some of us may have become lawyers because we looked up to another lawyer—whether it was a someone we knew, a fictional TV or movie lawyer, or otherwise. If not, then I bet each of us can at least name a handful of lawyers who we view as the best in their respective areas of expertise. Think about those people and what draws you to them or makes them excel in their profession. Those defining traits are all a part of someone’s brand. We all convey a message, whether intentional or not. And to market effectively—in a way that resonates with our internal and external audiences—the message conveyed must be authentic.

In September 2015, after just a few months of being on the defense side of the ‘v,’ I had my first jury trial. A few weeks before trial, the partner on the case told me that I would be doing voir dire. I politely informed him that I had never tried a case and did not know the first thing about voir dire, to which he responded, “You’ll figure it out.” After painfully “figuring it out,” I spent the rest of the trial studying the partner’s opening statement, cross-examinations and closing argument, while noting his style, catchphrases and overall theme. Fast-forward a few years to when I had a chance to take a lead role in another trial. To prepare, I pulled up the transcript from that first trial and essentially tried to mirror everything the partner had done years earlier. I tried to be someone I was not. The delivery was wrong, the message was unclear, and most importantly, I was inauthentic.

We all begin on a blank slate when we first start practicing law. Sometimes we also start in one practice area or industry and end up in another which causes us to pivot our marketing and branding strategies. Fortunately, I knew a year into...
In this issue of the Georgia Bar Journal, we asked our YLD officers, “What led you to a career in law?”

ELISSA B. HAYNES | YLD President

The C- I received in organic chemistry while at the University of Georgia is what led me to change my major from biology to criminal justice.

RON DANIELS | YLD President-Elect

Deep down, I think I just like helping people and solving more problems than I make.

BRITTANIE D. BROWNING | YLD Treasurer

I wanted to be a lawyer since I was a child. I really enjoy helping people navigate problems, offering guidance and finding solutions. I was lucky that my parents and teachers supported my goals and helped me concentrate on the trajectory of my academic career to lead to law school.

BERT HUMMEL | YLD Immediate Past President

I was led to a career in law because I really was not qualified for anything else.

ASHLEY AKINS | YLD Newsletter Co-Editor

I wanted to become a lawyer since I was a little girl. Being sworn in as a lawyer is one of my favorite memories!

LAKEISHA R. RANDALL | YLD Newsletter Co-Editor

While I didn’t grow up dreaming of becoming an attorney, I’ve always valued storytelling, fighting for the marginalized and giving voice to those who are silenced. I envisioned doing this through journalism but later chose the law. My love for reading, fact gathering and digging into details are the essence of who I am and contribute to my success.
branding are a necessity to maintaining his business. Like me, he relies heavily on social media marketing by determining who his target base is, what they want in a lawyer or co-counsel, and posting content consistent with those wants. Lastly, the national firm plaintiff’s lawyer stands out among his peers and builds his brand by giving his personal cell phone number to each of his clients. Although he admits that this often leads to calls and texts at less than desirable hours, being accessible in his line of work has already paid dividends and resulted in several word-of-mouth referrals.

I also interviewed some of my civil defense colleagues, as well as solo practitioners who handle a wide variety of legal matters. Their marketing and branding strategies were similar. Each expressed the importance of fully capitalizing on speaking opportunities and holding yourself out as an expert in the field you want to practice in, even during those early stages. As the solo personal injury lawyer commented during our discussions, if you do not believe in yourself, then who will?

Marketing and brand building is more than just advertising on billboards or winning and dining clients. Our brand is something we control and continue to improve on, and something that can grow or shrink with everything we do. As I was finalizing this article, I had the Oscar’s on in the background and watched as Will Smith assaulted comedian Chris Rock after what Rock thought was a harmless joke about Smith’s wife. Seconds later, Will Smith became a trending meme and GIF (and not in a good way). One must wonder how this will affect his public persona and reputation moving forward. While we are not in the entertainment spotlight like Will Smith, as young lawyers trying to make a name for ourselves, we can still take a lesson from this. Our actions have consequences and the reputation and brand we build for ourselves will carry over for years to come.

In the end, our authentic selves take time to develop and display. I better understand the type of lawyer, marketer and leader I am now and what I see for my future, much more so than when I began practicing. I can also appreciate that these opportunities for self-reflection and growth occur not only at the end of a jury trial or YLD presidency, but at the end of each day. At some point, we start to ask ourselves, “Am I still faking it ’til I make it, or am I finally the real deal?” Act with confidence, be professional and continue seeking new and innovative ways to establish your brand so that others will not be able to tell the difference and eventually, neither will you.

Endnote
I love LawPay! I’m not sure why I waited so long to get it set up.

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As president of the State Bar of Georgia for 2021-22, Elizabeth L. Fite has made “Know Your Bar” an essential element of focus. It is an appropriate emphasis, especially following two years of disconnect from routines and friendly interests on the part of Bar staff and Bar members. It is in that spirit that this column aims to help everyone remember and connect with the programs and departments available to our members.

We do this from time to time. I noticed that our longest serving executive director, the late Cliff Brashier, penned a similar article nearly two decades ago. For the most part, what was true then remains true today, such as the State Bar staff’s goal to “consistently strive to give accurate information and courteous assistance to help our members be better lawyers and judges. We also seek to provide expert assistance and valuable benefits to the public served by the legal profession.” That hasn’t changed and won’t change.

So if you are new to the profession or just need a refresher on the many ways you can benefit from the Bar’s member services, here are brief descriptions of most of the programs and departments that directly serve our members, along with contact information for the appropriate person in each area.

Bar Center
Cliff said it best: “The Bar Center is the home of lawyers and judges of Georgia. It is (our) professional gathering place.” The Bar Center headquarters in downtown Atlanta is open and stands ready to serve all members and the public through the administration of justice and work of the profession. Bar Center conference rooms can be reserved for law-related meetings on weekdays, 8 a.m. to 5 p.m. Members can also enjoy our lawyers lounge and take advantage of complimentary parking and free Wi-Fi throughout the center. For more information on the Bar Center, email me at damone@gabar.org. For more information on the Conference Center, visit www.gabar.org/conferencecenter or contact Faye First, Conference Center manager, at fayef@gabar.org.

Client Assistance Program
Assisting members of the public with matters that relate to the profession is an equally important part of our work. The Client Assistance Program (CAP) is designed to improve communication between lawyers and their clients by working to informally resolve minor matters that might not rise to the level of a serious ethical violation. Contact Mercedes Ball, CAP director, at mercedesb@gabar.org.

Communications
All of our efforts to keep our members and the public informed—publications, media relations, social media content, podcast episodes, graphics, flyers, pam-
phlets and website—are coordinated by this department. Publications include the bimonthly *Georgia Bar Journal*, monthly *Enews* and regular updates for our members, design for *The YLD Review*, edits to the *Lawyers Living Well* podcast and other communications services. Contact Jennifer Mason, director of communications, at jenniferm@gabar.org.

**Continuing Legal Education**

Our CLE Department, with support from the Commission on Continuing Lawyer Competency, manages and regulates the mandatory CLE program and related rules enforced by the Supreme Court of Georgia. The common purpose of the commission and the department is to help attorneys maintain their professional competence throughout their active practice of law by establishing minimum requirements for continuing legal education. An important part of this responsibility is the approval of high quality, comprehensive and innovative CLE programs, materials and courses that are relevant to the professional needs of Georgia lawyers. Contact Dee Dee Worley, CLE director, at deedeew@gabar.org.

**Fastcase Legal Research**

Perhaps our most underrated member benefit is access to free legal research. Fastcase is a comprehensive, user-friendly national law library on your computer, tablet or smartphone, with online access to cases, statutes, regulations, court rules and Bar publications. CLE-approved training is available and access is convenient through apps and mobile sync aid mobility. Visit www.gabar.org/fastcase or contact Member Benefits Coordinator Sheila Baldwin at sheilab@gabar.org for more information. Or call 866-773-2782 to speak with a Fastcase reference attorney.

**Fee Arbitration**

The Fee Arbitration Program provides a convenient mechanism for resolving fee disputes between attorneys and clients. It also provides for the resolution of fee disputes between lawyers resulting from a partnership dissolution, sharing of fees or the withdrawal of a lawyer from a partnership. Petitions are available through the Fee Arbitration office. Contact Rita Payne, director of fee arbitration, at ritap@gabar.org.

**Georgia High School Mock Trial**

With a focus on the future of the legal profession in Georgia, this department coordinates best in class regional, state and national high school mock trial competitions. The work, supported by countless volunteer lawyer coaches, evaluators and judges, exposes high school students to proper litigation techniques, professionalism and procedure in the legal system, and it encourages them to be better-informed citizens. This program also sponsors a law academy and a court artist contest. Contact Michael Nixon, HSMT director, at michaeln@gabar.org.

**Institute of Continuing Legal Education**

The State Bar is committed to the professional development of our members by designing and providing quality legal education courses through the Institute of Continuing Legal Education (ICLE). All of the institute’s activities are designed to promote a well organized, properly planned and adequately supported program of continuing legal education through which Bar members have a means of enhancing their skills, keeping abreast of developments in the law and engaging in the study and research of the law, so as to fulfill their responsibilities to the legal profession, the courts and the public. Contact Michelle West, director of ICLE, at michellew@gabar.org.

**Law Practice Management**

If you need support, resources, tools or guidance for starting, managing or shutting down your firm, this department can help. The core includes tools, information, resources and programs to help run a profitable and purpose-driven practice with ease. Law Practice Management (LPM) provides business manage-
ment assistance, technical and general consultations, software advice and training, sample forms, start up resources, a solo/small firm conference and video resources. Visit www.gabar.org/LPM or contact Nkoyo Effiong, LPM director, at nkoyoe@gabar.org.

Law-Related Education
Law-related education is an interactive method of teaching young people about the law and the fundamental principles on which it is based. More specifically, law-related education provides instruction concerning legal rights and responsibilities, and it encourages informed participation in our democratic government. Contact Deborah Craytor, director of law-related education, at deborahc@gabar.org.

Lawyers Living Well | Lawyer Assistance Program
Through the work of dedicated lawyer volunteers supporting our committee, we have made lawyer wellness a priority. Our website (www.lawyerslivingwell.org) and social media pages (#LawyersLivingWell) include articles and resources related to wellness and Bar programs that help lawyers in their lives and practices.

As a core component of our wellness and work, the Lawyer Assistance Program (LAP) and Georgia Lawyers Helping Lawyers (LHL) are confidential programs that provide those in the legal profession with help in life’s difficulties. Peer-to-peer programs and professional counseling are available. The confidential LAP Hotline is 800-327-9631. Learn more at www.gabar.org/LAP and www.georgiaLHL.org.

Governmental Affairs
Our Legislative Program provides advocacy and education on state legislative issues affecting the practice of law. Any Bar committee or section may advocate a position related to any bill or legislative issue, in compliance with Standing Board Policy 100. The Legislative Program is exclusively funded by voluntary contributions from our members, and we are grateful for that support. For more information about the program, including information about the 2022 legislative session, access to our legislative team and an opportunity to contribute, visit www.gabar.org/LEG, or contact Director of Governmental Affairs Christine Butcher Hayes at christineh@gabar.org.

Meetings
The State Bar Board of Governors holds four meetings each year, including the Annual, Fall, Midyear and Spring meetings. These quarterly meetings offer CLE seminars, speakers and issue updates to keep lawyers informed of their ever-changing profession. We encourage all members to attend and join in the discussion. Contact Gakii Kassamba, director of meetings, at gakiik@gabar.org.

Membership
Our membership department keeps up-to-date records for all Bar members. It also prepares our annual license fee notices, manages member profiles, maintains the membership portion of the directory, supports our elections process and produces letters of good standing, bar cards and other lawyer identification information. Contact Brinda Lovvorn, director of membership, at brindal@gabar.org.

Office of the General Counsel
Our Office of the General Counsel supports the regulatory function of the Bar by managing lawyer compliance with our ethics rules adopted by the Supreme Court of Georgia. It also acts as in-house counsel for the State Bar of Georgia. In addition to maintaining a helpline for
members, staff attorneys are available to discuss the functions of the office with local and voluntary bars on request. Attorneys from this office also act as staff for the Clients’ Security Fund. Contact 404-527-8720 or 800-682-9806 for help.

Regional Offices
In addition to the Bar Center, we offer members in the Coastal and South Georgia areas access to similar conference center amenities through the Savannah and Tifton offices. Attorneys can utilize these locations for CLE seminars, ADR training, local bar meetings and depositions. Any lawyer or law-related group may use the facilities for Bar-related purposes. For information about the Coastal Georgia Office in Savannah, contact Kindall Harville, office manager, at kindallh@gabar.org; for information about the South Georgia Office in Tifton, contact LaCara Reddick, office manager, at lacarar@gabar.org.

ReliaGuide—Find A Lawyer Directory
Consumers increasingly use online resources to find legal help, so an online presence is vital. With that in mind, we have partnered with CloudLaw PBC to provide an enhanced directory, ReliaGuide, that will help you get found and get hired. You can find more information about ReliaGuide and how you can utilize the enhanced directory to manage your online presence at www.gabar.org/reliaguide.

Sections
Fifty-one practice area sections serve as the Bar’s conduit for information in particular areas of law. The sections provide newsletters, programs and the chance to exchange ideas with other interested practitioners. Contact Mary Jo Sullivan, director of sections, at maryjos@gabar.org.

Point of Personal Privilege:
At the time of publication, the Board of Governors will have recently met in Athens for its Spring meeting. Much of the agenda for that meeting was focused on finalizing the budget for the 2022-23 Bar year and setting license fees. I will have reported on our current position: we are managing the budget well. The Bar Center is seeing more and more activity in the form of meetings (large and small) and ICLE events, as well as programming through our “Journey Through Justice” program and partner agencies. The process for selecting new office space in Savannah is also moving along well. We are grateful to the numerous members who have provided suggestions and feedback, as well as the real estate broker working on behalf of the Bar. We look forward to updating you along the way. One last note: when you have a chance, please join me in congratulating Rita Payne, our director of fee arbitration, for celebrating 44 years with the Bar in March. We are proud of her, and all of our people. DEE

Transition into Law Practice Program
The Transition Into Law Practice Program (TILPP) is the mentoring and CLE requirement for most lawyers newly admitted to the State Bar of Georgia. The purpose of TILPP is to provide professional guidance and counsel to assist newly admitted lawyers in acquiring the practical skills, judgment and professional values necessary to practice law in a highly competent manner. Contact Kellyn McGee, TILPP director, at kellynm@gabar.org.

Unlicensed Practice of Law
The UPL department is responsible for the investigation and prosecution of unlicensed law practice activity in the state of Georgia as set forth in the rules issued by the Supreme Court of Georgia. For more information, contact 404-527-8769.

Young Lawyers Division
In keeping with its motto of “working for the profession and the public,” the YLD has more than 30 hard-working committees that provide service to the public, the profession and the Bar through an array of projects and programs. All members who have not yet reached their 36th birthday or who have been admitted to their first bar less than five years are automatically members. Contact Jessica Oglesby, YLD director, at jessicao@gabar.org.

The work of these member programs is designed and carried out to improve the quality of legal services across our state. As Cliff Brasher did in 2003, I encourage you to keep this article for reference when contacting the State Bar or any of our departments. We truly look forward to serving you. DEE •
When a person suffers physical injuries, whether on the job or on personal time, he or she often looks to numerous sources for recovery. These sources may include not only the alleged wrongdoer, but also the owner or occupier of the premises where the injury occurred, or in some cases, those who may have encouraged the tortfeasor.

Public safety officers, including police, firefighters and emergency medical technicians, are not immune to seeking compensation for injuries purportedly caused by the wrongdoing of others. As a high-profile example, numerous Capitol Police officers have filed suit against former President Donald Trump arising out of the injuries that they sustained while on duty at the U.S. Capitol building on Jan. 6, 2021.¹

Georgia law, however, like that of many other states, contains what is known as the "Fireman’s Rule." Under the Fireman’s Rule, "public safety officers are precluded from recovery for injuries received when they are injured as a result of the negligence that caused them to be called to the scene." This article will explore the contours of the Fireman’s Rule and discuss fundamentals related to litigating claims brought by public safety officers for injuries sustained while in the execution of their duties.

The Fireman’s Rule

The Fireman’s Rule is a common-law and public-policy-based rule, which limits the availability of recovery for public safety officers when they are injured while responding to situations in their official capacity. In its most cited form, Georgia’s version of the Fireman’s Rule provides:

¹It is a public policy of the State of Georgia that a public safety employee
The initial rationale for the Fireman’s Rule is that “one cannot complain of negligence in the creation of the very occasion for his engagement.”

The Fireman’s Rule in Georgia

The existence of the rule was first noted in Georgia in *Ingram v. Peachtree South, Ltd.*, where the Court of Appeals noted that “while a fireman may recover for negligence independent of the fire, a landowner is not liable for negligence in causing the fire.” The initial rationale for the Fireman’s Rule is that “one cannot complain of negligence in the creation of the very occasion for his engagement.”

Georgia courts citing the rule with approval justify the rule by reasoning that “[s]ince most fires occur because of negligence, to hold a landowner liable to a fireman would impose a heavy and unreasonable burden upon the owner.”

Beginning in *Bycom Corp. v. White*, the Court of Appeals has expanded the rule from limiting lawsuits by firefighters against the owners or occupiers of land where the fire occurred to include all public safety officers as against any defendant for the negligence that initially drew the public safety officer to the scene. The two rationales adopted by the Court of Appeals in formally recognizing the Fireman’s Rule were public policy and assumption of risk. In formally adopting and expanding the rule, the *Bycom* court approvingly cited the public policy considerations noted by the Iowa Supreme Court in an earlier case:

“[I]t offends public policy to say that a citizen invites private liability merely because he happens to create a need for those public services. [Cit.] Citizens should be encouraged and not in any way discouraged from relying on those public employees who have been specially trained and paid to deal with these hazards. Additionally, a citizen does not have the right to exclude public safety officers from emergency situations or to control their actions once they have been alerted to an emergency and arrive on the scene. Indeed, a citizen may have a legal duty to summon a public safety officer in some instances and to say he may, in the course of discharging that duty, risk tort liability to officers who are specially trained and hired to cope with these hazards, strikes us as inconsistent and unfair.”

The relevant inquiry is whether the negligently created risk which resulted in the ... injury was the very reason for [the officer’s] presence on the scene in his professional capacity. If the answer is yes, then recovery is barred; if no, recovery may be had.”

The Fireman’s Rule has been formally extended to cover claims made by police officers and EMTs.

The Court of Appeals has explained the rationale for the Fireman’s Rule as follows:

[I]t is the nature of the job undertaken for the employee to be subjected to risks of injury created by people he or she is called upon to serve. By accepting that job the employee assumes a general or primary risk of injury, unlike the specific or secondary assumption of the risk which constitutes an affirmative defense to a tort action brought by one who “(1) had actual knowledge of the danger; (2) under-
stood and appreciated the risks associated with such danger; and (3) voluntarily exposed himself to those risks.” The justification for imposing this general or primary risk is that the employee is paid to encounter it and trained to cope with it.13

The case of Watson Used Cars, LLC v. Kirkland is illustrative of the application of the rule. In Kirkland, plaintiff Kirkland was a Baker County sheriff’s deputy who was injured while on duty.14 An employee of defendant Watson mowed grass and blew the clippings onto the highway, and the defendant conceded for the purpose of the appeal that that act was negligent.15 Later that day, a motorist was traveling on the highway in the rain, and, when his car drove over the wet grass clippings, his vehicle ”lost traction, slid off the roadway to the right, flipped over, and came to rest upright in a field.”16 The motorist called 911 and reported the accident.17 The 911 call mentioned the overturned vehicle but did not mention the grass clippings.18

Kirkland and another officer drove to the scene to respond to the 911 call.19 When Kirkland approached the scene, he began to brake, and the grass clippings caused his vehicle to slide off the road.20 Kirkland sustained serious injuries.21

Defendant moved for summary judgment, and the trial court denied the motion.22 In denying the motion for summary judgment, the trial court ruled that ”it was not the grass, but Lynch’s need for help that brought Kirkland to the scene.”23 The Court of Appeals reversed the trial court and reasoned that ”[t]here is no ‘extrinsic act’ of negligence in this case. Rather, Kirkland was injured as a result of the same negligence (wet grass clippings on the roadway) that caused [the original motorist] to lose control of his car and necessitated Kirkland’s presence on the scene.”24 Because Kirkland’s injuries were caused by ”the same grass clippings” that caused him to be on the scene in the first place, the Court of Appeals held that the Fireman’s Rule applied to Kirkland’s claims.25

Similarly, in Martin v. Gaither,26 a police officer was shot by the defendant Tommy Trammel while attempting to arrest the defendant on a civil commitment order.27 The defendant had been diagnosed and treated for paranoid schizophrenia and voluntarily stopped taking his medication.28 After obtaining a civil commitment order, the defendant’s father contacted the Forsyth County Sheriff’s Department requesting assistance and advising them that defendant had guns.29 After an initial violent altercation with police, the defendant fled to his home.30 Law enforcement officers, including the plaintiff, stormed the house, and the defendant shot the plaintiff. In holding that plaintiff could sue defendant, who had shot him, the Court of Appeals of Georgia reasoned that:

(S)ince [defendant’s father] is no longer a party charged with negligence and Tommy’s negligence was in not taking his medication, causing his psychotic

Limits of the Fireman’s Rule

Despite the wide application of the Fireman’s Rule, the rule does not bar all claims made by public safety officers for injuries that occurred while the officer was acting in his or her official capacity. The two most common exceptions are for claims that do not arise out of negligence and claims that arise out of subsequent or extrinsic negligence. These will be discussed in turn.

First, the Fireman’s Rule applies to only claims arising out of negligence, and it will not bar claims arising out of willful or wanton conduct.29 As opposed to mere negligence, willful or wanton conduct is:

[S]uch as to evidence a willful intention to inflict the injury, or else was so reckless or so charged with indifference to the consequences ... as to justify the jury in finding a wantonness equivalent in spirit to actual intent. There is an element of intent, actual or imputed, in “willful and wanton conduct” which removes such conduct from the range of conduct which may be termed negligent.30

Wantonness is “[a] reckless or malicious and intentional disregard of the ... safety of others, implying actively a licentious or contemptuous willingness to injure and disregard of the consequences to others, and passively intentional disregard of duty.”31

In McClelland v. Riffe, a Southern District of Georgia reported decision, the plaintiff, McClelland, was a sheriff’s deputy who attempted to stop defendant’s vehicle after he observed it swerving erratically.32 “When McClelland attempted to stop Riffe’s vehicle, Riffe accelerated, sped away from McClelland’s patrol car and led McClelland and Fields on a lengthy, high-speed pursuit.”33 Eventually, the vehicles collided, causing plaintiff’s patrol car to spin out of control and flip several times, ejecting plaintiff and causing serious injuries.34 The court reasoned that “[w]hile her initial act of speeding away from a pursuing public safety officer may have been merely negligent, her ensuing actions, including the loss of control of her vehicle, amount to wilful and wanton misconduct.”35 Citing Martin v. Gaither, the court held that “such an exception to the Fireman’s Rule exists in Georgia, despite the fact that such an exception has not been litigated since Gaither’s publication in 1995.”36

Similarly, in Trammel v. Bradberry, a police officer was shot by the defendant Tommy Trammel while attempting to arrest the defendant on a civil commitment order.37 The defendant had been diagnosed and treated for paranoid schizophrenia and voluntarily stopped taking his medication.38 After obtaining a civil commitment order, the defendant’s father contacted the Forsyth County Sheriff’s Department requesting assistance and advising them that defendant had guns.39 After an initial violent altercation with police, the defendant fled to his home.40 Law enforcement officers, including the plaintiff, stormed the house, and the defendant shot the plaintiff. In holding that plaintiff could sue defendant, who had shot him, the Court of Appeals of Georgia reasoned that:

[S]ince [defendant’s father] is no longer a party charged with negligence and Tommy’s negligence was in not taking his medication, causing his psychotic...
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.
Although there may be a general trend of reassessment of the contours and need for the Fireman’s Rule in other states, there has been no indication at this time that either the Georgia appellate courts or the Legislature are focused on changing the application of the Fireman’s Rule.

symptoms, then the Fireman’s Rule is not a defense available to Tommy for intentional or willful and wanton acts or the negligent causing of the occurrence by not taking his medication.

With regard to subsequent negligence, *Gaither v. MARTA* is again instructive. That case involves the same accident and set of operative facts as *Martin v. Gaither*, discussed supra. In that case, plaintiff, a police officer, was in the middle of the road because the vehicle being driven by Martin was stopped in the curb lane next to a “No Stopping or Standing” sign. While in the road, plaintiff was struck by a MARTA bus.

The Court of Appeals of Georgia held that the “Fireman’s Rule does not apply because officer Gaither was in the street not because of any negligence of bus driver Parker but because of the separate and earlier alleged negligence of student Martin.” The Court further reasoned that “Parker and MARTA are in the position not because of the presence of any negligence of student Martin.”

In other cases, the Court of Appeals of Georgia has held that the Fireman’s Rule does not apply where a motorist in a funeral procession struck an officer who was escorting the funeral procession with his vehicle or where an officer dispatched to a restaurant to “assist the fire marshal” was subsequently injured in assisting a restaurant employee in lifting and moving a grill. The cases demonstrate an unwillingness by Georgia courts to extend the application of the Fireman’s Rule beyond the immediate cause of the public safety officer’s presence.

**Trends Against the Fireman’s Rule in Other Jurisdictions**

At one point, the Fireman’s Rule was “virtually universal.” However, some states have taken steps to limit the application of the Fireman’s Rule, especially with regard to its application to police officers. Indeed, legislatures in other states have either rolled back the limits of the Fireman’s Rule or enacted legislation codifying exceptions to the Fireman’s Rule.

For example, California enacted California Civil Code § 1714.9, which provides explicit exceptions to the Fireman’s Rule in certain defined instances. Of note, the Fireman’s Rule no longer applies in California if “the conduct causing the injury occurs after the person knows or should have known of the presence of the peace officer, firefighter, or emergency medical personnel” or “[w]here the conduct causing injury violates a statute, ordinance, or regulation, and the conduct causing injury was itself not the event that precipitated either the response or presence of the peace officer, firefighter, or emergency medical personnel.” That statute has been found to permit lawsuits by police officers who are led on high-speed chases following a traffic stop against the subject of the stop.

Other states have enacted statutes rolling back the Fireman’s Rule in its entirety. For example, a Minnesota statute provides explicitly that “the common law doctrine known as the Fireman’s Rule shall not operate to deny any peace officer … or public safety officer, … a recovery in any action at law or authorized by statute.” Likewise, New Jersey enacted N.J.S.A. § 2A:62A-21, which both the state supreme court and the U.S. Court of Appeals for the Third Circuit have found abrogated the Fireman’s Rule in its entirety. Although there may be a general trend of reassessment of the contours and need for the Fireman’s Rule in other states, there has been no indication at this time that either the Georgia appellate courts or the Legislature are focused on changing the application of the Fireman’s Rule.

**Conclusion**

The Fireman’s Rule has existed in Georgia for more than 30 years. Specific exceptions to its application exist, however, and practitioners must apprise themselves of the limits of the rule and the application of these exclusions. In practice, when litigating claims brought by public safety employees, practitioners should understand at the outset the specific factual scenario that caused the public safety officer to be at the scene and whether that scenario differs from the facts causing the injury in any respect. If arguably so, then practitioners should be prepared to argue whether the officer was injured by willful or wanton actions, rather than mere negligence, and address whether the negligence causing the injury was subsequent or extrinsic to that which required the officer’s presence.

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**Eric Retter** is an attorney with Freeman, Mathis & Gary, LLP. He focuses his practice on insurance coverage and litigation and is experienced in handling all manners of disputes, including breach of contract, extracontractual liability and premises liability claims.
Endnotes


5. Id. at 368, 355 S.E.2d at 718 (quoting Krauth v. Geller, 157 A.2d 129, 131 (N.J. 1960)).


8. Id. at 761, 371 S.E.2d at 234; see White v. Edmond, 971 F.2d 681, 686 (11th Cir. 1992).


10. Id. at 762, 371 S.E.2d at 235 (quoting Pottebaum, 347 N.W.2d at 646).


15. Id. at 113, 805 S.E.2d at 922.

16. Id. at 113, 805 S.E.2d at 922.

17. Id. at 113, 805 S.E.2d at 922.

18. Id. at 113, 805 S.E.2d at 922.

19. Id. at 113, 805 S.E.2d at 922.

20. Id. at 113, 805 S.E.2d at 922.

21. Id. at 113, 805 S.E.2d at 922.

22. Id. at 114, 805 S.E.2d at 922.

23. Id. at 114, 805 S.E.2d at 923.

24. Id. at 114, 805 S.E.2d at 923.

25. Id. at 114-115, 805 S.E.2d at 923.


27. Id. at 651, 466 S.E.2d at 625.


29. Martin, 219 Ga. App. at 651, 466 S.E.2d at 625 (“[public safety employees] are not precluded from recovery for injury from pitfalls, mantraps and things of that kind or wanton and wilful conduct.”).


33. Id.

34. Id.

35. Id. at 1056.

36. Id.


38. Id. at 412, 568 S.E.2d at 718.

39. Id. at 412, 568 S.E.2d at 718.

40. Id. at 413, 568 S.E.2d at 719.

41. Id. at 419, 568 S.E.2d at 723.


44. Id. at 604, 510 S.E.2d at 343.

45. Id. at 604, 510 S.E.2d at 343.

46. Id. at 606, 510 S.E.2d at 344 (quoting Martin, 219 Ga. App. at 650, 466 S.E.2d at 624).


50. CAIV. CODE § 1714.9 (WEST, WESTLAW THROUGH CH. 770 OF 2021 REG. SESS.).

51. Id. § 1714.9(1), (2).


53. MINN. STAT. ANN. § 604.06 (WEST, WESTLAW THROUGH 2021 REG. SESS. & 1ST SPECIAL SESS.).

54. The statute provides in full: In addition to any other right of action or recovery otherwise available under law, whenever any law enforcement officer, firefighter, or member of a duly incorporated first aid, emergency, ambulance or rescue squad association suffers any injury, disease or death while in the lawful discharge of his official duties and that injury, disease or death is directly or indirectly the result of the neglect, willful omission, or willful or culpable conduct of any person or entity, other than that law enforcement officer, firefighter or first aid, emergency, ambulance or rescue squad member’s employer or co-employee, the law enforcement officer, firefighter, or first aid, emergency, ambulance or rescue squad member suffering that injury or disease, or, in the case of death, a representative of that law enforcement officer, firefighter or first aid, emergency, ambulance or rescue squad member’s estate, may seek recovery and damages from the person or entity whose neglect, willful omission, or willful or culpable conduct resulted in that injury, disease or death.

55. Ruiz v. Mero, 917 A.2d 239, 247 (N.J. 2007); see also Roma v. United States, 344 F.3d 352, 360 (3d Cir. 2003) (“The plain and extremely broad language of the statute appears to have abolished the fireman’s rule by allowing a firefighter recovery for any injury that directly or indirectly is the result of the neglect ... of any person or entity.”) (emphasizes in original) (internal quotations omitted).
GOLDEN ANNIVERSARY CELEBRATION

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Justice Verda M. Colvin
Supreme Court of Georgia

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100% of ticket proceeds benefit Georgia Legal Services Program and its mission to provide legal assistance to low-income people in 154 of 159 Georgia counties.
The 31st anniversary of the Bar Media & Judiciary Conference, held virtually over three days in February, brought together judges, lawyers, and print and television journalists to explore current issues.

BY ASHLEY G. STOLLAR

For the second year in a row, the Georgia Bar, Media & Judiciary Conference, which brings together judges, journalists and attorneys to delve into current and timely issues regarding the law and the First Amendment, was held virtually. Normally a one-day affair, the 31st annual conference was spread over three days, Feb. 23-25, offering a variety of panels focused on the Arbery case, public education, Georgia elections, libel law, and navigating social media. Each day, the
participants were sent links to view individual panels from the comfort of their home or office.

The Arbery Case: Lessons for Lawyers, Judges and the Media

Two attorneys who litigated the case of three men accused in the death of Ahmaud Arbery joined a Superior Court judge in discussing the intricacies of the case on day one of the conference.

Moderators

- Hyde Post, Hyde Post Communications, St. Simons Island
- Margaret Coker, The Current, Savannah

Panelists

- Hon. Lisa Colbert, Judge, Superior Court, Eastern Judicial Circuit, Savannah
- Linda Dunikoski, Senior Assistant District Attorney, Cobb Judicial Circuit, Marietta
- Robert G. Rubin, Peters Rubin Sheffield & Hodges, PA, Decatur

Like many, you may have watched the trial of Gregory McMichael, Travis McMichael and William Bryan through the daily CourtTV feed as did much of the country. Linda Dunikoski and Robert G. Rubin were in the Glynn County courtroom litigating the case: Dunikoski as the lead prosecutor and Rubin as attorney for defendant Travis McMichael. Judge Lisa Colbert rounded out the panel to lend a judicial lens to the discussion.

Dunikoski spoke of the challenges her office faced after the Cobb County District Attorney’s Office took over the case months after the initial investigation into the death of Ahmaud Arbery. Rubin discussed trial strategy, working with the lawyers of his client’s co-defendants, the citizen’s arrest law, etc.

Additional topics covered during the panel included jury selection, implicit and explicit biases, the aftermath of the verdict, perceived turning points of the trial and Travis McMichael’s testimony.

On the constant coverage of these types of trials, Judge Colbert opined that coverage of cases is important for public access. “The public has the right to view what happens in the courtroom. I do worry of the impact that wall-to-wall coverage of trials has on jurors: their anonymity and safety, especially if the jury reaches a verdict the public doesn’t agree with.”

Day Two | Feb. 24

The second day of the conference featured panel discussions on the current debate surrounding public education, and the perils for American democracy created by the rise of disinformation.

What’s Going On: Parents, the Press and Public Education

Moderator

- Meredith Kincaid, Summerville Firm, Atlanta

Panelists

- Nicole Carr, ProPublica, Atlanta
- Maureen Downey, Atlanta Journal-Constitution
- Jason Esteves, Atlanta Public Schools
- Timmy L. Foster, Parkside Elementary School, Atlanta

For the past two years, school officials and teachers have had to deal with COVID-related issues, and have been met with pressure and resistance from parents from all directions. Nicole Carr spoke of the wide range of approaches among metro-Atlanta school districts. Maureen Downey addressed legislation related to schools and the pandemic. Jason Esteves lamented the lack of guidance from federal or state governments. Additionally, he pointed out that “the pandemic showed that families were relying on schools for basic needs. APS provided thousands of meals during the pandemic, in addition to clothing, internet and mental health services.”

Timmy Foster provided an on-the-ground school-level perspective. Regarding COVID-19: “What has allowed us to get through the pandemic is having solid leadership on how to pivot to virtual learning in the beginning to now where we’re moving back into the schools.” He didn’t see divisive concepts really having an impact on teaching at the elementary school level.

Esteves wrapped up the panel saying, “If we truly want to help schools improve, we need to take a lot of the burden off of their shoulders—burdens that oftentimes
don’t have anything to do with teaching and learning.”

Communicating in the Disinformation Age

Moderator
• Ken Foskett, Atlanta Journal-Constitution

Panelists
• Hon. Sara Doyle, Presiding Judge, Court of Appeals of Georgia, Atlanta
• Michael Baldassaro, Senior Advisor, Digital Threats to Democracy and Elections Project, The Carter Center, Atlanta
• Mike Gebhart, President, Georgia Press Association, Duluth

This panel analyzed how the rise of disinformation has created perils for American democracy, the media and individuals who navigate the world of social media by highlighting problems and solutions, along with the responsibilities of technology platforms, the media and the public to foster truthful discourse. Michael Baldassaro summarized, “The Big Lie and Big Tech: Misinformation Repeat Offenders and Social Media in the 2020 U.S. Election,” a report published by the Carter Center. Hon. Sara Doyle discussed how she uses social media—personally (Instagram) and professionally (Twitter and Facebook)—to not engage or increase disinformation.

Guiding Georgia Law: The Race for Attorney General

Moderators
• Richard Griffiths, Georgia First Amendment Foundation, Atlanta
• Everett Catts, Daily Report, Atlanta
• Rose Scott, WABE, Atlanta

Candidates
• Chris Carr, Attorney General
• Sen. Jen Jordan (D-Atlanta)

Moderators Richard Griffiths, Everett Catts and Rose Scott spoke with two of the three Georgia attorney general candidates. Incumbent Chris Carr highlighted his work on human trafficking, elder abuse, cybercrimes and power of the free enterprise system when asked why he is seeking re-election. “We are doing a good job of keeping people healthy and keeping the economy going.”

On why she’s running for attorney general, Sen. Jen Jordan said, “I’m running to protect and serve Georgians who don’t have power or money or status. Georgia families need a champion and an independent watchdog.” The two candidates answered questions in separate 30-minute sessions.

Disinformation and Polarization: Is Libel Law a Cause and/or a Cure?

Moderators
• Claire Norins, University of Georgia, Athens
• Jonathan Peters, University of Georgia, Athens

Panelists
• Nora Benavidez, Free Press, Atlanta
• Tom Clare, Clare Locke, Alexandria, Virginia
• Lee Levine, Ballard Spahr (ret.), Washington, D.C.

The panel began with a discussion of New York Times v. Sullivan, with Lee Levine explaining the actual malice standard saying, “the plaintiff has to prove that you published something you knew was false or probably false.” Tom Clare spoke of how the strict-
ness of Sullivan creates hurdles for plaintiffs. Nora Benavidez explained her work on the case that saw the removal of One America News Network from DirectTV’s platform. The hour was filled with discussion of libel standards for public figures/ non-public figures, defamation awards as taxable income, anti-SLAPP laws, the Palin v. New York Times and Dominion cases, and alternatives to traditional libel laws.

When asked “what more do you think social media platforms could do to address the spread of misinformation and disinformation?” Benavidez stated, “Discrimination, because social media platforms are using the data they extract from our profiles.” Levine added, “Currently social media platforms enforce their terms of service (TOS) haphazardly at best. If they enforced their TOS in a meaningful way, the spread of disinformation or misinformation would be minimized.”

Stephen Fowler, Georgia Public Broadcasting, Atlanta
Chuck Williams, WRBL, Columbus

Georgia may once again capture the attention of the nation as it heads to the polls in 2022. A panel of Georgia’s political reporters discussed the issues they are watching, what they are hearing from voters and what they expect to catch the spotlight in the primaries.

Topics covered included current Georgia legislation; the 2020 district attorney and the current mayoral election in Columbus; the fallout of the 2020 election; open seats in the Georgia General Assembly; statewide elections for governor, secretary of state and attorney general; Georgia congressional races; and the Raphael Warnock/ Herschel Walker senatorial race.

The panels are available for viewing at gafaf.org/events/georgia-bar-media-judiciary-conference.

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Endnote
1. Unconscious attitudes and stereotypes that can manifest in the criminal justice system, workplace, school setting and in the health care system. Simply Psychology <https://www.simplypsychology.org/implicit-bias.html>.
A Judge and His Son: Malcoms Bond as a Courthouse Team

Ryan Malcom, 33, joins his father Chief Judge Jeffery S. Malcom at one of the five courthouses in the Northern Judicial Circuit every day—a routine that has lasted for more than a decade.

BY LINTON JOHNSON

On a crisp morning in late January, it’s a typically busy Monday in Elbert County Superior Court. One criminal defendant after another stands before Chief Judge Jeffery S. Malcom of the Northern Judicial Circuit, pleads guilty and receives a sentence—or pleads not guilty and receives a trial date.

With the omicron variant of COVID-19 having passed its peak but still causing a high risk level throughout the country, everyone in the courtroom—the defendants and their lawyers, prosecutors and other court officials, a handful of spectators and the judge—wears a mask. No jury is seated, so the makeshift, Plexiglas-enclosed individual juror pods stand empty—except for one.

There, Ryan Malcom, the oldest of the judge’s three children, is scribbling down every word of the proceedings on a full-sized legal pad, seemingly as backup for the court reporter. His presence in court has nothing to do with an annual “take your child to work” observance. Ryan, born 33 years ago with Down syndrome, accompanies his dad all day, every day, from their home in Royston to one of the five county courthouses in the Northern Circuit.
It has been the father-son team's routine for more than a decade now. Under an extended program for special-needs students, Ryan was able to attend Franklin County High School until he was 22. A year or so after he graduated, Judge Malcom recalled, 'he decided he would like to see how court worked, and he's been coming ever since.'

Asked how he likes coming with his dad to court, Ryan replied, "Good. I take notes all through the years, and it's what I do every day." Oh, does he take notes. Ryan started this year with 33 new legal pads he received for Christmas. The judge estimates Ryan goes "two or three days per pad, and we've probably had a tractor-trailer load of pens."

The pandemic's impact on the court system has forced some changes to the Malcoms' daily routine. "He's had three open-heart surgeries, so he has some underlying health issues," the judge explains. Nowadays, during jury trials, Ryan remains in his dad's chambers and takes his notes while monitoring a live video feed of the trial. "He can watch everything in the courtroom just like any other lawyer or witness or client who is appearing virtually," Malcom said, "so he does that a lot."

Superior Court Judge R. Christopher Phelps, a colleague of Malcom's in the Northern Circuit, is a longtime witness of this father-and-special-needs-son relationship, which Phelps notes "is one based on mutual unconditional love. While Jeff is the chief judge, it is Ryan who everyone calls 'Chief.' He is accepted by all involved in the courts; the other judges, the attorneys, bailiffs, law enforcement officers, clerks, community supervision officers and court reporters. He is a fixture in Judge Malcom's courtroom, welcomed and loved."

Asked what it means for him to have Ryan by his side every day, Malcom paused for a moment of emotion and replied, "It means everything. … Someone on the outside might think, 'that's just a babysitting job.' No, it's not. He doesn't affect me doing my job one bit. It doesn't hinder me from doing it. It doesn't prevent me from doing it."

Looking Ryan's way, he added, "Just to have him with me, it's nice, isn't it, buddy?"

"Yes, sir."

"So we're pretty tight to say the least."

It's likely that only Ryan can interpret his courtroom notes, but Malcom wishes more citizens would engage with the court system based on what he has seen Ryan take in.

"It's open court," he said. "Anybody can come. I tell jurors all the time when they're not selected, you're welcome to stay. I wish you would. Everybody needs to see how the system operates. It's amazing what he knows. It's amazing the knowledge he has acquired."

Once, Ryan's parents were taking him to a cardiologist's appointment, and on the way, his mom, Christy, asked, "What have y'all got coming up next week?" The judge responded, "Well, we've got a trial coming up," and told her what the charges were. Ryan spoke up and said, "Dad, Count 2 merges into Count 1."

"I just said, 'That's right, I forgot. He's just charged with that.' I looked over, and Christy mouthed to me, 'How did he know that?' And I said because he sits there and he listens."

"It was a homicide," Ryan said, recalling the conversation.

"Yeah, it was some kind of vehicular homicide that merged into something," his dad replied.

"Murder."

"He knew it right off the bat," Malcom said. "It's not just that he's sitting in there. He's listening. He knows it. He's an asset. I tell everybody he's the best notetaker in the circuit, but also the lowest paid. Because I pay him no attention—that's what he tells me."

The judge recalled another instance in the courtroom. "There was an individual I was sentencing on a second DUI, and Ryan was sitting over to the side. When I got through with the sentence, before I called the next case, I heard something: 'Dad.' I said 'What?' He said, 'That was his second one. Photo fee.' So on your second DUI, you're required to pay $25 for a photo fee. It had just slipped my mind. So I said, 'Hey wait a minute, come back.' So he listens. He knows."

"I keep him on his toes, but he doesn't know it yet," Ryan said.

"I've been on my toes since you hit the ground, brother," his dad shot back.

According to Phelps, before COVID, Ryan would sit in on the other judges' hearings and trials on days when his dad was working in the office at the same courthouse. "Ryan has never been a distraction in court," Phelps said. "He sits quietly and intently observes the proceedings. Amazingly, Ryan has a grasp of the testimony and the arguments of counsel. He frequently calls my office and asks my judicial assistant about my calendars and any important cases that he needs to be aware of, and also if I need any assistance. He remembers and will often ask me how a particular case came out."
Reflecting on their time traveling the circuit from courthouse to courthouse, Malcom said, “It’s just been a blessing that we’ve been able to work together this way. I’m a little bit biased, but he’s a good one. He’s without a doubt the best person I’ve ever known.”
Save The Date

Justice Taking Root
Benefit Reception

TUESDAY MAY 10 2022
RECEPTION AT 6:00 PM EDT

MONDAY NIGHT GARAGE
933 LEE ST SW – ATLANTA GA

TICKETS & SPONSORSHIPS AVAILABLE
WWW.SCHR.ORG/JUSTICETAKINGROOT
New at ICLE

It’s all about access, from learning management software to complimentary archived materials and destination programs.

BY MICHELLE E. WEST

A New Way to Access Programs
Later this year, ICLE will launch its new learning management system. The plan is to integrate the platform into the current State Bar of Georgia website, with the goal of providing an intuitive, versatile and effective experience for Bar members.

Once launched, upon logging into your State Bar of Georgia member account, navigate to ICLE Courses from your My Account Page. The ICLE Programs catalog page will open, which allows you to view available programs open for registration (see fig. 1). You do have the ability to peruse the catalog from www.gabar.org by selecting the CLE dropdown and choosing ICLE Courses. Please ensure that you sign in prior to your purchase so that you see specific data as it relates to your account.

During your Bar Anniversary month, the Bar Anniversary discount will automatically appear under eligible discounts.
in your cart. Click to apply the discount prior to checking out and the discount will appear in your cart (see fig. 2).

You can access more information about a program by selecting the particular program of interest. Upon purchase of a program, it will appear on your dashboard under the My ICLE Programs tab (see fig. 3). Click on your account. Look for your name in the top right corner to access the My ICLE Programs tab (see fig. 3).

Materials, Materials, Materials
Later this spring, ICLE will begin uploading complimentary archived Materials of the Month to the State Bar’s website. Each month you will receive a blast from ICLE containing a link to the Materials of the Month. The link in the blast will direct you to log into your member account. Please be sure to update your email with ICLE, so that you receive the announcement. To receive the blast, you can send any email address updates to icle@gabar.org. ICLE acknowledges the efforts of the faculty in preparation of program materials on designated topics. ICLE releases the Materials of the Month solely for educational purposes.

Institutes Are Back!
The pandemic grounded us for a while; however, ICLE Institutes are back this spring and summer. The 2022 General Practice & Trial Law Institute was held March 17–19. It was quite an engaging and dynamic program. Wick Cauthorn, the General Practice & Trial Law program chair, recruited a stellar faculty and skillfully guided this program to a successful landing. ICLE is grateful for the General Practice & Trial Law Section and Cauthorn’s work as program chair to make this institute a reality.

In May and July, ICLE will administer three additional institutes at beach destinations.
The Family Law Institute will be May 19–21, at the Westin Hilton Head Island Resort & Spa. A special thank you to the Family Law Section and program chairs Leigh Cummings and Kyla Lines for their efforts in organizing this institute.

make plans to attend ICLE INSTITUTES

Family Law
May 19-21, 2022
Westin Hilton Head Island Resort & Spa

Real Property Law
May 19-21, 2022
Omni Hilton Head Oceanfront

Fiduciary Law
July 14-16, 2022
Omni Amelia Island Resort

The Omni Hilton Head Oceanfront will host the Real Property Law Institute on May 19–21. ICLE greatly appreciates the work of the Real Property Law Section and program chair Hilary Fentress for their dedication to the program.

On July 14–16, ICLE will administer the Fiduciary Law Institute at Omni Amelia Island Resort. ICLE is grateful to the section and program chair LeAnne Gilbert for their groundwork to make this program a success.

Please Note: The opinions expressed by the faculty in their materials and/or presentations are their own and do not necessarily reflect the opinions of the State Bar of Georgia, its officers, directors and/or employees. The faculty is not engaged in rendering legal or other professional advice and these presentations and publications are not a substitute for the advice of an attorney. All publications and presentations were created to serve the continuing legal education needs of practicing attorneys.

Michelle E. West
Director, Institute of Continuing Legal Education
State Bar of Georgia
michellew@gabar.org
Kudos

Kilpatrick Townsend & Stockton LLP announced that partner Adria Perez was named president of the Atlanta Volunteers Lawyers Foundation (AVLF) board of directors in January. AVLF advocates, supports and serves survivors of intimate partner abuse, children in high-conflict custody disputes, tenants in disputes with their landlords, employees denied their wages and people who have recently lost a family member.

The firm also announced that the KT Education and Opportunity Fund (the Fund), which is powered by United Way of Greater Atlanta, awarded grants totaling $25,000 to Raising Expectations, a nonprofit youth development organization that works to educate and empower youth in challenging circumstances, and Atlanta Wealth Building Initiative, an intermediary that seeks to achieve shared prosperity by closing the racial wealth gap through community wealth-building strategies. The firm and United Way of Greater Atlanta started the Fund in 2021 to provide a giving option in Kilpatrick Townsend’s annual United Way campaign.

Oliver Manner LLP announced that Timothy D. Roberts was sworn in as the president of the Southeastern Georgia Chapter of the American Board of Trial Advocates (ABOTA). ABOTA is an invitation-only national association of 7,600 experienced trial lawyers and judges dedicated to the preservation and promotion of the Seventh Amendment to the U.S. Constitution, which guarantees the right to civil jury trials. The Southeastern Georgia Chapter of ABOTA includes plaintiff attorneys, defense attorneys and judges from the region including Savannah, Brunswick, Augusta and the Golden Isles. The organization’s goal is to raise awareness and educate the public about the history and value of the right to a trial by jury. It also works to increase the standards of skill, integrity, honor and courtesy in the legal profession.

Arnall Golden Gregory announced that partner Jeffery Lewis was appointed by Gov. Brian Kemp to the Georgia Film, Music and Digital Entertainment Commission, which is an advisory committee to the governor on matters related to maintaining and expanding Georgia’s thriving entertainment industry. In addition to being an experienced attorney, Lewis is a former professional actor and member of the Screen Actors Guild and the American Federation of Television and Radio Artists.

Baker Donelson announced that the firm received a score of 90 on the Human Rights Campaign Foundation’s 2022 Corporate Equality Index (CEI), the nation’s foremost benchmarking survey and report measuring corporate policies and practices related to LGBTQ+ workplace equality. The Human Rights Campaign Foundation is the educational arm of the Human Rights Campaign, America’s largest civil rights organization working to achieve equality for LGBTQ+ people.

The firm also announced that it achieved ISO 27001 certification, an internationally recognized certification for information security management. ISO 27001, published by the The International Organization for Standardization, is an information security management standard that specifies a management system that is intended to bring information security under management control. Earning the ISO 27001 certification demonstrates that Baker Donelson is in compliance with rigorous international standards regarding utilization of best practices, ongoing governance and management of information systems to ensure the security of client and firm data.

Van Bael & Bellis announced that partner Porter Elliott was appointed co-head of the firm’s competition law practice, expanding the firm’s EU/UK competition team.

On The Move

IN ATLANTA

Levine Smith Snider & Wilson, LLC, announced the promotion of Deborah B. Koslin to partner. Koslin’s practice focuses on family law, specifically, domestic relations matters including divorce, custody and legitimation, prenuptial and postnuptial agreements, modifications, contempt and family violence actions, and arbitration. The firm is located at 3490 Piedmont Road NE, Suite 1150, Atlanta, GA 30305; 404-237-5700; Fax 404-237-5757; www.lsswlaw.com.

Berman Fink Van Horn P.C. announced the promotion of Katherine M. Silverman to principal. Silverman’s practice focuses on business litigation, non-compete/trade secrets and real estate litigation. The firm is located at 3475 Piedmont Road NE, Suite 1100, Atlanta, GA 30305; 404-261-7711; www.bfvlaw.com.
Stites & Harbison announced the addition of M. Michael Egan as senior member; Derrick L. Bingham, John C. deMoulpied, Matthew Gass, Jennifer M. Guerra, Jeffrey C. Hoffmeyer, Johannes S. Kingma, Mark D. Lefkow, Thomas J. Mihill, William D. Newcomb, Theodore E.G. Pound, Kathleen W. Simcoe and Shannon M. Sprinkle as members; R. Ann Grier, Daniel B. Millman, and Lewis P. Perling as counsel, and Julie R. Comer, Peter J. Critikos III and Brandon D. Sartin as attorneys. Egan’s practice involves counseling owners, architects, sureties, construction product manufacturers and builders on matters including design, finance, building and fidelity and surety disputes. Bingham’s practice focuses on defending governmental entities and officials, individuals and businesses against a variety of claims including violation of civil rights, automobile accidents, premises liability, insurance disputes and employment matters in state and federal courts. DeMoulpied’s practice focuses on commercial litigation, including professional liability claims against attorneys, directors and officers, accountants and insurance brokers. Gass concentrates his practice on commercial litigation in state and federal courts. Guerra’s practice encompasses commercial and business litigation and in particular the counseling and representation of lawyers, accountants and other professionals in matters of real estate, trusts and estates, corporate governance, tax, audit, and data privacy and security. Hoffmeyer maintains a broad commercial litigation practice. Kingma’s diverse litigation practice involves the representation of international, national and regional accounting firms and law firms. Lefkow’s represents clients in various areas of civil litigation in state and federal trial and appellate courts. Mihill’s practice focuses on intellectual property, business law and litigation, construction, fiduciary law, and estate and probate matters. Newcomb concentrates his practice on complex commercial, product liability and general liability litigation. Pound’s practice focuses on the defense of health care providers in professional liability litigation in state and federal courts across Georgia. Simcoe’s civil litigation and trial practice focuses on the defense of professional liability litigation in the area of medical malpractice and related corporate matters in Georgia state and federal courts. Sprinkle’s practice focus is commercial litigation in state and federal courts. Grier’s practice focuses on representing and advising clients in a variety of personal and business matters, including estate planning, litigation, contract negotiations, employment law and alternative dispute resolution. Millman focuses his practice on commercial litigation. Perling’s practice focuses on commercial litigation, including legal and accounting malpractice defense, consumer finance law, products liability, class actions and regulatory and compliance matters. Comer’s practice focuses on business law and litigation, intellectual property, product liability, professional liability, construction, insurance defense, and estate and probate matters. Critikos’ practice focuses on commercial litigation, specifically general business litigation and professional liability defense. Sartin’s practice concentrates on commercial litigation, including professional liability defense. The firm is located at 303 Peachtree St. NE, Atlanta, GA 30308; 404-739-8800; Fax 404-888-6199; www.swiftcurrie.com.

Swift, Currie, McGhee & Hiers, LLP, announced the addition of Laura Gable, Coryne Levine, Hallie Richards and Forrest F. Schrum as associates. Gable’s practice areas include insurance coverage and commercial litigation. Levine joined the firm’s litigation team handling cases involving construction disputes, automobile accidents, premises liability claims, sexual assault defense, and defending cities and municipal governments for a multitude of liability issues. Richards joins the firm’s litigation team with a focus on matters relating to automobile and trucking litigation, as well as premises and products liability. Schrum joins the firm’s litigation team and focuses his practice on matters related to trucking litigation, as well as premises and products liability. The firm is located at 1355 Peachtree St. NE, Suite 300, Atlanta, GA 30309; 404-874-8800; Fax 404-888-6199; www.swiftcurrie.com.
Arnall Golden Gregory announced the promotion of Leah Braukman and Ed Cadagin to partner, the addition of David P. Ansari and Andrew (Andy) L. Much as partner and the promotion of Nick Passarello to of counsel. Braukman focuses her practice on the representation of private and public companies in a variety of transactional and securities matters, including mergers and acquisitions, private and public offerings, SEC compliance issues and corporate governance matters. Cadagin focuses his practice on commercial litigation and employment matters. Ansari’s practice focuses on guiding institutional and private developer clients through the development, leasing, acquisition, disposition and financing of commercial office, mixed-use, retail, industrial and multi-family assets. Much’s practice is focused on the development, acquisition, disposition, management and financing of a wide variety of commercial real estate projects, including mixed-use developments, master-planned communities, and club and resort properties. Passarello focuses his practice on commercial lending and real estate. The firm is located at 171 17th St. NW, Suite 2100, Atlanta, GA 30363; 404-873-8500; www.agg.com.

Goggans, Stutzman, Hudson, Wilson & Mize, LLP, announced the addition of Eli Gershon as an associate. Gershon’s practice focuses on the areas of real estate and finance, representing builders, homebuyers, homeowners and lenders in all phases of residential real estate including acquisitions, developments, financing and sales. The firm is located at 990 Hammond Drive, Suite 300, Atlanta, GA 30328; 404-255-6900; Fax 404-843-2317; www.gshattorneys.com.

Holland & Knight LLP announced the election of Kyla Baker and Rachel Fink to partner. Baker focuses her practice on leasing, acquisition, disposition, development and management of commercial real estate. Fink’s practice focuses on complex commercial financing transactions across various industries, including manufacturing, media and telecommunications, and health care. The firm is located at 1180 W. Peachtree St. NW, Suite 1800, Atlanta, GA 30309; 404-817-8500; Fax 404-881-0470; www.hklaw.com.

Kilpatrick Townsend & Stockton LLP announced the election of Melissa Capotosto, Farah Cook, Kelsey Donnalley, Dan Englander, Daniel Johnson, Joshua Lee and Maritza Knight Winfunke to partner and the elevation of Edwin Garrison to counsel. Capotosto works with clients to strategically develop, expand and protect their brands in the United States and internationally. Cook concentrates her practice on technology-focused commercial agreements, marketing technology arrangements, advertising technology, and licensing of intellectual property, strategic alliances, content distribution arrangements and SaaS products. Donnalley’s practice focuses on domestic and cross-border mergers and acquisitions, divestitures, joint ventures, corporate restructurings, and general corporate and securities matters. Englander develops and executes complex trademark strategies for international brands, including selecting trademarks and entertainment titles, filing applications and securing registrations around the world, and enforcing trademark and title rights across multiple jurisdictions. Johnson focuses his practice on construction litigation, alternative dispute resolution, government contracting, and construction contract drafting and negotiation. Lee’s practice focuses on litigation of complex patent disputes in U.S. district courts across the country, at the International Trade Commission, and in trials before the
Patent Trial and Appeal Board. Winfunke concentrates her practice on real estate finance and capital markets. Garrison practices in the areas of real estate, finance and capital markets, focusing primarily on representing loan servicers and bondholders in connection with securitized commercial loans and securitization trusts. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-815-6500; Fax 404-815-6555; www.kilpatricktownsend.com.

Littel Mendelson P.C., announced the elevation of Rachel Kaercher and Jennifer Bachman Miller to shareholder. Kaercher’s practice focuses on representing benefit plans and their fiduciaries throughout the country in litigation matters arising under the Employee Retirement Income Security Act litigation and representing employers in a wide variety of employment-related claims. Miller focuses her practice on defending clients in individual, class, collective actions and administrative agencies. The firm is located at 3424 Peachtree Road NE, Suite 1200, Atlanta, GA 30326; 404-233-0330; Fax 404-233-2361; www.littler.com.

BakerHostetler announced the addition of Brian McEvoy and Brian Rafferty as partner. McEvoy concentrates his practice on health care fraud cases and other federal economic criminal matters, as well as sophisticated business litigation and investigations. Rafferty focuses his practice on the defense of business executives, health care professionals and corporate clients in white-collar criminal investigations, prosecutions and enforcement proceedings. The firm is located at 1170 Peachtree St., Suite 2400, Atlanta, GA 30309; 404-459-0050; Fax 404-459-5734; www.bakerlaw.com.

Thomas | Horstemeyer LLP announced the appointment of Cynthia Lee as managing partner and the promotion of David Pointer to partner. Lee practices in all areas of intellectual property including litigation, trademark prosecution, copyrights, trade secrets and IP agreements. Pointer’s practice focuses on the electrical and computer patent practice, which includes cloud computing, mobile applications, networking and wireless communication, Internet of Thing (IoT) devices, wireless power transfer systems, control systems, optical systems, data acquisition systems, battery management, and integrated circuits. The firm is located at 3200 Windy Hill Road SE., Suite 1600E, Atlanta, GA 30339; 770-933-9500; Fax 770-951-0933; www.thip.law

McGuireWoods LLP announced the addition of Kristen McDermott Woodrum as partner. Woodrum assists private equity investors and their portfolio companies in mergers, acquisitions, joint ventures and other transactions. The office is located at 1230 Peachtree St. NE, Suite 2100, Atlanta, GA 30309; 404-443-5500; Fax 404-443-5599; www.mcguirewoods.com.

MendenFreiman LLP announced that Audrey S. Jouve has joined the firm as an associate. Jouve’s practice focuses on the development and implementation of estate plans. The firm is located at 5565 Glenridge Connector, Suite 850, Atlanta, GA 30342; 770-379-1450; Fax 770-379-1455; www.mendenfreiman.com.

IN ALPHARETTA

Lauren A. Bryant announced the formation of The Law Office of Lauren A. Bryant, LLC. Bryant’s practice focuses on probate and estate law, with a particular passion for advocacy in guardianship and conservatorship work. The office is located at 11138 State Bridge Road, Suite 150, Alpharetta, GA 30022; 470-252-7536; www.laurenabryantlaw.com.

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 Jada Pettus at jadap@gabar.org or 404-527-8736.
IN COLUMBUS

Goggans, Stutzman, Hudson, Wilson & Mize, LLP, announced the addition of Drew Wharton as an associate. Wharton focuses on all matters of real estate, wills, trusts and estates, and small business formation and management. The firm is located at 5650 Whitesville Road, Suite 206, Columbus, GA 31904; 706-317-3440; Fax 706-317-3441; www.gshattorneys.com.

IN HARTWELL


IN MACON

James Bates Brannan & Groover LLP announced the addition of H. Park Burford as an associate. Park’s practice focuses on commercial and civil litigation. The firm is located at 231 Riverside Drive, Macon, GA 31201; 478-742-4280; Fax 478-742-8720; www.jamesbatesllp.com.

IN PERRY

Walker, Hulbert, Gray & Moore, LLP, announced the addition of Sara Diamond and Jordan L. Popkin as associates. Diamond’s practice focuses on real estate and estate planning. Popkin focuses on litigation and corporate practice. The firm is located at 909 Ball St., Perry, GA 31069; 478-987-1415; Fax 478-987-1077; www.whgmlaw.com.

IN ROSWELL

Swilling Family Law Firm, LLC, announced the addition of Elizabeth Findley as an associate. Findley focuses her practice on complex business divorces, adoptions and custody litigation. The firm is located at 11115 Houze Road, Suite 100, Roswell, GA 30076; 678-646-6755; www.swillingfamilylaw.com.

IN SAVANNAH

Oliver Maner LLP announced that David Bobo Mullens III was named partner. Mullens’ practice focuses on business litigation, county and municipal liability, transportation law and select personal injury cases. The firm is located at 218 W. State St., Savannah, GA 31401; 912-236-3311; www.olivermaner.com.

Boyd & Jenerette, P.A., announced the addition D. Campbell Bowman as partner and the promotion of Nicholas L. McKenney to partner. Bowman has extensive litigation experience in a wide range of insurance defense coverage areas. McKenney’s practice focuses on the areas of insurance defense, general liability and personal injury litigation including automobile, bad faith, trucking and premises liability. The firm is located at 33 Bull St., Suite 100, Savannah, GA 31401; 912-921-8820; www.boydjen.com.

IN STATESBORO

Marc Bruce, Andrew Lavoie and Matt Mathews announced the opening of their law firm Bruce, Mathews & Lavoie. Bruce focuses his practice on commercial and residential real estate, wills, trusts and estates, probate, guardianship and conservatorship, corporate law, finance, banking and education law. Lavoie’s practice focuses on plaintiffs’ civil litigation, probate court litigation, school law, real estate and business disputes, civil appellate practice, wills, trusts, estates, condemnation and eminent domain. Mathews’ practice focuses on real estate and property law, land use and zoning, business formation and transactions, estate planning, probate and gun trusts/national firearms act trusts. The firm is located at 102 South Main St., Statesboro, GA 30458; 912-764-9889; www.bmllawgroup.com.
Ira Foster, general counsel of the Georgia Legal Services Program (GLSP), co-chaired a scholarship fundraising effort on behalf of his fraternity, Alpha Phi Alpha at Fort Valley State University. In honor of his fraternity chapter’s 75th anniversary, the committee he co-chaired raised and donated $100,000 to the Fort Valley State University Foundation on Oct. 23, 2021. The donation will be used to provide scholarships to low-income and disadvantaged minority students.

GLSP arose as a solution to the “disproportion between the need for legal services by those who cannot afford them and the present supply of legal services available to them.” Since then, GLSP has offered free civil legal services to Georgians with low incomes who reside outside metro-Atlanta in 154 of the state’s 159 counties. Its mission is to provide civil legal services for persons with low incomes, creating equal access to justice and opportunities out of poverty.
It’s the Little Things ...

BY PAULA FREDERICK

Things are looking up. Business is booming, the kids are back in school and the pandemic is no longer casting its pall every minute of every day. And yet, in the last month:

- You forgot to hit “send” on a lengthy email update to a client. You found it in your “drafts” folder when she called to complain;
- Your profane rant about opposing counsel almost got you sanctioned by the judge. You hit “stop video” instead of “mute” before a video break;
- You missed a status conference. Somehow you put it in the electronic calendar for 2023 instead of 2022 ...

You’re exhausted. But don’t worry, so is everyone else!

Pandemic burnout is real. Inattention to detail and errors caused by multitasking are common causes of malpractice claims and ethics complaints. Since malpractice claims can take years to develop, we have not yet seen the impact of our more than two years of practice during a pandemic.

But the experts are worried. According to business insurance and risk management company Ames & Gough, “the full effect of the COVID-19 pandemic on global economies is still largely unknown, [but] there is growing concern among LPL underwriters that we may well see an increase in malpractice claims ... and that these claims may be slow to develop.”

Clients are feeling it too. The Ames & Gough survey cites social isolation and economic uncertainty that it believes creates high-stress situations that lead clients to bring legal malpractice claims against their lawyers—even when unwarranted.

So what’s a lawyer to do? In the last few issues of this Journal, various authors have highlighted the Bar’s offerings for lawyers who are stressed, burned out, depressed or underappreciated. Take a look at the Wellness Program, www.lawyerslivingwell.com, and the Lawyer Assistance Program. And remember that you’re a better lawyer when you are well.

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

Endnote
Disbarment
Waymon Sims
434 Flat Shoals Ave. SE
Atlanta, GA 30316-1947
Admitted to the Bar 1979

On Jan. 19, 2022, the Supreme Court of Georgia accepted the petition for voluntary surrender of license of Waymon Sims (State Bar No. 648825) which is tantamount to disbarment.

Two disciplinary matters involving Sims came before the Court on the report of the special master who recommended that the Court accept the petitions for voluntary surrender of license filed by Sims after the filing of a formal complaint. In his petitions, Sims requested that he be allowed to voluntary surrender his license for his admitted violations of Rule 1.5 (c) (1), 1.15 (I) (a), 1.15 (II) (a), (b) & (c) (1) (i), and 1.15 (III) (a) & (b) (2). The maximum penalty for a violation of Rule 1.15 (c) (1) is a public reprimand, and the maximum penalty of the remainder of the rules is disbarment. The State Bar responded to both petitions and recommended that they be accepted.

With regard to State Disciplinary Board Docket (SDBD) No. 7294, the special master found that Sims was retained to represent a client in a claim for injuries sustained in an automobile accident. Sims’ retainer agreement with the client failed to state clearly that litigation and other expenses would be deducted after the contingency fee was calculated. After Sims settled the client’s case, he deposited funds into an account ending in 1392. It was discovered that Sims commingled and maintained personal and client funds in account 1392 and that he used account 1392 in multiple ways, including as a business account.

With regard to SDBD No. 7316, the special master found that Sims commingled and maintained personal and client funds in his IOLTA account ending in 4777, his trust account ending in 1392, his IOLTA account ending in 1384, his trust account ending in 6273 and his trust account ending in 2366. In addition, Sims held client funds in accounts ending in 1392 and 6273; neither account properly constituted a trust account because the interest from those accounts did not go to
the client or the Georgia Bar Foundation; and Sims disbursed funds to clients from account 1392. Moreover, Sims deposited personal funds into a trust account, failed to deposit client funds into and administer client funds from a properly constituted trust account, and withdrew funds to pay for personal and business obligations from a trust account. Specifically, from July 2016 to December 2018, Sims deposited client funds in account 1392, which was not properly established as a trust account; in the same period of time, he held funds in accounts ending in 1392 and 4777; and he paid contractors and other expenses from accounts ending in 1392 and 4777. Sims also maintained personal funds in and used funds from accounts 1392 and 6273 to pay personal and business expenses, and while account 1392 was designated as a trust account, it was used for multiple purposes.

The special master agreed with Sims as to the rules violated, noted previous disciplinary cases addressing violations of Rules 1.15 (I), (II) & (III) have resulted in disbarment, and recommended that the Court accept Sims’ petition for voluntary surrender of license.

**Suspensions**

**Cory Howerton Fleming**

1501 North St.
P.O. Box 507
Beaufort, SC 29901-0507
Admitted to the Bar 1995

On Jan. 11, 2022, the Supreme Court of Georgia accepted the petition for voluntary discipline of Cory Howerton Fleming (State Bar No. 292955) and ordered that Fleming be suspended from the practice of law in Georgia.

The disciplinary matter came before the Court on the petition for voluntary reciprocal discipline in the form of an emergency suspension filed by Fleming. Fleming admitted that on Oct. 8, 2021, the Supreme Court of South Carolina issued an order for his interim suspension from the practice of law under South Carolina’s equivalent to Bar Rule 4-108 (a) (conduct constituting a threat of harm to clients or public). Fleming promptly notified the State Bar of the suspension, and in its response, the State Bar requested that the Court grant the petition.

**Sawand Palmer**

421 Boykin Court
Nashville, GA 31639
Admitted to the Bar 2010

On Jan. 19, 2022, the Supreme Court of Georgia accepted the petition for voluntary discipline of Sawand Palmer (State Bar No. 774898) and imposed a suspension of three months with conditions on reinstatement.

The disciplinary matter came before the Court on the report and recommendation of the special master after the filing of a formal complaint. The special master recommended the Court accept Palmer’s petition and impose a suspension of between three and 12 months with conditions on reinstatement for her admitted violation of Rule 5.5 (a).

Palmer was indefinitely suspended on April 25, 2018, by the Court due to her failure to comply with the rules concerning mandatory continuing legal education for 2016. Despite this suspension, Palmer entered a notice of appearance in superior court on May 9, 2018; appeared at a hearing on behalf of a client on May 10, 2018; and appeared at a bond hearing on a client’s behalf on May 11, 2018, at which she swore in witness, examined witnesses and made legal arguments. Despite being notified of her suspension by a presiding judge on May 11, 2018, and having confirmed her suspension with the Bar’s Continuing Legal Education Department on May 15, 2018, Palmer appeared at a hearing in a different county on May 21, 2018. On the basis of this conduct, Palmer admitted that she violated Rule 5.5 (a) for which the maximum sanction is disbarment.

In aggravation, the special master noted Palmer’s substantial experience in the practice of law. In mitigation, the special master stated that Palmer made a good-faith effort to rectify the consequences of her conduct by resolving the continuing legal education issue that prompted her suspension; that she freely made full disclosure to the Bar regarding this matter and displayed a cooperative attitude during the disciplinary proceedings; that she has since maintained her continuing legal education requirements and paid her Bar license fee; that she is in counseling to address issues concerning her mental health; and that she remains remorseful for her conduct.

The Court accepted Palmer’s petition and imposed a suspension of three months with conditions on reinstatement. Those conditions, which Palmer suggested, the Bar supported and the special master recommended, are that she adhere to her current medication regimen; attend monthly appointments with licensed psychiatrists; attend psychotherapy appointments with a qualified therapist, as prescribed; attend an impaired professional’s program for substance abuse; and maintain her continuing legal education hours. At the end of the three-month suspension, Palmer may seek reinstatement by demonstration to the State Bar’s Office of the General Counsel that she has met the conditions of reinstatement.

**Anthony O. Van Johnson**

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Admitted to the Bar 1996

On Feb. 1, 2022, the Supreme Court of Georgia accepted the petition for voluntary discipline of Anthony O. Van John-
son (State Bar No. 393232) and imposed a six-month suspension from the practice of law with conditions for reinstatement for Van Johnson’s multiple violations of the Georgia Rules of Professional Conduct in conjunction with his representation of two clients in civil matters.

Following the State Bar’s filing of a formal complaint, Van Johnson filed a petition for voluntary discipline, which he amended, admitting certain violations and agreeing to accept a suspension of three to six months. The Bar responded by recommending acceptance of Van Johnson’s amended petition, and the parties consented to entry of a final report and recommendation as to both complaints which the special master entered.

The special master found that in State Disciplinary Board Docket (SDBD) No. 7295, after settling a personal injury client’s case for $9,000 and depositing the settlement proceeds in his trust account, Van Johnson did not, at that time, notify his client that he had received the funds and did not deliver to his client and to his client’s medical care providers the funds to which they were entitled. Instead, Van Johnson paid himself $3,000 as his representation fee and transferred all the remaining funds in his trust account (except $1) to his law firm operating account, despite his client’s making numerous requests for his portion of the settlement funds. Van Johnson responded to some of those requests with inaccurate information and did not respond at all to others. After the client filed a grievance with the Bar, Van Johnson responded by filing his petition and admitting a violation of Rule 1.15, explaining that he had been dealing with public allegations of sexual assault that had negatively impacted his law practice, and stating that he would waive his representation fee and make the client whole by Jan. 31, 2019. On or around Feb. 27, 2019, Van Johnson paid the client and the client’s medical care providers the amounts they were owed, and he has since refunded his $3,000 representation fee to the client.

In SDBD No. 7315, a client paid Van Johnson $1,500 in November 2018 to represent her in a contempt action against her ex-husband and to obtain a name change for her eldest son. Van Johnson delayed filing the contempt action on his client’s behalf until March 2019 and did not file the name change petition until April 2019. In the interim, Van Johnson failed to adequately communicate with his client regarding the status of her matters. He has since refunded his $1,500 fee to the client.

Based on these facts, the special master found that Van Johnson had violated Rules 1.3, 1.4 (a), and 1.15 (I) and (II). The maximum punishment for a violation of Rule 1.3 or 1.15 is disbarment, whereas the maximum punishment for a violation of Rule 1.4 is a public reprimand. The special master found in mitigation that Van Johnson did not have a prior disciplinary record, had experienced personal or emotional problems that negatively impacted his law practice and exhibited a cooperative attitude toward the proceedings. The special master found in aggravation that Van Johnson had multiple offenses as part of this case and substantial experience in the practice of law. The special master noted that penalties in Georgia cases for misusing client funds range from reprimands to various lengths of suspension to the ultimate penalty of disbarment and concluded that Van Johnson’s case was similar to those in which the court imposed six-month suspensions.

The Court agreed a six-month suspension with conditions on reinstatement (Van Johnson’s completing an assessment of his law practice as directed by the Law Practice Management Program of the State Bar and providing a certification of compliance with the assessment and any recommendations) was the appropriate sanction in this case.

Public Reprimand
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On Jan. 19, 2022, the Supreme Court of Georgia accepted the petition for voluntary discipline of Justin Grey Woodward (State Bar No. 529774) in three separate matters and ordered that Woodward receive a public reprimand.

With regard to State Disciplinary Board Docket (SDBD) No. 7421, Woodward admitted that a couple hired him in September 2014 to represent them in a dispute with their general contractor who had placed a lien on their home; that the couple paid him for the representation; that he filed a lawsuit on their behalf on July 20, 2015; that he failed to timely or adequately respond to the clients’ requests for information and updates on their case; and that he failed to adequately consult with them about the case and how to accomplish the objectives for which they retained him. According to Woodward, the case was tried in April 2018, and a judgment was entered against his clients for approximately $51,000 plus interest and costs. After the trial, the clients contacted Woodward several times to discuss how to best to proceed, but Woodward admitted that he failed to timely and adequately respond to their requests.

With regard to SDBD Nos. 7422 and 7423, Woodward admitted that at all relevant times he maintained an IOLTA account; that on July 23, 2018, when implementing a one-time transfer of $500 in earned fees from that account into his operating account, he inadvertently set the transfer to be a recurring weekly transfer; that the following week, the
inadvertent recurring transfer caused an overdraft in his trust account; and that he later deposited money to resolve the overdraft. The following year, in April 2019, a check was presented for payment against his trust account, but the account balance was insufficient to cover the check. With regard to the 2019 incident, Woodward asserted that he believed that a PayPal transaction payment from the client had already processed; however, the PayPal transaction did not process until after the check was presented. Woodward once again deposited funds into the trust account to resolve the overdraft.

Based on these facts, Woodward admitted that in SDBD No. 7421 he violated Rule 1.2 (a) and 1.4 of the Georgia Rules of Professional Conduct. He explained that during his representation of these clients, he was called away for military obligations which caused some delays in the trial. Nevertheless, he admitted that his communication with his clients should have been more frequent and thorough, and he asserted that in an effort to rectify any harm caused, he refunded to the clients’ half of the attorney’s fees they paid to him, less the costs for filing and serving process in the case.

With regard to SDBD Nos. 7422 and 7423, Woodward admitted he violated Rule 1.15 (I) (a) and 1.15 (II) (b). He explained that both of these transactions involved payment systems that he was not as competent in as he should have been; that he immediately sought to rectify the overdrafts in his trust account; and that he instituted new procedures to ensure more reliability in those types of transactions. Woodward also stated that in 2019, he was assisting in the care of his father who was hospitalized for several months in Florida and Puerto Rico, which, while did not excuse his actions, did take away from his attentiveness during that period.

Woodward acknowledged the maximum penalty for a violation of Rules 1.2, 1.15 (I) (a) and 1.15 (II) (b) is disbarment. He asserted in mitigation that he lacked a selfish or dishonest motive, he was remorseful and he had no prior disciplinary record in Georgia. He did admit that on April 11, 2019, he received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court for violations of Rule 1.7 (a) (2) and that the discipline imposed by Tennessee could be considered in aggravation of discipline to be imposed in this proceeding. Finally, Woodward asserted that he has served in the army for 23 years, had been able to manage the demands of the military with his law practice, that he understood the seriousness of the situation, and that he intended to seek steps to improve his ability to meet the demands of both the military and legal profession.

The State Bar did not dispute Woodward’s recitation of the facts and agreed that a reprimand was generally appropriate where, as here, a lawyer is negligent and does not act with reasonable diligence in representing a client. The Bar identified the following factors in aggravation of discipline: Woodward’s prior disciplinary offense in Tennessee, the fact that he committed multiple offenses and his substantial experience in the practice of law. The Court agreed to accept his petition noting that its conclusion likely would have been different if there was any evidence of additional violations or misconduct on Woodward’s part.

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For the most up-to-date information on lawyer discipline, visit www.gabar.org/forthepublic/recent-discipline.cfm
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1 **Microsoft Teams + Microsoft Translator**  
Calling all Microsoft Teams users! Did you know you can have your meetings and messages translated in real time while using Teams? Pairing Teams with Microsoft Translator allows you to call your clients, caption what they are saying, and have it translated for them. In turn, your clients can talk or write back in their preferred language. Multiple parties can join a conference, and each can communicate in their own language, specified by their personal language settings.

2 **Hugo—Meeting Management**  
Hugo.team  
Do you find yourself searching at the last minute to have everything you need for leading a meeting? Let Hugo manage your calendar, notes and tasks in one place so you can be more prepared. This app connects with your calendar and sends a notification with your upcoming meeting. Inside the app you can create agendas, meeting minutes and other templates to help you lead a more productive meeting. You can also capture, assign and track action items.

3 **Teleprompter Mirror**  
Telepromptermirror.com  
Creating a lot of video content for your law practice? Try this free web-based app on your computer or phone. Copy and paste your text in the main window. Select your font, margin, speed and other features and voila you are ready to go.

4 **NordVPN**  
nordvpn.com  
Secure your internet connection. Whether you are using the Wi-Fi in your home or at a hotel or coffee shop, you want to ensure your connection is safe. A VPN, virtual private network, hides your IP address, browsing activity and personal data on any Wi-Fi network, even at home. VPN also helps guard against hackers and snoops on public Wi-Fi networks.

5 **Closed Captions**  
Did you know that 85% of people watch videos on social media in silence? If you are relying on video to reach your audience on social media, you are missing a huge opportunity if you are not providing captions. Captions not only help you reach a broader audience, they also expand access to our deaf and hard of hearing community. If you are using video conference to connect with clients and potential clients, both Zoom and Teams have caption options. Post a lot of stories on Instagram? You can captions your recordings as well. Facebook also offers captions when you go live.
more? Apps like Clips, MixCaption and BigVUE offer captioning services.

Eliminate the USB Cable Conundrum
Does anyone else get aggravated by USB cables? Why, oh why, does it take 2-3 tries to plug it in correctly? Here's the secret: there's a symbol on one side. That symbol will point up if you're plugging in horizontally and if you're plugging in a cable vertically, the symbol faces you. You're welcome.

QR Codes—Be Smart
QR Codes—we see them everywhere these days. Have you been to a restaurant lately? Many are using QR codes to provide menus to their patrons. Businesses are using QR codes to share information with staff, clients and customers, saving them the expense of printing materials. Charities and organizations are using QR codes to make it easier for you to support and donate to your favorite causes. QR codes are helpful, but scammers can take advantage of you. Think twice before scanning QR codes sent by strangers or organizations unknown to you. Scam QR codes take you to untrustworthy websites or worse. So be smart and scan responsibly.

Running On Empty?
Consider getting a card that rewards you for buying gas. For the stations you visit the most, always use their rewards or loyalty card. Some large chain grocery stores also have loyalty programs that offer gas rewards—you earn points buying groceries, then redeem the points for gas. And a pretty good deal right now? Check out grocery store gift cards. Some gift card purchases offer significant fuel points for purchasing them. Give a gift card, buy yourself some free gas. Check into apps, too, like GasBuddy, Waze and Gas Guru, that can help you find the best prices on your route.

Find My Phone for Android
Use your Google account to find your Android phone. Log into your Google account and Google “find my phone” to locate your Android device. Google will locate your phone and then tell you a little more than you thought you needed to know. Of course.

You know when you close that browser tab and immediately regret it?
Oops. Annoyed that you accidently closed a tab on something important? Press Ctrl + Shift + T to reopen the most recently closed tab and get back to what you were doing. On Macs, press Cmd + Shift + T.
Six Surprisingly Simple Shifts to Serve Diverse Clients with Confidence

Demand for culturally competent legal services exists in virtually every practice of law. The question is who will supply the market.

BY NKYO-EENE R. EFFIONG

Do you want to expand your practice to serve a new demographic of clients but are not sure where to start? Do you currently serve a diverse population and want to find ways to better meet their needs?

If so, then you will want to take a look at these six simple tips to help you engage and serve diverse clients with confidence in the next 90 days.

The world is shifting.

According to the 2020 Census, the U.S. population is changing, which means the demographics of legal consumers are also changing. With a growing population, international migration, multiracialism, multigenerationalism, uncoupling and other social phenomena, there is an increasing population of legal consumers in every practice area that has been overlooked or undervalued for whatever reason. Add to that a pandemic that has forced society to think more intentionally about work, life and everything in between; more people are finding themselves in need of legal services from bankruptcy to divorce, launching or leaving a business to estate planning and a myriad of matters in between. Demand for culturally competent legal services exists in virtually every practice of law. The question is who will supply the market.

For entrepreneurial attorneys and law practices that want to remain relevant in an increasingly global world, right now, there is a tremendous opportunity to serve another demographic of legal consumers before AI and legal tech gobble up the market.

To be clear, we are not just talking about pro bono or low bono opportunities. Both of which are highly important for maintaining the profession’s integrity and closing the access to justice/access to legal services gap. Instead, we refer to a growing but overlooked consumer market that is ready, willing and able to invest in legal services yet cannot find an attorney prepared to serve them with dignity.

You can change that.

The pandemic accelerated well overdue shifts in the legal industry that continue to make the provision of legal services less onerous for lawyers and clients alike. For the entrepreneurial and open-minded attorney, opportunities abound. With a few shifts, you can meet a need and make a profit. Win-Win.

Shall we start?

1 Be Curious

You have probably heard the saying, “Curiosity killed the cat.” It is wrong. Curiosity did not kill the proverbial cat. Failure to adapt to a new reality killed the cat. Not convinced? See Blockbuster or Borders. Both offer a cautionary tale of what can happen to a thriving business when it puts its head in the sand and fails to adjust to a change in times.
If you are going to successfully engage and serve a new market of clients, you have to be curious. Curiosity, simply put, is the desire to learn and to know. It is the driving force behind nearly every innovation, invention or discovery to date. Leading with curiosity provides the foundation to avoid assumptions, build awareness and communicate more effectively along the lines of perceived difference. All of this leads to more effective lawyering.

2 Build Community
Birds of a feather flock together—or at least that is what sociology suggests. Why not use that to your benefit? Surround yourself with others committed to serving the same client base. Breaking into a new market requires intentional, authentic relationship building. Similar to marketing, you have to build the know-like-trust factor. There are many ways to do that. Perhaps, one of the more accessible routes to success is building and leveraging support from others who already have more familiarity, connection or credibility within the community you hope to serve. Cultivating these types of relationships will help you engage with different communities. These relationships can also help you learn some of the nuances and cultural norms that facilitate a dignified and respectful engagement across lines of (perceived) difference.

3 Broaden Your Language
As you embark on serving new demographics, your diction will define your destiny.

Simply put, your words matter. Use them judiciously.

Consider whether your anecdotes, analogies and references resonate with the community you are targeting, aka read the room. Communication matters, and this is a great place to borrow from the field of marketing. Marketers invest time to learn about their ideal clients—not just in terms of demographics: age, race, ethnicity, gender, marital status, income, education and employment, but also in terms of psychographics: lifestyle, opinions, attitudes, beliefs, aspirations, interests and values. Once you have honed in on the community you want to serve, tailor your language choice to them.

It is worth noting written words are not the only way to convey information. For example, visuals and infographics are a great way to reach potential clients who do not speak English as their first language. Alt text and audio are wonderful for those with limited sight. Video with captions is useful for those with limited hearing. Broadening your medium for communicating expands your ability to serve new clients. It also signals to potential clients that you are prepared to meet their needs—making you the obvious choice for hiring.

4 Bring in Translators or Translation Services
English is not your client’s first language. No need to worry. Impress your clients by investing in translators or translation services (especially if you do not have team members who are multilingual or polyglots). When clients come to you to solve intimate or critical legal matters, they should not have to rely on family members to translate for them. A translator on hand would be better. Today, engaging translators or translation services has never been more accessible. There are a host of options available to meet your translation needs. Whether you need to hire a translator, translate essential documents or deploy a translation management system, there are platforms available to help you. Check out this issue’s “Legal Tech Tips” on page 48 to learn how you can use Microsoft Teams to help.

5 Build a Diverse and Inclusive Team
Building a diverse and inclusive team will help you reach a global market. According to Harvard Business Review, diverse teams are 70% more likely to capture new markets. Additionally, leaders who cultivate a highly inclusive culture have 2.3 times more cash flow per employee. As you assess your team’s needs, consider hiring people with strong soft skills like interpersonal skills, language skills, communication skills, flexibility and even diplomacy. An important note, avoid hiring solely to appear diverse. You will not reap the benefit of diversity if you forget to cultivate a welcoming and inclusive environment.

6 Be Patient and Enjoy the Journey
Rome was not built in a day. Serving new clients with dignity takes time. Engaging a new audience takes time. Commit to the process and let it take shape. Give yourself grace liberally as you learn to meet the needs of a new market. Lastly, relax. No one gets it right all the time. Iterating is part of this process, and mistakes are par for the course. Learn the lessons and move forward.

It feels great engaging new clients and helping them solve their legal issues. That is why you will want to make these shifts right away. There is a sizable legal market waiting to work with a great attorney sensitive to their specific needs. These simple shifts will help you reach and serve them with confidence. Try them out and see for yourself.

For more tools and tips on how to grow a profitable and purpose-filled law practice with less stress, contact us at lpmdpt@gabar.org to schedule a consultation.

We’re on social! Follow us on Instagram @gabarlpm.

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Endnotes
Gathering Together for Access to Justice

The Judicial Council of Georgia’s Access to Justice Committee and the State Bar’s Access to Justice Committee coordinate their work to analyze the unmet legal needs and approaches necessary to increase access to the courts and to legal assistance for poor and marginalized Georgians.

BY MIKE MONAHAN

Members and guests of the Judicial Council of Georgia’s Access to Justice Committee and the State Bar of Georgia Access to Justice Committee gathered for an informal joint retreat at the Legacy Museum in Montgomery, Alabama, on March 8. The museum documents the history of slavery and racism in the United States. The retreat also included a visit to the National Memorial for Peace and Justice.
Supreme Court of Georgia Justice Verda Colvin, who serves as chair of the Judicial Council Committee, convened the event with U.S. Magistrate Judge Catherine Salinas, chair of the State Bar Access to Justice Committee.

The two committees coordinate their work to analyze the unmet legal needs and approaches necessary to increase access to the courts and to legal assistance for poor and marginalized Georgians. While the Judicial Council’s committee studies ways to make Georgia’s courts more accessible to its citizens (such as standardizing court forms and using law libraries to support self-represented litigants), the State Bar’s committee investigates things lawyers can do to help meet the legal needs (such as developing law school clinics, drafting State Bar policies and practice rules that encourage pro bono activities, and increasing support for structured civil legal aid and pro bono programs). Both committees share a concern for enhanced funding to support access to justice initiatives.

The Judicial Council’s committee and the State Bar’s committee share agendas, and each has a liaison to the other committee to ensure they are working together efficiently and without duplicating effort and resources. With funding from the National Center for State Courts, the State Bar’s committee adopted a strategic plan in 2017, found at iaals.du.edu/sites/default/files/ga_jfa_state_plan.pdf. The Judicial Council’s access committee is also focusing on parts of this plan that the courts can address. For the retreat discussion, participants were asked to direct their attention to several parts of the strategic plan: Empowering Religious Leaders as JFA Stakeholders; Creating Law Libraries as Self-help Resource Centers; Removing Structural Impediments to Access to Justice; and Commitment to Document and Evaluate. At the retreat, committee members and guests formed practical take-aways to galvanize the committees toward concrete action and that impact the future work of access to justice. Some new priorities emerged from the meeting which include: sustainable funding for Georgia’s Self-help Centers; a study that shows a good return on investment to support a request for sustainable funding; a public relations plan about improving access to justice (including what has been done and what needs to be done); an annual meeting which includes a call out to the faith community to help our state improve access to justice; monthly educational seminars; and further work on the standardization of Georgia court forms. These priorities need more discussion and formalization but the conversation has begun.

More than 30 guests attended the retreat, including several who are not members of either committee but who have an interest in access to justice, such as representatives from the faith-based community in Georgia and social services organizations. Other attendees included judges, court administrators, volunteer lawyers, law firm pro bono and public interest organizations representatives.

To lend context to the retreat, Justice Colvin and Judge Salinas shared a podcast for participants prior to the retreat that laid out the history of the two committees and promoted a vision for the discussion. Listen to the podcast at georgiacourtsjournal.org/a2j-podcast-a-conversation-with-supreme-court-of-georgia-justice-verda-colvin-and-federal-magistrate-judge-catherine-salinas/.

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- Honor roll and pro bono incentives

The Equine Law Section Rides Again

The section has transformed into an organization with a far broader focus than that of the original, providing information generally about the practice of law involving horses and related equine activities.

BY PHILIP BURRUS

Did you know that the State Bar of Georgia has an Equine Law Section? If this comes as a surprise, it’s completely understandable, as the section fell into a multi-year hiatus after its initial formation. However, thanks in large part to the gracious efforts of Sections Director Mary Jo Sullivan and Sections Coordinator Lane Sosebee, the Equine Law Section was relaunched in 2020 and is now on a path to becoming better than ever.

The Equine Law Section has now transformed into an organization with a far broader focus than that of its original founding to one that includes providing information generally about the practice of law involving horses and related equine activities. Our section welcomes any member of the State Bar of Georgia who desires to develop their knowledge and professional abilities in matters of equine law, either to render better service to their clients or simply in response to personal interest. In fact, fewer than half of the section’s members actively practice in the equine law space. The balance of the section includes attorneys who are instead horse enthusiasts or have a personal interest in equine law that is separate and distinct from their fields of practice. Others represent cli-
ents in unrelated matters where those clients are professionally involved with horses. Some are interested in animal activities as a hobby. Some even live on horse farms, board horses and breed horses. Many members show horses at competitive events.

Since our reboot in the fall of 2020, officers Philip Burrus, Natalie Henry and Angela Hinton, along with Executive Committee Members Lisa Blackstone, Lindsey Vance and Betsy Choder, have been hard at work. The section launched a new website, which can be found at georgiaequinelaw.org. We have a new logo, an updated annual budget and have established an Outreach Committee that serves as an interface between the Equine Law Section and other sections, as well as serving as a liaison to the community at large. In addition to the Outreach Committee, the section’s other special committees include our Programs Committee, Social Committee and Communications Committee. Our bylaws are being updated to streamline the nomination and election of officers and to allow for virtual meetings. We publish a quarterly newsletter to keep our members apprised of both section updates and other equine-centric news. We even have a small equine law library that includes volumes available to section members. These and other efforts helped to propel the section to be named the 2020-21 Section of the Year by the State Bar of Georgia.

One primary focus of the section is education, which frequently occurs in the form of continuing legal education events. This year alone, the section has hosted three continuing legal education events, each featuring a nationally renowned speaker. The first featured, Julie Fershtman (author of one of the texts in our library), discussing issues arising with equine liability releases and their accompanying waivers. For our second event, Krysia Nelson presented an equine case law update, with all attendees receiving a complementary one-year subscription to her information-packed newsletter. Armand Leone then headlined the third event, discussing how the global and national management of equestrian sport is accomplished through a group of interrelated member organizations charged with protecting the welfare of the horse and ensuring fair competition. If these events sound interesting, you should definitely join the Equine Law Section.

In addition to education, the section provides social events to offer networking opportunities for its members. The section strives to provide service to the community as well, seeking to assist the public through educational outreach programs involving legal issues in equestrian sports, ownership and other affairs. With respect to the latter, the Outreach Committee is an imperative component in our strategy for fostering relationships with both attorneys practicing in other fields and the public at large.

Any member of the State Bar of Georgia in good standing may join the Equine Law Section. There is no requirement that one practice in the equine law field. If you like horses, or have any interest in learning about equine law, please join the section and come ride with us!

Philip Burrus
Chair, Equine Law Section
State Bar of Georgia
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There is no requirement that one practice in the equine law field. If you like horses, or have any interest in learning about equine law, please join the section and come ride with us!
Information overload was a term made famous in Alvin Toffler’s “Future Shock,” which spoke to the growth of information as the result of the role of knowledge and technology in affecting changes. Even the writer of Ecclesiastes 12:12 commented, “Of making books there is no end.” By definition, information is the knowledge obtained from investigation, study or instruction. Not surprisingly, as the knowledge is published, the information increases. With this in mind, it is important to determine the most relevant information quickly and that is what Fastcase is designed to do.

Secondary sources help researchers analyze the question or questions of law that your case raises and helps you determine primary sources that speak to your case. Fastcase users who practice in a specialty area are likely to focus on Georgia cases and the O.C.G.A. due to their knowledge base while general practitioners would be more inclined to search secondary sources like treaties, law reviews and journals. In this article, we will look at secondary materials that are available as part of your free Fastcase subscription that could benefit all attorneys, whether seasoned or newly barred. These include the Georgia Bar Journal, Georgia law school reviews and three other resources that are not Georgia-specific.

Secondary Sources
Secondary sources are a preliminary research tool that puts the law into context and saves you time by pointing you to the most relevant cases and legislation. These include encyclopedias, legal dictionaries, and law review and journal articles that provide valuable critiques of legal topics, as well as extensive references to other sources, including primary sources and often give insight into how to frame your legal argument and strategy. The best way to get to these sources is to use the Browse Libraries tab just below the query box on the opening screen (see fig.1). Tap on the Sources and Jurisdiction tab at the far right of the query box to search by keyword to include these sources (see fig. 2). One area where I find secondary sources to be beneficial is for new questions of law where the case law is scant or obscure—such as the questions surrounding social media bullying, property association issues and changes in the law, like property seizures by a county.

Law Reviews and the Georgia Bar Journal
Fastcase includes law reviews in a searchable format with your Fastcase Bar subscription. You can find reviews from Georgia State College of Law (back to 2000), Emory University School of Law (back to 2004) and Mercer University Walter F. George School of Law (back to 2009). Law reviews can be a helpful source when looking for key facts or a summary of a legal topic or even new developments of one. You may not think of the Georgia Bar Journal as a legal research source, but each issue features a legal article, chosen by the Journal’s Editorial Board from a number of submitted scholarly articles “evincing timely and practical legal research, in addition to “how to” articles on relevant subjects.” If you have an area of expertise that could help fellow attorneys, do not be shy; submit an article to Jennifer Mason, director of communications, at jenniferm@gabar.org for consideration. You can even earn CLE credit if your article is published. Search “legal article submissions” in the query box on the homepage of www.gabar.org for requirements.

Publications and Directory
Two free resources that are included and found in the jurisdiction selections...
when searching by keyword are LexBlog and Expert Witness. LexBlog was a 2004 creation of Kevin O’Keefe, a trial lawyer who believed lawyers should have a blog of their own to share insight on everything law. Now, 18 years later with their aggregation and syndication of news and commentary from thousands of legal thinkers, LexBlog has more than 25,000 bloggers within its network, including more than half of the nearly 1,000 blogs from the United States’ top 200 law firms. Expert Witness is a searchable directory that identifies experts based on your key search words so that you can easily find a knowledgeable professional to support your case. In writing this article, I searched “dog bite” using Georgia Law Reviews, the Georgia Bar Journal, LexBlog and Expert Witness as my jurisdictions and found 39 results. To edit your search, you can add or delete jurisdictions from the sidebar on the left side of the screen.

Lastly, did you know you have access to free daily legal news and analysis? Law Street Media, Fastcase’s legal news site, provides free daily streams of tech, health, agriculture and M&A news along with periodic insights and viewpoints articles. While not a searchable publication found in Fastcase, Law Street Media is a subscription-based news site that comes to you via email. Subscribe at lawstreetmedia.com/ls-subscribe-basic-1.

Now that you are aware of these great secondary resources, why not take a quick look to find valuable information for your next legal research project? As always, feel free to book a Zoom training session with your firm or contact me with any Fastcase questions at sheilab@gabar.org or 404-526-8618.

Sheila Baldwin
Member Benefits Coordinator
State Bar of Georgia
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Secondary sources are a preliminary research tool that puts the law into context and saves you time by pointing you to the most relevant cases and legislation.
Ready to Feel Better Than Blah?

Wellness Committee Member and lawyer turned life coach Tara Simkins shares how creating micro-bursts of positive emotions can help us reignite a sense of flourishing in our lives again.

BY TARA SIMKINS

Did you know that blah was the dominant emotion of last year? In the most read New York Times article of 2021, Adam Grant, an organizational psychologist at Wharton, reported that languishing, the psychological name for blah, was the year’s dominant emotional state. Languishing, a negative emotion on the well-being continuum, is experienced as stagnation and a lack of motivation and focus. While you are not depressed, you are not flourishing either. You are keenly aware that you are miss-
ing that positive flow state of feeling “all is well” within you and around you.2

If you are anything like me, you are ready to move beyond languishing, but you are struggling to muster the energy you think flourishing will require. The good news is that flourishing is easier than we think. Fleeting moments of positive emotion, experienced here and there, are enough to light you up again.

Loosen the grip of blah on your overall mood. Little moments of encouragement, support and appreciation matter.

As a lawyer turned life-coach, my favorite strategy to bridge the gap between languishing and flourishing is to create micro-bursts of positive emotions, specifically encouragement, appreciation and support, throughout my day.

Barbara L. Fredrickson, Ph.D.,3 a highly cited psychology scholar, argues that experiencing even fleeting states of positive emotions “can alleviate human languishing and seed human flourishing.”4

Encouragement
Have you ever noticed that you feel better after you encourage someone, and your motivation increases after someone encourages you?

While languishing is a lack of motivation to do those things which bring joy to our lives, encouragement heartens us. Encouragement, you might say, is powerful medicine for blah times. Moments of encouragement are micro-bursts of connection that are layered with respect and enthusiasm. Encouragement energizes and invigorates both parties in the experience.

I will never forget the complete stranger who cheered me on at mile number 24 in the 2017 Chicago Marathon. Exhausted, I was languishing and losing faith in my ability to finish the race. Out of nowhere, a woman jumped into the race lane, looked me in the eyes and encouraged me to press on.

“You can do it. Don’t stop now. Finish your race!”

Renewed by her encouragement, I dug deep and found the energy for those last two miles.

Today, I have the privilege of passing her encouragement on to you. We have been running a collective marathon over the last two years. Encouraging one another to press on is important and impactful work. Together, we have the power to break the bonds of blah and reignite a sense of enthusiasm for life again.

Appreciation
The idea that a few seconds of appreciation, sprinkled here and there throughout the day, is enough to disrupt the malaise of languishing is almost too simple of a solution for our overachieving brains. Ellen Langer, a Harvard professor whose research spans almost four decades, however, says unlocking a sense of meaning in the small moments of our lives is enough.

“It’s going to sound corny, but I believe it fully. Life consists only of moments, nothing more than that. So if you make the moment matter, it all matters. You can be mindful; you can be mindless. You can win; you can lose. The worst case is to be mindless and lose. So when you’re doing anything, be mindful, notice new things, make it meaningful to you and you’ll prosper.”5

When my middle son was going through his second, third and fourth bone marrow transplants at St. Jude Children’s Research Hospital, I developed the practice of actively appreciating previously unnoticed moments. Take my lunch salad. I would sit at the cafeteria table and imagine all of the hands that were involved in bringing the lettuces to my plate: from the picking and planting of the seeds, to the watering, harvesting, transporting, washing and tossing; from

KEY TAKEAWAYS

1 You are not alone in feeling blah. Dr. Grant’s article was the most read article of all of 2021 in the New York Times with a circulation of 7.8 million subscribers.

2 “When positive emotions are in short supply, people get stuck. They lose their degrees of behavioral freedom and become painfully predictable. But when positive emotions are in ample supply, people take off. They become generative, creative, resilient, ripe with possibility and beautifully complex.”—Barbara L. Fredrickson

3 Fleeting experiences of positive emotions are enough to seed flourishing.

4 There’s no time like the present moment to begin to flourish again.
The soil to the plate. It is mind-boggling how many moments in our day are ripe for this kind of meaning. Appreciation nourishes our souls in moments otherwise drenched with fatigue and reminds us that we can prosper.

Support
The last microburst of positive emotion that I rely upon to bridge the gap between languishing and flourishing is support. Feeling supported by ourselves and others activates a positive emotional state. Social support from our friends, family, co-workers and peers soothes the survival based emotional state of fight, flight, freeze and fawn that has been triggered by the events of the last two years.

When we feel supported, Kristen Neff reports that “a desire to ameliorate suffering naturally emerges.” Without any effort on our part, we begin to shift from feeling *blah* to feeling cared for.

Dr. Neff’s research on the science of self-compassion highlights that as adults we are all hardwired to care for ourselves and others. Thus, we do not need to wait for our circumstances to begin to change in the world around us to feel supported. We can start where we are at this moment and interrupt any remaining sense of languishing.

Conclusion
While many of us have experienced a prolonged sense of languishing over these last couple of years, we can help ourselves and each other begin to reconnect with a greater sense of well-being by cultivating micro-moments of encouragement, appreciation and support.

In the words of Dr. Langer, “People should cultivate positive emotions in their own lives and in the lives of those around them, not just because doing so makes them feel good in the moment, but also because doing so transforms people for the better and sets them on paths toward flourishing and healthy longevity.”

Press On. The time for flourishing again is in this very moment.

Content for the Attorney Wellness section of the Georgia Bar Journal is provided by members of the Print and Media Subcommittee of the State Bar of Georgia Wellness Committee.

Tara Simkins is a lawyer turned certified life coach, writer and childhood cancer philanthropist. She co-founded the Press On Fund (www.pressonfund.org) and is a member of the Attorney Wellness Committee of the State Bar of Georgia. Simkins can be reached at tarasimkins.com.

Endnotes
1. Grant, Adam, There’s a Name for the Blah You’re Feeling: It’s Called Languishing, New York Times, December 3, 2021. Adam Grant is an organizational psychologist at Wharton, the author of “Think Again: The Power of Knowing What You Don’t Know” and the host of the TED podcast WorkLife.
3. Kenan Distinguished Professor; Department of Psychology and Neuroscience; University of North Carolina at Chapel Hill; Director, Positive Emotions and Psychophysiology Laboratory; President, International Positive Psychology Association.
Wherever you are, stay updated at gabar.org.
Ten Tips for Clearer Legal Writing

In the context of legal writing, clarity means a straightforward, direct written communication that achieves its goals. This installment of “Writing Matters” shares tips to help you draft clear legal texts.

BY DAVID HRICIK AND KAREN J. SNEDDON

One hallmark of effective legal writing is clarity. In the context of legal writing, clarity means a straightforward, direct written communication that achieves its goals. Achieving clarity is not as easy as it might first seem. This installment of “Writing Matters” shares 10 tips to help you draft clear legal texts.

1 State the Purpose Upfront
Legal writing should not be a “whodunit,” with the reader left wondering what the point is until the very end. It makes for great TV, but lousy legal writing.

Explicitly state the purpose of the document in the beginning with an overview sentence or paragraph (also called a roadmap). For example, a letter can begin, “The purpose of this letter is to ... ” Or, the first paragraph of the argument section of an appellate brief can begin, “For two reasons, this court should reverse the district court’s grant of summary judgment” followed by one or two sentences succinctly describing each ground for reversal.

Each paragraph also presents the opportunity for the writer to state its purpose up front. Each paragraph should begin with a strong topic sentence. The first sentence of a paragraph should be a topic sentence, also referred to as a thesis sentence, that states what the paragraph is about. One way to ensure you have well-written and well-placed topic sentences is to read, only, the first sentence of each paragraph of a document.

Don’t keep the legal reader in suspense. State the purpose upfront.

2 Include Descriptive Headings
A wall of words from top to bottom on a page can be inaccessible and appear daunting. In addition to good use of white space and short paragraphs, descriptive headings can break up the page and help the reader navigate a document.

The use of descriptive headings should not be limited to only longer documents, like contracts and briefs. Many, if not most, documents can benefit from headings. Even letters and emails can benefit for the inclusion of descriptive headings. To prove the point, envision this column without the headings.

3 Use Quotes Sparingly and Avoid Using Cases or Statutes as the Subject of Sentences
Quotations can undermine clarity. Paraphrase cases, statutes or other authority unless its exact language is critical. While writers may think that using many quotes conveys authority, it may instead overwhelm the reader. That is particularly true if the authority that is quoted is also the subject of the sentence.

To illustrate, consider a Georgia tort plaintiff arguing that, because there is only one named defendant, apportionment of fault to non-parties is not allowed. Compare these three sentences—where in the first the authority is also the subject of the sentence—and decide which is clearer:

In Alston & Bird, LLP v. Hatcher Mgmt. Holdings, LLC., 862 S.E.2d 295, 300 (Ga. 2021), the Court held that “[t]here is no grant of authority in the apportionment statute to reduce damages according to the percentage of fault allocated to a nonparty in a case with only one named defendant.”
“There is no grant of authority in the apportionment statute to reduce damages according to the percentage of fault allocated to a nonparty in a case with only one named defendant.” *Alston & Bird, LLP v. Hatcher Mgmt. Holdings, LLC.*, 862 S.E.2d 295, 300 (Ga. 2021).

In a case with only one named defendant, the apportionment statute does not authorize reducing damages according to the percentage of fault allocated to a nonparty. *Alston & Bird, LLP v. Hatcher Mgmt. Holdings, LLC.*, 862 S.E.2d 295, 300 (Ga. 2021).

Instead of quoting every case, paraphrase when possible. When a quotation is necessary, avoid making the authority the subject of the sentence.

4 **Limit Use of Acronyms**

While it may be efficient and clear to some that you flew from ATL to LGA, too many acronyms—particularly when in all caps—can clutter a text and make it hard to read. Some readers may misunderstand the meaning of the acronym. Some readers may skim over the capped text. Avoid using acronyms for more than three parties or subjects of a document unless you have double-checked its readability. Acronyms can be jarring and interfere with clarity.

5 **User Fewer Modifiers**

Adjectives and adverbs, collectively referred to as modifiers, can enhance description. Extensive use of modifiers, however, can lead to reliance on weak verbs or adjectives. For example, writing “The Alston & Bird case was really important” may be accurate, but instead it may be the following: “The Alston & Bird case brought a fundamental change to Georgia tort practice.” Use strong nouns and verbs when possible, and keep the modifiers to a minimum.

6 **Favor Active Voice**

As we’ve shared in a past column, clear writing comes from using the active over the passive voice. As our December column reminded you, if you can insert “by zombies” then a sentence is likely a passive construction. Passive voice has its uses, as one of its most infamous examples shows: *Mistakes were made.* So far as the reader knows, it was the zombies, not us, who made the mistake, and so lack of clarity in that case may serve the purpose of accepting blame. But, the active voice is generally clearer.

7 **Avoid Negative Expressions**

Negative expressions, which include double negatives and negative compounds, clutter a text and can create confusion. A double negative uses two negative words or phrases. A negative compound is a construction that requires two or more words to convey a negative expression. For example, the words “not able” means “unable.” The words “does not include” means “excludes” or “omits.” Consider the following sentences:

- We are not unfamiliar with characteristics of effective legal writing.
- You should not forget to follow these writing tips.
The sentences could be revised as follows:

- We are familiar with the characteristics of effective legal writing.
- Remember to follow these writing tips.

8 Pay Attention to Sentence Length
Using sentences of varied lengths helps with clarity. A convoluted long sentence—particularly, like this one, with a clause in the middle—can be difficult for the reader to follow. Generally, try to limit sentences to less than 25 to 30 words. But vary the length. Over the course of a text, have sentences that range in length from five words to 45 words. Sentence variety improves clarity.

9 Respect Grammar and Punctuation Conventions
Following grammar and punctuation conventions helps with readability. Veering too far from commonly accepted conventions can create ambiguity or confusion if the text can be interpreted (or misinterpreted) in different ways. Ambiguity is not a hallmark of effective legal writing.

10 Proofread Effectively
An unclear text may be the result of poor proofreading. Misspellings, omitted words, repeated words or other typographical mistakes can create confusion. Use effective proofreading strategies to limit the number of proofreading mistakes.

In addition to budgeting time to proofread, use a range of proofreading strategies. Read the text aloud. Edit it, but start with the last paragraph and work backwards, and do so sentence-by-sentence. Use your software’s spell and grammar checking functions. Take a break from the project before doing the final edit. Don’t let poor proofreading undermine your goal to create clear legal writing.

Conclusion
Effective legal writing is clear. These 10 tips should help you make your legal writing clearer.

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

Karen J. Sneddon is interim dean and professor of law at Mercer University School of Law.
Often when I present for professionalism CLE trainings, I use hypothetical problems. There are times when attendees seem to feel that the hypothetical problems are “unrealistic” despite the fact that they are usually taken from real life fact patterns where the names have been changed.

Many times, the hypotheticals I use come from disciplinary cases or from reading the pages of the *Daily Report* or other legal news. Let’s look at a few examples, but before I begin, I want to reiterate the late Justice Harold Clarke’s now iconic words regarding the difference between ethics and professionalism. Justice Clarke wrote: “[E]thics is a minimum standard *required* of all lawyers while professionalism is a higher standard *expected* of all lawyers.” I try to use hypothetical that either ask lawyers to consider the difference between ethics or professionalism or that ask lawyers to consider the choices they make when aspiring to act with professionalism. So, let’s consider a few examples.

In December 2021 and January 2022, I had conversations with two individuals in very distinct areas of practice that informed me they were seeing increased incivility in emails. As a result, I did a search for law-
yer email incivility. I was shocked by what I discovered. For example, in a Dec. 11, 2019, ABA Journal article, an attorney in California faced sanctions for language he used in emails that made me blush. Since I train on professionalism, not ethics, I created a hypothetical problem based on this article by cutting and pasting toned-down, non-profane words for some of the actual language the attorney used in his emails. One part of the hypothetical problem I created, however, quoted directly from the article because the attorney facing sanctions told one lawyer in a written email “I know where you live[.]” You can’t make this stuff up. Note that the lawyer who was the subject of the article sent the emails before the COVID-19 pandemic began. Since the pandemic began more than two years ago, I believe we are all a bit more tired and a bit more stressed. My nerves are frayed and I suspect yours are as well. For these reasons, and others, my professionalism trainings, and I hope others, need to discuss more than ever “the basics” of professionalism, which includes civility. Every attorney I speak with during a professionalism training tells me that he or she knows not to put anything in writing that they would not want on the front page of a legal journal. But it happens and we know it happens, otherwise lawyers and judges would not call me to say they are seeing increased incidences of nasty emails. So even though everyone reading this article “knows,” take a moment to absorb the lesson again and think about the things you can do to ensure that your emails remain courteous. Respectfully write what you need to say to articulate your client’s legal position. Then re-read your email to ensure that anything written while you are tired, angry or frustrated is removed. It helps you and it helps your client. (I am making a note to myself to ensure I follow my own advice.)

Lawyers are also sometimes somewhat surprised when I speak to them about the use of “templates.” So, let’s look at another headline because you can’t make this stuff up. In an article entitled “OK, You Broke Me. I Give Up on Motions in Limine,” Hon. Jane P. Manning, State Court of Cobb County, wrote: “I am routinely cited 19th century caselaw in support of a motion in limine. … One of the frustrating things about motions in limine before me is that it is readily apparent that the attorneys have not read their own motions.”

Ouch! Our professionalism aspirations state as a lawyer, I will aspire: “to expeditious and economical achievement of all client objectives.” This does not extend, however, to saving client’s money by using boilerplate templates that lawyers do not read. Therefore, I encourage lawyers that the next time you use a template as a starting point for whatever legal work you are doing, the overarching goal for all lawyers should be: “I will strive to represent you as I would want to be represented and to be worthy of your trust.”

In conclusion, the next time you hear a presumably far-fetched fact pattern in a professionalism CLE or you wonder why a professionalism presenter is talking about something that is apparently obvious, remember there is a reason why. One reason is because attorneys should—at least once per year—use “A Lawyer’s Creed” and the “Aspirational Statement on Professionalism” to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct.

The second reason is because attorneys actually do stuff you would never imagine they would do. You can’t make this stuff up. ●

Endnotes


Karlise Y. Grier
Executive Director
Chief Justice’s Commission on Professionalism
kgrier@cjcpga.org
Ethics dilemma?

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

ROBERT LAWSON ADAMS  
Hayesville, North Carolina  
Atlanta's John Marshall Law School (1966)  
Admitted 1978  
Died July 2021

WILLIE CHARLES ADAMS  
Atlanta, Georgia  
Emory University School of Law (1996)  
Admitted 1996  
Died February 2022

JERRIE W. ANDERSON  
Jacksonville, Florida  
Atlanta's John Marshall Law School (1963)  
Admitted 1965  
Died October 2021

JAMES CLIFTON BARLOW JR.  
Atlanta, Georgia  
University of Virginia School of Law (1961)  
Admitted 1962  
Died January 2022

FRANK BRADFORD  
Smyrna, Georgia  
University of South Carolina Law School (1968)  
Admitted 1973  
Died February 2022

ALFRED F. BRUNETTI  
Yarmouth, Massachusetts  
Woodrow Wilson College of Law (1977)  
Admitted 1977  
Died December 2021

JOHN H. CHALFANT  
Prairie Village, Kansas  
University of Georgia School of Law (1984)  
Admitted 1984  
Died January 2022

ROBERT H. CITRONBERG  
Atlanta, Georgia  
SUNY at Buffalo School of Law (1977)  
Admitted 1978  
Died February 2022

WILBY COMPTON COLEMAN  
Valdosta, Georgia  
University of Georgia School of Law (1952)  
Admitted 1952  
Died July 2021

PATRICIA J. CRAFT  
Decatur, Georgia  
University of Georgia School of Law (1977)  
Admitted 1977  
Died February 2022

JOSEPH ANDREW CRUMPTON  
Toccoa, Georgia  
Samford University Cumberland School of Law (2009)  
Admitted 2016  
Died December 2021

F. MARION CUMMINGS  
Canton, Georgia  
Mercer University Walter F. George Law School (1967)  
Admitted 1967  
Died June 2021

JERRY ARLEN DANIELS  
Lawrenceville, Georgia  
Atlanta's John Marshall Law School (1977)  
Admitted 1979  
Died January 2022

LARRY MCKENZIE DINGLE  
Atlanta, Georgia  
Georgia State University College of Law (1987)  
Admitted 1988  
Died February 2022

ELEANOR R. DOTSON  
Fernandina Beach, Florida  
Admitted 1983  
Died December 2021

DONALD W. FISH  
Nashville, Tennessee  
Vanderbilt University Law School (1966)  
Admitted 1967  
Died June 2021

FRANK THOMAS GOMEZ  
Marietta, Georgia  
Georgia State University College of Law (1998)  
Admitted 1989  
Died December 2021

JAMES B. GORDON  
Marietta, Georgia  
University of Georgia School of Law (1964)  
Admitted 1967  
Died October 2021

OTHA LAMAR GRAY  
Augusta, Georgia  
Emory University School of Law (1958)  
Admitted 1958  
Died September 2021

LISA GUGINO GUNN  
Marietta, Georgia  
Georgia State University College of Law (1992)  
Admitted 1992  
Died January 2022

BEVERLY HARRIS  
Blairsville, Georgia  
Woodrow Wilson College of Law (1980)  
Admitted 1981  
Died January 2022

EUGENE S. HATCHER  
Macon, Georgia  
Mercer University Walter F. George Law School (1981)  
Admitted 1981  
Died February 2022

MARK J. KADISH  
Atlanta, Georgia  
New York University School of Law (1967)  
Admitted 1975  
Died January 2022

JEROME L. KAPLAN  
Macon, Georgia  
Mercer University Walter F. George Law School (1961)  
Admitted 1960  
Died January 2022

JAMES LELAND KRAEMER  
Atlanta, Georgia  
Valparaiso University School of Law (1978)  
Admitted 1978  
Died January 2022

HARRY S. KUNIANSKY  
Atlanta, Georgia  
Atlanta Law School (1975)  
Admitted 1975  
Died February 2022

GRANT PHILLIPS MAHAN  
Canton, Georgia  
Massey Law College (1967)  
Admitted 1973  
Died December 2021

JOSEPH R. MANNING  
Saint Petersburg, Florida  
Vanderbilt University Law School (1965)  
Admitted 1965  
Died January 2022
CARL LAWRENCE MEYER  
Marietta, Georgia  
University of Georgia  
School of Law (1992)  
Admitted 1992  
Died January 2022

A. MONTAGUE MILLER  
Evans, Georgia  
University of Georgia  
School of Law (1963)  
Admitted 1962  
Died November 2021

BEN B. MILLS JR.  
Fitzgerald, Georgia  
University of Georgia  
School of Law (1959)  
Admitted 1959  
Died September 2021

RONALD G. MILLS  
Greenville, Massachusetts  
Atlanta Law School (1980)  
Admitted 1981  
Died February 2022

ELLWOOD F. OAKLEY III  
Atlanta, Georgia  
Georgetown University Law Center (1974)  
Admitted 1974  
Died January 2022

THOMAS C. PHILLIPS JR.  
Abingdon, Virginia  
University of Virginia  
School of Law (1955)  
Admitted 1963  
Died February 2022

DUNCAN A. ROUSH  
Cumming, Georgia  
Emory University School of Law (1978)  
Admitted 1978  
Died May 2021

NELSON C. RUDOLPH  
Oil City, Pennsylvania  
Atlanta’s John Marshall Law School (1969)  
Admitted 1970  
Died August 2021

CASEY LABRONZE SMARTT  
Smyrna, Georgia  
University of Denver Sturm College of Law (2015)  
Admitted 2016  
Died January 2022

RONALD E. SMITH  
Riverdale, Georgia  
Admitted 1987  
Died September 2021

LEONARD N. STEINBERG  
Scottsdale, Arizona  
Atlanta’s John Marshall Law School (1967)  
Admitted 1968  
Died February 2022

CARLOS DAVID TRIVINO  
Smyrna, Georgia  
Mercer University Walter F. George School of Law (2009)  
Admitted 2009  
Died March 2022

JAMES L. UNDERWOOD  
Irmo, South Carolina  
Emory University School of Law (1962)  
Admitted 1961  
Died January 2022

JONES WEBB  
Lawrenceville, Georgia  
University of Georgia School of Law (1953)  
Admitted 1953  
Died February 2022

JOEL C. WILLIAMS  
Savannah, Georgia  
Mercer University Walter F. George Law School (1967)  
Admitted 1966  
Died February 2022

BRET RICHMOND WILLIAMS  
Atlanta, Georgia  
Stanford Law School (1993)  
Admitted 2007  
Died January 2022

SHARON MARIE WOLFKIEL  
Atlanta, Georgia  
University of Arizona Law School (1993)  
Admitted 2017  
Died December 2021

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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.
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### APRIL

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<td>13</td>
<td>Georgia DUI Update</td>
<td>6</td>
<td><a href="http://www.gabar.org/ICLEcourses">www.gabar.org/ICLEcourses</a></td>
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<tr>
<td>19-21</td>
<td>Family Law Institute</td>
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<td><a href="http://www.gabar.org/ICLEcourses">www.gabar.org/ICLEcourses</a></td>
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<td>Real Property Law Institute</td>
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<td><a href="http://www.gabar.org/ICLEcourses">www.gabar.org/ICLEcourses</a></td>
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### JUNE

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<tr>
<th>Date</th>
<th>Event</th>
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<td>2</td>
<td>War Stories</td>
<td>3</td>
<td><a href="http://www.gabar.org/ICLEcourses">www.gabar.org/ICLEcourses</a></td>
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<tr>
<td>3</td>
<td>Environmental Justice: What Can We Do to Protect the Air, Land and Water</td>
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<td><a href="http://www.gabar.org/ICLEcourses">www.gabar.org/ICLEcourses</a></td>
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<td>29</td>
<td>Restrictive Covenants and Trade Secrets</td>
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<td><a href="http://www.gabar.org/ICLEcourses">www.gabar.org/ICLEcourses</a></td>
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### JULY

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<tr>
<td>14-16</td>
<td>Fiduciary Law Institute</td>
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<td><a href="http://www.gabar.org/ICLEcourses">www.gabar.org/ICLEcourses</a></td>
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*Please note: Not all programs listed are open for registration at this time.*
Notice of and Opportunity for Comment on Amendments to the Rules of the United States Court of Appeals for the Eleventh Circuit

Pursuant to 28 U.S.C. § 2071(b), notice and opportunity for comment is hereby given of proposed amendments to the Rules of the United States Court of Appeals for the Eleventh Circuit. The public comment period is from Wednesday, April 6, 2022, to Friday, May 6, 2022.

A copy of the proposed amendments may be obtained on and after Wednesday, April 6, 2022, from the court’s website at http://www.ca11.uscourts.gov/rules/proposed-revisions. A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St. NW, Atlanta, Georgia 30303; 404-335-6100.

Comments on the proposed amendments may be submitted in writing to the Clerk at the above address, or electronically at http://www.ca11.uscourts.gov/rules/proposed-revisions, by 5 p.m. Eastern Time on Friday, May 6, 2022.
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2022 STATE BAR OF GEORGIA
ANNUAL MEETING

OPENING NIGHT FESTIVAL | CLE OPPORTUNITIES | PRESIDENTIAL INAUGURAL DINNER | SOCIAL EVENTS | FAMILY ACTIVITIES | EXHIBITS

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Hotel Cut-off Date: May 12 | Registration Cut-off Date: May 19

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