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A Plan for Lawyer Wellness

The vast majority of lawyers do an excellent job of taking care of the needs of the people for whom we provide legal services. We work long, hard days on behalf of our clients, and the rest of the time we have to be on call to put out any fires that might arise in pending cases or transactions.

We also complete our required continuing legal education hours each year and deal with the administrative tasks necessary to maintain a law practice, large, small or solo. Many of the lawyers I know devote additional time to supporting the legal profession through service on a State Bar committee or accepting an office in our local or specialty bar associations.

Lawyers are also natural community leaders. We join civic and business organizations, coach youth sports teams and head up committees in our places of worship—no matter how demanding our professional lives are.

Often last—and, sadly, sometimes least—we set aside time for our spouse or significant other, our children, other family members and friends. The quality and quantity of the hours we are able to spend with those most important to us are reduced due to the nature of our job and the additional responsibilities that come with it.

It’s no wonder then, that lawyers who are able to take care of so many others have such a hard time taking care of ourselves—which, in turn, affects our physical and mental well-being and, ultimately, our professional lives in a negative way. I am sorry to report that lawyers have the highest rate of substance abuse, and a study by the Centers for Disease Control revealed than we have a 54 percent higher rate of suicide that any other profession.

This is why one of my major initiatives for this Bar year is to establish a Lawyer Wellness Program for members of the State Bar. At our Annual Meeting in June, the Board of Governors approved the appointment of a task force to develop this program.

“Effectively promoting lawyer wellness will, in the long run, help the State Bar of Georgia remain a leader among our fellow state bars.”
Don’t worry: we are not talking about an expensive program that will require additional staff, equipment, facilities or other major expenditures. Our Bar dues will not be impacted, but the potential for helping many Georgia lawyers find the right professional, social and personal balance in their lives will.

This program will create an online clearinghouse of health and wellness information to help Bar members identify and learn how to deal with issues that may be affecting their health and personal lives. We want to focus on health maintenance and prevention so that these problems are avoided or dealt with in their earliest stages. Just a few small changes in our habits can have a profound impact on our overall well-being.

We will not only incorporate concepts from some of our existing programs such as the Lawyer Assistance Program, which helps attorneys with addictions, and our Suicide Awareness Program, but will also promote all aspects of lawyer wellness.

The objective is to enhance lawyers’ physical and mental well-being by educating members of our profession on how to identify and deal with those issues we all face that not only impact our practice, but our lives—things such as stress, diet, physical conditioning, social well-being, debt management and others.

This is an idea that originated with the South Carolina Bar, and they have been gracious in sharing information on their success. Our colleagues in South Carolina call their lawyer wellness initiative “Living Above the Bar.” The program’s website defines wellness as “a state of complete physical, mental and social well-being that is achieved through an active process of becoming aware of and making choices toward a healthy and fulfilling life.” The program takes a three-pronged approach for lawyers to reach and sustain that state of wellness.

**Mental Health**

In the words of one South Carolina lawyer, “Society tells us it is OK to discuss physical ailments, such as high blood pressure, diabetes, cancer—and even hemorrhoids, but discussing our mental health is taboo. This stigma seems especially egregious among attorneys. Attorneys must maintain appearances, and having depression, or other mental health issues, does not comport with preconceived notions of what makes an attorney a good attorney. Because of this taboo, attorneys are fearful that seeking treatment will dry up the referral sources. ‘How can (he or) she suffer from depression and be a good attorney?’”

One objective of our wellness program will be to help dispel such stigmas and taboos and help point attorneys in the right direction for appropriate treatment of mental health issues. The State Bar of Georgia, through our Lawyer Assistance Program, already offers free counseling to Bar members through our toll-free, 24/7 hotline at 800-327-9631.

In addition, the Lawyer Assistance Program is now developing a statewide service system of volunteer
attorneys who want to help other attorneys by supporting them through their difficulties. The volunteers, who will serve as peers, are not therapists or professional counselors, will commit to the following: 1) one session of training with periodic follow-ups, 2) regularly scheduled meetings with the participant in public places or by phone, and 3) self-recuse in cases of relapse. For more information on the Peer to Peer Program, you can contact Lawyer Assistance Program Committee member Lynn Garson at 404-256-6695 or lgarson@bakerlaw.com.

Our wellness program’s website will replicate the South Carolina Bar’s effort to provide a comprehensive library of articles, videos and other resources dealing with specific issues, including depression, addictions, eating disorders, mindfulness, trauma, burnout and suicide prevention. From a broader perspective, though, it is our hope that our wellness program will promote the adoption of healthy living for lawyers so that these issues can be effectively avoided on the front end.

As I have said, the ultimate goal of this wellness program is to greatly reduce the need of our Lawyers Assistance Program and Suicide Awareness Campaign.

Physical Health

A recent study conducted by the Center for Creative Leadership (CCL) collected health data from a pilot sample of attorneys and found that 60 percent of those participating in the survey were very dissatisfied with their fitness level. When it comes to exercise, 42 percent averaged less than an hour a week of aerobic exercise, 52 percent averaged less than an hour a week of resistance training and half of those surveyed rated their diet as unhealthy.

Everyone knows that the keys to personal fitness are nutrition and exercise. The main obstacle to healthy eating and maintaining a workout regimen, especially for busy lawyers, is the time commitment.

But in her report on the CCL study of lawyers’ health and well-being, Dr. Sharon McDowell-Larsen makes the case that devoting time to our physical health is well spent. She explained, “Promoting a healthy diet and regular physical activity . . . makes good business sense. It builds the immune system, reduces disease, improves cognitive function and helps even high-performers become more productive.”

Our wellness program website will provide healthy eating and exercise tips, including helpful articles, links to mobile apps and podcasts, recipes, workout routines and other solutions to find the right balance for you to ensure that physical fitness becomes an important part of your busy day.

Social Well-Being

In the Summer 2006 edition of LawPRO, John Starzynski of the Ontario Lawyers’ Assistance Program writes, “Life is a balancing act. Family, work, friends, hobbies, exercise, volunteer activities, spirituality: these are but some of the many balls we try to keep in the air in our quest to live fulfilling and responsible lives. On the whole, lawyers balance all these life and work roles quite effectively. But it’s not easy, as a recent Canadian Bar Association-Ipsos Reid survey points out: 68 percent of those surveyed say that they have difficulty achieving a balance between their professional and personal lives.”

Our goal is to provide Georgia lawyers with a wealth of information on work/life balance, including articles and other resources on parenting, relationships and marriage; stress management techniques, including journaling, volunteering, hobbies, meditation and relaxation; time management tips and debt management information and tools. Similar to South Carolina, our site will also feature a blog with helpful wellness-related entries submitted by Bar members on specific topics.

Executive Committee member Ken Hodges is leading our Lawyer Wellness Task Force’s efforts to develop, over the next several months, the wellness program and recommend its establishment to the Board of Governors at the 2016 Annual Meeting. In the meantime, you can learn more about the South Carolina Bar’s “Living Above the Bar” program at www.scbar.org.

Living healthier can have a positive effect, personally and professionally. When our performance is improved, things are better for our clients, our businesses, our families and our profession. Effectively promoting lawyer wellness will, in the long run, help the State Bar of Georgia remain a leader among our fellow state bars.

Robert J. “Bob” Kauffman is president of the State Bar of Georgia and can be reached at rkauffman@hrflegal.com.

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From the YLD President

by John R. B. "Jack" Long

YLD’s 69 Years: Revisiting the Past in Planning Our Future

It is with great honor and enthusiasm I write my first column in the Georgia Bar Journal as your newly installed president of the State Bar of Georgia Young Lawyers Division. Looking back at what this organization has done in its 69 year history, I consider it a privilege that its members have entrusted me to carry it forward over the next Bar year.

In reading old columns from YLD presidents before me it is obvious how incredibly strong our past leaders have been. Over the years, the YLD has helped to create enduring programs and projects such as the Georgia Legal Services Program; the most recent re-write of the Georgia Juvenile Code; a signature fundraiser which over the last 10 years has raised hundreds of thousands of dollars for several worthy causes; and a leadership academy program that has helped hundreds of our best and brightest young lawyers emerge as leaders in our profession and community. Our membership, more than 10 thousand strong, has a reputation of being a workhorse when it comes to successful Bar programs and projects, and it is my sincere hope that under our leadership it will continue to do great work.

Our past is filled with many great achievements, and I am excited about the future of the YLD and the opportunities we have to grow. For the past several years, each incoming YLD president has unveiled a new initiative upon which they will place their focus during the upcoming year. As years have come and gone, however, so have new YLD presidents, resulting in the ebb and flow of these programs. Many of these were once great, but dwindled through successive changes in leadership. Rather than creating a new program that may or may not be carried on into the future, my focus this year will be on refining, rethinking and reinvigorating the existing initiatives we already have in place. I want to ensure that the budding programs created by our Immediate Past President Sharri Edenfield continue to grow and thrive.

One such program I would like to highlight in particular is the Succession Planning Program. This program is one of the first of its kind to combat two emerging problems in our profession: aging law-
yers with dying law practices and unemployed young lawyers looking to go out and hang a shingle. We are seeing shrinking numbers of seasoned solo practitioners in rural areas and smaller communities. As those lawyers retire or otherwise wind down their practices, there is no one nearby to take their place. All the while there are too many graduating law students with no jobs trying to set up shop on their own. I know this, because at one time I was one of them. With your help, we will work to match these two groups and make the Succession Planning Program a national model for promoting synergy between aging and emerging young lawyers.

On July 10, our board of directors met for a retreat in my hometown of Augusta. Together we are working to ensure this year is successful and that our programs are better and stronger. Our goals are ambitious: we are seeking to increase our active membership and meeting attendance to record numbers, plan a Signature Fundraiser that raises more money for a charity than ever before; and promote participation in the 2016 Legal Food Frenzy to reach our highest goal since its inception five years ago. With your help, we will accomplish all this and more.

We are reviving the Estate and Elder Law Committee to absorb our already successful Wills Clinic that has recently provided hundreds of estate planning documents to police, firefighters, and other first responders and their spouses, completely free of charge. This new committee will revamp old projects such as the Senior Citizen’s Handbook last published in 2002, as well as update relevant parts of our Consumer Pamphlet Series; projects that have previously gained statewide recognition.

We have several exciting venues planned for our upcoming meetings in an equal mix of destinations both in and outside the state of Georgia. Our Summer Meeting in Greensboro will feature a roundtable CLE with local judges giving practical advice for lawyers taking on cases in rural areas. Our meetings schedule and registration information is already posted on our website (georgiyld.org), and I encourage each of our members to plan to attend. In addition to our statewide meetings, our Executive Committee has been charged to be more hands-on in member and affiliate outreach—we are now planning visits to each of our affiliates and Georgia’s five law schools. Our committee chairs have similarly been tasked with creating programming relevant to our membership as a whole, hosting events not only inside the metro-Atlanta area, but also in Georgia’s other thriving communities.

In an effort to promote inclusion for our membership, all of our meetings and CLE programming this year will be broadcast live. This will allow people whose work or family schedules do not permit an overnight stay from home the opportunity to participate. We have also created a new interactive organizational chart and posted it to our website to allow our members and friends to contact any of their YLD leaders with the click of a mouse.

Our members are what make the YLD so special—we foster the spirit of collegiality that is too often absent in this profession. When the YLD is successful, the Bar as a whole benefits; that is why I am calling on each of our members to make our organization better. Whether by volunteering time for a committee project, organizing a community service event or CLE, or donating money to our signature fundraiser, you are our key to success. I am looking forward to working with each of you to continue our tradition of excellence, and in our mission of service to the public and the legal profession.

John R. B. “Jack” Long is the president of the Young Lawyers Division of the State Bar of Georgia and can be reached at jlongattorney@aol.com.
This Agreement contains all prior negotiations and agreements to indemnify and hold harmless the parties or potential liabilities or potential losses and understandings with respect to any reason of the liability or potential loss. All parties shall act to maintain the integrity of the Agreement. All parties agree to indemnify and hold harmless the contractor against loss of the contractor.
We’ve all seen them: clauses buried in form contracts limiting one party’s liability to the other. For example, your client contracts with a vendor to implement new software in its business, part of which is “back office” and part of which is customer-facing. The client pays hundreds of thousands of dollars for custom development, migration and implementation services, but once the new software goes live, it’s riddled with errors, difficult for the client’s customers to operate and frequently causes the client’s website to crash completely. The client’s customers are complaining loudly, and some are walking.

In order to stop the hemorrhaging, the client decides to abandon the new software and return to its legacy product, which it was still running in a parallel environment, just in case this happened. But a significant number of customers jumped ship with remarkable speed, and it’s too late to woo them back. “In no time, your client’s damages are measured in millions, including the money it paid the vendor, the money it spent trying to fix the buggy software, and the money spent to get the legacy system up and running again, as well as lost profits and decreased customer good will.”

Then, your client finally calls you and you look at the client’s contract with the vendor. The contract includes a limitation of liability provision, capping the client’s damages at $50,000? Your client knew that clause was there before it signed, and unfortunately, it did not seek your opinion on the clause’s enforceability beforehand. Your client incorrectly assumed that the limitation was so out of proportion to what it was actually going to pay the vendor, that there is no way the clause would be enforced. But that’s not the law in Georgia.

“In Georgia there is no generally applicable rule of law forbidding one contracting party from waiving all recourse in the event of breach by the other.” Limitation of liability clauses

A Look at the Law

Your Clients’ Contracts Shouldn’t Bury Limitation of Liability Clauses in the Fine Print

by John P. Hutchins and Christopher A. Wiech
are frequently used to curtail parties’ substantive rights by capping damages under contracts, should something go awry. Sophisticated parties, negotiating at arms’ length, are free to agree on whatever contractual provisions they choose, including agreeing to limit any potential damages recovery.

Still, there is a special type of contract clause that can be so draconian in result, Georgia courts require contracting parties to treat them with certain detail—even down to the type of font that is used—so that a party will not be blind-sided should a dispute arise. These clauses are known as “exculpatory” clauses. A clause is considered exculpatory if it severely restricts a party’s remedies or waives a party’s substantive rights. In order for such a clause to be enforceable, it must be “explicit, prominent, clear and unambiguous.” That’s because “a waiver of substantial rights [could be an accord and satisfaction of possible future claims],” and thus “requires a meeting of the minds on the subject matter.”

Requirements for Exculpatory Clauses

In analyzing this requirement that exculpatory clauses be “explicit, prominent, clear and unambiguous,” Georgia courts have given great weight to the prominence factor. Merriam-Webster’s dictionary defines “prominent” as “standing out or projecting beyond a surface or line; protuberant; readily noticeable; conspicuous.” Further, “protuberant” is defined as “thrusting out from a surrounding or adjacent surface often as a rounded mass,” and “conspicuous” is defined as “obvious to the eye or mind; attracting attention; striking.”

“Prominence,” therefore, depends on factors like typeface, whether the clause appears in a separate paragraph, or whether the clause is set off by an appropriate heading. Simply put, does the clause stand out on the page? Do the words pop out? Are they noticeable? Do they contrast with the other terms on the page? It is important that the appearance of the provision signals importance to the contracting parties so that they know that by entering into the agreement, they are waiving a substantive right. If a clause is exculpatory, requiring “prominence,” and that requirement is not met, then the clause will be held unenforceable.

A question sometimes arises as to whether a limitation of liability clause is an exculpatory clause, such that it must be treated with this special care of “prominence.” It would seem a simple proposition that limitation of liability clauses are, undoubtedly, exculpatory. Nonetheless, if you go looking for a Georgia case that expressly holds that a limitation of liability clause is exculpatory because it severely restricts a party’s remedies or waives a substantive right, you will be hard-pressed to find a decision with this express holding.

So, if you need to argue that a limitation of liability is an exculpatory clause, the trick is to determine whether courts have treated limitation of liability clauses as exculpatory, requiring them to meet the prominence test, even if they have never precisely said why. From such a review, it is obvious that Georgia courts treat limitation of liability clauses as exculpatory, even explicitly calling such clauses “exculpatory” in some cases, without any further comment or analysis as to why they are considered exculpatory. Examining cases in which courts have unpacked the “prominence” requirement for exculpatory clauses can lead to no other rational conclusion.

Limitation of Liability Clauses Must Meet the Prominence Test

Numerous courts have analyzed limitation of liability clauses to determine whether they meet the prominence criteria. For instance, the court in Grace v. Golden examined a limitation of liability clause as an exculpatory clause and enforced it because the clause was included in a portion of the contract that used typeface that was larger and bolder than the rest of the contract.

Likewise, in JVC American, Inc. v. Guardsmark, LLC, the court examined a clause labeled as “Limitation of Liability” to determine whether it met the prominence test applied to exculpatory clauses. The court found “without difficulty” that none of the language in the exculpatory clause was prominent, explicit or clear because none of the language was in bold typeface but rather appeared as boilerplate on the reverse side of a two-page contract. In Imaging Systems International, Inc. v. Magnetic Resonance Plus, Inc., the court examined a limitation of liability clause for prominence under the test applicable to exculpatory clauses, and held that the clause in question was enforceable because it was “set off in its own paragraph with the heading ‘LIMITATION OF LIABILITY’ and with the key language all capitalized.”

Thus, under these cases (and others not cited), Georgia courts clearly treat limitations of liability as exculpatory in requiring them to be “explicit, prominent, clear and unambiguous.” Although Georgia courts have held that “[e]xculpatory clauses in contracts, in their broadest sense, may be categorized as covenants not to sue, releases, and indemnification agreements,” such statements are by no means cited as a requirement that an exculpatory clause must contain any such provisions. In fact, leaving no doubt about the issue at all, the Court of Appeals of Georgia in a 2014 case, Willesen v. Ernest Communications, Inc., examined a clause captioned as a “Limitation of Liability” and explicitly referred to it as an “exculpatory” clause. Although the Willesen court was not called upon to examine the prominence issue in order to determine the enforceability of the limitation of liability, the court plainly considered the
clause as exculpatory. Similarly, in Monitronics International, Inc. v. Veasley, the judges on the Court of Appeals of Georgia disagreed on whether a limitation of liability clause was sufficiently prominent, and in their disagreement generally referred to the clause at issue as exculpatory, without expressly holding that all such clauses are exculpatory.  

Not All Limitations Are Equal

If any further convincing is needed, then additional evidence that Georgia courts treat limitation of liability clauses as exculpatory (thus requiring prominence) can be gleaned from how they treat other types of limiting contract provisions. Many contract provisions impose limitations on the contracting parties, but not all limit substantive rights, as limitations of liability clauses do. For example, arbitration clauses and liquidated damages clauses are common limiting contract clauses. Neither affects a substantive right, and thus neither is considered exculpatory by courts and required to be prominently displayed in contracts to be enforceable.

Arbitration clauses limit procedural rights—specifically, parties’ choice of forum—for the parties’ mutual benefit of expediting and making more efficient the dispute resolution process. Further, parties agree upon an arbitration clause “to avoid the courts for dispute resolution.” No substantive rights are affected or curtailed. Courts have explicitly held that, “[b]y agreeing to arbitrate a statutory claim, a party does not forgo the substantive rights afforded by the statute: it only submits to their resolution in an arbitral, rather than a judicial, forum. It trades the procedures and opportunity for review of the courtroom for the simplicity, informality, and expedition of arbitration.” This is because “arbitrating parties agree to waive certain substantive rights in favor of a quick resolution of their dispute by extralegal means . . . . By electing arbitration, the parties can agree to waive certain constitutional and procedural rights to which they would be entitled in a judicial forum.”

Moreover, an arbitrator’s decision, although typically enforced, is nonetheless subject to review by a court if “it is completely irrational or it constitutes a manifest disregard of the law.” The availability of appeal from arbitration undermines any notion that substantive rights are waived by agreeing to it.

On the other hand, a limitation of liability clause is far more restrictive. Although an individual subject to an arbitration clause may be restrained from appearing before a judge in an adversarial proceeding, a limitation of liability clause may restrict the same individual in whole or in part. This very restriction on substantive rights makes the prominent characteristics of exculpatory provisions necessary.
Like arbitration clauses, liquidated damages clauses do not curtail substantive rights. Instead, liquidated damages benefit the contracting parties by fixing an exact amount of damages to be assessed in the event of a breach. These provisions are preferred where the parties foresee difficulty in calculating damages and they specify “an amount certain and fixed” at the time of contracting. In so doing, all the parties know the amount they can recover if the other breaches the agreement.

Accordingly, courts will enforce liquidated damages provisions, regardless of prominence, so long as these provisions are not misused. When one party uses a liquidated damages clause to penalize another party rather than to avoid uncertainty in calculating damages, courts will strike them down as violative of public policy. By comparison, the authors can find no cases where courts strike down a liquidated damages clause for not meeting the prominence requirement for exculpatory clauses. In fact, unlike exculpatory clauses, courts consider different factors for enforcement: (1) the injury must be difficult to estimate accurately; (2) the parties must intend to provide damages instead of a penalty; and (3) the sum must be a reasonable estimate of the probable loss.

Thus, the fundamental difference between a liquidated damages clause and an exculpatory clause like a limitation of liability arises from the fact that liquidated damages are intended to serve as a benefit for the enforcing party—the party who has suffered an injury—by allowing them to recover a predetermined amount of damages without the difficulty of proving their actual damages. Limitation of liability clauses, however, benefit the party alleged to have breached the contract by capping their damages liability, regardless of the harm they are charged with causing, and therefore courts scrutinize exculpatory clauses to require prominence.

John P. Hutchins is a partner in the Atlanta office of LeClairRyan. His practice is a mix of commercial litigation and trial work, privacy and data security compliance, complex technology issues and transactions and general corporate counseling.

Christopher A. Wiech is a partner in the Atlanta office of LeClairRyan. His practice is a mix of commercial litigation and trial work, privacy and data security compliance, complex technology issues and transactions and general corporate counseling.

The authors would like to thank Mary Martin Weeks, Troutman Sanders LLP, for her assistance on the article.

Endnotes

2. See, e.g., Parkside Center, Ltd. v. Chicagoland Vending, Inc., 250 Ga. App. 607, 611-12, 552 S.E.2d 557, 562 (2001); Dep’t of Transp. v. Arapaho Constr., Inc., 180 Ga. App. 341, 343, 349 S.E.2d 196, 198 (1986) (finding a termination provision to be an exculpatory clause but unenforceable for not being “sufficiently unambiguous to be construed to require a waiver of appellee’s right to the full extent of its damages on appellant’s breach of the contract”).
10. Imaging Sys. Int’l, Inc., 227 Ga. App. at 644-45, 490 S.E.2d at 128. The court also noted that this was an exculpatory clause by virtue of the provision prohibiting recovery of “any lost profits” and clearly and unambiguously altered the parties’ remedies to recover the measure of damages.
11. Id. at 644-45, 128 (quoting Dep’t of Transp. v. Arapaho Constr., Inc., 180 Ga. App. 341, 343, 349 S.E.2d 196, 198 (1986)).
(1975) (holding that each of these provisions separately constitutes an exculpatory clause as defined by Georgia common law)).


14. Id. at 460-64, 759-61.


16. See id.


22. See Restatement (SECOND) OF CONTRACTS § 356.

State Bar of Georgia 2015 Annual Meeting: Close to Home

by Jennifer R. Mason

The State Bar of Georgia’s 2015 Annual Meeting was held at the Atlanta Evergreen Marriott Conference Resort in Stone Mountain, highlighting one of Atlanta’s premier family destinations, Stone Mountain Park. From the Opening Night Festival featuring the legendary Lasershow Spectacular in Mountainvision® to the YLD/Pro Bono 5K Fun Run/11K Bike Ride around the property, attendees and their guests had the opportunity to experience the natural beauty of the park all while handling the business of the weekend.

Opening Night Festival

Summer in Atlanta means an almost daily possibility of thunderstorms, and Thursday evening was no exception. Strong thunderstorms blew through at just the right time, causing a slight adjustment to Opening Night Festival plans. The dinner and kids’ activities were

The Opening Night Festival featured the Lasershow Spectacular in Mountainvision®.
moved indoors to ensure attendees and their families stayed safe. People were able to eat and socialize comfortably, away from the heat and rain. But as summer storms often do, this one came and went rather quickly, and the rest of the night proceeded according to plan. In short, the Lasershow was still on, and those who were interested in taking the shuttle over to Memorial Hall and the great lawn were still able to do so. Some were taking a nostalgic trip down memory lane, bringing their children to experience what was a happy memory from the past. Still others were experiencing it for the first time. Regardless of the reason, the weather was perfect for a Lasershow viewing under the stars complete with a private patio and terrace, drinks and snacks. The State Bar was recognized with a welcome from the park while our logo was displayed upon the mountain’s face, at which point our small but mighty crowd cheered enthusiastically. Those who made the short trip from the hotel to Memorial Hall were treated to a delightful end to the kind of evening that made you want to hold on to summer for just a little while longer.

Weekend Business
The Annual Meeting was a hub of business activity throughout the weekend, providing ample opportunity for attendees to network while meeting with various sections and committees. CLEs on topics such as trial techniques and tips, technology and ethics, malpractice and professionalism as well as the war stories series were a main focus of Thursday and Friday, offering a number of ways Bar members could earn required general, professionalism and ethics hours. CLE hours were also offered for the Pro Bono Showcase seminar and the 50th Anniversary of the Voting Rights Act of 1965, both of which were new additions to the CLE lineup and were extremely well received.

While business opportunities were the focus of the day, the eve-
 Ning hours tended toward social engagements. From the Opening Night Festival to receptions, dinners and ceremonies, having a good time was the order of the evening. Receptions offered section members, law school alumni, Bar members and special guests a more intimate and casual atmosphere in which to meet, honor and recognize the work of individuals and organizations. More formal events included the YLD Dinner and Swearing-In Ceremony on Friday and the Presidential Inaugural Gala on Saturday. The annual YLD/Pro Bono 5K Fun Run expanded to include an 11K Bike Ride, led by Damon Elmore. The slightly different format was a big hit with the participants, despite the added difficulty of the elevated terrain.

Board Meeting Highlights

The June 19 plenary session began with the State of the Supreme Court address given by Chief Justice Hugh P. Thompson, followed by the State of the Court of Appeals address by Chief Judge Herbert E. Phipps, the State of the Georgia Senate Judiciary Non-Civil Committee by Sen. Jesse Stone (chair), the State of the Georgia House Judiciary Committee by Rep. Wendell Willard (chair), the State of the Georgia House Judiciary Non-Civil Committee by Rep. Rich Golick (chair), the State of the House Juvenile Justice Committee by Rep. Tom Weldon (chair) and the State of the U.S. District Court, Southern District by Hon. Lisa Godbey Wood (chief judge). Attorney General Sam Olens was unable to attend the meeting to give the State of the Georgia Law Department address so President Patrise M. Perkins-Hooker referred Board members to the written report from the Georgia Law Department.

President Perkins-Hooker reported to the Board on the Law School Incubator Project. The project, while not a State Bar program, is a joint project of the State Bar, the five Georgia law schools and the Supreme Court of Georgia. It will be overseen by a separate 501(c)(3) entity called Lawyers for Equal Justice (LEJ) with member representatives from each of those groups. The Board approved funding for the Law School Incubator Project in the amount of $85,000 per year for three years to be used by the LEJ to locate and rent space for the incubator project.

The plenary session/members’ meeting was reconvened for the presentation of the annual awards. A resolution was presented by President Perkins-Hooker and Executive Committee Member David Lipscomb to the Sutherland law firm for their many years of pro bono assistance to the State Bar’s Fee Arbitration Program.

Following the presentation of awards, President Perkins-Hooker presented a check to GLSP Executive Director Phyllis Holmen in the amount of $532,234, representing voluntary contributions made by Bar
members to GLSP’s 2014-15 State Bar Campaign.

Reports were given on the Investigative Panel by Laverne Lewis Gaskins, the Review Panel by Tony Askew, the Formal Advisory Opinion Board by Brad Marsh and the Clients’ Security Fund by Vince Clanton.

During the plenary session, President Patrise M. Perkins-Hooker delivered her outgoing remarks as required by the bylaws of the State Bar. A copy of these remarks can be found on page 26 of the Bar Journal.

Robert J. “Bob” Kauffman presided over the 258th Board of Governors Meeting on Saturday, June 20.

Highlights of the meeting included:

- The Board approved the following presidential appointments:
  - **Investigative Panel:**
    - District 1: Christian Joseph Steinmetz (2018)
    - District 4: Zulma P. Lopez (2018)
  - **Review Panel:**
    - Middle District: Oliver Wendell Horne III (2018)
  - **Formal Advisory Opinion Board:**
    - Georgia Trial Lawyers Association: David Neal Lefkowitz (2017)
    - Young Lawyers Division: John Bell Manly (2017)
    - Mercer University: Patrick E. Longan (2017)
    - Investigative Panel: Julayaun Maria Waters (2017)
  - The Board approved President Kauffman’s 2015-16 appoint-

- President Kauffman addressed the Board of Governors and presented an overview of his proposed program of activities for the 2015-16 Bar year (see page 30).
- Treasurer Patrick T. O’Connor reported on the Bar’s finances and investments, and the Board by majority voice vote, approved the 2015-16 State Bar Budget, as amended.
- As required by Article V, Section 8 of the Bylaws, the Board:
  - authorized the president to secure blanket bonds for officers and staff
  - authorized the president to secure a blanket fidelity bond to cover all officers, employees and other persons handling State Bar funds.
- As required by Article V, Section 6 of the Bylaws, the Board:
  - directed the State Bar and related entities to open appropriate accounts with such banks in Georgia, but excluding any bank that does not participate in the IOLTA Program, and other such depositories as may be recommended by the Finance Committee, and designated by the Executive Committee of the Board of Governors of the State Bar of Georgia, and that the persons whose titles are listed below are authorized to sign an agreement to be provided by such banks and customary signature cards, and that the said banks are hereby authorized to pay or otherwise honor any check drafts, or other orders issued from time to time for debit to said accounts when signed by two of the following: the treasurer, the secretary, the president, the immediate past president, the president-elect, the executive director, the office manager and the general counsel provided either the

2014-15 YLD President Sharri Edenfield and YLD President-Elect Jack Long during the Opening Night Festival.
1. Participants in the inaugural 11K Bike Ride included (left to right) Ira Foster, Sam Chotos, Damon Elmore, Noelle Abastillas and Bill D’Elia.

2. Board member Lester Johnson and wife Salyon during the reception for the Supreme Court justices and Court of Appeals judges.

3. State Bar of Georgia’s 2015-16 Executive Committee: (back row, left to right) Executive Committee Member Thomas R. Burnside III, Executive Committee Member Elizabeth L. Fite, YLD President John R. “Jack” Long, Secretary Brian D. “Buck” Rogers, Treasurer Patrick T. O’Connor, Executive Committee Member David S. Lipscomb, YLD President-Elect Jennifer C. Mock, Executive Committee Member Phyllis J. Holmen, (front row, left to right) Immediate Past President Patrise M. Perkins-Hooker, Executive Committee Member Thomas R. Burnside III, President Robert J. “Bob” Kaufman, President-Elect Rita A. Shelley, Executive Committee Member Nicki N. Vaughan and YLD Immediate Past President Sharri Edenfield.

4. The Best New Entry Award was presented to the Tifton Judicial Circuit Bar Association (left to right) Larry Mims, State Bar President Patrise M. Perkins-Hooker and Judge Render Heard.

5. WSB-TV Investigative Reporter Mark Winnie received the Spirit of Justice Award from the Judicial Section (left to right) 2014-15 Chair Hon. Lisa Reeves, Winnie and Incoming Chair Hon. Shawn Ellen LaGrua.

6. (Back row, left to right) Shilpa Jadwani, Ginger Arnold, Jennifer Mock, Shaun Fields; (front row, left to right) Rob Riggs, Heather Riggs, Jared Mock and Rachel Fields get ready to have their picture taken in the green room.

7. (Left to right) Paige and Jack Long, 2015-16 YLD president, with his parents Jack and Benita, at the YLD Dinner and Swearing-In Ceremony.

8. 2009-10 President Bryan Cavan, 2014-15 President Patrise M. Perkins-Hooker and Doug Hooker enjoy the Opening Night Festival.

9. YLD Past Presidents at the YLD Dinner and Swearing-In Ceremony: (back row, left to right) Amy Howell (2009-10), Darrell Sutton (2013-14) and Joe Dent (1999-2000); (front row, left to right) Stephanie K. Cooper (2011-12), Shari Edenfield (2014-15) and Damon Elmore (2005-06).

10. Board Member Bill Keogh and his family prepare to watch the Lasershow (left to right) Jenny, Bill, Will and Collette.

11. The 2015-16 YLD Officers are sworn-in by Justice Keith Blackwell (left to right) Shari Edenfield, immediate past president; Kevin Patrick, newsletter co-editor; Yan Lawson, newsletter co-editor; Rizza O’Connor, secretary; Nicole C. Leet, treasurer; Jennifer Campbell Mock, president-elect; and Jack Long, president.

12. Court of Appeals of Georgia Presiding Judge John J. Ellington and wife Sandra Kate at the Inaugural Gala.
The Board of Governors, by unanimous voice vote, elected Jeff Davis as executive director for the 2015-16 Bar year.

Executive Committee elections were held with the following results: David S. Lipscomb, Elizabeth Louise Fite and Thomas R. Burnside III.

The Board approved the reappointments of Albert Reichert Jr. and Stanley Jones, and the appointment of Darrell Sutton, to the Georgia Legal Services Board of Trustees for two-year terms.

The Board approved the appointment of Gerald M. Edenfield to the Chief Justice’s Commission on Professionalism for a three-year term.

The Board approved the proposed 2015-16 election schedule.

Following a report by Deputy General Counsel Bill NeSmith, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia proposed amendments to Rule 1-205, Bar of Judicial Circuit and Rule 1-304, Election of Members of Board of Governors. The proposed amendments will be published for members’ comments before being forwarded to the Court.

Following a report by Bill NeSmith, the Board of Governors, by unanimous voice vote, approved recommending to the Supreme Court of Georgia proposed amendments to the Lawyer Assistance Program Rule 7-303, Confidentiality and Rule 7-305, Emergency Suspension. The proposed amendments will be published for members’ comments before being forwarded to the Court.

Bill NeSmith reported on a proposed revision to the Rules Governing Admissions to the Practice of Law in Georgia which would allow expedited admission for military spouses. The Executive Committee asked the Board to support the concept and to make a supportive recommendation to the Office of Bar Admissions. Board Member Susan Cox, who recently served as president, the secretary or the treasurer shall sign all checks or vouchers and that said accounts can be reconciled from time to time by said persons or their designees. The authority herein given is to remain irrevocable so far as said banks are concerned until they are notified in writing of such revocation of authority and in writing, acknowledge receipt thereof.
on the Board of Bar Examiners, reported that 1) in practice there is a lot more to implement this rule than what’s on the surface and a lot of other factors to be considered, 2) there is already a waiver in place for military spouses to waive taking the Bar exam, and 2) this is not an ABA Model Rule but a recommendation of the ABA Veterans/Military Law Section. Executive Committee Member Phyllis Holmen reported that there is already a rule in place for military spouses to provide pro bono legal services in Georgia under the supervision of a Georgia lawyer. A motion to table this issue until the Fall Board of Governors meeting was approved by majority voice vote. Eric Ballinger reported that the Military Legal Assistance Program Committee would gather more information on the matter.

YLD President Jack Long presented an overview of his proposed program of activities for the 2015-16 Bar year. He does not have a platform with new initiatives and instead will be reviewing current YLD programs to either strengthen or conclude them. He strongly encouraged Board members to look at the report in the Board agenda to see everything that the YLD is doing. He highlighted the new Succession Planning Program that matches retiring attorneys with new attorneys. He announced that the mock trial team from Northview High School finished 2nd place at the 2015 National High School Mock Trial Championship and that the YLD will host the 2019 national competition in Athens. He reported that he looks forward to working with everyone this Bar year.

Board Member Marc Howard reported on the legislative process for this Bar year. Director of Governmental Affairs Thomas Worthy reported on the Bar’s legislative agenda items that are still pending in the Legislature.

Lawyer Assistance Program Committee Member Lynn Garson reported on the Lawyer Assistance Program’s development of a statewide service system of volunteer attorneys who want to help others by supporting them through difficulties. Once the program is up and running later in 2015, it will be an excellent resource for Georgia attorneys, judges and law students who struggle with a wide spectrum of issues including depression, anxiety, stress, addictions, compulsive behaviors and disabilities. The volunteers, who will serve as peers, are not therapists or professional counselors. The volunteer’s commitment is to the following: 1) one session of training with periodic follow-ups, 2) regularly scheduled meetings with participant in public places or by phone; 3) consistent follow through with participant until support not needed or parties agree to disengage, and 4) self-recuse in cases of relapse. Contact information was provided for those that would like to be contacted to act as a volunteer.


Executive Committee Member Ken Hodges reported on the president’s new wellness task force initiative that he will be chairing. The program promotes all aspects of lawyer wellness by identifying the emotional and physical well-being of attorneys and educating members on wellness issues and resources. In his report he encouraged members to go to the South Carolina Bar’s website to see what its “Living Above the Bar” program entails and the resources available to its members. Anyone interested in serving on the task force was asked to contact him. The Board by unanimous voice vote, approved the creation of the Wellness Task Force.

**Annual Awards**

During the plenary session, outgoing President Patrise M. Perkins-
Hooker recognized specific Bar members, Bar staff, individuals and organizations for the work they have done over the past year.

**Employee of the Year Award**

This award honors a staff member of the State Bar of Georgia who distinguishes himself or herself by being dedicated to carrying out the ideals of the Bar. This year’s recipient was Mary McAfee, and she is commended for her exemplary work, conscientious manner and positive attitude.

**Indigent Defense Award**

The Indigent Defense Committee presented its inaugural Indigent Defense Award for excellent contributions to the legal representation of indigent defendants and continued efforts to improve indigent defense throughout Georgia. This year’s recipient was The Southern Center for Human Rights.

**Chief Justice Thomas O. Marshall Professionalism Award**

The 14th annual Chief Justice Thomas O. Marshall Professionalism Awards, presented by the Bench and Bar Committee of the State Bar of Georgia, honors one lawyer and one judge who have and continue to demonstrate the highest professional conduct and paramount reputation for professionalism. This year’s recipients were Hon. Herbert E. Phipps, chief judge, Court of Appeals of Georgia, Atlanta, and Lester B. Johnson III, Lester B. Johnson, III, P.C., Savannah.

**Local and Voluntary Bar Awards**

The Thomas R. Burnside Jr. Excellence in Bar Leadership Award, presented annually, honors an individual for a lifetime of commitment to the legal profession and the justice system in Georgia, through dedicated service to a voluntary bar, practice bar, specialty bar or area of practice section. This year’s recipient was Dawn M. Jones, nominated by the Georgia Association of Black Women Attorneys.

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

- Under 50 members: Tifton Judicial Circuit Bar Association
- 51 to 100 members: Houston County Bar Association
- 101 to 250 members: Blue Ridge Bar Association
- 251 to 500 members: Stonewall Bar Association of Georgia
- 501 members or more: Georgia Association of Black Women Attorneys

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

- Under 50 members: Piedmont Circuit Bar Association
- 101 to 250 members: Blue Ridge Bar Association
- 251 to 500 members: Augusta Bar Association
- 501 members or more: Cobb County Bar Association

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

- 51 to 100 members: Georgia Hispanic Bar Association
- 101 to 250 members: Blue Ridge Bar Association
- 251 to 500 members: Gwinnett County Bar Association
- 501 members or more: Georgia Defense Lawyers Association

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

- 51 to 100 members: Georgia Hispanic Bar Association
- 101 to 250 members: Blue Ridge Bar Association
- 251 to 500 members: DeKalb Bar Association
- 501 members or more: Atlanta Bar Association

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

**Section Awards**

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

- Section of the Year Child Protection & Advocacy Section—Nicki Noel Vaughan, chair
- Awards of Achievement Family Law Section—Rebecca Crumrine Rieder, chair
- Intellectual Property Law Section—Brad Groff, chair

**Tradition of Excellence Awards**

The Tradition of Excellence Awards are presented each year to selected Bar members in recognition of their commitment to service to the public, the Bar and to civic organizations. The 2015 recipients were: Thomas W. Rhodes, Atlanta (defense); Charles B. Rice, Homerville (general practice); Hon. Herbert E. Phipps, Atlanta (judicial); and William L. Lundy Jr., Cedartown (plaintiff).
Young Lawyers Division Awards

The Distinguished Judicial Service Award was presented to Hon. Lisa Godbey Wood.
The Ross Adams Award was presented to Joe Dent.
The Award of Achievement for Service to the Bar was presented to Josh Bosin, Kelly Campanella, Jana J. Edmondson-Cooper and Elizabeth Fite.
The Award of Achievement for Service to the Public was presented to Ashley Akins, Katie Dod, Jessica Fagan, Edward Piasta and Kristie Piasta.
The Award of Achievement for Service to the Profession was presented to Morgan Clemons, Will Davis, Heather Riggs, Zack Tumlin and Rachel Wilson.
The Award of Achievement for Service to the YLD was presented to Jonathan Poole, Aimee Sanders and Ryals Stone.
The Friends of the YLD Award was presented to Drew Early, Avarita Hanson, Cary King, Stephanie Powell and Norman Zoller.

The YLD Ethics & Professionalism Award was presented to Andrea Wood.
The Outstanding YLD Affiliate Award was presented to the Glynn County YLD.

Passing of the Gavel

Saturday evening began with a reception honoring the justices and judges of the Supreme Court and Court of Appeals of Georgia, followed by the business portion of the evening. Prior to the swearing-in ceremony, 2014-15 President Patrise M. Perkins-Hooker presented the Distinguished Service Award, the highest accolade bestowed by the State Bar of Georgia, to Linda A. Klein (see page 38). Klein was honored for her “conspicuous service to the cause of jurisprudence and to the advancement of the legal profession in the state of Georgia.”

Following the awards presentation, Chief Justice Hugh P. Thompson swore in Robert J. “Bob” Kauffman as the 53rd president of the State Bar. Kauffman placed his left hand on the Bible and repeated the following:

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

Attendees and their guests moved out into the Conference Center where they enjoyed dinner, drinks and dancing for the remainder of the evening. Themed rooms included the martini bar, scotch bar, green screen room for instant photos and the dance club featuring the high energy sounds of the Satin Finish Band.

Jennifer R. Mason is the assistant director of communications for the State Bar of Georgia and can be reached at jenniferm@gabar.org.

August 2015
The bylaws of the State Bar of Georgia specify the duties of the president. One of the responsibilities is to “deliver a report at the Annual Meeting of the members of the activities of the State Bar during his or her term in office and furnish a copy of the report to the Supreme Court of Georgia.” Following is the report from 2014-15 President Patrise M. Perkins-Hooker on her year, delivered June 19, at the State Bar’s Annual Meeting.

When I started in office last year, I mentioned during my first meeting and during my installation that “to whom much is given, much is expected.” I had been honored with a wonderful opportunity to lead our Bar and so I tried to do develop programs which I thought would fulfill the obligations of this biblical passage. I want to report that I did what I said I would do and a few more projects.

As I have reported at every board meeting, I had three major focus areas:

- My focus on ways that we could improve access to legal services in rural areas became the Rural Lawyers Assistance Program. I worked with several staff members to fashion a program to address this problem in the most underserved parts of our state. I learned a lot about our state and the underserved areas that I visited. Mostly, I found out how
committed and proud the commissioners were of their county and how appreciative they were of the fact that the State Bar wanted to help their citizens. We introduced legislation and have prepared a preliminary set of guidelines and regulations for the program. We will be moving forward with the legislation again next year and coordinating with the State Department of Community Affairs to have the program ready to roll out once the Legislature passes the formation legislation. I want to thank Thomas Worthy, Jeff Davis and Albert T. Perkins for being my road warriors and accompanying me on my journey through Georgia and Bill NeSmith for his invaluable technical assistance.

My second focus was on reaching out to the next generation of citizens in Georgia to help them understand the law and their roles and responsibilities as citizens. We decided to work through teachers using the iCivics curriculum to reach middle and high school students. The pilot program started out with the commitment of five county systems. It was so successful that we, with Bob’s support agreed to continue the program next year in several more counties, three of which, Hall, Richmond-Augusta and Cobb, have already set training dates. I want to publicly acknowledge my appreciation for all of the efforts of the YLD and Shiriki Cavitt to recruit and coordinate classroom volunteers for all of the classrooms for which we trained the teachers. This program was truly a collaborative effort and I want to thank Sharri Edenfield for her support of this joint arrangement. The program has been so successful with the teachers that iCivics can now be promoted on the State School Superintendent’s website, and we have been invited to attend the statewide social studies teacher’s conference in October.

I want to also thank Evelyn Davis, Dorothy Beasley, Linda Pierce, Allison Bloom and staff members Deborah Craytor and Sharon Bryant. This is one of the programs of which I am most proud because of the impact that it will have on the next generation of Georgians.

My third focus was on encouraging more members of our Bar to become active and engaged in State Bar committees, boards and commissions. I wanted to diversify our organization in every way possible. I also worked hard to improve outreach efforts to our members and to all citizens in our state to communicate and promote the good work that attorneys are involved in throughout this state and what the State Bar of Georgia does. We achieved phenomenal results with this aspect of the program. I personally attended every bar association meeting to which I was invited, wherever it was. That resulted in more than 65 different group meetings and events. The Communications Report that was compiled for publications and articles created during my tenure lists at least 2-3 times the communication efforts from previous years. We also achieved national press coverage about people and programs that we were promoting. The communications team, along with the communications consultants, were responsible for working with me to accomplish this vision. I hope that we continue to reach out and aggressively promote our members and their accomplishments in the future.

I was also blessed to have been able to assist in the creation of the Georgia Incubator Project to be operated by the Lawyers Equal Justice Foundation, Inc. I want to commend Bucky Askew, the deans of the five law schools and the Supreme Court for having faith in this project. I am proud of the work being done to create a program that will provide a permanent source of legal services for those in need, as well as, a training ground for new lawyers. I hope that it will be self-sustaining and successful in three years. I will be working with Bucky to help it achieve these goals.

Despite numerous internal challenges and obstacles, I was proud to work with the National Center for Civil and Human Rights to produce a world class program to celebrate several civil rights milestones including, the 50th anniversary of the Civil Rights Act of 1964, the March from Selma to Montgomery and the passage of the Voting Rights Act of 1965. This was an incredibly successful program which featured a presentation honoring the work of Georgia lawyers who promoted civil rights, integration and equality during the 60s and 70s. It was a powerful emotional moment for those lawyers and I was thrilled to have been able to host this celebration. I want to publicly thank David Lipscomb for encouraging me to move forward with the celebration despite efforts of others to thwart this effort. Thank you, David! I also want to thank Avarita Hanson, Scott Watts, Nancy Liu and Michelle Arrington for being a part of the planning committee for this event.

I also was pleased to have supported Norman Zoller and other members of the Military/Veterans Law Section and Military Legal Assistance Program Committee, including the chair of the Military/Veterans Law Section, Jeff Arnold from Hinesville; Eric Ballinger from Canton, chair of the Military Legal Assistance Program; Drew Early and Cary King, both from Atlanta, who are dedicated members and leaders of the program; Linda Klein, ABA president-elect nominee for her encouragement of the ABA’s support; and Ed Tate, deputy chief of staff and general counsel to Sen. Johnny Isakson for his efforts to get a message from Sen. Isakson, as we hosted the first National Symposium on Military Legal Assistance Programs.
We’re here for you.

CONFERENCEnCE CEntEr
Bar Center conference rooms can be reserved at no charge for law-related meetings from 8 a.m. to 5 p.m. The Lawyers Lounge offers a place to enjoy free coffee, the daily newspaper or check phone or email messages on Internet-connected computer stations. Printing is available with up to 100 copies free of charge.

FASTCASE LEGAL RESEARCH
A comprehensive national law library on your computer/tablet/smartphone, with online access to cases, statutes, regulations, court rules and Bar publications. Apps and mobile sync aid mobility in regard to legal research.

LAW PRACTICE MANAGEMENT PROGRAM
Provides business management assistance; technical and general consultations; software advice and training; sample forms; start up resources; a solo/small firm discussion board and video resources.

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MEMBERSHIP DEPARTMENT
For help with getting a new Bar card or logging in to your account.

ONLINE VENDOR DIRECTORY
A directory of practice-related products and services, sometimes with discounts.

PARKING DECK
Open Monday through Friday from 6:30 a.m. to 10 p.m. Bar card required for free parking on nights and weekends.

RESOURCE LIBRARY
Selection of books, videotapes, audiotapes and CD-ROMs on a variety of topics related to law office management and technology. Two-week checkout with shipping options available at cost.

SATELLITE OFFICES
Free legal-related meeting space can be found at the Coastal Georgia and South Georgia Bar locations by reservation.

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Representatives from 11 states and the ABA joined us to learn more about how to create and grow these types of programs. It too was a fantastic program! We are leading the nation and setting the standard on programs like this, globalization of the practice of law and the incubator project, for which the State Bar approved funding for three years.

Being president of the State bar has truly been a wonderful experience in teamwork and consensus building.

I hope that when my legacy is written, it will not be just about me being the first person of color to be president of the State Bar. I hope that history will reflect that while I was president, I cared about young people, wanted to address the access to justice needs of all Georgians, especially the poor and marginally employed, and that I wanted to see young lawyers succeed.

I hope you will also remember the support I provided to address UPL abuses, enhancements I pioneered with our communications/public media outreach, the conferencing and videotaping technological improvements to the Bar Center and the satellite offices, and the completion of numerous deferred maintenance and clean-up efforts in our headquarters, in addition to efforts that I took to support and recognize members of the staff in their work on our behalf and to ensure that all of them would be treated equally in our employee benefits program.

You see, I believe that it is what you do for others that really matters. My work is just a start, a small dent in the large problem that we have with the lack of access to justice. The group of leaders following in our Bar will have to grab the baton and move the pendulum further toward more ways to provide access to justice for all of those in need in Georgia.

I am sure that the members of the State Bar will make sure that our mission to protect citizens will not be lost amongst our desire to protect and preserve the practice of law.

I did my best while I had the reins. I want to thank my family members for their support and understanding of my absence from numerous family events. I want to thank my employer, Atlanta BeltLine Inc., for its commitment to civic engagement and leadership which permitted me to have the flexibility with my work schedule to accomplish my work with the Bar. I especially want to thank my husband and best friend for all of his sustaining advice, assistance and love. I could not have done all that I did for the State Bar without you.

Thanks to all of the members of the Bar for the opportunity. Thank you for your support. Thank you for the experience of a lifetime.

Bob, I leave the mantle of leadership to you. I am sure that you will do well. ☺

Patrise M. Perkins-Hooker is the immediate past president of the State Bar of Georgia and can be reached at pperkinshooker@atlbeltline.org.

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Remarks to the Board of Governors
State Bar of Georgia Annual Meeting—June 20, 2015

Thank you, Patrise, for that introduction and congratulations to you on completing a most successful year as our president. It is a high honor and privilege to follow you and all of your predecessors on the distinguished list of great Georgia lawyers who have served our profession in this highest office of Bar leadership.

Members of the judiciary, fellow Bar officers, members of the Executive Committee and Board of Governors, Bar members, staff and guests: As I prepare to accept the symbolic gavel from Patrise and receive the oath of office from Chief Justice Thompson as the 53rd president of the State Bar of Georgia this evening, let me take this opportunity to thank you for your confidence in electing me to lead the State Bar, as well as ask for your continued support, your help and your prayers for our profession in the year ahead.

This morning, I am going to ask you to help the Bar look inward during 2015-16 by focusing on three major initiatives:

- Developing a strategic plan for the State Bar;
- Conducting a thorough review of our disciplinary procedures; and
- Developing a wellness program for Georgia lawyers.
In addition, I am going to discuss an issue that transcends all areas of the practice of law: technology.

First, with regard to the strategic plan, the Bar has retained the services of Leadership Strategies, a consulting firm that will facilitate the development of our strategic plan.

For the past 52 years, the State Bar of Georgia has provided excellent service to the public and the justice system in our state. Our world is much different from the way it was in the early 1960s. However, perhaps it is time for those of us in the legal profession to take a 30,000-foot view of where we stand today and how this organization should operate over the next 52 years and beyond.

This is of paramount importance. Our state, our nation and our world will not work unless you have (1) the rule of law and (2) an effective judiciary. Ensuring that is our job. The whole world depends on a court system that protects the public from criminal acts and civil wrongdoing, guarantees our constitutional rights, resolves business disputes, enforces contracts and transactions, and dispenses justice equally.

We have to make that system work effectively.

Management consultant Peter Drucker said, “People in any organization are always attached to the obsolete—the things that should have worked but did not, the things that once were productive and no longer are.”

The State Bar has many great programs. If you don’t believe me, go to our website, click on the Programs tab and count them.

The unified Bar with the requirement of dues-paying membership for all of Georgia’s 47,000-plus lawyers and judges helps provide the resources needed to establish and maintain programs that mutually benefit our members and the general public, including but not limited to:

- Consumer Assistance
- Continuing Legal Education
- Fee Arbitration
- Judicial District Professionalism
- Lawyer Assistance Program
- Lawyer Discipline
- Law Practice Management
- Transition into Law Practice
- Unlicensed Practice of Law (investigation and prosecution)
- Clients’ Security Fund
- Promotion of Professionalism and Ethics Education with Call-In Ability
- Publications and Website
- Law-Related Education

As I said, these are great programs that serve their purpose very well.

But the list seemingly grows every year, with each Bar president coming into office with a new idea . . . or two . . . or three . . . sometimes a longer “wish list.” I have no doubt that the vast majority of these programs are necessary and helpful to the Bar in fulfilling our core duties; that is, to support the rule of law and an effective judiciary.

What we should ask ourselves about every Bar program—existing and new alike—and no matter how worthy the cause, is whether this program will fit within the needs of our members and the public.

And, we should make sure we are never “attached to the obsolete.” If a program that worked before is no longer productive or helpful to our cause, it should not be a part of our plans for the future.

In the refrain of his band’s recent hit song “Homegrown,” Georgia country singer Zac Brown declares, “I’ve got everything I need—and nothing that I don’t.”

In that spirit, once we have taken this inward look at our programs and services, I’d like for all Georgia lawyers to be able to say, “We’ve got everything we need from the State Bar—and nothing that we don’t.”

Developing a strategic plan will help the State Bar move forward in a way that ensures that everything toward which we devote our energy and financial resources is directly related to what we do every day, all week long, which is the practice of law.

You will hear much more about the strategic plan as this Bar year gets rolling. I am excited to start this process and will be reporting to you throughout the year on our progress.

Secondly, and more specifically, we will be taking a look at our disciplinary process this year. The State Bar of Georgia has strict codes of ethics and discipline that are enforced in a cost-effective manner by the Supreme Court of Georgia through the State Bar’s Office of the General Counsel, driven by investigations and reviews of a State Disciplinary Board, which includes Bar members and non-lawyers alike.

Keep in mind that establishing a reliable system for lawyer discipline was the No. 1 reason the unified State Bar was created a half-century ago.
As the first president of the State Bar of Georgia, Hugh M. Dorsey said during his address to the 1964 Annual Meeting, “Certainly, the capstone of the State Bar is the power of self-discipline, which has been sought so long and is needed so badly. For the first time all of us can, and will, be held to answer to the public for the conduct and character of our profession and here we must not, and cannot, fail.”

It has been at least 15 years since the last thorough review of the disciplinary procedures has taken place—a period in which Bar membership has grown by more than 50 percent, from 30,000 in 1998 to more than 47,000 today.

After participating on the Investigative Panel for the past year among my duties as president-elect, and following discussions with the Office of the General Counsel, it was agreed that we need to take a look at the process and determine what tweaks need to be made, if any.

The Disciplinary Rules and Procedures Committee will be taking a close look at how complaints are initiated and how investigations are handled. One thing I am hoping for is that we can speed up the process, to protect both the public and the rights of the lawyer facing the complaint.

For the third initiative, I am hopeful that the Board of Governors will approve the establishment of a task force to develop a wellness program for members of the State Bar.

This program will not only incorporate concepts from some of our existing programs such as the Lawyer Assistance Program, which helps attorneys with addictions, and our Suicide Awareness Program, but will also promote all aspects of lawyer wellness. The idea is to promote physical and mental well-being by educating our members on how to identify and deal with those issues we all face that not only impact our practice, but our lives—things such as:

- Stress
- Diet
- Physical conditioning
- Social well-being
- Debt management
- And so on . . .

I am sorry to report that lawyers have the highest rate of substance abuse, and a study by the CDC revealed that we have a 54 percent higher rate of suicide than any other profession.

The ultimate goal of this wellness program is to greatly reduce the need of our Lawyer Assistance Program and Suicide Awareness Program. This is an idea that originated with the South Carolina Bar, and they have been gracious in sharing information on their success.

One last item I would like to discuss is not a program, but rather a topic that will continue to transform the practice of law and consequently all of our programs.

The topic is technology.

Georgia lawyers, I am afraid, are presently in the position of sitting on the beach and enjoying the view of the ocean but, because of a layer of fog, unable to see the technology tsunami that’s about to hit us, if it hasn’t already.

Here are some facts:

- Level of venture capital investment in legal technology companies:
  - 2012 – 66 million dollars;
  - 2013 – 456 million;
  - 2014 – 1 billion dollars.
- Tech companies got the low-hanging fruit, now dollars are bigger, so they are expanding their scope and reach.
- Legal analytics:
  - There are now private companies that will use computer programs to analyze a set of facts and produce the odds of success.
- Apps:
  - In the medical field, there are now smartphone apps allowing patients to speak with a doctor for a small fee.
  - The legal field now has some services, and one: $39 for 15 minutes with an attorney
- Here is the bad news:
  - We must be vigilant with the unlicensed practice of law. How will we know the person on the other side of the communication is an attorney? A Georgia attorney? Also, technology will increase prose due to the Home Depot/YouTube “do it yourself” effect.
- Here is the good news:
  - In 2010, there were 62 million smart phones. In 2018, there will be 220 million users in America. Right now, more than 80 percent of people below the poverty level have a cell phone. We will be able to reach more people with technology, but we must develop new platforms for delivery of legal services.
  - Books, banking, shopping, travel and delivery services all operate differently, so have no illusion, we will not be immune. Einstein said, “The measure of intelligence is the ability to change.” And as Darwin would surmise: It’s not the smartest species or the strongest that survive, but rather the ones most adaptable to change.

With that said, we must remind people that lawyers have values, a moral code and judgement that machines don’t have.

What is not in question is that technological advancements have the potential for great improvement in our infrastructure to improve the delivery of legal services as well as make things easier for lawyers. Connectivity in some of our courthouses is an issue that needs to be addressed, and e-filing is another.

For several years, the State Bar has been one of several groups working on the effective implementation of e-filing in Georgia’s courts—including the Supreme Court—through the leadership of...
Justice Harold Melton, the General Assembly and the Superior Court Clerks Authority.

The goal should be the most efficient system—a single portal for centralized filing. It has been a long time coming, but the State Bar will be doing our part to take a step forward this year.

I am pleased to announce that the governor placed funds in the budget for the state to hire this consultant, so hopefully we are on our way to the development of this portal.

We all know that technology is already affecting the delivery of legal services in our state. It is time for Georgia to catch up with the changing times.

While those are the major areas where we plan to devote our attention this year, I am well aware that in this position, one must expect the unexpected.

I take comfort in knowing that the State Bar of Georgia has a talented and hard-working staff, under the exceptional management of Jeff Davis, a dedicated team of leaders on our Executive Committee and Board of Governors, and supportive Bar members in every corner of our state to effectively deal with all matters that come before us.

I pledge to keep you informed throughout the year and call on you when I need your help. Likewise, feel free to contact me with your thoughts on the issues being addressed by the State Bar, or whenever I can be of service.

I thank you again for allowing me to serve as your State Bar president this year. It is an honor and a duty that I do not take lightly, and I look forward to the opportunities ahead for us to work together in service to our profession and our justice system.

Robert J. “Bob” Kauffman is the president of the State Bar of Georgia and can be reached at rkauffman@hrflegal.com.

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New President Prefers the Small-Town Pace

by Linton Johnson

Stretching out over 11 years, Robert J. “Bob” Kauffman’s rise through the leadership ranks of the State Bar of Georgia was not exactly meteoric.

And for a Douglasville lawyer who has come to appreciate the benefits of small-town living over the big-city hustle and bustle, that slower pace to become the 53rd president of the State Bar is just fine with Kauffman.

“I wish I could explain that to younger law students,” Kauffman says. “There is tremendous value to living in a small community and enjoying this quality of life.”

Kauffman is a native of Atlanta, where his family lived until he entered high school. A job change for his father, who worked in paper manufacturing, required a move to Auburn, Ind., outside Fort Wayne. Two years later, another move took them to St. Charles, Ill., for Kauffman’s final two years of high school. Following graduation, Kauffman entered Western Illinois University in Macomb, Ill., which is within an hour of Peoria to the east and the Mississippi River to the west.

“I officially went there to play soccer,” Kauffman recalls. “But that soon fell by the wayside, and preparing for law school became the focus.” A future legal career had entered Kauffman’s plans after taking a business law course during his senior year of high school.
His law school choice was largely the result of a desire to return to his southern roots, while continuing the smaller-town life to which he had grown accustomed during his eight years as a Midwesterner.

“I wanted to get back to Georgia,” Kauffman said. “Immediately after graduating college, I moved south, and my parents did too. I’m the youngest of five kids, and they were just waiting for me to get back from college. They moved to McCaysville on the Georgia-Tennessee line, where they took over the Sears catalog store, then opened a bed and breakfast in Ducktown, Tenn. When they turned 86, they decided it was time to take it easy, so they closed the bed and breakfast and now live in Blue Ridge, Ga.”

Kauffman, meanwhile, was headed for Macon and the Walter F. George School of Law at Mercer University.

“Mercer picked me more than anything,” he said. “My older brothers had stayed in Atlanta, but I really wanted a smaller community. I had been a decent student at Western Illinois, and I think it helped that I had been on my own and away from the distractions of a big city. Mercer seemed like the place to be, and it worked out great.”

During his first year of law school, Kauffman met a third-year student who became his mentor. “I was incredibly lucky,” he said. “He told me, ‘There’s a firm here in town that hires first-year students to clerk.’ I said I had been told not to work my first year, but he talked me into going ahead and doing it.”

Kauffman now recalls his time at Sell & Melton in downtown Macon as “a fantastic experience. The exposure to various areas of the law gave me a real idea of the area of law I wanted to practice, which was transactional.”

In 1988, as Kauffman was completing his law degree and preparing to join the Bar, he went to Atlanta for a hiring symposium, where he interviewed with nine different firms. His decision ultimately was between a large firm in downtown Atlanta and the firm of Hartley, Rowe & Fowler, P.C., in Douglasville, a growing suburb 25 miles west of the capital city.

“These guys gave me an offer; they needed an answer, and I had student loans,” so Kauffman chose the small-town route. “That downtown firm dissolved shortly thereafter, so again, I was really lucky.”

The plan at the time was to stay in Douglasville for a couple of years and then make the move to Atlanta. But the appeal of working and raising a young family in what was then a small town won out.

“We decided, ‘why leave?’” Kauffman said. “This is a great firm, and when you get to live in a place where your law practice, your home, your church, the schools, ball fields and everything else you need are so close by, and
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“I entered the State Bar leadership because I saw it as a way to share ideas and hopefully make the practice of law a little better for all of us,” Kauffman explains. “I enjoy talking and working with other lawyers to solve problems, which is why I got into this business in the first place.”

you get to know other people in the community, it’s an incredibly rewarding experience.”

According to the U.S. Census Bureau, the population of Douglas County has grown from 71,120 in 1990 to 138,776 in 2014, nearly doubling during Kauffman’s time there.

“Douglasville really has grown; we have many more of the amenities of a larger town—we’ve got a mall!—but it still has a real small-town feel to it,” he said. “Our practice has grown as the community has grown. The type of work and the sophistication of the work have also grown.”

Kauffman’s commercial real estate practice involves deals throughout the western metropolitan area but also into the city of Atlanta and beyond—“wherever the bankers do deals,” he says.

“I have a business background having majored in finance in college, and I have really enjoyed helping small businesses get started in Douglasville and watching them grow,” Kauffman said. “Also, I love being able to put a deal together. I get a great sense of satisfaction, working through all the details. When the deal gets done, everybody’s happy—the buyer, the seller and the bank—and there’s a sense of mutual accomplishment around the table. Ultimately, the goal is to get the deal done, and I enjoy working with other lawyers to do that.”

About 25 percent of Kauffman’s practice is dedicated to wills and estate planning. “That’s the personal side,” he said, “going to somebody’s house or to the hospital or hospice facilities. When you sit down and talk about their life and get a handle of what they want done with their assets, you see their sense of relief and calm after they’ve completed their estate plan. It’s that sense of comfort of knowing their children or spouse will have an easier time because of it. I visited with one client who passed away the next day. His daughter said, ‘You know, he was just waiting to get that done.’ He had that sense of calm and passed away gently in his sleep the next day.”

Kauffman describes his ascension to the presidency of the State Bar as “an intentionally slow crawl.” He served two consecutive terms as president of the Douglas County Bar Association and was elected to the State Bar’s Board of Governors in 2004. He chaired the Communications/Cornerstones of Freedom® Committee from 2008 to 2010, the year he was elected to the Executive Committee. He also served as a trustee of the Institute of Continuing Legal Education in Georgia and the State Bar of Georgia Foundation prior to his climb up the officer ladder through ranks of secretary, treasurer and president-elect the past three years.

“Originally, all I sought out to do was represent our circuit on the Board of Governors,” Kauffman said. “But (2008-09 President) Jeff Bramlett appointed me as a committee chair and told me I should run for the Executive Committee. I thought, ‘Why not? That won’t take too much time.’ Famous last words, indeed.”

His decade-plus as a State Bar leader before becoming president has afforded Kauffman the time to (1) become well-versed on the issues facing Georgia’s legal profession and court system and (2) spend more quality family time during his sons’ high school years. His wife Sue works as the business manager for their church. Elder son Joey is a rising sophomore at Auburn University, and Chris is entering his senior year at Douglas County High School.

“We’re all pretty active,” said Kauffman, who coached youth soccer and other sports for years and now spends his spare time playing tennis and golf and riding road and mountain bikes—often on the Paulding County stretch of the Silver Comet Trail.

During his term as president, Kauffman is not proposing any new, far-ranging public initiatives this year, instead focusing on how to best meet the needs of dues-paying Bar members.

He wants the State Bar to take “an inward look” at all of its current services and programs to ensure they remain relevant and effective for the future. The development of a strategic plan for the State Bar is already under way, and other priorities include a thorough review of disciplinary program procedures, a wellness program for Georgia lawyers and a study of how technology is affecting the delivery of legal services. (See page 30 for details.)

“I entered the State Bar leadership because I saw it as a way to share ideas and hopefully make the practice of law a little better for all of us,” Kauffman explains. “I enjoy talking and working with other lawyers to solve problems, which is why I got into this business in the first place.”
First Female President of State Bar Receives Distinguished Service Award

by Stephanie J. Wilson

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

During the Presidential Inaugural Gala at the State Bar’s Annual Meeting in Stone Mountain, Linda A. Klein was presented with this prestigious award by 2014-15 President Patrise M. Perkins-Hooker.

After receiving her law degree from Washington & Lee University in 1983, Klein was admitted to the State Bar of Georgia that same year. During three decades, she has served the legal profession in Georgia and the United States with exemplary commitment, integrity and leadership. It was in the late 1980s that Klein became active in State Bar activities and was elected to the Board of Governors in 1990, despite strong opposition. She was later elected by her fellow Board members to serve on the Executive Committee, and, after years of service, was the first woman to run and win contested races for the offices of secretary and, later, president-elect.

During her tenure as president-elect, she was concerned that federal cuts in funding for legal services would disproportionately affect women and children, specifically victims of domestic violence. She worked with legal service providers and community organizations to successfully lobby the Georgia General Assembly for a first-ever state appropriation of funding for victims of domestic violence.

In June 1997, Klein became the first woman to serve as president of the State Bar of Georgia. In the course of her presidency, she advocated for the institution of diversity seats on the Board of Governors and she actively sought out minority leaders in the legal community to become engaged in the activities of the State Bar of Georgia.

She also served on the Judicial Nominating Commission and encouraged women to apply for judicial appointments, enabling the governor to
appoint more women to the bench than all previous Georgia governors combined.

Klein is the current president-elect for the American Bar Association (ABA) and is slated to take office as president in August 2016. She will be the fifth Georgian ever to serve in that position. She recently completed her 2010-12 term as chair of the ABA’s House of Delegates, ranked as the second highest office in the world’s largest voluntary professional association. She has also served as chair of the Tort Trial and Insurance Practice Section, chair of the Committee on Rules and Calendar of the House of Delegates, chair of the Coalition for Justice, and chair of ABA Day, the Association’s Congressional outreach effort. She is a member of the Council of the ABA Section of International Law and also serves as a columnist and on the Board of Editors of Law Practice magazine.

In 2004 the American Bar Association honored Klein with the prestigious Margaret Brent Achievement Award. She was honored with the Randolph Thrower Lifetime Achievement Award and was named to the YWCA Academy of Women Achievers in 2009. In 2011, she received the Chief Justice Thomas O. Marshall Professionalism Award from the Bench and Bar Committee of the State Bar of Georgia. In 2012, she delivered the commencement address at her alma mater, Washington & Lee School of Law. In 2013, Klein had the honor of being a McGlothlin fellow on the campuses of William & Mary’s Business and Law Schools, as well as being named a “Champion for Justice” by the Georgia Legal Services Program. This year, she received the first Lifetime Achievement Award from the Daily Report.

Klein is the managing shareholder in the Georgia offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, and is a member of the firm’s Board of Directors. Her practice focuses on business dispute resolution, including contract law, construction law, employment law and professional liability. She has authored numerous published works and has lectured throughout the southeastern United States as well as Canada, France, Spain and Sweden. She is also a member of the American Law Institute, a mediator and an arbitrator, frequently serving as a neutral as well as a client advocate.

The legal community in Georgia and throughout the nation owes significant appreciation to Linda Klein for her outstanding service and leadership to the State Bar of Georgia and the American Bar Association.

Stephanie J. Wilson is the communications coordinator in the Bar’s communications department and a contributing writer for the Georgia Bar Journal.
Georgia Hosts National Symposium on Military Legal Assistance Programs

by Norman E. Zoller

On May 29, representatives from 13 states met in Atlanta to share information about what legal assistance and other support programs their states offer to military service members and veterans. In addition to representatives from Georgia, attendees came from Florida, Idaho, Indiana, Kentucky, Mississippi, Missouri, Montana, North Carolina, Ohio, South Carolina, Texas and West Virginia. Also participating were three representatives from the American Bar Association: Linda Klein, then president-elect nominee; Mary Meixner, staff attorney and director of the ABA’s Military Pro Bono Project; and Ken Goldsmith, legislative counsel and director of state legislation.

Reflecting on the symposium, 2014-15 State Bar President Patrise M. Perkins-Hooker said, “It was a timely and splendid idea to convene a meeting like this. And to our knowledge, it was the first time this has ever been done. We brought together representatives from more than a quarter of the nation to talk about how each of us help this most deserving group of our citizens who have defended democracy and our freedom. I learned much and I know that others did as well.”

The idea for a symposium emerged in January during a meeting of the State Bar’s Military Legal...
Assistance Program Committee and the Military/Veterans Law Section. Participants thought it would be valuable to bring together representatives from the states that have current programs to help vets and service members. With that goal in mind, Perkins-Hooker wrote to her fellow bar presidents and executives, suggesting that a meeting be convened to swap ideas and information. Moreover, the meeting could provide an opportunity for states that did not have such programs to hear what other states were doing and to consider what they also might want to do.

The meeting was configured as a roundtable so that everyone could see and hear each other: it was give-and-take discussion, not a lecture. Each state first spoke about its various programs, and in some cases, programs they did not yet have but were curious about.

Representatives came not only from states with smaller populations, such as Idaho, with 1,567,582 citizens and 132,395 veterans, and Montana, with 989,415 citizens and 99,646 veterans, but also from Ohio, with 11,536,504 citizens and 866,481 veterans. Nearly all states, as underscored by Klein, have significant veterans’ populations which, when coupled with active duty, National Guard and reservists, typically constitute about 10 percent of any state’s total population. That’s a significant demographic reality.

**Reports from the States and Remarks from the ABA and Sen. Isakson**

Cpt. Steve Stokes, on behalf of the Idaho Military Legal Alliance (IMLA), reported their programs began at a tactical level and have since moved to the strategic. He described four: coordinating services of the member partners and other community organizations; promoting or providing CLE classes to attorneys and volunteers on military law and military issues; establishing and supporting veteran/military legal clinics throughout the state; and identifying, tracking and supporting pro bono or reduced-fee volunteer attorneys willing to help veterans, service members and military families. A steering committee has been appointed and is designing overall future strategy setting IMLA policy, determining a strategic vision, and assisting with tactical implementation.

Idaho also has created four veterans’ courts. Once the veteran has successfully completed court rehabilitation requirements, criminal charges may be expunged.

Kentucky Bar Association Executive Director John Meyers said his state was developing a firmer strategy of what it wants to do, which was one of the reasons he attended the symposium. Although some programs are already in place, their MLAP committee is studying how better to address the needs of more than 330,600 veterans who call Kentucky home. He reported his state has sponsored education programs termed, “calling to duty,” and established veterans’ treatment courts in Jefferson and Hardin counties with a special grant, with comparable programs in Northern Kentucky, Fayette County and in the Christian Circuit.

On behalf of North Carolina, Kirk Warner and Charlotte Stewart reported on programs principally under its Military and Veterans Affairs Committee. This committee provides oversight and support regarding family law matters, VA disability appeals, veterans courts, veterans employment initiatives, CLE training, collabo-
ration with ad hoc groups and “reconnaissance” (listening and watching for relevant information that may be useful in the future). The Veterans Pro Bono Network has a coordinator, who takes actions personally or maintains contact with legal clinics at VA medical centers, statewide stand-down events, “Serving Those Who Served” (the North Carolina Bar Association’s family law pro bono project) and special court sessions (for “amnesty days”).

Two symposium highlights were presented by Edward Tate, deputy chief of staff and general counsel to U.S. Sen. Johnny Isakson (GA), and by Linda Klein. In a video message, Isakson, chair of the Senate Veterans’ Affairs Committee, thanked participants for taking part in the symposium and paid special tribute to Klein on her candidacy as president-elect of the American Bar Association. On behalf of Isakson, Tate reviewed the Senate Committee’s five major priorities, including oversight and implementation of the Choice Act;\(^3\) the transition process of service members from active duty service to veteran status; military sexual trauma and need for more resources; veterans’ homelessness; and mental health concerns and suicide prevention.

Speaking about leadership and initiative, Klein said, “Programs like we have been hearing about don’t just happen. There needs to be recognition of need, and then the will to do something about it.” She continued, “Every state could do something to assist this meritorious group of our citizens. And this need is not going to go away. With the ongoing return of service members from deployments abroad, every state could put in place some form of program, however modest, to help them. But that takes leadership.” She concluded, saying, “I intend to speak with the leaders of our state bars and the bar executives of those states to consider what (more) might be done.”

Mary Meixner reported the ABA’s Military Pro Bono Project began in 2008 and has connected more than 1,200 service members and veterans with lawyers across the United States. Clients in grade E6 and below are presumed financially eligible. Lawyers are encouraged to provide legal assistance services and may register through its website, www.militaryprobono.org. Along with Meixner, Ken Goldsmith reported on the Veterans’ Claims Assistance Network (VCAN), the Home Front online resource and the ABA’s Standing Committee for Legal Assistance for Military Personnel (LAMP).

VCAN is a pilot program begun in 2014 which selected about 3,300 eligible veterans who were in, or at risk of falling into the VA backlog in St. Petersburg, Fla.; Chicago, Ill.; and Roanoke, Va. With VA support the program provided attorneys the opportunity to help veterans receive disability benefits they had earned. Lawyers volunteering to participate receive training and information about veterans’ claims preparation. Although the pilot is being wrapped up, the ABA and
the VA have begun discussions about its possible continuance. Details about it and a services’ directory is at www.abahomefront.org or by contacting Meixner at mary.meixner@americanbar.org.

Home Front is an online resource to help guide military members, veterans and their families to find information, referrals, and representation on civil legal matters. Details about it may be found at www.abahomefront.org.

LAMP maintains liaison with the Department of Defense and the Department of Homeland Security about the military services. The committee also maintains contact with bar associations and certain ABA committees to enhance the scope, quality and delivery of free or affordable legal services to eligible legal assistance clients. The LAMP contact is Jason Vail, jason.vail@americanbar.org.

Goldsmith also reported that the ABA will continue its long-standing efforts to initiate, sponsor and bring into being legislation at national and local levels in support of service members and veterans.

Kay Sims, executive director of the Houston Bar Association, joined the symposium via phone and reported on the many diverse programs taking place in Houston, the fourth most populous city in the country. The Houston Bar established its Veterans Legal Initiative (VLI) in 2008 to provide legal assistance to veterans and their families to find information, referrals, and representation on civil legal matters. Details about it may be found at www.abahomefront.org.

CONCLUDING PERCEPTIONS
Following the in-person exchanges during the symposium, participants provided summary observations:

Steve Garrison, Montana
“Now we know who already does what and what we need to do. We have POCs (points of contact). We know now how other states are handling legal clinics. We can mimic. We have a better target to create/expand our veterans’ courts. We can try. We know what groups other states have used to do the work. We can involve them. The conference has given us a better chance of giving veterans a better chance.”

Steve Stokes, Idaho
“It is clear that the success of the various states’ military legal assistance programs is dependent on the passion of the personalities in leadership positions. Folks who just dip their toes into a project like this or those who want to start a program as a pet project without the buy-in of community partners are doomed to fail. These programs must be for the long term, and they won’t be successful unless there are people committed to the long game. Everyone who came to beautiful Atlanta for this symposium are clearly those with a passion for these projects and who can provide long-term leadership back in their states. (The) conference simply served to re-energize and refocus that passion.

Second, . . . it was so rewarding and beneficial to come and hear from other states with much more developed programs because I was able to see that we are on the right track. We may have been shooting from the hip, but at least we were shooting in the right direction.”

Finally, no program is perfect. Each can stand to improve or change at least one thing it does. I learned so much from the other states. As was mentioned, if we can all do at least one thing to improve our programs, then the conference was a success.”

Patricia Hooks, regional counsel for VA’s Fifth Region (Georgia and South Carolina)
. . . “There is a collaboration that can exist between a VA Regional Office and various organizations (e.g., the State Bar and its committees, sections, and other local bar and community organizations) that are also in the mutual business of providing help to veterans in many ways and on numerous levels.” She said this works well in her region and can work as well elsewhere.

Catheryne Pully, Indiana
“Stand-Up was the best conference I’ve been to in years. The simple plan of giving everyone time to discuss their states’ programs was genius. I came away with some very practical tools that will help move our program forward—that in itself was worth the trip. Combining those tools with the contacts I made, and the earnest discussion of bigger picture concepts, made this conference an incredibly valuable and worthwhile endeavor. I hope we continue these discussions and consider another conference in a time frame that makes the most sense for most participants. Thank you . . . State Bar of Georgia and ICLE for making this program possible.”

In one of the most powerful admonishments made during the symposium, Sims cautioned: “Do not start something for veterans unless you plan to keep it going. . . .”

Ohio was represented by Mike Renner, executive director of a nonprofit corporation providing support first begun in Columbus and now extends statewide. Ohio also has 17 veterans’ courts in 14
of its 88 counties, about half of which are in its general jurisdiction courts and the other half in municipal courts. They have also experimented with retaining two law firms specializing in family law, whose attorneys are paid $50/hour, funded by a special grant.

From South Carolina, Kenny Dojaquez and Bennett Gore Jr. reported a major challenge has been coordinating its variety of programs. They seek to establish a legal clinic in one of its law schools and were interested in those states that had such programs (several of which do, including Georgia).

Who is a Veteran?

During the South Carolina discussion, the very definition of “veteran” was considered. In that state, veterans must have combat experience in order to qualify for some programs. This is in contrast to enabling authority in Georgia (under Senate Bill 320), stating “veteran means a person who is a former member of the armed force of the United States or a state’s National Guard.”

Catheryne Pully of Indiana noted her state follows the Title 38 definition (Section 101) of the U.S. Code: “a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.” She also noted that read together with Title 32, this definition covers any member of the Indiana National Guard who has been ordered to active federal duty. It does not, however, include full-time National Guard duty.

Pully noted, as did others, that the Indiana Bar’s Military and Veterans’ Affairs Committee was building a program and was interested in learning about what others had done. They have planned a CLE on their Patriot’s Day, have provided assistance at deployment events, and are working to partner with law schools and VA medical facilities to establish legal clinics.

Robert Stoeckl of Missouri and Anita Casey of West Virginia expressed similar views: they likewise had the basis of programs, some more active than others (e.g., legal clinics in VA facilities and veterans’ courts in St. Louis and Columbia; some lawyers are willing to reduce fees for veterans), and wanted to hear what was being done elsewhere. Some programs in these two states have already been created and are continuing.

The genesis of Georgia’s program was explained by Jay Elmore, who, along with other community leaders, traveled in 2007 to a Department of Defense fact-finding mission. These private citizens returned asking: “What can be done in our states to support those serving in harm’s way?” For him and his partner, Jeff Bramlett, then-president-elect of the State Bar, this ultimately led to approval by the State Bar’s Board of Governors of Georgia’s Military Legal Assistance Program (MLAP). Elmore underscored the importance of leadership by bar officials, lay and professional, if programs like these are to succeed.

Drew Early and Cary King, both committed participants in Georgia’s MLAP, highlighted program components. Thus far, a cadre of 850 lawyers statewide has volunteered and several hundred of these have provided assistance to more than 1,400 service members and veterans. Legal assistance is provided to active duty, National Guard members, active reservists; military retirees on most civil cases; veterans (not retired, for VA benefit award matters); spouses where interests of the family are aligned; and where jurisdiction lies in a state or federal court in Georgia.

Further, legal clinics currently exist at four VA medical facilities with three others pending. Additionally, legal clinics exist at two law schools: Emory with services on VA cases only (some research and development of public policy matters); and Georgia State University for the more than 800 veterans enrolled there. Two others are pending: John Marshall in Atlanta and at Mercer in Macon.

Veterans’ courts are located in nine judicial courts representing 19 counties; eligibility criteria are for felonies only, excluding violent crimes. Involvement of mentors with the veterans for those involved in the veterans’ courts is the key to that program’s success.

Two other programs include a palliative care project at the VA Medical Center in Decatur, and CLE programs are offered annually on
military law, family law, elder law, topics, et al. On VA accreditation, the number of lawyers accredited to practice before the VA has increased from 160 in 2010 to more than 730 in 2015.

Issues and Trends

Early spoke about current issues and what topics might be considered in the future. One concerned the possibility of creating a corps of attorneys to assist veterans with their legal problems. In this respect it was acknowledged that our nation currently maintains seven uniformed services (i.e., the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service and Transportation Security Administration). In reflecting about the ongoing need for legal assistance to veterans, however, an argument could be advanced for such a separate uniformed legal assistance service to support directly the VA and its statutory obligation to help veterans obtain benefits for themselves and eligible family members.

A second issue raised concerned the need for enabling authority to provide due process rights for veterans. Under Boumediene v. Bush (2008) and Hamdan v. Rumsfeld (2006), the Supreme Court provided certain due process protections for prisoners held at Guantanamo Bay, Cuba. Comparable due process rights, however, for veterans during the VA claims process were not provided until Cushman v. Shinseki (2009) and those rights of procedural due process have yet to be enumerated by the Executive Branch, by statute or by the courts. It was suggested this issue might be one that the ABA and the several states through their legislative advocates may wish to consider.

In characterizing the symposium’s overarching conclusions, they might be summarized as:

- it was important for a group like this to convene so as to exchange information, and many participants thought it should be done again.

- There does not appear to be a difference concerning whether a state first develops an overall strategy and then implements that strategy with supporting tactical programs. It can likewise be effective to create individual programs first and then bring those together later by establishing an agreed-upon common strategy. Both work.

- As underscored by Klein and in comparable ways by Sims and Stokes: “if a program is begun, it should done so with the view that it be continued indefinitely.” As also did Steve Garrison, they said, “We should be in this for the long haul. Not doing so creates false expectations in the minds of this group of our nation’s most praiseworthy citizens; those who have battled for our continued freedom and liberty.”

Finally, most of the states attending the symposium provided written materials, copies of which may be found on the ICLE website at www.iclega.org/standup.

Norman E. Zoller has devoted the majority of his legal career to public service. He served as the first clerk of court for the U.S. Court of Appeals for the 11th Judicial Circuit from 1981 to 1983, when he was named circuit executive, a post he held until his retirement in 2008. Previously, he managed the Hamilton County, Ohio, courts for nearly a decade. He is admitted to practice in Georgia and Ohio. An Army veteran, Zoller served almost seven years on active duty as a field artillery officer and served 15 years in the National Guard and Army Reserves as a judge advocate officer. Since 2009 he has coordinated the State Bar of Georgia’s military legal assistance program supporting veterans and service members, having

Endnotes

3. The Choice and Accountability Act (P.L. 113-146, August 7, 2014), requires the VA to offer an authorization to receive non-VA care to any veteran who is enrolled in the VA health care system as of Aug. 1, 2014, or who is a newly discharged combat veteran if such veteran is unable to secure an appointment at a VA medical facility within 30 days (or a future published goal established by VA) or resides more than 40 miles from the nearest VA medical facility, with certain exceptions.
4. Further, and among other provisions, the Act requires an independent assessment of VA medical care and establishes a Congressional Commission on Care to evaluate access to care throughout the VA health care system.
State Bar Diversity Program Continues to Fuel the Pipeline:
Promoting the Discussion of Diversity in the Profession

by Marian Cover Dockery

Eight students, including five graduating seniors, participated in the 2015 Pipeline Program, sponsored by the State Bar of Georgia Diversity Program (GDP), Atlanta’s John Marshall Law School (JMLS) and the Leadership Institute for Women of Color Attorneys, Inc. The five seniors, Amber Johnson, Nia Long, Baili Wise, Kara Wise and Nia Wynn-Sullivan, were the program’s largest number of graduates to date, and all will be attending college in the fall.

The program for high school students, now in its eighth year, exposes the students to nine days of rigorous instruction in grammar, writing and speech, culminating in the annual Pipeline Oral and Written Competition. The students spent the afternoons at various law firms meeting with and being mentored by attorneys, covering topics from study techniques to social media to selecting a college. Marian Cover Dockery, executive director, GDP, recruits teachers from the Teach for America Program to handle the grammar and writing portion, while finding program volunteers who plan to attend law school or who are currently attending law school. The objective is not only to expose the high school students to law firms, but also to expose the Pipeline teachers and volunteers who have selected law as their careers.

The students began their Pipeline experience with a visit to the State Bar of Georgia where they participated in the Journey Through Justice Program. Mornings

Winners of the oral and written competition are (left to right) Baili Wise (first place), Kayla Willis (second place) and Kara Wise (third place).
were spent at JMLS for classroom instruction in grammar, writing and speech. The students were welcomed to the program by JMLS Dean Malcom Morris. Classes were taught by Teach for America Corps member Ivory Goudy, graduate of Williams College. Goudy has been accepted to Cornell Law School and Columbia Law School.

The Alliance Theatre again provided students with instruction on how to make effective presentations while law firms hosted the students for mentoring and lunch during the afternoons. Troutman Sanders hosted the mentoring luncheon on “Pro Bono and Community Relations in the Legal Profession; Jones Day attorneys spoke to the students regarding their journeys to law school and Melba Hill presented “Dining Room Rules of Etiquette.” GDP co-chair Clyde Mize, partner, Morris, Manning and Martin, LLP, engaged the students with his presentation “Guidelines on Resume Writing and Interview Techniques”; and Alston & Bird attorneys provided one-on-one mentoring sessions during their luncheon. Attorneys from Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, gave pointers on “Selecting the College of Your Choice”; Parker Hudson Rainer & Dobbs attorneys coordinated a session on “Study Skills” and explored techniques with the students to successfully study for tests and daily lessons; attorneys at Swift, Currie, McGhee & Hiers, LLP, challenged the students in an interactive technology quiz on “Do’s and Don’ts When Using Social Media”; and a “Credit 101” course was presented by attorneys at Equifax.

Since 2007, GDP law firms and attorneys have volunteered their valuable time to ensure the success of the program by evaluating three-minute speeches that the students prepared regarding a current event. The attorneys evaluated each student’s speech and rated their poise, enunciation, articulation, projection, stance, content and organization.

On the last day of the program, students showcased their presen-
Baili Wise took first place in the annual oral and written competition. (Left to right) Rick Goerss (competition judge); Maggie Howell (Sutherland summer associate); Wise; Hon. Renata Turner; Marian Cover Dockery; and James H. Johnson Jr. (counsel, Sutherland, competition judge).

The graduating seniors were presented with a monetary award, sponsored by Rick Goerss, retired chief privacy officer of Equifax. Goerss also served as a judge for the oral and written competition along with James H. Johnson Jr., counsel, and Maggie Howell, summer associate, Sutherland.

Associate Juvenile Court Judge Renata Wilson spoke to the students following lunch and assisted during the competition awards presentation. Students then joined their parents at Arnall Golden Gregory for the annual ice cream social that concludes the program.

If you know anyone who would be interested in participating in the High School Pipeline Program, 2016 applications will be available on the State Bar website in the fall of 2015. Students must be in the 8th, 9th or 10th grade unless they are returning students.

Marian Cover Dockery is an attorney with a background in employment discrimination and is the executive director of the State Bar of Georgia Diversity Program. For more information on the Diversity Program, go to www.gabar.org.
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The Georgia Bar Foundation (the Foundation) held its annual grants meeting on July 16 to determine the recipients of available grant monies. The meeting also featured the election of the new Foundation president.

Georgia Bar Foundation Awards $472,274 in Grants

The Foundation awarded a total of $472,274 in grants. Of the 17 applicants considered, the Foundation made the decision to award both Atlanta Legal Aid and the Georgia Legal Services Program.

“Over the last few years, revenues for the Georgia Bar Foundation have still not rebounded from what they were before the Great Recession began,” said 2014-15 Foundation President Jimmy Franklin. “So, after a lot of serious discussion at our meeting, we awarded $153,489 to Atlanta Legal Aid and $318,785 to Georgia Legal Services. It was a difficult meeting because all of our other applicants are worthy organizations and are well managed. Deciding how to distribute our limited funds was really difficult.”

Funds available for grant awards were bolstered this year by pro hac vice fees made available to the Foundation by Georgia’s superior and state courts, as well as from the Supreme Court of Georgia and Court of Appeals of Georgia. Pro hac vice fees are paid by...
out-of-state lawyers for the right to appear in Georgia courts. These new funds amounted to $211,600, a surprisingly important new source of revenues badly needed while everyone waits for the Federal Reserve to raise the Federal Funds Rate and significantly increase IOLTA income to the Foundation.

Since it began making grants in 1986, the Georgia Bar Foundation has awarded more than $94 million in grants to 166 different law-related organizations. It is the charitable arm of the Supreme Court of Georgia, and its primary focus is supporting civil indigent legal services. The foundation is the largest 501(c)(3) legal charity in Georgia. Its offices are in the Bar Center building in downtown Atlanta.

**Hon. Robert W. Chasteen Elected President**

During the July 16 grants meeting, Hon. Robert W. “Bobby” Chasteen Jr. was unanimously elected president for the upcoming year.

“Judge Chasteen has already served the legal profession with great distinction in many ways,” said Jimmy Franklin, now president emeritus of the Georgia Bar Foundation. “Becoming president of the Georgia Bar Foundation at this time of significant change including the implementation of rate comparability insures that the Foundation is in good hands.”

Chasteen was president of the State Bar of Georgia in 1995-96 and is now a superior court judge in the Cordele Circuit. He has served in every officer position of the Georgia Bar Foundation and is a major advocate for its Fellows Program.

*Len Horton is the executive director of the Georgia Bar Foundation. He can be reached at hortonl@bellsouth.net.*

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Fulcher Hagler LLP announced associate Steven L. Sanders received an LL.M. in taxation from Boston University School of Law. Sanders practices in the areas of estate planning, probate and estate administration, tax, contracts, business organizations and real estate.

Business Law & Arbitration Services, Inc., announced that principal Fred J. Pinckney has been certified as a reinsurance and insurance arbitrator by ARIAS-USA, a nonprofit corporation that promotes improvement of the insurance and reinsurance arbitration process for the international and domestic markets.

Newton County Juvenile Court Judge Sheri C. Roberts received the Louisa Lucy Flowers Champion for Change Award at the 9th annual Models for Change national conference in Washington, D.C. Roberts was selected because of her dedication to the principles of the juvenile court and her accomplishments dealing with the issues of crossover youth, the young people involved both with the juvenile justice and child welfare systems.

FordHarrison LLP announced that partner Patricia Griffith was elected as a fellow of The College of Labor and Employment Lawyers. Fellows are recognized due to their sustained outstanding performance in the profession, exemplifying integrity dedication and excellence. The college began as a nonprofit professional association honoring the leading lawyers nationwide in the practice of labor and employment law.

Matthew G. Moffett, partner, Gray, Rust, St. Amand, Moffett & Brieske was elected president of the Georgia Defense Lawyers Association (GDLA) at its annual meeting held in June. Other GDLA officers elected include President-Elect Peter D. Muller, Goodman McGuffey Lindsey & Johnson, Savannah; Secretary Hall F. McKinley III, Drew Eckl & Farnham LLP, Atlanta; and Treasurer Sarah B. (Sally) Akins, Ellis, Painter, Ratterree & Adams, LLP, Savannah. GDLA was founded 48 years ago to advance the civil defense bar. It provides training, facilitates communication and offers networking to more than 825 members.

The Savannah Bar Association presented John Tatum, senior partner, HunterMaclean, with the Judge Frank Cheatham Professionalism Award, at its year end gathering in June. The award acknowledges individuals who pursue work on behalf of clients and the community as public servants, promoting justice and the public good.

Colin McRae, partner, HunterMaclean, was installed as president of the organization in June. Other officers include President-Elect Mathew McCoy, McCorkle & Johnson; Treasurer Robert Hughes III, Brannen, Searcy & Smith; and Secretary Maggie Puccini, Bouhan Falligant.

Teresa Wynn Roseborough, executive vice president, general counsel and corporate secretary for The Home Depot, received the Georgia Justice Project 2015 Grass Roots Justice Award, honoring her commitment to meaningful criminal justice reform. Georgia Justice Project is a nonprofit organization which provides pro bono legal services combined with social services and employment support for the neediest among us, poor people accused of a crime.

Stephen G. Weizenecker, partner in the Atlanta office of Barnes & Thornburg LLP, was appointed to the Georgia Film, Music and Digital Entertainment Advisory Commission by Gov. Nathan Deal. The Commission works with the governor and the state’s Department of Economic Development to fulfill its mission to attract production to Georgia and to implement best practices to support the affected industries.
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, recognized Linda A. Klein, managing shareholder, and Jenna M. Bedsole, shareholder, with the firm’s 2015 Susan E. Rich Award for excellence in the promotion of and commitment to women in the legal profession.

Cobb County District Attorney Vic Reynolds was the primary contributor to “Georgia Objections at Trial,” published in May. The resource serves as a quick guide for lawyers and judges in reference to Georgia’s updated evidence code, and was published by LEXIS legal publishers.

Bouhan Falligant announced that partner Frank “Sonny” Seiler was recognized as a member of the “Top One Percent” of the attorneys in the nation by the National Association of Distinguished Counsel, an organization dedicated to promoting the highest standards of legal excellence.

Associate Ben Karpf was named to the board of The Creative Coast. Karpf serves as an advocate for the entrepreneurial community of The Creative Coast region by supporting, mentoring and connecting local businesses.

Associate John Manly was elected to a two-year term on the State Bar of Georgia’s Board of Governors as the representative for the Eastern Circuit, Post 4, in May, and began his term of service at the State Bar’s Annual Meeting in June. Manly will advocate for lawyers at the legislative level and ensure that lawyer discipline is handled in a manner that is fair to both attorneys and the profession.

Joy Lampley-Fortson, assistant chief counsel at the U.S. Department of Homeland Security, was appointed to the Board of Commissioners of the Georgia Student Finance Commission (GSFC) by Gov. Nathan Deal. GSFC helps Georgia students achieve their educational goals by administering financial aid programs and advocating for Georgia students and other state institutions on issues related to financing higher education. GSFC administers the HOPE Scholarship and grant pro-

grams as well as other state and lottery-funded scholarship, grant and service cancelable loan programs.

Kilpatrick Townsend & Stockton announced that partner Yendelela Neely Anderson was elected to serve as vice chair of the local workforce investment board for the Atlanta Workforce Development Agency (AWDA), after being appointed to the board in February. AWDA was created under the federal Workforce Investment Act of 1998, comprised of individuals representing business, economic development, housing and urban development, senior community service, vocational rehabilitation, organized labor and community-based organizations.

Partner Audra Dial was selected to participate in the 2016 Class of Leadership Atlanta. Formed in the early 1970s, Leadership Atlanta addressed the growing need for a trained cadre of leaders to move metro-Atlanta towards unity and shared prosperity. More than 44 years later, Leadership Atlanta continues to educate, inspire and connect local leaders in adherence with the principles upon which it was founded.

Partner Michael Tyler was elected member-at-large of the Executive Committee of the Franchise & Distribution Law Section of the State Bar, which was formed to promote the education and best practices of franchise and distribution law among section members.

Associate Shayne O’Reilly was honored as a 2015 recipient of the 40 Under 40 Nation’s Best Advocates Award by The National Bar Association in July at the organization’s annual convention in Los Angeles. The award recognizes the nation’s top lawyers under 40 who exemplify a broad range of high achievement, including in innovation, vision, leadership and legal and community involvement.

Holland Roddenbery LLC announced that associate Jamie Perez was recognized by the Atlanta Council of Younger Lawyers (ACYL) as the recipient of the 2015 Kerry Harike Joedecke Atlanta Young Lawyer of the Year Award. The award recognizes her outstanding record of leadership, service and dedication to ACYL.
Cobb County Deputy Chief Assistant District Attorney Michael Scott Carlson was appointed to the Georgia Court Martial Review Panel by Gov. Nathan Deal. The five-member Georgia Court Martial Review Panel will consider appeals of court martials involving Georgia militia members. The Georgia Court Martial Review Panel was created as part of the 2015 revamping of Georgia’s militia laws, located at Title 38 of the Georgia code.

On the Move

In Atlanta

Richardson Bloom & Lines LLC announced the addition of Joanna Smith as an associate. Smith practices exclusively in the area of domestic relations law. The firm is located at 75 Fourteenth St. NE, Suite 2840, Atlanta, GA 30309; 404-888-3730; www.rblfamilylaw.com.

BakerHostetler announced the addition of David Brown and Clayton Coley as partners. Brown’s practice focuses on corporate and project finance, mergers and acquisitions, and corporate governance in a number of industries including financial services, health care, consumer goods, real estate and technology. Coley focuses on representing public and privately held companies in regulated industries, including financial services, health care and technology. The firm is located at 1180 Peachtree St. NE, Suite 1800, Atlanta, GA 30309; 404-459-0050; Fax 404-459-5734; www.bakerlaw.com.

Kilpatrick Townsend & Stockton announced the elevation of Michael Breslin and Kristen Crall to counsel and Laura Little as an associate. Breslin focuses his practice on technology-based litigation, privacy and data security issues and publicity rights. Crall focuses her practice on patent prosecution, patent portfolio management and related opinion work. Little focuses her practice in health care regulatory and transactional matters. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-815-6500; Fax 404-815-6555; www.kilpatricktownsend.com.

Nelson Mullins Riley & Scarborough LLP announced the addition of Elizabeth C. “Bess” Brown, Ann E. Murray, Russell P. Love and Michael K. Rafter as partners, Kara Q. Davis and Laurance J. Warco as counsel, and Nicole H. Adolphus, Benjamin M. Russell and Peter L. Munk as associates. Brown focuses on buy-side acquisitions by private equity firms, strategic corporate alliances, growth equity and venture capital investments, corporate restructurings and mezzanine financing. Murray practices in the areas of employee benefits and executive compensation. Love focuses on matters related to family wealth transfers for large estates, sophisticated estate and gift tax saving techniques, charitable planned giving, family private foundations, business succession planning and complex probate and trust administrations. Rafter joined the REIT team, focusing on growing corporate and securities areas of law. Davis joins the real estate investment trust (REIT) team, focusing on growing corporate and securities areas of law. Warco advises clients on a variety of education issues such as the development of appropriate policies and procedures, special education law, charter school review and employment issues. Adolphus focuses on employee benefits and executive compensation matters and issues arising from mergers and acquisitions and bankruptcies. Russell joined the REIT team, focusing on growing corporate and securities areas of law. Munk focuses his practice on business and commercial litigation, and products liability litigation. The firm is located at 201 17th St. NW, Suite 1700, Atlanta, GA 30363; 404-322-6000; Fax 404-322-6050; www.nelsonmullins.com.
McGuireWoods announced the addition of Richard Hankins and Brennan Bolt as partners. Hankins focuses his practice on a wide variety of complex labor relations matters, such as large-scale union organizing and decertification campaigns, strikes and secondary boycotts, union jurisdictional disputes and successor employer claims. Bolt represents and advises management in traditional labor issues such as labor relations, collective bargaining, union organizing, unfair labor practice proceedings before the national labor relations board and arbitrations. The firm is located at 1230 Peachtree St. NE, Suite 2100, Atlanta, GA 30309; 404-443-5500; Fax 404-443-5599; www.mcguirewoods.com.

Stites & Harbison, PLLC announced the addition of Amy Baker as of counsel. Baker's practice focuses primarily on commercial real estate lending, governmental guaranteed lending, commercial loan workouts and debt restructuring. The firm is located at 303 Peachtree St. NE, 2800 SunTrust Plaza, Atlanta, GA 30308; 404-739-8800; Fax 404-739-8870; www.stites.com.

McKenna Long & Aldridge LLP announced the addition of Steve Berson as a partner. Berson focuses his practice on corporate law, mergers and acquisitions, securities and technology. The firm is located at 303 Peachtree St. NE, Suite 5300, Atlanta, GA 30308; 404-527-4000; Fax 404-527-4198; www.mckennalong.com.

First American Title Insurance Company announced the addition of Crystal Wells Cook as of counsel. Cook focuses on commercial real estate transactions. The firm is located at Six Concourse Parkway, Suite 2000, Atlanta, GA 30328; 770-390-6500; Fax 866-735-3071; www.firstam.com.

Deitch & Rogers, LLC, announced the addition of Kara Phillips as an associate. Phillips specializes in representing victims of crime in premises liability/inadequate security cases. The firm is located at 5881 Glenridge Drive, Plaza 400, Suite 160, Atlanta, GA 30328; 770-394-9000; www.victimattorneys.com.

Timothy J. Buckley III, Kelly L. Christopher and Tracy K. Haff announced the formation of Buckley Christopher & Haff, P.C. The firm represents litigation clients with an emphasis on constitutional and governmental matters; casualty, transportation and products cases; and employment matters and employment-related issues including workers’ compensation claims. The firm is located at 2970 Clairmont Road NE, Suite 1010, Atlanta, GA 30329; 404-633-9230; Fax 404-633-9640; www.bchlawpc.com.

Smith Moore Leatherwood LLP announced the addition of Stephen Cohen as of counsel. Cohen focuses his practice in litigation involving trucking companies, motor coaches, public schools and municipals bus authorities, para-transit providers and limousine services. The firm is located at 1180 W. Peachtree St. NW, Suite 2300, Atlanta, GA 30309; 404-962-1000; Fax 404-962-1200; www.smithmoorelaw.com.

Schiff Hardin LLP announced the appointment of partner Eric Barnum as the firm’s labor and employment practice chair. Barnum focuses his practice on a variety of matters related to employment law and litigation, including wrongful discharge, discrimination and harassment, wage and hour claims, and workplace violence. The firm is located at One Atlantic Center, Suite 2300, 1201 W. Peachtree St. NW, Atlanta, GA 30309; 404-437-7000; 404-437-7100; www.schiffhardin.com.

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announced the election of Sarah-Nell H. Walsh as a shareholder. Walsh has extensive experience in commercial and business litigation. The Atlanta office is located at 3414 Peachtree Road NE, Suite 1600, Atlanta, GA 30326; 404-577-6000; Fax 404-221-6501; www.bakerdonelson.com.

Berman Fink Van Horn, P.C., announced the addition of Malone Allen as an associate. Allen’s areas of focus include labor and employment, non-compete, trade secret and unfair competition and real estate litigation. The firm is located at 3475 Piedmont Road, Suite 1100, Atlanta, GA 30305; 404-261-7711; Fax 404-233-1943; www.bfvlaw.com.
Drew Eckl & Farnham LLP announced the addition of Rebecca Halberg as of counsel and Francis Dixson and Gwen Havlik as associates. Halberg’s practice focuses on workers’ compensation, through which she represents her clients in every stage of the defense process. Dixson focuses his practice on employment, civil and criminal litigation. Havlik focuses her practice on insurance defense, specializing in general casualty law. The office is located at 880 W. Peachtree St., Atlanta, GA 30309; 404-885-1400; Fax 404-876-0992; www.deflaw.com.

Laura Shamp, Laurie Speed, Jennifer Jordan and Natalie Woodward announced the formation of their plaintiffs firm, Shamp, Speed, Jordan & Woodward. All four have experience in serious personal injury and medical malpractice cases. The firm is located at 1718 Peachtree St. NW, Suite 660, Atlanta, GA 30309; 404-893-9400; www.ssjwlaw.com.

Taylor English Duma LLP announced the addition of Kelly Casey Mullally, Roy Meeks, Annette McBryer, Nat G. Slaughter and Frank W. Virgin as partners, and Amanda Speier as an associate. Mullally focuses her practice on complex patent issues, intellectual property litigation and developing patent, trademark, copyright and trade secret strategies. Meeks focuses his practice on litigation and dispute resolution, health care, employment and labor relations, construction and insurance coverage disputes. McBryer focuses on real estate litigation and commercial litigation, with an emphasis on title insurance claims, creditors’ rights as it relates to real estate, eminent domain, mortgage lending, construction litigation, landlord/tenant and general real estate matters. Slaughter’s practice focuses on representing small and midsize companies in general corporate and business matters, including contract preparation and review, purchases and sales of divisions or entire businesses, debt financings, reorganizations and recapitalizations. Virgin’s practice concentrates on handling civil litigation matters involving commercial contracts, real estate disputes, domestic relations and personal injury, as well as securities arbitration and probate matters. Speier focuses her practice on professional liability defense including insurance and financial services litigation, medical malpractice defense and general commercial litigation. The firm is located at 1600 Parkwood Circle, Suite 400, Atlanta, GA 30339; 770-434-7376; www.taylorenglish.com.

Morris, Manning & Martin LLP announced the addition of Thomas Burch as special counsel. Burch’s practice focuses on representing developers and investors in mixed-use and office developments, as well as in joint ventures and other equity investments. The firm is located at 1600 Atlanta Financial Center, 3343 Peachtree Road NE, Atlanta, GA 30326; 404-233-7000; Fax 404-365-9532; www.mmmlaw.com.

BAY Mediation & Arbitration Services announced the addition of Thomas G. “Tom” Sampson and Thomas G. “Woody” Sampson II as mediators. Tom has a national trial practice and reputation in the areas of personal injury, wrongful death and medical malpractice litigation. Woody represents individuals and governmental entities in various types of complex legal matters. The firm is located at 5775 Glenridge Drive, Bldg. E, Suite 100, Atlanta, GA 30328; 678-430-8077; Fax 404-252-3376; www.bayadr.com.

In Athens

Cook Noell Tolley & Bates LLP announced the addition of Greg Sowell as of counsel. Sowell focuses his practice on business law, land use issues, construction, local government law and litigation related to these matters. The firm is located at 304 East Washington St., Athens, GA 30601; 706-549-6111; www.cntblaw.com.
In Brunswick

Ligon, Lindberg & Lanier, P.C., announced the addition of Melinda Bruley White as a senior associate. White’s practice focuses on real estate and related litigation, government and education law, and general civil litigation. The firm is located at 158 Scranton Connector, Brunswick, GA 31520; 912-261-2263; Fax 912-261-0463; www.attorneyligon.com.

Drew Eckl & Farnham LLP announced the addition of Garret Meader as partner. Meader focuses his practice on business litigation, constitutional law, employment law, appellate practice and the resolution of zoning issues. The office is located at 777 Gloucester St., Suite 305, Brunswick, GA 31520; 912-280-9662; Fax 912-267-0654; www.deflaw.com.

In Columbus

Butler Wooten Cheeley & Peak LLP announced the addition of Christopher B. McDaniel as an associate. McDaniel’s practice areas include personal injury, car and trucking cases, wrongful death, auto defects and business torts. The firm is located at 105 13th St., Columbus, GA 31901; 706-322-1990; Fax 706-323-2962; www.butlerwooten.com.

In Cumming

Miles Hansford & Tallant, LLC, announced the addition of Jonathan C. Beard as an associate. Beard specializes in the areas of civil and business law as well as land use and zoning. The firm is located at 202 Tribble Gap Road, Suite 200, Cumming, GA 30040; 770-781-4100; Fax 770-781-9191; www.mhtlegal.com.

In Marietta

Murphey’s Law Firm, LLC, announced the addition of Susan Murphey as a partner. Murphey focuses her practice in the areas of employment law, business litigation, insurance defense and general tort litigation/personal injury. The firm is located at 4180 Providence Road, Suite 111, Marietta, GA 30062; 770-579-2992; Fax 770-579-4474; www.murpheyslawfirm.com.

In Macon

James-Bates-Brannan-Groover-LLP announced the addition of Jeffrey Rutledge as managing partner and Lee Gillis as partner. Rutledge advises clients and their families concerning their goals and objectives relating to tax and estate planning, asset protection planning and business succession planning. Gillis represents clients in business, employment, civil rights and general liability defense litigation. The firm is located at 231 Riverside Drive, Macon, GA 31201; 478-742-4280; Fax 478-742-8720; www.jamesbatesllp.com.

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announced the election of Ivy N. Cadle and Gina Ginn Greenwood as shareholders. Cadle represents business owners, land owners and lenders in eminent domain disputes across Georgia and the southeastern United States. Greenwood is a member of the health law team and represents hospitals, skilled nursing homes, hospices, home health agencies, assisted living homes, continuing care retirement communities, dialysis centers, physician practices and non-health care related businesses in extensive regulatory compliance, corporate transactional and litigation matters. The Macon office is located at 300 Mulberry St., Suite 201, Macon, GA 31201; 478-750-0777; 478-750-1777; www.bakerdonelson.com.

In Savannah

Brannen, Searcy & Smith, LLP, announced the addition of Timothy Dean as an associate. Dean focuses on insurance defense and personal injury. The firm is located at 22 E. 34th St., Savannah, GA 31401; 912-234-8875; Fax 912-234-8876; www.brssewan.com.

Savage, Turner & Pinckney, announced the addition of Andrew J. Conn and Patrick W. Hinchey as associates. Both Conn and Hinchey focus on general civil trial practice, including severe personal injury, wrongful death, product liability, business tort litigation and construction litigation. The firm is located at 102 E. Liberty St., Eighth Floor, Savannah, GA 31401; 912-231-1140; Fax 912-231-0133; www.savagelawfirm.net.
I’m a Lawyer, Not a Tech Geek!

by Paula Frederick

“We have to produce every email about the Rawfire deal,” you remind your client’s IT guy. “Are you sure this is everything? This judge comes down pretty hard on lawyers who screw up discovery. . . .”

“I entered the search terms just like you said, and this is all we’ve got,” the IT guy says.

“Your CEO and I exchanged several emails right before she hired me,” you comment. “I don’t even see those on this list! Why wouldn’t they be here,” you ask, handing the IT guy printouts of the missing email.

“Hmm. . . .” the IT guy says as he scans the documents. “Looks like she sent them from a personal email account. These definitely didn’t go through our server. She probably sent them from her iPhone.”

“Well, I need those too,” you clarify.

“Why didn’t you say so?” the IT guy responds.

How is a lawyer supposed to keep up with this stuff?

When the ABA amended its Model Rules of Professional Conduct in 2012, there was debate about the need for specific language related to competence with technology. A review of cases across the country involving embarrassing e-discovery snafus by otherwise competent lawyers helped convince the ABA’s House of Delegates that the profession needed a “wake-up call” on the obligation to stay current with developing technologies.

Any lawyer who litigates must understand enough about technology to handle a matter that involves e-discovery, either on their own or in association with
others. Recent advisory opinions from California, Florida and New York help define the scope of a lawyer’s obligation.

The California opinion (State Bar of California Formal Opinion Number 2015-193, 6/30/15) includes a helpful list of skills for any lawyer handling e-discovery. It reminds lawyers that they must be able to evaluate e-discovery needs, oversee an appropriate preservation hold, understand the client’s systems, advise the client of options for collection and preservation of electronically stored information, work with opposing counsel to develop an e-discovery plan, collect the information in a responsible way, and produce it appropriately. The opinion advises any lawyer who cannot undertake these obligations alone to associate with co-counsel or expert consultants.

The California opinion concludes:

Electronic document creation and/or storage, and electronic communications, have become commonplace in modern life, and discovery of ESI is now a frequent part of almost any litigated matter. Attorneys who handle litigation may not ignore the requirements and obligations of electronic discovery. Depending on the factual circumstances, a lack of technological knowledge in handling e-discovery may render an attorney ethically incompetent to handle certain litigation matters involving e-discovery, absent curative assistance . . . even where the attorney may otherwise be highly experienced. It also may result in violations of the duty of confidentiality, notwithstanding a lack of bad faith conduct.

Now that’s a wake-up call . . .

Paula Frederick is the general counsel for the State Bar of Georgia and can be reached at paulaf@gabar.org.
Attorney Discipline Summaries
(April 25, 2015 through June 30, 2015)

by Connie P. Henry

Disbarments/Voluntary Surrenders

**Robert Gist**
Atlanta, Ga.
Admitted to Bar 1980

On May 11, 2015, the Supreme Court of Georgia disbarred attorney Robert Gist (State Bar No. 296269). The following facts are admitted by default:

Gist administered a trust for a since-deceased client, but failed to communicate with a co-trustee, ceased providing statements regarding the trust in December 2007, failed to provide an accounting requested by the co-trustee, and wrote checks on behalf of the trust from an account other than an attorney trust account. Gist denied that he represented the client or the trust and stated that there were no longer funds in the trust. As of July 1, 2014, Gist was under suspension for failure to pay Bar dues, and as of Dec. 9, 2013, for failure to comply with continuing legal education rules.

In another matter, in June 2013, Gist signed a letter in proceedings related to his work as a General Securities Representative with the Financial Industry Regulatory Authority, consenting to certain conduct. From 2003 to 2011, he misappropriated several million dollars invested by clients. Gist misrepresented that he would invest the money in securities, but instead funneled it into ENCAP Technologies, a company he co-founded. He sent clients fabricated statements by making periodic payments with funds obtained from other investors or from selling units of ENCAP.

In aggravation of discipline, the Investigative Panel found that Gist had a dishonest or selfish motive; that these matters suggest a pattern of misconduct; that the complainants were vulnerable victims; that Gist has experience in the practice of law; and that he showed indifference to making restitution.

**Charles B. Merrill Jr.**
Ponte Vedra, Fla.
Admitted to Bar 1966

On June 1, 2015, the Supreme Court of Georgia accepted the petition for voluntary surrender of license of attorney Charles B. Merrill Jr. (State Bar No. 502700). Merrill was convicted in September 2011 of conspiracy to make false statements and reports for the purpose of influencing the Rural Development Administration in connection with a loan.

**James Alan Langlais**
Boynton Beach, Fla.
Admitted to Bar 2003

On June 15, 2015, the Supreme Court of Georgia accepted the petition for voluntary surrender of license of attorney James Alan Langlais (State Bar No. 436515). Langlais was convicted in January 2015 on three counts of false statements, two counts of false writings and two counts of first-degree forgery.

**Perrin Bowie Lovett**
Martinez, Ga.
Admitted to Bar 2005

On June 15, 2015, the Supreme Court of Georgia disbarred attorney Perrin Bowie Lovett (State Bar No.
The following facts are admitted by default: A client paid Lovett $1,000 to represent her in being appointed as administrator of the estate of her sister, who died intestate. Lovett told the client that it would take at least a year to accomplish her goal. When the client attempted to contact Lovett after a year, she found that his office was closed and that his phone had been disconnected. Following efforts to locate Lovett, he told her that he was no longer practicing law, but that his previous landlord would complete her case for no additional fee. The landlord denied any agreement to handle her case. Lovett failed to refund the fee the client paid or to return her file. Lovett was under interim suspension for failing to respond to the Investigative Panel in this matter, and for failure to pay Bar dues. In aggravation of discipline the Court found that Lovett acted willfully and dishonestly in abandoning the legal matter entrusted to him, and in telling his client that another attorney would complete her case at no extra cost. Lovett had no prior discipline.

Melissa Jill Starling
Ocilla, Ga.
Admitted to Bar 1989

On June 15, 2015, the Supreme Court of Georgia disbarred attorney Melissa Jill Starling (State Bar No. 676630). The following facts are deemed admitted by default:

In one matter a client paid Starling $1,000 to represent her in a personal injury claim. Starling failed to adequately discuss and allow her client to make decisions regarding settlement options; failed to file an action on her client’s behalf before the statute of limitations expired, and abandoned the representation without taking any action to protect her client’s interests; failed to maintain reasonable communications with her client; terminated the representation without good cause, failed to provide adequate notice, and failed to take any steps to protect her client’s interests; and failed to file her client’s complaint within the required time.

In another matter a client retained Starling to represent him on an aggravated stalking charge. Starling failed to take action on her client’s case; failed to maintain reasonable communication with her client; and failed to file a motion to withdraw or refund the unearned fee.

The Special Master concluded that Starling’s conduct presented a pattern of lack of diligence in which her clients suffered harm, and that she displayed a consistent inability or unwillingness to comply with the disciplinary rules and the Georgia Civil Practice Act. The Special Master denied Starling’s motion for extension and request to open default as Starling did not comply with the conditions prerequisite to opening default. Starling received an Investigative Panel reprimand in 1993.

Suspensions
Kimberly Laverne Copeland
Jesup, Ga.
Admitted to Bar 1996

On May 11, 2015, the Supreme Court of Georgia accepted the petition for voluntary discipline of attorney Kimberly Laverne Copeland (State Bar No. 186783) and imposed a suspension of six months with conditions for reinstatement.

This action involved two grievances arising from two traffic accidents involving the same client. Regarding the first accident, Copeland entered into a contingency fee agreement with her client but informed him that she anticipated difficulties proving damages. The insurer declined to offer settlement. Copeland decided not to file suit but neglected to tell her client. The client found out after the statute of limitations had run.

Regarding the second accident, Copeland entered into a contingency fee agreement with the client, who gave her authority to endorse checks and to deduct her fees and expenses. Copeland delegated responsibility to communicate with the client and insurance company to her paralegal. The paralegal told the client that Copeland would submit a demand
NEED HELP?

Let CAP lend you a hand.

WHAT IS THE CONSUMER ASSISTANCE PROGRAM?

The State Bar’s Consumer Assistance Program (CAP) helps people with questions or problems with Georgia lawyers. When someone contacts the State Bar with a problem or complaint, a member of the Consumer Assistance Program staff responds to the inquiry and attempts to identify the problem. Most problems can be resolved by providing information or referrals, calling the lawyer, or suggesting various ways of dealing with the dispute. A grievance form is sent out when serious unethical conduct may be involved.

Does CAP assist attorneys as well as consumers?

Yes. CAP helps lawyers by providing courtesy calls, faxes or letters when dissatisfied clients contact the program. Most problems with clients can be prevented by returning calls promptly, keeping clients informed about the status of their cases, explaining billing practices, meeting deadlines, and managing a caseload efficiently.

What doesn’t CAP do?

CAP deals with problems that can be solved without resorting to the disciplinary procedures of the State Bar, that is, filing a grievance. CAP does not get involved when someone alleges serious unethical conduct. CAP cannot give legal advice, but can provide referrals that meet the consumer’s need utilizing its extensive lists of government agencies, referral services and nonprofit organizations.

Are CAP calls confidential?

Everything CAP deals with is confidential, except:

- Where the information clearly shows that the lawyer has misappropriated funds, engaged in criminal conduct, or intends to engage in criminal conduct in the future;
- Where the caller files a grievance and the lawyer involved wants CAP to share some information with the Office of the General Counsel; or
- A court compels the production of the information.

The purpose of the confidentiality rule is to encourage open communication and resolve conflicts informally.

www.gabar.org/cap

Call the State Bar’s Consumer Assistance Program at 404-527-8759 or 800-334-6865
letter for $50,000, the policy limit. The paralegal believed that the client consented to the settlement, but the client maintains he did not. The insurer sent the check, less payments made to health care providers, to Copeland and she issued herself a check for $17,550. She sought to have the client sign a release for the settlement proceeds, but the client never signed the release. The client retained other counsel, who demanded Copeland surrender the settlement money and fee. Copeland sent a check, less her fee, to the attorney, who refused the check. Copeland later delivered the full amount.

Copeland acknowledged her Rules violations and that she had previously received a formal letter of admonition. In mitigation, she cited her active membership in the State Bar and numerous professional organizations, her good reputation in the legal community, and her active participation in her local community and church. Copeland noted that she was going through a divorce at the time she represented the client. She expressed remorse for her conduct, noted that she made a good-faith effort to rectify her actions, stated that she did not have a dishonest or selfish motive, and that she was cooperative in the disciplinary process.

Prior to reinstatement Copeland must consult and comply with the State Bar’s Law Practice Management Program regarding trust account procedures.

David P. Rachel
Mableton, Ga.
Admitted to Bar 2003

On June 1, 2015, the Supreme Court of Georgia accepted the petition for voluntary discipline of attorney David P. Rachel (State Bar No. 591601) and suspended his license pending the outcome of his appeal of criminal convictions. On Oct. 8, 2014, Rachel had been convicted in the U.S. District Court for the District of Arizona on one count of conspiracy and 12 counts of money laundering.

Public Reprimand
William F. Heitmann III
Poloer, Ga.
Admitted to Bar 2000

On June 1, 2015, the Supreme Court of Georgia accepted the petition for voluntary discipline of William F. Heitmann, III (State Bar No. 343903) for a Public Reprimand. Without Heitmann’s knowledge, an independent contractor employed by his office contacted three individuals who had recently been involved in automobile accidents about Heitmann representing them. In each instance, the contractor met with the prospective client after the initial contact. In two instances, the prospective clients agreed to be represented by Heitmann, but later terminated the representation. According to Heitmann, he only became aware of the facts surrounding these contacts during the grievance process, and upon learning of these improper contacts, he terminated the contractor.

In mitigation of discipline, Heitmann has no prior discipline, he cooperated with the State Bar, he had no dishonest or selfish motive, and he is deeply remorseful.

Review Panel Reprimand
Neville Trevor Francis
Atlanta, Ga.
Admitted to Bar 1989

On June 1, 2015, the Supreme Court of Georgia accepted the petition for voluntary discipline of Neville Trevor Francis (State Bar No. 272666) for a Review Panel reprimand. Francis did not maintain an operating account for his practice. In 2013, he wrote a check to himself from his trust account for $1,300 believing that those funds were available and owed to him as fees, but the check resulted in an overdraft of $40.95. It had been his practice to allow some of his clients to make deposits to his trust account for the fees to be earned and/or fees that had already been earned and this practice resulted in a co-mingling of personal and fiduciary funds. Francis has now completed an audit of his practice with the State Bar’s Law Practice Management program and has implemented the recommendations made. He asserted that his conduct was not for a selfish or dishonest motive and that he cooperated with the State Bar during the disciplinary process. Francis has three prior instances of confidential discipline.

Interim Suspensions
Under State Bar Disciplinary Rule 4-204.3(d), a lawyer who receives a Notice of Investigation and fails to file an adequate response with the Investigative Panel may be suspended from the practice of law until an adequate response is filed. Since April 25, 2015, five lawyers have been suspended for violating this Rule and none have been reinstated.

Reinstatements Granted
Eric C. Lang
Atlanta, Ga.
Admitted to Bar 1990

On June 1, 2015, the Supreme Court of Georgia determined that attorney Eric C. Lang (State Bar No. 435515) had complied with all of the conditions for reinstatement following his suspension, and reinstated him to the practice of law.

Michael F. Greene
Atlanta, Ga.
Admitted to Bar 1993

On June 22, 2015, the Supreme Court of Georgia determined that attorney Michael F. Greene (State Bar No. 307901) had complied with all of the conditions for reinstatement following his suspension, and reinstated him to the practice of law.

Connie P. Henry is the clerk of the State Disciplinary Board and can be reached at connieh@gabar.org.
The Law Practice Management Program’s Solo and Small Firm Institute and Technology Showcase was held July 17-18 at the State Bar Center in Atlanta. The two-day event was designed for solo and small firm lawyers looking to take a deep dive into current issues for solo and small firm practice as well as the lightning-fast world of legal technology. The event’s special guest speakers were Patricia Yevics of the Maryland State Bar Association, Reid Trautz of the American Immigration Lawyers Association and Charity Anastasio of the Washington State Bar Association. They were the headliners on sessions covering both practice management and technology topics. More than 30 other CLE presenters also delivered educational sessions in the conference’s technology, practice management and substantive law tracks.

When attendees were not in CLE sessions, they were visiting and taking part in the conference’s exhibit hall. The exhibit hall featured more than 25 vendors of legal products and services which allowed the attendees to take time to learn more about solutions that might be a good fit in their practices. Amidst the giving away of prizes and sponsored breaks, the attendees were able to continue their learning and networking in the relaxed exhibit hall atmosphere.

**Day One Highlights**

Attendees were welcomed to the event with greetings from the State Bar President Robert J. “Bob” Kauffman. Relaying a short story of the impact of technology on today’s lawyers, Kauffman encouraged attendees to immerse themselves in the learning environment of the
conference and to take advantage of the State Bar’s staff and services.

Sessions throughout the day were presented on disaster planning, law office accounting, same-sex marriage representation, transitioning from BigLaw to solo and small firm practice, law office automation, criminal law hot-button items, how to stay out of trouble with the Bar, data security and IT best practices, how to run an estate planning practice, tips for personal injury practice, marketing, practice management software solutions and more.

The final CLE plenary included each of the special guest speakers along with the Bar’s Law Practice Management director presenting tips in the “60 in 60” format. Each presenter shared a quick tip, website or app that could help members in their practice. The audience was encouraged to jot down two or three items that were worthy of implementation, and asked to attempt them when returning to their office.

The networking reception at the end of the busy day laid the groundwork for starting conversations to be continued on day two. The attendees wound down right alongside the exhibitors at this after hours event.

**Day Two Highlights**

The Saturday morning “Eggs and Professionalism” session, presented by Damon Elmore, YLD past president (2005-06) and current Board of Governors member, solicited and sparked energetic conversations about the role of the solo and small firm lawyer in legal professionalism today. The packed room was animated and attempted to craft a framework for solutions to modern professionalism dilemmas. The crowd interacted with each other by posing additional questions and exchanging useful ideas.

The Exhibit Hall Farewell drew the entire audience into the exhibit area for the awarding of final prizes including the grand prize of a law office management starter library. Awardees also won gift cards, subscriptions to software and a desktop scanner unit.

Educational sessions continued on day two, and like the day before, select vendors from the exhibit hall were afforded an opportunity to present a CLE session focused in the area of their product or solution on the conference’s Vendor Showcase track. Attendees were given presentations on topics like malpractice insurance and how to accept credit cards among many other timely topics.

**Conclusion**

The entire program was successful. If you want to get in on the action early, go ahead and save the date for next year—July 15-16, 2016.

Natalie R. Kelly is the director of the State Bar of Georgia’s Law Practice Management Program and can be reached at nataliek@gabar.org.
You read about the Pro Bono All Stars in the June edition of the Bar Journal. From a professionalism standpoint, we wanted to know what makes these lawyers tick, so to speak, how these lawyers became engaged in pro bono and why they developed such a strong and lasting commitment to pro bono services. Mike Monahan, the director of our State Bar of Georgia Pro Bono Project, teamed up with me at the Bar’s Annual Meeting to host a CLE with the help of ICLE in Georgia. We titled the CLE program “Eureka Moments in Pro Bono.”

By way of background, Supreme Court of Georgia Chief Justice Hugh P. Thompson has focused attention on the lawyer’s duty to ensure access to justice. In his 2015 State of the Judiciary address, Chief Justice Thompson noted the uneven geographic disbursement of lawyers in Georgia and emphasized the importance of having a sufficient number of lawyers accessible to low and moderate-income Georgians. The Chief Justice has spoken often about the need for ensuring affordable legal services and the greater provision of pro bono services. The courts are also
challenged by a great increase in pro se litigants who could be helped on a pro bono or low-bono basis, as well as the necessary provision of interpreters for pro bono and pro se litigants who do not speak English.

During her term at the helm of the State Bar of Georgia, Immediate Past President Patrise M. Perkins-Hooker, also emphasized the lawyer’s duty to ensure access to justice. She designed and advocated for a program to train and support a cadre of new attorneys who would represent not just poor, but low-income clients in six rural counties in south Georgia where it was determined that few, if any, lawyers were available to provide legal assistance to a mostly rural and poor population.

Having heard the chief justice’s exhortations about access to justice and pro bono service, as well as Perkins-Hooker’s similar message to the profession, we set about to design a CLE program that we hoped would inspire and motivate lawyers, one that would let pro bono lawyers share their heartfelt story and lead others to a eureka moment.

First, we assembled a group of lawyers representing a range of pro bono services: Gail Scotton Baylor; Lawrence J. “Larry” Bracken II, Hunton & Williams LLP; Mawuli M. Davis, The Davis Bozeman Law Firm PC; Damon E. Elmore, Nowell Sparks LLC; Jay C. Fox; Philip “Phil” Holladay Jr., King & Spalding LLP; Shalamar Parham; and Michelle E. West, director, State Bar of Georgia Transition Into Law Practice Program and former solo practitioner. These lawyers served as our storytellers, sharing very touching and often emotional eureka moments arising from their pro bono experiences and defining the eureka moment in which they realized the power of their pro bono work. They related stories that were dynamic, enlightening and inspiring, quoting inspirational figures as varied as Jesus, Tupac and Biggie. The storytellers related pro bono outcomes like gaining a godson and life-changing activities such as starting career pro bono
Ms. Bennett, age 66, was referred to Georgia Legal Services to handle a letter she had received from the U.S. Department of the Treasury. The government was threatening to garnish her Social Security benefits to repay over $8,000 in outstanding student loans. She was totally disabled with multiple health problems, and had no income other than $839 monthly in Social Security benefits. While she wished she could repay the debt, she simply did not have the ability to do so.

We completed paperwork for her to request a disability discharge for the student loans, an option of which few people are aware. The Department of the Treasury accepted the request for discharge and advised Ms. Bennett. DOT continues to monitor individuals who have received disability discharges for three years following the discharge in case the individual overcomes the disability. Ms. Bennett was greatly relieved that the problem was resolved.

The mission of Georgia Legal Services is to provide civil legal services for persons with low incomes, creating equal access to justice and opportunities out of poverty.

Give today at www.glsp.org (Click on Donate Now)!

Thank you for your generosity and support!
involvement in law school, handling international child abduction cases, witnessing executions and bicycling across the state to benefit Georgia Legal Services Program. Tears of joy and words of sincere appreciation demonstrated that attorneys committed to pro bono work often get unanticipated and immeasurable rewards that bear no relation to attorneys’ fees.

In the second part of the program, moderated by Chief Justice Thompson, Judge Denise Marshall of the Dougherty County Superior Court and Judge Marc E. D’Antonio of the Muscogee County Probate Court, spoke to specific measures courts and judges can take to support the pro bono work of the attorneys who come before them. The judges discussed promoting pro bono by giving pro bono calendar preference to pro bono cases, speaking to Bar members about the importance of pro bono and participating in programs that honor volunteer lawyers. The judges noted that pro bono service helps to increase the efficiency of the courts and increases the public’s confidence in the legal system.

Marshall and D’Antonio provided their perspectives on how judges can support pro bono work by being gracious and appreciative to the pro bono attorneys who litigate in their courtrooms. Judges can also encourage local bar members and associations to find innovative ways to meet the needs of unrepresented litigants.

In the final part of the program, a strong array of leaders of organizations that engage pro bono attorneys in their work discussed the nuts and bolts of pro bono attorney involvement—cases, control, time commitment, subject matter and the like. The panel included Douglas B. Ammar, executive director, Georgia Justice Project; Jana J. Edmondson-Cooper, Georgia Legal Services Program; Martin “Marty” Ellin, executive director, Atlanta Volunteer Lawyers Foundation; and Tremaine “Teddy” Reese, director, Community Operations and Affairs, Georgia Appleseed Center for Law and Justice. These program representatives shared their expertise and program information to encourage members of the audience to volunteer. Edmondson-Cooper shared valuable insights into how to use the services of certified foreign language interpreters and sign language experts for clients for whom English is not their first language or who are deaf or hard of hearing to ensure access to justice.

The CLE influenced conversations for the rest of the Annual Meeting weekend. Written materials provided by ICLE were scooped up by enthused participants. Much of the CLE program was videotaped and the volunteer stories will be posted online. Several attorneys expressed their desire to have their local and specialty bar associations across the state hold similar dialogues about doing pro bono work. Representatives of judicial associations also want their colleagues to hear more pro bono stories and about opportunities for judges to encourage, enable and support pro bono attorneys in their courts.

It is not so difficult to have a pro bono eureka moment! Attorneys who engage in pro bono work indeed find that they get as much out of it—maybe more—than their clients do. Many thanks to our CLE participants, ICLE staff, the staff of the Chief Justice’s Commission on Professionalism and, of course, the countless dedicated Georgia pro bono attorneys, judges and support staff members who help them in their work in ensuring access to justice.

Avarita L. Hanson is the executive director of the Chief Justice’s Commission on Professionalism and can be reached at ahanson@cjcpga.org.
The State Bar of Georgia Enters Into Friendship Agreement with Barcelona Bar

by James C. Nobles Jr. and Elizabeth Eason

In January of this year, the State Bar of Georgia entered into a Friendship Agreement with the Bar Association of Barcelona, Spain. This is the first agreement that the State Bar has entered into with a foreign bar association. The Friendship Agreement sets forth a commitment of the Barcelona Bar and State Bar of Georgia to cooperate together for the benefit of their members. The Agreement does not, however, commit the State Bar to expend any monetary resources in fulfilling the Agreement.

James C. Nobles Jr., immediate past chair of the International Law Section, began negotiating the Friendship Agreement several years ago with Ramon Mullerat, a distinguished law professor, legal scholar and former president of the Council of Bars and Law Societies of the European Union. Unfortunately, the finalization of the Friendship Agreement was delayed due to the untimely death of Mullerat.

Nobles noted that “the Barcelona Agreement provides a great avenue for Georgia lawyers, particularly those in solo practices and small firms, to develop the network of contacts in the international arena that is so important for attorneys having an international component to their practices. The development of relationships with other foreign bar associations will further the emergence of the State Bar of Georgia as being at the forefront of international legal practice.”

On Jan. 31, Elizabeth Eason, a member of the Executive Committee of the International Law Section, attended the annual meeting of the Barcelona Bar Association known as the Festival of St. Raimon de...
Penyafort, the patron saint of attorneys, and signed the Agreement on behalf of the State Bar.

On the second day of the meeting, the bars signed the Friendship Agreement. Interestingly, the signing ceremony followed a program entitled “Access to Justice: in Crisis?” during which attorneys from the Federation of Bars of Europe and the Council of the Bars and Law Societies of Europe engaged in a panel discussion on legal aid and judicial taxation. The International Law Section is now working with the Barcelona Bar to implement the Friendship Agreement, including the development of joint programs. The first such program occurred on May 21 with the International Law Section’s “International Movement of People: Transfer of U.S. Executives Abroad” which was open for members of the Barcelona Bar to attend via the State Bar’s web connection.

The International Law Section extends its gratitude to Bill Smith, Ben Greer, Maria Farall, Glenn Hendrix, Lorie Mason, Elizabeth Vann, Trish Marcucci and Robert West for their help and support in making the Friendship Agreement with the Barcelona Bar a reality.

The International Law Section welcomes comments and suggestions from State Bar members on other foreign bar associations that the Bar should consider for cooperation, as well as specific ideas or interests in working to implement the relationship with the Barcelona Bar.

James C. Nobles Jr. is the immediate past chair of the International Law Section. He practices international law, and is the principal of James Nobles LLC.

Elizabeth Eason is a member of the executive committee of the International Law Section. She works with technology, privacy and international issues.

Sections and Section Members Honored at the Annual Meeting

At the conclusion of the Bar year, each Section is asked to submit a report detailing their work over the past 12 months. The reports are shared with the Board of Governors for informational purposes, but are also used to determine recipients of the Section of the Year Award and the Section Award of Achievement. The 2015 recipients were:

Section of the Year: Child Protection & Advocacy Section
Section Award of Achievement: Family Law Section and Intellectual Property Law Section

In addition, the Tradition of Excellence Awards were also presented during the Annual Meeting. The Tradition of Excellence Award is given annually to members of the General Practice & Trial Law Section. Candidates for these prestigious awards should meet the following qualifications: be a Georgia resident; have 20 years of outstanding achievement as a trial lawyer, general practitioner or judge; be 50 years or older; have made a significant contribution to CLE or Bar activities; have a record of community service; and have a personal commitment to excellence.

2014-15 President Patrise M. Perkins-Hooker presents the Section of the Year Award to members of the Child Protection & Advocacy Section (left to right) Tonya Boga, Perkins-Hooker, Nicki Noel Vaughan, chair; Karlise Grier, vice chair.

(Left to right) Rebecca Crumrine Rieder, chair, Family Law Section, receives the Section Award of Achievement from 2014-15 President Patrise M. Perkins-Hooker.

(Left to right) Tradition of Excellence Award recipients Thomas W. Rhodes, defense; Charles B. Rice, general practice; Court of Appeals of Georgia Chief Judge Herbert E. Phipps, judicial; and William L. Lundy Jr., plaintiff.
When working with any software you plan to use more than a few times, whether it be for personal or professional use, it’s a good idea to look over the Frequently Asked Questions (FAQs) to get a general idea of how it works, what it does and where to go for more in-depth instruction. This article looks at a few common questions addressed in Fastcase’s FAQs.

**What are Boolean searches, Natural Language searches and Citation searches?**

“Boolean” (or “keyword”) searches are familiar to most users who search the web. They allow searchers to use terms such as AND, OR, NOT, etc., to find cases germane to a research question. For a complete list of Boolean operators, select Keyword Search on the search screen and check the Show Search Tips box (see fig. 1).

Natural language searches are much less precise, but are a good place to start if you don’t have exact search terms. Natural Language searches return the best results for your search, even if some of your terms don’t appear in the results. This search works well if you want to include certain words in your search that may or may not appear in each search result. For example, if you wanted to use the query Rule 11 sanctions for frivolous filing using a Boolean search, the results would only list cases that include the word “frivolous,” whereas a Natural Language search would return the most relevant results, even if the word “frivolous” did not appear.

Using Citation Lookup, you can paste a passage of a case into the search box, and your search results will be those cases cited in that passage.

When pulling up a case by its citation, be sure to put in the volume number, the reporter identifier and the first page of the case only. For example, 254 Ga. App. 579, or simplify the search by eliminating capital letters and periods: 254 ga app 579. For more information, view the search tips listed below the search box for a list of correct citation formats.

**I’m not getting the results that I expect using the OR operator.**

The search connectors in Fastcase use an order of operations, just like connectors do in math. This can lead to unexpected results if you’re not careful, so remember that it’s always best to group your OR terms in parentheses.

**Can I browse through statutes without entering a search?**

To look through statutes without searching for an individual section, go to the top of the Search Statutes page and click on the Browse tab. From there, you can open whatever chapter or section you need to see more of, and navigate through the statutes page by page like you were flipping through a book.

**What is Authority Check, and how do I find it?**

Fastcase’s Authority Check feature displays a hyperlinked list of later citing cases to let you see when your case has been cited and how it has been treated. You can open Authority Check by opening a case, finding the “Authority Check” section at the top of the page, and clicking the number by Entire Database. That number represents the number of times your case has been cited.

The Authority Check page also shows a visual timeline of citing cases, relevant law review articles and Bad Law Bot, which points out any negative treatment we see for your case (see fig. 2).
Can I Shepardize a case on Fastcase?

Bad Law Bot will put a red flag by cases that Fastcase recognizes negative treatment for, but it is not a complete citator like Shepard’s. Fastcase does not offer Shepard’s authority checking system, which is a trademark of Shepard’s Company, a wholly owned subsidiary of Reed Elsevier Inc.

Note that Authority Check only lists later citing cases in the Fastcase database. We do not hold Authority Check to be a complete replacement for services such as Shepard’s or KeyCite, both of which we like very much, but it is a good tool for finding out how later cases have treated your case.

What is “Entire Database”?

Entire Database is a way of generating an Authority Check report that displays the total number of times a case has been cited by other cases in the Fastcase database. The number will appear as a hyperlink in the search results, allowing you to view those later citing cases (see fig. 3). You can also find the feature at the top of the page when you are looking at the full text of a case.

Check out the entire list of questions on Fastcase by visiting the website at www.fastcase.com/faq/. Fastcase is a great member benefit and by taking the time to learn the best practices you will soon find your research projects easier and more fruitful. Check out the calendar on the State Bar website for scheduled live trainings at the Bar Center and sign up to attend, or sign up for a webinar presented by Fastcase experts; CLE credit is available for either option.

Sheila Baldwin is the member benefits coordinator of the State Bar of Georgia and can be reached at sheilab@gabar.org.

Fastcase training classes are offered three times a month at the State Bar of Georgia in Atlanta for Bar members and their staff. Training is available at other locations and in various formats and will be listed on the calendar at www.gabar.org. Please call 404-526-8618 to request on site classes for local and specialty bar associations.
A tentative knock on the office door often precedes the following question: “Can you take a look at this?” An important component of the writing process is revision. From the writer’s perspective, seeking the feedback of others during the revision process promotes the development and refinement of the finished text by gathering reader responses. From the reader’s perspective, reviewing others’ work exposes you to options, choices and styles that you may wish to incorporate into your future writing projects. This installment of “Writing Matters” shares nine tips to help you provide valuable feedback when you hear that knock at your office door.

■ Ask the writer what feedback would be most helpful. You may be reviewing a work-in-progress where the writer is exploring themes or experimenting with organizational structures. At that stage, providing detailed line edits will have limited value to the writer. Let the writer’s needs guide the nature and focus of your comments.

■ Plan to read the text at least twice. Skim through the entire text without making any marks on the page (or screen) to get a sense of the text. Then, make your comments. This helps prevent making comments that are negated (or made redundant) by subsequent paragraphs.

■ Resist the urge to re-write the text. Providing feedback doesn’t mean re-writing the text as if you were the writer. It is about providing reader responses to the text. If you were the writer, you may make different choices. But that doesn’t mean the writer’s choices are incorrect. If you think the writer has misunderstood the goal of the document, consider sharing an example of a similar document to guide the writer’s revisions rather than re-write the text for the writer.

■ Provide written comments. Conversations about writing are terrific, but verbal comments can be difficult for the writer to retain and recall when revising. Written comments become a resource for the writer to consult throughout the revision process. Written comments need not be cramped handwritten notes in the margins. Consider using the comment and track changes features to electronically note comments. Another option is to create a separate document with a bullet point list of comments.

■ Keep comments clear. Limit use of abbreviations and editing symbols. You may think the abbreviations are easily deciphered and the editing symbols are universally known, but they may not
be understood by the writer. Also, try to use complete sentences when making comments. Avoid marking question marks, exclamation marks or the letter x in the margins. These marks don’t convey to the writer what should be retained or changed.

- **Specific comments are best.** General comments can be helpful, but keep the comments specific and concrete. “Needs work” provides little guidance to the writer. (Likewise, “good” also provides little guidance to the writer.) In contrast, a comment that reads “As a reader, I was unsure how the rules identified in the second paragraph related to each other” provides greater guidance to the reader. Similarly, phrasing comments in terms of a question can help make the comments specific.

- **Avoid second person.** Whether a letter, an affidavit or an appellate brief, written text is a projection of the writer’s professional identity. As a result, criticism (not matter how constructive and legitimate) can make a writer feel defensive. Help the writer absorb the feedback by avoiding the use of second person “you.” So, instead of “you don’t develop the relevant policy considerations,” use “policy considerations need to be developed further for the reader.”

- **Use the sandwich method.** Organize your feedback using the “sandwich method.” Begin with concrete, positive comment, identify points to be improved upon and end with another concrete, positive comment. Leading and concluding with positive points helps the writer be open to accepting the negative. (As Mary Poppins said, “a spoonfull of sugar helps the medicine go down.”) Including positive comments also convey to the writer what aspects of the text do not require revisions.

- **Be timely.** Agreeing to provide feedback is accepting a time commitment. If you are unable to provide timely feedback, decline this time and help the writer find another reader.

These tips for reviewing the work of others will help you provide meaningful feedback to your colleagues. Providing feedback in turn helps continue your own development as a writer. ☺

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

David Hricik is a professor 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.
The Lawyer’s Creed states that we should: “strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.” This access to justice extends to those with limited English proficiency, and deaf and hard of hearing litigants.

In his 2014 State of the Judiciary address, Chief Justice Hugh P. Thompson addressed the subject of language access:

“As Georgia continues to grow in population and diversity, access to justice is a challenge requiring the commitment and hard work of us all. . . . In addition to poor people, those who do not speak English are entitled to justice as well. . . . To prepare for the future, Georgia’s courts need an army of trained, certified interpreters. . . . Currently, Georgia has only 149 licensed court interpreters, and they speak only 12 languages. That is not enough. . . .”

Through the leadership of Chief Justice Thompson and other justices, and the work of attorneys like Jana J. Edmondson-Cooper, Immediate Past President Patrise M. Perkins-Hooker and countless other Georgia judges and attorneys, we are making strides toward ensuring access to justice for those with language barriers such as limited English proficiency (LEP) and deaf/hard of hearing litigants (DHH).
JEC: After fellow GLSP attorney Lisa Krisher and I co-wrote an article in 2012, “Seen But Often Unheard: Limited English Proficiency in Georgia,” Bernadette Olmos, of A.B. Olmos and Associates P.C., contacted us and told us she was pleased to learn that other attorneys were also interested in addressing language access challenges faced by LEP and DHH litigants. As a result, the three of us formed an ad hoc committee of attorneys representing various public interest organizations and the private bar that began meeting monthly in January 2013. We discussed ongoing issues seen in courtrooms statewide regarding language access and in several practice areas including family law, education law, criminal law and civil rights, and later invited other attorneys, interpreters and judges to discuss these issues in greater depth. The committee decided that one way to tackle the common problems of language access in the courts was to develop a comprehensive training where language access stakeholders, especially attorneys and judges, would learn best practices when using interpreters in legal proceedings, strengthen cultural competency skills and learn the legal ethics of language access.

AH: Can you share some contexts where language access and the need for an interpreter are at issue?

JEC: Here are a few anecdotes provided by Georgia attorneys:

**SCENARIO #1:** An attorney represented a client in a family violence matter on a day when no interpreters were available. The judge asked the bailiff to go to the local Mexican restaurant and grab somebody to come and interpret for the proceedings.

**SCENARIO #2:** During the first consultation visit with his client, an attorney noticed he was not fully connecting with the client. The attorney was fluent in Spanish, but the client’s Spanish was “broken.” The attorney found that the client was from an indigenous tribal community in Mexico and Spanish was her second language. The client risked losing her children after a deprivation determination and needed someone throughout the process to explain the matter. When the client reached the Spanish-speaking attorney who identified the language barrier, she had already lost her children due to inadequate provision of interpretation services during the juvenile court proceedings.

**SCENARIO #3:** During a family violence hearing, the court used an interpreter who, unbeknownst to the attorneys, was not licensed by the state of Georgia. Portions of the witness’s testimony were omitted from the record, the hearing had to be stopped and the parties had to return the next day, creating further delay in seeking relief for the client.

**SCENARIO #4:** A client who was hard of hearing visited the office, producing a letter from a relatively new superior court judge who said the client was not entitled to a sign language interpreter for his court appearance and would have to pay the interpreter himself because he had a civil case. After the attorney sent an email to the judge’s law clerk, the law clerk and the judge reviewed the law and found that the court had to provide and pay for a sign language interpreter.

AH: These examples do show why trainings are so important. What did you cover in the first CLE program for Georgia attorneys and judges on language access?

JEC: Last year, our ad hoc committee’s vision became Georgia’s first comprehensive statewide language access CLE for attorneys and judges: “Eliminating Barriers to Justice: Addressing Ethical Considerations, Cultural Competency and Best Practices for Ensuring Meaningful Access to Georgia Courts.” Justice Harold Melton, the immediate past chair of the Supreme Court of Georgia Commission on Interpreters (COI), delivered the keynote address. The 2014 CLE provided attorneys needed tools for effective advocacy for LEP/
The recent CLE focused on what was different about the AH: Tell us about the second CLE you presented in 2015. JEC: As a result of the CLE’s success and requests for additional language access trainings, we presented Georgia’s second language access CLE held last March: “Eliminating Barriers to Justice II: How and Why to Ensure Language Access for Limited English Proficient and Deaf/Hard of Hearing Litigants” (EBJ II). Both CLEs are available for online viewing and written training materials are accessible.

JEC: What did attendees learn from the second CLE?

AH: What was different about the second CLE?

JEC: The recent CLE focused on why it is important to ensure access to justice for LEP and DHH litigants and issues of legal ethics and professionalism. Attendees learned about access to justice for pro se litigants and the requirement of all Georgia courts to appoint a sign language or foreign language interpreter in all legal proceedings at no cost to the LEP or DHH litigants and witnesses. Attendees learned how qualified interpreters are vital to attorneys and judges to fulfill their professional ethical obligations, how to work most effectively with an interpreter and the risk of reversible error on appeal when an unqualified interpreter or no interpreter is appointed as needed.

The right to a free, court-appointed interpreter is applicable in all Georgia legal proceedings, criminal and civil. A court’s failure to provide a qualified interpreter, as needed, can result in reversible error on appeal. There is also a right to appointment and use of interpreters in administrative and alternative dispute resolution forums in Georgia, grand jury proceedings, and for all court-managed functions, including information counters, intake or filing offices, cashiers, records rooms, sheriff’s offices, probation and parole offices, pre se clinics, criminal diversion programs, anger management classes, detention facilities, and other similar offices, operations and programs. To be recognized as a court-qualified interpreter or qualified sign language interpreter in Georgia, an interpreter must hold a current certification from the Registry of Interpreters for the Deaf. The Commission has three licensing designations for foreign language legal interpreters in Georgia—Certified, Conditionally Approved and Registered and, according to the Supreme Court of Georgia Rule, courts are required to make a diligent effort to appoint interpreters from the Certified category first, then the Conditionally Approved, then the Registered categories—with a diligent search required to move to the lesser qualified or unlicensed interpreters. An interpreter’s licensing designation is easily verifiable from the Commission’s statewide interpreter registry, available online.

JEC: Attendees dialoged with national and statewide language access experts and stakeholders during our stakeholders panel: “Real Talk: Making Language Access in Georgia Courts a Reality.” Moderated by Judge Christopher J. McFadden, Court of Appeals of Georgia, vice chair, COI, the panel included: Judge Melodie Clayton, Cobb County State Court; Judge Rizza P. O’Connor, chief judge, Toombs County Magistrate Court; Judge Norman Cuadra, chief judge, Suwannee Municipal Court, judge, Chamblee Municipal Court; Shinji Morokuma, director, Georgia Judicial Council, Administrative Office of the Courts Office of Certification and Licensing; and Konstantina “Tina” Vagenas, chief counsel, Access to Justice Initiatives, National Center for State Courts. Topics included: the importance of building a strong record at the trial court level for appeals purposes when an attorney faces language access challenges in a case; insights on Georgia’s progress in language access; the unique challenges that municipal and magistrate courts face with LEP pro se litigants; how COI staff may assist judges and court personnel with locating qualified interpreters, especially interpreters of rare and indigenous languages; and how interpreters assist attorneys with fulfilling our own professional ethical obligations, including the duty of effective communication (GRPC 1.4) and the duty to maintain client confidences (GRPC 1.6). The keynote address focused on ethical considerations of representing LEP and DHH clients to enlist a heightened sense of professionalism.

AH: What did attendees learn from language access experts and stakeholders?
and was given by Supreme Court of Georgia Justice Keith Blackwell, current COI chair.

In conclusion, let me say that Atlanta’s John Marshall Law School has been an excellent partner and greatly contributed to the success of both CLE programs. We especially appreciated the encouraging closing remarks provided by Dean Malcolm Morris at the close of EBJ II, which he started in approximately seven different languages!

AH: So what are the future needs and plans for Georgia lawyers and judges to learn and do more about language access to meet our professional and ethical obligations to ensure access to justice?

JEC: The CLE programs provided attorneys, judges and interpreters with the necessary information and tools to address language access issues in their respective communities and courts. Georgia has come a long way in ensuring that LEP and DHH individuals have meaningful access to our courts and have benefitted greatly from the tireless efforts of our judicial councils, the Administrative Office of the Courts, the consistent leadership of the Supreme Court of Georgia in making language access a priority, and the organizations and private attorneys across our state who represent LEP and DHH individuals in legal and administrative proceedings each day.

There is much more work to do. We hope to continue providing training opportunities to judges, attorneys and other stakeholders in this area and tackling more advanced issues within the context of language access. The Commission on Interpreters is developing a model administrative guide to assist courts in meeting their obligations to provide interpreters and other language services and welcomes feedback from across the state regarding what language access challenges you may be facing and ideas you may have for possible solutions to address these challenges. You can learn more about the Commission here: http://coi.georgiacourts.gov/ and resources from the CLE can be found at http://www.georgiaadvocates.org/library/folder.477488-Georgia_Court_Interpreter_Resources.

Avarita L. Hanson is the executive director of the Chief Justice’s Commission on Professionalism and can be reached at ahanson@cjcpga.org.

Jana J. Edmondson-Cooper is a bilingual staff attorney with Georgia Legal Services Program. Further details about her advocacy may be found at www.linkedin.com/in/jjecesq/.

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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, 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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>School</th>
<th>Year</th>
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<tr>
<td>Christopher Doyle Colson</td>
<td>Savannah, Ga.</td>
<td>Western State University College</td>
<td>1987</td>
<td>1993</td>
<td>May 2015</td>
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<td>Rawson Foreman</td>
<td>Atlanta, Ga.</td>
<td>Emory University School of Law</td>
<td>1965</td>
<td>1965</td>
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<td>Charles R. Gehrke</td>
<td>Big Bear City, Calif.</td>
<td>Florida State University College of Law</td>
<td>1985</td>
<td>1985</td>
<td>March 2015</td>
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Lawrence N. Jolma Jr.
Springfield, Va.
Potomac School of Law (1979)
Admitted 1979
Died September 2014

Jeffrey Paul Jones
Alpharetta, Ga.
Woodrow Wilson College of Law (1977)
Admitted 1977
Died June 2015

Leon Larke
Augusta, Ga.
Antioch School of Law (1979)
Admitted 1980
Died July 2015

Lawrence B. Lee
Savannah, Ga.
University of South Carolina
School of Law (1969)
Admitted 1974
Died June 2015

Joseph David Little
Calhoun, Ga.
Mercer University Walter F. George School of Law (1988)
Admitted 1988
Died August 2014

Robert Alan Marshall
Johns Creek, Ga.
Emory University School of Law (1966)
Admitted 1966
Died June 2015

Richard F. Otonicar
Marietta, Ga.
University of Georgia School of Law (1973)
Admitted 1973
Died April 2015

Louis Paul Owens III
Atlanta, Ga.
University of Georgia School of Law (1993)
Admitted 1993
Died June 2015

David E. Perry
Waycross, Ga.
Woodrow Wilson College of Law (1978)
Admitted 1978
Died February 2015

James P. Terry
Annandale, Va.
Mercer University Walter F. George School of Law (1973)
Admitted 1973
Died December 2014

William Akins Thomas
Barnesville, Ga.
Texas A&M University School of Law (1995)
Admitted 2002
Died June 2015

Lindsay A. Tise Jr.
Hartwell, Ga.
Atlanta’s John Marshall Law School (1975)
Admitted 1975
Died June 2015

Nancy Elizabeth Underwood
Dallas, Texas
Emory University School of Law (1977)
Admitted 1977
Died March 2015

Paul Joseph Vignos
Molena, Ga.
Georgia State University College of Law (1996)
Admitted 1996
Died July 2014

Samuel Pearson Westmoreland
New York, N.Y.
University of Mississippi School of Law (1994)
Admitted 1995
Died April 2015

Osgood Andrew Williams
Sandy Springs, Ga.
Woodrow Wilson College of Law (1978)
Admitted 1981
Died February 2015

Memorial Gifts

Memorial Gifts are a meaningful way to honor a loved one. The Georgia Bar Foundation furnishes the Georgia Bar Journal with memorials to honor deceased members of the State Bar of Georgia. Memorial Contributions may be sent to the Georgia Bar Foundation, 104 Marietta St. NW, Suite 610, Atlanta, GA 30303, stating in whose memory they are made. The Foundation will notify the family of the deceased of the gift and the name of the donor. Contributions are tax deductible. Unless otherwise directed by the donor, In Memoriam Contributions will be used for Fellows programs of the Georgia Bar Foundation.
### August-October

<table>
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<tr>
<th>Date</th>
<th>ICLE Event</th>
<th>Location</th>
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<td>AUG 5-6</td>
<td>37th Annual Real Property Law Institute</td>
<td>Atlanta, Ga. (Rebroadcast)</td>
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<td>AUG 7</td>
<td>9th Annual Arbitration Institute</td>
<td>Atlanta, Ga.</td>
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<td>AUG 18</td>
<td>August Group Mentoring</td>
<td>Atlanta, Savannah and Tifton, Ga.</td>
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<td>AUG 21</td>
<td>Contract Litigation</td>
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<td>AUG 28</td>
<td>Nuts &amp; Bolts of Family Law</td>
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<td>Trial of Leo Frank</td>
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<td>26th Annual Urgent Legal Matters</td>
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<td>Class Actions</td>
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<td>SEPT 10-11</td>
<td>62nd Annual Institute of City and County Attorneys</td>
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<td>SEPT 11</td>
<td>Secrets to a Successful Personal Injury Practice</td>
<td>Atlanta, Ga.</td>
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<td>SEPT 11</td>
<td>Growth Companies</td>
<td>Atlanta, Savannah and Tifton, Ga.</td>
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<td>SEPT 17</td>
<td>Punitive Damages</td>
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<td>Thinking Inside the Box</td>
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<td>Social Media and the Law</td>
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**Note:** To verify a course that you do not see listed, please call the CLE Department at 404-527-8710. Also, ICLE seminars only list total CLE hours. For a breakdown, call 800-422-0893.
WANT TO SEE YOUR NAME IN PRINT?

How to Place an Announcement in the Bench & Bar column

If you are a member of the State Bar of Georgia and you have moved, been promoted, hired an associate, taken on a partner or received a promotion or award, we would like to hear from you. Talks, speeches (unless they are of national stature), CLE presentations and political announcements are not accepted. In addition, the Georgia Bar Journal will not print notices of honors determined by other publications (e.g., Super Lawyers, Best Lawyers, Chambers USA, Who’s Who, etc.). Notices are printed at no cost, must be submitted in writing and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not members in good standing of the State Bar of Georgia will not be printed. For more information, please contact Lauren Foster, 404-527-8736 or laurenf@gabar.org.

SEPT 18
ICLE
Business Immigration Law
Atlanta, Ga.
See www.iclega.org for location
6 CLE

SEPT 18-19
ICLE
21st Annual Intellectual Property Institute
Amelia Island, Fla.
See www.iclega.org for location
8 CLE

SEPT 25
ICLE
Professionalism, Ethics and Malpractice
Kennesaw, Ga.
See www.iclega.org for location
3 CLE

SEPT 25
ICLE
Georgia Law of Torts
Macon, Ga.
See www.iclega.org for location
6 CLE

OCT 1-3
ICLE
Southeastern Admiralty Law Institute (SEALI)
Park City, Utah
See www.iclega.org for location
10 CLE

OCT 2
ICLE
Title Standards
Atlanta, Ga.
See www.iclega.org for location
6 CLE

OCT 2
ICLE
Nuts & Bolts of Family Law
Atlanta, Ga.
See www.iclega.org for location
6 CLE

OCT 2
ICLE
Ancient Foundations and Modern Equivalents
Atlanta, Ga.
See www.iclega.org for location
3 CLE
### CLE Calendar

#### August-October

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<td>OCT 8</td>
<td>ICLE&lt;br&gt;Zoning Law&lt;br&gt;Atlanta, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
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<td>ICLE&lt;br&gt;Great Adverse Depositions&lt;br&gt;Atlanta, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
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<td>ICLE&lt;br&gt;11th Annual Family Law Seminar&lt;br&gt;Augusta, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
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<tr>
<td>OCT 22</td>
<td>ICLE&lt;br&gt;U.S. Supreme Court Update&lt;br&gt;Atlanta, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
<td>6 CLE</td>
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<td>ICLE&lt;br&gt;Workers’ Compensation Law Institute&lt;br&gt;St. Simons Island, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
<td>12 CLE</td>
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<td>ICLE&lt;br&gt;30th Annual Technology Law Institute&lt;br&gt;Atlanta, Savannah and Tifton, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
<td>6 CLE</td>
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<td>ICLE&lt;br&gt;GABWA’s Family Law&lt;br&gt;Atlanta, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
<td>6 CLE</td>
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<td>ICLE&lt;br&gt;22nd Annual Securities Litigation&lt;br&gt;Atlanta, Ga.&lt;br&gt;See <a href="http://www.iclega.org">www.iclega.org</a> for location</td>
<td>6 CLE</td>
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**Note:** To verify a course that you do not see listed, please call the CLE Department at 404-527-8710. Also, ICLE seminars only list total CLE hours. For a breakdown, call 800-422-0893.
| OCT 28 | ICLE  
|        | Nuts & Bolts of Appellate Practice  
|        | Atlanta, Ga.  
|        | See www.iclega.org for location  
|        | 6 CLE |
| OCT 28-29 | ICLE  
|        | 34th Annual Business Law Institute  
|        | Atlanta, Ga.  
|        | See www.iclega.org for location  
|        | 12 CLE |
| OCT 29 | ICLE  
|        | Nuts & Bolts of E-Discovery  
|        | Atlanta, Savannah and Tifton, Ga.  
|        | See www.iclega.org for location  
|        | 6 CLE |
| OCT 30 | ICLE  
|        | Expert Testimony in Georgia  
|        | Atlanta, Ga.  
|        | See www.iclega.org for location  
|        | 6 CLE |
| OCT 30 | ICLE  
|        | Solo/Small Firm Fall Seminar  
|        | Atlanta, Savannah and Tifton, Ga.  
|        | See www.iclega.org for location  
|        | 6 CLE |
| OCT 30 | ICLE  
|        | Trial Advocacy  
|        | Statewide Satellite Broadcast  
|        | See www.iclega.org for location  
|        | 6 CLE |
| OCT 30 | ICLE  
|        | Advanced Health Care Law  
|        | Atlanta, Ga.  
|        | See www.iclega.org for location  
|        | 6 CLE |
| OCT 30 | ICLE  
|        | Impeach Justice Douglas/  
|        | Civil Case Update  
|        | Jekyll Island, Ga.  
|        | See www.iclega.org for location  
|        | 3 CLE |
| OCT 31-NOV 7 | ICLE  
|        | Advanced Urgent Legal Matters  
|        | at Sea Cruise  
|        | See www.iclega.org for location  
|        | 12 CLE |
Notice of and Opportunity for Comment on Amendments to the Rules of the U.S. Court of Appeals for the Eleventh Circuit

Pursuant to 28 U.S.C. § 2071(b), notice and opportunity for comment is hereby given of proposed amendments to the Rules of the U.S. Court of Appeals for the Eleventh Circuit.

A copy of the proposed amendments may be obtained on and after July 31, 2015, from the court’s website at www.ca11.uscourts.gov. 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 [phone: 404-335-6100]. Comments on the proposed amendments may be submitted in writing to the Clerk at the above address by Sept. 4, 2015.

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“Trial By Jury: What’s the Big Deal?” is an animated presentation for high school civics classes in Georgia to increase court literacy among young people. This presentation was created to be used by high school civics teachers as a tool in fulfilling four specific requirements of the Social Studies Civics and Government performance standards.

This animated presentation reviews the history and importance of trial by jury through a discussion of the Magna Carta, the Star Chamber, the trial of William Penn, the Constitutional Convention in 1787, the Constitution and the Bill of Rights. Also covered in the presentation are how citizens are selected for jury duty, the role of a juror, and the importance of an impartial and diverse jury.

The State Bar of Georgia’s Law-Related Education Program offers several other opportunities for students and teachers to explore the law. Students can participate in Journey Through Justice, a free class tour program at the Bar Center, during which they learn a law lesson and then participate in a mock trial. Teachers can attend free workshops correlated to the Georgia Performance Standards on such topics as the juvenile and criminal justice systems, federal and state courts, and the Bill of Rights.

You may view “Trial By Jury: What’s the Big Deal?” at www.gabar.org/forthepublic/forteachersstudents/lre/teacherresources. For a free DVD copy, email laurenf@gabar.org or call 404-527-8736. For more information on the LRE Program, contact Deborah Craytor at deborahcc@gabar.org or 404-527-8785.
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