The Legal Guardianship and Conservatorship 101
The State Bar of Georgia announces its annual Fiction Writing Competition

Deadline: Jan. 13, 2023

The Editorial Board of the Georgia Bar Journal is pleased to announce that it will sponsor its Annual Fiction Writing Contest in accordance with the rules set forth below. The purposes of this competition are to enhance interest in the Journal, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. For more information, contact Jennifer R. Mason, Director of Communications, 404-527-8761 or jenniferm@gabar.org.

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

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

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

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

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

6. All submissions must be received at State Bar headquarters in proper form prior to the close of business on a date specified by the Board. Submissions received after that date and time will not be considered. Please direct all submissions to: Jennifer R. Mason, Director of Communications, by email to jenniferm@gabar.org. If you do not receive confirmation that your entry has been received, please call 404-527-8761.

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

8. The winning article, if any, will be published. The Board reserves the right to edit articles and to select no winner and to publish no article from among those submitted.
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Welcome. Whether you’re flipping through the magazine or scrolling our digital edition, we appreciate you checking in with the Bar.

In this issue, State Bar of Georgia President Sarah B. “Sally” Akins kicks things off with her article “Attorney Wellness is the New Normal.” She discusses the Bar’s continued emphasis on the physical and mental well-being of lawyers and judges, highlighting the Attorney Wellness Committee, Lawyer Assistance Program, Georgia Lawyers Helping Lawyers initiative, the Suicide Awareness campaign and the fall Wellness CLE program.

Our State Bar of Georgia Executive Director Damon Elmore, echoes Akins’ sentiments in his article “Prepare and Give Thanks—2022.” He discusses the Bar’s emphasis on lawyer well-being; it is the organization’s continued mission to serve members, improve the quality of its legal services, and effectively implement technology and fiscal resources. If you’re interested in learning more about the Bar and its member benefits, be sure to read Member Benefits Coordinator Sheila Baldwin’s article, “Don’t Miss Out on the Privileges of Bar Membership.”

In his Young Lawyers Division update, YLD President Ron Daniels writes about lessons learned from fictional lawyers. In his article, “The Public Perception of Lawyers,” he highlights films such as “The Mighty Ducks,” “Hook,” “Ghostbusters II,” “The Dark Knight” and “Mrs. Doubtfire.” Daniels points out that there’s “a lot to be learned from silver screen advocates who aren’t the primary focus of their films.” If you’re interested in learning how to be a better client advocate, be sure to read Law Practice Management Program Director Nkoyo-Ene Effiong’s article, “Nine Must-Reads to Grow Your Law Practice in 2023.” She makes recommendations about books and legal blogs that will help you develop the five pillars of a healthy law practice: marketing, management, finances, technology and wellness.

Our legal article, written by Cobb County Probate Court Associate Judge Kristin Poland, provides a primer on guardianship and conservatorship under Georgia law. In “Guardianship and Conservatorship 101,” Poland discusses what happens before and after a guardian or conservator is appointed—including the roles and responsibilities, jurisdiction, venue, appointment procedures and protection of rights.

Finally, I would like to once again congratulate the honorees of the 2022 Commitment to Equality Awards. Each year, the Committee to Promote Inclusion in the Profession pays tribute to those who are breaking barriers and blazing trails to make the legal profession more diverse and inclusive. The committee selected six pillars of Georgia’s legal community.

Thank you again for reading the December issue, and we’ll see you in 2023.
Attorney Wellness is the New Normal

During the first half of my term as president of the State Bar of Georgia, I have had the privilege of meeting with the leadership of and attending events associated with a wide variety of the Bar’s programs—some of which I had no connection to before I took office. It’s been a great learning experience. For example, attorney wellness has not historically been a focus of mine. But now I have learned why the Bar’s continued emphasis on the physical and mental well-being of lawyers and judges is so important to our members.

We all live a life of service to our clients, colleagues, families and friends. It is increasingly necessary to add ourselves to that list. For a number of years, the Bar has offered a “Lawyers Living Well” program as a member benefit.

Overseen by our Attorney Wellness Committee, Lawyers Living Well seeks to promote health and wellness among Bar members and staff; identify factors that impact the physical and emotional well-being of attorneys; develop work/life balance CLE programs; increase awareness of existing Bar programs that deal with such issues; and accumulate information and educate members about wellness issues and resources.

While most people recognize the numerous benefits of physical fitness, many lawyers and judges find it difficult to squeeze exercise and wellness activities into their busy professional and personal lives. Our Georgia Lawyers Living Well website (www.lawyerslivingwell.org) offers a wealth of resources to help lawyers identify physical health activities they can start right away.

There are many opportunities for lawyers to participate in physical activities in our own home communities. These can include running, biking, golf, tennis, yoga, swimming, bowling or regular workouts at your local gym. Physical wellness also involves aspects of life that are necessary to keep yourself top condition. Optimal physical wellness is developed through the combination of beneficial physical activity/exercise and healthy eating habits. Our wellness website includes numerous tips, articles and links to help you get moving in the right direction.

Equally important to physical health is mental well-being. The Lawyer Assistance Program (LAP) offers a 24-hour hotline for professional assistance and crisis counseling at 800-327-9631, as well as six prepaid clinical sessions per year with an independent, fully licensed counselor near your office or home. Both of these benefits are offered at no cost and are strictly confidential.

The LAP also provides a broad range of helping services to members seeking assistance with depression, stress, alcohol/drug abuse, family problems, workplace conflicts, and psychological and other issues. This includes referral to a wide

SARAH B. “SALLY” AKINS
President
State Bar of Georgia
president@gabar.org
OFFICERS’ BLOCK

In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, “Would you describe yourself as an introvert or an extrovert, and why?”

SARAH B. “SALLY” AKINS
President
I am a mix of both. Mostly an extrovert, because I love meeting new people, joking and laughing (usually too loudly!) with old and new friends, and being involved in whatever is going on. Also an introvert because I need a lot of quiet time to think, relax and be at peace.

HON. J. ANTONIO “TONY” DELCAMPO
President-Elect
I believe all of us have some of both. Being a trial lawyer, however, I believe I tilt significantly in favor of the extrovert.

IVY N. CADLE
Treasurer
If you gain energy by spending time with people, have a wide social circle and tend to think out loud, you are probably an extrovert like me!

CHRISTOPHER P. TWYMAN
Secretary
Is it possible to be a little of both? I would say that I am an extrovert. I enjoy getting to know people and great conversation. But I am also a listener, which might give the impression that I am quiet and introverted.

ELIZABETH L. FITE
Immediate Past President
I’m an introverted extrovert. I love being around people until, well, I don’t.

range of public and private resources and community programs.

Our Georgia Lawyers Helping Lawyers initiative is a volunteer peer support program created by the Lawyer Assistance Program Committee to provide additional tools to members who might benefit from a peer to talk about difficulties in their lives. Peer support generally involves people sharing similar life experiences such as an illness, professional issue or some other life circumstance or struggle.

Peer support can take many forms: phone calls, text messaging, group meetings, individual meetings over a cup of coffee or a meal, going for walks together or other common activities. With peer support, there is no “one size fits all” approach or uniform strategy. Peer support is meant to complement and enhance other health care services by creating emotional, social and practice assistance. If you could benefit from peer support or would like to become a peer volunteer, visit the Lawyers Helping Lawyers website at www.georgialhl.org.

Our Suicide Awareness Campaign has a dual purpose, directed toward both lawyers and judges who are suffering from anxiety and depression and may be at risk for suicide, as well as any Bar members who need to recognize the severity of the problem and warning signs among their friends and colleagues. If you are thinking about suicide or are worried a friend...
may be contemplating suicide, immediate action is critical. Don’t wait: call the confidential LAP hotline at 800-327-9631 right now.

An example of the Bar’s enhanced commitment to the well-being of our members took place in September, when we offered our annual Wellness CLE program, “Wellness is the New Normal.” Attorney wellness is so important that we waived the customary $250 CLE fee for this session and refunded the fee to those who had already paid for their registration.

The response from Bar members was incredible. More than 1,400 Georgia lawyers and judges signed up for the Sept. 16 seminar, offered in person at the Bar Center in Atlanta and also remotely by livestream. The session featured more than a dozen presenters and offered six total hours of CLE credit, including one hour each of Ethics, Professionalism and Trial Practice.

The program topics, speakers and panelists included “Energy Plays into the Practice” with consultant Doug Leonard; “Selfcare and Wellness During Trial Prep” with Judge Amanda Flora; “Emotionally Intelligent Lawyers Make Better Decisions and More Money” with life coach Tara Simkins; “Wellness Real Talk: Duties to Ourselves and Our Clients” with Chinny Law, Alina Lee and Joy White; “Spiritual Well-Being in Action: Lawyering with Purpose, Joy and Intention” with Idara Bassey and Paul Knowlton; “Wellness & Ethics” with Bar General Counsel Paula Frederick; and “Judicial Wellness: Keeping the Balance” with Judges Shonddeana Crews Morris, Render Heard, Matthew McCord and Alvin Wong.

I want to publicly thank program Co-Chairs Paul Knowlton and Candice McKinley and subcommittee members William Monahan, Avarita Hanson, Sam Skelton, Edwin Cook and Tara Simkins for their superb efforts to spearhead this event, and Attorney Wellness Committee Chair Javoyne Hicks for her outstanding leadership of the Lawyers Living Well initiative. The decision to offer the CLE at no charge is one of the best investments the Bar has made toward taking care of our members.

The Georgia Lawyers Living Well website also provides a calendar of upcoming wellness events, such “Wellness Connections: The Power of Breath,” a breathwork program scheduled for Jan. 31 and hosted by Attorney Wellness Committee members Plamen Russev and Adam Fort at Parker Poe Adams & Bernstein in Atlanta. To sign up or get more information, email lizphrampus@parkerpoe.com.

Stay tuned for more news related to our lawyer wellness program in the months ahead.

●
Connect with a counselor virtually.

Maintaining your mental health is vital. Every State Bar of Georgia member receives six pre-paid clinical sessions per calendar year through the Lawyer Assistance Program. Now, you can connect with a counselor wherever you are.

Call the confidential LAP Hotline at 1-800-327-9631 to schedule your appointment today.
From the YLD President

Ronald Edward "Ron" Daniels
YLD President
State Bar of Georgia
ron@danielstaylorlaw.com

The Public Perception of Lawyers

Atticus Finch. Jack McCoy. Perry Mason. Ben Matlock. Elle Woods. Vincent Gambini. Saul Goodman. This isn’t a random list of names, rather it is a list of fictional lawyers many people are familiar with. Regardless of their fictional nature, these lawyers often form the perception of what the public thinks of lawyers. We, as lawyers, often cite the movie or TV show in which they appear as our favorite legal films or television programs.

And while most of us are familiar with “To Kill a Mockingbird,” “My Cousin Vinny” or “Legally Blonde,” there are other movies which feature—somewhat prominently—lawyers or legal proceedings which play an integral role in the plot. While we may not all agree the films are “lawyer movies,” we can all agree there are lessons to be learned from those films and the fictional lawyers.

“The Mighty Ducks” is most often remembered for igniting in many children a passion for hockey. It’s not usually remembered as a legal thriller. But how did ‘The Minnesota Miracle Man’ Gordon Bombay come to coach a youth hockey team? The movie begins with Bombay as a highly successful defense attorney in Minneapolis. His success is matched only by his ego. In celebration of his 30th successful case, he goes out drinking, gets a DUI and winds up being ordered to serve 500 hours of community service by coaching a youth hockey team. Their funding being essentially non-existent, Bombay convinces his boss (Mr. Ducksworth) to sponsor the team and the team is renamed ‘The Mighty Ducks.’

The movie’s plot finds Bombay conflicted between choices which will result in him being fired or allowing another team to keep a player who should rightfully be on his team. He chooses principle over continued employment as a lawyer. In the end, the Ducks win the championship and Bombay goes off to try out for a minor league hockey team. Gordon Bombay the lawyer is successful, but also representative of the dangers of unchecked egos, substance abuse and lack of concern for others. Gordon Bombay the coach demonstrates the type of principle and selfishness he should have displayed as a lawyer. We learn from Coach Bombay the importance of protecting our integrity over improperly advancing our careers.

Another successful fictional lawyer is Peter Banning in “Hook.” A workaholic corporate attorney, Banning puts his career ahead of spending time with his family, resulting in them becoming somewhat estranged. The Banning family visits their maternal grandmother Wendy Darling in London and, while at a charity dinner, the children are kidnapped by Captain Hook. Then it is revealed Banning was not always an unimaginative workaholic. In fact, he was Peter Pan, and he can save his children only by returning to Neverland to rediscover his imagination.
In this issue of the Georgia Bar Journal, we asked our YLD officers, “Would you describe yourself as an introvert or an extrovert, and why?”

**RONALD EDWARD “RON” DANIELS | YLD President**

She’ll keep calling me, she’ll keep calling me till I give an answer. She’ll make me feel guilty—this uh, this is ridiculous. OK I’ll go, I’ll go, I’ll go, I’ll go, I’ll go with __ introvert.

**BRITTANIE D. BROWNING | YLD President-Elect**

I would describe myself as an extrovert because I am energized by interacting with and meeting people.

**KENNETH MITCHELL JR. | YLD Treasurer**

I consider myself both. I am outgoing around certain people or in certain situations when I have to be, but I also prefer to be alone more than the typical extrovert.

**ELISSA B. HAYNES | YLD Immediate Past President**

I am definitely an extrovert. I am very outgoing, talkative and could honestly make friends with a brick wall.

**VERONICA ROGUSKY COX | YLD Secretary**

I would say that I am a natural introvert, but I have grown to love talking to people and meeting people. I am always happy to make a new friend, but at some point, I will need some time alone.

**JENA G. EMORY | YLD Newsletter Co-Editor**

I would say that I am a natural introvert, but I have grown to love talking to people and meeting people. I am always happy to make a new friend, but at some point, I will need some time alone.

**VIRGINIA C. JOSEY | YLD Newsletter Co-Editor**

I am an extroverted introvert. I need quality time with others to get through the day, but I also need time by myself to recharge.

Our profession is not meant to be an all-consuming endeavor. Significantly, we need to find time for ourselves, our families and our friends. Banning nearly lost his family because he let his practice consume all aspects of his life.

Based on Homer’s “The Odyssey,” “O Brother, Where Art Thou?” and its soundtrack have become widely recognized since the movie’s release in 2000. Often overlooked is how Ulysses Everett McGill found himself in a hard-labor prison in Mississippi—he was representing clients without actually being a licensed attorney. Unable to cope with his sentence, he finds himself in more trouble by using his gift-of-gab to convince two other convicts to join him in an escape. What follows is a lightning-paced journey through Mississippi full of events which range from bad luck to the supernatural. Ultimately, McGill’s fortunes begin to improve when he starts being honest with those around him. While McGill was technically not a lawyer, the skills he employed while pretending to be a lawyer landed him in prison and provided him with the means to begin putting his life together through negotiation once he began being honest with everyone.

Five years after the foursome saved Manhattan (and the world) from a 100-foot marshmallow man and an interdimensional being bent on destroying the world, the Ghostbusters find themselves “sued by every city, county and state
agency in New York.” They were shut down pursuant to a judicial restraining order and prohibited from performing services as paranormal investigators or eliminators. Of course, they begin investigating the paranormal within minutes of the start of “Ghostbusters II” and inevitably wind up being caught while discovering a river of slime underneath First Avenue. A few scenes later and Doctors Venkman, Spengler and Stantz are defendants in court where they face imprisonment at Riker’s Island. Enter their lawyer—Louis Tully. Tully had no experience handling a case of this magnitude, which he freely volunteers when telling his clients he does tax law and probates things rarely. He’s not a litigator which is evident when one of his clients sums up his efforts: “Very good, Louis. Short, but pointless.”

One takeaway from these scenes in “Ghostbusters II” is to not take on matters you aren’t competent to handle. Tully hardly provided the best defense possible for his clients. At the end of the day, his clients were found not guilty, and the restraining order was lifted because of extenuating circumstances. The lesson I take away from “Ghostbusters II” is trials are unpredictable. It’s unlikely the spirits of two past defendants who were tried for murder and punished with death by electrocution will interrupt the proceedings and kidnap opposing counsel in any of my trials. At the same time, you’ve got to be prepared for a witness’ testimony to change, potential issues with jurors or any number of other unlikely but possible curve balls at trial.

Unbridled zeal in the representation of our clients is something we are often warned against. Harvey Dent is a cautionary tale of such unchecked enthusiasm. As he warns in “The Dark Knight,” “You either die a hero or you live long enough to see yourself become the villain.” Dent becomes district attorney and sets out to rid Gotham City of organized crime along with honest cop Jim Gordon and Batman. After suffering a gruesome injury as the result of an intricate plan by the Joker, Dent, consumed by rage, transforms from good guy prosecutor Harvey Dent to vigilante Two-Face. In his eyes, the ends (eliminating all organized crime) justify the means (summary execution based on the random flip of a coin). As lawyers, we should always be aware of the consequences of our advocacy and potential unintended results.

Finally, “Mrs. Doubtfire” is not remembered as a courtroom procedural. But central to the story is the divorce of the Hillards and Daniel Hillard’s efforts to maintain a relationship with his children. To do so, he impersonates an English woman and becomes his children’s nanny. The character he creates to be employed as the nanny is the titular Mrs. Doubtfire. He also manages to create a nationally syndicated television show for children where he portrays Mrs. Doubtfire. Daniel Hillard fires his lawyer and handles his case himself, giving an impassioned closing argument. Nevertheless, the unimpressed judge awards full custody to the children’s mother and restricts visitation to supervised visitation only on Saturdays.

It’s understandable why the judge granted full custody to Miranda Hillard. At best, the judge had a 40,000-foot view of the facts. We as the audience have a much more in-depth view of the facts. There is an important lesson here, we should be mindful of how we present facts and information and how it may be received. What might seem insignificant to us may be a critical fact to someone else and, in turn, may impact whether we obtain a favorable outcome for our client or not.

The lawyer cinematic universe is larger than you might remember. While we tend to think about the common examples of lawyers in cinema, there is a lot to be learned from those silver screen advocates who aren’t the primary focus of their films. And, perhaps most significantly, we can even learn from those who are not even directly featured on screen—like whomever wrote Marvin Acme’s last will and testament in “Who Framed Roger Rabbit?” in disappearing (and reappearing) ink. Sometimes we just have to look close to learn the lessons which are right in front of us. ●
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As is now custom, I am using this space to provide a general update of our work as we approach the midpoint of our Bar year, and as we bring the calendar year to a close.

Since our Board of Governors Fall Meeting in October, our focus continues to be on serving our members in the work designed to improve the quality of legal services. We have been charged with and have a sharp focus on core operational matters, such as the long-term maintenance of our Bar Center and the effective use of our fiscal resources.

We have moved beyond the tasks associated with the network interruption we experienced in April. Our work immediately following our awareness of the incident, our actions designed to safeguard and protect against future incidents, our partnerships on the legal and information technology sides, and our interpretation of the forensics analysis, showing little, if any, data compromise, were all designed and completed to keep as a priority the safety of member information, and we don’t take that for granted. We are closing that chapter.

This year has surely had its share of twists and turns. However, because of our work and because of the significant contributions being made by our volunteer leaders, committee chairs and others, you can feel sure that we are able to adapt, correct when necessary and move forward, better equipped and faster than before. I am confident that as we approach 2023 we are in a solid position.

Some things remain priorities. We will focus on a continued implementation of changes in technology, we have placed an emphasis on lawyer well-being, we will assess the way we gather, we will maintain right and ready tools for our members, and we will always be focused on lawyer learning and professionalism. Those things are at the top of the list. We will continue our commitment to analyzing the way we deliver our services with the focus on efficiencies and strategic planning, making incremental and necessary improvements to everything we do and keeping the needs of all of our members top of mind.

As this issue goes to print, our team in Savannah is supporting the relocation of the Coastal Georgia Office. We are grateful for the support of leadership with our Bar Center Committee, local/circuit leadership from our Board of Governors and others involved in the process of identifying and renovating an appropriate space. We will be able to appropriately support member use, we will have direct access and parking, and the location will be more accessible to lawyers throughout the region. We hope you will visit soon and often.

Our staff remains committed to the work in front of us. I am personally
grateful, as a member of the Bar and as executive director, for their contributions. As if it was possible, our work gets better. Meaningful contributions are being made from veterans and new faces alike. No matter what it may be, we are focused on the future. I have said it before, I will continue to say it, this work cannot happen without our Executive Committee members and all other Bar leaders, or without our partnership with our Supreme Court of Georgia liaisons. Their additional work and insight might go unnoticed in real time, but it makes the Bar’s business better.

I also continue to enjoy meeting so many good lawyers, and I am amazed by their work, oftentimes married to our mission—serving and protecting the public, improving the administration of justice and advancing the science of the law. Many have worked at places set up to do this for more than 100 years. Others are just starting on this journey. We admire all of them and stand ready to help and support the work.

We are ready for 2023. Until then, we wish you well. We hope you will never hesitate to let us know how we can help you and your work. As I closed in 2005 (in an article in *The YLD Review* and 2021, “take some meaningful time to spend with those that are important to you, and soak in the soul of the season so that you are indisputably full.” DEE ●

Serve the Bar. Earn CLE credit.

2 Volunteer and complete online training to be a peer in the Georgia Lawyers Helping Lawyers program and earn up to two CLE hours during your training. Visit www.georgialHL.org to learn more.

3 Coach a team or judge a trial for the High School Mock Trial program and receive up to three hours of CLE credit. Contact richardh@gabar.org for more information and to volunteer.

6 Earn up to six CLE credits for having your legal article published in the Georgia Bar Journal. Contact jenniferm@gabar.org to learn more.
Recent pop culture events have shined a not-so-flattering light on the subject of guardianships and conservatorships of adults. The film “I Care a Lot” premiered on Netflix at a time when, due to the COVID-19 pandemic, many of us spent our days at home consuming huge amounts of streaming service content. It tells the story of an unscrupulous woman who used guardianship proceedings as a way to accumulate the assets of those over whom she was given authority. The #FreeBritney movement put the real-world example of Britney Spears’ conservatorship in the forefront of the news cycle.

For those who practice in this field, we know that the Thanksgiving and Christmas holidays often bring about a large increase in the number of guardianship and/or conservatorship cases filed with the courts. Holiday stress can lead to mental health issues that need to be addressed. Adult children who visit with aging parents for the holidays often realize that mom and dad can no longer care for themselves adequately. We often see adult children find out when they arrive for a holiday visit that utility bills have gone unpaid and their parents’ electricity or water services have been shut off. It is not uncommon to return for a visit to discover that someone in whom a vulnerable adult has placed trust is perpetrating financial or physical abuse upon that adult. In one particularly memorable case,...
adult children found upon their arrival that their father had died in the home, and their mother’s dementia had progressed to the point that she did not realize what had happened. These cases demonstrate that cognitive issues that may be masked from a distance are far more obvious when visiting in person.

But how much do people who do not regularly work in the probate courts understand about guardianships and conservatorships? This article provides a primer on the subject under Georgia law.

**Guardianship and Conservatorship in General**

Under Georgia law, a guardian is appointed to oversee the health and safety of another; a conservator is appointed to oversee the management of the property of another. This concept has its roots in the English common law doctrine of parens patriae, where the king was ultimately responsible for caring for those among his subjects who were unable to care for themselves. This concept was codified as early as 1324 in the statute De Praerogativa. In Georgia, early law provided that courts could appoint guardians for the following persons, viz.: Idiots, lunatics, and insane persons, and deaf and dumb persons when incapable of managing their estates, habitual drunkards, and persons imbecile from old age or other cause, and incapable of managing their estates. Under Georgia’s 1933 Code, “persons who are mentally ill, mentally retarded or mentally incompetent to the extent they are incapable of managing their estates” were subject to the appointment of a guardian. In these earlier versions of the law, the term “guardian” was used to describe a person who would oversee both the person and the property of another.

Under current Georgia law, “the court may appoint a guardian for an adult only if the court finds the adult lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety.” Similarly, “the court may appoint a conservator for an adult only if the court finds the adult lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property.” Guardianship and conservatorship may be sought together where appropriate, or a petition may be brought for one or the other alone. Where guardianship and conservatorship are both sought, it is not necessary to seek the appointment of the same individual to fill both roles.

The granting of a guardianship and/or conservatorship has a far-reaching impact on the lives of the individuals involved, most especially the adult over whom a guardianship and/or conservatorship is granted, referred to as a ward. Under a plenary guardianship, the ward has important rights removed, including the power to contract marriage; to make, modify or terminate other contracts; to consent to medical treatment; to establish a residence or dwelling place; to change his or her domicile; to revoke a revocable trust established by the ward at an earlier date; and to bring or defend any action at law or equity, except as related to the guardianship. A plenary conservatorship removes from the ward the power to make, modify or terminate contracts (except the power to contract marriage); to buy, sell or otherwise dispose of or encumber property; to enter into or conduct other business or commercial transactions; to revoke a revocable trust established by the ward at an earlier date; and to bring or defend any action at law or equity, except as related to the conservatorship. Because the result of a successful petition for guardianship and/or conservatorship means the removal of important civil and legal rights from an adult, such actions should always be viewed as adversarial to that adult.

**Jurisdiction and Venue**

In guardianship and conservatorship cases, subject matter jurisdiction lies in the probate court, which has “original, exclusive, and general jurisdiction of ... the appointment and removal of ... guardians of incapacitated adults, and conservators of incapacitated adults and persons who are incompetent because of mental illness or intellectual disability.”

Jurisdiction is governed by the Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act (UAGCPJA), codified at O.C.G.A. §§ 29-11-1 et seq. UAGCPJA “provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a conservatorship order for an adult.” Further, Article 2 of the UAGCPJA creates a three-tiered approach to jurisdictional issues between states, and under that approach, “the court that may have jurisdiction would be, in order of priority: 1) the court in the respondent’s home state; 2) the court of a state with which the respondent has a significant connection; or 3) a third state that is neither the home state nor a significant-connection state.” These tiers are established in four paragraphs of O.C.G.A. § 29-11-12, which specify several circumstances under which “[a] court of this state has jurisdiction to appoint a guardian or issue a conservatorship order for a respondent.”

Importantly, under UAGCPJA, in cases where “unjustifiable conduct” led to jurisdiction over the proposed ward, the court may decline to exercise its jurisdiction, exercise jurisdiction for the limited purpose of ensuring the protection of the proposed ward or continue to exercise jurisdiction after considering the acquiescence of those entitled to notice of the proceedings, the appropriateness of the forum and the existence of another state with jurisdiction over the proposed ward. UAGCPJA does not define “unjustifiable conduct.” Presumably, a classic case of “granny snatching,” whereby an adult with diminished capacity is removed...
While a petition for appointment of a guardian and/or conservator can be brought by any interested person, one interested person cannot do so alone.

Procedures for Appointment
A petition for appointment of a guardian and/or conservator may be filed by any interested person, including the proposed ward. An “interested person is broadly defined in Title 29 as “any person who has an interest in the welfare of a ... ward, or proposed ward, or in the management of that individual’s assets, and may include a governmental agency paying or planning to pay benefits to that individual.” The statute does not further define “an interest,” leading to a rather circular definition of an interested person. It would seem safe to assume that immediate family members are interested. So, too, would be a social worker assigned to a case through Adult Protective Services. However, where the line might be drawn by the courts is unclear as to whether a person is too remotely connected to a proposed ward to bring a petition under Title 29.

Although a petition for appointment of a guardian and/or conservator can be brought by any interested person, one interested person cannot do so alone. Any such petition must be “sworn to by two or more petitioners” or, if there is only one petitioner, the petition shall be supported by an affidavit of a physician licensed to practice in the state of Georgia, a psychologist licensed to practice in the state of Georgia or a licensed clinical social worker or, “if the proposed ward is a patient in any federal medical facility in which such a physician, psychologist, or licensed clinical social worker is not available, a physician, psychologist, or licensed clinical social worker authorized to practice in that facility.” To ensure that such an affidavit is based on the current capacity and condition of the proposed ward, the affidavit must be based on the personal knowledge of the affiant and must be based on an examination that occurred within 15 days prior to the filing of the petition.

Once a petition is filed, the court must make a determination as to whether the petition raises probable cause to believe that the ward is in need of a guardian and/or conservator. Therefore, a petition must include sufficient facts as to the alleged incapacity of the proposed ward to allow the court to make such a determination. In practice, petitioners should avoid conclusory statements along the lines of “the proposed ward lacks capacity” and instead give enough underlying facts to allow the court to reach that conclusion. Petitioners should include whether the proposed ward has any diag-
noses and examples where the proposed ward needs assistance with normal activities of daily living.

A petition that does not satisfy the requirement of raising probable cause must be dismissed by the court prior to any further proceedings. On the other hand, if probable cause is found, the court sets in motion a series of actions designed to ensure that the proposed ward receives due process for the protection of his or her rights during the proceedings. The proposed ward must be personally served with notice of the petition, which must inform the proposed ward of their right to attend any hearing and that, if the petition is successful, the proposed ward may lose important civil and legal rights. The proposed ward must also be advised that he or she can retain independent counsel. If no such counsel is retained, the court must appoint counsel for the proposed ward. In any case, the proposed ward should be represented by an attorney throughout the proceedings. The court must also schedule an evaluation of the proposed ward to be conducted by a physician licensed in Georgia, a psychologist licensed in Georgia or a licensed clinical social worker, who shall be appointed for such purpose by the court, and must notify the proposed ward of the time and place of such evaluation, again by personal service. The proposed ward must attend such an evaluation, but may remain silent and may have counsel present at the evaluation.

In addition to personal service of notice of proceedings for guardianship and/or conservatorship upon the proposed ward, notice must also be served upon other interested individuals (who are not also a petitioner). These individuals requiring notice include the spouse of the proposed ward and all children of the proposed ward, or, if there are no such persons, at least two adults who are, in order of priority, descendants of the proposed ward, parents and siblings of the proposed ward and friends of the proposed ward, as well as anyone nominated to serve as guardian and/or conservator by the proposed ward or the spouse, adult child or parent of the proposed ward.

Importantly, the statutes enumerating the individuals entitled to notice only require such notice to those individuals “whose whereabouts are known.” Although a court can, and likely should, require a showing of diligence on the part of a petitioner to locate such individuals, a failure to notify interested persons whose addresses are unknown does not estab-
lish a failure to comply with the statutory notice requirements.35

Any of the parties or interested persons to a proceeding for guardianship and/or conservatorship may request that the court appoint a guardian ad litem to investigate and advise the court as to the best interests of the proposed ward. Alternatively, the court may appoint a guardian ad litem on its own motion.26 Additionally, an interested person may seek to intervene in the proceedings pursuant to O.C.G.A. § 9-11-24; however, the right to intervene is not absolute and a motion to intervene must make a satisfactory showing that intervention is appropriate.27 The denial of a motion to intervene is appealable.28

After the court-ordered evaluation of the proposed ward has taken place and a report of such evaluation is filed with the court, the court must again review the pleadings and the evaluation report in totality to make a second determination as to whether probable cause still exists to believe the proposed ward needs a guardian and/or conservator. If the answer is no, the court must dismiss the petition without further proceedings. If probable cause continues to exist, a hearing must be scheduled and notice of the hearing must be served upon all parties and interested persons. The hearing cannot occur less than 10 days after notice is mailed to all required recipients and must be recorded for preservation of the record in the event of appeal.29 Both the petitioner and the proposed ward are entitled to present evidence to the court, and the normal rules of evidence apply to such hearings. The petitioner bears the burden of proving by clear and convincing evidence that a guardianship and/or conservatorship is needed.30 No adult can be presumed to be in need of a guardian and/or conservator. This holds true even where another court or proceeding has made a finding that an adult is criminally insane, incompetent to stand trial or in need of involuntary mental health treatment under Title 37.31

Any guardianship or conservatorship ordered should allow for maximum self-reliance and independence of the adult ward, and only after a determination by the court that less restrictive alternatives to the guardianship and/or conservatorship are unavailable or inappropriate.32 Thus, even if an adult lacks sufficient capacity as outlined in O.C.G.A. §§ 29-4-1 and 29-5-1, the inquiry does not end there. Instead, the court should also determine that alternatives such as health care directives or powers of attorney, which do not impact the rights of the adult in question, cannot be used.

Protection of Rights of Ward and Duties of Guardians and Conservators

If a proposed ward is found to need a guardian and/or conservator, he or she may nominate an individual to serve in such role(s).33 The court should also consider the order of preference of appointment enumerated in O.C.G.A. §§ 29-4-3 and 29-5-3.34 In no case shall a guardian or conservator be appointed for an adult unless the court finds that such an appointment is in the best interests of that adult, and “for good cause shown ... the court may pass over a person having a preference and appoint a person having a lower preference or no preference.”35

In its judicial inquiry, the court determines what powers normally removed in a plenary guardianship and/or conservatorship should be retained by the ward.36 For example, the court may allow a ward to retain the right to consent to medical care while removing the right to contract marriage, etc. Additionally, certain rights of the ward are not impacted by the appointment of a guardian and/or conservator, including the right to vote and the right to make a will.37

One point of potential friction between a guardian and a ward involves the right to consent to medical treatment. A guardian may “give any consents or approvals that may be necessary for medical or other professional care, counsel, treatment, or service for the ward.”38 However, the appointment of a guardian does not actually remove from the ward the right to refuse such treatment that has received the consent or approval of the guardian. In such cases, the ward’s refusal of treatment prevails. This type of impasse is seen most often in cases involving mental health treatment of a ward. In such cases, a guardian has no recourse but to seek relief under Title 37, which addresses involuntary mental health treatment for individuals in need of such care.

All wards have the statutory right to a guardian and/or conservator who will act in their best interest and be reasonably accessible, to communicate freely and privately with others (except where otherwise ordered by a court of competent jurisdiction, as in, for example, and order for protection) and to enjoy the least restrictive form of assistance.39 Guardians and conservators have the obligation to “act at all times as a fiduciary in the ward’s best interest.”40

In order to ensure the protection of the ward’s rights and the performance of the guardian and/or conservator’s fiduciary duties, all guardians and conservators are subject to court oversight. The guardian must file reports within 60 days after appointment and annually within 60 days after the date of anniversary of the guardian’s appointment. Such reports must address a description of the ward’s condition and needs, all addresses of the ward and the living arrangements of the ward, a description of any expenditure of funds the guardian received on behalf of the ward and whether any alteration in the guardianship is recommended. In addition to such regular reporting requirements, the guardian must immediately inform the court when the ward’s condition changes such that modification or termination of the guardianship should be considered, and also when the guardian becomes aware of any conflict of interest between the guardian and ward.41
Conservators similarly are required to file reports within 60 days after appointment and annually within 60 days after the date of anniversary of the conservator’s appointment. Such reports include an inventory of the ward’s property and a plan for administering such property.  
Beginning one year from the conservatorship over another adult should always be considered a very serious step that impacts the legal rights and responsibilities of everyone involved. There exist a number of safeguards for the rights of adults for whom guardianship and/or conservatorship are sought. Even where a petition is successful, the courts remain heavily involved in overseeing that a ward is protected from abuse and exploitation.

**Kristin Poland** is an associate judge with the Probate Court of Cobb County. Prior to becoming a judge, she served as a hearing officer for the court for five years.

**Endnotes**  
1. Mary F. Radford, Georgia Guardianship and Conservatorship §1:1 (2015-2016 ed.).
4. O.C.G.A. § 29-4-1.
5. O.C.G.A. § 29-5-1.
14. O.C.G.A. §§ 29-4-10 (a) and 29-5-10 (a).
15. In re Estate of Kevin Lee Hanson, 357 Ga. App. 199, 848 S.E. 2d 204 (2020).
16. O.C.G.A. §§ 29-4-10 (a) and 29-5-10 (a).
17. O.C.G.A. § 29-1-1.
18. O.C.G.A. §§ 29-4-14 (d)(1) and 29-5-14 (d)(1).
19. O.C.G.A. §§ 29-4-10 (c)(2) and 29-5-10 (d)(2).
20. O.C.G.A. §§ 29-4-11 (a) and 29-5-11 (a).
21. O.C.G.A. §§ 29-4-11(b) and 29-5-11 (b).
22. O.C.G.A. §§ 29-4-11(c) and 29-5-11 (c).
23. O.C.G.A. §§ 29-4-11(c)(1)(C), 29-4-11 (d), 29-5-11 (c)(1)(C) and 29-5-11 (d).
24. O.C.G.A. §§ 29-4-11(c)(3) and 29-5-11 (c)(3).
26. O.C.G.A. §§ 29-4-11 (c)(4) and 29-5-11 (c)(4).
30. O.C.G.A. §§ 29-4-12 and 29-5-12.
31. O.C.G.A. §§ 29-4-1 (c), 29-4-1 (e), 29-5-1 (c) and 29-5-1(e).
32. O.C.G.A. §§ 29-4-1 (f) and 29-5-1 (f).
33. O.C.G.A. §§ 29-4-12 (d)(6) and 29-5-12 (d)(6).
34. Such list of preference includes “the individual last nominated by the adult [in writing] ... ; the spouse of the adult ... ; an adult child of the adult ... ; a parent of the adult ... ; a guardian appointed during the minority of the adult; a guardian previously appointed in Georgia or another state; a friend, relative, or any other individual; any other person ... found suitable and appropriate who is willing to accept the appointment; and the county guardian [or conservator]” and if there is no county guardian, “the court may appoint the Department of Human Services as guardian.”
36. O.C.G.A. §§ 29-4-12 (d)(5) and 29-5-12 (d)(5).
38. O.C.G.A. § 29-4-23 (a)(2).
40. O.C.G.A. §§ 29-4-22 (a) and 29-5-22 (a).
41. O.C.G.A. § 29-4-22 (b).
42. O.C.G.A. § 29-5-30.
43. O.C.G.A. § 29-5-60.
44. O.C.G.A. §§ 29-5-40 and 29-5-41.
45. O.C.G.A. §§ 29-4-40 and 29-5-70.
46. O.C.G.A. §§ 29-4-53 and 29-5-93.
What the Pandemic Has Reminded Us About Professionalism

While there might not be a general consensus as to the greatest threat to a chosen career path, this article will explore some potential avenues.

BY KENT E. ALTMAN

What is the greatest threat to the upper trajectory of one’s career path? And, is this threat made even more likely by the COVID-19 pandemic? Many views have been expressed as to the first question—some complementary, others contrasting. Some people believe this greatest threat could be a lack of knowledge, skill or experience whereas others would contend that it is a professional lapse. However, although a lack of knowledge, skill or experience could “trip up” some people, we must remember that most are hired based upon the actual—or at least perceived—knowledge, skill and experience they possess. Similarly, a professional lapse almost certainly would threaten—and could possibly derail—a career when it occurs. But, in reality, how often does such an episode lead to the demise of someone’s career? Not that often, I would think.

Still others would argue that the greatest threats to one’s career are artificial intelligence as well as other forms of automation and outsourcing. I cannot dispute that argument, especially as it relates to certain—but not all—industries. Depending upon which cable news channel you watch, talking heads may complain that the greatest threat is immigration. Here is not the place to debate that notion, but to acknowledge that it is at the forefront of some minds.

Here, when I ask, “what is the greatest threat to the upper trajectory of one’s career path,” I am speaking of an unexpected event, something occurring that is beyond one’s control. A need for greater knowledge, skill and experience can be recognized, and then they could be sought and gained. After all, it generally takes the one doing the hiring awhile to admit that a mistake in the hiring process was made and, assuming the one who was hired can “read the room,” that person can develop additional knowledge, skill and experience in the interim—perhaps turning things in the right direction.¹ A professional lapse, with the proper insight, could be avoided. But, what about that which is unexpected, is beyond one’s control?

I am also not speaking of what may be years in the making such as increased development of automation that could render the worker a nullity. Similarly, I am not speaking of what one’s speculation might cause one to conclude would result in job loss such as immigration. Here, I am attempting to draw attention to a “clear and present” threat, over which one has little to no ability to control—a threat that is largely unavoidable; a ubiquitous threat, in fact, ever-present; a reality, the product of neither speculation nor happenstance.

I would contend that the greatest threat to the upper trajectory of one’s career path is the corporate downsizing.² Employment data for the time period commencing in late Q1 2020 show more than mere cyclical ebbs and flows; there have been wild swings up and down.³ The current state of nervousness during the COVID-19 pandemic among business owners, managers and employees alike is compounded by the fact that just a decade ago many of the same ones weathered an economic recession brought on by the “mortgage market meltdown” that was similarly marked by workplace instability and massive job losses, which, in turn, led to historically high rates of unemployment followed by tepid year-over-year job growth as well as a system-
ic drop in home values and widespread financial hardship.¹

Before concluding that here I am speaking of sectors of the American economy exclusive of that which provides legal services, I am not. To state the obvious, and despite our puritan attempts to claim or suggest otherwise, law firms—small ones, mid-sized ones and large ones alike—are businesses.² Their owners, lawyers and staff are not inoculated from this same threat: downsizing that is caused by the loss of a large client or numerous smaller clients in close succession or an unexpected, significant shift in the larger economic outlook. Therefore, those associated with a law firm of any size and age should not only be mindful of the possibility of a downsizing; their concern should cause them to guard against it as a great—perhaps the greatest—threat to their collective as well as individual well-being. What if you find yourself employed by a law firm where the partners do not share your concern about this possibility: Are there tangible things you, individually, can do to guard against becoming a victim of a downsizing thereby protecting your career and ensuring that your career path continues forward without interruption? I believe there are, and each of them is a hallmark of being a professional.³

**Put Your Clients First**

First, the pandemic has reminded us that always—in all ways, at all times and without any equivocation whatsoever—put your clients’ interests and needs first. This is properly the first point of A Lawyer’s Creed:

> To my clients, I offer faithfulness, competence, diligence and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust (emphasis omitted).⁴

Pledging yourself to the client does not mean that your client’s case becomes your case, your client’s issue is somehow your issue or your client’s problem is now your problem. Your client’s case, issue and problem are never yours unless you allow them to become so.⁵ And, to preserve your professionalism (namely, your objectivity and your role as an advocate) and to avoid a professional lapse, you must develop the ability to give 100% to your clients without assuming their case, issue or problem as your own. One’s ability to keenly recognize this distinction will guard against threats to one’s career (including downsizing).

**Be a Team Player**

Secondly, the pandemic has reminded us that you need to become a team player. This is what I, along with many others, refer to as learning the value of “shared success,” which is best understood as the ability to achieve one’s own success while assisting others in realizing their own success, and doing it together.⁶⁷ The fourth point of A Lawyer’s Creed reads:

> To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship (emphasis omitted).⁸
The ability and commitment to be a team player are requisites to achieving professional friendships among one’s colleagues. How well one can demonstrate empathy towards others and work with others as a team player will also guard against threats to one’s career (including downsizing).

In a World of “Thinkers” and “Doers,” Be Both

Thirdly, the pandemic has reminded us that to minimize the chance of becoming downsizing’s latest victim, in a world of “thinkers” and “doers,” be both. In any type of organization, there are individuals who tend to be thinkers and others who tend to be doers. However, if you want to make yourself “downsize-proof,” you must become both a thinker and a doer.

A thinker is one who is capable of creative ideas that can propel an organization forward. Yet, in the context of legal practice, thinkers can be “purists”—unable to grasp the business aspects of legal practice. On the other hand, a doer is marked by action that can propel an organization forward. Yet, in the context of legal practice, doers tend to be “macro”—too quick to discount or gloss over the divergences between a law firm and other types of businesses. When one is both a thinker and a doer, there is balance; there is authenticity; and there is value. Make no mistake about it: Possessing both abilities—thinking and doing—is a characteristic of an accomplished professional.

By crafting your professional identity as “something better”—meaning you are constantly focused upon the continual development the best traits of a thinker and the best attributes of a doer—you will be capable of ideas and action while understanding the complexities of a law firm as a business while appreciating the nuances that make a law firm a unique type of business. What the upper trajectory of your career path cannot withstand is for you to be just a cog in the wheel. Being the “something better” will ensure that you continue along an upper trajectory by guarding against threats to your career (including downsizing).

When You and Your Workplace Culture Do Not Mix...

Finally, it is worth mentioning here that with respect to what almost certainly would impact one’s career path, there is another workplace concern, but this one is not altogether prompted by the COVID-19 pandemic: What happens when one who is committed to acting professionally finds oneself in an unprofessional workplace culture? In other words, what is a good person to do in a bad work environment where others, especially supervisors, do not share the person’s same—or at least similar—sense of what is right and wrong? Two words: get out.

Kent E. Altom is of counsel at The Gilroy Firm in Atlanta, Georgia. He is also a clinical assistant professor of business law at the Kennesaw State University Coles College of Business in Kennesaw, Georgia.

Endnotes

1. For instance, a greater number of specifically targeted, lower-cost, short-term educational and training opportunities (namely, certificate programs, as opposed to broader, more costly, longer-term degree programs) are being offered by educational institutions. Specifically, since the onset of the COVID-19 pandemic, we have seen a significant uptick in these often-online certificate programs. See Paul Fain, “Alternative Credentials on the Rise,” https://www.insidehighered.com/news/2020/08/27/interest-spikes-short-term-online-credentials-will-it-be-sustained (Aug. 27, 2020).


5. The authors of A Lawyer’s Creed apparently wrestled valiantly with this question: Whether a law firm is just another business, or something more. For example, the fifth point of A Lawyer’s Creed reads: “To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service (emphasis omitted).” “A Lawyer’s Creed,” https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm.

6. In my view, the essence of “Ethics” is how we treat others, hence a “treat others as one would want to be treated” approach to ethical discernment and decision-making, although in the context of a particular group’s culture (whether a particular profession or company) “ethical expectations” can be formulated and codified as a set of rules (e.g., for lawyers, “Georgia Rules of Professional
Conversely, “Professionalism” is best understood as being aspirational in nature—something we acknowledge and perhaps aim to achieve all the while realizing we will only to a degree. Even so, I believe, it is shortsighted, even fool-hearted, to think of “professionalism” as a mere synonym for civility and showing courtesy. (After all, one would hope that as lawyers we could resist the temptation to be nasty, less we be seen as nothing more than a group “Karens” and “Kevins.”) My point here is that to consider “professionalism” to simply mean to be “civil” and “courteous” towards our colleagues would cause us to miss out on the ways in which professionalism can also be fostered for one’s own professional fulfillment (read: career satisfaction) and leveraged for one’s own professional benefit (read: career progression). In short, professionalism, I believe, is much more than merely being “civil” and “courteous” in our words and actions (read: smiles and thank yous). This broader understanding of “professionalism” (i.e., considering “professionalism” as being not only “what is shown towards others” but also “what can it mean for you”) moves “professionalism” even further from the category of “merely aspirational” to the category of “more concrete.”


8. The words represent the farewell message offered to me by Hon. Thomas B. Bennett, retired chief U.S. Bankruptcy judge (N.D. Ala.), at the end of my clerkship: Wisdom for any lawyer, especially one at the outset of his law practice.

9. U.S. President Harry S. Truman is often credited with having said, “It is amazing what you can accomplish if you do not care who gets the credit.” Certainly, “shared success” is inclusive of “shared credit,” but there is more to it than just that.

10. See “Why I...am not famous—and that’s OK,” DAILY REPORT (Nov. 6, 2013); “Ten Things That Lawyers Can Do to Win Back Their Edge,” DAILY REPORT (Feb. 6, 2014).


13. Do not allow it to escape you that “A Lawyer’s Creed,” although aspirational (thoughts), contains many verbs (actions), for example, “... to improve the law and our legal system ... ” See the sixth point of A Lawyer’s Creed https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm.

14. Not surprisingly, the “something better” is a “problem solver.” “Problem solvers trump thinkers and doers because they thrive on spotting issues that are causing ineffectiveness, inefficiencies, discontent and the like. They are capable simultaneously of thought and action, which allows them to put fixes in place that make people and processes more effective and efficient, and colleagues and clients more content. It is problem solvers who have the ability to entertain the theoretical while always asking, ’What is the practical application here?’” Kent E. Altom, “Thinkers, Doers or Something Better,” THE LAWYERS COMPETITIVE EDGE: THE JOURNAL OF LAW OFFICE ECONOMICS AND MANAGEMENT (July 2015).

15. Questions—these and others—related to what a person should do when others around them do not share that person’s values lies squarely at the intersection of professionalism and ethics.

16. Why? Because just as it could be argued that it is nearly impossible to become wealthier than one’s boss, I would argue that it is nearly impossible to act more professionally or ethically than one’s boss.
Georgia Team Ready: Bringing Out the Best of the Legal Community by Preparing for the Worst

Georgia Team Ready has created a volunteer infrastructure that allows attorneys around the state to respond to the legal needs of Georgians in the wake of a disaster.

BY SUSAN COPPEDGE

As I write this article, we have just experienced a “near miss” with Hurricane Ian. Thankfully, the storm’s path meant that communities throughout Georgia were spared the worst of the storm, which left a significant amount of cleanup and recovery ahead for our neighbors in Florida. With the storm and its impact fresh on my mind, this seems like an appropriate time to share with you an important volunteer initiative ready to mobilize when disaster strikes: Georgia Team Ready (GTR).

GTR is a collaborative effort between Georgia Legal Services Program, the Young Lawyers Division (YLD) of the State Bar of Georgia, and the firms of Alston & Bird, Kilpatrick Townsend & Stockton, King & Spalding and Troutman Pepper. Together, we have created a volunteer infrastructure that will allow pro bono attorneys around the state to respond to the legal needs of Georgians in the wake of a disaster. GTR is our state’s response to the national effort coordinated by the Legal Services Corporation, American Bar Association Young Lawyers Division and the Federal Emergency Management Agency to provide immedi-
ate legal assistance, at no cost, to survivors of federally declared disasters.

GTR is about being ready for whatever may come, even if we don’t know exactly what it may be, or which regions of our state may be affected. Any natural disaster—hurricanes, tornados, floods, fires or others—can have significant, far-reaching impacts on Georgia’s citizens. Fundamental needs such as housing, food, transportation, employment and communication can be disrupted in an instant. Because many survivors of disasters will face challenges in more than one of these areas, the combined impacts can be overwhelming, leaving them with little idea how to respond or begin to rebuild.

The legal profession is experienced in handling stress, dealing with uncertainty and problem-solving. Once immediate physical needs like medical attention, food, clothing and security are addressed, pro bono lawyers can play a key role in helping survivors access recovery support and return to normalcy.

Much like any disaster preparations, GTR’s work starts long before disaster strikes. Brochures and educational materials are prepared—in both English and Spanish—on topics such as emergency preparedness, family readiness, securing essential documents and supplies, and other key topics.

In the event of a federal disaster declaration that allows for “individual assistance,” GTR volunteers can help with needs such as disaster unemployment benefits, emergency food stamps (SNAP), housing, FEMA benefits, insurance, ID and document replacement, and contractor/repair issues. Of course, most pro bono volunteers will not be experts in all facets of disaster response and recovery. To support our volunteers, the GTR collaborative has developed an electronic resource manual that volunteers can rely on as a substantive resource to help individuals facing myriad challenges that can surface following a disaster.

And the volunteers who will be using that resource guide? Thanks to technology—and the commitment of the YLD—pro bono attorneys from throughout Georgia will be able to provide a statewide response from wherever they are. A toll-free, multilingual hotline has been established for use by those seeking assistance following a disaster. Callers who are eligible for Georgia Legal Services Program (GLSP) services will receive help from one of our regional offices, while others will receive advice from pro bono attorneys. When it is safe to do so, volunteers who are able to respond in-person can be part of local clinics to provide in-person assistance in coordination with local leaders and resources.

But the real cornerstone of GTR is not the brochures, volunteer manual or the phone system. It is the collaboration and coordination between public, private and nonprofit partners. It is the investment that the members of GTR have committed to before the immediate need arises, so we are ready to help when that time comes. People often say that part of being a lawyer is always thinking ahead to what could go wrong and working to minimize the risks that may be present in any transaction, negotiation, litigation or policy change. But the skills of our profession go beyond identification of a risk, to the implementation of a response to the problem. In the case of disaster response, it is critical that this response be readied ahead of time, so it is ready to launch at what can be a moment’s notice. I am proud that GLSP and our partners in GTR have such a plan in place, and I invite other members of Georgia’s legal community to join us in these efforts. If you are interested in serving as part of Georgia Team Ready—or volunteering for one of GLSP’s other pro bono signature projects—you can sign up at the link found at www.glsp.org/volunteer-2.

Georgia Legal Services Program is a statewide nonprofit law firm providing civil legal services for those with low incomes across Georgia, creating equal access to justice and opportunities out of poverty. Visit www.glsp.org or call 404-206-5175 for more information.

Susan Coppedge  
Executive Director  
Georgia Legal Services Program  
scoppedge@glsp.org
2022 Commitment to Equality Awards

The Committee to Promote Inclusion in the Profession pays tribute to the 2022 Commitment to Equality Awards honorees, who are breaking barriers and blazing trails to make the legal profession more diverse and inclusive.

By Marcee L. Campbell Hill and Yoshana J. Hill

The Committee to Promote Inclusion in the Profession is honored to announce the 2022 Commitment to Equality Awards recipients, each of whom has demonstrated their genuine commitment and efforts to developing and maintaining diversity and inclusion within Georgia’s legal community with laudable results. We celebrate their achievements—both personal and professional—innovation and uniqueness, as they take on leading our profession in the right direction: an accepting, open and welcoming professional environment for all.

Randolph W. Thrower Lifetime Achievement Award
The Randolph W. Thrower Lifetime Achievement Award recognizes an outstanding individual who has dedicated his or her career to providing opportunities that foster a more diverse legal profession for members of underrepresented groups in the state of Georgia.

Tricia "CK" Hoffler, CEO, CK Hoffler Law Firm
Tricia “CK” Hoffler is the CEO of The CK Hoffler Firm, an Atlanta-based law firm that specializes in representing plaintiffs in trucking accidents, medical malpractice, wrongful death, catastrophic personal injury, civil rights litigation, commercial litigation, employment discrimination, opioid litigation and global commercial transactions. She is also counsel to civil rights icon Rev. Jesse Jackson, and has represented him, the Rainbow Push and related organizations, for the past 30 years. Hoffler also lectures extensively on trial strategies and winning trial techniques throughout the nation.

A service-oriented attorney, Hoffler’s community involvement includes active participation in pro bono law clinics, extensive lecturing on First Amendment matters, women’s issues, children’s concerns and international matters. She was intricately involved in the merit retention efforts related to the Florida Supreme Court and successfully co-chaired Florida Supreme Court Justice Peggy Quince’s campaign for merit retention.

His heart is in the community. Wong is the current president of the Council of State Court Judges, the first APA to serve as president of any judicial council in Georgia history. Over the years, he has received many awards for service, leadership and citizenship. In 2014, the Georgia Asian Pacific American Bar Association, which he co-founded, established its highest award, the Judge Alvin T. Wong Pioneer Award, in his honor.

Commitment to Equality Awards
The Commitment to Equality Awards recognize the efforts of individuals, companies and legal employers who are committed to providing opportunities that foster a more diverse legal profession for members of underrepresented groups in Georgia. The awards are presented annually to lawyers and legal employers that, over the course of a decade or more, have demonstrated an outstanding commitment to promoting diversity in the legal profession.

Barnes & Thornburg, LLP, Business Law Firm
Diversity, equity and inclusion initiatives in the legal industry abound. At Barnes & Thornburg, however, they are not just initiatives or programs. Instead, all are part of the firm’s long-standing core val-
ues, fully and deliberately integrated into the way they do business. The firm’s mission is simple: to position all of its talent to win—individually, collectively and for its clients.

Through conscious programming, engaged sponsorship and the continual internal and external investment of time, talent and resources, Barnes & Thornburg is building and sustaining an inclusive, respectful and open culture made up of accomplished individuals of all backgrounds.

**John T.L. Koenig, Partner, Barnes & Thornburg, LLP**

John T.L. Koenig currently serves as the managing partner of Barnes & Thornburg, LLP’s, Atlanta office. He earned his law degree from the Indiana University Robert H. McKinney School of Law, magna cum laude, and is admitted to practice before all the courts of Georgia. Koenig’s primary area of practice is labor and employment law. Over the years, Koenig has demonstrated his dedication to service in his profession and the community. Under his leadership, Barnes & Thornburg Atlanta has laudably contributed to the advancement and development of minority groups in the legal profession. Koenig is also the 2021 Camille Conway Diversity Award recipient, awarded to a Barnes & Thornburg mem-

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**Commitment to Equality Awards: 2022 Honorees**

- **Tricia “CK” Hoffler**
  - Randolph W. Thrower
  - Lifetime Achievement Award

- **Randolph W. Thrower**
  - Lifetime Achievement Award

- **John T.L. Koenig**
  - Commitment to Equality Award

- **Hon. Alvin T. Wong**
  - Lifetime Achievement Award

- **Hon. Tabitha Ponder**
  - Commitment to Equality Award

- **Sharon “Nyota” Tucker**
  - Commitment to Equality Award

- **Benjamin Torres**
  - One to Watch Award
A lot has changed in the last two years. How we provide for our clients, our firms, and even for ourselves, looks very different. But the constant through it all has been you and the legal tech community that we’ve been building these past 37 years. More than ever, the need to stay connected to your peers and keep up with the latest technology is paramount. Together we are stronger, better connected, and we are shaping the future of this industry.

Get the latest and greatest that you’ve come to expect from TECHSHOW, all in one place at TECHSHOW 2023. Connect with your peers for four days at the Hyatt Regency Chicago, through CLE sessions, networking events, keynotes and so much more.

Save $100 off standard registration by registering with our code: EP2301

Presented By:

American Bar Association
Law Practice Division
ber that has excelled in their commitment to diversity, equity and inclusion.

**Hon. Tabitha Ponder, Judge, Magistrate Court of Cobb County**

Judge Tabitha Ponder earned a B.S. degree in Psychology from Albany State University in 1996 and a J.D. from Mercer University Walter F. George School of Law in 1999. She began her legal career as an insurance defense attorney. In 2007, she became the founder/managing attorney of the Ponder Law Group, LLC, a statewide litigation firm. Ponder is now a part-time Cobb County Magistrate Court judge and a certified civil/domestic relations mediator and arbitrator.

Ponder is recognized statewide for her expertise and commitment to improving access to justice. She currently serves as the contracted staff attorney for the Judicial Council of Georgia’s Access to Justice Committee under the leadership of Justice Charlie Bethel, and Ponder was recently appointed to staff the Judicial Council’s Ad Hoc Committee on Improving Community Access to Legal Resources. She was appointed to serve as special master for the Superior Court of Cobb County in 2017. Ponder also previously taught as an adjunct professor for seven years at Albany State University.

**Sharon “Nyota” Tucker, University Counsel (retired), Albany State University**

Nyota Tucker has first-hand experience with integrating schools in the South. During her junior year of high school, she joined six of her fellow classmates from Oconee High School in the integration of the previously all-white Dublin High School. This first-hand experience with desegregation convinced her that becoming a lawyer was the most effective means of combating racism, upholding the constitutional rights outlined in the Declaration of Independence and forcing a system to correct itself.

Tucker went on to earn her B.A. in Political Science from Howard University, before becoming the first African American woman to receive a Juris Doctorate degree from the University of Georgia School of Law in 1974. She has served in a number of legal and academic positions, including an impressive tenure as a faculty member, pre-law advisor, university counsel and chief of staff at Albany State University (ASU). Her time at ASU allowed her to work with some of the brightest, most creative and determined students in higher education. In April 2022, the University of Georgia School of Law Alumni Association honored her as one of the Distinguished Service Scroll Awards recipients.

**One to Watch Award**

The One to Watch Award recognizes the efforts of young lawyers who are deeply committed to providing opportunities that foster a more diverse legal profession for members of underrepresented groups in Georgia.

**Benjamin Torres, Associate, King & Spalding, LLP**

Benjamin Torres was born in Atlanta, Georgia, and graduated with honors from the University of Georgia School of Law. He is a first-generation college graduate, the son of a Mexican immigrant, and is a member of Georgia’s LG-BTQ+ community. Torres is an associate at King & Spalding in its Trial & Global Disputes Division.

In only a few years of practicing law, Torres has already made a substantial impact on underrepresented and minority groups in Georgia. The same year that he was barred, he was elected to the Board of Directors of the Stonewall Bar Association of Georgia. Torres was recently elevated to an executive position with Stonewall, and he currently serves as secretary and as chair of the organization’s Outreach Committee.

**Conclusion**

Congratulations again to the 2022 honorees. Your service and commitment to our profession is truly commendable.

Please go to www.youtube.com/watch?v=3BT8of2DRHM to view the 2022 Commitment to Equality Award ceremony, hosted on May 19, 2022, at the Bar Center in Atlanta.

The committee would like to thank Sub-Committee Co-Chairs LaQuaria Barton and Aneisie Codrington for their leadership in planning and executing the awards ceremony. The committee would also like to thank Committee Co-Chair Elicia Hargrove for her assistance in planning and executing the award ceremony and preparing this article.

Marcee L. Campbell Hill serves as a senior staff attorney to Hon. Courtney L. Johnson in the Superior Court of DeKalb County. She is a proud graduate of Albany State University and Howard University School of Law.

Yoshana J. Hill serves as a staff attorney with the Georgia Department of Education. She is also a graduate of Albany State University, Vanderbilt University Law School and Georgia State University.

2022 DECEMBER 31
2023 Legislative Preview

BY CHRISTINE BUTCHER HAYES AND BROOKE TURNER

With the Nov. 8 midterm election and the Dec. 6 runoff behind us, Georgians will get to enjoy the end of college football season free from political ads. The season will wrap up on Jan. 9, 2023, just as the General Assembly kicks off the first year of the two-year legislative biennium. The Capitol will be buzzing as newly elected legislators take the oath of office and eagerly await committee assignments while returning legislators, staffers and lobbyists prepare for another legislative session.

Following the November election, Republicans maintain control of both chambers of the General Assembly. The 2023 Legislative Preview

The House of Representatives will be divided 101 Republicans to 79 Democrats, while the Senate will be divided 33 Republicans to 23 Democrats. The 2023 session will bring a wave of new faces, with 45 freshmen House members and 10 freshmen senators. Of the 55 new legislators, 12 are lawyers. This makes for a total of 25 lawyers in the House and nine in the Senate.

During the first week of the legislative session, Gov. Brian Kemp will be inaugurated into his second term in office. Lt. Gov.-Elect Burt Jones will take the helm in the Senate, with Sen. John Kennedy (R-Macon) serving as Senate President Pro Tempore, the second-highest leadership position in that chamber. The House will be under the new leadership of Speaker-Elect Jon Burns (R-Newington) following 12 years of guidance by the steady hand of House Speaker David Ralston. Ralston, a self-described “country lawyer” from Blue Ridge, announced in early November that he would not seek another term as House Speaker due to a health condition. He passed away on Nov. 16. Ralston will be fondly remembered for his pragmatic and bipartisan leadership style, where he sought to build consensus among House members.

As always, the state budget will be top of mind during the legislative session. Gov. Kemp’s recommendations are expected to build on many of the budget priorities from his first term, including prioritized funding for education and public safety. The governor has pledged...
to repeat this year’s extra tax refund, which he said will send an additional $1 billion to taxpayers. He has also proposed using another $1 billion to offset local property taxes. These initiatives will be funded through last year’s nearly $6.6 billion budget surplus.

Those in the legal community should keep an eye out for a comprehensive bill revising Georgia’s nonprofit code. The proposed legislation is a multi-year project by stakeholders in the State Bar’s Nonprofit Law Section. The Judicial Council of Georgia also recently supported proposed legislation by the Council of State Court Judges that would require alleged damages in civil actions to exceed $100,000 in order to demand a 12-person jury. Cases with alleged damages less than $100,000 may demand a six-person jury.

This coming year will be another important one for the State Bar of Georgia under the Gold Dome. The Legislative and Grassroots Program not only advocates changes that affect the practice of law, but also issues affecting the judiciary, public safety, and a host of other areas that attorneys regularly encounter. We encourage you to join us, either with your local bar associations or individually, for a “Lobby Day” at the Capitol. Lawyers are important and productive members of our communities and legislators find it meaningful to hear from their engaged, concerned constituents. We are grateful to those who donate to the Legislative and Grassroots Program, which is funded entirely through voluntary contributions upon renewal of your Bar dues. We appreciate your continued support as we continue to ensure a strong and unified voice for the profession under the Gold Dome.

The State Bar of Georgia’s Legislative Program is exclusively funded by voluntary contributions from our members. Any official position by the State Bar of Georgia, including its sections and committees, must follow the process outlined in Standing Board Policy 100, www.gabar.org/SBP100, and meet the standard set out by the U.S. Supreme Court in Keller v. State Bar of California. The State Bar and its affiliated entities cannot take an official position on legislation without following these policies and standards.

CONGRATULATIONS, NEWLY ELECTED LAWYER-LEGISLATORS

Rep. Omari Crawford (D–Decatur)
Rep. Terry Cummings (D–Mableton)
Rep. Saira Draper (D–Atlanta)
Rep. Soo Hong (R–Lawrenceville)
Rep. Tanya Miller (D–Atlanta)
Rep. Esther Panitch (D–Atlanta)
Rep. Teddy Reese (D–Columbus)
Rep. Matt Reeves (R–Duluth)
Rep. Deborah Silcox (R–Sandy Springs)
Rep. Anne Allen Westbrook (D–Savannah)
Sen. Jason Esteves (D–Atlanta)
Sen. Josh McLaurin (D–Sandy Springs)

Christine Butcher Hayes
Director, Governmental Affairs
State Bar of Georgia
christineh@gabar.org

Brooke Turner
Government Affairs Manager
Middleton Public Affairs
brooke@middletonpa.com
TILPP: Reflecting on 2022 as We Look Forward to 2023

The Transition Into Law Practice Program (TILPP) is the mentoring and continuing legal education requirement for most lawyers newly admitted to the State Bar of Georgia.

BY KELLYN O. MCGEE

As we come to the end of 2022, the Transition Into Law Practice Program (TILPP) is taking a look at its accomplishments of the last two years. Some of those accomplishments include new programming for lawyers enrolled in TILPP and ways that we have made the program more efficient.

New TILPP Programming

This year TILPP held its first live programs since March 2020. In August, 268 lawyers attended the Beginning Lawyers Program via Livestream. This program, which provides 6 CLE hours, was traditionally held in February, with attendees in person in Atlanta and at simulcast locations in Tifton and Savannah. This CLE is required for lawyers enrolled in TILPP, excluding prosecutors and public defenders, who have equivalent trainings within their organizations.

Following a welcome by State Bar of Georgia Executive Director Damon E. Elmore, Justice Sarah Hawkins Warren (via video), welcomed the new lawyers to the Bar and discussed civility within the profession. Elmore then explained the structure of the Bar, the role of the Board of Governors and resources available for members. Veronica Rogusky Cox, secretary of the Young Lawyers Division (YLD), welcomed the new lawyers and described the services the YLD provides.

The program continued with Jenny K. Mittelman, deputy general counsel of the State Bar of Georgia, discussing how to manage one’s online reputation and how to effectively communicate with clients and colleagues. R. Jayonne Hicks, chair of the Bar’s Attorney Wellness Committee, provided insight and personal reflections about managing wellness as a new lawyer and described the committee’s offerings.

State Bar of Georgia General Counsel Paula Frederick and Jamie McDowell, an associate at Fields Howell LLP, interviewed each other about the common ethics conundrums new lawyers face and how to avoid them. Niv Persaud, founder of Transition Planning & Guidance, LLC, covered the financial considerations of lawyers embarking on their careers. Karlise Y. Grier, executive director of the Chief Justice’s Commission on Professionalism, ended the program addressing the role of professionalism for new lawyers.

In October, TILPP held a live Group Mentoring program, with in-person attendance. This half-day program is for members enrolled in TILPP who do not have individual mentors. Following a welcome by Julia D. Neighbors, director of the Institute of Continuing Legal Education, Richard Harris, director of the High School Mock Trial Program,
and Mike Monahan, director of the Pro Bono Resource Center, discussed the importance of pro bono service and the various avenues for new lawyers to provide it. Alina Lee, Your Ad Attorney, described her wellness journey as a new lawyer through various positions and eventually founding her own firm. Jonathan Hawkins, founder of Law Firm GC, provided advice on starting and sustaining a firm, whether in solo practice or with partners. Following the program, attendees had lunch with leaders of State Bar sections.

Another informative, in-person Group Mentoring program was held on Dec. 6. All programming will be available as webcasts for lawyers enrolled in TILPP who were unable to attend on the initial program date.

Other Updates
Along with planning new programming, the department has implemented other changes in the last two years to improve efficiency for Bar members enrolled in TILPP. We have updated all required forms, and “wet” signatures and notarization are no longer required. Lawyers now submit forms via email to tilpp@gabar.org, allowing the department to process forms quicker. We no longer retain paper documents due to our requirement of electronic submissions. We also changed the deadline for exiting the program to Dec. 31 of the calendar year following admission to practice law.

In the upcoming months, we will begin to look closely at the program in order to ensure its value remains effective and efficient.

Kellyn O. McGee
Director, Transition Into Law Practice Program
State Bar of Georgia
kellynm@glsp.org

| TILPP FAQs |
| What is the timeline to complete TILPP? The deadline to complete the program is Dec. 31 of the calendar year following admission to the Bar. However, within 90 days of admission, the following forms are due (depending on your mentoring status): |
| - Enrollment Form |
| - Mentor Volunteer Form |
| - Compliance Checklist |
| - Mentoring Plan (first page) |
| - Mandatory Advocacy Experiences |
| - Continuing Legal Education Agreement |
| What are my Continuing Legal Education (CLE) requirements? Georgia lawyers have an annual requirement to complete 12 hours of CLE. Lawyers enrolled in TILPP complete those hours by attending (in person or via webcast) the six-hour Beginning Lawyers Program CLE or the equivalent for prosecutors or public defenders. Lawyers fulfill the additional six hours by attending CLE programs of their choice. |
| What is the process for a mentor to be appointed? The mentor must initial and sign the Mentor Volunteer Form. The mentor or the new lawyer emails the form to TILPP, which checks the discipline status of the nominee. The TILPP director submits the nominees to the Supreme Court and the Court issues an order of appointment once a month. |
| Do I need to wait for my mentor to be appointed before submitting a Completed Mentoring Plan or Mentoring Completion Certificate? The mentoring component of the program cannot be considered complete until the Court has appointed the mentor. |
| Should I mail forms to the Bar? Forms should be submitted electronically to tilpp@gabar.org. |
| What do I need to do if my mentor or job has changed? Please submit a Migration Form and, if you have a new mentor, the Mentor Volunteer Form. |
| I’m a staff attorney or clerking for a judge, what do I do about my TILPP requirements? If you are an active member of the Bar, you should complete the Exemption/Deferment Affidavit to defer from the program until you are no longer working in that capacity. You still need to comply with your CLE requirements. At the end of your clerkship, submit the Judicial Clerkship Completion Form to enroll in TILPP. If you are inactive, you should complete the Exemption/Deferment Affidavit, noting your inactive status. |
| I took the deposition of a client, and I argued a motion in court. Can I use these as Mandatory Advocacy Experiences? The requirement of five experiences is fulfilled by observation of, not participation in, advocacy. Up to three experiences from law school can be listed. Actual or virtual (i.e., simulations or videos) observations qualify. Observations (live or via recordings) of oral arguments at the Supreme Court of Georgia and the Court of Appeals of Georgia also qualify. Please see the Mandatory Advocacy Experiences Form for examples of experiences. |
| I’m not a new lawyer but I’m considering another practice area, or I am returning to private practice after several years. Can you assign a mentor for me? Please consider joining State Bar sections related to your practice area and reaching out to the executive committees of those sections for assistance with mentors. TILPP is for newly admitted attorneys in their first two years of practice. |

2022 DECEMBER 35
The Haralson County Courthouse at Buchanan: The Grand Old Courthouses of Georgia

BY WILBER W. CALDWELL

The 1892 Haralson County Courthouse at Buchanan is typical of Bruce and Morgan’s elegant and strangely personal Queen Anne courthouse style. The Atlanta architects often employed towers with bell roofs, ornate terra cotta decorations, delicate classically inspired fenestration and other details to create designs that were highly Picturesque in silhouette and lavishly embellished with all manner of eclectic decoration. Just as the story of this impressive courthouse typifies Alexander Bruce’s efforts, it is also typical of the struggle of many tiny Georgia hamlets to retain the county seat in the face of the fickle forces of New South aspiration.

When Haralson County was created from Carroll and Polk Counties in 1856, the vast rocky expanses of this hilly section of western Georgia contained no towns large enough to claim the title of county seat. In 1857, a central location was selected, and the county town was laid out. First called Pierceville, after President Franklin Pierce, the village soon discovered that the name was already in use in Georgia. One U.S. president must have appeared as good as another to the county’s founders, for the name was quickly changed to Buchanan for President James Buchanan, who had...
just been elected to replace the hapless Pierce. Both presidents were Democrats with an ear to the South's peculiar cause, but, in truth, both proved ineffective leaders in the hour of the nation's greatest need. As the west Georgia town that bore his name constructed its first courthouse James Buchanan stood helplessly by while Kansas burned, the Dred Scott decision affirmed slavery and the union plummeted toward war.

The frame courthouse completed at Buchanan in 1857 presided over a place so remote that the initial business of Haralson County's first inferior court was to mandate the construction of roads from Buchanan to Villa Rica, Carrollton and Cedartown. The old frame building, erected back in 1857, would stand for more than 30 years. In 1889, agitation for a new courthouse was intense among Buchanan's 324 residents. But by that time, the town stood in the shadow of a bizarre boom at nearby Tallapoosa, a village that, almost overnight, had become a city of nearly 3,000.

Only eight miles away, the capricious whim of the New South myth had fabricated this brief but convincing success along the rails of the old Georgia Pacific Railroad on Haralson County's western side. At the center of it all was a mineral spring and the enormous 175-room Lithia Springs Hotel built in 1892. Designed by Chattanooga architect, Samuel Patton, the hotel was heralded by locals as the largest wooden building in the South. This claim seemed to ignore the 250-room 1886 Sweetwater Park Hotel at Salt Springs (later called Lithia Springs) just up the rails of the Georgia Pacific near Douglasville. Whatever the case, unlike the resort at Salt Springs, the development in Tallapoosa described a much broader pattern. By the mid-1890s, the town had a mule drawn trolley line and a cotton mill under construction. In addition, the place boasted three hotels, a large sash and door factory, a foundry, a cabinet factory, a chemical company, a wagon manufacturer, a knitting mill, a glass factory to support local vineyards' increasing wine production and a blast furnace producing 50 tons of pig iron daily. Promoters also declared the town “a railroad center” primarily on the strength of plans to construct The Georgia, Tennessee and Illinois Railroad, which had been chartered in 1889 to connect Tallapoosa with “eleven railroads.”

The citizens of Buchanan could only admire the grand hotels and thriving commerce from afar. Thus, the thrust of the argument for a new courthouse in Buchanan in 1890 was of a distinctly defensive sort. Bruce and Morgan's Queen Anne elegance was not inspired by the wild dreams of railroad-borne prosperity that we find elsewhere along the rails of The Chattanooga, Rome and Columbus. It rose more from the fear of losing the status of county seat to nearby Tallapoosa.

The construction of Bruce and Morgan's 1892 Haralson County Courthouse at Buchanan did little to stimulate growth in the tiny hamlet, which in 1900 still counted only 359 residents, but it did cement the town’s hold on the county seat. Meanwhile, like most flashes of New South prosperity, the boom at Tallapoosa was short-lived. The Georgia, Alabama and Illinois Railroad was never built, and the great Tallapoosa building boom collapsed in the Panic of 1893. By 1900, the town's population stood at just above 2,000. In 1910, this figure remained unchanged. The economic prosperity of the earlier decade had depended upon growth, and as the language of the handsome brochures promoting a New South of industrial prosperity and racial harmony began to acquire a hollow ring, places like Tallapoosa began to stagnate. In 1907, when Georgia passed a prohibition law effectively killing the region's prosperous wine industry, the iron deposits of west Georgia were beginning to show signs of depletion. By that time, the halls of the once grand Lithia Springs Hotel were filled with nothing more than the ghosts of a bygone era. The great wooden building was demolished in 1946. ●

Kudos

The University System of Georgia (USG) Foundation announced that Maj. Gen. Robert L. “Bobby” Shannon was awarded the Regents’ Hall of Fame Alumni & Distinguished Friends Award in September at its scholarship gala. The award is bestowed annually by the USG Foundation to recognize professional achievements, personal integrity and dedicated service to the institution of USG alumni. The award is earned by individuals who demonstrate a fierce commitment to higher education in Georgia, and whose recognition is sure to inspire others. In 2021, Valdosta State University (VSU) dedicated the Shannon Center for Diversity, Equity and Inclusion in Shannon’s honor for providing a scholarship to support the development of future leaders. The center stands as a visible reminder of VSU’s renewed commitment to educate on diversity, enhance equity, and embrace inclusivity and serve as a gathering spot for special programs, mentor groups and events.

Charles T. Sharbough, a Carlton Fields commercial real estate and finance lawyer, was awarded the Kathy Bernhardt Volunteer of the Year Award by Atlanta’s Alliance Theatre. Sharbough received the award in September at the theatre’s season opening celebration. The annual award—established by the theatre’s Life Director Ken Bernhardt in honor of his late wife Kathy, who exemplified selfless volunteerism throughout her life—is presented to a community member who devotes momentous amounts of their time and talent to carry on Bernhardt’s legacy and make the Alliance a more vibrant, strong and familial institution.

Baker Donelson announced that Justin S. Daniels has co-authored “Data Reimagined: Building Trust One Byte at a Time,” which outlines best practices in establishing and implementing security measures for common vulnerabilities while creating and safeguarding customer trust with proper data use and sharing practices.

Baker Donaldson also announced that the firm achieved Mansfield 5.0 Certification Plus Status. To accomplish this achievement, the firm collaborated with Diversity Lab over a 12-month certification period. Mansfield aims to increase and sustain diversity in leadership within law firms by broadening the pool of women lawyers, LGBTQ+ lawyers, lawyers with disabilities, and underrepresented racial and/or ethnic lawyers who are considered for senior lateral attorney job openings, firm governance opportunities, equity partner promotions and firm leadership positions.

Dazi Lenoir was named the chair of the Florida State University (FSU) Alumni Association’s board of directors, becoming the first African American woman to be appointed as chair of the FSU Alumni Association.

Oliver Maner LLP celebrated its 125th anniversary in September. Savannah Mayor Van Johnson presented Oliver Maner with a proclamation from the city of Savannah, commending the firm’s achievements and dedication to honest and reputable law practice. The firm also received a resolution from the State Bar of Georgia.

FordHarrison LLP was named a Compass Award winner by the Leadership Council on Legal Diversity (LCLD). The award recognizes law firms and corporations that show a strong commitment to building more diverse organizations and a more inclusive legal profession. LCLD is one of the nation’s leading organizations promoting diversity and consists of more than 430 corporate chief legal officers and law firm managing partners—the leadership of the profession—who have dedicated themselves to creating a truly diverse U.S. legal profession.

On the Move

IN ATLANTA

Arnall Golden Gregory announced the addition of Colleen K. Heibeck and Hemant M. Piduru as partners and Kelly L. Mancini as of counsel. Heibeck focuses her practice on commercial real estate where she represents developers, lenders, landlords, tenants, borrowers, sellers and purchasers in complex commercial real estate transactions, including acquisition, disposition, development, financing and leasing in the retail, hospitality and general real estate areas. Piduru’s practice focuses on real estate matters including counseling through acquisition, development, financing, management, leasing and disposition of real estate assets, including hotel, office, retail and multi-family properties. Mancini focuses her practice on commercial real estate development and retail leasing. The firm is located at 171 17th St. NW, Suite 2100, Atlanta, GA 30363; 404-873-8500; www.agg.com.
MLO Law, LLC, announced the opening of their office in Atlanta led by principal attorney Nalini S. Mahadevan and the addition of Lum T. Fobi as of counsel. Mahadevan focuses her practice on immigration law. Fobi’s practice focuses on estate planning and probate. The firm is located at SynerG Law Complex, 6075 Barfield Road, Atlanta, GA 30328; 770-462-0111; www.mlolaw.us.

Hall Booth Smith, P.C., announced the addition of Noga Baruch and M. Blake Walker as associates. Baruch focuses her practice on aging services and labor and employment matters. Walker focuses his practice on the defense of medical malpractice matters. The firm is located at 191 Peachtree St. NE, Suite 2900, Atlanta, GA 30303; 678-539-1663; www.hallboothsmith.com.

FordHarrison LLP announced the addition of Abed Fakhoury as an associate. Fakhoury’s practice focuses on representing and counseling management in issues related to labor and employment law. The firm is located at 271 17th St. NW, Suite 1900, Atlanta, GA 30363; 404-888-3800; Fax 404-888-3863; www.fordharrison.com.

Rohan Law, P.C., announced that David Scott Thompson was chosen to lead the Workers’ Compensation Department after practicing as a solo practitioner for nine years and handling workers’ compensation defense work prior to that. The firm is located at 375 Northridge Road, Suite 120, Atlanta, GA 30350; 404-751-2439; www.rohanlawpc.com.

Baker Donelson announced the addition of Amanda Wilson Speier as of counsel. Speier focuses her practice on matters involving professional liability defense, general liability, contract and billing disputes, and premises liability defense. The firm is located at 3414 Peachtree Road NE, Suite 1500, Atlanta, GA 30326; 404-577-6000; Fax 404-221-6501; www.bakerdonelson.com.

Swift, Currie, McGhee & Hiers, LLP, announced the addition of Noah A. Caldwell, Graham W. Davis, Alice B. Hollaway and Louis M. LaFeve as associates. Caldwell’s practice focuses on defending businesses and insurers in litigation and mediation proceedings with a focus on claims related to automotive and general liability claims, as well as matters related to premises liability. Davis focuses his practice on automotive and general liability claims, as well as matters related to premises liability. Hollaway’s practice focuses on representing insureds and insurance carriers in legal disputes, both in litigation and in anticipation of litigation, in matters related to liability, exposure and coverage. LaFeve’s practice focuses on representing businesses and insurance carriers in premises liability, auto liability and first-party coverage. The firm is located at 1355 Peachtree St. NE, Suite 300, Atlanta, GA 30309; 404-874-8800; Fax 404-888-6199; www.swiftcurrie.com.

Hall Booth Smith, P.C., announced the addition of Juan Patino as an associate. Patino focuses his practice on business litigation, business transactions, corporate and partnership, and government affairs matters. The firm is located at 2710 Old Milton Parkway, Suite 200, Alpharetta, GA 30009; 470-386-6903; www.hallboothsmith.com.

Hall Booth Smith, P.C., announced the addition of Mary Stamper Grogan as an associate. Grogan’s practice focuses on the defense of the medical malpractice matters. The firm is located at 1301 1st Ave., Suite 100, Columbus, GA 31901; 706-494-3818; www.hallboothsmith.com.

Cannella Snyder announced the addition of Devin Mashman as an associate. Mashman represents plaintiffs in product liability, whistleblower and catastrophic personal injury cases. The firm is located at 315 W. Ponce de Leon Ave., Suite 885, Decatur, GA 30030; 404-800-4828; Fax 404-393-0365; www.cannellasnyder.com.
Hall County Solicitor-General Stephanie Woodward announced Stephanie Thompson as the new chief assistant for the Hall County Solicitor’s Office. Thompson came to the Solicitor’s Office after an internship in the Gwinnett Judicial Circuit and has served as a senior trial assistant solicitor-general for almost seven years. Woodward also announced the promotion of Brooke Jackson to deputy chief assistant solicitor. Jackson has served as an assistant district attorney in Athens-Clarke County and a senior assistant solicitor-general in the Hall County Solicitor’s Office. The Hall County Solicitor’s Office is located at 225 Green St. SE, 1st Floor, Gainesville, GA 30501; 770-531-7012; Fax 770-531-7020; www.hallcounty.org.


Boyd & Jenerette P.A. announced the addition of Harrison Pratt as an associate. Pratt focuses his practice on personal injury litigation. The firm is located at 33 Bull St., Suite 100, Savannah, GA 31401; 912-921-8820; Fax 912-600-2113; www.boydjen.com.

Hamilton Trust, Estate & Elder Law, formerly known as Hamilton Estate Planning, announced their new location and firm name change. The firm is led by Paul W. Hamilton whose practice focuses on wills, trusts, estates, Medicaid, asset protection and elder law. The firm’s new location is 2502 N. Oak St., Valdosta, GA 31602; 229-207-0850; Fax 229-333-0926; www.hamiltontrust.law.

Kramon & Graham announced that Bradley M. Strickland, litigator in the firm’s commercial litigation group, was appointed principal of the firm. Strickland’s practice focuses on commercial disputes, professional malpractice, catastrophic personal injury and toxic torts. The firm is located at One South St., Suite 2600, Baltimore, MD 21202; 410-752-6030; Fax 410-539-1269; www.kramonandgraham.com.

Baker Donelson announced the addition of Jennifer K. Dunlap as a shareholder at the firm’s new Charleston office. Dunlap focuses her practice on handling employment and business disputes in federal and state courts for clients in the manufacturing, technology, health care, banking and hospitality industries. Her litigation experience includes serving as lead counsel in lawsuits involving allegations of discrimination, harassment and retaliation tied to race, gender, sexual orientation, national origin, age, disability, whistleblowing and veteran status. The firm is located at 40 Calhoun St., Suite 200B, Charleston, SC 29401; 854-214-5900; www.bakerdonelson.com.

Announcement Submissions

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

To place an announcement, please contact Jada Pettus at jadap@gabar.org or 404-527-8736.
It’s a great idea to join a State Bar Section.

The State Bar of Georgia’s 51 sections provide newsletters, programs and the chance to exchange ideas with other practitioners. Section dues are very affordable, from $10-35. Join one (or more) today by visiting www.gabar.org > Our Programs > Sections. Questions? Contact Sections Director Mary Jo Sullivan at maryjos@gabar.org.
I’m a Lawyer, Not a Banker!

Under current ethics rules, a lawyer can’t give a client rent money—but that might change if a pending proposed amendment is approved.

BY PAULA FREDERICK

“I think we can get this dispossessory tossed out, and we should be able to get you some compensation for the things that were damaged when the apartment flooded,” you assure your new pro bono client after hearing her story. “Remember to pay your rent directly to the court for the next couple of months, so you don’t get evicted before the trial.”

“I spent the rent money—I had to buy new furniture,” your client reminds you. “I sure hope we can get my money back, but I’ll probably get evicted before we get to court!”

“I tell you what. My firm can pay the rent for the next couple of months,” you offer. “We have a special fund for cases like yours.”

Can a lawyer give a client rent money?

Not now; but if a pending proposed amendment is approved, that could change.

The American Bar Association amended the applicable Model Rule of Professional Conduct in 2020. Under the new ABA rule, a lawyer representing an indigent client pro bono may give the client “modest gifts ... for food, rent, transportation, medicine and other basic living expenses.”

Before this change, the ethics rules prohibited lawyers from giving gifts to clients who they represent in litigation matters. Comment 5 of Rule 1.8 explained that the prohibition was justified because of the risk that clients would pursue lawsuits that might not otherwise be brought, and because the assistance could give lawyers too great a financial stake in the litigation.

Proponents of the new version of 1.8(e) argue that allowing modest gifts for necessities will not create conflicts of interest or invite abuse. Under the revised rule the lawyer cannot advertise the availability of gifts, or use them as an inducement to lure clients. Once given, the lawyer may not seek or accept reimbursement of the gift.

Of course, the ABA Model Rules are not binding in Georgia. As it does with all amendments to the Model Rules, the Georgia Disciplinary Rules & Procedures Committee considered the ABA’s change to Rule 1.8(e) and with minor revisions, has recommended that the Board of Governors approve it. Since the rule is a significant change from current practice, the Bar’s Executive Committee asked that the rule be published for comment from Bar members even before the Board’s vote, which will likely be at the Spring Board Meeting.

By the time you read this, the draft rule will be posted on the website. Please take the opportunity to let us know what you think.

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

Endnotes
1. ABA Model Rule 1.8(e), as amended August 2020.
2. If you have trouble finding the proposal, email Betty Derrickson at bettyd@gabar.org to request a copy.
Attorney Discipline Summaries

August 9, 2022, through September 20, 2022
BY LEIGH BURGESS

Disbarments
Amber Holly Bunch
28 Stillman St. SE
Atlanta, GA 30315
Admitted to the Bar 2016

On Aug. 9, 2022, the Court accepted the special master's recommendation and accepted the petition of Amber Holly Bunch (State Bar No. 994313) for voluntary surrender of license, which is tantamount to disbarment.

The matter came before the Court on the report of the special master after the filing of a formal complaint. In her petition, Bunch requested she be allowed to voluntarily surrender her license for her admitted violations, in two separate but related matters, of Rules 1.3, 1.15 (I) (a), 1.15 (I) (c), 1.15 (II) (a), 1.15 (II) (b) and 3.2 of the Georgia Rules of Professional Conduct. While one of the matters had not yet been docketed with the Court, was considered confidential and not before the special master, Bunch waived confidentiality and requested that the special master also consider the admissions of fact and rule violations in that matter as part of her petition. In her petition, Bunch admitted the following facts. With regard to State Disciplinary Board Docket (SDBD) No. 7462, Bunch admitted that in December 2017, a client retained her for a personal injury action arising from an accident. Bunch eventually settled the client's claim against the defendant for the policy limit of $100,000 in April 2018 and deposited the settlement check into her IOLTA account. However, Bunch failed to safeguard the settlement funds and allowed the balance in her trust account to fall below the amount she should have held for the client, and she also failed to maintain records reflecting the balance held for her client in the IOLTA account. In addition, Bunch maintained personal funds in her IOLTA account during the same time she held funds for the client; she withdrew funds for her personal use; and she did not deliver the settlement funds to her client until January 2021. She further admitted that she used personal funds to disburse the settlement funds to her client and that she did not disburse the settlement funds from her IOLTA account. During the litigation of her client's lawsuit, Bunch also failed to adequately respond to discovery sent by the uninsured/underinsured motorist carrier on behalf of the client, and the uninsured/underinsured motorist carrier filed several motions to compel discovery, but Bunch failed to file a response to those motions either. With regard to SDBD No. 7508, the undocketed matter, Bunch admitted that from September 2018 to March 2020, she maintained personal funds in her IOLTA account; she failed to keep records showing the exact balance held for each client; and she failed to safeguard client funds.

Based on her conduct in SDBD No. 7462, Bunch admitted violating Rule 1.3 by failing to respond to motions on behalf of her client. In addition, she admitted violating Rules 1.15 (I) (a) and 1.15 (I) (c) by failing to safeguard the client's settlement funds, commingling personal and client funds, failing to keep complete records of the client's funds, failing to properly account for the client's funds and failing to promptly deliver the settlement funds to the client. Next, Bunch admitted that she violated rules 1.15 (II) (a) and 1.15 (II) (b) by failing to administer client funds from a trust account, by failing to maintain records reflecting the balance held by her client, and at times having a lower balance in her trust account than the amount she should have been holding for her client. Bunch also admitted that she could not ascertain from her existing records when the client's money had been withdrawn and for what purpose. Next, Bunch admitted that she violated Rule 3.2 by failing to respond to discovery and motions.
filed against the client in order to expedite the litigation consistent with the client’s interests. Finally, as to SDBD No. 7508, Bunch admitted that based on her conduct she violated Rules 1.15 (I) (a) and 1.15 (II) (b) by failing to safeguard client funds, by commingling client and personal funds in her trust account, and by failing to keep records of client funds, including the exact balance held for each client. The maximum penalty for a violation of each of these Rules is disbarment, except Rule 3.2, for which the maximum penalty is a public reprimand.

After the State Bar responded and recommended that the special master accept Bunch’s petition for voluntary surrender, the special master issued a report recommending that the Court accept the petition. The special master agreed that Bunch’s conduct as outlined in her petition supported violations of the Rules referenced. The special master further determined that, although relatively inexperienced in the practice of law, Bunch demonstrated personal conduct that was antithetical to the standards required of those licensed to practice law in this state and that warranted and compelled disbarment.

Michael Anthony Eddings
3475 Oak Valley Road NE
Atlanta, GA 30326
Admitted to the Bar 2002

On Aug. 9, 2022, the Supreme Court of Georgia disbarred attorney Michael Anthony Eddings (State Bar No. 238751) from the practice of law in Georgia. The disciplinary matter came before the Court on the report and recommendation of the State Disciplinary Review Board, which recommended disbarment for his violations of Rules 3.3, 4.1, 4.2 (a), 8.1 (a) and 8.4 (a) (4) of the Georgia Rules of Professional Conduct. The maximum penalty for a violation of any of these rules is disbarment. Although Eddings vehemently denied violating any of these rules, the special master, who had the opportunity to see and consider the testimony of the witnesses and to review the properly admitted evidence, made credibility determinations adverse to Eddings, and the Review Board adopted those determinations. Finding they were supported by the record, the Court agreed with the special master and the Review Board that Eddings’ conduct violated the above-mentioned rules that disbarment was the appropriate sanction.

As background, in its formal complaint, the State Bar asserted that, while representing a client who had been charged with murder, Eddings tape-recorded his July 22, 2017, interview with a material witness who had been charged with making a false statement in connection with the victim’s death. Because the witness’ interview contained information exculpatory as to Eddings’ client and incriminating as to the witness, Eddings provided a copy of the recording to the assistant district attorney in his client’s case, which subsequently indicted the witness as a co-defendant in the murder case. The two co-defendants were tried separately, and both were acquitted. However, during the witness’ May 2018 trial on the murder charge, Eddings was called by the state to authenticate his recording of the witness’ statement to him, and Eddings testified under oath that he knew at the time he interviewed the witness that the witness was represented by attorney Stacey Jackson; that he was unsuccessful in his attempts to contact Jackson to obtain his consent to interview the witness; and that he conducted the interview anyway because he believed he did not need Jackson’s permission. The next day, however, Eddings sent an email to the judge who presided over the murder trial, the chief judge of the circuit, the ADA in the witness’ case and Jackson. In that email, Eddings attempted to disavow his sworn trial testimony from the day before, asserting that he had “forgotten” that he actually had received consent from Jackson to interview the witness; that he obtained that consent in a June 30, 2017, telephone conversation with Jackson; that there had been witnesses to the consent because he had engaged in the conversation with Jackson via speakerphone while he was in a meeting with his client’s family; and that his wife, who was also his legal assistant, had reminded him of the meeting and Jackson’s consent immediately after he completed his testimony under oath at the witness’ trial. During the State Bar’s investigation, Eddings presented to the State Disciplinary Board (SDB) sworn affidavits from his wife and from two men, both of whom were related to Eddings’ original client, all of which supported Eddings’ version of events.

The Bar recounted that prior to the incident with this witness, Eddings had twice been held in contempt and fined by the Superior Court of Muscogee County for intentionally contacting represented persons without the consent of their lawyers. In one matter, he was ordered to never violate Rule 4.2 again and never contact or interview a represented client again without permission of the client’s attorney. This incident also formed the basis for one of Eddings’ two prior public reprimands. Based on the facts of the current case, the Bar charged Eddings with violation Rules 3.3, 4.1, 4.2 (a), 8.1 (a) and 8.4 (a) (4) and invoked Bar Rule 4-103, which states that a finding of a third or subsequent disciplinary infraction under the Rules constitutes discretionary grounds for suspension or disbarment.

After a lengthy evidentiary hearing, at which testimony was taken from Eddings, Jackson and the three witnesses who had submitted affidavits in support of Eddings, the special master issued his report and recommendation in which he concluded that Eddings knew when he interviewed the witness, without Jackson, that the witness had been charged with making a false statement in connection with the murder. The special master considered the evidence Eddings introduced to support his version of events; however, found that version implausible and concluded that Eddings’ testimony during the disciplinary proceedings and the affidavits were “demonstrably false.” The special master concluded Eddings violated Rule 3.3 (a) (1) by sending the May 18, 2018, email to the judges; Rule 4.1 by sending the email to the judges, prosecutor and Jackson; Rule 4.2 (a) by communicating...
with the witness without Jackson’s consent even though he knew the witness was represented by Jackson regarding the murder; Rule 8.1 (a) by falsely asserting that he had received permission to interview the witness and submitting false affidavits and testimony to support that claim during the disciplinary proceedings; and Rule 8.4 (a) (4) by repeatedly making false disavowals of his sworn trial testimony and enlisting witnesses to repeat his false statements under oath. The special master further found that Rule 4-103 applied because this would be Eddings’ third disciplinary infraction and concluded that disbarment was the appropriate sanction for his violation. The special master concluded no factors in mitigation existed but determined that almost all of the aggravating factors applied including: prior disciplinary history; dishonest or selfish motive; vulnerable victim; pattern of misconduct; bad-faith obstruction of the disciplinary process; submission of false evidence during the disciplinary process; refusal to acknowledge the wrongful nature of his conduct; and substantial experience in the practice of law.

Eddings then filed exceptions and requested review by the Review Board, and the Bar responded. The Review Board issued its report and recommendation noting the Bar bore the burden of proving each element of a violation by clear and convincing evidence and that the Board was required to review the special master’s conclusions of law de novo and accept the findings unless there were “clearly erroneous” or “manifestly in error.” The Review Board concluded that the special master’s factual findings were not clearly erroneous or manifestly in error and adopted the factual findings as its own. The Review Board further agreed with the special master’s conclusions that Eddings violated the identified rules; that he did so knowingly and with the intent to affect the outcome of either the legal proceeding or the subsequent disciplinary proceeding; and that those proceedings were significantly affected. Ultimately, after taking into consideration Eddings’ prior disciplinary history and the Court’s stated lack of “tolerance for a lawyer who lies during disciplinary proceedings or engages in conduct involving dishonest, fraud, deceit or misrepresentation,” the Review Board agreed that disbarment was the appropriate discipline.

Eddings filed exceptions to the Review Board’s report and recommendation asserting that the Bar and special master acted dishonorably in labeling him and his witnesses as liars; that Jackson maliciously lied through the disciplinary proceedings; that the Bar engaged in some ill-defined and unsubstantiated conspiracy with Jackson to see Eddings fail; and the special master demonstrated bias and partiality in favor of the Bar and erred by finding Eddings’ own sworn testimony at the witness’ trial and Jackson’s testimony at the hearing more credible than the evidence and testimony presented at the hearing by Eddings and the affidavits. Ultimately, after a close review of the record, the Court agreed with the special master and the Review Board that the facts supported a finding that Eddings violated the above-mentioned rules and that disbarment was the only appropriate sanction, particularly as this was Eddings’ third infraction.

Grady Alexander Roberts III
4470 Satellite Blvd., Suite 101
Duluth, GA 30096
Admitted to the Bar 1994

On Aug. 9, 2022, the Supreme Court of Georgia disbarred attorney Grady Alexander Roberts III (State Bar No. 609540) from the practice of law in Georgia. Four matters (State Disciplinary Board Docket (SDBD) Nos. 6875, 6876, 6963 and 7027) came before the Court on four separate reports and recommendations of the State Disciplinary Review Board, each of which reviewed separate reports and recommendations made by the special master. The Review Board recommended that Roberts be disbarred for a number of violations in the four separate client matters, and the Court accepted the recommendation. The Court noted that the Bar alleged a number of violations against Roberts, but the special master and the Review Board reached different conclusions about whether certain Rules had been violated. And for certain other alleged violations, even where the special master and Review Board agreed, the issues appeared to be debatable to the Court. The Court said from its review of the record, it could not be reasonably disputed that Roberts committed numerous violations of multiple rules, including several for which disbarment was an available sanction; therefore, it only addressed the violations that the record clearly supported. Specifically, the Court only addressed the violations in SDBD Nos. 6963 and 7027 and did not address the allegations in SDBD Nos. 6875 and 6876.

As a threshold matter, Roberts raised a number of procedural objections to the disciplinary proceedings, but the Court concluded none had merit. With regard to SDBD No. 6963, the facts are as follows. Roberts filed a complaint for wrongful foreclosure on behalf of a client.
The defendants were not satisfied with Roberts’ responses to discovery and so moved for sanctions or to compel discovery. Roberts did not respond and instead dismissed the action. Roberts did not inform the client of either the motion for sanctions or the dismissal of the suit. The defendants then sought attorney fees related to their action to compel discovery, but Roberts again did not respond or inform his client. The client learned about the motion through other means. Neither Roberts nor the client appeared for a hearing on the request for attorney fees, and the trial court entered a substantial award of fees against Roberts and his client, jointly and severally, about which Roberts failed to inform his client. Roberts sought to appeal the order on sanctions and moved to set aside the order in trial court, but the appeal was dismissed, and the trial court denied the motion to set aside. Roberts did not inform his client that the appeal had been dismissed. Roberts then continued a similar pattern of actions and inactions, resulting in, among other things, the imposition of more fees and the dismissal of another appeal. Roberts yet again failed to inform his client about those. The Bar alleged Roberts’ conduct violated Rules 1.1 and 1.2 (a), which hold the maximum sanction of disbarment.

With regard to SDBD No. 7027, according to the special master and as shown in the record, in 2014, Roberts was retained by a client to get a mortgage modification. The client was never presented with a modification document to review and was not updated on the status of her application. When the client asked about the status, Roberts’ staff informed her they were waiting to hear from the mortgage company. She eventually learned from his staff that her loan modification had been denied. Roberts informed the client that he believed she had a good case and that he could help her keep her house. She understood that he had discovered a problem with the mortgage paperwork that would absolve her of her mortgage obligations altogether, although he did not explain the problem or process to her. Later, the client received a notice of acceleration from the mortgage lender threatening foreclosure of her home. When she called Roberts about the notice, he assured her that there could be no foreclosure while the house was the subject of litigation. Despite that assurance, the client’s home was sold in an April 2015 non-judicial foreclosure sale. Then, without the client’s knowledge or consent, Roberts filed a wrongful foreclosure action on the client’s behalf; but the superior court granted motions to dismiss filed by the defendants on several bases. Roberts never informed the client about filing the action or the dismissal, and she continued to make fee payments to Roberts.

Some time later, the buyer of the client’s home filed a dispossessory action against the client in magistrate court, to which Roberts filed an answer and counterclaim, but after a hearing, the court granted a writ of possession to the buyer and dismissed the counterclaim. The court also entered a monetary award against the client and ordered that, if she elected to appeal, she would be required to pay significant costs into the court’s registry. Roberts failed to inform the client about the monetary award or the dismissal, and she continued to make fee payments to Roberts.

The Review Board concluded that Roberts knowingly and intentionally engaged in the rules-violating conduct in SDBD Nos. 6963 and 7027 and caused actual harm to his clients. The Review Board considered the following factors to be aggravating: that Roberts had substantial experience in the practice of law; that he had a dishonest or selfish motive; that his misconduct was part of a pattern; that his misconduct involved multiple offenses; that he refused to acknowledge the wrongful nature of his conduct; that his client in SDBD No. 7027 was a vulnerable victim; and that Roberts has demonstrated indifference to making restitution. As for mitigating factors, the Review Board agreed that Roberts had not been subject of discipline before. The Court agreed disbarment was the appropriate sanction as Roberts had clearly violated Rules 1.1 and 1.2 (a) in SDBD No. 6963 and Rules 1.1, 1.2 (a), 1.3 and 1.4 in SDBD No. 7027.
Stephen Anthony Power
4002 Highway 78, Suite 530-368
Snellville, GA 30039
Admitted to Bar 2009

On Aug. 23, 2022, the Supreme Court of Georgia disbarred attorney Stephen Anthony Power (State Bar No. 600565) from the practice of law in Georgia. The disciplinary matter came before the Court on a notice of discipline recommending the disbarment of Power in connection with three matters set out in State Disciplinary Board Docket (SDBD) Nos. 7532, 7533 and 7534. After the State Bar requested that Power acknowledge service of the notice and he failed to respond, the State Bar made several attempts to personally serve Power at the address on record with the State Bar but was unable to perfect personal service. The State Bar then properly served Power by publication, but Power failed to file a notice of rejection. Therefore, the Court found him to be in default, to have waived his right to an evidentiary hearing, and to be subject to such discipline and proceedings as determined by the Court.

The facts, as deemed admitted by his default are as follows: In connection with SDBD No. 7532, in May 2018, a client retained Power to represent him in a divorce proceeding and paid Power $1,258. However, Power never performed any legal services in the matter, failed to respond to his client’s requests for information, failed to respond when his client terminated the representation in October 2019 and failed to refund the fee. In connection with SDBD No. 7533, in July 2019, a client retained Power to represent him in a child custody modification action. After the client’s former spouse declined to consent to modification, Power advised his client to file a contested petition for modification. Power’s client executed a legal services contract for the representation and paid Power a $3,000 flat fee. Power performed some work on the matter in the fall of 2019. However, after Power had his client sign a verification form on Nov. 9, 2019, to accompany the petition and indicated that the petition would be filed, Power never filed the petition. Power also failed to communicate with his client again or respond to any of his client’s repeated communications seeking information about the status of the matter. In connection with SDBD No. 7534, in April 2020, the State Bar received notification that Power’s trust account was overdrawn by $1,500, and in May 2020, the State Bar received notification of an additional overdraft of $3,000. Power did not respond to any of the State Bar’s inquiries about the overdrafts.

Based on these facts, the State Disciplinary Board found probable cause to believe Power violated Rules 1.2 (a), 1.3, 1.4, 1.5 (a), 1.15 (I), 1.15 (II), 1.15 (III), 1.16 (d) and 9.3 of the Georgia Rules of Professional Conduct. The maximum sanction for a violation of Rules 1.2, 1.3, 1.15 (I), 1.15 (II) and 1.15 (III) is disbarment, and the maximum sanction for a violation of Rules 1.4, 1.5, 1.16 and 9.3 is a public reprimand. The Board considered as aggravating factors Power’s 12 years of practice, his “repetitive pattern of misconduct,” and his intentional failure to comply with Bar Rules as demonstrated by his failure to respond to the State Bar and his clients and his failure to keep his contact information with the State Bar up to date. The Board considered as a mitigating factor Power’s lack of a disciplinary history.

Joseph Arrington II
1255 Veltre Circle
Atlanta, GA 30311-3129
Admitted to the Bar 1996

On Sept. 20, 2022, the Supreme Court of Georgia disbarred attorney Joseph Arrington II (State Bar No. 023728) from the practice of law in Georgia. The disciplinary matter came before the Court on the report and recommendation of the special master. The record reflected that the State Bar filed a notice of discipline seeking Arrington’s disbarment and alleging that Arrington paid his 2017-18 Bar dues with a check drawn on his trust account; that he made deposits to his trust account from his personal account and “his American Funds account;” that he made payments from his trust account that appeared to be related to personal expenses; and that on multiple occasions, he made cash withdrawals from his trust account in amounts ranging from $25 to $350. The Bar alleged that by this conduct, Arrington violated Rules 1.15 (I) and 1.15 (II). The maximum sanction for a violation of these rules is disbarment.

The State Bar filed a motion for default stating that Arrington had not filed a notice of rejection and requesting that the Court disbar Arrington. In May 2020, the Court issued an order, rejecting the Bar’s recommendation and stating that the sanction of disbarment was not appropriate given the limited record and the allegations contained in the notice of discipline. In its May 2020 order, the Court also referred the matter to a special master for an evidentiary hearing “to determine with more clarity and specificity the nature and severity of Arrington’s conduct.” Shortly after the special master was appointed, the Bar served requests for admission on Arrington, to which he did not respond. He was also provided notice of the evidentiary hearing, but he did not attend or make any attempt to communicate with the Bar or the special master.

Following the hearing, the special master issued his report and recommendation, which found that Arrington knowingly used trust funds for personal use and for purposes unrelated to a client; knowingly deposited personal checks into his trust account; knowingly co-mingled personal and client funds in his trust account; and knowingly failed to keep client funds separate from his own personal funds and by doing so violated Rules 1.15 (I) (a) and 1.15 (II) (b). The Court agreed with the special master about the rules violated and also agreed that while Arrington’s lack of a prior disciplinary record was a mitigating factor, there were aggravating factors including his substantial experience in the practice of law and his failure to participate at all in the disciplinary proceedings.

The Court agreed that disbarment was the appropriate sanction and noted that while relatively minor violations of
the trust account rules may in certain circumstances warrant a lesser sanction than disbarment, Arrington’s utter failure to participate in the disciplinary process meant that there was no basis for the Court to conclude that any sanction less than disbarment was appropriate.

Suspension

Candace Lanette Sneed
5600 Spalding Drive, #920212
Peachtree Corners, GA 30092-9998
Admitted to the Bar 2013

On Aug. 23, 2022, the Supreme Court of Georgia accepted attorney Candace Lanette Sneed’s (State Bar No. 797458) petition for voluntary discipline and imposed a suspension of nine months with reinstatement conditioned upon compliance with conditions. The disciplinary matters were before the Court on the report and recommendation of the special master who recommended the Court accept Sneed’s voluntary petition after the filing of a formal complaint and impose a nine-month suspension. Sneed then filed an amended petition, requesting that any discipline be imposed nunc pro tunc to May 1, 2020.

As recited by the special master, as to State Disciplinary Board Docket (SDBD) No. 7348, Sneed violated Rule 1.3 by failing to act with reasonable diligence in her failure to file a lawsuit and countersuit on behalf of her clients, violated Rule 1.4 by failing to inform those clients about the status of their matter and by failing to communicate with them for an extended period, and violated Rule 9.3 by failing to respond to the Bar during the investigation of the grievance underlying that matter. Regarding SDBD No. 7349, Sneed violated Rule 1.3 by failing to pay a fee to transfer her client’s case between courts, which resulted in the dismissal of the client’s case; by failing to notify the client of the dismissal; and by abandoning the client when she moved her office without notice to the client of the move or her new address. Sneed violated Rule 1.4 by failing to communicate with or respond to the client for an extended period of time. Concerning SDBD No. 7350, Sneed violated Rule 1.3 by failing to promptly file a lawsuit on a client’s behalf and violated Rule 1.4 when she failed to communicate with the client regarding the status of the client’s case. Finally, as to SDBD No. 7351, Sneed violated Rule 1.3 by dismissing a lawsuit that she had filed on the client’s behalf without her client’s knowledge or consent and violated Rule 1.4 by failing to consult with and obtain consent from the client prior to dismissing the lawsuit and by her failure to notify the client about a pending trial in that matter. In aggravation of discipline, the special master noted Sneed’s experience in the practice of law, her pattern of misconduct and her failure to refund fees when asked to do so by her clients. In mitigation, the special master cited her lack of prior disciplinary history, the fact that she sought counseling, the fact that she expressed remorse and the letters she
submitted attesting to her good character and reputation. The special master recommended the Court accept Sneed’s petition and impose a nine-month suspension with the above-mentioned condition on reinstatement. The Court accepted the petition, imposed a suspension of nine months with conditions on reinstatement, and as the record showed that Sneed voluntarily ceased the practice of law on May 1, 2020, agreed with the special master’s recommendation to impose the suspension nunc pro tunc to that date.

Interim Suspension
John Carl Huber
1180 W. Peachtree St. NW, Suite 2220
Atlanta, GA 30309
Admitted to the Bar 2013

On Aug. 9, 2022, the Supreme Court of Georgia accepted attorney John Carl Huber’s (State Bar No. 125360) petition for interim suspension and ordered Huber be suspended from the practice of law pending his direct appeal of his criminal convictions and until further order of the Court. Huber was also ordered to notify the State Bar’s Office of the General Counsel in writing within 10 days of the final disposition of his direct appeal and ordered to comply with the notification and other requirements of Bar Rule 4-219 (b).

The disciplinary matter came before the court pursuant to Huber’s petition filed before the appointment of a special master. Huber admitted that on March 1, 2022, he was convicted of 11 counts of a 13-count indictment in the Superior Court of Hall County and was sentenced for a total of 30 years with the first two years to be served in confinement. Because a number of his convictions, including but not limited to aggravated assault, burglary in the first degree and aggravated stalking, are felonies, they resulted in a violation of Rule 8.4 (a) (4) of Bar Rule 4-102 (d). The maximum penalty for a violation of this Rule is disbarment.

Huber stated that he filed a notice of appeal of his conviction and sentences on March 28, 2022. He further stated he had not practiced law since May 12, 2021, the date he was arrested. He also stated he complied with the provisions of Rule 9.2 (a) (2) by reporting the convictions to the State Bar within 60 days. He stated he would notify the State Bar of the final disposition of his direct appeal within 10 days of that disposition. The State Bar filed a response, agreeing that an interim suspension was appropriate, so long as: (1) it remained in place only until resolution of the direct appeal and would not remain in place for any other appeals or collateral attacks on the convictions; (2) Huber was required to notify the State Bar of the final disposition of the direct appeal within 10 days of disposition; and (3) upon final disposition of the direct appeal, the State Bar could proceed as provided in Bar Rule 4-106.

Public Reprimand
Dennis Robert Kurz
4355 Cobb Parkway, Suite J-285
Atlanta, GA 30339
Admitted to the Bar 2003

On Aug. 9, 2022, the Supreme Court accepted the petition of Dennis Robert Kurz (State Bar No. 430489) for voluntary discipline and agreed to impose a public reprimand for his violations of Rules 1.3, 1.15 (I) and 1.15 (II) (b) of the Georgia Rules of Professional Conduct. Kurz filed the petition to resolve a formal complaint filed in State Disciplinary Board Docket (SDBD) Nos. 7486 and 7487 and sought a public reprimand but agreed to a suspension of up to six months. The special master in the case recommended the Court impose a three-month suspension; however, the Court determined a suspension was not warranted and a public reprimand was the appropriate sanction.

As background, the charges in SDBD No. 7486 arose out of an incident in which Kurz appeared in Gwinnett County Recorder’s Court after having consumed some alcohol at a luncheon with his fiancée. The charges in SDBD No. 7487 were unrelated to those in SDBD 7486 and related to his failure to abide fully by the rules governing trust accounts in three incidents, none of which caused even potential harm to clients or third parties. Kurz admitted, and the special master agreed that he violated Rule 1.3 for the conduct related to the Gwinnett County hearing and Rules 1.15 (I) and 1.15 (II) (b) in connection with his handling of his trust account.

Although the maximum sanction for a violation of these rules is disbarment, the Court noted a much less severe sanction was warranted under the circumstances. Kurz consented to the State Bar’s motion for an alcohol and drug evaluation which concluded that Kurz was not impaired within the meaning of Bar Rule 4-104 and did not suffer habitual intoxication or drug addiction that impaired his competency as an attorney. The Court agreed with the special master that the following mitigating circumstances were supported by the record: (1) Kurz’s excellent reputation and exemplary character; (2) the absence of a dishonest or selfish motive; (3) his timely, good-faith effort to rectify the consequences of his misconduct; (4) his full and free disclosure to the disciplinary authorities and cooperative attitude toward the proceedings; and (5) his remorse for his actions. The special master did find three aggravating factors: (1) presence of a prior disciplinary offense in the form of an Investigative Panel Reprimand on Jan. 5, 2018, which involved Kurz’s representation of a client in a criminal matter; (2) pattern of misconduct; and (3) substantial experience in the practice of law, but the Court concluded that the mitigating factors substantially outweighed the aggravating factors.

Leigh Burgess
Assistant Grievance Counsel
State Bar of Georgia
leighb@gabar.org
Nine Must-Reads to Grow Your Law Practice in 2023

This list, which is by no means exhaustive, should get you on your way to designing a modern law practice that is purposeful, profitable and maintains the integrity of the profession.

BY NKOYO-ENE R. EFFIONG

Running a law practice takes effort. Running a successful and sustainable law practice takes intentionality. It also requires you to develop additional business skills that many of us did not learn in law school. If you are looking to scale without adding additional hours to your day, you must better develop the five pillars of a healthy law practice: marketing, management, finances, technology and wellness.

Whether you are just hanging a shingle or have been at it for a while, here are nine great reads to help you grow your practice in 2023.

1. “Building a StoryBrand: Clarify Your Message So Customers Will Listen” by Donald Miller

Stories sell. “Building a StoryBrand” is the book to read if you want to connect better with potential clients and grow your business. This book teaches you the seven universal story points that connect with all consumers, the real reason people buy, and how to create or simplify your brand message so people understand it. The utterly amazing part is that it shows you step by step how to design your websites, brochures and social media to cut through the noise online and engage with your potential clients. If hiring a marketing company is not within your budget yet, this
book offers a framework that will help you keep up until you can delegate this part of your business.

2 "The E-Myth Revisited: Why Most Small Businesses Don't Work and What to Do About It" by Michael Gerber
This book should be required reading for anyone starting or running a small business. The E-Myth series illustrates how common assumptions, expectation and even technical expertise can cause friction when running a successful business. The book describes three roles that every entrepreneur plays at some point—technician, manager and entrepreneur. “The E-Myth” is a clarion call to work on your business, not just in your business. If you are feeling stuck in the day-to-day of your business and want to build a strategy that does not rely entirely on you, this book will help you. If you want a reading experience tailored specifically to lawyers, check out “The E-Myth Attorney: Why Most Legal Practices Don’t Work and What to Do About It.”

3 "Being is the New Doing: A Divine Guide to Owning Your Energy, Time, and Peace of Mind" by Radiah Rhodes
Energy is everything. If you have ever poured yourself into work only to find yourself not getting the results or satisfaction you expected, this book is a great read for you. Combining spirituality, science and reality, “Being is the New Doing” offers a clear set of strategies to help you own “your energy, time and peace of mind as the creator of your life’s results.”

4 "Profit First: Transform Your Business from a Cash-Eating Monster to a Money-Making Machine" by Mike Michalowics
This book is a must-read for anyone who has ever received a profit-loss statement that boasted greater profit margins than they felt in their practice. “Profit First” provides a process for how you can manage the money coming into your firm with intention and design. This book offers a behavioral approach to realizing your profit in your bank account, not just on your P&L statement. While not a substitute for accounting, “Profit First” offers four simple principles that can simplify accounting and help you build a profitable law practice sustainably.

5 "The Client Centered Law Firm: How to Succeed in an Experience-Driven World" by Jack Newton
Looking for a competitive advantage in the market that aligns with the expectations of legal consumers? This is the book for you. “The Client-Centered Law Firm” offers a roadmap to designing the law practice of the future. It lays out the case for designing a client-centered law practice, defines what it means to center the client journey and client experience in your practice, and offers a roadmap to making your law practice more client-focused.

6 "Expert Secrets: The Underground Playbook for Creating a Mass Movement of People Who Will Pay for Your Advice" by Russell Brunson
Your message matters. This book will help you clarify your message, engage your target audience and build a movement of people whose lives you can affect. “Expert Secrets” is a great guide for anyone looking to write copy that converts social media onlookers into paid clients. The book is filled with frameworks, steps and exercises designed to help you refine your message and connect it with the right people. This is a great read for anyone who wants to turn their specialized knowledge into a business that works for them.

7 "The Business Playbook: How to Document and Delegate What You Do So Your Company Can Grow Beyond You" by Chris Ronzio
This is a great read for anyone looking to scale their law practice without working more hours. It is also great for anyone who finds it challenging to delegate tasks. “The Business Playbook” walks you through how to document your business so your processes get out of your head and into a living document that you can share with others. Through documentation and delegation, you can build a law practice that does not rely on you doing all the things. If you want to be able to unplug from your firm and return to results that meet or exceed your expectations, this book can help you get there.
Building a StoryBrand: Clarify Your Message So Customers Will Listen
by Donald Miller
240 pages
HarperCollins Leadership

The E-Myth Revisited: Why Most Small Businesses Don’t Work and What to Do About It
by Michael E. Gerber
288 pages
Harper Business

by Radiah Rhodes
160 pages
CreateSpace

Profit First: Transform Your Business From a Cash-Eating Monster to a Money-Making Machine
by Mike Michalowicz
244 pages
Portfolio

The Client Centered Law Firm: How to Succeed in an Experience-Driven World
by Jack Newton
314 pages
Blue Check Publishing

Expert Secrets: The Underground Playbook for Creating a Mass Movement of People Who Will Pay for Your Advice
by Russell Brunson
352 pages
Hay House Inc.

The Business Playbook: How to Document and Delegate What You Do So Your Company Can Grow Beyond You
by Chris Ronzio
190 pages
Lioncrest Publishing

by Stuart J. T. Dodds
396 pages
American Bar Association

If your law practice’s pricing strategy is some combination of looking at what everyone else is charging and a fear of charging an unreasonable fee, this book offers a great soup to nuts framework for what you should be considering as you set and review your price. This book offers a four-stage framework for improving your pricing and overall profitability. If you are looking for better ways to set your price, get your price, manage your price or review your price, this is an instructive text.

Legal Tech Blogs

This list would be incomplete without resources you can read to keep up with what is happening in the world of legal tech. Since technology changes so quickly, here is a non-exhaustive list of blogs and podcasts that will help you stay up to date with changes in technology, cybersecurity and other advances in the legal tech world.

- LawSites (lawnext.com)
- Law Technology Today (www.lawtechnologytoday.org)
- The TechnoLawyer Community (www.technolawyer.com)
- Legal Talk Network [Podcast] (legaltalknetwork.com)
- Lawyerist (lawyerist.com)
- Attorney at Work (www.attorneyatwork.com/legal-technology/tech-tips/)

This list, which is by no means exhaustive, should get you on your way to designing a modern law practice that is purposeful, profitable and maintains the integrity of the profession. Season’s greetings from your friends here at the Law Practice Management Program. Congrats on finishing yet another year as a solo and small firm attorney. We wish you a joyous and prosperous new year.

Do you have a great read we should add to the list? We would love to hear from you. Send us a message at lpm@gabar.org.

For best-in-class tips, tricks and tools for running a modern law practice, be sure to join The LPM Insider at bit.ly/lpmnewsletter.

Be sure to check us out on Instagram and LinkedIn.

Nkoyo-Ene R. Effiong
Director, Law Practice Management Program
State Bar of Georgia
nkoyoe@gabar.org
Don’t Miss Out on the Privileges of Bar Membership

Membership in the State Bar of Georgia provides many benefits. Be sure that you are taking advantage of all the resources outlined in this article.

BY SHEILA BALDWIN

Unknown and underutilized by many, the State Bar of Georgia provides its members (active, emeritus and inactive members) with an array of valuable, membership-enhancing member benefits. These benefits range from lawyer-related legal services (like Fastcase’s legal online research) to health, dental, vision, disability and long-term care insurance, and Medicare supplemental and prescription insurance plans.

For new and smaller law firms, there are a wealth of resources offered to assist attorneys with effectively managing their practice from conception to sunset. For all active, inactive, emeritus and out-of-state members, the Bar provides a complimentary attorney profile offering from ReliaGuide that allows such members to maintain a respectable online presence as part of their Bar membership. Or for $96/year ($8/month), Bar members have access to a comprehensive web presence with the Profile-Plus option. Profile-Plus is so powerful, that more than a few law firms purchase firm URLs that are automatically directed to their Profile-Plus account. To get an idea of what is possible, check out the profile of Immediate Past President Elizabeth Fite.
Accompanying this article is a member benefits guide. In this concise guide, by benefit, you will find pertinent, key information, along with related hyperlinks. More specifically, the guide (1) identifies the Bar’s member benefits offerings; (2) provides each offering’s online URL location; (3) succinctly describes the offering; and (4) provides useful tips and information as to which members the benefit applies (active, emeritus, inactive), the geographic limitations of the benefit, if any (in-state, out-of-state, etc.), and other pertinent information. This guide was drafted with the purpose of serving as your go-to member benefits directory for today as well as tomorrow (i.e., save this guide for future reference).

If you experience difficulties with a hyperlink, please copy the hyperlink, include it in an email with the subject line “BENEFITS TECH ISSUE” and send it to sheilab@gabar.org so that the staff at the State Bar of Georgia is aware of the issue and may correct it. Please note that for many of the hyperlinks, you must already be logged into your Bar account for the link to work.

You’ve paid your license fees to become a member of the State Bar of Georgia. Peruse the list of member benefits at your leisure and begin reaping a few of the associated perks that come with Bar membership.

Sheila Baldwin
Member Benefits Coordinator
State Bar of Georgia
sheilab@gabar.org

MEMBER BENEFITS GUIDE

MEMBER BENEFITS
www.gabar.org/benefits

FASTCASE
www.gabar.org/fastcase

Jurisdictions
Fastcase is a comprehensive collection of 50 state and federal primary law—including statutes, case law, court rules, administrative material, as well as many other specialty libraries. The easiest way to review everything you have access to is by simply clicking on the Browse Libraries button on the Fastcase start screen. All primary content on the left side of the screen is no cost for State Bar of Georgia members.

User Tips and Features
Available to all active, inactive, emeritus, foreign law consultant and disabled members.
• Searches—allows for both Boolean and natural language searches.
• Legal Treatises—1000+ searchable expert legal treatises available for purchase. Contact sales@fastcase.com.
• Cloud Linking—automatically identifies case law citations in your Word or PDF document and creates free, public hyperlinks to the cases. You can find more information on how to create public links in your documents using this feature guide: go.fastcase.com/l/427522/2018-07-05/5cpw4j.
• Fastcase Authority Check—provides analysis within the platform to review negative treatment of cases. Authority Check shows cases that cite a case cite you are using, highlighting the paragraph that cites your case. Fastcase’s Authority Check feature also includes Bad Law Bot, the world’s first algorithmic citator. Fastcase recently acquired Judicata tech stack, with the goal of building the most accurate citator on the market. Georgia will be the first state to roll out this feature.
• Free reference support by email, live chat and phone—Monday through Friday from 8 a.m. – 9 p.m. ET; support@fastcase.com (live chat only while using Fastcase) and by phone 866-773-2782.
• Fastcase webinar schedule—www.fastcase.com/blog/free-fastcase-webinars/.

FIND A LAWYER DIRECTORY
(RELIAGUIDE)
www.gabar.org/reliaguide

Helps the public find a lawyer. Helps lawyers attract clients and locate peers. For an example of how to maximize the Profile-Plus option, search for State Bar of Georgia Immediate Past President Elizabeth Fite’s profile.
• Free basic profiles are available to all active, inactive and emeritus Bar members.
MEMBER BENEFITS GUIDE

- All states and territories.
- Basic profile option (included with Bar membership); Profile-Plus option ($96/year); Profile-Plus with Analytics ($321/year).
- Helpful for small- to medium-sized firms whose web presence may not be as strong as a well-financed large firm.
- Some firms purchase their firm URL and direct traffic to their ReliaGuide presence.

MEMBER BENEFITS, INC.
gabar.memberbenefits.com

Individual Health Insurance
Multiple plans available, including both Preferred Provider Organization (PPO) plans and Point of Service (PoS) plans. Insurance carriers include Blue Cross Blue Shield organizations, United Healthcare, CIGNA, Aetna, Humana and Kaiser.
- Under 65 years of age.
- Member of State Bar of Georgia.
- Solo practitioners and other members not offered group insurance through firm or employer plan.
- Available plans vary by state.
- ACA premium tax subsidies may be available to reduce plan premiums.

Group Health Insurance
Multiple plans available, including both Preferred Provider Organization (PPO) plans and Point of Service (PoS) plans. Insurance carriers include Blue Cross Blue Shield organizations, United Healthcare, CIGNA, Aetna, Humana, Kaiser and more.
- All ages.
- Law firms larger than one attorney.
- Available carriers and plans vary by location.

Medicare Supplement
Helps pay the "gap" between what original Medicare (Parts A and B) pays for your health care. Covered individuals can choose any provider within the Medicare network similar to a PPO plan.
- Ages 65 and over.
- Enrollment in Medicare Parts A and B is required.
- Guaranteed acceptance if member enrolls within six months of turning age 65.
- Members who travel frequently should consider these plans.
- Available in all states and territories, including Alaska, Hawaii, Guam and Puerto Rico.

Dental and Vision Plans
Dental and vision Preferred Provider Organization (PPO). MetLife is the sole provider.
- All ages.
- Coverage is available in most states.
- Standard and comprehensive plan options are available.

Long-Term Care Insurance
Provides coverage protection for individuals with a wide variety of prolonged illnesses, disabilities or cognitive disorders. Long-term care insurance pays for these services in nursing homes, adult congregate living facilities, private homes, residential facilities and adult day care centers. Access to top long-term care insurance carriers and plans.
- All ages are eligible to apply.
- Member premium saving opportunities through State Bar of Georgia discount, spouse/domestic partner discounts and more.
- Available in all states and territories, subject to insurance carrier approvals.

Long-Term Disability Insurance
Pays monthly benefit up to $10,000 for disabilities due to accident or illness. "Own Occupation" definition of disability. Guardian Insurance is the sole provider.
- Attorneys actively at work until age 70 are eligible to apply.
- Available in most states and territories.
- Three benefit period options. Monthly benefits paid: (1) to age 65, (2) for five years or (3) for two years.
- Has optional cost of living adjustment rider and critical disability benefit rider for additional cost.
MEMBER BENEFITS GUIDE

LAW PRACTICE MANAGEMENT PROGRAM RESOURCE LIBRARY
104 Marietta St. NW, Suite 100
Atlanta, GA 30303
404-527-8772 | lpm@gabar.org
M-F, 8:30 a.m. to 5 p.m.
statebarga.library.site

Practice management materials for attorneys looking to start a law firm or manage a firm. Variety of topics available, including marketing, technology, financial management, succession planning, retirement, closing a practice and attorney wellness.

- Library includes 1,397 physical holdings.
- The collection may be viewed online. (We are also working on an e-book collection.)
- Available to attorneys, including emeritus members, law staff and law students.
- First-time User Registration Form required. Can be submitted at time of first book order.
- May check out three books at a time for two weeks with up to three online extensions. Maximum eight weeks total.
- Free pickup at State Bar Center or shipping is $10 for first book; $2.50 each for second and third books.
- Return items by mail or in the drop box across from the receptionist’s window at State Bar Center. If after Resource Library hours, the building security guard may be able to assist but only during building hours (M-F, 7:30 a.m. to 6 p.m.)

DISCOUNTED AMERICAN BAR ASSOCIATION PUBLICATIONS
www.shopaba.org

Save 15% off every book you order from the ABA using the State Bar of Georgia discount. Use code PAB5EGAB at checkout on www.shopaba.org. If you need assistance, please email Kim Henry at kimh@gabar.org, or call 404-526-8621 or 800-334-6865 ext. 8621.

LAWYER ASSISTANCE PROGRAM
www.gabar.org/LAP

A confidential service provided by the State Bar of Georgia to help its members with life’s difficulties.
- Active, inactive and emeritus Bar members eligible.
- Services available 24/7.
- Six LAP calls/year included with Bar membership.
- Any information shared is strictly confidential.
- Also provides Work/Life Program for assistance with issues such as childcare, elder care and finances.

STATE BAR OF GEORGIA PARKING DECK
www.gabar.org/parking

The State Bar of Georgia parking deck is located at the corner of Marietta Street and Ted Turner Drive.
- Free parking is available during business hours for members visiting and using the Bar Center (7 a.m. to 5 p.m.)
- Please bring your ticket to the meeting you will be attending for validation.
- Because there are a limited number of parking spaces, free daily parking cannot be provided for lawyers who work in other downtown buildings.
- Free parking is also available on nights and weekends when the deck is open early for events by showing your Bar card to the deck attendant.

STATE BAR OF GEORGIA CONFERENCE CENTER
www.gabar.org/conferencecenter

Provides a meeting place for CLE programming, meetings and Section activities, or for use by individual Bar members.
- The Business Center and Lawyers Lounge reside here with free or low-cost services available.
- Conference Center hours are M-F, 8 a.m. to 5 p.m.
- The Coastal Georgia Office in Savannah and the South Georgia Office in Tifton also provide services for Bar members working in those areas of the state.
Normalizing Wellness in the Workplace: A Conversation With Judge Catherine M. Salinas

There are many ways to prioritize wellness at work, and the more we prioritize it, the more we normalize it.

BY LAURIE MYLER

Talking about wellness with other lawyers can be a daunting task, even to members of the State Bar’s Attorney Wellness Committee like me. Many lawyers take pride in being tough and working hard. And even though lawyers are well prepared to analyze complicated factual and legal situations, when it comes to discussing the complexities of maintaining a balanced work-life situation, we often find ourselves unprepared to meet the challenge. Balancing life’s stressors, such as managing a legal career, maintaining fulfilling personal relationships, raising children in a post-pandemic world and paying attention to our physical and mental health are not subjects that our legal training addressed. Over the course of my 18 years of legal practice and five years serving on the Attorney Wellness Committee, I have seen coworkers wrestle with such stressors, and I have not always known how to offer help or show support. I know that I am not alone. It has been estimated that “[r]oughly half of practicing attorneys are experiencing symptoms of depression and anxiety, with approximately 30% of those falling in the mild range and nearly 20% falling in the moderate/severe range.” So, as with every other aspect of my legal practice when I need guidance, I consult a trusted mentor. This time I consulted with U.S. Magistrate Judge Catherine M. Salinas, a federal magistrate judge in Atlanta. Salinas is open, honest and has a self-deprecating way of disarming even the most charged conversations. We sat down to discuss how to encourage lawyers to talk about wellness with their friends, family and colleagues. The big takeaway? There are many ways to prioritize wellness at work, and the more we prioritize it, the more we normalize it. Here are some tips Salinas shared about how to make wellness a focus in your workspace.

Model Good Behavior. Make Healthy Choices and Brag About Them.

Lawyers are good at giving advice but aren’t always as good about taking their own advice. We know that we should drink water to stay hydrated, but many lawyers do not drink enough throughout the day. We know that sitting in front of a screen has negative health consequences, but often we go hours without taking a break. We know that routine health screenings such as colonoscopies may save our life, but we cancel them and don’t ever get around to rescheduling. And we watch our colleagues do the same. Prioritizing wellness takes planning but is impactful.

Salinas says that we need to take our own advice and write it down. “Lists help me identify challenges,” she said, “and writing things down makes things more manageable.” Salinas suggests including easy things on the list (like “take a nap” and “drink two cups of water with breakfast”) because she feels satisfaction in striking things off the list. Research shows that list-making can give you a sense of control to combat stress and anxiety. “You also don’t have to keep on remembering completed tasks. Once it’s crossed off, it’s done and it’s out of your mind.” For Salinas, she feels more efficient and productive when she reduces her “to do” items to a list; it helps her remember to take care of herself, prepare for unforeseen obstacles and set expectations for her family and staff. Salinas suggests including wellness items on work “to do” lists and scheduling regular team check-in meetings where the list is discussed. These meetings encourage conversations about wellness by
fostering connection and communication and give everyone the chance to be proud of their accomplishments. To further underscore the satisfaction of meeting important goals, Salinas keeps a small gong in her chambers. She and her staff strike the gong when they complete a project they’ve been working on or even when they “just need a little pick-me-up.” “Everyone should have a gong,” she says, “it feels so good to strike it.”

**Be Flexible and Realistic About Your Work-Life Balance.**

I asked Salinas about how she manages work, civic obligations, family, hobbies and health. “Can I have it all? Yes, I can have it all, just not at the same time.” Rather than try to do (or have) it all at the same time, Salinas suggests being intentional about the focus of each day, or even each part of a day. If a Saturday includes a child’s morning soccer game and an afternoon of deposition prep, make sure to give yourself credit for being present for both your family and your work that day. And if you can get in a 15-minute walk before the soccer game, you get credit for keeping your health front of mind.

“Sometimes work must take precedence. Don’t beat yourself up about it. Just make note of it and be sure to schedule time to tend to the other parts of your life on another day.” Salinas also recommends integrating wellness activities into daily routines. Research suggests even little changes can make a difference and starting small is effective—take a 30 second micro-break, prioritize family time or set boundaries with clients. More and more research supports taking “micro-breaks” at work to increase productivity. This can be as simple as taking a short break during the day to do something that brings you joy, like taking a walk outside, listening to your favorite podcast or music, reading a chapter of a good book or chatting with a coworker. She recently incorporated the “four-breath hug” into her wellness tool kit, using it on her loved ones and pets. “It’s not designed for strangers or opposing counsel, but try it on your dog tonight, and you both will like it!” The deep breathing and physical touch can work wonders after a long day at the office (or in the basement).

For those days when work takes precedence, Salinas has designated her witness room as a place for her staff to meditate or stretch, and she encourages them to take time out of their day to use it. To make the space more conducive to breathing and meditation, Salinas brought in calming art for the walls, a lamp from home and stacked yoga magazines on the table. “We don’t use the space very often, but I feel good knowing that it is there if we need it, and I like to tell people about it. The existence of the space demonstrates my commitment to my own health and that of my staff. And the witnesses like it too—a win, win!” With a little creativity, you might be able to find a place in your office to have some quiet time or develop a wellness routine of breath work, yoga or some other mindfulness activity.

**Find Things That You Love—in Your Professional Life and Personal Life—and Do Them.**

If there is one thing you should know about Salinas, it is this: she is always encouraging lawyers to do pro bono. “Taking a pro bono case or volunteering for a civic organization can rejuvenate you, remind you of why you became a lawyer, and keep you humble and grateful.” A little act of community service can do
According to Salinas, it’s critical to put your well-being first instead of attempting to convince others you have it all together.

Identify and Share Resources. Identifying and sharing helpful resources is important when reframing discussions about wellness in the workplace. Too often conversations about well-being are avoided because of the stigma that self-care is a sign of weakness. “Talking about your own struggles isn’t easy, but it’s a good way to facilitate help-seeking behavior in others.” Salinas shared some of her go-to resources including the Bar’s Use Your 6 campaign (offering six prepaid counseling sessions annually for Bar members). She notes that you can use the six counseling sessions for any reason, such as dealing with a break-up or figuring out why you are overly competitive on the tennis court; it does not have to be work related. She recommends that lawyers go to DueJusticeDo50.org to find a pro bono case, download the Peloton app for guided exercise classes and try Noom, a psychology-based weight loss program. Additional resources are at www.lawyerslivingwell.org where the State Bar of Georgia’s Attorney Wellness Committee has gathered some of their favorites. According to Salinas, it’s critical to put your well-being first instead of attempting to convince others you have it all together. “I think it’s very important for lawyers to talk about the things they do to take care of themselves and to model this behavior for others. In my view, it’s a sign of courage and true leadership to have these conversations and to be supportive of others.”

Endnotes

Lawyers Living Well, a podcast for all things wellness.

Available now.

www.lawyerslivingwell.org
Legal writers should approach each writing project recognizing the audience and purpose of the text. This recognition informs the countless choices required when composing documents, one of which is what to include and, perhaps more importantly, what can be excluded.

The subject matter sometimes demands a document be long. But that need requires efficient word choice. Even Chief Justice Roberts has “yet to put down a brief and say, ‘I wish that had been longer.’” This installment of “Writing Matters” provides five easy-to-implement tips to be concise.

1 Attempt to utilize shorter verbiage unless there is an absence of an alternative.
Legal writers regularly use technical jargon, Latin phrases, multi-syllable words and long phrases. Regular use doesn’t mean that legal writers need to make these choices. Use easier to understand words and, if possible, fewer words. See the chart on page 63 for some examples to search for in your documents.

In addition, you can search for “there are” or “there is.” Often sentences with those words can be streamlined: “There are several reasons why this court should affirm the trial court” can be “For several reasons, this court should affirm the trial
A document may need the longer phrase or a specific word, but that should be a choice, not a habit. That choice should also be made in light of the fact that including one word excludes another.

court.” Second, search for words ending in “ion.” For example, “The court needs to take all of the circumstances into consideration” can be “The court needs to consider all of the circumstances,” and “The party made a motion for dismissal,” can be “The party moved for dismissal.” Words ending in “ion” often litter legal documents, adding unnecessary length.

These are suggestions, not rules. A document may need the longer phrase or a specific word, but that should be a choice, not a habit. That choice should also be made in light of the fact that including one word excludes another.

2 The passive voice should be avoided.
Avoid the passive voice. Passive voice constructions are longer and increase the likelihood of reader confusion. We have explained before that one easy way to spot the passive voice is to add “by zombies” to a sentence. “The passive voice should be avoided by zombies.” A search for the word “by” can help spot these sentences: “The order was entered by the court,” can be “The court entered the order.”

3 “When you catch an adjective, kill it.”
An adjective is a word that modifies a noun. Many (if not most) adjectives are

<table>
<thead>
<tr>
<th>Original Phrasing</th>
<th>Suggested Phrasing/Streamlined Phrasing</th>
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</thead>
<tbody>
<tr>
<td>afford an opportunity</td>
<td>let, allow</td>
</tr>
<tr>
<td>afforded</td>
<td>given</td>
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<tr>
<td>aforesaid</td>
<td>this, earlier in this document</td>
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<tr>
<td>alleviate</td>
<td>ease, reduce</td>
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<tr>
<td>allocate</td>
<td>divide, share, give</td>
</tr>
<tr>
<td>along the lines of</td>
<td>like, as in</td>
</tr>
<tr>
<td>alternatively</td>
<td>or, on the other hand</td>
</tr>
<tr>
<td>application</td>
<td>use</td>
</tr>
<tr>
<td>apprise</td>
<td>inform, tell</td>
</tr>
<tr>
<td>approximately</td>
<td>about, roughly</td>
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<tr>
<td>as a consequence of</td>
<td>because</td>
</tr>
<tr>
<td>at the present time</td>
<td>now</td>
</tr>
<tr>
<td>due to the fact that</td>
<td>because</td>
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<tr>
<td>each and every</td>
<td>each or every</td>
</tr>
<tr>
<td>examined carefully</td>
<td>examined</td>
</tr>
<tr>
<td>for all intents and purposes</td>
<td>because</td>
</tr>
<tr>
<td>glanced briefly</td>
<td>glanced</td>
</tr>
<tr>
<td>in the event that</td>
<td>if</td>
</tr>
<tr>
<td>in order to/in order for</td>
<td>to/for</td>
</tr>
<tr>
<td>is a reflection of</td>
<td>reflect</td>
</tr>
<tr>
<td>it is necessary that</td>
<td>must</td>
</tr>
<tr>
<td>prior to</td>
<td>before</td>
</tr>
<tr>
<td>pursuant to</td>
<td>by or under</td>
</tr>
<tr>
<td>take in</td>
<td>consider</td>
</tr>
</tbody>
</table>
unnecessary but “are sprinkled into sentences by writers who don’t stop to think that the concept is already in the noun.” If there is a single-word noun that does the work of a noun modified by an adjective, use that noun. Unless there’s a reason to describe grass as green or the sky as blue, don’t.

There is no simple word search you can run to find these unnecessary adjectives, but ask whether deleting the adjective changes the meaning of the sentence. If it does not, it can be deleted.

4 "The road to hell is paved with adverbs." An adverb is a word that modifies another word, often a verb. Adverbs may be used for emphasis, but adverbs may also be used to bolster weak verbs. To shorten a writing, look for adverbs that are either redundant or uninformative.

Redundant adverbs are often used to modify a verb, but a better verb will do the job of them both. For example, “walk swiftly” might be replaced with “dashed,” “ran” or perhaps only “walked.” Or, “whispered quietly” can be “whispered.”

Uninformative adverbs, often used for emphasis, run rampant in legal writing: “Clearly, the verdict should be affirmed” or “The trial court definitely abused its discretion.” Other uninformative adverbs to search for include: really, very, extremely, basically, actually and definitely.

Often, but not always, adverbs end with “ly.” As a result, a search for “ly” can spot many of them.

5 Avoid doubles and redundancies.

As legal writers, we may wish to emphasize certain information. Repetition is a technique used to emphasize information but be careful with doubles and redundancies. A common doubled phrase used in conversation is the phrase “free gift.” The chart above shares examples that appear in legal writing.

### Original Phrasing | Revised Phrasing
---|---
added bonus | bonus
assemble together | assemble
careful scrutiny | scrutiny
end result | result
exactly the same | the same
final ultimatum | ultimatum
future plans | future
merge together | merge
new innovation | innovation
past history | past
reconsider again | reconsider
repeat again | repeat
summarize briefly | summarize
unexpected surprise | surprise


### Conclusion
We hope this installment of “Writing Matters” will help you be brief.

---

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

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**Karen J. Sneddon** is interim dean and professor of law at Mercer University School of Law.

### Endnotes
1. Interview with Chief Justice Roberts, 13 *Scribes J. Legal Writing* 5, 35 (2010).
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The Voice of Experience

Georgia lawyers should heed the voice of experience that reminds them that one aspect of professionalism is to fulfill their role in defining part of the character of our society.

BY KARLISE Y. GRIER

I recently had the pleasure of conducting a professionalism training for a voluntary bar association. One of the reasons I enjoy leading these trainings is because I have the opportunity to meet and learn from wonderful lawyers from around the state and from various practice areas. This was the case most recently. During the professionalism CLE training, the attendees and I discussed a hypothetical problem, which asked lawyers to consider a fact pattern as follows:

Your client is marketing a property for sale and there is only one bidder; nevertheless your client wants you to try to help them get the price up by speaking to the attorney for the one bidder. Your client wants you to lead opposing counsel to believe that there are lots of competing bids, but if the bidder goes up in price, the bidder will win the bid.

My question to the lawyers who attended the CLE was: “Would you lead opposing counsel to believe that there are lots of competing bids?” Attorneys shared a variety of views regarding the approach to the problem—as did the attendees of the CLE when the Commission first used the hypothetical problem in February 2022. What captured my attention during this in-person CLE, which allowed for interactive engagement with an audience I could observe, was how the responses of the attendees varied, in part, based on how long the lawyers who answered the question had practiced law.

One of the answers that most surprised me came from seasoned attorney John M. Clark, who has been practicing law for 43 years. He responded by saying that he would consider, and ask his client to consider, if the action the client proposed was really in the client’s best interest. It was an intriguing question that led to some thoughtful discussions among the CLE attendees. In the past, when I have conducted CLEs using this question, I have asked attorneys to contrast what might be allowed by the rules of ethics—the minimum standards that lawyers are required to follow—with the professionalism aspirations—the higher ideals that lawyers are expected to voluntarily follow. Comment 2 to Rule 4.1 of the Georgia Rules of Professional Conduct (Georgia’s Ethics Rules) states:

This Rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Comments which fall under the general category of ‘puffing’ do not violate this rule. Estimates of price or value placed on the subject of a transaction and a party’s intentions as to an acceptable settlement of a claim are in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. (emphasis added)

I advise lawyers to contact the Ethics Helpline (404-527-8741 or 800-682-9806) if they want guidance about the application of Georgia’s Ethics Rules to a particular fact pattern. Often times, when I have discussed the hypothetical problem, the discussions have centered on the meaning of professionalism in the context of the hypothetical. We have also discussed if the conduct were considered as puffing, what would be the possible professionalism consequences for the lawyer, if the lawyer did what the client asked. One of the consequences that is always considered is the impact on the lawyer’s reputation. Reminding lawyers about the importance of their reputation and how easy it is to lose their reputation is an important conversation. During a Law School Orientation on Professionalism in 2019, Presiding Judge Stephen Louis A. Dillard of the Court of Appeals of Georgia gave advice to incoming law students about reputation that also remains a great reminder for lawyers. He said, “The one thing you have as a lawyer is your reputation. ... It takes a lifetime to build up your reputation and only a moment to lose it. ... No client is worth losing your reputation.”

Clark’s question about whether the action was in fact in the client’s best interest presented another avenue for discussing
this hypothetical problem. His question reminded me that while at first blush the hypothetical problem may seem to pit the client’s objectives against the attorney’s ethics rules or professionalism aspirations, this is perhaps not true. Possibly what is in the client’s best interest and the lawyer’s best interest are the same—not engaging in misleading conduct regardless of whether it is puffing. Sometimes, when we as lawyers are in the midst of working on behalf of our clients, we forget that we are not only called upon to serve as advocates but also as counselors. Georgia’s General Aspirational Ideals phrase the reminder about lawyers as counselors in this manner: “To achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client.” Clarke’s experienced voice and wise counsel echoed what the Supreme Court of Georgia said in 1992 when the Court adopted A Lawyer’s Creed and the Aspirational Statement on Professionalism: “We should remember, and we should help our clients remember, that the way in which our clients resolve their disputes defines part of the character of our society and we should act accordingly.” I hope Georgia lawyers will continue to embrace their roles as counselors, as well as advocates, and that they will heed the voice of experience that reminds us that one aspect of professionalism is to fulfill our role in defining part of the character of our society. ●

Karlise Y. Grier
Executive Director
Chief Justice’s Commission on Professionalism
kygrier@cjcpga.org

Endnotes
4. 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 and submit your question by email. State Bar of Georgia, Ethics and Discipline, https://www.gabar.org/ barrules/ethicsandprofessionalism/index.cfm.
5. To view Judge Dillard’s 2019 comments to incoming Mercer 1L students, discussing their reputation, visit https://www.dropbox.com/s/9tayqrs93j1jnui/Judge%20Dillard%20Reputation.mp4?dl=0.
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.

**GROVER C. BAILEY**
Atlanta, Georgia
Saint Louis University School of Law (1966)
Admitted 1967
Died October 2022

**JOHN ALAN BARNES**
North Charleston, South Carolina
George Mason University School of Law (1989)
Admitted 1989
Died March 2022

**ROBERTS O. BENNETT**
Atlanta, Georgia
Duke University School of Law (1972)
Admitted 1972
Died October 2022

**JACK K. BERRY**
Savannah, Georgia
Emory University School of Law (1958)
Admitted 1958
Died August 2022

**L. DANIEL BUTLER**
Evans, Georgia
Mercer University Walter F. George School of Law (1973)
Admitted 1974
Died July 2022

**KIMBERLY SCRIVENS CAMPBELL**
Conyers, Georgia
Charlotte School of Law (2013)
Admitted 2016
Died July 2022

**PATRICIA L. CLEM**
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Samford University Cumberland School of Law (1979)
Admitted 1984
Died June 2022

**MARION W. CORNETT JR.**
Stone Mountain, Georgia
Atlanta Law School (1965)
Admitted 1964
Died September 2022

**RODERICK C. DENNEHY JR.**
Atlanta, Georgia
University of Virginia School of Law (1975)
Admitted 1975
Died September 2022

**BETH ELLEN EDMONSDON**
Brentwood, Tennessee
Tulane University School of Law (1995)
Admitted 2000
Died July 2022

**DENNY C. GALIS**
Athens, Georgia
University of Georgia School of Law (1959)
Admitted 1959
Died October 2022

**MICHAEL R. HAUPTMAN**
Atlanta, Georgia
Atlanta’s John Marshall Law School (1978)
Admitted 1978
Died September 2022

**J. ARTHUR LEE JR.**
Pine Lake, Georgia
Emory University School of Law (1973)
Admitted 1973
Died August 2022

**BARBARA H. MARTIN**
Knoxville, Tennessee
Emory University School of Law (1983)
Admitted 1984
Died September 2022

**GUY G. MICHAUD**
Smyrna, Georgia
Woodrow Wilson College of Law (1957)
Admitted 1958
Died September 2022

**DAN R. MUSICK**
Norcross, Georgia
Emory University School of Law (1983)
Admitted 1983
Died April 2022

**PAUL BURKE O’HEARN**
Atlanta, Georgia
Stanford Law School—Stanford University (1974)
Admitted 1974
Died September 2022

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Woodrow Wilson College of Law (1975)
Admitted 1975
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Atlanta’s John Marshall Law School (1978)
Admitted 1978
Died September 2022

**SCOTT CHARLES SHARINN**
Kennesaw, Georgia
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Admitted 2022
Died May 2022

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Marietta, Georgia
Woodrow Wilson College of Law (1957)
Admitted 1958
Died September 2022

**CHRISTOPHER LARRY WYNN**
Douglasville, Georgia
Western Michigan University Thomas M. Cooley Law School (2003)
Admitted 2003
Died September 2022
Georgia House of Representatives Speaker David E. Ralston of Blue Ridge died Nov. 16. He was 68.

A native of Ellijay, Ralston was a graduate of Young Harris College and North Georgia College & State University and earned his law degree from the University of Georgia School of Law.

Admitted to the State Bar of Georgia in 1980, he began his legal career with the firm of Cook, Noell, Tolley & Aldridge in Athens before returning in 1983 to his home county of Gilmer, where he opened the Law Offices of David E. Ralston in Blue Ridge and practiced law for almost four decades.

He served the legal profession as a past president of the Appalachian Judicial Circuit Bar Association and former member of the Board of Governors of the State Bar of Georgia and his community as president of the Fannin County Chamber of Commerce and the Blue Ridge Arts Association.

In 1992, Ralston was elected to the Georgia State Senate, where he served until 1998, when he became the Republican nominee for Georgia attorney general. He returned to the legislature with his election to the House of Representatives in 2002 and served as chair of the House Judiciary Non-Civil Committee before his installation as House speaker in 2010.

As presiding officer in the House, Ralston was known for a steady hand of leadership and was respected by representatives on both sides of the political aisle.

Survivors include his wife, Sheree Little Ralston of the home; two daughters, Elizabeth C. Ralston of Atlanta and Erin Bradburn Pritchett and her husband Tony of Ellijay; two sons, Matthew D. Ralston of Atlanta and Eric Bradburn and his wife Samantha of Ellijay; three grandchildren, Will Bradburn, Josie Bradburn and Paisley Deboard; his mother, Ernestine Pettit Ralston of Ellijay; four brothers, John Wendell Ralston and his wife Joy of Johns Creek, and George Ralston and his wife Kim, Dennis Ralston and his wife Chrisse, and Steve Ralston, all of Ellijay; and several nieces and nephews.

After Speaker Ralston lay in state at the Georgia State Capitol Nov. 22-23, the funeral was held Nov. 27 at Blue Ridge Performing Arts Center. Burial was in Macedonia Baptist Church Cemetery in Ellijay. Logan Funeral Home & Chapel was in charge of arrangements.

Memorial contributions may be made to the Willard and Ernestine Ralston Scholarship Fund at the University of North Georgia, in care of UNG Foundation, 60 W. Main St., Dahlonega, GA 30533 or at www.unggive.org.

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The Foundation will notify the family of the deceased of the gift and the name of the donor. Contributions are tax deductible. Unless otherwise directed by the donor, In Memoriam contributions will be used for Fellows programs of the Georgia Bar Foundation.
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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. The public comment period is from Monday, Dec. 5, 2022, to Wednesday, Jan. 4, 2023.

A copy of the proposed amendments may be obtained on and after Monday, Dec. 5, 2022, from the court’s website at www.ca11.uscourts.gov/rules/proposed-revisions. A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St. NW, Atlanta, GA 30303; 404-335-6100.

Comments on the proposed amendments may be submitted in writing to the clerk at the above address, or electronically at www.ca11.uscourts.gov/rules/proposed-revisions, by 5 p.m. ET on Wednesday, Jan. 4, 2023.

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