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The April Issue

Welcome to the April edition of the Georgia Bar Journal. Whether you’re scrolling online or flipping through the pages, I’d like to thank you for taking the time to catch up with the State Bar of Georgia. Here’s a look at some highlights from this issue.

In his article “Eat the Cold Fried Chicken,” YLD President Ron Daniels focuses on the lack of lawyers in rural Georgia. Many counties are a legal desert, with little to no attorneys to advocate for their residents. Daniels suggests that to be a good lawyer, you have to put your well-being front and center. Consider what will make you happy—and perhaps, this can include the decision to become a rural lawyer.

State Bar of Georgia Executive Director Damon Elmore shares updates on Bar operations. In “Delivering Results,” Elmore writes about the recent success in programs including CLE, ICLE, Government Affairs, High School Mock Trial, Meetings and the YLD. He includes recent conversations with active Bar members about the rewards of service and the future of the legal profession.

Our legal article is “The Duty to Supplement Discovery—Avoid Sandbagging” by Emma Carter and Anthony Cochran. The attorneys take a close look at Rule 26(e)(3) in the Civil Practice Act as it relates to the duty to supplement responses. As they explain, effective and timely discovery is the key to successful litigation.

This issue of the Georgia Bar Journal includes a number of feature articles. In “Accommodations: Making Practical Law Easier for Individuals with Disabilities or Other Special Needs,” Halima White writes about common accommodations and how they can help lawyers thrive in their careers. White, who is executive director of the Georgia Diversity Program, insists that the legal community has a responsibility to make sure all lawyers have the basic support they need to thrive in their profession. In “Commitment to a Cause: Remembering Terence Alton Dicks,” Tennell Lockett writes about his friend and colleague, the late Rev. Terence Dicks. Dicks served with distinction on the Georgia Legal Services Program Board of Directors for more than 14 years. He was a leader and selfless advocate for equity and justice. In addition to sharing stories about his friend, Lockett also announces the creation of the Terence Dicks Fund to Amplify Client Voices.

If you’re in the “spring cleaning” mindset and ready for some office reorganization, be sure to check out Nkoyo-Ene Effiong’s article “Ten Spring Cleaning Tips for Solo and Small Firm Attorneys.” As director of Law Practice Management, Effiong shares advice on decluttering your paperwork, streamlining administrative processes and boosting your business development. For even more professional advice and resources, you can read our articles on Legal Tech Tips, Member Benefits and Writing Matters.

Thank you again for picking up this issue of the Georgia Bar Journal. We’ll see you in June.

Megan Hodgkiss
Editor-in-Chief, Georgia Bar Journal
journal@gabar.org
**Professionalism Month Proclamation Highlights Legislative Session**

During the waning days of the 2023 session of the Georgia General Assembly, Gov. Brian Kemp signed a proclamation designating April as Legal Professionalism Month in Georgia.

The purpose of the governor’s proclamation is to promote collegiality and professionalism among members of the State Bar of Georgia.

The proclamation states in part, “Collegiality among counsel is critical to the effective and efficient adjudication of cases and controversies before Georgia Courts. … Increased legal professionalism may help to instill public trust and confidence in the legal system.”

I had the honor of attending the governor’s signing of the proclamation at the Capitol, along with the Bar leaders and staff who helped make it happen, including our Professionalism Committee Chair Josh Bosin, committee members Carlos Vilela and John Lange, Chief Justice’s Commission on Professionalism Executive Director Karlise Grier, as well as Bar Executive Director Damon Elmore and Governmental Affairs Director Christine Butcher Hayes. Georgia’s First Lady Marty Kemp also joined us for the ceremony.

Having called for a renewed commitment to professionalism at the beginning of my term as Bar president, I was delighted by the governor’s action, which was the result of exemplary teamwork among the Professionalism Committee, the Chief Justice’s Commission and Bar staff.

Recognizing April as Legal Professionalism Month in Georgia serves as a timely reminder to reinforce our commitment to conducting ourselves in a professional manner, which—as I stated on these pages last August—is something we should resolve to do every year.

**Take a Chance to Take in the State Capitol**

Visiting the governor’s office in late March also gave us a chance to catching the flurry of action beneath the Gold Dome during the final days of the 2023 legislative session. After two years of limited entry due to the COVID-19 pandemic, the capitol building was back to normal and full of energy, celebrating everyone from 4H participants, Girl Scouts, high school and college football champions, and even the Young Lawyers Division of the State Bar. For those Georgia lawyers who have not had a chance to visit the Legislature while the member are in session, I would encourage you to plan a trip with your local bar association or coordinate with the State Bar’s legislative team for a visit.

Thanks to our members’ voluntary contributions to the State Bar’s legislative program, we have an outstanding advocacy team working on our behalf throughout the session to stay on top of any legislation affecting the practice of law and the judiciary. Our team is led by director of governmental affairs, Christine Butcher...
Hayes, who works alongside Rusty Sewell of Capitol Partners Public Affairs Group, Mark Middleton of Middleton Public Affairs and Roy Robinson of R.B. Robinson Company to lobby in favor of proposed legislation supported by the Bar or against measures opposed by the Bar. I was grateful to have this team to show me the ropes at the Legislature this year.

**Celebrating Our Lawyer-Legislators**

The Georgia legal profession also owes a debt of gratitude to our fellow lawyers who—in addition to the demands of their law practices—devote the necessary time travel and energy to represent their communities in the Georgia Senate and House of Representatives. For multiple reasons, the number of lawyer/legislators in our state has dwindled for the last several decades, not the least of which, includes spending three months away from law practice during the legislative session.

We do appreciate the Bar members who serve the House and Senate, including those in top leadership positions like Senate President Pro Tem John Kennedy of Macon (who is also on the State Bar Board of Governors), Senate Minority Whip Harold Jones of Augusta, Senate Judiciary Committee Chair Brian Strickland of McDonough, Senate Appropriations Committee Chair Blake Tillery of Vidalia, House Majority Leader Chuck Efstration of Dacula, House Majority Whip James Burchett of Waycross, House Minority Whip Sam Park of Lawrenceville, House Judiciary Committee Chair Stan Gunter of Blairsville and House Judiciary Non-Civil Committee Chair Tyler Paul Smith of Bremen.

There are currently 34 Georgia lawyers serving in the General Assembly—25 out of 180 members of the House and nine out of 56 members of the Senate. Although it is unlikely we will ever see lawyers make up a majority of the General Assembly as was the case once upon a time decades ago, the public and the justice system would benefit from a healthy increase in the number of lawyer-legislators. I encourage Bar members to seriously consider becoming a candidate for your House or Senate seat in the next election. Those who serve will confess that it is a sacrifice, but also admit

**OFFICERS’ BLOCK**

In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, “What was your least favorite job you ever had, and what did you learn from it?”

**SARAH B. “SALLY” AKINS**

President

I’ve been fortunate enough to like every job I have had, and I’ve had a lot of jobs—from serving popcorn at the movie theater in high school to working at a sewing store while in college. The lesson I learned from these experiences is to do the best you can with the skills you have at the time.

**HON. J. ANTONIO “TONY” DELCAMPO**

President-Elect

I believe that all work is edifying and have learned from all of the jobs I have had over my life. My least favorite job, however, was working in the produce department of a grocery store. My immediate supervisor was a horrible boss. From that experience, I learned that not everyone will treat you with respect or decency, and I vowed never to treat anyone in that fashion.

**IVY N. CADLE**

Treasurer

Digging holes, by hand, in compacted, red Irwinton, Georgia, clay in July for playground equipment for a boss who refused to help dig or rent the right tools. I learned using the right tools is essential and that leadership looks like sweating in the hot July sun to dig holes in rock-hard red clay with the team.

**CHRISTOPHER P. TWYMAN**

Secretary

The summer after my college freshman year, I worked as a personal property clerk at a regional hospital. My job was to inventory every piece of personal property on the hospital grounds and stick a barcode on the property. It was tedious and boring. And, unfortunately, I did not learn anything meaningful from it.

**ELIZABETH L. FITE**

Immediate Past President

Ask me after the NDA expires.

In all seriousness, I learned that most people want to feel like they are a valued member of the team and that their contribution (big or small) matters.
that it is an incredibly rewarding form of public service.

The State Bar Under the Gold Dome

In addition to supporting a resolution designating April as Legal Professional Month, the State Bar’s legislative agenda entering the 2023 session of the General Assembly included the following items:

- Support for a comprehensive review of the Georgia Nonprofit Corporate Code (from the Nonprofit Law Section);
- Support for an Amendment to O.C.G.A. § 44-2-18 Correcting the Savings Statute (from the Real Property Law Section);
- Support for the Adoption of the Uniform Unsworn Declarations Act in Georgia (from the International Trade in Legal Services Committee);
- Support for $300,000 in the fiscal year 2024 state budget appropriated to Department of Community Affairs for civil legal services for heirs property owners seeking federal disaster relief funds following Hurricane Michael and Hurricane Ian in Georgia;
- Support for a $619,000 Judicial Council budget request to provide civil legal services grants for medical legal partnerships;
- Support for a $750,000 Judicial Council budget request for continued funding for civil legal services grants for kinship care families;
- Support for a $3 million Judicial Council budget request for continued funding for civil legal services grants for victims of domestic violence; and
- Support for an $800,000 Judicial Council budget request for continued funding for the Georgia Appellate Practice and Educational Resource Center.

We will report on the outcome of these 2023 legislative initiatives at the Annual Meeting in June and in an upcoming edition of the Georgia Bar Journal.

Sections and committees submit legislative proposals through the Advisory Committee on Legislation (ACL) for approval. Sections and committees cannot take legislative positions without following the process set out in Rule 100. If the ACL votes to adopt the proposal, it will proceed to the State Bar’s Board of Governors for final approval.

We encourage Georgia lawyers to donate annually by contributing a suggested amount on your yearly license fee statement. Attorneys who forget to contribute on their annual licensing fee statement can also donate on the Bar website at your convenience. Without our members’ support, the State Bar cannot maintain our presence at the Georgia General Assembly and cannot continue to advocate effective updates to Georgia law. We are grateful for your support.

THANK YOU TO THE LAWYER-LEGISLATORS SERVING IN THE 2022-23 GEORGIA GENERAL ASSEMBLY

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Sen. Bill Cowsert (R-Athens)
Sen. Jason Esteves (D-Atlanta)
Sen. Bo Hatchett (R-Clarksville)
Sen. Harold V. Jones (D-Augusta)
Sen. John Kennedy (R-Macon)
Sen. Josh McLaurin (D-Sandy Springs)
Sen. Elena Parent (D-Decatur)
Sen. Brian Strickland (R-McDonough)
Sen. Blake Tillery (R-Vidalia)

HOUSE OF REPRESENTATIVES
Rep. James Burchett (R-Waycross)
Rep. Omari Crawford (D-Decatur)
Rep. Terry Cummings (D-Mableton)
Rep. Saira Draper (D-Atlanta)
Rep. Chuck Efstration (R-Dacula)
Rep. Stacey Evans (D-Atlanta)
Rep. Barry Fleming (R-Evans)
Rep. Stan Gunter (R-Blairsville)
Rep. Scott Holcomb (D-Atlanta)
Rep. Soo Hong (R-Lawrenceville)
Rep. Todd Jones (R-Cumming)
Rep. Trey Kelley (R-Ceadartown)
Rep. Dar’shun Kendrick (D-Lithonia)
Rep. Rob Leverett (R-Elberton)
Rep. Marvin Lim (D-Norcross)
Rep. Tanya Miller (D-Atlanta)
Rep. Mary Margaret Oliver (D-Decatur)
Rep. Esther Panitch (D-Atlanta)
Rep. Sam Park (D-Lawrenceville)
Rep. Tremaine Teddy Reese (D-Columbus)
Rep. Matt Reeves (R-Duluth)
Rep. Shea Roberts (D-Atlanta)
Rep. Deborah Silcox (R-Sandy Springs)
Rep. Tyler Paul Smith (R-Bremen)
Rep. Ann Allen Westbrook (D-Savannah)
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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.

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From the YLD President

There are six counties in Georgia without a single practicing lawyer. Many more have 10 or fewer lawyers. In the Oconee Judicial Circuit, there is a single lawyer in private practice younger than me—and I am teetering on the precipice of no longer being a "young" lawyer. The lack of lawyers in rural Georgia is an increasing problem. But the problem isn’t unique to Georgia. The American Bar Association calls these “legal deserts.” For whatever reason, lawyers are simply not setting up offices or practices in rural areas. Perhaps many associate rural locales with a perceived inability to earn a living. Others might look past the “legal desert” and see a veritable “sea of opportunity.”

I don’t expect you to drop what you are doing, hop on Zillow, buy a house and office in rural Georgia, pack up and move. Being a rural lawyer can be very rewarding and enjoyable. At the same time, this lifestyle ain’t for everyone. Some love it. Some people spend their life trying to figure out how to move on. “So, what is the point of this article?” Good question, dear reader.

The point is quite simple: you have got to be true to yourself. There are going to be times in your career where you will be faced with choices. Hard choices. Easy choices. Decisions that will forever alter your life. Decisions that appear essentially meaningless. What type of law to practice? Do you enjoy practicing with the people you work with? Do you sign up a potential new client or not? How to break the news to a client you lost their trial and the prospect of an appeal is hopeless? Should you stay late so you can bill more and finish a brief? Are you sure you have triple checked the title opinion? Oxford comma or not? Grey or navy suit? Blue or black ink?

Whether we want to acknowledge it or not, everything that has happened to us up until the moment we are faced with a choice goes into our response. Our life experiences dictate how we see the potential outcomes of our actions. And perhaps out of a need to not appear selfish, we often times are self-sacrificial in our decisions, put others ahead of ourselves. In other words, how we are taught to analyze problems in law school and in our profession causes us to ignore our own self by analyzing how our decisions might impact others. Is this a good thing or a bad thing? I’m not certain either way.

Here is what I know for sure. A chronically unhappy lawyer is not a well lawyer. An unwell lawyer might be a skilled advocate, a driving force in their community and universally respected, but an unwell lawyer isn’t a “good lawyer.” At some point the unhappiness will catch up to you. It will break you down. You will get fatigued. You will get depressed. Eventually, you won’t be of help to anyone.

My Granny had a lot of sayings about me growing up, several of them being a commentary on how hardheaded I was.

Eat the Cold Fried Chicken

RONALD EDWARD “RON” DANIELS
YLD President
State Bar of Georgia
ron@danielstaylorlaw.com

There are six counties in Georgia without a single practicing lawyer. Many more have 10 or fewer lawyers. In the Oconee Judicial Circuit, there is a single lawyer in private practice younger than me—and I am teetering on the precipice of no longer being a "young" lawyer. The lack of lawyers in rural Georgia is an increasing problem. But the problem isn’t unique to Georgia. The American Bar Association calls these “legal deserts.” For whatever reason, lawyers are simply not setting up offices or practices in rural areas. Perhaps many associate rural locales with a perceived inability to earn a living. Others might look past the “legal desert” and see a veritable “sea of opportunity.”

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My Granny had a lot of sayings about me growing up, several of them being a commentary on how hardheaded I was.
For instance, she would tell most people in three counties I “would argue with a signpost” or I was “like a mule stuck eating briars in a briar patch—stubborn!”

I’ve been the unhappy lawyer. I was the unwell lawyer. And it wasn’t because I worked somewhere terrible, didn’t enjoy who I was surrounded by, didn’t enjoy the type of work I was doing and wasn’t successful. To the contrary, I had great mentors and colleagues, was helping people and enjoying moderate levels of success. But it just wasn’t the right fit for me. I was being stubborn and trying to fit somewhere I didn’t because I thought I had to. I was trying to be somebody else.

Don’t ever be afraid to be yourself. Come up with whatever catchphrase you want, like “let your heart guide you” or “be true to yourself.” The fact of the matter is: to be a happy lawyer, to be a “well lawyer,” to be a good lawyer, you sometimes have to be a little bit of a selfish lawyer. Sometimes you’ve got to put your well-being front and center. Maybe this means deciding to go out with friends on a Thursday night. Maybe it means choosing to take your significant other on a date. It might mean going to the cinema and being the only person there. It might mean deciding to go adopt a basset hound from an animal rescue. For some of us, it may mean eating a pint of ice cream or a piece of cold fried chicken from the fridge, while for others it may mean a trip to OrangeTheory Fitness or a ride on a

2023 APRIL  11
THE GOOD LAWYER
WITH SARAH YOUNG

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www.gabar.org/yldpodcast
Others may say it means deciding to go be a “rural lawyer.”

Don’t let this article dissuade you from coming to practice in rural Georgia. We need more lawyers in rural Georgia (especially younger lawyers) and we would love to have you. For me, being back home was the right thing for my family, my practice and my well-being. More than anything else, our profession needs happy, well and good lawyers—all over the state. And just remember, one time when Papa and Granny went to town, your YLD president opened up the refrigerator and ate the last piece of cold fried chicken with a smile on his face.

Out of Georgia’s 159 counties, 63 have 10 or fewer active Bar members. Of those, six have no active Bar members.

Appling (10)  Glasscock (0)  Randolph (4)
Atkinson (3)  Hancock (4)  Schley (0)
Bacon (5)  Heard (7)  Screven (5)
Baker (0)  Irwin (6)  Seminole (7)
Banks (7)  Jasper (9)  Stewart (4)
Berrien (9)  Jeff Davis (10)  Talbot (4)
Bleckley (10)  Jefferson (7)  Taliaferro (1)
Brantley (2)  Jenkins (4)  Tattnall (8)
Brooks (3)  Johnson (1)  Taylor (4)
Burke (6)  Lamar (9)  Telfair (5)
Calhoun (1)  Lanier (3)  Terrell (7)
Candler (10)  Lincoln (5)  Treutlen (3)
Charlton (4)  Long (2)  Turner (7)
Chattahoochee (1)  Macon (3)  Twiggs (1)
Clay (0)  Marion (2)  Warren (4)
Clinch (8)  Miller (5)  Webster (0)
Crawford (4)  Montgomery (1)  Wheeler (1)
Crisp (36)  Murray (8)  Wilcox (2)
Dooly (7)  Pierce (6)  Wilkinson (2)
Echols (0)  Pulaski (7)  Worth (5)
Evans (8)  Quitman (2)

Peloton. Others may say it means deciding to go be a “rural lawyer.”

Don’t let this article dissuade you from coming to practice in rural Georgia. We need more lawyers in rural Georgia (especially younger lawyers) and we would love to have you. For me, being back home was the right thing for my family, my practice and my well-being. More than anything else, our profession needs happy, well and good lawyers—all over the state. And just remember, one time when Papa and Granny went to town, your YLD president opened up the refrigerator and ate the last piece of cold fried chicken with a smile on his face.

**Endnotes**

1. The Oconee Judicial Circuit is comprised of Dodge, Bleckley, Pulaski, Telfair, Wheeler and Montgomery counties and is home to about 70,000 people. If you took all the members of the local bar association, both in public service and private practice, there are about 1,500 people for every lawyer.
2. It’s no secret how I wound up practicing in rural Georgia. I set out to prove Thomas Wolfe wrong and went home.
3. I must confess the correct word is “theater,” but I have chosen to not fight my toddler over word choice. If you know, you know.
I wanted to take a moment and share an update on our Bar operations. I am grateful to the incredible staff and team that I get to work alongside, who work tirelessly to overcome obstacles, innovate and deliver outstanding results in support of our members. We are extremely excited about recent success in our CLE, Governmental Affairs, High School Mock Trial, ICLE, Meetings and YLD departments. So many are doing good work, and it shows.

We are continuing to support State Bar President Sally Akins and her work this year with an emphasis on professionalism and good lawyering. You’ll surely hear more about this from better sources, but thanks to her efforts and the efforts of the Committee on Professionalism, we have seen a best-in-class convocation focused on this important topic, and, in March, Gov. Brian Kemp signed a proclamation recognizing April 2023 as Legal Professionalism Month. Those are big deals.

If you were unable to join our Spring Board of Governors meeting in Pine Mountain, Georgia, that meeting is generally focused chiefly on setting a proper license fee level. This year, the Board accepted the recommendation of the Executive and Finance committees to leave the fees at the current levels for all categories of membership.

This is remarkable work, and we are grateful to them considering inflationary pressures and rising costs. Always keep in mind that Georgia license fees remain some of the lowest in the country, particularly for states like ours where the Bar performs regulatory functions in addition to the programs and support we provide our members.

This is no doubt a result of year-after-year responsible management by our State Bar leaders and volunteers. It has been the collective effort of past and present State Bar presidents, Board members, Finance Committee chairs, executive directors and staff to continually control costs, prioritize efficiencies, remain mindful of future budgetary needs and explore options that may bring in non-license-fee revenue.

Attention to the future is what my recent executive director’s report focused on, and something that our current work keeps as a top priority. As a result, the State Bar is able to serve Georgia lawyers with member services and practice area support through our sections; maintain lawyers’ self-governance; and operate an independent, effective and fair disciplinary process, all while keeping license fees low. We are thankful to the Board for its focus on these important matters.

As a member, I am proud of the way our Board operates and encourage all to consider serving when an opportunity arises. In fact, I recently chatted with two members, Thomas Burnside III from the Augusta Circuit and Deen Strickland from
the Waycross Circuit. Burnside has been a member of the Board of Governors for 16 years, and Strickland has been serving his constituents in that part of Georgia for 16 years as well.

Both of them are retiring from the Board at the end of this Bar year after meaningful service and contributions to this organization. I asked them a few questions about their experience and service, especially for those considering a seat on the Board, and this is what they had to offer.

When asked what the most rewarding part of their service was, Burnside shared that it was “the relationships that you build with other lawyers who are committed to making the legal profession better.” Ironically, Strickland offered similar thoughts in a separate response. He shared that it was “meeting dedicated professional persons with truly exceptional talents in service to the legal profession, and its representative body,” that proved to be most rewarding to him.

When I asked what skills or qualities were essential for success as a Board member, Burnside offered that, “in order to be successful, you have to get out of your comfort zone and get involved.” He shared some easy examples by suggesting that you “sit next to people you don’t know, call people on your committees and pick their brain about topics on an upcoming agenda [item], and go to lunch with other BOG delegates in your area.” That makes sense and further supports the general principles of legal professionalism.

Strickland went a bit further and talked about a commitment to legal professionalism when he shared, “if you take on a role and its responsibilities, you do the very best you can as to that role and responsibility.” He talks about that and a way to meaningfully serve is “to look, listen and learn from those in leadership and those around you.” Then he reminds, “you are following others who have made a commitment, and you never want to let those you serve down or question your commitment.” Solid reminders.

Finally, I asked them both to look into a crystal ball and tell me what they thought was the future of the legal profession, and how can the State Bar Board of Governors help shape that future. Burnside believes, “state bars have a tough road ahead as state lines begin to blur and the virtual world evolves. Lawyers will continue to be defined more by their area of practice than by the state they practice in.” Strickland stayed forward-looking with his thoughts as he shared, “I truly believe the future is bright and promising in the many areas the profession serves, and the Board of Governors is the sounding board and policymaking board that shapes the future of the profession.” No matter what the future holds, we stand ready and able to deliver results.

I want to thank Deen Strickland and Thomas Burnside for their support of this article, and the many ways they have made contributions to the Bar with their service. I want to also thank you for your continued support and involvement. It makes a difference.

I am grateful for the opportunity to serve as executive director of the State Bar of Georgia and to work alongside so many dedicated professionals committed to improving the quality of legal services. Together, we will support and build a brighter, better and more promising future for our profession. If we can help you and your work, never hesitate to contact me at damone@gabar.org or 404-527-8755. DEE ●
The Duty to Supplement Discovery—Avoid Sandbagging

Effective and timely discovery is the key to successful litigation. Those attorneys who are ineffective and untimely are, more often than not, known as appellant’s counsel. Use the duty to supplement in Rule 26(e) to prevent sandbagging.

BY EMMA H. CRAMER AND ANTHONY L. COCHRAN

The Georgia Civil Practice Act (the Act) contains a duty to supplement discovery responses under certain circumstances. However, the Act is unclear regarding the time frame within which this supplementation must occur. Supplementation must be made “seasonably.” The word “seasonably” is subjective and Georgia courts have not interpreted this term in the context of supplementation. As a result, the issue of whether a party should have supplemented often arises “at the most awkward time, in the midst of trial.” Belated disclosure of supplemental information can lead to either the postponement of the trial or exclusion of the information. Georgia law on the duty to supplement is not nearly as well developed as federal law so it is often necessary to rely on federal authority. “Because Georgia’s Civil Practice Act is modeled on the Federal Rules of Civil Procedure, decisions of the federal courts interpreting the federal rules are persuasive authority.”

Ideally, “[d]iscovery should be carried out in a professional, cooperative fashion in which the goals are to search for the truth, to secure the facts and to avoid surprise.” However, trial lawyers often try to
Supplementation of Discovery Responses to Interrogatories and Requests for Production

In order to protect your client from a surprise document or fact witness, request supplementation and request it early. Rule 26(e)(3) in the Civil Practice Act states “[a] duty to supplement responses may be imposed by order of the court, agreement of the parties or at any time prior to trial through new requests for supplementation of prior responses” (emphasis added). A prudent trial lawyer can use this provision by serving a “new request for supplementation of prior responses.” This will put the onus on an opposing party who will not agree to anything and avoid having to involve an already overburdened court. Under the plain wording of the statute, a new request automatically “impose[s]” a duty to supplement.

Making Good Use of the Duty to Confer

Both state and federal rules require counsel to confer before presenting a discovery dispute to the court. You are far more likely to get traction with the trial court if you can show a genuine effort to resolve the dispute to obtain supplemental information instead of simply sending a perfunctory, self-serving email and then filing your motion. Rather than doing the minimum by just sending one letter, a trial judge is much more likely to pay attention when a thorough exhaustive effort can be shown in the Certificate of Good Faith Efforts. Moreover, given the time that gets eaten up by filing a motion, waiting 30 days for a response, and then getting on the motions calendar, an aggressive letter-writing campaign can save your client time and fees.

Addressing these issues in the consolidated pretrial order also should put you in good stead with the trial court. Remem-
ber that the form for the consolidated pretrial order says in paragraph 5(a), “All discovery has been completed, unless otherwise noted, and the court will not consider any further motions to compel discovery except for good cause shown.”

Motion to Supplement to Combat Sandbagging Discovery Responses

Moreover, Rule 26(e) requires supplementation to be made “seasonably.”

Supplementation should be made “with special promptness as the trial date approaches.”

“Timeliness means without undue delay.” Sandbagging is opposite of acting “seasonably.” In response to a request for production of documents, trial lawyers tend to rely upon the standard boilerplate objections and general responses that a “rolling production” of documents will be provided.

Then, after the discovery period expires, when you ask for supplementation, your opponent replies that the earlier response was “correct when made” and therefore there is no duty to supplement. Your opponent explains that Rule 26(e) states that there is “no duty to supplement ... except” under specifically limited circumstances and Rule 26(e)(2)(B) states that supplementation is not required because the response was correct when made and there is no “knowing concealment.”

The issue then becomes: what is a “knowing concealment?” The wording of Rule 26(e)(2)(B) answers this question obliquely: “A party is under a duty to seasonably amend a prior response if he obtains information upon the basis of which ... [h]e knows that the response, though correct when made, is no longer true and the circumstances are such that a failure to amend the response is, in substance, a knowing concealment” (emphasis added).

The unique circumstances in your case will determine whether an intentionally delayed response, combined with the events following the original discovery response, result in substance to a knowing concealment. Federal courts have held that original “[i]nformation [produced during discovery] is ‘incomplete or incorrect’ in ‘some material respect’ if there is an objectively reasonable likelihood that the additional or corrective information could substantially affect or alter the opposing party’s discovery plan or trial preparation.”

If you follow up with “new requests for supplementation of prior responses” and are met with the counter, “the response was correct when made and we have no duty to supplement,” consider a motion to enforce the duty to supplement. A motion to enforce the duty to supplement is different from a motion to compel because “there is no doubt that the duty to supplement under Rule 26(e) extends beyond the discovery cutoff date.”

A motion to enforce Rule 26(e)’s supplementation requirement may be brought after the close of discovery in federal court. This is important because Uniform Superior Court Rule 5.1 states that “[i]n order for a party to utilize the court’s compulsory process to compel discovery, any desired discovery procedures must first be ... completed within six months after the filing of the answer.”

Rule 5.1 also states, “At any time, the court, in its discretion, may open, extend, reopen or shorten the time to utilize the court’s compulsory process to compel discovery.” One federal court observed that “[i]f the Federal Rules of Civil Procedure are to be effective and meaningful, parties should not be permitted to conceal potential sources of responsive information in the hope that the opposing party does not discover their deliberate omission until the discovery deadline has expired.” The same logic should apply to the Georgia Civil Practice Act.

Emphasizing to the court the purpose of the duty to supplement is important because courts often are reluctant to address and exhibit distaste toward discovery disputes. It is important to emphasize to the trial court the need for timely supplementation to avoid a postponement or continuance that disrupts the trial.

The salutary purpose of timely supplementation should be your clear message to the trial court. “[The rules for discovery are intended to eliminate secrecy.” The duty to supplement should not be so narrowly construed as to allow one side to sandbag their opponent through clever timing of its incomplete responses.

Use the Pretrial Order for Protection

Thought needs to be given to the duty to supplement before submitting a consolidated pretrial order. A party needs the supplemental, previously concealed information to have a complete list of witnesses and exhibits. Remember that the civil pre-trial order in Uniform Superior Court Rule 7.2 states in paragraph (5)a, “All discovery has been completed, unless otherwise noted, and the court will not consider any further motions to compel discovery except for good cause shown.”

So you will be less likely to get sandbagged at trial, use that provision to enforce the duty to supplement by making a specific reference in paragraph 5(a) like this: “All discovery has been completed, including new requests for supplementation to ensure that all discovery has been seasonably provided. The court will not consider any further motions to compel discovery except for good cause shown.” Do not let your clever opponent withhold information until after the discovery deadline resulting in an ambush at trial. If a surprise document or witness suddenly appears at trial, counsel can draw the court’s atten-
Utilizing a Scheduling Order to Promote Timely Discovery Responses regarding Experts and Expert Disclosures

Supplemental information about experts is trickier. If an opposing party fully responds to your interrogatory about experts, you should receive the identity of the expert, “the subject matter on which the expert is expected to testify,” “the substance of the facts and opinions to which the expert is expected to testify” and “a summary of the grounds for each opinion.”29 Be aware that Georgia’s requirements for expert disclosures is not nearly as robust as the requirements in the Federal Rules of Civil Procedure.30

When your opponent responds “we don’t know whether we will have an expert yet, but will supplement,” a supplemental response requires “[t]he identity of each person expected to be called as an expert witness at trial, the subject matter on which he is expected to testify and the substance of his testimony.”29 The difference between the plain language of this provision and O.G.G.A. § 9-11-26(b)(4) (A)(i) above leaves room for the potential interpretation that they are different requirements entirely. An aggressive opponent might argue that opposing counsel does not automatically get “the substance of the facts and opinions to which the expert is expected to testify” and “a summary of the grounds for each opinion;” and that a deposition is needed to obtain that information. However, the counter argument is that when Rule 26(e) says “the substance of his testimony,” that should be read to mean “the substance of the facts and opinions to which the expert is expected to testify.” Otherwise, the supplemental disclosure rule incentivizes deliberate concealment at the time when the original response is required.

Or, a party could claim their disclosure obligations are not triggered until the experts have completed their analyses, and it is determined if they are expected to testify, keeping you in the dark until the eve of trial. Here is where a scheduling order will help prevent an ambush from a last-minute expert. A scheduling order puts definite deadlines for the disclosure of experts and their opinions. Yet, even with such an order, there is still the possibility of supplementation. Georgia courts have held that failure to comply with the initial expert disclosure deadline in a scheduling order without other discovery misconduct does not justify excluding an expert from testifying.30 Trial courts must consider whether less harsh remedies—such as a continuance or contempt, rather than the exclusion of a witness—would sufficiently ameliorate any prejudice.31

Given this apparent discrepancy, prudent Georgia attorneys should account for adequate time to take the deposition of the expert, and to obtain your own expert. You do not want to confront this dilemma on the eve of or during the trial. Neither your client, the trial judge nor the jurors would be happy about a continuance.32

This is all the more reason to raise this issue in the consolidated pretrial order to establish the groundwork for a motion to exclude any expert who suddenly appears on the eve of trial.

Conclusion

Effective and timely discovery is the key to successful litigation. Those attorneys who are ineffective and untimely are, more often than not, known as appellant’s counsel. Use the duty to supplement in Rule 26(e) to prevent sandbagging. The duty can be imposed by “new requests for supplementation of prior responses.” Supplementation should be made “seasonably,” that is, in a punctual manner, not at the last moment on the eve of, or during, trial. Present to the judge your efforts to confer and resolve discovery disputes that goes beyond the requirement, your opponent’s failure to adhere to the duty supplement, and the language in the consolidated pretrial order to reinforce your argument at trial for exclusion of surprise evidence or a last-minute expert. Protect yourself and your client. Thwart the clever tactician intent on surprise at trial.

Endnotes

1. O.C.G.A. § 9-11-26(e).
2. Id.
3. Milholland v. Oglesby, 115 Ga. App. 715 (1967) (noting that “seasonably” as used in the Deposition and Discovery Act, Code Ann. § 38-2105(b), relative to moving for a modifying or relieving order, means with reasonable promptness after the notice for taking of the deposition is served, and in any event no later than the date designated in the notice for the taking of the deposition”).


10. According to Fed.R.Civ.P. 26(b) (1)(i): “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.”

11. The verb sandbag means, “to conceal or misrepresent one’s true position, potential or intent especially in order to gain an advantage over.” Sandbag, Merriam Webster, https://www.merriam-webster.com/ (visited Feb. 5, 2023).


13. Williams v. Bd. of County Com’rs, 192 F.R.D. 698 (D. Kn. 2000) (a single letter does not satisfy the duty to confer). However, in Georgia there is authority that one letter is sufficient.


16. Fair Isaac Corp. v. Federal Ins. Co., 337 F.R.D. 413, 419 (D. Minn. 2021) (discussion of the “duty” to supplement) (“supplementation prior to the close of discovery may be untimely where the producing party withheld information only to produce it at a time calculated to gain a tactical advantage”).

17. Many federal courts have standing orders forbidding boilerplate objections. For example, Judge Amy Totenberg’s order in the Northern District of Georgia says: “Boilerplate objections in response to discovery requests are strictly prohibited. Parties should not carelessly invoke the usual litany of rote objections, i.e., attorney-client privilege, work-product immunity from discovery, overly broad/unduly burdensome, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence.” Microsoft Word - AT Guidelines WEB VERSION 11.27.18.docx (uscourts.gov).


19. Robbins & Myers, Inc. v. J.M. Huber Corp., 274 F.R.D. 63, 77 (W.D. N.Y. 2011) (“To suggest, as Plaintiff’s contention implies, that a party which has stated in an earlier response that no responsive document then exists but who, for example, the next day creates such a responsive document has not thereby learned of the existence of the responsive document by the very act of its creation is contrary to the express language of Rule 26(e) and its intent.”)


26. Reinsdorf v. Skechers U.S.A., 922 F.Supp.2d 866, 880 (C.D. Cal 2013); Robbins & Myers, Inc. v. J.M. Huber Corp., 274 F.R.D. 63, 75-77 (W.D. N.Y. 2011) (“To suggest, as Plaintiff’s contention implies, that a party which has stated in an earlier response that no responsive document then exists but who, for example, the next day creates such a responsive document has not thereby learned of the existence of the responsive document by the very act of its creation is contrary to the express language of Rule 26(e) and its intent.”)


31. Id. at 270-71.

Both at work and in life generally, accommodations make life easier. For those with disabilities, accommodations can be critical to living a full life. In education, the workplace, in most public areas and for many websites, accommodations are legally mandated. In this article, the Georgia Diversity Program explores some of the most common accommodations and how they can help lawyers thrive in their careers.

Even before beginning to practice law, individualized education plans (IEPs) can help law students with disabilities to receive certain accommodations to place them on equal footing with typically abled students. Common IEP accommodations include preferential seating, special lighting or acoustics, closed captioning, testing in small groups or at alternative locations, and unlimited or extended test time. Likewise, there may be bar exam accommodations that remove barriers to entering the legal profession. Such accommodations can help create a more diverse bar to serve both disabled and typically abled clients.

The issue of workplace (and applicant) accommodations recently came to the
participate in a disability mentoring program. Signatories to the letter include GlaxoSmithKline, Vanderbilt University and Unilever. Presumably, the signatory companies and organizations are also open to working with law firm attorneys with disabilities and may be open to sharing in the costs of related reasonable accommodations, such as real time court reporting or rideshares for attorneys with disabilities who are travelling for a specific assignment for that company.

Once on the job, there are a number of accommodations that can be granted to help lawyers with disabilities perform their jobs better, for example, employing readers or sign language interpreters for blind or deaf individuals. And the PUMP Act for nursing mothers expands the Break Time for Nursing Mothers Act and requires organizations to provide break time and space—other than a restroom—for working mothers to express milk. The enforcement provision, which allows employees to sue for violations, goes into effect on April 28, 2023, with a three-year delay for implementation for rail workers and motorcoach service operators. Flexible desks that raise or lower may also assist some attorneys in performing their legal work. These are some examples of accommodations that can help lawyers thrive in the workplace. If you need an accommodation, research the process for requesting one at your office or potential employer, or contact Human Resources. If there is no Human Resources Department, talk to a manager.

While leaves of absence are not the only accommodation that may be appropriate, in certain circumstances, they can be extremely effective in allowing people to return to work focused on the task at hand. If you need one, work with your employer and your doctor, and review your company policies to see if there are ways you might be paid during such a leave, for example through a short-term disability plan. Intermittent leave (of whole or partial workdays) may also be helpful in getting employees critical disability-related treatment.

The State Bar of Georgia also provides a resource for lawyers seeking assistance with depression, stress, alcohol/ drug abuse, family problems, workplace conflicts, psychological and other issues. There is no cost for Bar members to use the Lawyer Assistance Program (LAP), which provides six prepaid clinical sessions per calendar year with an independent, fully licensed counselor near your home or office. Contact the LAP confidential hotline at 800-327-9631, or email Nicole Browning, customer service manager, CorpCare Associates, Inc., at nicole@corpcareap.com. Visit www.gabar.org/wellness for more information on how the State Bar promotes wellness generally and helps lawyers facing catastrophic events or losses. In addition, your organization may offer its own employee assistance program to provide you with resources to help navigate through a difficult time.

We are a legal community, and we bear a responsibility to make sure all of our lawyers have the basic support they need to thrive in their profession.

Programming is supported by Georgia Diversity Program member firms. We are grateful to these firms, a list of which can be found at www.gabar.org/diversity, for their continued support and acknowledge that without their dedication, the work of the program would not be possible.
Commitment to a Cause: Remembering Terence Alston Dicks

Dicks served with distinction on the Georgia Legal Services Program Board of Directors for more than 14 years.

BY TENNELL LOCKETT

Rev. Terence Alton Dicks was a remarkable human being. A man of faith, passion, persuasion and more passion, Dicks—who warmly invited those close to him called him Terence—was steadfastly dedicated to a mission of improving the life circumstances of others. Although that simple mission is commendable, even powerful, the way Dicks carried out his mission is one of the many ways I found him remarkable. No Tik Tok. No Instagram. No look-at-me. Just consistent, dedicated, meaningful, effective, change-bearing work, lifelong work. For Dicks, it was all about the improvement. The focus was the mission, the result, the change, not the credit and certainly not the front cover.

Sadly, we lost him in January 2023. More people should know about the life, work and character of Terence Dicks.

I got to know Dicks (as colleague and friend) through years of side-by-side service on Georgia Legal Services Program’s Board of Directors. As current president of the board of Georgia Legal Services Program (GLSP), I am honored to serve alongside a group of 23 leaders who reflect both diversity and unity. We bring diverse backgrounds, professional experiences, geographic locations and interests;

Rev. Terence Alton Dicks (1961–2023)

PHOTO BY HOMERO LEON JR.
yet we are all unified in our belief in and support of the GLSP mission of providing civil legal services for persons with low incomes, creating equal access to justice and opportunities out of poverty. We each bring our unique voices to the table to help define our vision and help identify the best ways to achieve it.

Among the most integral voices at the table are those of our “client-eligible” board members. As an organization funded by Legal Services Corporation, one-third of our Board of Directors must be individuals with incomes at or below 125% of the federal poverty level. These board members bring vital perspectives driven by lived experiences to help ensure our organization is doing the right work to make the greatest impact for the individuals and communities we serve. They help GLSP identify communities in which the need for our assistance is greatest, and issues creating the greatest challenges for those communities. They provide feedback on whether GLSP’s strategies will effectively serve our target audience, and they help GLSP connect with the right organizations and individuals in those communities to reach those audiences.

For nearly 15 years, there has no better connection for GLSP to Augusta and the surrounding communities—no clearer voice advocating for our clients—than Terence Dicks. He was a selfless advocate for equity and justice, demonstrating leadership and commitment not only in his work with GLSP, but also as an activist for civil rights and community empowerment in the city of Augusta, throughout the state and at a national level. For example, he was the founder of the “Claiming a Street Named King” initiative that worked to revitalize low-income neighborhoods and streets named after historical Black leaders. Likewise, Dicks served as a leader for organizations such as the Augusta Human Relations Commission, Georgia Clients Council, Richmond County Transit Citizens Advisory Committee, the Georgia Center for Children and Education, and many others. Among the many honors he received for his work were the 2019 Liberty Bell Award from the Augusta Bar Association and the 2016 Client Contribution Award from the National Legal Aid and Defender Association.

Dicks served with distinction on the GLSP Board of Directors for more than 14 years, having been appointed by The Edge Connection and Georgia Clients Council to help represent the voice of those client communities that we serve. When term limits dictated that he leave the board, he stayed engaged with the organization, serving as an active constituent until he was able to return to a leadership position. His board service included terms as vice president; roles on the Executive, Finance and Nominating committees; and participation on the Search Committee during our last two executive director searches. Beyond his board service, Dicks worked with our Augusta office for years to preserve and improve housing throughout the city. His special understanding of GLSP’s work was deepened by his tenure as a staff paralegal in the Augusta office for several months in 2014 and 2015. He was also a strong supporter of GLSP’s work around racial equity and justice, engaging with our staff’s Race Equity Team to share his perspectives and encourage their dialogue and action.

Dicks’ contributions to GLSP and the communities we serve cannot be overstated. Nor can those of our other client-eligible board members, or of individuals from our client communities who support our work in less formal ways. But their involvement is not without cost. When a client-eligible board member is attending a meeting across the state, or a member of a low-income community is participating in a planning activity, or a former client is sharing their story to help demonstrate GLSP’s impact, they are giving us their time and the benefit of their lived experiences—both of which are immensely valuable.

For many individuals, the economic commitment is also significant. At-
For 50 years, Georgia Legal Services Program (GLSP), has offered free legal services to Georgians with low incomes who live in the 154 counties outside of metro-Atlanta. Our 10 regional offices provide assistance in the areas of family violence, housing, health care, public benefits, family, school issues and more. Together, we provide access to justice and create opportunities out of poverty.

www.glsp.org
tending meetings or events, especially in person, may involve taking time off from work (including, in some cases, from jobs that don’t provide paid time off). There may also be additional expenses for travel, child care or related costs. Like Dicks, many people answer the call to help further our mission time and time again; others may only be asked to participate in a more limited way. But all are providing immense value to GLSP and a benefit to the clients we serve.

In recognition of the value of Dicks’ lifelong contributions, and to help overcome the barriers that could otherwise prevent a representative from our client communities from participating, I am pleased to share the creation of the Terence Dicks Fund to Amplify Client Voices. This fund will be used to provide honoraria, stipends, reimbursements and similar compensation to enable members of client communities who would otherwise face financial hardship in choosing to help GLSP achieve our vision for those communities.

In creating this fund, I and the rest of Georgia Legal Services Program’s leadership recognize the need to commit the resources necessary to lift up client voices; we do so with the hope that those voices remain at the center of all we do, and that Terence Dicks’ legacy lives on as a powerful advocate for those voices. If you would like to join us in honoring his memory in this way, you can do so at bit.ly/terence_dicks.

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.

Tennell Lockett is Board chair and president of Georgia Legal Services Program. Lockett also serves as the managing partner of Townsend & Lockett, LLC, and leads its intellectual property practice group.
The Echols County Courthouse at Statenville: The Grand Old Courthouses of Georgia

BY WILBER W. CALDWELL

Completed in 1899, this sturdy frame courthouse sounded a late vernacular echo of the Greek Revival in Echols County. This building is typical of the many “Carpenter Greek” courthouses that rose in remote areas of the piney woods before the turn of the 20th century. In the same year that this courthouse was built in the tiny county town of Statenville, only eight miles north, the new rails of The Atlantic, Valdosta and Western Railroad cut through Echols on their way from Valdosta to Jacksonville, Florida. Several planned towns popped up along the new rails, including tiny Haylow where the new line crossed the “Live Oak Connector,” an old spur to Florida built way back in 1864. Nearby, the ill-fated town of Fruitland was laid out in 1906 and abandoned in 1909. All of this ushered in the new century in tiny Statenville, bringing with it a brief, unsure glimmer of New South promise and a new railroad. Both faded as quickly as it appeared.

The Echols County Courthouse at Statenville, built in 1899, demolished in 1956.

PHOTO COURTESY OF TED BROOKE
The 1864 “Live Oak Connector” from Dupont to Live Oak, Florida, was one of the first lines to branch off the “Main Trunk” of the old Atlantic and Gulf Railway, and the tiny Statenville Railway was one of the last. This ne’er-do-well spur is illustrative of an ongoing epidemic of railroad building which tangled steel rails into even the most isolated regions of the piney woods. Chartered in 1906 to serve A. G. Garbutt’s expansive new lumber mill that was then rising near Statenville, the 14-mile line from Haylow was six years in the building. Less than a decade after the completion of the line, the vast tracts of virgin timber were gone from Echols County. The great Garbutt mill was closed in 1920, and The Statenville Railway was abandoned four years later leaving tiny Statenville alone in an unlovely sea of stumps, and Haylow agitating to become the county seat.

Echols County had been created in 1858, and the county’s first courthouse rose in the tiny village of Troublesome. This dubious appellation was changed to Statenville straightaway, and the original four-room court building served until it burned in 1876. It was replaced by a two-story frame courthouse that burned in 1898. Erected in 1899, this “Carpenter Greek” structure was one of the last of the simple frame court buildings that once covered the state. The last rose in the village of Clyde in Bryan County in 1901. The 1899 Echols County Courthouse stood at the center of tiny Statenville until its was demolished in 1956 to make way for the present building.

Only four of these early frame courthouses survive today—the old 1848 Marion County Courthouse still stands by the old crossroads at former county town of Tazwell, and the fine 1854 Chattahoochee County Courthouse, which served that county at Cusseta until 1972, has been restored and moved to Westville in Stewart County where it remains on permanent public display. The other two standing old frame Georgia courthouses—the 1858 Glascock County Court-house at Gibson and the 1876 Pierce County Courthouse at Blackshear—have been converted into private homes.
Richter, Head, Shinall, White & Slotkin LLP announced that partner Rahul Sheth was named to the Board of Directors of the Asian American Insurance Network (AAIN), national 501(c)(6) nonprofit organization dedicated to the professional development and growth of Asian and Pacific Islander (API) professionals in the insurance industry through mentorship, networking, continuing education and social awareness. AAIN seeks to promote API insurance professionals by providing a platform to increase industry recognition and forge strong connections with the network’s diverse and talented members.

Linley Jones Firm, P.C., announced the creation of a scholarship at Georgia State University College of Law for aspiring women trial lawyers to support and encourage them in their pursuit of a career in trial work. This scholarship will be awarded to a deserving student who has demonstrated excellence and interest in the field. The Linley Jones Firm Scholarship will be administered by the Georgia State University College of Law, which will identify and select recipients on an annual basis.

Joe Cargile, a partner at Whitehurst, Blackburn & Warren, announced the publication of his debut novel, “Legacy on Trial.” This legal thriller is inspired by the brand of practice found throughout the courtrooms of South Georgia. The book is available in paperback, e-book and audiobook through Amazon, Barnes & Noble or your local bookstore.

During the 2023 annual meeting of the Southeastern Georgia Chapter of the American Board of Trial Advocates (ABOTA), Hon. Louisa Abbot and Hon. James F. Bass Jr., Superior Court of Chatham County; and Hon. Hermann W. Coolidge Jr. and Hon. H. Gregory Fowler, State Court of Chatham County, were recognized for their distinguished service. Also, Hon. Gregory V. Sapp, chief judge, State Court of Chatham County, swore in the incoming Board of Directors: President Andrew Bowen, Bowen Painter LLC; Vice President and President-Elect Chris Phillips, HunterMaclean; Secretary Beth Boone, Hall Booth Smith, P.C.; and Treasurer William J. Hunter, Oliver Maner LLP.

ABOTA includes plaintiff attorneys, defense attorneys and judges from the region, including Augusta, Brunswick, Savannah and the Golden Isles. ABOTA is an invitation-only national association of more than 6,700 experienced trial lawyers and judges dedicated to preserving and promoting the Seventh Amendment to the U.S. Constitution, which guarantees the right to civil jury trials.

Deena C.M. Wingard announced the publication of her first book, “Almost.” “Almost” is full of aspects of life that interest and impact us all: law, health, spirituality, relationships and career. In addition, this work of fiction emphasizes the importance of self-love while balancing the prioritization of our loved ones and operating in all the roles we are expected to fulfill. The book is available in paperback, e-book and audiobook through Amazon.

Swift, Currie, McGhee & Hiers, LLP, received the Aspire Diversity Award presented by Lawyers of Color, a nonprofit organization dedicated to promoting diversity in the legal profession and advancing democracy and equality in marginalized communities. The Aspire Diversity Award recognizes law firms that satisfy at least two of three criteria related to diversity, including having at least one professional with the word “equity,” “diversity” or “inclusion” in their title; having at least one attorney of color who is a managing partner, executive/management committee member or practice group head; and having at least 4% Black attorneys. Swift Currie meets all three criteria.

Joe Daniels and Jessie Rankin as associates. Daniels focuses his practice on commercial real estate and commercial lending, including government-guaranteed lending. Rankin’s practice focuses on tax and wealth planning matters and estate planning, including drafting wills, powers of attorney, advance directives for health care. He also assists clients with general corporate matters. The firm is located at 3399 Peachtree Road NE, Suite 1700, Atlanta, GA 30326; 404-997-6020; Fax 404-997-6021; www.jamesbatesllp.com.

Miller & Martin PLLC announced the election and promotion of Elizabeth Marquardt to membership. Marquardt’s civil practice is focused on business litigation and in matters involving breach of contract, negligence, fraud, bad faith, indemnification and business torts, and insurance coverage litigation, representing insureds and insurers in first-party claims. The firm is located at 1180 W. Peachtree St.
Fishbein Law, LLC, announced the addition of Sandler L. Ernst as an associate. Ernst’s practice focuses on adoption and other family law matters. The firm is located at 6075 Barfield Road, Suites 216-217, Atlanta, GA 30328; 678-263-0518; Fax 770-220-1972; www.rfishbeinadoption-law.com.

Hoffman & Associates announced the addition of Charles J. “Chuck” Hampton as of counsel. Hampton’s practice focuses on estate planning and probate. The firm is located at 6100 Lake Forrest Drive, Suite 300, Atlanta, GA 30328; 770-255-7400; www.hoffmanestatelaw.com.

Greenberg Traurig, LLP, announced the addition of Toni N. Brown as of counsel. Brown focuses her practice on corporate matters. The firm is located at 3333 Piedmont Road NE, Suite 2500, Atlanta, GA 30305; 678-553-2100; Fax 678-553-2212; www.gtlaw.com.

Swift, Currie, McGhee & Hiers, LLP, announced the addition of Austin Albertson, Cydney Barnes, Jurie Joyner, Wendy Lewis, Brennan McElhone, Malory-Anne Oliver, Ken Sisco and Christopher Wood as associates. Albertson focuses his practice on representing clients in personal injury defense, premises liability, general liability, automobile, trucking and transportation litigation. Barnes’ practice focuses on defending corporations, architects, engineers, design-builders and general contractors in all stages of litigation. Joyner focuses her practice on workers’ compensation defense and civil litigation. Lewis’ practice focuses on defending insurance companies in workers’ compensation claims. McElhone focuses his practice on representing clients through the challenges of civil litigation. Oliver’s practice focuses on representing insurance companies, corporations and small businesses. Sisco focuses his practice on representing businesses and insurance carriers in a wide range of matters, including auto and premises liability, construction defect claims, negligence claims against architects and engineers, fire loss claims, commercial trucking and high-exposure general liability. Wood’s practice focuses on representing clients in breach of contract matters, questions and disputes related to insurance coverage. The firm is located at 1420 Peachtree St. NE, Suite 800, Atlanta, GA 30309; 404-874-8800; Fax 404-888-6199; www.swiftcurrie.com.

Kilpatrick Townsend & Stockton announced that Meghan Farmer has rejoined the firm as partner. The firm also announced the addition of Edgar Callaway, Jeffrey Fisher, Forrest Flemming, Edwin Garrison, Sara Fon Miller, Ross Speier and Gautam Reddy as partner, and the elevation of Ava Conger and Elizabeth Spivey to of counsel. Callaway focuses his practice on mergers and acquisitions, private equity investments, corporate restructurings, capital raising, financing transactions and general corporate matters. Conger focuses her practice on complex commercial litigation, including contractual disputes, real estate disputes and class action defense, as well as white-collar crime and internal investigations. Farmer’s practice focuses on privacy and data protection and handling sophisticated global and domestic privacy-related matters. Fisher focuses his practice on complex commercial litigation, including contractual disputes, class actions and litigation involving restrictive covenants and trade secrets. Flemming’s practice focuses on trademark and commercial litigation. Garrison focuses his practice on the areas of real estate, finance and capital markets, specifically representing loan servicers and bondholders in connection with securitized commercial loans and securitization trusts. Miller’s practice focuses on domestic and cross-border mergers and acquisitions, corporate restructurings, capital raising and other complex transactions, and general corporate and securities matters for both publicly traded and privately held clients. Reddy’s practice focuses on construction and infrastructure projects and government contracting. Speier focuses his practice on counseling banks and financial services providers regarding federal and state regulation of consumer financial products and services. Spivey’s practice focuses on representing clients in the leasing, acquisition and development of commercial property. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-745-2423; Fax 404-541-4698; www.kilpatricktownsend.com.
Baker Donelson announced the addition of Kamron Massumi as of counsel. Massumi’s practice focuses on the leasing, development, acquisition, disposition and management of retail and mixed-use real estate developments across the United States. The firm is located at 3414 Peachtree Road NE, Suite 1500, Atlanta, GA 30326; 404-577-6000; Fax 404-221-6501; www.bakerdonelson.com.

Arnall Golden Gregory announced the promotion of Joseph H. Brock, Marissa Coleman, Alexander B. Foster, Joel N. Gossner, Morgan E. M. Harrison, Madison M. Pool, Kara Gordon Silverman, Mike C. Thaler and E. Steven Thompson to partner. Brock focuses his practice on representing developers, owners and investors in the structuring and closing of commercial real estate transactions and joint ventures. Coleman’s practice focuses on financings, acquisitions, dispositions, development and joint venture negotiations related to the development of assets across the U.S. in the housing, office, warehouse and retail industries. Foster focuses his practice on providing transactional and regulatory counseling for a variety of clients in the health care and life sciences industry, including health systems, nursing homes, hospitals, ambulatory surgery centers, assisted living facilities, hospices, physician groups and other health care providers. Gossner’s practice focuses on private and public companies, funds and individuals in a wide variety of business matters, including mergers, acquisitions and dispositions, debt and equity financings, joint ventures, corporate governance and commercial agreements.

Harrison focuses her practice on litigation and dispute resolution matters. Pool’s practice focuses on providing regulatory counseling in the health care, health care technology and life sciences industries. Silverman focuses her practice on defending health care clients in litigation, government investigations, regulatory compliance, alternative dispute resolution and administrative disputes. Thaler’s practice focuses on representing private and public companies in a variety of transactional matters, including mergers and acquisitions, corporate governance, securities, finance, entity selection and formation, and other matters. Thompson focuses his practice on transactional matters, having extensive experience representing lenders, major corporations and governmental entities in connection with real estate acquisitions and dispositions, ground leasing, commercial leasing and lending. His practice includes representing clients in connection with mixed-use and transit-oriented development projects. The firm is located at 171 17th St. NW, Suite 2100, Atlanta, GA 30363; 404-873-8500; www.agg.com.

individuals and families with high net worth, which includes the preparation of wills, revocable and irrevocable trusts, life insurance trusts, family partnerships, advanced trust techniques, gifting and transfer documents. Wallace’s practice focuses on real estate and finance ranging from builders, homeowners and lenders. The firm is located at 5650 Whitesville Road, Suite 206, Columbus, GA 31904; 706-317-3440; Fax 706-317-3441; www.gshattorneys.com.

IN MACON

James Bates Brannan Groover LLP announced the addition of Maggie Martin and Chris Willis as associates. Martin’s practice focuses on commercial and civil litigation matters. Willis focuses his practice on general litigation matters, such as insurance defense. The firm is located at 231 Riverside Drive, Macon, GA 31201; 478-742-4280; Fax 478-742-8720; www.jamesbatesllp.com.

Constangy, Brooks, Smith & Prophete, LLP, announced the appointment of W. Jonathan Martin II as managing partner of the firm’s Macon office. Martin focuses his practice in employment discrimination litigation for management, defending corporations in lawsuits arising under Title VII of the Civil Rights Act of 1964, management in traditional labor law issues under the National Labor Relations Act and in wage and hour issues under the Fair Labor Standards Act, the Age Discrimination in Employment Act and the Americans with Disabilities Act, as well as related state laws. The firm is located at 577 Mulberry St., Suite 710, Macon, GA 31201-8588; 478-750-8600; Fax 478-750-8686; www.constangy.com.

IN SAVANNAH

Bouhan Falligant announced the naming of Gregory L. Finch to partner. Finch focuses his practice on transportation and logistics, medical malpractice and professional liability, nursing homes and long-term care, products liability and general civil practice. The firm is located at 1 W. Park Ave., Savannah, GA 31401; 912-232-7000; Fax 912-233-0811; www.bouhan.com.

Oliver Maner LLP announced the naming of I. William Drought III to partner. Drought’s practice focuses on civil litigation, working on personal injury, medical malpractice, business disputes and general litigation. The firm is located at 218 W. State St., Savannah, GA 31401; 912-236-3311; www.olivermaner.com.

HunterMaclean announced the election of Taylor L. Dove to partner. Dove, a member of the firm’s litigation practice group, focuses his practice on business litigation, bankruptcy, creditors’ rights and real estate litigation. The firm is located at 200 E. Saint Julian St., Savannah, GA 31401; 912-236-0261; Fax 912-236-4936; www.huntermaclean.com.

IN CHICAGO, ILLINOIS

Kilpatrick Townsend & Stockton announced the addition of an office in Chicago. The firm is located at 175 W. Jackson Blvd., Suite 950, Chicago, IL 60604; 312-364-2500; Fax 312-364-1003; www.kilpatricktownsend.com.

IN DALLAS, TEXAS

McGlinchey Stafford announced the addition of Justin Sauls as an associate. Sauls focuses his practice on representing banks, mortgage lenders and other financial service providers in complex consumer credit disputes and mortgage banking compliance issues at the federal and state levels. The firm is located at 6688 N. Central Expressway, Suite 400, Dallas, TX 75206; 214-445-2445; Fax 214-445-2450; www.mcglinchey.com.

IN PHOENIX, ARIZONA

Kilpatrick Townsend & Stockton announced the addition of an office in Phoenix. The firm is located at 6909 E. Greenway Parkway, Suite 100, Scottsdale, AZ 85254; 602-726-7310; Fax 623-321-1009; www.kilpatricktownsend.com.

IN WASHINGTON, D.C.


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.
You Can Bank on This

In a time of bank turmoil, here’s what lawyers should do to ensure the safety of client funds held in a trust account.

BY PAULA FREDERICK

“I just spent 30 minutes on the phone with Lula Jones,” your partner announces as she enters your office. “She is convinced that BigBank is going to fail, and take all her escrowed money with it. She actually wanted me to pull it out of the bank and hold it as cash!”

“Did you remind her that the Court ordered us to hold the proceeds from the sale of her house in our trust account until she and her ex work out their differences?” you ask.

“Of course!” your partner bristles. “But that’s not likely to happen anytime soon, and in the meantime, she’s going to drive us crazy! She wants written confirmation from the bank that her funds are completely insured!”

“Lula is a worrywart, but she does have a good point,” you admit. “We probably ought to get a better understanding of what’s insured and what’s not. And what do we know about BigBank? Is it doing the risky things that led to those other bank failures?”

“Ummm ... no idea,” your partner admits.

In a time of bank turmoil, what should lawyers do to ensure the safety of client funds held in a trust account?

First, choose a stable bank for your trust account. Georgia lawyers are ahead of the game on that; our Bar Rule 1.15 (III) requires that trust accounts be held at FDIC-insured banks on a Bar-approved list.

Second, be sure you understand how FDIC insurance works. Deposits are insured up to $250,000. Each client whose funds are in a trust account is treated as a separate “owner” for purposes of FDIC insurance, so deposits held in trust are insured for each client as if in a separate account. FDIC rules include strict record-keeping requirements in order for an account to be treated this way, but if you comply with Bar Rules regarding record-keeping for the account you should be in the clear.

But what if you are holding more than $250,000 on behalf of any one client? You might decide to split the deposits for a particular client and put them in several different banks so that each qualifies for FDIC coverage. You might also decide that the risk of failure is low, and so spreading around a client’s funds is not necessary. Either way, consider discussing the situation with the client to let them know where their funds are held and to enlist their help in monitoring the risk of bank failure.

As a bottom line, the State Bar is not going to accuse you of misconduct because of a bank failure that you had nothing to do with. Just act reasonably and do your best to protect the interests of your clients. And talk to your banker if something seems amiss.

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

Summaries

Oct. 26, 2022, through Jan. 18, 2023

BY LEIGH BURGESS

Disbarments
Candice Valerie Blain
3541 Roswell Road NE, Unit 9
Atlanta, GA 30305
Admitted to the Bar 2006

On Jan. 18, 2023, the Supreme Court of Georgia disbarred attorney Candice Valerie Blain (State Bar No. 788082) from the practice of law in Georgia. The matter came before the Court on a Notice of Discipline seeking the disbarment of Blain based on her abandonment of a client. Blain failed to file a Notice of Rejection, and the Court found that she was in default, waived her right to an evidentiary hearing, and was subject to such discipline as determined by the Court.

Blain, who was admitted to the Bar in 2006, was retained to represent a plaintiff in a civil suit in Fulton County State Court. The case was filed in 2016, and on Dec. 20, 2019, the trial court’s staff attorney emailed the attorneys and requested a trial announcement. To contact Blain, the staff attorney used the email address provided as a service contact in the court’s electronic filing system as well as another email address listed on Blain’s law firm’s website. The emails sent to both addresses were returned as undeliverable. On Dec. 23, 2019, the staff attorney sent the defendant’s lawyer an email setting a trial date in January 2020, and mailed a copy of that email to Blain at the address listed on the State Bar of Georgia’s website. The letter mailed to Blain was returned as undeliverable and unable to be forwarded. When the case was called for trial, neither Blain nor her client appeared. The defendant’s lawyer, who had entered an appearance in June 2019, informed the court that he had never heard from Blain and she did not respond to his attempts to schedule the court-ordered mediation. The trial court entered an order dismissing the case with prejudice.

Based on these facts, the State Disciplinary Board found, and the Court agreed, that Blain violated Rules 1.2 (a), 1.3, 1.4 and 3.2 of the Georgia Rules of Professional Conduct. The maximum sanction for a violation of Rule 1.2 (a) and 1.3 is disbarment, and the maximum sanction for a violation of Rule 1.4 and 3.2 is a public reprimand. In addressing mitigating and aggravating factors, the Board considered that while Blain had no prior disciplinary history, she had experience in the practice of law and that the record showed her intentional failure to comply with Bar Rules regarding the disciplinary process. After reviewing the record, the Court concluded that disbarment was the appropriate sanction in the matter.
Ethics dilemma?

Lawyers who would like to discuss an ethics dilemma with a member of the Office of the General Counsel staff should contact the Ethics Helpline at 404-527-8741 or toll free at 800-682-9806, or log in to www.gabar.org and submit your question by email.
and was consistent with similar cases in which an attorney has abandoned a client and failed to respond to the State Bar.

**Chandra McNeil Norton**

480 Darrow Drive  
Duluth, GA 30097  
Admitted to the Bar 1993

On Jan. 18, 2023, the Supreme Court of Georgia disbarked attorney Chandra McNeil Norton (State Bar No. 498550) from the practice of law in Georgia. The disciplinary matter came before the Court on the report and recommendation of the special master recommending the Court disbar Norton for her violations of Rules 8.4 (a) (2) and 9.1 (a) (2) of the Georgia Rules of Professional Conduct.

The record showed that in November 2020, Norton, who was admitted to the Bar in 1993, pled guilty to one count of conspiracy to commit wire fraud in the U.S. District Court for the Northern District of Georgia for defrauding the federal government of nearly $8 million in Paycheck Protection Program (PPP) loans. She has not yet been sentenced. Her conviction went unreported to the State Bar of Georgia. Upon learning of her conviction, the State Bar initiated disciplinary proceedings, the Court appointed a special master, and the special master conducted a hearing at which Norton testified regarding her conduct and offered evidence in mitigation. Norton filed a brief in support of a two-year suspension. She argued that although a felony conviction can serve as a basis for disbarment, it does not necessarily demand disbarment and the mitigating facts supported suspension. She noted that prior to her knowledge of the federal investigation or prosecution, she approached the government to return the monies obtained from the PPP; that she acknowledged and accepted full responsibility for her actions and was cooperating with federal authorities; and that in approaching the government, she did not seek special requests, waivers, departures or extra consideration from the government in exchange for her proffer or cooperation. In addition, Norton noted she had never been the subject of a complaint or disciplinary action with the Bar; that she had never before been convicted of any crimes; and that she did not practice law as her primary profession, which was one of the main reasons she was unaware of her responsibility to contact the Bar upon her guilty plea. She further noted that she fully cooperated with the Bar in this proceeding and was extremely remorseful for her actions. In addition, she noted that she has a commendable reputation in the community, as evidenced by the numerous letters of support from family and friends that she included with her brief. Norton also listed as evidence of her good reputation that she was a board member for an adoption agency and a charitable organization supporting youth in Atlanta and Memphis; that she is a sponsor and volunteer for several other youth organizations; and that she is also an adoptive parent and permanent guardian for an at-risk minor. Moreover, she noted that she was convicted in her role as a citizen, not an attorney, and that there were little to no aggravating factors in this case.

The State Bar responded that disbarment was appropriate given that the Court routinely imposes disbarment (or accepts voluntary surrender of licenses, which is tantamount to disbarment) in cases involving felony convictions for financial crimes. The Bar stated that the fact remained that Norton failed to report her conviction to the Bar for more than a year in violation of ethics rules and that as a licensed attorney, she had to comply with all of the Georgia Rules of Professional Conduct, not just the ones that she was aware of. The Bar further argued that the aggravating factors in this case, which it asserted included Norton’s dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceedings by failing to report her conviction and substantial experience in the practice of law outweighed any of the mitigating factors.

The special master concluded Norton violated Rule 8.4 (a) (2) by pleading guilty to conspiracy to commit wire fraud, and that for purposes of the Rule, a conviction includes a guilty plea regardless of whether a sentence has been imposed. In addition, the special master concluded that Norton violated rule 9.1 (a) (2) by failing to report her conviction to the Bar. The maximum penalty for a violation of Rule 8.4 (a) (2) is disbarment while the maximum penalty for a violation of Rule 9.1 (a) (2) is a public reprimand. The special master determined that the appropriate level of discipline for Norton’s conduct was disbarment. The special master concluded that Norton’s lack of disciplinary history combined with the character evidence she presented was outweighed by the seriousness of her crime and other aggravating factors and observed that even in cases involving significant mitigating factors, the Court has disbarred attorneys who were convicted of felonies involving fraud or dishonesty. In sum, the special master stated that eroding confidence in the legal profession is something that all lawyers must take seriously, and that while there was no doubt Norton had done good things for family, friends and the community, her guilty plea and failure to report it to the Bar seriously adversely reflected on her fitness to practice law, was a violation of the law and, in turn, was a violation of the Bar Rules, all of which pointed to a more severe sanction. The Court agreed that disbarment was the appropriate sanction and consistent with similar cases involving felony convictions for financial crimes.

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**Leigh Burgess**

Assistant Grievance Counsel  
State Bar of Georgia  
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Legal Tech TIPS

1 Disabled And Here
http://affecttheverb.com/disabledandhere
Looking to include more diversity in your website and marketing materials? Disabled And Here is a disability-led stock image and interview series celebrating disabled, Black, Indigenous, people of color.

2 Zoom Reports
http://zoom.us
If you’re not familiar with the virtual meeting platform Zoom, it might be safe to say you’ve been living under a rock. The Reports section of the Zoom web portal is a powerful tool that provides helpful meeting and webinar data like registration and poll reports for meetings, and registration, attendee, performance, Q&A and poll reports for webinars.

3 Excel Geography
If you have never used Excel’s built-in Geography feature, it’s high time you did. When dealing with Microsoft Excel spreadsheets, there are times you may have to add geographical data. Luckily, Excel allows you to do this in a few simple steps. All you have to do is convert your data into the Geography data type. Doing this will enable you to link your data to an online data source giving you access to an unlimited scope of data valuable to your project.

4 Looker Studio
http://lookerstudio.google.com
Looker Studio is a free tool that turns your data into informative, easy to read, easy to share and fully customizable dashboards and reports.
5 Better Images of AI
betterimagesofai.org
What images come to mind when you think of artificial intelligence? Cool PowerPoint design and read aloud features, or glowing brains and the Terminator? Better Images of AI is a nonprofit collaboration dedicated to researching, creating, curating and providing better images of AI than the typical clichéd or misleading ones you usually see. Visit the gallery on their website to download and use images for free.

6 Marvel
marvelapp.com
Create beautiful wireframes, mockups, website or app prototypes for any device right from your browser without writing a single line of code. Marvel provides design, wireframing, prototyping, handoff, user testing, collaboration and integration features. Pricing plans even include a free level to get you started.

6 Microsoft Sway
sway.office.com
Sway is an app from Microsoft Office that makes it easy to create and share interactive reports, personal stories, presentations and more. Start by adding your own text and pictures, search for and import relevant content from other sources, and then watch Sway do the rest. Sway can also transform a Word document into a webpage that looks great on any device.

8 ChromeOS Flex
chromeenterprise.google/os/chromeosflex
Don’t chuck that old laptop; modernize it. ChromeOS Flex—the cloud-first, easy-to-manage and secure operating system for PCs and Macs—provides a sustainable way to modernize devices you already own so that they are secure, boot fast, don’t slow down over time, update automatically in the background and can be managed from the cloud.
Ten Spring Cleaning Tips for Solo and Small Firm Attorneys

Have you considered applying the concept of spring cleaning to your law practice? Get your law firm affairs in order with this proactive approach.

BY NKOYO-ENE R. EFFIONG

As the winter season draws to a close, many of us start thinking about the traditional spring cleaning practice. We throw open our windows, scrub floors and declutter our closets, all to start the new season fresh and organized. But have you ever considered applying the concept of spring cleaning to your law practice?

As lawyers, we know the importance of keeping our files in order and staying on top of deadlines. The daily demands of running a law practice, however, make it challenging to maintain an organized and efficient workflow. That is why taking the time to assess your processes, clean up your files and review your financials can be invaluable. By adopting the principles of spring cleaning, you can start the new season with a fresh outlook and a more streamlined approach to managing your practice.

This article is designed to help you get your law firm affairs in order by proactively approaching spring cleaning. We will explore practical strategies for reviewing and organizing your files, clearing your inbox and staying on top of your finances. Let’s dive in.

1 Declutter your inbox.
An overflowing inbox can be a source of stress and a distraction. Additionally, it makes it easy to miss important emails from clients, counsel or the court. Cleaning out your inbox and creating rules and processes to keep it clean is a simple but effective way to improve productivity, protect confidential information (which you hopefully are not sending via email anymore) and stay on top of important messages.

2 Review and organize your client files.
Is all of your client data stored in the same place? Whether you maintain paper or digital files, you want to ensure you retain all relevant documents. A great way to keep track is to have a checklist of what documents should be in the file, from your engagement letter and fee agreement to your disengagement letter.

3 Reconcile your trust account.
If you have yet to keep up with your trust account, now is the time. You want to ensure that your general ledger and client ledgers are current. Yes, you need a ledger for each client with funds in your trust account. Once your ledgers are up to date, conduct a three-way reconciliation using your ledgers, bank statements and copies of checks you distributed or received. For more information on managing your trust account and avoiding overdrafts that trigger a review from the Bar, contact LPM for resources.

4 Update your client intake process.
Time to take a fresh look at your intake process. Often undervalued, your intake process is a huge marketing asset.
that sets the tone for clients around the type of experience they can expect from your firm. You are either building up or breaking down your client’s confidence in your work. Do you have an intake process that you can explain to clients and staff? Are you collecting the necessary information from your clients? Are you leveraging technology to streamline the process and improve the user experience? Is the process efficient and effective? Automated? Now is an excellent time to check.

5 Review your firm expenses.
We are all guilty of it. Buying that shiny new object, a new tech tool, a membership or subscription we cannot live without—only to never really use it. Time to trim the fat. Spring is a great time to review your expenses, renegotiate contracts and eliminate unnecessary or unused expenses. It is also a great time to revisit your budget for the year and make any necessary adjustments.
Update your website and social media profiles.

Now is a great time to review your website and social media profiles. These assets are often the first or early points of contact potential clients—and even current clients—have with your firm. You want to ensure the information is current and all your plugins and security features are up to date.

Update your fee agreements and engagement letters.

Periodically reviewing your fee agreements and engagement letters ensures they are still legally compliant and that they reflect your current policies and procedures. These documents also set the tone for the working relationship between you and your clients. It benefits you to ensure they are up-to-date and aligned with your current practices.

Conduct a cybersecurity checkup.

Data breaches are a significant concern for law firms of all sizes. By conducting a cybersecurity checkup, you can improve your chances of avoiding a serious disruption to your firm and a PR nightmare. A cybersecurity check ensures your network and data are secure. It should include reviewing your password policies, updating your antivirus software and training your staff on best practices (including and especially how to spot malicious emails).

Evaluate your marketing and business development efforts.

Evaluating your efforts allows you to identify which activities generate the most business and adjust your strategy accordingly. It also allows you to nurture and enhance client relationships by identifying areas where you can connect with clients and better anticipate their future needs.

Schedule some much-deserved self-care.

Self-care is essential to running a successful and sustainable law practice. Taking care of yourself can reduce stress, improve your focus and productivity, design more work-life integration, increase your job satisfaction and better serve your clients.

Focusing on these areas during your spring cleaning can help ensure that your law practice is running efficiently and effectively.

Ready to streamline your law practice with less stress? Join The LPM Insider at bit.ly/lpmnewsletter and get first access to tools, resources and events designed to help you build a law practice you love.

Nkoyo-Ene R. Effiong
Director, Law Practice Management Program
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BAR BENEFITS

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Law Practice Management provides business management assistance; technical and general consultations; software advice and training; sample forms; start up resources; a solo/small firm discussion board and video resources.

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State Bar of Georgia
Lawyers Living Well, a podcast for all things wellness.

Available now.

www.lawyerslivingwell.org
Let ReliaGuide Introduce You to Your Ideal Clients

Consumers increasingly use online resources to find legal help, so an online presence is vital. The State Bar of Georgia is eager for its members to have the tools needed to make it easier for consumers to find you.

BY SHEILA BALDWIN

The State Bar of Georgia’s Law Practice Management Program offers members products, resources and guidance on how to run a successful law firm. We accomplish this within our program and through our member benefits offerings. One benefit that you may not have taken advantage of is ReliaGuide, the Bar’s enhanced directory resource that serves our members and the public. The branding has changed due to the expansion of its offerings. You may know this member benefit as CloudLawyers, the Bar-facing side of the service that hosts an enhanced member directory or Find a Lawyer, available on the home page of the Bar website to assist the public in finding representation (see fig. 1). In this article you will learn how ReliaGuide can be useful in helping you find clients that you are best suited to assist.

1. Member Directory
2. Profile

First name
Last name

NEED A LAWYER?

SEARCH

Search

Languages spoken:

RATES AND FEES

Practice Areas:

Keywords:

Contact Information:

Account

Settings
Before Your Client Meets You, Create an Effective Online Presence

When legal marketers speak about creating an online presence what they really mean is that you need to create an online relationship with potential, current and future clients. Prospective millennial clients are looking for personal, authentic and transparent content. It’s important to be seen as someone who understands their problems. ReliaGuide offers you the platform that will enable you to tell the story of your practice, not just what practice areas you work in, but how you established your practice, your values and your personality.

When Building an Effective Online Presence, Communicate Information That Answers Common Concerns

You can encourage trust and confidence by simply addressing the common concerns listed above. Use all the features that are included within your free Bar member account including your name, photo, up to three practice areas, education, contact and license information so that they can easily use the search filters to find you. Pro tip: practice area is searched most often second to geographical location, so share three practice areas and your location at minimum.

Use Your Online Presence as a Means to Create Added Value

By taking the time to establish a relationship with the potential client, you will become valuable to them. For example, some clients research their legal issues online and if you have insight resources posted on your site, it may lead them to hire you to initially and lead to more matters and other good referrals. In your Find a Lawyer profile, use your bio, case represented field, speaking engagements and blogs to speak directly to clients. Remember they can find any lawyer, but you need to take the time to show them you are worth choosing since they will check all your platforms and competitors before deciding.

Law firms must develop an online strategy. Express the vibe of your office, what it’s like to work with your team and who will help on their case. Keep it fresh; a modern website design, font and layout says you are paying attention and interested in new ideas. Build in interactive features to your online presence with contact forms, online appointment scheduling, live chat, quizzes, polls, podcasts and videos.

How to Use ReliaGuide to Introduce You to Your Ideal Clients

You can edit your profile by logging in to your member account and selecting “My Profile” from the list of options on the manage your account page (see fig. 2). Fill out each available option within your free basic benefit. If you are interested in attracting your ideal client, take it to another level and subscribe to Profile Plus for only $8 a month. It’s a small investment to have the advantage of a full-featured webpage accessible on the State Bar of Georgia website. Your profile can act as your primary website or link to one you have already built.

The Profile Plus account dashboard enables you to manage, update and add content on your profile site such as: unlimited practice areas, customized biography, employment history, rates and billing information, website and social media links, case examples, presentations, awards and achievements, membership in affinity bars and the ability to post blogs and articles. You can allow potential clients to contact you through your State Bar profile by enabling contact and online appointment scheduling in the Find A Lawyer directory.

To find out more about this free member benefit, take the time to follow the directions above and add your free areas.

45% of people with a legal issue state that their biggest challenge is finding a lawyer they are confident is right for them.

77% want to know the lawyer’s experience and credentials.

72% want to know the types of cases they handle or areas of practice.

70% want to understand the legal process clearly and know what to expect.

66% want an estimate of the total cost for their case.

To subscribe to Profile Plus, look for the option within your account to upgrade. Please contact me at sheilab@gabar or call me at 404-526-8618 with any questions.

Sheila Baldwin
Member Benefits Coordinator
State Bar of Georgia
sheilab@gabar.org
Hardly a week goes by when I do not hear from another lawyer in my age group struggling with their blood sugar and diabetes. A little more than five years ago, I was diagnosed with prediabetes and needed to start monitoring my own blood sugar. When I was younger, I rarely thought about my weight or what I ate, but as I started aging and was in my 50s, my metabolism and lifestyle started catching up with me. The long hours behind a desk, poor eating habits and insufficient exercise took their toll on my health. Left untreated, diabetes can lead to much more serious health conditions, such as damage to the heart and blood vessels, nerve damage in the limbs, kidney disease, loss of eyesight, hearing impairment, sleep apnea and dementia.

Type 2 diabetes, formerly known as adult-onset diabetes, is an impairment of the way that the body regulates glucose and uses it as fuel. The chronic condition results in too much sugar in the bloodstream. According to the Mayo Clinic, Type 2 diabetes is primarily caused by two interrelated problems. First, muscle, fat and liver cells become resistant to insulin and do not take in enough sugar. This results in too much insulin in the body.
blood. Second, the pancreas is unable to produce enough insulin to manage blood sugar levels. Scientists are not sure why this happens, but the key contributing factors are being overweight and inactive.

Let’s face the fact that, as lawyers, we can easily fall into habits that can result in prediabetes and Type 2 diabetes. The long hours spent at work in a sedentary position, high stress, little opportunity to exercise, poor eating habits and inattention to our health create the perfect conditions for the onset of diabetes as we get older. We must pay attention to our blood chemistry as a part of managing our wellness.

The signs and symptoms of Type 2 diabetes develop slowly, and it is possible for people to go years without knowing they have it. Some symptoms include increased thirst, frequent urination, fatigue, blurred vision, slow healing of cuts or sores and numbness or tingling in the feet. The main tool to test for diabetes or prediabetes is the glycated hemoglobin test or the A1C test. The test measures the amount of glucose attached to hemoglobin in the blood, giving a measurement of the average blood sugar levels for the past three months.

According to the Centers for Disease Control and Prevention, an A1C of 5.7% or below is normal. Persons with an A1C between 5.7% and 6.4% are considered prediabetic, and persons with an A1C above 6.5% are considered diabetic. The A1C goal for most people diagnosed with Type 2 Diabetes is below 7%. The CDC recommends that persons over 45 or who are overweight with one or more risk factors get their A1C tested. If you have diabetes, you should get your A1C tested at least twice a year. The CDC also recommends regular blood sugar testing at home to track daily glucose levels.

Healthy lifestyle choices early on can help prevent Type 2 diabetes. The Mayo Clinic recommends eating healthy foods, such as a high-fiber, low-fat diet focusing on fruits, vegetables and whole grains. They also recommend getting active with at least 150 minutes of moderate to vigorous aerobic exercise per week and avoiding sitting for long periods of time. Additionally, the Mayo Clinic recommends that for those diagnosed as prediabetic a loss of 7-10% of their body weight can delay the progression to Type 2 diabetes. The treatment and management of Type 2 diabetes is much the same as prevention; however, it may include some sort of diabetes medication or insulin therapy.

While there is no cure for Type 2 diabetes, it is possible to live a full life and avoid the more serious complications through treatment and management. If left diagnosed, it is a chronic condition that can destroy a life, a career and a family. In the five years since I was diagnosed, it has been a struggle to control my diet and get the exercise I need. It’s something I work on every day to maintain my wellness so I can continue to be here for my family, my colleagues and my clients.

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

Eric A. Ballinger is a main street lawyer and mediator in Canton, Georgia, and a part-time magistrate judge for Cherokee County. He presently serves on the Board of Governors for the State Bar of Georgia, where he takes an active interest in lawyer wellness. He currently serves as the chair for the Mental Wellness and the Technology subcommittees of the Attorney Wellness Committee. His interests include tennis, walking, reading, technology and playing guitar.

Endnotes

Suicide Awareness & Prevention
The State Bar of Georgia’s suicide awareness campaign has a dual purpose, directed toward lawyers and judges who are suffering from anxiety and depression and may be at risk for suicide, as well as all Bar members, who need to recognize the severity of the problem and be able to identify warning signs among our colleagues.

If you or someone you know are contemplating suicide, call 800-327-9631 today.

Learn more at gabar.org/suicideawareness.
A New Phenomenon in Legal Writing: Storytelling Complaint Introductions—Part I

In the last decade, some lawyers have begun to use storytelling techniques in an unexpected place: complaints, and specifically, complaint introductions.

BY MEGAN E. BOYD

Good lawyers have used storytelling techniques for hundreds of years to persuade judges and juries that their clients should prevail. While most lawyers probably don’t spend much time considering why storytelling is important, science shows that “[human] brains are evolutionarily hardwired to think in terms of stories and to comprehend information given to us in terms of stories.” So storytelling is actually critical to our success as advocates. Until recently, though, storytelling techniques were generally reserved for motions practice, oral argument and trial—critical points in the case where lawyers believe storytelling is most important. In the last decade, though, some lawyers have begun to use storytelling techniques in an unexpected place: complaints, and specifically, complaint introductions.

Lawyers have traditionally seen complaints as purely functional; they initiate a suit and nothing more. In truth, complaints often serve many other purposes, and in an era where few cases are tried, using storytelling techniques may not just be good lawyering, but essential. In this two-part series, I will examine complaint introductions. In the first part, I will use examples from complaints filed in Georgia cases to show the ways that attorneys have employed storytelling techniques in complaint introductions to get the reader’s attention. In the next part, I will discuss the implications of complaint introductions, including whether they run afoul of the short-and-plain statement requirement for complaints, and the best practices for lawyers who want to use complaint introductions to further clients’ cases. In these articles I will show that using complaint introductions, whether those introductions are short and plain or long and detailed, is an excellent way to get the reader’s attention, add context and tell a compelling story at the earliest point in the case. Good complaint introductions can have immense benefit to the lawyer’s client and when the introduction is well-written, the risk that the complaint will be met with a motion is extremely low.

- This is a constitutional challenge to House Bill 481 (HB 481), attached as Exhibit A, which bans practically all abortions. This law is an affront to the dignity and health of Georgians. It is in particular an attack on low-income Georgians, Georgians of color and rural Georgians, who are
least able to access medical care and least able to overcome the cruelties of this law. Georgians face a critical shortage of reproductive health care providers, including obstetrician-gynecologists, and the rate at which Georgians, particularly Black Georgians, die from pregnancy-related causes is among the highest in the nation.

- Rather than working to end those preventable deaths, and rather than honoring Georgians’ reproductive health care decisions, the Legislature has instead chosen to criminalize abortion from the earliest stages of pregnancy. HB 481 criminalizes pre-viability abortions in direct conflict with *Roe v. Wade*, 410 U.S. 113 (1973), and nearly a half century of Supreme Court precedent reaffirming *Roe’s* central holding. Specifically, it criminalizes abortion after embryonic cardiac activity is detectable, which generally occurs around six weeks in pregnancy, when many people are unaware they are pregnant. The law undermines a woman’s “ability ... to participate equally in the economic and social life of the Nation,” which “has been facilitated by their ability to control their reproductive lives.” *Planned Parenthood v. Casey*, 505 U.S. 833, 856 (1992).

- In addition, this law threatens a vast array of medical care critical for the health of Georgia’s women of reproductive age. Its vague language threatens clinicians with prosecution for any medical care they provide to pregnant patients that could harm an embryo/fetus. The threat of criminal liability is likely to have a chilling effect on health care providers across Georgia, shaping provider and patient decisions about a wide range of health conditions and restricting treatment options for people who are pregnant or perceived to be capable of pregnancy.3

A closer look at the *Sistersong* introduction shows how the drafters have used factual and legal allegations and persuasive language to convince the reader that the law is extraordinarily detrimental to Georgia citizens. The details in the introduction are critical to its persuasive power. The drafters begin by highlighting the people who will be most affected by the law: “low-income Georgians, Georgians of color and rural Georgians.”4 They note that the law will not only punish those who are least likely to have access to medical care but will also stymie the efforts of doctors who treat pregnant patients for all types of medical conditions, not just pregnancy. This information is essential in explaining why the plaintiffs believe an injunction is necessary. And consider the charged language the writers use: “attack,” “cruelties,” “critical” and “threatens.” The *Sistersong* plaintiffs’ position is clear: the law is cruel, it threatens the health and welfare of many underrepresented groups of Georgians, and if not struck down, it will force doctors to refuse necessary medical care to pregnant patients.

*Sistersong* is a complex, multi-tiered challenge to legislative action, but in
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.
more straightforward suits, introductions may contain only factual background and still give the reader necessary context to absorb the factual and legal allegations that come later:

This is an insurance contract and bad faith dispute. Plaintiffs own a home located at Dacula, Gwinnett County, Georgia (“Home”). On Oct. 29, 2020, the Home suffered wind damage resulting in water infiltration. Plaintiffs’ homeowners insurer, USAA CASUALTY INSURANCE COMPANY (“USAA”) refuses to pay ensuing loss resulting from the wind damage.5

Complaint introductions often contain numbered paragraphs, but some lawyers have chosen instead to write prose-like introductions. Consider the introduction from a breach-of-contract dispute over construction of a basketball facility:

This is a breach of contract action. Plaintiff Overtime Elite is a basketball league for the nation’s most exceptional young athletes. Its vision is to offer unparalleled preparation for its players’ success by focusing on three areas traditional basketball programs underserve—academics, economic empowerment and player development. Overtime Elite is also unique among basketball leagues for its innovative use of social media to market itself while helping its players establish their own brands.

To realize its vision and effectively implement its social media marketing plans, Overtime Elite contracted with Defendants to construct the OTE Center of Excellence (“the Project”)—a multipurpose facility with a basketball arena, show court, practice courts, classrooms, exercise space and related amenities. But midway through the Project, Defendants simply walked away, leaving Overtime Elite scrambling to fix numerous defects in Defendants’ work, complete the Project, and pay Defendants’ unpaid subcontractors. Overtime Elite brings this action to recover damages sustained as a direct and proximate result of Defendants’ breaches of their contract with Overtime Elite (the “Contract”).6

This introduction sets the stage for the litigation and casts the plaintiff in a positive light while showing how detrimental the defendant’s conduct has been. The plaintiff is heralded for its dedication to providing “unparalleled preparation” both on and off the court for the country’s “most exceptional young athletes,” unlike the defendant, who skirted its obligations and “simply walked away” from its contract, leaving the plaintiff in a lurch and harming its ability to help the youth in its program achieve academic and economic success.7 This introduction primes the reader to sympathize with the plaintiff’s plight and want to do what it can to make the issue right.

Endnotes
2. Popular storytelling techniques include: the use of a theme; framing; priming; the incorporation of stock stories; the inclusion of details; the use of imagery; the development of compelling characters; and appeals to morality.
4. Id. at ¶ 1.
7. Id. at p. 1.
Signature Professionalism CLE

The Chief Justice’s Commission on Professionalism sponsored a Signature Professionalism CLE on Feb. 22 at the State Bar of Georgia headquarters in Atlanta.

BY KARLISE Y. GRIER

Sarah B. "Sally" Akins, in her first Georgia Bar Journal article as Bar president, wrote: "I am committed to focusing on the core values of our profession and our ongoing mission to serve the public and the justice system. This includes a renewed commitment to professionalism among the members of the State Bar of Georgia." As part of that commitment, Akins envisioned an in-person continuing legal education program that would revisit the history of the professionalism movement in Georgia and discuss the relevance of professionalism in today’s legal practice.

In partnership with the Chief Justice’s Commission on Professionalism, Akins and the Commission held a hybrid Signature Professionalism CLE program on Feb. 22 at the State Bar of Georgia headquarters in Atlanta. The program was attended in person by 139 lawyers and virtually by 249 lawyers.

Chief Justice Michael P. Boggs opened the program with remarks on professionalism. He reminded the audience that with our privilege to practice law comes great responsibility. "It is my hope," he said, "that professionalism will be the cornerstone of your lives and your careers and that you will indeed hold up the highest levels of professionalism in your practices." Akins also made opening remarks. She said one of the goals of the program was to thank the people who helped start the professionalism movement in Georgia and then to look ahead to see what professionalism looks like as we move forward.

Remembering the 1988 Convocation on Professionalism

Moderator
- Justice Andrew A. Pinson, Supreme Court of Georgia

Panelists
- Ronald Edward "Ron" Daniels, managing attorney, Daniels Taylor Law; YLD president
- Associate Dean A. James Elliott, Emory University School of Law
- Lester B. Johnson III, managing attorney, Lester B. Johnson, III, P.C.
- Hon. Connie L. Williford, Macon Judicial Circuit Superior Court

The CLE program began with a panel that discussed a Convocation on Professionalism and the Practice of Law that was held on March 31, 1988, at Emory University. Former State Bar President and former Commission member Associate Dean A. James Elliott opened the panel, which was moderated by Commission Advisor Justice Andrew A. Pinson. Elliott recalled receiving a call inviting him to a meeting with Emory President James T. Laney, Justice Thomas Marshall (who was chief justice of the Supreme Court of Georgia at the time), Justice Harold Clarke and Justice Charles Weltner. These three justices, along with Laney, had decided to hold a convocation that would gather lawyers form around the state of Georgia to discuss professionalism and asked Elliott to assist. Elliott, of course, agreed to help and noted that Justice Weltner and Dr. Michael L. Goldberg had provided much of the thought leadership in organizing the 1988 Convocation. During the 1988 Convocation, Chief Justice Marshall asked attorneys to address three main topics, and the panel recalled the remarks of the 1988 speakers.

Hon. Connie L. Williford, Macon Judicial Circuit Superior Court, discussed comments made by former State Bar President (1974-75) and Macon attorney Cubedge Snow Jr. Williford shared Snow’s thoughts on lawyers’ relationships to the courts, and the responsibilities of
lawyers and judges to ensure that the litigation process was both efficient and fair. Snow, she observed, spoke at length about the role of judges in ensuring that the litigation process was free from abuse. In addition, Williford said Snow told lawyers, “From the beginning of a lawyer’s career, let him [or her] above all things cultivate truth, simplicity and candor. They are the cardinal virtues of a lawyer.” She also noted Snow’s comment that the effort for professionalism requires constant striving.

Savannah attorney Lester B. Johnson III recalled the remarks of Hon. G. Conley Ingram, retired Cobb County Superior Court judge and former justice of the Supreme Court of Georgia. At the 1988 Convocation, Ingram discussed the lawyers’ relationship to clients. Ingram emphasized that the traditional attorney client relationship was based on the integrity, advice and counsel that a lawyer provided to the client—or as Ingram phrased it, pure professionalism versus consumer commercialism. Johnson said Ingram’s belief was that when an attorney took an oath, he should feel that he had been entrusted with the legal profession. Johnson also discussed Felker Ward’s comments regarding the dearth of diversity in the legal profession. Ward believed, said Johnson, that lawyers had a responsibility to enhance society given a lawyer’s membership in a special profession at the pinnacle of society. Ward said that as part of professionalism, lawyers should become more influential in deciding the direction of society by active participation in causes like the Civil Rights Movement.

Finally, YLD President Ron Daniels recalled remarks made by former State Bar President and Rome attorney Robert “Bob” Brinson regarding lawyers’ relationships with other lawyers. Daniels said the overarching theme of Brinson’s remarks was participation and what lawyers should be doing both individually and as a group for the profession. He said lawyers needed to get involved with bar associations and professional associations. Daniels noted that Brinson said the profession belongs to each lawyer, and thus each lawyer had a burden to self-regulate the profession by leading by example and participating in professional organizations to ensure that all lawyers learned the values of the profession. Brinson also shared an eight-point pledge that included, in part: 1) My word is my bond; 2) Opposing counsel is entitled to an initial presumption of being a good person; and 3) I will be courteous, remembering that courtesy is not a weakness.

In addition to these topics, the panel discussed other issues raised by attorneys during the 1988 Convocation, including Susan Cahoon’s observations on discovery problems, and mentoring of young attorneys as highlighted by several attorneys. Elliott recalled that one thing that became clear as a result of the 1988 Convocation was that those gathered at the event wanted professionalism in Georgia institutionalized in a formal manner. Elliott also recognized the Commission’s first Executive Director Hulet H. “Bucky” Askew, who attended the CLE program.

Honesty and the First Convocation on Professionalism

Moderator
- Hon. T. Russell McClelland III, State Court of Forsyth County

Panelists
- Alyssa Baskam, principal, Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
- Hon. William S. Duffey Jr., U.S. district judge (retired), U.S. District Court for the Northern District of Georgia
The second panel, moderated by Commission member Hon. T. Russell McClelland III, focused on the Inaugural Georgia Convocation on Professionalism that was convened in Macon, Georgia, on Oct. 14, 1988.4 The topic of the Convocation was “The Practice of Law—Is There Anything More to It Than Making Money?”

Hon. William S. Duffey Jr. opened the panel by sharing memories of one of his mentors, Hon. Griffin Bell. Duffey said that Bell believed that if you had strong values and character, then good conduct, civility, charity, goodwill, wise counsel to clients and contributions to our community would be a natural byproduct of that kind of professionalism. Duffey observed: “Professional values are different from the values of the marketplace. They are more service-oriented, more self-sacrificing and more noble.” Then he emphasized, “And they have to be taught.”

Duffey also discussed Bell’s closing remarks at the 1988 Convocation regarding honesty and the attorney oath of admission. As a result of Bell’s closing remarks at the 1988 Convocation, the Supreme Court of Georgia adopted a new oath of admission for attorneys that incorporated the word “honesty” into the oath, and that was first administered to the attorneys who attend the Inaugural Georgia Convocation on Professionalism in October 1988. Duffey said we need to teach attorneys that we as a legal profession expect each attorney to abide by the promises they make in the oath.

Alyssa Baskam followed Duffey—no pressure there, she claimed—and said what matters with respect to the professionalism aspirations is how we practice law each day. “When other people see us practice with honesty and professional-
ism,” she said, “it can remind others of their obligations as lawyers.”

The panel also discussed some of the circumstances that challenge lawyers to hold true to the oath’s promise of honesty. Sara Hamilton shared research from the Harvard Business Review that provided reasons why people said that they sometimes lied. She explained she hoped that understanding some of the reasons people lied would help attorneys examine their actions and help the legal profession get to a point of being more honest; when we as attorneys fall short of the oath, to act honestly.

Finally, the panel considered the relevance of professionalism in the present. Former Chief Justice Harold Melton shared why he included a professionalism paragraph in all but the first Statewide Judicial Emergency Order during the COVID-19 pandemic. Melton said the Supreme Court could not enter an order to cover every scenario, so the professionalism paragraph encouraged attorneys and judges to work things out that were not covered by the order. In addition, Melton said watching judges and lawyers from all areas of the profession work together to keep the legal system operating during the pandemic was one of the highlights of his career. Melton further commended McClelland for the role he played in that work as a member of the Supreme Court’s COVID-19 Judicial Task Force.

In conclusion, the panel said that it was encouraged by the professionalism of Georgia’s bar and hoped that a continued focus on professionalism would promote future professionalism by the members of the State Bar of Georgia.

A Lawyer’s Creed and the Aspirational Statement on Professionalism: History, Creation and Relevance Today

Panelists
• Professor Patrick Longan, William Augustus Boorte Chair in Professionalism and Ethics, Mercer University Walter F. George School of Law
• John C. Sammon, past president, State Bar of Georgia (1993-94)
• Thomas G. “Tom” Sampson Sr., managing partner, Thomas Kennedy Sampson & Thompson LLP

The next group of presenters focused the audience’s attention on the creation and current relevance of A Lawyer’s Creed and the Aspirational Statement on Professionalism. Justice Carla Wong McMillian reminded everyone that the Supreme Court formed the Commission in February 1989. Thereafter, the Court asked the Commission, as one of its first tasks, to draft a creed on professionalism.

Thomas G. “Tom” Sampson Sr., who was a charter member of the first Commission, chaired the committee responsible for drafting the creed. Sampson shared that the principal drafter of the Creed and Aspirational Statement was retired Mercer Professor Jack L. Sammons Jr.

Sampson also discussed some of the considerations that the committee and the Commission contemplated when crafting the document. For example, State Bar Past President John C. Sammon—who had no relation to Mercer Professor Jack Sammons—reflected on why the committee, the Commission and ultimately the Supreme Court included language in the Creed and Aspirational Statement that encouraged lawyers “[t]o avoid all forms of wrongful discrimination.” Sammon said that in the mid-’80s it was becoming increasingly clear that Bar leadership did not reflect the public it served or younger members who were joining the Bar. He said there was a real interest at that time in diversifying the leadership of the Bar, and it may have been one of the impetuses for including the anti-discrimination language in the Creed and Aspirational Statement.

Sampson also offered his thoughts on the topic and said that while he acknowledged that the State Bar of Georgia still has challenges, he commended the Bar for its long-standing commitment to diversity. Sampson recalled, for example, that fellow panelist John Sammon appointed him to the Board of Governors.

Sampson also shared that Jim Elliott, who was a speaker on the first panel, hired Sampson’s former law partner John L. Kennedy as one of the first two African American attorneys at his large downtown Atlanta law firm.

Professor Patrick E. Longan confirmed that he had read most, if not all, of the creeds that had been developed nationally regarding professionalism at the time, and in his opinion, Georgia stood alone in including its anti-discrimination aspiration. Longan also discussed how Justice Harold Clarke addressed the skeptics who attacked Georgia’s professionalism movement in its earliest years in an article he wrote called “Repaying the Debt.”

Justice McMillian concluded the panel by sharing that she felt it is always necessary to have a goal to work toward. She believes the Creed and Aspirational Statement gives her—and all Georgia lawyers—that goal. “That is why professionalism remains important to this day.”

Professionalism, Community Service and Pro Bono

Moderator
• Molly Barrett Gillis, partner, The Gillis Law Firm, LLC

Panelists
• Hon. William “Bill” Adams, of counsel, Adams Law Firm
• Justice Verda M. Colvin, Supreme Court of Georgia; chair, Standing Access to Justice Committee, Judicial Council of Georgia
• Hon. John A. “Trea” Pipkin III, judge, Court of Appeals of Georgia
• J. Henry Walker IV, chair and chief executive officer, Kilpatrick Townsend & Stockton LLP

The final panel of the day discussed professionalism, community service and pro bono. Commission member and Marietta attorney Molly L. Gillis moderated the panel.

Justice Verda Colvin opened the session by discussing the work of the Judicial Council of Georgia’s Standing Committee on Access to Justice. She shared that the committee looked at ways to provide access to justice for people with low incomes or who were in rural areas that had few or no lawyers. Justice Colvin also remarked, “If the least of us don’t have access to justice, then justice doesn’t exist.”

Hon. William “Bill” Adams of Macon gave the audience an overview of Middle Georgia Justice (MGJ), an organization that helps Middle Georgians with access to legal assistance when they cannot afford to pay for it. Adams shared how MGJ involves the entire Macon community—not just the legal community—in financially supporting MGJ’s work.

Next, J. Henry Walker IV spoke about pro bono from a private law firm perspective. He said that pro bono is part of Kilpatrick’s identity and explained that approximately 25 years ago, the firm became the first large downtown Atlanta law firm to hire a pro bono partner. Kilpatrick Townsend wanted to work more effectively as a force for good for clients and for the community, he said. Walker also noted that the firm was a microcosm of society. As a result, he shared there might not always be agreement on particular projects, but there is agreement on core values of access to justice, fairness and equality. Walker concluded by noting the tremendous tangible benefits that accrue to lawyers and to law firms beyond just the benefit of doing good work for the community by engaging in pro bono work.

The panel also discussed public service. Hon. John A. “Trea” Pipkin III talked about public service. He said only 20% of the lawmakers who are in the Georgia General Assembly are lawyers. He said we need more lawyers to run for elected office. If that is not your interest, he said, then lawyers should, at a minimum, find ways to engage in citizen service. “All of us can do more.”

The panel’s final topic was community service. Justice Colvin began the discussion by observing that our core mission as a profession is service. “If service is beneath you, then leadership is beyond you,” she said. Service is the stuff beyond what you are paid for, she noted.

Thereafter, the panel members shared their involvement in various kinds of service. Walker recalled his involvement “as a fly on the wall” in the establishment of the community service awards now hosted by the Commission. He said the State Bar started the awards to recognize the good work lawyers are doing in the community. In addition, he explained that the awards were eventually renamed in honor of Justice Robert Benham because of his dedication to community service.

Gillis, who leads a three-attorney law firm, said she, along with other Marietta moms, raised money for nine Ukrainian families in need. One member of a family who was helped sent a thank you note that read, “Thanks to you, we started to believe in kindness again.” She emphasized that lawyers from all backgrounds could find a way to give back to the community.

Closing Remarks
Hon. Steven D. Grimberg, U.S. District Court for the Northern District of Georgia, gave closing remarks on behalf of the Commission. Grimberg said that so much of engaging in professionalism is about relationships and getting to know your colleagues and opposing counsel. He encouraged attendees to foster positive relationships on the front end of cases to help avoid confrontation during litigation.

The CLE was the result of the hard work of many people, and the Commission would like to acknowledge the following individuals: Commission Chair Chief Justice Michael P. Boggs, for his leadership and guidance in all of the Commission’s endeavors; Commission advisor Justice Andrew A. Pinson, for his advice regarding the Commission’s work; State Bar of Georgia President Sarah B. “Sally” Akins, for her vision in spearheading this program and for making professionalism one of the hallmarks of her platform during her presidency.

The event was planned by members of the Commission’s CLE Committee: Chair Rebecca Holmes Liles Grist, Molly Barrett Gillis, Professor Patrick Longan, Hon. T. Russell McClelland and Adwoa Ghartey-Tagoe Seymour.

Finally, the Commission would like to thank Commission advisor Jennifer Davis Ward and Commission liaison Dee Dee Worley for providing additional staff support at the Signature Professionalism CLE program.

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

Georgia Lawyers Helping Lawyers (LHL) is a confidential peer-to-peer program that provides colleagues who are suffering from stress, depression, addiction or other personal issues in their lives, with a fellow Bar member to be there, listen and help.

If you are looking for a peer or are interested in being a peer volunteer, visit www.GeorgiaLHL.org for more information.
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.

DUNCAN EARL ALFORD
Columbia, South Carolina
University of North Carolina School of Law (1991)
Admitted 1991
Died February 2023

BENJAMIN LANIER BAGWELL
Cumming, Georgia
University of Georgia School of Law (1992)
Admitted 1992
Died December 2022

ERWIN H. BAUMER
Atlanta, Georgia
University of Virginia School of Law (1960)
Admitted 1961
Died March 2023

FRANCIS ANTHONY BLACKY
Albany, Georgia
University of Georgia School of Law (1997)
Admitted 1997
Died March 2023

JON GARY BRANAN
Macon, Georgia
Mercer University
Walter F. George School of Law (1980)
Admitted 1980
Died January 2023

CHRISTOPHER ALAN BRINKLEY
Duluth, Georgia
Florida Coastal School of Law (2012)
Admitted 2012
Died March 2023

JAMES MICHAEL BROWN
Durham, North Carolina
University of Georgia School of Law (1970)
Admitted 1970
Died January 2023

NORA KALB BUSHFIELD
Brookhaven, Georgia
Antioch School of Law (1980)
Admitted 1985
Died March 2023

MILTON A. CARLTON JR.
St. Simons Island, Georgia
Emory University School of Law (1963)
Admitted 1962
Died March 2023

ROBERT ANDREW CHUBB
Atlanta, Georgia
Ohio State University
Michael E. Moritz College of Law (1995)
Admitted 1999
Died February 2023

TERENCE GODFRIED CLARK
Atlanta, Georgia
New York University School of Law (1991)
Admitted 1994
Died February 2023

ARIEL V. CONLIN
Marietta, Georgia
University of Georgia School of Law (1952)
Admitted 1953
Died March 2023

BRICKER SCOTT DAUGHERTY
Athens, Georgia
Samford University
Cumberland School of Law (2007)
Admitted 2015
Died January 2023

THEODORE G. FRANKEL
Sandy Springs, Georgia
Emory University School of Law (1955)
Admitted 1955
Died February 2023

JOHN W. GREER III
Atlanta’s John Marshall Law School (1965)
Admitted 1971
Died March 2023

NAN HARMAN-DEMPSEY
Brookhaven, Georgia
Antioch School of Law (1980)
Admitted 1985
Died March 2023

ALTON G. HARTLEY
Doraville, Georgia
Emory University School of Law (1969)
Admitted 1971
Died January 2023

GERALD ROBERT HOWARD
Townsend, Georgia
Emory University School of Law (1958)
Admitted 1958
Died January 2023

CHARLES DAVID JOYNER
Buford, Georgia
Georgia State University College of Law (1992)
Admitted 1992
Died January 2023

FRANK COXE MILLS
Canton, Georgia
University of Georgia School of Law (1973)
Admitted 1973
Died February 2023

ELIZABETH ANNE NEALON
Asheville, North Carolina
University of Georgia School of Law (1992)
Admitted 1992
Died September 2022

JOHN F. NEBL
Eatonton, Georgia
Potomac School of Law (1979)
Admitted 1979
Died February 2023

JIMMY LEE PARTIN
Alpharetta, Georgia
University of Tennessee College of Law (2000)
Admitted 2002
Died December 2022

MICHAEL BURNETT PERRY
Kingsland, Georgia
Emory University School of Law (1973)
Admitted 1973
Died March 2023

FRANK F. ROX JR.
Decatur, Georgia
Emory University School of Law (1979)
Admitted 1979
Died January 2023
Theodore G. “Ted” Frankel passed away in February.

He was born in Atlanta on July 24, 1931. Frankel attended Boys High and Hoke Smith High in Atlanta where, according to the newspaper of which he was editor, he was the “local Casanova, Einstein and Bob Hope all rolled into one.”

Frankel attended the University of North Carolina at Chapel Hill, and he remained an avid Carolina Tarheel basketball fan until the very end. Frankel attended Emory University School of Law, where he was the editor-in-chief of the Journal of Public Policy.

After law school, he served in the Air Force JAG Corps and then returned to Atlanta to practice law. He served as president of the Younger Lawyers Section (now Young Lawyers Division) of the State Bar of Georgia in 1965-66.

Frankel was a self-described silver-tongued devil, and he loved being a lawyer. He practiced law until he was 88. For most of his career, he represented the Georgia Association of Educators and its many teachers.

Frankel served on too many boards to name. He was a natural leader who always remained calm and used his humor and grace to build consensus. Frankel loved politics, and he was the longest serving member of the Executive Committee of the Georgia Democratic Party. He voted in every election since his first presidential election in 1952.

Memorial Gifts

Memorial Gifts are a meaningful way to honor a loved one. The Georgia Bar Foundation furnishes the Georgia Bar Journal with memorials to honor deceased members of the State Bar of Georgia.

Memorial contributions may be sent to the Georgia Bar Foundation, 104 Marietta St. NW, Suite 610, Atlanta, GA 30303, stating in whose memory they are made.

The Foundation will notify the family of the deceased of the gift and the name of the donor. Contributions are tax deductible. Unless otherwise directed by the donor, In Memoriam contributions will be used for Fellows programs of the Georgia Bar Foundation.
**GBJ | ICLE Calendar**

*Note: ICLE courses listed here are subject to change and availability. For the most up-to-date ICLE program details, please visit icle.gabar.org. For questions and concerns regarding course postings, please email ICLE@gabar.org.*

**APRIL**

21  **Truck Accident Claims**  
Bar Center | Atlanta, Georgia  
6 CLE Hours

27-28  **Solo and Small Firm Conference**  
Bar Center | Atlanta, Georgia  
12 CLE Hours

**MAY**

12  **Boot Camp for Trial Lawyers**  
Bar Center | Atlanta, Georgia  
8 CLE Hours

18  **Whistleblower Law Symposium**  
Bar Center | Atlanta, Georgia  
6 CLE Hours

18-20  **Real Property Law Institute**  
Omni Amelia Island Resort  
Fernandina Beach, Florida  
12 CLE Hours

19  **Workers’ Compensation for the General Practitioner**  
Bar Center | Atlanta, Georgia  
6 CLE Hours

**JUNE**

8  **How to Set and Honor Boundaries: A Path to Wellness**  
The Westin Savannah Harbor Golf Resort & Spa and Savannah Convention Center  
Savannah, Georgia  
3 CLE Hours

8  **War Stories and Georgia Evidence Update**  
The Westin Savannah Harbor Golf Resort & Spa and Savannah Convention Center  
Savannah, Georgia  
3 CLE Hours

9  **U.S. Supreme Court Update**  
The Westin Savannah Harbor Golf Resort & Spa and Savannah Convention Center  
Savannah, Georgia  
3 CLE Hours

13  **Special Needs Trusts**  
Bar Center | Atlanta, Georgia  
6 CLE Hours

16  **Eminent Domain**  
Bar Center | Atlanta, Georgia  
6 CLE Hours

22-23  **Environmental Law Section Annual Summer Seminar**  
Classic Center | Athens, Georgia  
CLE Hours TBD

**JULY**

13-15  **Fiduciary Law Institute**  
Hotel Effie Sandestin  
Miramar Beach, Florida  
12 CLE Hours

*Please note: Not all programs listed are open for registration at this time.*
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Proposed Amendment to the Uniform Rules for Superior Court

At its business meeting on Jan. 19, 2023, the Council of Superior Court Judges approved a proposed amendment to Uniform Superior Court Rule 4. A copy of the proposed amendment may be found at the Council’s website at http://georgiasuperiorcourts.org.

Should you have any comments on the proposed amendment, please submit them in writing to the Council of Superior Court Judges at 18 Capitol Square, Suite 104, Atlanta, Georgia 30334 or email them to uniformrules@cscj.org. To be considered, comments must be received by Friday, July 21, 2023.

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 Wednesday, April 5, 2023, to Friday, May 5, 2023.

A copy of the proposed amendments may be obtained on and after Wednesday, April 5, 2023, from the court’s website at http://www.ca11.uscourts.gov/rules/proposed-revisions. A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St. NW, Atlanta, GA 30303 [phone: 404-335-6100].

Comments on the proposed amendments may be submitted in writing to the clerk at the above address, or electronically at http://www.ca11.uscourts.gov/rules/proposed-revisions, no later than Friday, May 5, 2023.
PROPERTY/RENTALS/OFFICE SPACE

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POSITION WANTED
Carr Allison is growing and looking to hire a litigation associate to support its Georgia practice. Candidates must possess the ability to make good decisions, have good common sense and be confident. Excellent writing skills, timeliness, organization, paying close attention to detail, and the ability to travel are a must. Georgia license is required. Candidate will work closely with lawyers in our Jacksonville, Florida; Brunswick, Georgia; Dothan, Alabama; and Chattanooga, Tennessee, offices. Open to virtual or hybrid work arrangement. We need a motivated individual to join our litigation team. Serious inquiries only. Send resume to Donna Sullivan at dsullivan@carrallison.com.
POSITION WANTED
Lindsey & Lacy, PC, (www.lindseylacy.com) an AV and Best Lawyers rated firm in Peachtree City (PTC), seeks an associate with two to five years of tax and trusts and estates (T&E) experience. Will also consider recent LLM and MS Accounting-Tax graduates. The firm’s practice focuses on corporate, probate, insurance coverage and business disputes. Primary supervisor will be senior counsel with significant experience in tax, sophisticated T&E and special needs planning. Part-time option is possible. PTC is approximately 45 minutes from downtown Atlanta with great schools and lifestyle. If you seek a great place to raise children and a sophisticated law practice, contact us. Inquiries to Lindsey & Lacy, PC, 200 Westpark Drive, Suite 280, Peachtree City, GA 30269.

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*Income and underwriting limits apply. Disability statistics courtesy of the U.S. Social Security Administration. Products sold and serviced by the State Bar of Georgia’s recommended broker, Member Benefits. The State Bar of Georgia is not a licensed insurance entity and does not sell insurance.
2023 State Bar of Georgia Annual Meeting

JUNE 8-11
Westin Savannah Harbor Golf Resort & Spa and Savannah Convention Center

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Registration Cut-off: June 1

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