LRE Committee Has Its Most Successful Tournament To Date!

The Fourth Annual Law Related Education Golf Tournament was held on October 8, 2001 at The Oaks Course in Covington, Georgia. Over twenty teams and 90 player’s total turned out for a great day of golfing and fun. First place went to The President’s Men (Pete Daughtery, Bob Bridges, Alan Inglely and Gene Mathews) who won a hard-fought battle to hold off The Secretariats (Amanda Farahany, Ben Barrett, Damon Elmore and Aaron Hattaway) by just a few strokes. Special thanks go out to Jay Sadd for his tremendous work and dedication in coordinating the tournament, Pete Daughtery for his never-ending support of the LRE Committee and Jackie Indek for helping to tie it all together.

Through the generous support of the players and the financial and in-kind donations of sixteen law firms, companies and other organizations and individuals, this year’s tournament raised almost $13,000 for the benefit of the Marshall Fund, an endowment established for the Georgia Law Related Education Consortium to assist in its endeavor to promote the use of law-related education in schools and community based programs around the state.

Law related educational programs have a proven track record of teaching kids how to be responsible citizens through promoting their understanding of what the law is, what their rights and responsibilities as citizens are and how they fit into the legal system as individuals. The program strives to deter anti-social behaviors and delinquency, create interest in positive attitudes, develop skills and critical thinking abilities and expand awareness and appreciation of principles basic to our democratic system of government. The program is used not only in educational settings, but also in youth detention and deterrence programs.

The Law Related Education Committee is a standing committee of the YLD of the State Bar of Georgia. In the new year, we plan to coordinate with other committees in the YLD to continue to promote LRE in Georgia. The committee also has plans in the works to begin teaching law related education in various settings. For more information, or to sign up for the LRE Committee, please contact Melisa Anderson at (404) 525-8622 or at manderson@constangy.com.

YLD Welcome Reception & Scotch Tasting
Swissôtel in Buckhead
Friday, January 11, 2002
5:30pm - 7:00pm
$10 per person before December 19th

Come celebrate the 30 year anniversary of Georgia Legal Services!

Sponsored by the YLD Membership & Affiliate Outreach Committee.
Thank you to Brown Forman Beverages Worldwide for their generous contribution to this event.
President’s Corner
By Peter J. Daughtery

O TENNEBAUM
[O CHRISTMAS TREE]

An article about trees during the holidays should be about Christmas trees, but unfortunately, this one is not. At the YLD’s Executive Council meeting in Athens in November, many young lawyers, who are not regular readers of the Atlanta newspapers, learned that the renovation and construction of our new bar center in Atlanta is on hold pending litigation over the removal of nine oak trees. The young lawyers present at the meeting also learned you should not call a running play with sixteen seconds left on the play clock if you intend to tie the football game and send it into overtime. Contrary to what has been written in the Atlanta Journal-Constitution in a series of very negative columns and editorials (and I am not referring to those in the Sports sections criticizing Coach Richt’s play calling at the Georgia/Auburn game), the State Bar has undertaken Herculean efforts to preserve the trees and actually improve green space at the site of our new bar center. For extensive details of the bar’s efforts to save trees and plant new ones see www.gabar.org/whitepaper.htm.

For those who have not followed this issue closely, the efforts to locate a new home for the State Bar of Georgia began in 1995. The State Bar sought a facility that would satisfy three basic needs: a conference center for continuing education, office space for future growth, and geographical access to support the conference function which by necessity includes adequate parking. In 1997, the Federal Reserve Building in Atlanta became available and the State Bar made a commitment to the downtown Atlanta area. While the Federal Reserve Building is in excellent condition, the existing parking deck has both structural and design problems. In order to accommodate the mission of the new bar center, a modern parking deck was planned to replace the existing one, and the new deck’s capacity was 490 cars compared to the less than 200 available in the current parking deck. The bar made efforts to preserve as many trees as possible in the construction of the new parking deck, and our advisors investigated alternative designs for the parking deck that would preserve more trees.

An Atlanta City Ordinance required the State Bar to obtain the approval of the City Arborist for its construction plans. After the State Bar presented its plan and agreed to three additional requests by the arborist, when it was under no obligation to do so, the Atlanta City Arborist approved the bar’s plan for the new garage. A group of individuals, as well as Trees Atlanta, appealed the decision of the Arborist to the Tree Conservation Commission. Even though the State Bar complied with all zoning requirements and the City Arborist had approved the plan, the commission found the State Bar could not build a new parking deck. Because the bar center presents a once-in-a-lifetime opportunity and the viability of the bar center is not economically feasible without revenues from the parking deck, both the Board of Governors by a vote of 115 to 0 and the State Bar Executive Committee by a vote of 14 to 0 have approved an appeal of the Tree Conservation Commission’s decision which will be heard by the Superior Court of Fulton County.

Hopefully, shortly after you receive this latest Newsletter, our plans to occupy the building will be proceeding forward without delay. It would be truly unfortunate if the young lawyers, and lawyers across Georgia, were deprived of this wonderful resource in downtown Atlanta. For additional information on this topic, see a report given to the Board of Governors on November 3, 2001, by Frank Jones, www.gabar.org/frankjones.htm and a Fulton County Daily Report article, www.gabar.org/dailyreport.htm, dated October 26, 2001.

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Legislative Breakfast

Friday, January 18, 2002
7:30am - 9:00 am

Empire Room
James H. “Sloppy” Floyd Building
Atlanta, Georgia

MEET the leaders of the General Assembly
and
GET their perspective on legislative issues of interest to you!

YLD Legislative Breakfast Registration
Friday, January 18, 2002

$20 per person (breakfast buffet)
$140 for table of 8

Total Enclosed: _______________________

Names: _____________________________

______________________________
______________________________
______________________________
______________________________

Questions? Call the YLD office at (404) 527-8778
Mail to: YLD, 800 The Hurit Building, 50 Hurt Plaza, Atlanta, GA 30303
Make checks payable to the State Bar of Georgia
Conflict and Imputed Disqualification Issues under the Georgia Rules

By Dean C. Bucci; Cowan, Plumley & Bucci, LLC
With contributions from Abdi Ammari; Hall, Booth, Smith & Slover, PC

Here’s a simple scenario: Attorney A works for Firm A which represents Acme Co. Attorney A leaves Firm A to work for Firm B which is suing Acme Co. Is Attorney A disqualified from taking part in the litigation? Is the entire Firm B disqualified from the suit? Any attorney faced with these or similar questions should review Georgia Rules of Professional Conduct 1.6 through 1.10 dealing with confidentiality, conflicts, and disqualification within and between firms.

Conflicts with former clients generally

Rule 1.9(a) of the Georgia Rules of Professional Conduct essentially states that a lawyer who represented a client in a matter cannot thereafter represent a person against that former client in the same or a substantially related matter. This Rule is fairly straightforward when it comes to representing a client against a former client in “the same” matter. For instance, the Comment to the Rule states that a lawyer cannot draft a contract for one client and then seek to rescind that contract on behalf of another client. However, the Rule is not so clear when the lawyer represented the former client in a “substantially related” (but not “the same”) matter. Therefore, the impact of this rule will depend on how broadly or narrowly “the matter” is defined, and the Comment to Rule tells us that the Rule’s application will always be an issue of degree and depend on a situation’s particular facts.

Lawyers within the same firm

Rule 1.10 states the rather straightforward principle that where lawyers are currently associated in a firm, none of them shall represent a client if any one of the lawyers practicing alone would be prohibited from doing so. This rule is based on the idea that a law firm is deemed to be one lawyer for purposes of loyalty to a client. See Comment 6 to Rule 1.10. Like other Rules, however, a disqualification resulting from this Rule may be waived by the affected clients after disclosure and consultation.

Lawyers moving from one firm to another

Where it was the attorney’s former firm that represented a client (but not the individual attorney), the Rules turn on whether the attorney acquired confidential information about the former client. Rule 1.9(b) tells us that in this situation, the attorney is only barred from representing the new client (1) if the new client’s interests are materially adverse to the former client, and (2) if the lawyer actually acquired confidential information concerning the former client which is material to the matter.

Rule 1.10(b) addresses this same situation but from the viewpoint of the firm after an attorney has left. A firm may not represent a new client against a client that a former associate represented while with that firm if (1) the matter is the same or substantially similar to the matter in which the formerly associated attorney represented a client, and (2) any attorney remaining in the firm acquired confidential information about the former client which is material to the matter. Apparently, by making disqualification of a firm contingent on a member having confidential information about a former associate’s client, the Rules avoid the harsh result of extensive firmwide disqualifications which would frequently otherwise result.

Conclusion

The above is just a snapshot of the formal Rules governing conflicts arising when attorneys and/or law firms represent new clients with interests adverse to former clients. Keep in mind that in almost any situation, independent of any issue of firm disqualification, lawyers are prohibited from revealing or using to a client’s disadvantage information gained through the lawyer’s or a firm’s representation of that client. See Rule 1.9(c). Also, keep in mind that some of the conflicts identified in the above referenced Rules can be waived by the former client after consultation. If you are faced with a similar situation, you should first read the Rules and comments, and then look further if you still do not have a comfortable answer. One can always call the State Bar’s Ethics Helpline at (404) 527-8741 or 1-800-682-9806 with ethics questions.
MEET THE CANDIDATES

Andrew W. Jones  
Candidate:  
YLD President-Elect

Education: University of Georgia, B.A.,  
Cumberland School of Law, Samford  
University, J.D.

Employment: Cooper & Jones, LLP;  
Partner, Marietta

Bar Activities: Cobb County Bar  
Association: Member, (Treasurer, 1997-  
1999; Member, Board of Trustees, 1995-  
present; Recipient of President’s Award,  
1997-1998) Cobb County Younger Lawyers  
Section: Vice-President, 1994-1995;  
President, 1995-1997 State Bar of Georgia  
Young Lawyers Division: Member,  
Secretary, 2000-2001; Treasurer, 2001-  
Present; Executive Council, 1996 - present;  
Executive Committee, 1998-present State  
Bar of Georgia: Board of Governors 2001-  
present; Chairman, Corporate Sponsorship  
Committee Other: Georgia Trial Lawyers  
Association; Cobb County Trial Lawyers  
Association; Association of Trial Lawyers;  
American Bar Association.

Civic Activities: Member, First  
Presbyterian Church of Marietta;  
Leadership Cobb Alumni Association.

Damon E. Elmore  
Candidate:  
YLD Treasurer

Education: Savannah State University,  
B.A. magna cum laude, 1993; Emory  
University School of Law, Doctor of Law  
Degree, 1996

Employment: Gorby, Reeves, Peters &  
Burns, P.C., Associate, Atlanta

Bar Activities: Member of American,  
Georgia and Atlanta Bar Associations.  
State Bar of Georgia: Advisory Committee  
on Legislation. State Bar of Georgia Young  
Lawyers Division: YLD Secretary, 2000-  
present; Director; Chair, Great Day of  
Service Task Force; Member-at-Large.  
Atlanta Bar Association: Atlanta Council  
of Younger Lawyers. Other: Fellow,  
Lawyers Foundation of Georgia; Young  
Lawyer Liaison.

Civic Activities: Chair, Board of Directors,  
Fulton County Court Appointed Special  
Advocates Program. Involved in several  
other church, civic and community organi-

2001-2002 Election Schedule

December 14, 2001:  
Ballots mailed (Article VII, Section 7 (c))
You may also vote on the web at  
www.gabar.org

January 23, 2002:  
Ballots must be received by 12 noon to be  
valid

January 25, 2002:  
Election Results available
Education: J.D. – University of Georgia School of Law, 1996; President of Class and recipient of the William K. Meadow Award (King & Spalding) presented to the graduate “who best exemplifies the integrity, sense of responsibility, and high standards of the legal profession and who has the keen sense of humor necessary to afford a proper human perspective to the resolution of legal problems.”; B.S. Georgia Institute of Technology, 1992


Bar Activities: State Bar of Georgia YLD: Newsletter Editor, 2000-2001; Chair, American Bar Association Award of Achievement, 1999 and 2000; Director, 1998- present; Executive Council, 1997-1999; District Post Representative of the Executive Board, 1996-1998; Director of Ethics & Professionalism Committee, 1999; Director of Employers Duties Committee, 1999; Committee Chair, Career Issues Committee, 1999. State Bar of Georgia: Speaker, Institute for Continuing Legal Education, Georgia City Attorneys Seminar, 1997;

‘D. Gruskin’ con’t below

Education: J.D. – University of Georgia cum laude; B.S.Ed. - University of Georgia cum laude

Employment: Kilpatrick Stockton, LLP; Partner-Elect


Civic Activities: Member, First Baptist Church of Augusta (2nd grade Sunday School Director, 2001-2002, 1st grade Choir Leader, 2001-2002); Member, Young Lawyers’ Alumni Committee of University of Georgia School of Law; and Central Savannah River Area Tennis Association (Secretary, 2000-2001); Member, Board of Directors, Augusta Child Advocates, Inc. (2001.)

Education: The Citadel, B.A., 1992; Georgia State College of Law, 1995

Employment: Hasty, Pope & Ball, Partner, Canton

Bar Activities: State Bar of Georgia: Member, Corporate Sponsorship Committee State Bar of Georgia Young Lawyers Division: Director and Executive Committee Member; Chairman, Membership and Affiliate Outreach Committee; Chairman, 2000-2001 Membership Initiative; Former 9th District Representative and Executive Council Member. Blue Ridge Circuit Bar Association: Past President, 2 terms.

Other: Georgia Trial Lawyer’s Association; American Bar Association; Bar Association was recipient of Liberty Bell Award and Award of Achievement by State Bar of Georgia

Civic Activities: Solicitor General of the City of Canton; Life Member, Association of Citadel Men; The Citadel Brigadier Club; Atlanta Area Citadel Club; The Commerce Club of Atlanta; 1997 Leadership Cherokee Graduate; Past Member, Leadership Cherokee Steering Committee; The Burns Club of Atlanta; The Lawyer’s Club of Atlanta; Member, Membership Committee; Gridiron Secret Society, University of Georgia Chapter.
2001-2002 HIGH SCHOOL MOCK TRIAL
COMPETITION UNDERWAY

Attorneys, students, and teachers statewide are gearing up for this year’s High School Mock Trial Competition. One of the first events we will be sponsoring is the Law Academy held in Athens November 16-18, 2001. The Law Academy gives a limited number of students the opportunity to attend an intensive “boot camp” on how to conduct a trial.

This year’s criminal case will be sent out to the schools in early December in order to allow teams to have early organizational meetings. Historically over 100 schools participate in this competition across the state, and each school needs at least 2 or 3 attorney coaches. In recognition of the time commitments attorney coaches make, CLE credit is offered to all volunteers. In addition, hundreds of lawyers and judges are needed to judge and evaluate the regional competitions in February and state finals in March. Please consider volunteering a few hours of your time to show these students that we care about their hard work and dedication to learning about our legal system. You can contact Stacy Reike at (404) 527-8700 or at (800) 334-6865, who will put you in touch with the coordinator in your region.

We really appreciate the hard work of members of the Bar over the last 13 years. Without you, this program cannot continue or succeed.

Attorney Coaches are Needed for High School Teams Throughout Georgia

Bremen High School
Bremen
Chapel Hill High School
Douglasville
Clarkston High School
Clarkston
Dacula High School
Dacula
Dalton High School
Dalton
Gordon Central High School
Calhoun
Grayson High School
Grayson
Hidden Lake Academy
Dahlonega
Lakeview-Ft. Oglethorpe H.S.
Ft. Oglethorpe
Lowndes High School
Valdosta

Meadowcreek High School
Norcross
North Clayton High School
College Park
North Cobb Christian School
Kennesaw
Northgate High School
Newnan
Open Campus High School
Decatur
Riverside Military Academy
Gainesville
Sequoyah High School
Canton
South Atlanta High School
Atlanta
Ware County High School
Waycross

THESE SCHOOLS NEED COACHES!
AS A MEMBER OF THE YOUNG LAWYERS DIVISION, YOU CAN MAKE A
DIFFERENCE IN YOUR COMMUNITY BY SERVING AS A MENTOR TO A TEAM IN YOUR AREA!!

For more information, contact the mock trial office at
404/527-8779 or toll free 800/334-6865 ext. 779
or email: mocktrial@gabar.org
for online sign-up go to:
www.gabar.org/mtjoin.htm
YLD AND THE TRUANCY INTERVENTION PROJECT

By Kevin Snyder
Chair, YLD Truancy Intervention Committee

Recent tragic events demonstrate how we as Americans rise to the occasion to help those in need. We are acutely aware of those needs following the tragedies of September 11th. Georgia’s children, however, have a need that is not widely known. Approximately six months ago, I learned for the first time that only 60.8% of Georgia’s children graduate from high school. Although the statistic concerned me, I was astounded to learn that Georgia’s dropout rate is the highest in the Nation. We are dead last.

Despite this troubling statistic I did not realize that it was such a major social problem that impacts us all. In Georgia, more than 82% of all prison inmates are high school dropouts. In addition to the costs of incarceration, each school failure costs society a minimum of $440,000 in lost earnings and taxes over the lifetime of the individual. Moreover, dropouts are six times as likely to become unwed parents and 7½ times more likely to be dependent on welfare than graduates.

This year, the YLD has made a commitment to focus its service efforts on projects designed to help children. Thus, the officers of the YLD decided to create a committee to help with an existing project headed by the Atlanta Bar Association—The Truancy Intervention Project. In 1991, former Fulton County Juvenile Court Chief Judge Glenda Hatchett and Terry Walsh, then President of the Atlanta Bar Association, developed the Truancy Intervention Project (“TIP”). TIP’s objective is to provide early, positive intervention with children reported as truants in an effort to help them stay in school. Excessive truancy is commonly the first sign of potential school failure.

In Fulton County alone, TIP has served over 1,400 children with wonderful success. Over 86% of the children served by TIP have not had subsequent truancy charges. This success occurred because of the 513 Atlanta attorney and non-attorney volunteers who donated 47,000 hours of their time to TIP.

TIP has expanded into many of the Metro-Atlanta counties and continues to spread through the state. With that expansion, more attorney and non-attorney volunteers are needed to continue the program’s success. Counties in great need of volunteers include Clarke, Henry, Chatham, and Gwinnett. Please consider volunteering to represent and mentor at least one child in need. The fall training seminar for the TIP program was held on October 26th in Atlanta with great success. All participants received four CLE credits, including one ethics, one trial and one professionalism credit. (Many more volunteers are needed.) The next CLE will be held in the Spring. For additional information, contact Kevin Snyder at 404-523-5300 or visit www.truancyproject.org.

Would you like your committee’s upcoming activities to be included in the quarterly calendar? Please contact Laurel Landon at LLandon@KilpatrickStockton.com or David Gruskin at dgruskin@partners-group.com with your information.

You Can Now Access the YLD Newsletter On-Line at....

www.gabar.org/yldnewsletter.htm
editor’s block
By Laurel P. Landon
Kilpatrick Stockton, LLP

OPPORTUNITIES

As the old adage goes, you can only reap what you sow. Here are just a few opportunities that you have to participate in the YLD. The harvest will be plentiful!

The Mid-year meeting:
The meeting is scheduled for January 10-12, 2002 at the Swissôtel in Atlanta. There are many opportunities to become involved at the Mid-year meeting but here are a few highlights. The YLD Business meeting is set for 4:00 p.m. on Friday, January 11, 2002, followed by the YLD Welcome Reception and Scotch Tasting. On Saturday, the YLD will be sorting suits to donate to welfare to work programs and the YLD dinner will be held at Maggiano’s Little Italy Restaurant at 7:00 p.m.

The Truancy Intervention Project:
This worthwhile project has served over 1,400 children in Fulton County alone. Volunteers are needed in Atlanta, and Clarke, Henry and Chatham counties. If there is not a program in your area, you can help start one. You will receive training so that you can mentor a child and help them stay in school. As you can see from the article in this newsletter, this program has been very successful and can have a major societal impact.

High School Mock Trial Program:
This program needs lawyer volunteers to coach and to judge the regional and state competitions. Although there are many teams that participate each year, there are some areas of the state that do not have a team. If you are interested in this program, please volunteer. You have the chance to teach these kids how to be good advocates and good citizens.

Community Services committee:
This committee does a community service project every month! Even if you can’t participate in each one, you can volunteer for one or more when you are available. If you are outside Atlanta, you can expand this committee to your area.

Great Day of Service:
This annual day of statewide service to the public will be held on April 27, 2002. Planning has already begun. You can contact your YLD District Representatives (if you don’t know who these people are, e-mail Jackie at jackie@gabar.org and she will let you know) to get involved. This is a relatively small time commitment that has a big impact.

As you can see from the above list and the committee reports, there are plenty of opportunities for involvement and service in the YLD. Each of you have unique gifts to offer. Please consider giving of your time to these worthwhile endeavors.

What a Meeting!
The YLD Fall Meeting in Athens, Georgia took place November 9-11, 2001 with over 90 attendees participating in the meeting. During the Business Meeting, special guests Valerie Sanders and Kevin Meeks reported on recent issues concerning the new Bar Center.

Activities during the weekend included a group dinner at East West Bistro, a joint YLD/YLAC Chili tailgate with the UGA Law School and tickets to the UGA v. Auburn football game.

If you would like information about future meetings, please contact the YLD office at (404) 527-8778 or email jackie@gabar.org.