



The YLD Review

THE STATE BAR OF GEORGIA | LAWYERS SERVING THE PUBLIC AND THE JUSTICE SYSTEM

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YLD Summer and Fall Meetings

YLD Summer Meeting— Charleston, S.C.

by *John R. B. Long*

The YLD held its 2010 Summer Meeting on Aug. 19 – 22, at the Wild Dunes Resort near Charleston, S.C. Attendees en route to the meeting had the opportunity to participate in a CLE in Augusta, hosted by the Augusta YLD. Hon. **Daniel J. Craig** presented a CLE, appearing in period costume, as Augusta’s own late Supreme Court Justice Joseph Rucker Lamar (1857-1916). Following the CLE, the group was given a tour of Woodrow Wilson’s childhood home before they continued on to Charleston. Upon arrival that evening, attendees were greeted with a cocktail reception by the ocean at the Boardwalk Inn.

On Friday, YLD members attended a group breakfast and CLE programming, which included a seminar on trial practice, litigation and courtroom presentation technology, presented by **Bruce Barrickman** of BAY Mediation and Arbitration Services, LLC, and sponsored by the YLD Litigation Committee. Much of the afternoon was spent on the beach, golfing and enjoying other activities around the resort. Dinner that evening was at 39 Rue de Jean in downtown Charleston.

Saturday began with a breakfast at the resort, followed by a CLE presentation by **Jeff Mueller**, chair, YLD Real Estate Committee, on the basics of real estate law and practice. Following the CLE, the YLD held its summer business meeting. The 2010-11 YLD meeting schedule was announced, with the Midyear, Spring and Annual meeting locations being held this year in Nashville, Tenn., Las Vegas, Nev., and Myrtle Beach, S.C., respectively. The meeting concluded Saturday evening at Wild Dunes with cocktails and dinner hosted by the Savannah YLD. Overall, the Summer Meeting was a great success and enjoyable for all who attended. Thank you to Huseby, Inc., and Sharri Edenfield for YLD Secretary for their sponsorship of the Summer Meeting.

YLD Fall Meeting—Athens

by *Darrell Sutton*

From Hinesville to Hartwell, Albany to Atlanta and from as far away as Tacoma, Wash., Georgia’s young lawyers convened in Athens at the Foundry Park Inn & Spa for the 2010 YLD Fall Meeting.

The meeting began Thursday afternoon with a panel discussion introducing the YLD’s Law School Outreach initiative, conceived by YLD President **Michael Geoffroy** in an effort to engage and involve the state’s law school students in the YLD. Law school students in



(L-R) Tommy Duck, Matt Crowder, Josh Bosin, Kelly Campanella, Hudson and Michael Geoffroy, Tyler Browning and Lara Percifield enjoy the welcome reception at the Summer Meeting.

attendance heard, among other things, how the YLD can help them in these troubling economic times. The panel discussion was followed by a reception attended by more than 30 law students and young lawyers.

Friday offered attendees an opportunity to participate in an informative CLE presented by State Bar Past President **Jay Cook**, Cook, Noell, Tolley & Bates LLP, Athens, and University of Georgia Law School Prof. **Thomas Eaton**. Topics covered included tort litigation in Georgia, medical malpractice jury awards after the implementation of 2005’s tort reform, changes in legislation and updates concerning medical malpractice.

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Members of The High Majestic Tribunal (L-R) Darrell Sutton and Jon Pannell prepare for a possible trial against Derek Dooley at the Fall Meeting.

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From the President

Referrals: The Golden Fleece

by Michael Geoffroy

New lawyers always notice the prestigious name of “The Geoffroy Firm” on my nametag. They conclude two things: I have my own firm, and no other attorney, despite how low he or she has sunk, is willing to put their name next to mine. The peppering of questions that follow about how one non-grey haired attorney can swim in a sea of legal work usually includes this question, “How do you get clients?” After resisting the urge to sarcastically respond, “The client well just over that hill,” I give them an answer that I myself have trouble extracting meaning from, and is likely too long and boring.

My response to questions about marketing and client development always includes a few warnings and disclaimers and one real nugget given away by the title of this article. First, I am no expert at marketing or client development. I think there are very few experts and even fewer willing to share their expertise at a discount.

Second, all new lawyers starting their own practice should be wary of paid advertisement. While it once was the case that a Martindale Hubbell listing or Yellow Pages ad was needed to get your name out, things are different since Al Gore invented the Internet. That is not to say that paid advertising is not valuable. It can be of great value, but there are many different avenues. I know many successful lawyers and firms that do not advertise or do not attribute much of their business or success to advertisement.

Finally, I tell them that if I knew the answer to where clients come from or how to get more, I would not be before them today nor, would I want or need for any earthly indulgence as I could then enjoy an existence similar to a legal industry Hugh Hefner with a mansion and harem of paying clients. The point is, all lawyers are asking the same question: who is in need of hiring me, and how do I get an opportunity to speak to them?

Speaking to those young lawyers in private practice, the most valuable thing I have heard about marketing and client development is that one magical word “referral.” Even better, its elitist sub-category, “lawyer referral.” Getting business referred to you from friends, acquaintances and others who are familiar with your work is a big part of most every successful law firm. The most important referrals are those from your fellow Bar members. When I get a referral from another lawyer, I immediately stop what I am doing and call that potential client, with rare exception. That is because I know that this potential client has already spoken with someone educated in the law and aware of legal issues. In terms of sales speak, it is a qualified lead, the Golden Fleece of new clients.

The flip side of the lawyer referral is that they are just as important to give as they are to get. When you are approached by family, friends or potential clients who need legal services you do not provide, directing that person to the attorney who can help fulfill their needs and solve their problem helps the client, the lawyer and your prestige in the eyes of both. In other words, the rare win, win, win. Even if you are not in private practice, referrals are important. Helping someone find a lawyer with just the right skills, experience and geographic location will not only help the person seeking legal advice, it will help your career as well. Attorneys will remember that you gave them business, and clients will remember you helped them solve their problems. The cumulative effect of doing this over and over is tremendous.

Knowing attorneys in different cities and practice areas is a must to refer a client properly. That is where involvement with the YLD comes in useful. The YLD, through its committees and meetings, provides young lawyers with an opportunity to meet folks all over the state. Please visit the YLD web page for a list of upcoming events and an opportunity for you to get (or give) that next coveted referral.

Notification of Elections

YLD Officers – 2011-12 Bar Year

In accordance with Article VII, Section 4 (a) of the YLD Bylaws, the following shall serve as Notification of Elections for YLD Officers for the 2011-12 Bar Year. The positions of President-Elect, Treasurer and Secretary shall be filled by election by mail-out ballot.

You must be a YLD Member (as defined in the YLD Bylaws, but not an Honorary or Associate Member) at the time of the election to be eligible to serve as an Officer of the Young Lawyers Division.

There are two ways for a person to be nominated as a candidate for a YLD Officer position:

(a) The Nominating Committee (listed below) shall nominate one or more candidates for each office at its meeting on January 14, 2011. You are invited to submit recommendations to members of the Nominating Committee prior to its meeting.

(b) Nominations may be made in the form of a nominating petition signed by two YLD Members submitted to the Election Committee (listed below) no later than March 4, 2011. The nominating petition must be in the form prescribed in Article VII, Section 5(b) of the YLD Bylaws, which may be found at <http://www.gabar.org/public/pdf/yld/yldbylaws.pdf>.

The Election Commencement Date shall be April 1, 2011. Ballots will be mailed on this day to all YLD Members. Members may return these paper ballots or use the code number on the ballot to vote online. Ballots must be cast

by 11:59 p.m. on May 2, 2011. Election results will be available on the State Bar of Georgia website.

Nominating Committee

Stephanie Kirijan, chair (Northern)
Shatorree Bates (Northern)
Jennifer Blackburn (Northern)
Ivy Cadle (Middle)
Matt Crowder (Southern)
Sarah F. Kjellin (Middle)
John R. B. Long (Southern)
Ben Perkins (Southern)

Election Committee

Stephanie Kirijan, chair (Northern)
M. Khurram Baig (Northern)
Lauren M. Brock (Middle)
Stephanie Burton (Southern)
Jennifer Campbell (Southern)
James Clifton (Northern)
Canon B. Hill (Middle)
Blake Sharpton (Middle)

Members of these committees may be reached at their contact information found in the member directory on the Bar’s website at www.gabar.org.

Tactics for Finding the Government Job of Your Dreams

by Terri N. Gordon

The life of a government employee is diverse and interesting . . . to say the least. As a former federal government employee and a current local government employee, I can admit that I have been privy to some of the best excuses imaginable and can tell you about some of the most complex government conspiracy theories you have ever heard. While I can boast about comical litigants, my work is challenging and worthwhile.

The most difficult part about obtaining work at a government agency is getting your foot in the door. The economic climate is quite different from when I first entered the job market 10 years ago; however, the process for finding placement in a government agency is essentially the same. I believe the following tactics can aid any government job search:

1. **Network.** You cannot get a job sitting on the couch. Most jobs are obtained by who you know. You meet people by getting out and doing things like attending State Bar meetings and YLD events. I got an interview for my current job by attending a local bar meeting. During the announcement portion of the meeting, the hiring attorney stated he had two available positions at his office and any interested individuals should forward a resumé to him. I introduced myself to him after the meeting, faxed my resumé to him the next day, and the rest is history.

2. **Patience.** Most government hiring processes do not work quickly. Government agencies, whether federal, state or local, do not operate like law firms or private businesses. There are, unfortunately, many layers to government, and it usually takes some time to process a job application. Because of the potential time it takes to get through the hiring process, patience is truly a virtue when applying for a government job. For example, I once submitted an application to a government agency in August and did not receive an offer until the following March.
3. **Persistence and Follow Through.** If you are truly interested in a job, do not just fill out an application and never follow up. Make sure you maintain contact with the person you met through networking (see No. 1) or the contact person listed in the job announcement. And be sure not to go overboard—do not nag or worry your contact. You should call your contact every so often to remind them of your interest and if you are unable to speak with the individual, send them a short handwritten note with a copy of your resumé. I was able to get an interview for my first job with the federal government by calling the hiring manager's secretary about once every other week and asking about the status of my application. When it was time to select candidates for the position, she was able to tell the hiring manager about my enthusiasm.
4. **Be Prepared.** I have heard that luck is nothing more than when preparedness meets opportunity. It should go without saying, but you must always be prepared. Make sure your resumé is mistake-free. Keep several copies with you at all times. You never know when you might meet just the person who can get you into the government job of your dreams.

The current job market is fierce, and job seekers need every advantage they can get. While none of these tactics will guarantee you a government job, I am sure they will put you a step ahead of the competition. Good luck!

GLSP Reaches Out to Latinos with Spanish-Speaking Lawyers Funded by a Grant from the Goizueta Foundation

by Susan Wells, Public Information Specialist, Georgia Legal Services

A wrongful foreclosure is a shock to anyone who receives a mountain of complex documents to digest and try to figure out how to keep from being evicted. But for Mrs. A, the difficulty was magnified by her inability to read and speak English well. A legal permanent resident with a job, Mrs. A was able to buy a small home near Dalton. But when she went to her bank to try to negotiate a loan modification, she was told not to make a payment while the new payment was being determined. When she received the new payment documents, she made the first payment in the new amount. Within a few weeks, Mrs. A was served with a notice that her home had been sold at a foreclosure. She was then served with a dispossessory warrant by a successor of Fannie Mae, which had bought the property at foreclosure.

Mrs. A contacted Fannie Mae and was told to get a lawyer. She came to Georgia Legal Services Program (GLSP) and was referred to Spanish-speaking attorney **Currey Hitchens**, 31, who works for GLSP under a new grant from The Goizueta Foundation. Hitchens and housing attorney **Christine Green** were able to help Mrs. A get the foreclosure reversed, get her credit report cleaned up and get the house back in her name under the terms of the new loan. Hitchens translated the entire consent order into Spanish so her client would fully understand what she was signing.

“If the client had not come to GLSP and received help through the Goizueta Project, she would not have been able to navigate the legal system to reverse the wrongful foreclosure of her home,” said Hitchens. “Most likely she would have been evicted in August 2010 during the dispossessory proceeding and would not have known how to get her house title back into her name.”

Mrs. A “is a hard-working immigrant who was able to hold on to the American dream of having a home with the help of the Georgia Legal Services Program’s Goizueta Project,” Hitchens said.

Recognizing the need to reach out and serve a large and growing number of low-income Latinos throughout rural Georgia, GLSP applied for and was awarded a three-year grant of \$998,111 from The Goizueta Foundation in 2009. This followed an earlier successful project funded by a grant to GLSP from The Goizueta Foundation focusing on serving Latino clients in north Georgia.

GLSP has four bilingual attorneys who reach out to clients in 60 of Georgia’s 159 counties. Since services were launched at the end of 2009, more than 1,900 cases have been opened under the grant, more than tripling the number served in all of 2009. The cases cover all the problem areas handled by legal services, with the highest numbers in issues concerning family, access to health care and benefits, especially food stamps and unemployment compensation.

In addition, after several months of planning and preparation and with funding from this grant, GLSP established a Spanish-language intake line over the summer, staffed by two part-time native Spanish-speaking paralegals. Spanish-speaking callers seeking services in any of GLSP’s 12 offices are transferred to this intake line, which in just two months has handled more than 500 calls.

“Our partnership with The Goizueta Foundation promises enormous benefits for the state in providing access to our civil justice system and opportunities out of poverty for low-income Latinos,” said GLSP Executive Director **Phyllis Holmen**. “With the problems in our economy, we’ve seen an increase of almost 300 percent in cases for Latino clients. In addition to language barriers, there are significant cultural barriers that keep low-income Latinos from seeing our legal system as a meaningful way to seek redress of grievances. We are working to help them integrate into our communities. The Goizueta Foundation has helped us build capacity to serve the needs of these clients with a team approach that brings together all of our bilingual staff, and we hope to add to that team with additional bilingual attorneys as we develop opportunities in other offices.”

The majority of the Latino clients being served by GLSP are “members of working poor families, just trying to stay afloat. Our advocacy makes a difference in helping them keep their homes, keep food on the table, obtain medical care or obtain payment for wages earned—life’s basic needs,” Holmen said.

GLSP is the sole source of free legal services in civil cases for low-income Georgians in most of the 154 counties outside metro Atlanta that GLSP serves. The Goizueta Foundation was established by **Roberto C. Goizueta**, former chairman and chief executive of The Coca-Cola Company, in 1992 to provide financial assistance to educational and charitable institutions.

Local YLDs Around the State

Fall for Savannah YLD Shows No Signs of Cooling Off

by Nick Bruce

This fall, the Savannah YLD kicked-off another great year and is looking to make this one the best one yet. The year officially began Sept. 23, with a happy hour event at Local 11ten. This event is hugely popular with the members of the Savannah YLD wrapping up often-hectic summers, giving them a chance to reconnect with their fellow YLD members. It is also an opportunity to introduce the Savannah YLD to recent law school graduates and attorneys moving to Savannah, providing them with an idea of all the opportunities the Savannah YLD has to offer. At the happy hour, new fundraisers and other networking events were announced.

On Oct. 22, the Savannah YLD teamed up with the Savannah Junior Chamber of Commerce (Jaycees) for a Halloween fundraiser to benefit America's Second Harvest of Coastal Georgia. The event was held at the newly opened Crypt Pub, an appropriately themed venue in downtown Savannah. **John Rodman**, one of Savannah's assistant public defenders, took the prize of "best costume" for his "Kenny Powers" impersonation. The "best couple" award went to non-couple **Blake Greco**, an associate at Oliver Maner, and **Alli Winters**, for their combined version of "The Situation" and "Snooki." The fundraiser recipient, Second Harvest of Coastal Georgia, raises funds and collects food for the homeless and less fortunate in the community, and with the holiday season approaching, the Savannah YLD and Jaycees could not think of a more appropriate recipient. If you would like more information about Second Harvest or how you might get involved, please contact **Quentin Marlin** at 912-233-9700.

The format for monthly happy hours returned to normal on Nov. 18 at Billy's Place. Other events included the annual Swearing-In Ceremony by the Chatham County Superior Court held Nov. 5, and the annual "tacky sweater" Christmas party, hosted this year by **Patrick and Louise Connell**.



Participants in the Savannah YLD's Halloween Costume Contest Competition.

Albany YLD

by Lauren M. Brock

On Oct. 14, the Albany YLD hosted a lunch and learn CLE. The panel discussion focused on "Hot Topics in Probate," including jurisdictional issues, procedural issues, ethical issues and recent legislative changes. The panelists were Hon. **Nancy S. Stephenson**, judge, Dougherty County Probate Court; **Gregory L. Fullerton**, Watson Spence LLP; and **Marvin W. Mixon**, M W Mixon LLC. Albany YLD member **John M. Moorhead** served as the moderator. YLD President **Michael Geoffroy** was a special guest.

Members participated in "A Boo from the Bar," on Oct. 29. Each Halloween, the Dougherty Circuit Bar Association conducts a "reverse trick or treat" event, in which members of the local bar association dress in costume and visit area nursing homes to distribute goodies to the residents.

Several social and service events are planned for the coming months. For information on these or other events, or on the Albany YLD, please contact **Lauren Brock** at lbrock@langleyandlee.com or 229-431-3036.



Albany attorney John Moorehead explains the advantages/pitfalls of special needs trusts.

Columbus YLD

by Amy Walters

The recently revived Columbus YLD received the acknowledgment and recognition of the Columbus Bar Association this past spring. The organization currently has approximately 20 active members and is in the process of applying to the YLD to be recognized as a local affiliate.

The Columbus YLD has organized several happy hour events throughout the summer that served as both mixers and membership drives for the organization. On Oct. 21, they hosted a reception honoring three judges recently appointed to the state and federal benches in the area. The event recognized Superior Court Judge **William Rumer**, Municipal Court Judge **Steven Smith** and U.S. District Court Magistrate Judge **Stephen Hyles**. These judges, along with approximately 45 others, including members of the YLD, the Columbus Bar Association and other honored members of the judiciary, gathered at Meritage Restaurant to acknowledge the achievement of these new jurists and welcome them to the bench.



(L-R) Co-President Amy Walters, Hon. Steven Smith, Vice President Lori Leonardo, Hon. Stephen Hyles, Hon. William Rumer, Treasurer Kyle Fischer, Co-President Amy Helmick and Secretary Mariel Williams.

Join the Facebook Group "Gwinnett County Bar Association – Young Lawyers Division" to get involved and network. Invite colleagues to a meeting or event. Share information. Get referrals. Get forms. Ask questions. Get answers!

YLD Affiliate Leadership Summit

by *Jennifer Campbell*

The YLD provides countless opportunities for young lawyers across the state to get and stay involved with the profession, but some are unable to take advantage of the opportunities because of time, distance and financial commitment. Because of these barriers, these lawyers depend on regional affiliate organizations of young lawyers around the state to keep them connected to their peer group. This year, the YLD aims to bring all of the leaders of these affiliate organizations together.

On March 5, 2011, the YLD will hold a YLD Affiliate Leadership Summit, providing an opportunity for leaders of young lawyers groups around the state to share and exchange ideas as well as learning more about what the YLD can do for each local affiliate. Additionally, young lawyers from regions without a young lawyers group will be encouraged to attend and learn about ways to start one in their area. The summit will be held at the Bar Center in Atlanta and will include guest speakers, open discussions and lunch. Panelists and speakers will talk about issues affecting young lawyers regionally and statewide, in addition to sharing information about what each group does to encourage membership and provide professional development. More details about the event will be released as they are confirmed.

We hope to have representation from every region in Georgia at the Summit. Unfortunately, the YLD does not have information for each regional YLD affiliate and its leadership. If you are a member of a local affiliate and feel that we may not have your information, or you are interested in starting a young lawyers group in your region, please contact **Jennifer Campbell** at jcampbell@tmlawpc.com.

Committee Updates

Community Service Projects Committee

by *Ana Martinez*

The Community Service Projects Committee has been busy the past few months participating in a variety of activities around metro Atlanta. In September, committee members raised money for the Georgia Center for Child Advocacy by helping run



(L-R) Brandei DeBerry, Michael Geoffroy and John Bush attend the happy hour at Shout co-hosted by the Community Service Projects and Solo / Small Firm Committees.

concession stands at the PGA tournament. In October, volunteers participated in the Walk Like MADD fundraising 5k and raised more than \$500 for Mothers Against Drunk Driving. Throughout the month of October, the committee held its annual canned food

drive benefitting the Atlanta Community Food Bank. Committee and YLD members collected canned foods at their places of business. The drive culminated with a happy hour at Shout, co-hosted with the Solo/Small Firm Committee, and co-sponsored by Bernstein Brokers and Bank of America. In the end, more than 400 pounds of canned goods were collected. In November, committee members volunteered their time to prepare meals for chronically and terminally ill persons through Project Open Hand.

There are many other exciting volunteer opportunities over the coming months, including an event at Children's Healthcare of Atlanta, programs with Fulton County Division of Family and Children Services' (DFCS) children at Hawks and Thrashers games and a morning spent wrapping gifts for DFCS children. If you are interested in becoming part of the committee or would like more information about volunteering at these and other events, please contact co-chairs **Ana Maria Martinez** at amartinez@og-law.com or **Meredith Wilson** at meredith.wilson@oldcastlelaw.com.

Supreme Cork

by *Sarah Kjellin*

On Sept. 30, 2010, the Family Law Committee hosted its annual fundraiser, the Supreme Cork, which benefits the Bridge, a therapeutic residential and education center for Georgia's at-risk and abused youth. The event was held at the upstairs patio and bar of 5 Seasons Brewery Westside and featured a beer and wine tasting with assorted local in season hors d'oeuvres and a silent auction. The committee raised more than \$15,000 for the Bridge. Thanks to all who made this event a success, especially the sponsors listed below.

If you are interested in joining or becoming more involved in the Family Law Committee, please contact chair **Gillian O'Nan** at gonan@levinesmithlaw.com.

Supreme Cork Sponsors

Alan C. Manheim, LLC
Alternative Resolution Methods
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Bennett Thrasher, P.C.
Browning & Smith, LLC
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Boyd Collar Nolen & Tuggle
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Hunter, Weinstein & Somerstein
Investigative Accounting Group

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Schulten Ward & Turner, LLP
Stearns-Montgomery & Associates
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Robert G. Wellon

The Ethics & Professionalism of Inadvertent Disclosure

by *Jessica Wilson*

Inadvertent disclosure of privileged documents creates an ethical and professional dilemma for both the attorney who discloses the information and the attorney who receives it. The disclosing attorney faces a potential breach of the duty of confidentiality to his client. The receiving attorney faces a potential breach of loyalty to his client. Understanding the ethical and professional obligations in this situation helps us serve as better lawyers and avoid these in the future.

Rule 1.6 of the Georgia Rules of Professional Conduct states that a "lawyer shall maintain in confidence all information gained in the professional relationship with a client." When an attorney inadvertently produces a document containing confidential client information, he breaches the duty of confidentiality to his client and violates Rule 1.6. Counsel also has a statutory obligation not to disclose confidential information under Georgia law. See O.C.G.A. § 24-9-24.

The Comment to Rule 1.7 of the Georgia Rules of Professional Conduct provides that "loyalty to a client prohibits undertaking representation directly adverse to that client without that client's consent." When an attorney receives a privileged document from opposing counsel, he must decide whether to return the document or share it with the client. This creates a conflict of interest because the attorney must weigh the competing interests of courtesy to opposing counsel and zealous advocacy for his client.

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Unfortunately, neither the Georgia courts nor Georgia Rules of Professional Conduct offer clear guidance for dealing with inadvertent disclosure. The attorney-client privilege belongs to the client, and “[t]he privileged nature of a confidential communication is not lost or waived even if the attorney should voluntarily or inadvertently produce a transcript of the communication.” *Revera v. State*, 223 Ga. App. 450, 452 (1996). While this protects an attorney from waiver of the attorney-client privilege by inadvertent disclosure, it says little about how, in practice, opposing counsels should deal with the situation of inadvertent disclosure.

At minimum, professionalism requires that an attorney who receives privileged information promptly notify opposing counsel. Indeed, Model Rule of Professional Conduct 4.4(b)¹ provides that a “lawyer who receives a document relating to the representation of the lawyer’s client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.” What the attorney decides to do with the information afterwards is less certain, and likely depends on a number of factors including the type of information received, the benefit or detriment to the client, and the interests of justice.

Young lawyers can take proactive measures to avoid inadvertent disclosure. The simplest measure is to review documents conscientiously and establish a secondary level of document review to catch inadvertent disclosures. Limiting the scope of discovery is another effective way of preventing inadvertent disclosure. The fewer documents an attorney has to review, the less opportunity for error. Another option is agreeing with opposing counsel prior to the start of discovery how inadvertent disclosures will be handled. This agreement can be informal or pursuant to a protective order.

Endnote

1. Although Georgia’s version of Rule 4.4 does not include subpart (b), the Model Rule reflects the views of most states on this issue.

Ask a Law Clerk

by *Ab Initio*

This Bar year, the YLD launched the Judicial Law Clerk Committee. A primary goal is to foster communication between young lawyers in various practice areas and those serving as law clerks and staff attorneys. The committee hopes to field questions concerning issues facing young attorneys. In this, the first edition of “Ask a Law Clerk,” we will address the following questions:

1. How many pages should my motion or brief contain?

Although many jurisdictions have local rules governing this topic, lawyers often ignore these rules and file briefs that are extremely long. Regardless of the page limits allowed by the local rules, a general rule-of-thumb is that less is always more. A judge once stated, “If an attorney cannot make an argument in 10 pages or less, the lawyer does not have a good grasp of the issues or the relevant facts in the case.”

Recognizing that some issues and arguments may require more than 10 pages, attorneys should be mindful that courts have a finite amount of time to review matters. The court is more likely to intently read and consider a well-written, succinct brief than an unorganized and overbroad brief, containing everything short of the kitchen sink. Bottom line, always adhere to the local rule governing page limits and, when in doubt, leave it out.

2. Should attorneys walk motions and/or proposed order to chambers unannounced?

Seemingly, not a week goes by without an attorney ambushing the court (walking a motion to chambers unannounced). In every instance, the attorney swears that the motion requires the immediate attention of the court. Indeed, some of these emergencies have ranged from a “motion for a status conference concerning a pending motion to set aside” (in a case where the final judgment was entered over 3 years ago) to a “motion for a pre-trial conference” (filed 6 months prior to trial).

Most cases and pending motions are extremely important to the parties and the courts. That being said, every motion and case does not constitute a “true emergency,” requiring the immediate attention of the court. Typically, courts address motions as they become ripe and in the order in which they were filed. By ambushing the court, you are effectively cutting in front of the other motions and your colleagues who have filed their equally important motions before you. Spoiler Alert: Ambushing the court may result in the opposite effect of what you intended.

Nevertheless, if your motion presents a true emergency requiring the court’s immediate attention and a presiding judge is unavailable, it may be appropriate to present a motion or matter to chambers. Rather than ambushing the court, it would be prudent to first call and discuss the matter with the law clerk or staff attorney. Simply put, exercise a little common sense as well as courtesy, and always adhere to local customs when ambushing the court.

Have a question for “Ask a Law Clerk”? Submit it to askalawclerk@gmail.com.

Serving Our Seniors

by *Tyronia M. Smith*

The YLD and its Parents and Caregivers in the Profession Committee are co-sponsoring the Serving Our Seniors Public Service Project with the American Bar Association Young Lawyers Division (ABA YLD) and Parker, Hudson, Rainer & Dobbs LLP. Serving Our Seniors is a clinical community outreach program offering the preparation of wills, advance health care directives and powers of attorney to low-income seniors. For more information about the program, please visit www.abanet.org/yld/sos.

Serving Our Seniors will be implemented in Georgia during the 2011 ABA YLD Midyear Meeting, which will be held Feb. 10-12, 2011, in Atlanta. If you are interested in serving as a volunteer attorney, please contact **Tyronia Smith** at tmsmith@phrd.com or **Marquetta Bryan** at mbryan@carlockcopeland.com.

State Bar of Georgia Young Lawyers Division Offers Job Search Resource List

by *Linton Johnson*

The YLD has developed an online job search resource list for attorneys who are seeking employment.

“The YLD’s job search resource is one way we are trying to help with the difficult job market for young lawyers,” said YLD President **Michael Geoffroy**. “Our hope is that the resource is not a stagnant list, but that lawyers provide feedback and commentary to maintain a growing network and to steer job seekers to opportunities.”

The job search resource list can be found in the YLD’s section of the State Bar website at www.gabar.org/young_lawyers_division/. The online list is provided as a service to lawyers seeking employment. The list is not intended to be inclusive or an endorsement of any organization. Members are advised to use their own due diligence prior to using the services of these or any other organizations.

Organizations wishing to add their website to the list may contact YLD Director **Mary McAfee** at 404-527-8778 or marym@gabar.org.





Please join the YLD on Saturday, March 5, 2011, at 7:30 p.m. for its fifth annual signature fundraiser and silent auction, “Black tie and Blackjack.” The Signature Fundraiser will be held at the Hotel Palomar in Atlanta and will benefit the Georgia Legal Services Program. The evening will include great food, music, a full bar and casino style games. Tickets are on sale at the following rates:

- *\$150 Host Committee Member ticket (\$135 for two or more Host Committee Member tickets)*
- *\$135 Host Committee Member ticket for public interest, government and transitional attorneys*
- *\$100 General Admission ticket (\$85 for two or more General Admission tickets)*
- *\$85 General Admission ticket for public interest, government and transitional attorneys*

Tickets may be purchased using Visa, MasterCard or American Express online at www.glsp.org.

We hope that you will come out for the 2011 Signature Fundraiser and enjoy a wonderful night for a worthy cause. Should you have any questions or want to volunteer in the planning for this event, please contact the 2011 committee co-chairs:

Marquetta Bryan, mbryan@carlockcopeland.com
 Shiriki Cavitt, shiriki.cavitt@oldcastlelaw.com
 Tamera Woodard, tamera.woodard@att.com
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Summer and Fall Meetings from Page 1

The YLD’s law school outreach initiative continued after the CLE with an informal meeting between the YLD leadership and representatives from three of Georgia’s five law schools. The meeting was an extension of Thursday’s panel discussion and provided soon-to-be young lawyers with an opportunity to discuss emergent topics related to the practice of law with the leadership of Georgia’s primary young lawyer organization.

No YLD meeting would be complete without camaraderie among the attendees, and the impromptu reception that preceded Friday afternoon’s business meeting met all the requirements. The reception was necessary to put the University of Georgia Bulldog fans in attendance at the business meeting in the right mindset to endure a mockery of their football season by Geoffroy, a University of Florida graduate and unabashed Gator fan. Never one to miss an opportunity to mock a struggling Southeastern Conference rival, Geoffroy engaged the services of a local psychic, Madame Marushka, to lift the hex from the University of Georgia football program. This riveting display of football mercy was a primary topic of discussion at the group dinner that followed, sponsored by the Georgia Trial Lawyers Association.

Saturday brought a University of Georgia game day and a pregame tailgate sponsored by Capstone Financial Partners and Forge Consulting LLC. Young lawyers, their guests and members of the judiciary such as Justice **David Nahmias** and Judge **John Ellington** enjoyed the pregame festivities and food and beverages provided by the sponsors. The tailgate was followed by the realization of Madame Marushka’s efforts as the Bulldogs beat the University of Tennessee Volunteers.

The YLD would like to thank the following for making this meeting possible: Capstone Financial Partners; Cook, Noell, Tolley & Bates LLP; Forge Consulting LLC; Georgia Trial Lawyers Association; Harris Penn Lowry; and Southern Medical-Legal Consulting.

A Law Student’s Take on the YLD

by *Mandy Reed, UGA 3L*

Recently, while studying in the wee hours of the morning, it dawned on me. In a few short months, I, along with my fellow law students, will be a law school graduate—and after passing the bar exam, a real attorney.

On the one hand, the prospect of finally attaining this lifelong goal is exciting. It also scares me. Sure, I know something—even quite a bit at times—about the law . . . but what do I know about how to practice? What do I know about local court procedure, where to file, the form to file, where to find the resources I need, how to develop clients, how to hang a shingle or how to find a job in this economy?

Don’t worry fellow law students, I have found the answers to these questions (or at the least a pathway to the answers)—the YLD. Law students are able to participate in the organization as student members. Once you are admitted to the State Bar, you will automatically be a member until you are 36, or for five years, whichever comes later.

You are wondering, as any law student worth their salt would (or at least those of us who cling to the ritual of sleeping seven hours a night), is it worth my time? I have done the research by attending the YLD Fall Meeting, conveniently held in Athens.

Here is what I found out:

- **They want to help you.** Contrary to popular belief, the attorneys I met actually encouraged my questions and were happy to offer their insight. So there is no need to feel awkward about asking.
- **You will learn something.** You can tour the State Bar building, attend meetings of the YLD or just ask questions of a YLD member.
- **It’s a great source for networking.** Whether you love it or hate it, it’s a fact of life. At the Fall Meeting, mingling was so easy. Everyone was friendly, the event was fun, and, believe it or not, it was not intimidating to be one of the few law students in attendance. They were very welcoming.
- **They want to expand the YLD’s presence with students.** After attending, I am so pleased that the YLD is trying to get on the radar with Georgia’s law students. In fact, the YLD Executive Council invited law students from Georgia schools to attend the Fall Meeting, and we had our own meeting with the Executive Council. The Executive Council is really interested in getting students involved. It is very encouraging.

In this economy, I want to give myself every advantage in the much-dreaded job search. I am thrilled to have put my pre-practice jitters to rest. If you want to do the same, I encourage you to visit www.gabar.org and search “student member.”



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All I Really Needed To Know I Learned in the YLD

by William Barwick, past president of the YLD, 1984-85, past president of the State Bar, 2003-04



I have been asked to write an 800 word essay on what it meant for me to be an active member of the YLD several decades ago. Or, in other words, why I would encourage young lawyers to participate at this level of the State Bar.

Do I really look that senile? Why don't I just appear on "Taxicab Confessions," or candidly discuss wartime strategy with Bob Woodward and just hope it stays a secret?

The Editors of *The YLD Review*, however, have been hounding me to reveal at least one or two tidbits from my planned posthumous memoir, "Ineffective Assistance of Counsel: My Life as a Lawyer." In the hope of promoting some interest in this book, the royalties from which are the expected source of funding for the Barwick Bar Presidential Library, I have finally agreed to pull the curtain back a little on the YLD's history, at least on those events I can still remember.

Let me confess one thing at the outset: I never intended to get involved in any organized bar activity, and I really had no interest at all in serving as a Bar representative or officer. In 1980, I accompanied my wife Donna to a YLD meeting at Kiawah Island, S.C., where she was to serve as a division representative. When I asked what the schedule would be for Saturday morning, I was told by the wife of a friend that I was welcome to join the other spouses on a tour of homes in Charleston since I wasn't a delegate at the meeting. I then asked Jim Pannell for a ballot petition to run for office at the next meeting in Savannah. Then, as now, getting elected as a delegate was about as hard as making the NBA playoffs. I was off and running.

Like others before and after me, I quickly discovered that one YLD meeting was too many, and a thousand were not enough. I became a bar junkie, running for one office after another, until I was finally elected president in 1984. That was when I discovered that YLD president was clearly the hardest Bar office you could hold in this state, without exception. The hours and days away from the office are virtually the same as for the State Bar president. It is a three year commitment, including the "elect" and "immediate past" years. But, unlike the State Bar president, the YLD president doesn't have "partners" waiting back at the office, looking after your clients. Instead, you have "owners," people you work for, who aren't always appreciative of that tan you brought back from Sandestin. Add to this time commitment service on between five and 10 committees and foundation boards and you start to get the picture.

The rewards that came from serving as a YLD officer were, and are still, greatly appreciated. But, I do want to set the record straight with regard to highly publicized and inaccurate reports of non-stop partying and debauchery at our YLD meetings in the 80s. At the Sheraton Gomorrah on Wilmington Island near Savannah, for example, our meetings were conducted with the same gravity and seriousness you would ordinarily expect at a Wisconsin Cheese Rolling contest.

The life of a young attorney was also different then. There were economic downturns, but nothing like today. Associate salaries at the largest Atlanta firms ranged from \$15,000 – \$17,000, at least until 1980, when King & Spalding raised their starting salary to \$185,000 just to shut everyone else up. The 2,000 billable hour year was like the four-minute mile. You knew someone could do it, but they'd have to cough up a lung afterward.

It is probably safe for me to reveal my favorite YLD president from the past 35 years. Not surprisingly, it's Donna Barwick, who was able to restore the family name to some level of dignity four short years after I left office. I'm not just being a "homer" in my selection, either. She was the first woman to win a statewide Bar election (ABA Delegate), the first woman to serve on the State Bar Executive Committee and is the first woman YLD president. She did these things right after our daughter was born, and one of my favorite YLD newsletters is the one with her picture holding Libby on her "President's Message" page, and later in the same issue in a picture of us attending a dove shoot at YLD meeting in Albany. As I commented at the time, "Never argue with a woman cradling either a baby or a shotgun."

While I have a great deal of family pride in Donna, I also have a tremendous amount of institutional pride in the YLD. In the past 25 years, the State Bar has had one woman president. The YLD has had nine women serve as president. Three YLD presidents have been African Americans, as compared to zero at the State Bar level. Hometowns vary, but every part of the state has been represented, and no one seems offended if the YLD president comes from Atlanta once every two or three years. YLD officers are typically trial lawyers, defense lawyers, corporate lawyers, tax lawyers, assistant district attorneys and in-house counsel, among others. The YLD has always been the true face of our profession in the state of Georgia.

It was a pleasure serving as YLD president in 1984, and it remains a pleasure being a friend and supporter of this group in 2010. But still, if you want some of the really funny stories, you're going to have to buy my book.

brought to you by ...



Elizabeth Fite & Meredith Wilson

... editors of *The YLD Review*