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State Bar of Georgia Young Lawyers Division

THE YLD REVIEW

Volume 65, Issue 1, September 2023

Working for the Profession and the Public



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From the President

A New Era for the YLD



Brittanie Browning

Never be so kind, you forget to be clever. Never be so clever, you forget to be kind. —“Marjorie” by Taylor Swift

Taylor Swift’s The Eras Tour has taken the U.S. by storm, including Atlanta. In the spirit of The Eras Tour—this article uses some of her lyrics that are applicable to young lawyers. These pearls of wisdom from Taylor Swift are applicable to lawyers.

The first line is that we must not forget to be clever by being too kind. We are all clever—we are lawyers after all—and are duty bound to zealously represent the interest of our clients. Being clever may have a negative connotation, but cleverness involves being intentional with our time, talent and effort. Learning the skill of spending our time and efforts in a meaningful way can be a challenge, especially early in our practices, but it is crucial.

One way that I was intentional with my time as a young lawyer was getting involved in the YLD. It was easy to show up to a lunch and learn or CLE program offered by the YLD committees. I plugged into the Litigation Committee and Women in the Profession Committee. They offered engaging programs and events that allowed me to meet with other lawyers for topics relevant to my practice. I invested time with the Community Service Project Committee, where I worked alongside a group of people that enjoyed regularly volunteering and giving back to the community with a variety of

organizations. From planting trees to sorting holiday donations, I enjoyed cultivating friendships through service. I have enjoyed my years as a member of the YLD because it is a space to share experiences with other young professionals who are going through similar issues as new attorneys.

Our legal system is an adversarial system, but that does not mean that we cannot take to heart this line from Taylor Swift, “Never be so clever, you forget to be kind.” We can be kind to one another and to ourselves. No matter your location in Georgia, our legal community is smaller than you may realize as a new lawyer. Thus, kindness is important. Being kind also extends to being kind to ourselves. As a new attorney, make sure to maintain your friendships and your hobbies. We are unique and those individual interests and hobbies are important so being kind to ourselves means carving out time for what is important to us. The YLD is a wonderful space to make friends, continue your interests and build your network. We have many programs and events to support the needs and interests of young lawyers.

One of the main functions of the YLD is service and I enjoy spending time with service projects and pro bono initiatives. This year, we will continue as the service arm of the Bar by offering community service op-

The YLD Review seeks to provide a forum for the discussion of subjects pertaining to the regulation of the legal profession and improving the quality of legal services, as well as other matters of general interest to Georgia lawyers. The statements, views and opinions expressed herein are those of the authors and do not necessarily reflect those of State Bar of Georgia, its officers, Board of Governors, sections, committees or staff.

From the Editors

Return of *The YLD Review*



Jena Emory



Siena Gaddy

opportunities and meaningful networking opportunities for our members. You are welcome to join our committees, which you can do on your online member account. Committee rosters reset each Bar year, so be sure to sign up each July. Our committee chairs are hard at work planning exciting and engaging events that you will not want to miss.

The YLD will host community service projects and initiatives at each of this Bar year’s YLD meetings to make it easier for our members to carve out time for service. I encourage YLD members to join us at YLD meetings and show up for events that committees are planning throughout the year. Connection is key for young lawyers and begins by showing up for events. Upcoming events will be on the YLD’s calendar on the Bar website and in a monthly update in your email inbox. We will come together for meetings throughout the year.

Save the dates and make plans to join the YLD this year at:

- Fall Meeting (Nov. 10-12, 2023) at Charleston Harbor Resort & Marina, Mt. Pleasant, South Carolina;
- Midyear Meeting (Jan. 11-13, 2024) at The Westin Buckhead, Atlanta, Georgia;
- Spring Meeting (April 19-21, 2024) at Brasstown Valley Resort & Spa, Young Harris, Georgia; and
- Annual Meeting (June 6-9, 2024) at Omni Amelia Island Resort, Fernandina Beach, Florida.

Registration for each of the meetings will be posted on the YLD page of the Bar website. We look forward to connecting soon! ^{YLD}

Brittanie Browning is an associate at Akerman LLP and president of the Young Lawyers Division of the State Bar of Georgia.



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Dearest Readers:¹

The YLD Review has officially returned for a 65th volume!

We bid adieu to Virginia Josey, who so triumphantly served as co-editor last year. We will miss Virginia’s presence, but she will remain a part of *The YLD Review* family as our YLD secretary. Jena Emory will remain co-editor, along with newcomer Siena Gaddy.

The ton are abuzz for the new Bar year. These co-editors have been reliably informed that YLD President Brittanie Browning and the Executive Committee intend to organize several events focused on philanthropy and inclusion. Additionally, this year, the YLD will be traveling to and hosting meetings in exotic locales such as Charleston, Young Harris and Fernandina Beach. The annual YLD Signature Fundraiser—which this year will benefit the Public Interest Internship Program—will take place in Atlanta during the Midyear Meeting. This is sure to be the social gathering of the year and will certainly give these authors much to write about in the weeks following. We are ready to report on any and all of these activities.

However, gentle readers, before you fill our inboxes with requests for more details, please know that publishing *The YLD Review* requires voluntary submissions from YLD members. We recognize the time and effort our authors invest into each piece, and we are grateful for your commitment.

Aspiring authors, our intended publication dates and article submission deadlines are thusly stated below:

Issue	Publication Date	Submission Deadline
2	December 2023	Sept. 22, 2023
3	March 2024	Jan. 20, 2024
4	May 2024	March 20, 2024

Should you require further information regarding author submissions or proposed articles, please contact the co-editors by electronic mail (jemory@csvg.law or siena_gaddy@gamb.uscourts.gov).

We are grateful for the opportunity to serve as your 2023-24 co-editors. While we may not be charged with uncovering scandal and intrigue, we are nonetheless elated to provide a forum for discussion and to share with our readers matters of interest. ^{YLD}

Yours Truly,
The YLD Review Co-Editors

Jena Emory is an associate at Copeland Stair Valz & Lovell LLP in Atlanta and is co-editor of The YLD Review.

Siena Gaddy serves as a career law clerk to Hon. Austin E. Carter, U.S. Bankruptcy Court for the Middle District of Georgia, and is an adjunct professor at Mercer University School of Law. She is also co-editor of The YLD Review.

Endnote

1. Thank you, Netflix and Shondaland, for inspiring this “Bridgerton”-themed Lady Whistledown parody letter from the editors.

Pregnant Workers Fairness Act Explained



**Ianna O.
Richardson**

The Pregnant Workers Fairness Act (PWFA) officially went into effect on June 27, 2023, after it passed through Congress in December 2022. PWFA closes gaps in the previous law and provides much needed clarity.

What does this mean? Under the PWFA, employers cannot refuse to hire, fire, demote or take adverse actions against an employee due to their pregnancy or its related conditions. Pregnant employees covered under the PWFA are now entitled to receive reasonable accommodations at work and are protected from discrimination and retaliation. It is illegal for employers to retaliate against an individual for reporting or opposing unlawful discrimination under the PWFA or participating in a PWFA proceeding (such as an investigation); or interfere with any individual's rights under the PWFA. It also means the Equal Employment Opportunity Commission (EEOC) is now accepting charges under the PWFA. Visit the website (www.eeoc.gov) for more information on how to request an accommodation.

Prior to the PWFA, employers were not required to provide reasonable accommodations to pregnant employees; however, in some situations, many employers do so under Title VII of the Civil Rights Act of 1964 (Title VII) or the Americans with Disabilities Act (ADA). Unclear and confusing criteria when employers needed to provide accommodations for pregnant workers prompted the need for the PWFA.

So, what are reasonable accommodations exactly? A change in the work environment. Some examples include, but are not limited to, modifying tasks, work schedules or other conditions of employment that would allow the employee to continue working safely and without jeopardizing their health or the health of their unborn child. Employers can also offer extra breaks, more frequent restroom visits, telework, leave or a temporary



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transfer to less physically demanding tasks. For assistance identifying possible accommodations consult with the Job Accommodation Network (askjan.org).

It is important to note that employees are not entitled to the accommodation of their choice. Some accommodations, while available, could present an undue hardship to the company, so it does not automatically mean an employee is being discriminated against because the employer will not honor their specific request. Undue hardship means significant difficulty or expense. There are many factors to consider such as: the number of people working at the company, the type of operations, the effect on expenses and resources at the company and if the company is part of a larger employer entity, then the whole employer's overall financial resources, size, number of employees, etc. are considered.

Furthermore, while pregnant employees are not required to accept an accommodation, especially one that was not discussed, employers cannot force an employee to take leave if another accommodation would allow them to continue working. For these reasons, it is important for employers and employees to discuss reasonable accommodations, also known as "engaging in an interactive process." The goal is to have as many conversations as necessary to accommodate the employee and prevent an undue hardship on the employer's operations.

Who is Protected

Employees and applicants of "covered employers" who have known limitations related to pregnancy, childbirth or related medical conditions. This can also include former employees as well.

TIPS FOR ASKING FOR A REASONABLE ACCOMMODATION

IF YOUR PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION MAKES IT HARDER FOR YOU TO PERFORM YOUR JOB, YOU CAN ASK FOR A CHANGE CALLED A REASONABLE ACCOMMODATION:

What It Means to Be a Qualified Employee

In *Young v. UPS*, a pregnant worker needed an accommodation that would excuse some essential functions of the job. UPS had a light duty program for workers hurt on the job and excluded essential functions in that program, but they would not allow the pregnant worker to participate in that program. Thus, the pregnant employee was qualified under PWFA.

Known Limitations

It means the limitation, not necessarily a disability, must be communicated to the employer by the employee or the employee's representative.

Covered Employers

All private and public sector employers in all states and industries with at least 15 employees, Congress, Federal agencies, employment agencies and labor organizations.

Notice Requirement

The PWFA requires employers to not only provide reasonable accommodations, but to notify their employees of their rights under the Act. If you are an employer, make sure to train your managers and supervisors so that you comply with the law. The EEOC has created an informational webinar on the PWFA.

The PWFA does not define "pregnancy, childbirth, or related conditions," but a definition is provided under the Pregnancy Discrimination Act. The PWFA also does not address whether an employer may request medical information from an employee seeking an accommodation, but under the ADA, an employer can request medical documentation and is required to keep that information confidential.

▶ SEE PWFA, PAGE 7

1 TALK to your employer. Your manager, human resources, or person designated in the company policy is a good place to start.

Covered employers must provide a reasonable accommodation unless it will cause them an undue hardship.

2 EXPLAIN that because of a physical or mental condition related to your pregnancy, childbirth, or related medical condition, you need a change.

3 SHARE with your employer what barriers you are facing. Give ideas, if you have them, for what could help you do your job.

For example, you may need to do your job differently, a piece of equipment, additional breaks, leave, or a different schedule.

4 IF YOUR EMPLOYER SAYS "NO" PROVIDE information. Tell your employer about the EEOC's webpage: [What You Should Know About the Pregnant Workers Fairness Act.](#)

REACH OUT to the EEOC. The EEOC can help you decide on next steps.



CONTACT US:
1-800-669-4000
WWW.EEOC.GOV



Judicial Spotlight

A Conversation With Hon. John T. Laney III



**Victoria Barbino
Grantham**

Hon. John T. Laney III practiced law for 20 years prior to his appointment as bankruptcy judge for the Middle District of Georgia in October 1986. Laney earned both an undergraduate degree (1964) and law degree (1966) at Mercer University.

Having been enrolled in the ROTC program at Mercer, he was commissioned in the U.S. Army as a Captain in the Judge Advocate General Corps. Laney served at Fort McPherson in Atlanta; Fort Benning, now Fort Moore, in Columbus, and at Camp Howze in Korea.

In 1970, he entered private practice at Columbus-based firm Swift, Pease, Davidson and Chapman, the predecessor to Page, Scrantom, Sprouse, Tucker & Ford, P.C., where he worked in general civil practice with an emphasis in insurance defense and bankruptcy law.

Outside of the job, Laney can be found either participating in amateur radio competitions or attending activities with his four grandsons.

I sat down with Judge Laney to talk about his career, his life and some advice he has for lawyers.

What drew you to becoming a judge?

I guess it might be fair to say it was sort of a family tradition. My grandfather was a judge in the Municipal Court, my uncle was a Superior Court judge and before that he was a Recorder's Court judge, and my mother's first cousin was city attorney for Columbus.

There was clearly a law-and-public service tradition on my mother's side of the family. As for specifically becoming a bankruptcy judge, the doors just opened—the opportunity came to practice bankruptcy law and learn the 1978 Bankruptcy Code all the while observing the process of appointment and of reappointment of bankruptcy judges. Then a vacancy occurred locally.



Hon. John T. Laney III, judge, U.S. Bankruptcy Court for the Middle District of Georgia

What is the most rewarding part of your job?

The most rewarding part of my job is seeing a successful bankruptcy case—an honest debtor getting a fresh start—somebody who can propose a feasible plan and having that plan confirmed.

I am happy that justice is done if discharge is denied to a dishonest debtor, but that would not be a rewarding part of the job. It is a necessary part of the job. Being affirmed on appeal is also rewarding.

What do you think about the conversations about work life balance and managing the stress of the job?

I think it is important for each person and each family to make up their own minds about how they are going to manage that. Certainly you need to draw the line sometime before you lose control. Suicide, for example, is a problem among lawyers and—as it is with anybody else—it is a permanent solution to temporary problem. Lawyers should be open to admitting that they need help and to getting help if they do need it.

Author's note: if you need to talk to someone for support or advice, you can reach the National Suicide Prevention Lifeline by dialing 988. The State Bar of Georgia's Lawyer Assistance Program offers Bar members six prepaid, confidential counseling sessions per year. Contact the LAP hotline at 800-327-9631.

What are some attributes of successful attorneys?

Be scrupulous. Work hard. Be nice to people including the opposing parties and lawyers and court staff.

It is important to keep accurate and current time records. I am aware of a few lawyers who lost their jobs because they did not keep track of their hours adequately. Not ever getting behind on that and doing that daily, if not hourly, if you have a matter on an hourly basis rather than on a per case basis.

How do you see your legacy?

I have not done a lot of things that a lot of other bankruptcy judges have done with outreach or with financial education. I have not done as much lecturing and teaching as a lot of them, although I have been on quite a few programs.

I think most of my legacy would just have to be working as hard as I need to, letting everyone have a chance to be heard, and trying to wait until the final brief and the final bit of evidence to make up my mind. Also, being punctual—both in attendance at court and in making and publishing decisions. I have mentored a number of law clerks who have become fine lawyers. YLD

Victoria Barbino Grantham serves as law clerk to Hon. John T. Laney III, U.S. Bankruptcy Court for the Middle District of Georgia.

► PWFA, FROM PAGE 5

Pregnant workers may also have protections under the Family and Medical Leave Act of 1993, which provides covered employees with unpaid, job-protected leave for certain family and medical reasons; and protections under the Providing Urgent Maternal Protections for Nursing Mothers Act, which broadens workplace protections for employees to express breast milk at work.

Relief Available

If there is a violation of the PWFA, the relief available is the same under Title VII and the ADA, such as: injunctive relief (receiving an accommodation), back pay, front pay, and compensatory or punitive damages (damages are limited based on employer size and, like the ADA, money damages can be limited if the claim involves a reasonable accommodation and the employer shows a good faith effort in consultation with the employee, to identify and provide a reasonable accommodation).

Ultimately, the purpose of the PWFA is to promote a supportive and inclusive work environment for pregnant employees. It does not replace federal, state or local laws that are more protective of workers affected by pregnancy, childbirth or related medical conditions. In fact, more than 30 states and cities have laws that provide accommodations for pregnant workers. The PWFA alleviates many of the loopholes that once existed in the Pregnancy Discrimination Act so that pregnant workers no longer must leave their jobs or fear discrimination.

If you have questions about an incident you experienced or witnessed, speak to an employment attorney on what your next steps should be. ^{YLD}

Ianna O. Richardson is an employment attorney at Barrett & Farahany in Atlanta and a graduate of the 2023 YLD Leadership Academy.

Endnotes

1. Young v. UPS, 575 U.S. 206.
2. <https://www.youtube.com/watch?v=ftxYyTIXetE>.

Officers' Block

What is something you want to get better at or learn?



BRITTANIE D. BROWNING | YLD President

One thing that I would like to learn and improve upon is Spanish. It's my goal to eventually gain fluency in the language because it opens opportunities to connect with more people and cultures



KENNETH MITCHELL JR. | YLD President-Elect

I want to get better at golf.



VERONICA ROGUSKY COX | YLD Treasurer

Integrating emerging technologies into my practice of law is high on my list.



VIRGINIA C. JOSEY | YLD Secretary

I would like to be better at consistently working out. Some people enjoy physical fitness and I am not one of those people.



RON DANIELS | YLD Immediate Past President

I've always wanted to learn to play the keytar.



JENA G. EMORY | YLD Newsletter Co-Editor

Yoga. When I was younger, I had a fantastic yoga instructor who gave me a passion for yoga. I got out of the habit during the pandemic, but I would love to get back into it!



SIENA GADDY | YLD Newsletter Co-Editor

I've run several half marathons and I train consistently to improve my time. My current goal is sub-1:45.

Tips and Tricks for Jury Selection



**Lina
Khan**

Ahh, jury selection. Jury selection is both an art and a science for any jury trial. There are books, advice columns and even specialists available to assist you with jury selection. But if you are a government employee like me, it's not in the budget to hire a Hollywood-level jury selection expert. So that begs the question: how do you as a new attorney working in the government sector, get good at jury selection?

Like most areas of the law, the getting good part comes with doing. There is no easy way or trick to jury selection. Picking a good jury comes with practice and even then, sometimes you get an unfavorable group to choose from. There are a few things to keep in your back pocket that will help you win over a jury and win your case.

1 Get them talking.

Whenever I pick a jury, I try to speak to every single person in my jury pool. Sometimes this can be difficult. You may have a time limit. My first judge gave us twenty minutes to question jurors, and he was strict about the time. To the extent that you can, try to get the jurors talking and use them to encourage other jury members to talk. "Mr. Smith, you just heard Ms. Johnson say she feels like this. What do you think?" This forces them to answer you directly. It forces them to look at you, to listen to you and to answer.

2 Where are my religious people?

People of strong faith often do not like sitting in judgment of others. As a lawyer, the goal is to get a fair and impartial jury that will be able to listen to the facts of the case and apply the law to your facts to render a verdict. You want jurors that can put aside their personal feelings and listen to

the facts. If they are too busy feeling queasy about their role in the criminal justice system, they are not actively listening to you. You want to identify these individuals and decide if you want them on your jury.

3 Talk to them like a neighbor you like.

Lawyers often think regular people want to be wowed by the fast-talking, expensive-suit-wearing lawyers in TV shows, but regular people want to know you are also a regular person. Talk to the jury as if they were a neighbor you like. Explain things to them in easy commonplace words and make some jokes. Your jury wants to connect with you. Give them a reason.

4 Have they ever been a victim of a crime?

Dealing with victims of a crime is an important part of jury selection. If a potential juror was a victim of domestic violence and your case is a domestic violence case, hearing the facts may be triggering for them. You will want to address any potential conflicts at jury selection and that means being able to ask them tough questions. You may ask to voir dire victims of crimes outside the presence of the other jurors. Sometimes, jurors breakdown, cry or reveal extremely personal details. You want to keep them from influencing other potential jurors and potentially disqualifying an entire jury pool.

5 No hands.

I always tell my jurors NOT to raise their hands when answering my questions. We are not in school and I do not want them to think of me as a principal. I want them to like me. I usually say, "Hey grab my attention, shout at me, whatever it takes." When they answer my questions, I also try to take the time to connect with the answers instead of immediately looking down and

writing them down. Jury selection flows better as a conversation, not a quiz.

6 Will you give me a chance?

Some jurors come in with preconceived notions based on what they see on TV or what they think evidence will look like. There will not be fingerprints in a DUI case, nor will there be DNA in a theft case. The time to break those notions are in jury selection. I want my jurors to have a realistic expectation of the process, and I want them to hold me to the appropriate burden of proof—beyond a reasonable doubt. I want to know that my jurors are going to give me a chance and not hold me to an impossible standard.

7 Look for silent cues.

Body language can tell you much about a jury pool. Don't overlook it. It begins as soon as they walk in the room. What did they bring with them? Do they look angry? Do they look politely curious? A pro tip is asking a coworker to sit with you. They will inevitably notice things you may not.

8 Popularity contest.

I pay close attention to how the jurors are treating me and the defense counsel. Some people are just not going to like me. Maybe they don't like that I represent the government, or maybe they don't like the suit that I am wearing and that is totally fine. But I don't want a jury full of people who gave me one-word answers but were complimenting my opposing counsel.

9 Something on your mind.

I ask jurors if there is something either in their personal or professional lives that would keep them from giving their full attention to the case. This has led to some very surprising answers—from family members

► SEE JURY, PAGE 15

Mata v. Avianca: A Cautionary Tale for Lawyers Using Generative AI



**T. Alec
Chappell**

On June 22, a federal district judge in New York sanctioned two attorneys for filing a brief generated by artificial intelligence that cited nonexistent cases. The plaintiff in the case, *Mata v. Avianca, Inc.*, filed a personal injury complaint against an airline in the Supreme Court of the State of New York. The airline removed the case to the U.S. District Court for the Southern District of New York and moved for dismissal on grounds that the suit was time-barred.¹ In a response in opposition, the plaintiff's attorneys cited several purported judicial decisions, including one entitled *Varghese v. China Southern Airlines Co., Ltd.*, 925 F.3d 1339 (11th Cir. 2019).²

In a reply, the airline stated that it was unable to locate *Varghese* or many of the other cited decisions.³ The court directed the plaintiff's attorneys to file copies of the decisions in question, which they did, along with an affidavit stating that they "annexed copies of" eight such decisions but that the attached copies "may not be inclusive of the entire opinions but only what is made available" by an unspecified "online database."⁴

At a later show cause hearing, however, the attorneys admitted that they used ChatGPT to draft their response to the airline's motion to dismiss and that the cited decisions "were generated by ChatGPT and do not exist."⁵ The court recited numerous peculiar features of the bogus *Varghese* decision filed by the attorneys, stating that its procedural history "borders on nonsensical," that its "legal analysis is gibberish," that it cites other nonexistent cases, and that it "abruptly ends without a conclusion."⁶

The attorneys expressed remorse for their actions, claiming that they mistakenly viewed ChatGPT as a "super search engine" and assumed that it would never fabricate



case law.⁷ As a sanction, the court ordered the attorneys to pay \$5,000 into the court registry and to provide a copy of the court's opinion to their client, whose complaint was dismissed as time-barred.⁸ Further, they were required to mail copies of the opinion to "each judge falsely identified as the author of the fake ... opinions" generated by ChatGPT.⁹

Released in November 2022, ChatGPT is one type of generative artificial intelligence (GAI) capable of "generat[ing] creative works that appear to have been created by a human."¹⁰ Programmers "train" GAI through "massive dumps of training data, largely collected from public sources on the Internet" to "ensure the program gets a good sample of the kind of writing it is intended to simulate."¹¹ Some legal practitioners have found GAI useful in drafting and editing transactional documents.¹² Despite its potential, some warn that GAI "is not ready for prime time," as amply evidenced by *Mata v. Avianca*.¹³

Given the growing popularity of GAI, some courts are proactively restricting its use. On May 30, a federal district judge in the Northern District of Texas issued a standing order requiring attorneys to file a certificate attesting that "no portion of any filing will be drafted by generative artificial intelligence (such as ChatGPT, Harvey.AI,

or Google Bard) or that any language drafted by generative artificial intelligence will be checked for accuracy ... by a human being."¹⁴ While the judge acknowledged that GAI platforms "have many uses in the law," he stated that "legal briefing is not one of them" because such platforms are "prone to hallucinations and bias."¹⁵

Even if a court lacks a standing order on GAI, attorneys should remain mindful of the rules of professional conduct and of civil procedure. For instance, Rule 3.1 (b) of the Georgia Rules of Professional Conduct prohibits an attorney from "knowingly advocat[ing] a claim or defense that is unwarranted under existing law[.]"¹⁶ Similarly, Rule 11(b)(2) of the Federal Rules of Civil Procedure requires an attorney to certify that "to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances" the legal arguments in a pleading, motion or other paper "are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law[.]"¹⁷ As *Mata v. Avianca* demonstrates, use of GAI does not absolve attorneys of their professional obligations under such rules. While ChatGPT and

► SEE GAI, PAGE 11

Tips and Tricks for the Successful Law Clerk



**Siena
Gaddy**



**E. Tate
Crymes**

All good things come to an end. For many law clerks, our time spent in chambers is limited. Most federal law clerks serve a one- or two-year term. Similarly the Supreme Court of Georgia and Court of Appeals of Georgia employ term law clerks. In law school, we were taught to think three steps ahead and, such advice, while intended for legal argument applies to your legal career as well. In every career choice, we urge you to think three steps ahead. In this final installment of our “Tips and Tricks” series, we offer advice for a career (and life) beyond chambers.

The “Second Sentence”

Upon entering law school, a mentor offered this advice: “Don’t lose your second sentence.” The “second sentence” is a qualifier beyond a first name, used when introducing or when referencing someone. For example, “This is Suzy. She loves to garden.” Suzy’s “second sentence” reflects something unique about her interests, passions and motivation. Among friends and family, we expect your second sentence may be “They are an attorney.” Pause for a moment and reflect on what your “second sentence” could be. Remember that you are a unique and multifaceted person—you exist beyond your occupation.

That being said, we urge you to grasp onto hobbies and passions outside of your career. The benefits of participating in enjoyable activities are twofold: not only will you feel more fulfilled, but you will also gain another avenue for connection.

Our peers, our colleagues and our future employers seek to build relationships. Relationships are formed through personal conversations and shared interests. People tend to become excited and engaged when discussing a topic on which they are passionate about. Enthusiasm is infectious. Open discourse about your hobbies reveals



your humanity. You are more than your Bar membership and the legal community wants to know that side of you. Become intentional with your time and cultivate your interests. Your “second sentence” should be your starting point.

Resumes

Resumes can be tricky. A resume serves as a first opportunity to impress a hiring partner or committee. First and foremost, your resume should reflect your personality. We suggest stepping away from the rigid form required by law schools. While those are a fantastic starting point, small changes can elevate your resume. We recommend selecting a serif font which appears more formal than a sans serif font. Select a font that suits you, but steer clear of Calibri—the default font—which subliminally conveys apathy and of Garamond, which in 2021 was publicly discouraged from attorney brief submissions by the U.S. Court of Appeals for the District of Columbia Circuit. Some favorites of ours are Georgia, Cambria, Palatino and Century Schoolbook.¹

As with any writing, construct your resume with empathy. Consider your au-

dience and make readability your goal. Be sure your resume includes adequate white space between headings and sections. Bullet points should be concise. Current positions should be in present tense whereas previous experiences should use past tense.

We recommend adding a professional licensure section to reflect your Bar membership. Do not shy away from including a second or third page if your experience is varied; however, if your resume uses multiple pages, limit the number of bullet points beneath each experience.

We suggest keeping a long-form resume with all experience as well as a short-form resume, which may omit decades-old work experience or jobs not related to law. Regardless of which resume you find more appropriate, it should receive a critical edit prior to submission.

Regarding the critical edit, adapt your resume to the role sought. Take the time to review the job posting and highlight key terminology. Edit bullet points and descriptions to include specific words—the key terminology identified—used in the job posting. Be sure to use examples which demonstrate that you possess skills required to perform the job sought.

Using a generic resume is akin to buying off-the-rack. While there is a time and place for off-the-rack, a professionally tailored garment will fit better. Because your resume is likely a first impression, opt for a professionally tailored version.

We suggest removing any random assortment of interests. These are things that may be mentioned in an interview but are unnecessary on a resume. While our preference is omitting the section entirely, if you choose to keep interests, use details to add depth and intrigue. For example, “travel” is too generic. “Traveling abroad with intention to visit all UNESCO World Heritage Sites” is more appealing.

Finally be cognizant that anything included on a resume may be discussed in an interview. If a comment, case note or any other published work is somewhere mentioned on your resume, revisit those topics so that you are ready to speak about them during an interview.

Giving Back

Chambers is a safe harbor from the billable hour. Many law clerks keep regular 9-to-5 work day. In general, these hours are less demanding than those one may experience in private practice. Once you’ve learned the day-to-day and become comfortable in your role, you should have some time on your hands. It follows that a hiring committee, a senior partner or an interviewer may expect involvement in something other than your clerkship. Our suggestion? Volunteer.

At its core, law is a service profession. As attorneys, we are charged with incredible responsibility to lead our communities. Many attorneys serve the public through pro bono work; however, this option may not be available during your clerkship. You may still intend to offer pro bono work in the future, but we recommend finding at least one way to serve your community during your clerkship.

Volunteer work does not have to be law related. For example, coaching little league,

lending a hand at an animal rescue or serving on your homeowner’s association are fantastic non-law related options. As you are likely aware, myriad opportunities exist within the legal community, including options which require no client representation, e.g., service projects with your local bar association or the State Bar of Georgia YLD, mentoring law students through your alma mater, your local Inn of Court or an affinity group such as the Georgia Latino Law Foundation or coaching high school mock trial.²

To us, community involvement is non negotiable. A resume must outline your educational background and your professional experience. Law clerks must similarly highlight the ways in which they meaningfully serve outside of chambers. An aspirational jurist offered this sentiment, “If service is beneath you leadership is beyond you.”³

Conclusion

We hope this series proved beneficial. Although this is our final “Tips and Tricks for the Successful Law Clerk” article, the YLD Judicial Law Clerk Committee will continue to offer support however it can. YLD

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E. Tate Crymes is a term law clerk to Hon. Austin E. Carter, U.S. Bankruptcy Court for the Middle District of Georgia.

Endnotes

1. The U.S. Supreme Court agrees—opinions published by SCOTUS appear in Century Schoolbook.
2. If you are not sure where to start or how to get involved, reach out to one of our co-chairs.
3. Justice Verda M. Colvin, Supreme Court of Georgia, Remarks at W.A. Bootle American Inn of Court Opening Banquet (Sept. 13, 2022).

► GAI, FROM PAGE 9

other GAI platforms can be powerful tools, they are no substitute for trained legal professionals and must be wielded with care. YLD

T. Alec Chappell is a career law clerk for Chief Judge Edward J. Coleman III, U.S. Bankruptcy Court for the Southern District of Georgia.

Endnotes

1. Memorandum of Law In Support of Defendant’s Motion to Dismiss Plaintiff’s Verified Complaint, *Mata v. Avianca, Inc.*, No. 1:22-cv-01461-PKC (S.D.N.Y. Jan. 13, 2023), ECF No. 18.
2. Affirmation in Opposition, *Mata v. Avianca, Inc.*, No. 1:22-cv-01461-PKC (S.D.N.Y. March 1, 2023), ECF No. 21.
3. Reply Memorandum of Law in Further Support of Defendant’s Motion to Dismiss Plaintiff’s Verified Complaint., *Mata v. Avianca, Inc.*, No. 1:22-cv-01461-PKC (S.D.N.Y. March 15, 2023), ECF No. 24.
4. Response in Opposition to Motion, *Mata v. Avianca, Inc.*, No. 1:22-cv-01461-PKC (S.D.N.Y. Apr. 25, 2023), ECF No. 29.
5. *Mata v. Avianca, Inc.*, --- F.Supp.3d ---, No. 22-cv-1461 (PKC), 2023 WL 4114965, at *3-8, (S.D.N.Y. June 22, 2023)
6. *Id.* at *5.
7. *Id.* at *3
8. *Id.* at *17. See also *Mata v. Avianca, Inc.*, No. 22-cv-1461 (PKC), 2023 WL 4138427 (S.D.N.Y. June 22, 2023).
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10. Colin E. Moriarty, The Legal Challenges of Generative AI—Part I, 52-AUG Colo. Law. 40, 41 (July/Aug. 2023).
11. *Id.* at 42.
12. See Margaret Minister, The Right Generative AI is a Legal Professional’s Friend, Not a Foe, 42 No. 5 Legal Mgmt. 26, 27 (May 2023); Alexander Paykin, Artificial Intelligence and the Practice of Law in the 21st Century, 95-AUG N.Y. St. B.J. 23, 24-25 (July/Aug. 2023)
13. Paykin, *supra* note 12, at 24.
14. Judge Brantley Starr, *Mandatory Certification Regarding Generative Artificial Intelligence, United States District Court Northern District of Texas*, <https://www.txnd.uscourts.gov/judge/judge-brantley-starr> (last visited July 13, 2023).
15. *Id.*
16. Ga. Rules of Pro. Conduct R. 3.1(b) (State Bar of Ga. 2023).
17. Fed. R. Civ. P. 11(b)(2).

Bridging the Gap—Middle Georgia Justice



**Kimberly
Mimbs**

Retired state court judge Bill Adams estimates that 80% of central Georgians cannot afford legal assistance.¹ This lack of affordability greatly limits an individual's access to justice and creates a justice gap.²

Adams spent 18.5 years on the bench and saw the adverse outcomes that occur when a person goes to court without a lawyer. After retiring from the bench, Adams decided to dedicate his retirement to bridging the justice gap in Central Georgia. Middle Georgia Justice (MGJ) is the product of that goal. MGJ is a 501(c)(3) non-profit organization that serves Macon-Bibb County and the six surrounding counties: Houston, Peach, Crawford, Monroe, Jones and Twiggs.

Adams identified three areas where the most substantial legal needs arise, including family law, probate/heirs' property law and criminal record restriction relief. These became the focus of MGJ, which works alongside Georgia Legal Services, Mercer University School of Law, the Macon and Houston bar associations, and Crisis Line and Safe House to provide legal assistance for lower-income individuals in Middle Georgia.

What began five years ago as an incubator program and has transformed into a fully-fledged operation. With the newest addition of Brenda Able, criminal relief specialist; Middle Georgia Justice now has seven full-time staff members including Amy Griffith, executive director; Kimberly Mimbs, probate/heirs' property staff attorney; Lisa Berrian, development director; Danielle Hynes, family law attorney; Grace Greiner, paralegal; and Danielle Hysell, office manager.

In family law and in probate/heirs' property, there are three avenues for help: (1) a self-help center where assistance is provided with paperwork in probate and family law matters; (2) direct representation by an attorney; and (3) through refer-



als to volunteer attorneys on a pro bono or reduced fee basis.

Typical weeks at MGJ include bi-weekly intake days, where staff meet with four to six potential clients each day. Intakes are split evenly between family law and probate. To financially qualify for an appointment, clients must be 300% or less of the federal poverty guidelines. Criminal history relief has appointments every other Friday and has no restrictions on income. Intakes include a one-hour consultation with two attorneys which allows client to meet with an experienced attorney regarding their legal issues, sometimes for the very first time. As Adams says, "Oftentimes, people without access to lawyers may not recognize a legal issue—they just see a problem they don't know how to fix. If they are able to talk to a lawyer, the legal issue can be quickly identified and resolved."³

Heirs' property is a prevalent issue in Macon-Bibb County. There are an esti-

mated 6,000 properties in the county that are considered blighted,⁴ and it is estimated that more than half of these are the product of title issues stemming from heirs' property.⁵ When a person dies without a will or other legal document conveying property to another, the property becomes heirs' property because it goes to all heirs at law. Even if a person has a will, families may not realize the will must be probated to convey a title. While the property can be conveyed through probate proceedings for both testate and intestate succession, like letters of administration, many families do not realize they need to have the property conveyed until it becomes a problem. As an example, when they decide to make repairs to a house, which requires a title. Or they may seek other assistance and encounter the same requirement.

Our goal is to help families secure and maintain generational wealth. By assisting to clean up titles, we can help alleviate that

blight and ensure families are eligible for repair programs like Rebuilding Macon and Habitat for Humanity.

No one patron is alike and each client has a unique issue, calling for varied approaches. Working at MGJ has been an eye-opening experience as a new attorney, and I am grateful for all the support that Executive Director Amy Dever and our volunteer mentors give me. Adams describes working at Middle Georgia Justice as “building the plane as it’s flying.” There will always be those who are in need of legal assistance, and I am grateful that MGJ can help bridge that justice gap. ^{YLD}

Kimberly Mimbs is a staff attorney at Middle Georgia Justice.

Endnotes

1. Karen Worthington, *Retirement Launched Judge Bill Adams’ Latest Career Move: Providing Access to Justice*, Georgia Courts Journal, <https://georgiacourtsjournal.org/retirement-launched-judge-bill-adams-latest-career-move-providing-access-to-justice/> (last visited July 19, 2023).
2. Leonard Wills, *Access to Justice: Mitigating the Justice Gap*, American Bar Association (Dec. 3, 2017) <https://www.americanbar.org/groups/litigation/committees/minority-trial-lawyer/practice/2017/access-to-justice-mitigating-justice-gap/>.
3. Worthington, *supra*, note 1, at 1.
4. Edna Ruiz, *Macon-Bibb Launching New Blight Reporting & Tracking Application*, Macon-Bibb, (Nov 18, 2022) <https://www.maconbibb.us/blightreporting111822/>.
5. Anthony Montalto, Middle Georgia Justice to Receive \$250K from Macon-Bibb to Continue Mission, 13WMAZ, <https://www.13wmaz.com/article/news/local/middle-georgia-justice-to-receive-250k-from-macon-bibb-to-continue-mission-2/93-0d8efbb6-7f80-4e28-b913-961466236b3b> (last updated Nov. 11, 2022, 11:43PM).

Supreme Cork Pops Back!

The YLD Family Law Committee hosted the annual “Supreme Cork Sip ’n Meet” at Wild Heaven West End Brewery & Gardens in Atlanta on June 23. Guests enjoyed an evening on the BeltLine while enjoying a selection of Wild Heaven’s beers and live music. This was the return of the event since the pandemic, and what a way to come back.

Courtney Gilkinson, Jonathan Stoye and Evan Barker worked tirelessly to secure sponsorships and door prize items. Because of their efforts, the YLD Family Law Committee raised and donated more than \$7,500 to the Guardian ad Litem Program and the

Safe Families Office of the Atlanta Volunteer Lawyers Foundation (AVLF). AVLF’s Guardian ad Litem Program provides attorney volunteers, trained and supervised by AVLF, to serve as guardians for children from low-income households in contested custody cases. The Safe Families Office provides legal and safety planning assistance on a walk-in basis at the Fulton County courthouse to survivors of sexual assault, domestic violence, dating violence and stalking.

If you couldn’t make it this year, we hope to see you next year. Learn more about the work of AVLF, please visit avlf.org. ^{YLD}



Thank You to the Many Sponsors of the 2023 Supreme Cork Sip ’n Meet

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Litigation 101: Preparation



**Franklin T.
Gaddy**

“Give me six hours to chop a tree and I will spend the first four sharpening the axe.”—Abraham Lincoln

Often when young attorneys think about litigation their thoughts and impressions are of lawyers they see on film. Perhaps the dynamic closing arguments of celebrity attorneys in nationally televised trials. However the key to being a successful litigant is to be a prepared litigant. This process begins long before voir dire or opening statements.

Successful litigation starts at the beginning—case intake. A theory of the case is developed around the facts given by the client. Expanding upon that established theory, a young attorney should ask themselves first what evidence do I need to prove my case? And next, is there potential for success at summary judgment? In order to achieve either, discovery must be closely attended to.

Discovery is a key and essential element of the litigation process. Requests for admissions, requests for production, interrogatories, non-party requests and depositions are the tools necessary to build a successful case at trial. Many young attorneys fall victim to the false beliefs that discovery requests will be the same regardless of the case and that questioning at depositions will always follow the same narrative and script.

However, such beliefs are a trap. We should analyze our discovery requests and narrowly tailor our approach to fit the specific factual necessities of each case. After all, each case is unique. While patterns may be the same from case to case, every client and their precise positions are factually specific to their own particular points of view.

Once specific and thoughtful discovery requests are made, analysis of responses from the opposing party and non-parties are just as essential. Have you actually received the discovery requested? Are docu-



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ments missing? Were 5,000 pages of documents produced but the 50 most important omitted (certainly no attorney bound to the ethical requirements of this honored profession would ever do such a thing).

Don't be afraid to pressure the opposing party to disclose or supplement documents you know are relevant and required but are somehow not present. Again, we are sharpening our axe. Opposing counsel would love for us to arrive at trial without having the necessary documents or items to prove our case. Often we will hear “I gave you everything,” “I already gave that to you” or “that is privileged.” Those responses may not be true or accurate.

Quick involvement of the judiciary is not advisable. Judges have better use of their time than to listen to attorneys bicker. We are under a duty “prior to filing a motion seeking resolution of a discovery dispute ... to confer with counsel for the opposing party and any objecting person or entity in a good faith effort to resolve the matters involved.” If, after honest, good-faith attempts no responses are provided, then as a last re-

sort seek judicial relief. But beware, when one litigant has a valid discovery dispute, the other litigant often tries to cover their omissions by falsely claiming the problem is mutual, and no one has produced all required documents. Be prepared to respond to these claims.

While you are building your case and running your axe over the grinding wheel, fill in and develop your trial binder. In this age of modernity, your trial binder may actually be folders and subfolders on your network and drives. Inevitably this electronic compilation will turn into the accordion folder or bankers' box(es) that will form the basis of your trial presentation. Until then, create folders for all of your pleadings; save relevant research (have the case, book and page ready when needed); and ensure your evidence is cataloged and reviewed. If you are not reviewing your evidence until the week before the trial it is too late, and you are doing your client a disservice.

Assuming that mediation was unsuccessful or your carefully thought-out plan for summary judgment did not in fact con-

► JURY, FROM PAGE 8

undergoing chemotherapy to dealing with pregnancy loss. While we cannot excuse every person, sometimes recognizing that there are other things happening in their lives can help you be sensitive to your jurors and connect with them.

your first case will not be a murder trial, and you can show off some personality. I have had countless jurors stop me—even in cases where I have lost—to compliment my professionalism and my presentation. This leads to an opportunity to get great feedback. Good luck new lawyers! *YLD*

10 **Have fun.** Some cases are very serious and require a more solemn forum, but hopefully

Lina Khan is an assistant district attorney in the Houston Judicial Circuit and a graduate of the 2023 YLD Leadership Academy.

vince the judge that there is no genuine dispute as to any material fact and you are not entitled to judgment as a matter of law, then prepare to chop that tree. Caution: during the preparation of your trial, several trees will unfortunately be destroyed.

Every litigant is different and so are their styles in preparation. Some of the best trial attorneys operate with perfectly crafted scripts, meticulously poured over to near perfection. Other great attorneys ad lib from a thought out and prepared bullet point list. Individual style and preference will control which method you employ; however, both processes share the common element of thoughtfulness and preparation.

Back to the evidence. Which key exhibits would work well as demonstratives to help outline your story during your opening statement? Use them. Tell your story. When preparing witness direct and cross examinations, review their deposition transcripts.

When crafting your outline for each direct and cross, make citations within your script as cross references to deposition lines, exhibit numbers to be admitted and expected objection responses.

Preparation is key to successful litigation. We have all seen unprepared litigants in the courtroom. Lack of preparation is obvious. The unprepared seem to rant with no path, story or end.

Perhaps if they speak long enough about nothing then the trier of fact may be lulled into siding with their client. Perhaps not. Proper and precise preparation leads to successful litigation outcomes. *YLD*

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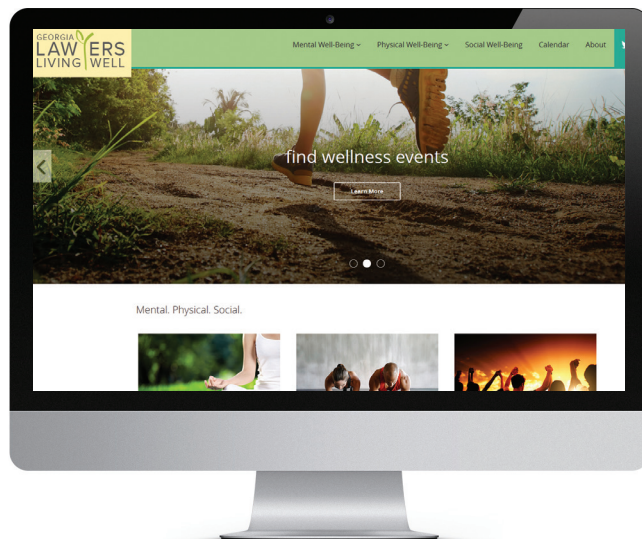
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State Bar programs that help lawyers in their lives and practices.

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