

December 2017

Volume 23, Number 4

GEORGIA BAR
JOURNAL

From the
Executive Director—
Ways to Give of
Yourself During the
Season of Giving

2018 Legislative
Preview

Tips for Practice
Management Success
in 2018

A Conversation with
Randy Evans

THE LEGAL

**The Municipalization
of Urban Counties
in Georgia**

THE STATE BAR OF GEORGIA ANNOUNCES ITS ANNUAL

FICTION WRITING COMPETITION

DEADLINE: JANUARY 12, 2018

The Editorial Board of the *Georgia Bar Journal* is pleased to announce that it will sponsor its annual Fiction Writing Contest in accordance with the rules set forth below. The purposes of this competition are to enhance interest in the *Journal*, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. For more information, contact Sarah I. Coole, Director of Communications, 404-527-8791 or sarahc@gabar.org.

1. The competition is open to any member in good standing of the State Bar of Georgia, except current members of the Editorial Board. Authors may collaborate, but only one submission from each member will be considered.
2. Subject to the following criteria, the article may be on any fictional topic and may be in any form (humorous, anecdotal, mystery, science fiction, etc.). Among the criteria the Board will consider in judging the articles submitted are: quality of writing; creativity; degree of interest to lawyers and relevance to their life and work; extent to which the article comports with the established reputation of the *Journal*; and adherence to specified limitations on length and other competition requirements. The Board will not consider any article that, in the sole judgment of the Board, contains matter that is libelous or that violates accepted community standards of good taste and decency.
3. All articles submitted to the competition become the property of the State Bar of Georgia and, by submitting the article, the author warrants that all persons and events contained in the article are fictitious, that any similarity to actual persons or events is purely coincidental and that the article has not been previously published.
4. Articles should not be more than 7,500 words in length and should be submitted electronically.
5. Articles will be judged without knowledge of the author's identity. The author's name and State Bar ID number should be placed on a separate cover sheet with the name of the story.
6. All submissions must be received at State Bar headquarters in proper form prior to the close of business on a date specified by the Board. Submissions received after that date and time will not be considered. Please direct all submissions to: Sarah I. Coole, Director of Communications, by email to sarahc@gabar.org. If you do not receive confirmation that your entry has been received, please call 404-527-8791.
7. Depending on the number of submissions, the Board may elect to solicit outside assistance in reviewing the articles. The final decision, however, will be made by majority vote of the Board. Contestants will be advised of the results of the competition by letter. Honorable mentions may be announced.
8. The winning article, if any, will be published. The Board reserves the right to edit articles and to select no winner and to publish no article from among those submitted if the submissions are deemed by the Board not to be of notable quality.



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The *Georgia Bar Journal* welcomes the submission of unsolicited legal manuscripts on topics of interest to the State Bar of Georgia or written by members of the State Bar of Georgia. Submissions should be 10 to 12 pages, double-spaced (including endnotes) and on letter-size paper. Citations should conform to A UNIFORM SYSTEM OF CITATION (19th ed. 2010). Please address unsolicited articles to: Bridgette Eckerson, State Bar of Georgia, Communications Department, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303. Authors will be notified of the Editorial Board's decision regarding publication.

The *Georgia Bar Journal* welcomes the submission of news about local and voluntary bar association happenings, Bar members, law firms and topics of interest to attorneys in Georgia. Please send news releases and other information to: Sarah I. Coole, Director of Communications, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303; 404-527-8791; sarahc@gabar.org.

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James V. Burgess Jr.



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The December Issue

In this hectic time of year, while we are all busy planning and attending holiday gatherings, shopping for gifts and decking the halls, we are also looking for ways to give to our communities. Giving is not just one more item on the to-do list; it is the essence of the holidays. Lawyers have a special responsibility to give of their particular skills and talents in ways that only lawyers are qualified to do. Look no further than “Ways to Give of Yourself During the Season of Giving” by the executive director of the State Bar, which outlines several options for lawyers to contribute financially or to volunteer with their time. Charitable giving is common at year-end, and is generally a convenient choice when everyone is so busy. Giving of ourselves and our time engages us directly with those we seek to help and shows that we, as lawyers, are a tangible, integral part of our community.

The previous edition of the *Georgia Bar Journal* detailed the Lawyers Helping Lawyers Program, and in this edition you can read about the work of the iCivics Committee of the State Bar of Georgia. This edition also features an article on the Georgia High School Mock Trial Competition, which is always in need of volunteers as attorney coaches, judges and regional coordinators. The YLD president also writes about advancements in technology for those who are looking for pro bono opportunities (particularly for those attorneys who want to meet

the YLD Pro Bono Challenge of completing at least 50 pro bono hours this year!). There are so many resources throughout the state of Georgia for those who are looking for pro bono options. Georgia participates in the ABA’s Free Legal Answers program, an online service that allows qualified attorney volunteers to answer questions of their choice on non-criminal legal matters. GeorgiaAdvocates.org, a joint project of the Georgia Legal Services Program and the Atlanta Legal Aid Society, provides a comprehensive list of pro bono opportunities throughout Georgia. In short, no matter your particular skill, interest or time commitment, there are many ways to contribute.

Georgia’s lawyers continue to provide us with excellent content. Our legal article, “The Municipalization of Urban Counties in Georgia” by James V. Burgess Jr., explains why Georgia’s system of local government is unique, and why many urban county governments are now taking on what were previously functions of city governments. Our feature article, “Trade Secrets and Proprietary Protection” by Steven D. Ginsburg, outlines how to protect and manage a company’s confidential and proprietary information.

The end of the year also brings with it the deadline to complete CLE hours, so check out the list of CLE courses offered through the end of the year. Happy Holidays! ●

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**BRIAN D. "BUCK"
ROGERS**

President
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Committees: Unsung Heroes of the State Bar

One of the most popular and acclaimed motion pictures last year was "Hidden Figures," the true story of three African-American women who worked as mathematicians at NASA in the early days of the U.S. space program.

The movie, which received three Academy Award nominations including one for Best Picture, focuses on the women's skilled trajectory calculations in preparation for and during astronaut John Glenn's historic mission to orbit Earth in 1962. Not completely trusting the calculations of a new NASA computer, Glenn insisted that engineers "get the girl (Katherine Johnson) to check the numbers . . . If she says the numbers are good . . . I'm ready to go."

Johnson, Dorothy Vaughn and Mary Jackson were among the unsung heroes of America's pioneering foray into space. Only since the publication of Margot Lee Shetterley's book "Hidden Figures" and subsequent movie release are they receiving the recognition they deserve.

On the football field, it is the quarterbacks, running backs and wide receivers who get all of the fame and fortune for passing and carrying the ball over the goal line for touchdowns. But they are only as good as their teams' unsung heroes—the

offensive linemen whose blocks in the trenches protect the passer and clear the way for the runner.

As Paul Martin wrote for the *Huffington Post*, "Not all heroes appear in the standard history texts. Their achievements aren't celebrated like the monumental exploits of presidents, generals and founding fathers. But for as long as this nation has existed, ordinary citizens have done extraordinary things." He goes on to spotlight some "overlooked Americans who displayed an outsize measure of courage and determination."

I am here to tell you that the State Bar of Georgia also has its share of unsung heroes. The officers, Executive Committee and Board of Governors are identified as the "leaders" of the Bar, but make no mistake: the work of an organization like this cannot get done without the consistent support, ideas and hard work of a large number of our rank-and-file members.

Much of the State Bar's work toward our mission of fostering among our members the principles of duty and service to the public, improving the administration of justice and advancing the science of law takes place at the committee level. Perhaps you have heard that "it takes a village to raise a child." Well, it takes an

increasingly larger village to run a State Bar of nearly 50,000 members.

We currently have 47 standing, special and program committees. The names of 938 Georgia lawyers and judges, as well as a handful of lay members on certain committees, appear on their rosters. This is in addition to the 160 members of the Board of Governors and 14 Bar officers, YLD officers and elected members of the Executive Committee.

The volume of work performed by the Bar members who volunteer their time to the cause of serving the profession and the justice system is enormous, as is the spectrum of services covered by such a large network of committees. Therefore, unless you are on the Board of Governors and have regular access to the reports of each committee, it is impossible to fully appreciate the workload that goes on behind the scenes throughout the year.

Each year, new members and officers are appointed to each committee in accordance with the Bar's bylaws. These are often reappointments as veteran committee members agree to continue serving and sharing their institutional knowledge and expertise in particular work areas. Many Bar members (too exhaustive a list to include all in a single article) have served on the same committee for 10, 15, 20 or more consecutive years because they know how important the work is to the Bar's overall mission.

Mercer University Law Prof. Patrick E. Longan, who has served as an advisor to the Professionalism Committee for more than a decade, says being a part of "the modern professionalism movement" within the legal profession has been a rewarding experience. "In my early years of practice over 30 years ago, I encountered quite a bit of unprofessional conduct. It was all around me, and I assumed that was just the way of the 'real world.' No one talked about professionalism. I found the experience profoundly distressing and confusing. Times have changed, and now groups such as the State Bar Professionalism Committee exist to promote professionalism among lawyers and law students. It is now generally recognized that professionalism is essential to fulfilling our duties as lawyers and to our well-

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, "How do you cope with work/life challenges faced by lawyers, especially during this busy time of year?"



BRIAN D. "BUCK" ROGERS

President

Work-life balance is a difficult challenge, especially for our profession. I try to get as much work done as I can by the end of the year, get in a workout a couple of times a week, spend time with family when they are available and enjoy holiday cheer with friends, but send regrets when the schedule gets too hectic.



KENNETH B. "KEN" HODGES III

President-Elect

Both Melissa and I have demanding jobs so we calendar time to spend together (unplugged from electronics!) and enjoy doing outdoor activities with Margaret and Jack. We have family dinner time without TV and follow that with games and bedtime stories. For more ideas visit LawyersLivingWell.org.



DARRELL L. SUTTON

Treasurer

First, ensure that those who rely upon you (family, friends, clients, coworkers, bosses, employees) know what they can expect from you. Second, calendar, calendar, calendar. Third, be sure to set aside time for those who rely upon you, as well as yourself, and then use that time for its intended purpose.



DAWN M. JONES

Secretary

Planning ahead is key when managing a load of active cases, trial work, bar meetings and holiday preparations. I also ensure that time spent with family and friends takes priority.



PATRICK T. O'CONNOR

Immediate Past President

Careful planning is always important, but during busy times it is critical. The ability to say "no" also helps!

being and satisfaction in our work. Those are huge steps in the right direction.”

The professionalism orientation program that the committee sponsors at all of Georgia’s law schools is particularly meaningful to Pat. “Every new law student in Georgia has the opportunity to explore, in small group discussions with experienced practitioners and judges, how the best traditions of the legal profession apply to a series of hypothetical situations,” he said. “The students leave knowing that being a lawyer will require more of them than rote knowledge and technical skill. As a law teacher, I am deeply grateful to the committee and all the volunteer lawyers and judges for getting the conversation about professionalism started at the very beginning of law school. Our professionalism orientations have become a model for law schools around the country.”

Brent Wilson, partner with Elarbee Thompson Sapp & Wilson LLP in Atlanta, has served on the Georgia Diversity Program Committee since its inception in 1993. While he is proud of what the committee has accomplished during that time in fostering more opportunities for diversity in the profession, he continues to serve because there is still much work to be done. “I attended law school and entered the legal profession over 40

years ago at a time when opportunities for diverse candidates were very few,” he said. “While the opportunities are more prevalent and the number of diverse law students and attorneys is significantly greater now, there still are inadequacies on all fronts in our profession as a whole. I truly believe the Bar should reflect the panoply of races, sexes, gender identities, national origins, religions, ages, disabilities, veterans, etc., that are represented in our community as a whole. The legal profession still lags woefully behind in this regard.”

The Georgia Diversity Program has grown, Brent said, “from a small group crying in the legal wilderness to a committee which provides CLE programs, luncheons, social gatherings, mentoring and, most importantly, a pipeline program to identify and assist young students who aspire to pursue law school and legal careers. The program has allowed me to meet and interact with students, attorneys and judges throughout the state from different backgrounds than my own, which has enhanced me both personally and professionally.”

Lawrenceville solo practitioner Phyllis Miller is a past chair of the Statewide Judicial Evaluation Committee who served 20 years on the committee, which assists the Judicial Nominating Commission with its evaluations and recommendations to the governor on potential candidates for appointment to the bench. She particularly values the opportunity this service allowed her to get to know fellow Bar members from across the state.

“I believe that the hard work of the committee to gather meaningful input from lawyers across the entire state to share with the governor through the Judicial Nominating Commission has resulted in a better-informed governor, better appointments and therefore a better bench, at all levels of our judiciary,” she said. “The information we have gathered and shared, as well as the ratings we have given to nominees, has resulted not only in the appointment of good judges, but the elevation of good judges to higher courts, and sometimes, in seeing to it that judges perceived not to be qualified to move to a higher court do not do so. It is

On behalf of the Bar leadership,
I want to let all of our committee
members know that your work
“in the trenches” is critical to the
success of the Bar, it is valued and
it is appreciated.

imperative that the members of the State Bar of Georgia have a voice in gubernatorial appointments of judges. The 'guys in the trenches' know the nominees, have worked with them, or litigated against them, and have invaluable information to share. Hopefully, our work results in appointments that are not just based on politics, but a thorough vetting of nominees being considered by the governor."

Through her service on the committee, Phyllis added, "I have learned a great deal about the practice of law. Hearing comments that my colleagues have gathered about nominees, their temperament and professionalism, or lack thereof, has helped me look more carefully at my own conduct, and hopefully, it has made me a better lawyer."

Under the leadership of its chair, Ben Greer of Atlanta, and the steadfast support and guidance of longtime committee member and retired State Bar General Counsel Bill Smith, the International Trade in Legal Services Committee has been working for the last several years to examine the challenges to the Bar posed by international trade agreement—in particular, the General Agreement on Trade in Services and NAFTA—and other international commitments made by our government with a view toward proposing regulatory solutions consistent with the Bar's historic mission.

"In general," Ben stated, "our recommendations address the regulatory issues presented by increased lawyer mobility, especially foreign lawyers. We believe that it is important for our regulatory regime to be relevant to the realities of modern practice while emphasizing and retaining the Bar's traditional supervisory role." To date, the committee has proposed five rules—or comments to rules that clarify their meaning—that address the principal issues posed by foreign lawyer mobility: temporary practice ("fly in-fly out"); foreign legal consultants; pro hac vice admission; foreign in-house counsel and a path to admission to full Bar membership for foreign trained lawyers.

Ben added, "It is particularly satisfying that our committee's approach to these issues and the Supreme Court's

adoption of our recommendations has been recognized by the ABA and the National Conference of Chief Justices as the model to be followed by other U.S. jurisdictions. A collateral benefit of our work has been to assist our state's economic development efforts by aiding in the development of a professional infrastructure that is fully capable of providing professional services in the global economy. We continue to examine other international developments that may affect the structure and regulation of our profession."

Some of the most intensive work in the Bar's committee structure takes place in the areas of lawyer discipline and regulation. The primary reason the unified State Bar of Georgia was established in 1964 was the fact that the old Georgia Bar Association, as a voluntary organization, lacked the authority to regulate the legal profession or enforce the educational, professional and ethical standards for lawyers necessary to protect the public.

Over the past two years, the Disciplinary Rules & Procedures Committee, chaired by John Haubenreich of Atlanta and consisting of 24 lawyer members and two lay members, worked tirelessly to conduct a comprehensive review of the Bar's entire disciplinary process, at the request of 2015-16 President Bob Kauffman. The review involved monthly committee meetings over a period of more than a year and resulted in recommended rules changes that were approved by the Board of Governors and are now pending before the Supreme Court of Georgia.

These recommendations are intended to modernize, streamline and improve the process for investigating and recommending to the Supreme Court disciplinary measures for reported violations of the Georgia Rules of Professional Conduct on the part of Bar members. Out of the thousands of requests for grievance forms that are submitted to the Bar's Office of the General Counsel and inquiries to the Consumer Assistance Program each year, the vast majority are resolved without a grievance having to be filed under the disciplinary procedure.

Allegations that do move forward are handled by the State Disciplinary Board, which consists of an Investigative Panel and a Review Panel—two of the Bar's hardest-working groups of volunteers.

The Investigative Panel, made up of 21 Bar members and four lay members, receives and evaluates written grievances against Bar members or can initiate grievances on its own. According to General Counsel Paula Frederick, the Bar members who investigate cases each handle about 18 cases per year, reporting their findings to the full committee group at its monthly meetings and making a recommendation as to the proper resolution of the case. Last year, the panel met nine times in different parts of the state, with members paying their own expenses to attend the meetings.

Panel members investigating cases spend many hours receiving a response from the lawyer involved, forwarding it to the complainant and, on a case-by-case basis, interviewing witnesses, subpoenaing and reviewing bank records, among other tasks. When the panel's primary investigation establishes probable cause to believe a violation has occurred, the panel may issue a letter of admonition, an Investigative Panel Reprimand or a Notice of Discipline, or direct the OGC to file a formal complaint in the Supreme Court of Georgia for a hearing by a special master, who is a qualified lawyer.

The Review Panel, comprised of 14 Bar members, receives reports from special masters and meets to decide on any recommendations to the Supreme Court regarding the imposition of any punishment or discipline it deems appropriate as a result of the hearing conducted and the report and recommendation filed by the special master.

On behalf of the Bar leadership, I want to let all of our committee members know that your work "in the trenches" is critical to the success of the Bar, it is valued and it is appreciated. If you are not serving on a committee now but have an interest in a certain area, I encourage you to get involved. Contact President-Elect Ken Hodges, who is considering his appointments for next year, and let him know of your interest. ●

Plug Into Technology for Pro Bono Service



NICOLE C. LEET

YLD President
State Bar of Georgia
nleet@grsmb.com

If you are struggling with finding the time or opportunity to take the YLD's Pro Bono Challenge (www.georgiayld.org) to meet the State Bar Rule 6.1 standard of aspiring to render at least 50 hours of pro bono legal services each year, there is good news.

With our Pro Bono Resource Center leading the way, the State Bar of Georgia is part of a nationwide wave of legal organizations that are using innovative advancements in technology to help close the justice gap by making it easier and less time consuming for lawyers to volunteer for pro bono service.

"These technology-enabled models are helping to connect prospective volunteers with pro bono opportunities, create new pathways to pro bono participation through unbundled and remote service models, and provide new supportive resources to assist volunteers in their pro bono work," Liz Keith, program director for Pro Bono Net (www.probono.net), a nonprofit leader in developing innovative technology and forging collaborations to increase access to justice, wrote for the American Bar Association's online *Dialogue* publication.

"As in private firms, smart applications of technology in the nonprofit legal sector are also creating new efficiencies that can result in higher quality legal services to an increased number of clients," Keith added. "And while there are still lingering gaps

in technology access and adoption among certain client communities, online strategies combined with community partnerships are helping to increase services to rural and other underserved areas."¹

Writing for *Legal Technology News* earlier this year, Gabrielle Orum Hernandez credited ABA as having been "perhaps quickest to invest resources in technology to promote pro bono work." The launch of the ABA's tech-centric Center for Innovation (www.abacenterforinnovation.org) in 2016 followed up on recommendations that "technology can help increase access to legal services." Hernandez added that Pro Bono Net supports the transformative advancement through online platforms in 23 states, including Georgia.²

Free Legal Answers (georgia.freelegalanswers.org)

Georgia is one of 22 states participating in the ABA's Free Legal Answers program, an online service that provides eligible users who meet certain financial guidelines with advice and information about non-criminal legal matters from lawyers in their state, at no cost.

After verifying their eligibility, users post a specific question about their civil legal issue and provide facts that help the attorney answer the question. Users are notified by email when their question receives a response, with instructions to log

back in to see the response and ask more questions. There is no fee for use of the system or for the advice and information provided by the participating attorneys.

Any State Bar member in good standing can register to give pro bono advice through Free Legal Answers. After registering as a volunteer, lawyers may log in at any time to review a list of user questions. You will only answer the questions you choose to answer. If no attorney has responded to a question after 30 days, the request will be removed, and an administrator will notify the user.

Users will not know the name of the attorney who answers their questions, unless the attorney chooses to provide it, a client has made a specific request for the attorney's name or it is required by a court of law. Participating attorneys do not take any action to help the user, except to respond through the website to the request for advice and information. The attorney/client relationship formed when a question is answered or advice is given is limited in scope and duration, as described in the agreement when you sign up to volunteer.

Free Legal Answers is designed to appeal to lawyers who want to give back but have been unable to participate in traditional pro bono work due to family obligations, schedule or geographic location. The website is extremely user friendly, and has a robust mobile site as well. You can choose questions to answer while waiting in line, in court or on your MARTA commute. Learn more and sign up to be able to answer questions at www.georgia.freelegalanswers.org.

A Comprehensive List of Pro Bono Opportunities Across the State (GeorgiaAdvocates.org)

Georgia attorneys looking for an easy way to identify pro bono opportunities that interest them, or for tools and handbooks to provide such pro bono service can find this and more all in one place. The GeorgiaAdvocates.org website for volunteer lawyers is being updated and improved. This site contains resources for pro bono and legal services attorneys, other law professionals and law students to assist in the representation of low-income or disadvantaged clients.

GeorgiaAdvocates.org contains two sections: the Georgia Online Justice Com-

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, we asked our YLD officers, "How do you cope with work/life challenges faced by lawyers, especially during this busy time of year?"



NICOLE C. LEET | YLD President

I prioritize—both at work and with my life and family. Then I try to either let go of low-priority items or outsource them (i.e., purchasing prepared appetizers and using the gift wrap option on Amazon).



RIZZA O'CONNOR | YLD President-Elect

Before leaving the office, I make a to-do list of tasks that need to be accomplished the following day. Writing these goals helps me focus on managing my time wisely so that I can participate in other activities and spend time with friends and family.



WILLIAM T. "WILL" DAVIS | YLD Treasurer

Finding a balance can always be difficult but especially during the holidays. Remember that it is perfectly acceptable to miss a party or other casual event. Overcommitting to fun events can cause just as much stress as other obligations. It's OK to say "no."



BERT HUMMEL | YLD Secretary

The holidays add a new level of stress with the plethora of social events. Prioritizing the different commitments before they pile up is very important. It's also advisable to hit your billing requirements as early as possible since it is difficult to play "catch up" later in the year.



JENNIFER C. MOCK | YLD Immediate Past President

In order to cope with work/life challenges, I set my priorities and stick to a schedule that supports those priorities.



SHAMIRACLE J. RANKIN | YLD Newsletter Co-Editor

I cope with work/life challenges by making time for the people and activities that I enjoy outside the practice of law. Taking time to enjoy dinner with my husband, catch up with my best friend or shop for a new pair of shoes, affords me an opportunity to relax, relate and release!



HEATHER RIGGS | YLD Newsletter Co-Editor

I balance busy times with honest communication. My clients would rather get a short sentence letting them know I received their email and will respond more fully at a later time than no reply at all. My family shares my calendar, so they know when I'm available for them.

munity, a password-protected area for pro bono attorneys and legal services advocates, and the Georgia Legal Services Program Staff Area, a password-protected area for GLSP staff.

GeorgiaAdvocates.org is a joint project of Georgia Legal Services Program and the Atlanta Legal Aid Society. Legal Advocacy organizations across the state are invited to sign on and create their own folders, news and training announcements. The project is powered by Pro Bono Net and funded by Legal Services Corporation and the State Bar of Georgia Pro Bono Resource Center. Visit GeorgiaAdvocates.org to find out more or to join the online justice community.

Georgia's Future

With the next technological advancement always just around the corner, one always has to be looking ahead. In Georgia, the pro bono uses of technology that are in the works include the State Bar Access to Justice Committee's planning of a pilot portal for underserved communities in southwest Georgia. This portal is intended to include a legal assistance website, with online access to pro bono, low bono and lawyer referral services.

The YLD and Lawyers for Equal Justice are currently developing a program to address access to justice issues, especially in rural areas. YLD President-Elect Rizza O'Connor is the chief judge of the Magistrate Court in Toombs County. Magistrate

courts are the place for people to bring small claims in an efficient and effective manner. O'Connor sees many cases with pro se litigants who are unfamiliar with the court system and its requirements. Many litigants would benefit from legal advice or legal counsel, yet most of these litigants cannot afford to hire an attorney. The closest free legal services are in Savannah, about an hour and a half away.

Toombs County Magistrate Court will be the test-pilot court for the Lawyers for Equal Justice and the YLD's access to justice through technology initiative. The program is designed for lawyers to remotely represent litigants in Toombs County Magistrate Court from wherever the lawyer is across the state. There will be a computer program that will allow the lawyers to see and communicate with everyone in the courtroom—the judge, the client and the opposing party. The lawyer will be reflected on a TV monitor in the Toombs County courtroom, and the lawyer will be able to see and hear everything in the courtroom on his or her computer screen. All lawyer-client communication prior to the court hearing can also be accomplished through other means of technology such as telephone, Facetime/Skype or email. They hope to see this program up and running by the beginning of 2018 and intend on expanding to other courts in Georgia.

Also in the initial implementation stage are new text messaging campaigns for the public to download resources for assistance with domestic violence, debt collection and garnishment matters, as well as messaging resources for volunteers, covering interpreter resources and pro bono support.

Across the Nation

In other states, Keith reports that "(i)nteractive, online document assembly programs have been incorporated into many pro bono initiatives to support the provision of unbundled legal services, provide additional support for volunteer attorneys, and make service delivery more efficient. . . . The online templates provide built-guidance for less experienced volunteers working outside of their area

If you haven't done so already, it's time to get plugged in and take advantage of the technological tools that will help you meet the "Due Justice. Do 50." challenge. YLD members take the Pro Bono Challenge pledge at www.georgiayld.org. All Bar members can make a pledge and sign up at www.duejusticedo50.org.

of expertise, and clinic volunteers can now serve clients more quickly—and thus serve many more people. Several programs are combining online document assembly with tools to help volunteer attorneys review those documents remotely.”

The geographic reach of traditional “lawyer in the library” pro bono programs has been expanded into remote technology services to connect volunteer lawyers concentrated in metropolitan areas with residents of underserved areas in California, Colorado and other regions, Keith reported. “The scope of services varies in these models, but using lightweight, user-friendly video conferencing solutions such as Zoom, volunteers can answer questions, help fill out forms and explain court process and procedures,” she wrote. “Libraries assist with local outreach and facilitating access to the technology used in the clinics.”

“While not every innovation will be a success,” Keith concluded, “technology is clearly creating new opportunities to unlock, and effectively support, a much larger pool of volunteers than ever before. Some of these changes may be disruptive to traditional service models, but if harnessed well, we can make great strides in addressing one of our country’s fundamental dilemmas—closing the justice gap for the millions of low-income individuals in need of accessible and affordable legal assistance.”³

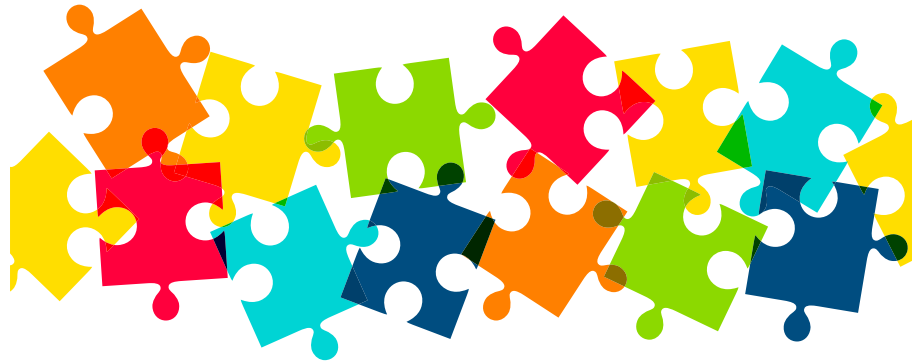
If you haven’t done so already, it’s time to get plugged in and take advantage of the technological tools that will help you meet the “Due Justice. Do 50.” challenge. YLD members take the Pro Bono Challenge pledge at www.georgiayld.org. All Bar members can make a pledge and sign up at www.duejusticedo50.org. ●

Endnotes

1. Keith, Liz. “Innovations in Technology-Enabled Pro Bono,” *Dialogue*, Spring 2016. <https://www.americanbar.org/publications/dialogue/volume/19/spring-2016/innovations-in-technology-enabled-pro-bono.html>
2. Hernandez, Gabrielle Orum. “A High-Tech Helping Hand: The Marriage of Pro Bono and Technology,” *Legal Technology News*, May 31, 2017.
3. Keith.

Know Your Bar

Law Practice Management Program



The Law Practice Management (LPM) program is a member service that helps all Georgia lawyers and their employees pull together the pieces of the office management puzzle. The program provides confidential advice on technology, firm finances, organization and management.

Consultations

The LPM program’s consultants can conduct an in-depth evaluation of your office’s existing office management procedures. Consultations are confidential and affordable.

Law Office Start Up Resources

If you are planning to open a law office in Georgia, don’t miss out on valuable office start up resources from the LPM program.

Resource & Software Libraries

The LPM program maintains a library of books and videos on a variety of topics related to law office management and technology. A legal software library is also available to help you with technology planning and purchasing decisions.

Sample LPM Forms

The LPM program offers a wide variety of office management forms available for download at www.gabar.org.

Solo and Small Firm Institute

The Solo & Small Firm Institute is packed full of resources and information for solo and small firm lawyers. The 2018 institute will be held Sept. 28-29.

Solo and Small Firm Resources

This online resource is devoted to members who practice in solo and small firms and includes a place to discuss daily issues and concerns.

Visit www.gabar.org for more information on these LPM resources, plus more! If you have questions, please contact Natalie Kelly, director, at 404-527-8770 or email nataliek@gabar.org.

Ways to Give of Yourself During the Season of Giving



JEFF DAVIS

Executive Director
State Bar of Georgia
jeffd@gabar.org

Whether you celebrate Christmas, Hanukkah, Kwanzaa, all of the above or none of the above, one thing is consistent throughout our multicultural society: December is the season of giving. While holiday giving is most widely associated with presents placed under a tree or exchanged with family and friends, it also comes in many other forms.

Early 20th century author Khalil Gibran said, “You give but little when you give of your possessions. It is when you give of yourself that you truly give.” For members of the legal profession, there are numerous ways in which you can give of yourself this holiday season.

Charitable Giving

Georgia lawyers have consistently demonstrated their generosity over the years. The profession’s support of group fundraising efforts like the Georgia Legal Food Frenzy, the incredibly successful annual project of the state Attorney General’s Office and the State Bar Young Lawyers Division, is evidence of that commitment.

All Americans tend to be most generous during this time of year, for a number of reasons. Most people are in a natural spirit of giving during the holidays anyway, and others are inspired by the year-end deadline to make charitable contributions for a tax deduction. Additionally, many nonprofits ramp up their efforts to request donations as the holidays approach.

“It’s no wonder that, traditionally, charities have received the bulk of their yearly donations during the last couple months of the year,” writes Joanne Fritz for TheBalance.com. “It’s a great time to give. But it’s also important to make sure you donate your hard-earned dollars well. That takes more than a generous heart. It also takes the rational thought of a hard-nosed consumer who can pick the best choices from a myriad of opportunities.”

According to the *Huffington Post’s* Money Tips blog, “Needs at the holidays are even more pressing on families, with cold weather approaching and stress over whether they can provide any sort of meaningful holiday for their loved ones.” In addition to tossing your loose change (or more) into the Salvation Army’s traditional red buckets at the entrance to many shopping centers, there are other options for charitable giving during the holidays, as recommended by Money Tips:

- Local food banks, food pantries and soup kitchens are often pushed to the edge of their resources at Thanksgiving and Christmas. Cash and food donations, including specific items like holiday turkeys are especially needed at this time.
- Toys for Tots and similar programs have donation bins where you can donate gently used toys, or buy new toys to give directly to needy children. Other programs may be found

for refurbishing used toys, especially bicycles, for Christmas gifts.

- Clothing donations are also vital around the holidays, especially warm clothing for those who live in colder climates. Winter coats, sweaters and boots/shoes can make a huge difference for someone in need. The holidays are a great time to clean out your closet and donate while you organize.
- Angel trees are common in workplaces, schools and churches as well as relief organizations such as The Salvation Army. The trees will have the names of needy children and/or families that are requesting gifts for the holidays. Simply pick a name (or names) off the tree and supply the needed gifts. While the term angel tree has become somewhat generic, an actual Angel Tree program helps provide Christmas presents to the children of the incarcerated.

Volunteer Service

Thomas Jefferson said, “The study of law qualifies a man to be useful to himself, to his neighbors and to the public.” Throughout our state, Bar members (men and women, Mr. Jefferson) are living up to that creed by volunteering their time on behalf of community service projects sponsored by their law firms, local bar associations, YLD affiliates, local civic clubs or churches. During the holidays, donat-

ing your time can be as valuable as your financial gifts.

As noted by the Money Tips blog, soup kitchens generally serve overflow crowds during the holidays, and they may need help with cooking, serving, setup, cleanup and other chores. Call in advance to find out the best way you can help. Meals on Wheels and other meal delivery programs for senior citizens are always looking for volunteers to help deliver meals, especially during the holidays for seniors who may find the holidays an unusually lonely time.

Volunteer at a homeless shelter or women and children’s shelters in food prep or meal service. Visiting a shelter to meet the people you serve one-on-one can be a gratifying experience for the entire family.

Sending holiday cards to active-duty military and veterans is a thoughtful, low-cost way to show appreciation for their sacrifice for our country. According to Tiffany Aliche, writing for *U.S. News & World Report*, you can send holiday cards to military members through the American Red Cross Holidays for Heroes (www.redcross.org/volunteer/volunteer-opportunities/holidays-for-heroes) or A Million Thanks (www.amillionthanks.org) programs.

Help a Colleague

Most of us know one or more fellow Bar members who are suffering from stress, depression, addiction or other

personal issues in their lives. The holiday season can be especially difficult for them. You can give back by getting in touch with a colleague or friend who you know might be having a hard time. It’s important not to turn a blind eye to fellow lawyers or anyone else in crisis. Your outreach can make a profound, perhaps lifesaving difference.

The State Bar recently established the Georgia Lawyers Helping Lawyers (LHL) program, an innovative new peer-to-peer assistance initiative specifically designed to facilitate Bar members’ support of colleagues who are going through rough times. Combining confidentiality and advanced technology, the peer program matches Bar members who have volunteered to serve as peers with those who request peer assistance. The volunteers go through required training to learn how to be an effective peer, for which they earn CLE credit.

As Lawyer Assistance Program Committee Chair Jeffrey Kuester said, “We all remember how meaningful it was for us to receive important advice during our most difficult times, so we should all give back and be good stewards of the wisdom we have received.”

You can learn more about the peer program at www.GeorgiaLHL.org. If you are aware of a colleague or anyone else in crisis, don’t turn a blind eye. Take this opportunity to reach out and provide the support, the friendly ear and voice of encouragement for your friend.

Take a Pro Bono Case

This year, the State Bar's Access to Justice Committee and the YLD are challenging Georgia lawyers to perform 50 hours of pro bono service—promoted by the “Due Justice. Do 50.” campaign. There are needs and opportunities for pro bono service in every practice area and every part of the state.

To get started, visit the Pro Bono Resource Center at www.GeorgiaAdvocates.org, where you can find assistance with meeting the pro bono challenge in the following areas:

- Law practice management support on pro bono issues.
- Professional liability insurance coverage.
- Free or reduced-cost CLE programs and webinars.
- Web-based training and support for pro bono cases.
- Honor roll and pro bono incentives.

Pro bono service is critical to fulfilling the ideal of equal justice under the

law for everyone, regardless of his or her ability to pay. It is a natural way for the legal profession to serve the public and the justice system and give back to our communities. For more information, contact Mike Monahan of the Pro Bono Resource Center at probono@gabar.org.

Make Time for You and Your Family

We know that too many lawyers experience high levels of stress, which can have an adverse effect both professionally and personally. Unfortunately, the end-of-year rush during the holidays can add to that stress, taking a toll on your health during what should be a joyous time. The staff of the Mayo Clinic acknowledges, “The holidays present a dizzying array of demands—parties, shopping, baking, cleaning and entertaining, just to name a few When stress is at its peak, it's hard to stop and regroup.”

The clinic offers practical tips to minimize the stress that accompanies the holidays: Be realistic; the holidays don't have to be perfect or just like last year.

Before you go gift and food shopping, decide how much you are going to spend and stick to your budget. Learn to say no; friends and colleagues will understand if you can't participate in every project or activity. Don't abandon healthy habits; overindulgence only adds to your stress and guilt. Take a breather; spending just 15 minutes alone, without distractions, may refresh you enough to handle everything you need to do.

You can also find work/life balance suggestions at LawyersLivingWell.org, the website of the State Bar's Attorney Wellness program. Taking advantage of some downtime this December is a great gift to you and your family.

These are a few rewarding ways that Georgia lawyers can benefit from the spirit of giving during the season of giving. I encourage you to get into that spirit and wish you and your family a wonderful time of celebration and a very Happy New Year. ●

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The Municipalization of Urban Counties in Georgia

Municipalization, the incorporation of all unincorporated areas of a county into one or more municipalities, would allow urban counties to assume a new role in partnership with cities, focusing on county-wide needs.

BY JAMES V. BURGESS JR.

This article examines an evolving approach to local government reorganization in Georgia's principal urban areas for overcoming the diffusion and functional duplication between city and county governments. This approach involves the incorporation of all unincorporated areas of a county into one or more municipalities, a concept of intergovernmental reorganization referred to as "municipalization."¹

Georgia's system of local government is unique when compared with that of many states. In most other states, a clear legal distinction exists between the role and function of city and county governments. Usually, cities are established by charter as creatures of the state legislature to perform specified urban-type services within a geographically defined corporate boundary. These services generally include such basic urban services as police and fire protection, street construction and maintenance, building code enforcement, planning and zoning, recreation, and water and sewer utilities. By contrast, counties

serve as administrative arms of the state to provide certain state-mandated services, such as tax assessment and collection, elections, county courts, sheriffs, health and welfare, bridge and road maintenance, and agricultural programs and services.

With the rural-urban transition to cities and the subsequent suburban flight from cities following World War II, residents in unincorporated areas of counties demanded the same type of urban services that they formerly enjoyed as municipal residents. Because of limited powers of annexation, cities could not serve this suburban growth, and counties lacked the legal authority to provide municipal-type services. Consequently, some counties sought special legal authorization through local constitutional amendments to provide municipal-type services to their new suburban residents.

The General Assembly addressed this legal dilemma in 1972 by proposing an amendment to the Georgia Constitution. Amendment 19, known as the "Equal-



ization Amendment,” authorized both counties and cities to perform 15 specific, enumerated urban services.² The Equalization Amendment thus granted to counties the power to perform the same type of urban services that previously only municipalities could provide pursuant to charter authority. Following voter approval of this amendment in November 1972, the traditional legal distinction between the role and function of cities and counties was eliminated.

Concept of Urban Counties

In 1983, a study by the Carl Vinson Institute of Government documented the existence of nine highly urbanized counties in Georgia.³ The study (herein referred to as the “Institute Study”) defined an urban county as any county having a population of greater than 100,000. By this definition, there were nine urban counties in Georgia: Bibb, Clayton, Cobb, Chatham, DeKalb, Dougherty, Fulton, Gwinnett and Richmond.

Based on an analysis of service delivery, the Institute Study divided the nine urbanized counties into two types: city-dominated counties and county-dominated counties. City-dominated counties were those counties where the population of the incorporated area was significantly greater than the population of the unincorporated area (Fulton, Chatham, Bibb and Dougherty). The reverse was true in county-dominated counties.⁴ In county-dominated counties, the population in the unincorporated area was significantly higher than the

population in cities (DeKalb, Cobb, Gwinnett, Clayton and Richmond). Based on this distinction, the Institute Study found that the county was the major urban service provider in county-dominated counties with the reverse being true in city-dominated counties.⁵

The Institute Study identified 19 urban services (four more than the 15 listed in the Equalization Amendment) that the nine urbanized counties provided.⁶ DeKalb County delivered the greatest number of these services (16), while Bibb County delivered the fewest (4). Services provided by Bibb County were more traditional, such as animal control, health screening and roads. Three of the metropolitan Atlanta counties (Fulton, Clayton and DeKalb) provided most of the selected urban services, and the remaining counties provided between one-half and two-thirds of the 19 services.⁷

An examination today of service delivery in the same nine urban counties reveals some significant changes since 1983. First, two counties (Bibb and Richmond) are now consolidated county-city governments responsible for all urban services.⁸ Fulton, Clayton and DeKalb counties still deliver a majority of the 19 urban services; however, because Fulton County is now fully incorporated, most of its urban services will be taken over through municipalization.

The extent to which further municipalization will occur in Chatham, Clayton and Dougherty counties will depend upon the nature of the service delivery system in each jurisdiction. Chatham County, identified as a city-dominated county, provides a limited number of municipal-type services, namely code enforcement, unincorporated area roads, transit, and minimal parks and recreation. Chatham County’s eight incorporated cities, including Savannah, provide the full range of municipal-type services.⁹ The General Assembly introduced local legislation in the 2017 session to incorporate the city of Skidaway Island.¹⁰ This was placeholder legislation to begin the process of evaluating the incorporation of Skidaway Island as a city. A study by the Andrew Young School of Policy Studies at Georgia State University concluded that the proposed

Municipalization of a county should not be confused with city and county consolidation. Municipalization is simply the municipal incorporation of the total county geographical area.

incorporation of Skidaway Island is financially feasible.¹¹

The Institute Study also identified Clayton County as county-dominated, performing a majority of the 19 selected services; however, Clayton County is not the principal provider of services within the municipalities. Its seven municipalities are self-sufficient providers of municipal services, including the full range of city services for fire, police, roads, recreation, and even E-911 and EMS.¹² Clayton County will continue to be the major urban service provider, not because of services provided to its municipalities, but because of its large unincorporated share of the county population (78.77 percent). The extent of any additional municipalization will most likely result from growth of existing municipalities, rather than through the creation of new cities.

Municipalization of a county should not be confused with city and county consolidation. Municipalization is simply the municipal incorporation of the total county geographical area. There are two basic processes under which the municipalization of counties can occur in Georgia. The first approach is to incorporate the unincorporated area of the county through the creation of new cities, as has recently occurred in Fulton County. The second approach is to apportion the total unincorporated area of the county among the existing cities, either through municipal annexation or by local act of the General Assembly. This second approach could also involve a combination of municipal annexation and the creation of new cities. A legislator from Chatham County¹³ actually proposed the second approach several years ago. It was not considered practical, however, because of the political difficulties inherent in municipal annexation and/or negotiating agreements between existing municipalities in the apportionment of unincorporated areas.

A recent proliferation of new cities in urban areas led the House Governmental Affairs Committee of the Georgia General Assembly to adopt a rule in 2016 that established a two-year process for consideration of legislation proposing the incorporation of a new city. This rule includes the requirement of a feasibility study and

a report identifying the specific services to be supplied to the citizens of the municipality.¹⁴ The Georgia Senate adopted legislation in 2016 that apparently would have established a similar procedure for the creation of new cities, but it failed to pass the House of Representatives.¹⁵

Following approval by voters of a referendum to create a new city, general law prescribes a transition period for bringing the new city into existence.¹⁶ A local act creating a new city may provide for a transition period not to exceed 24 months for the orderly transfer of governmental functions from the county to the new municipal corporation. Except for the functions specified in the local chartering act, the county is required to continue providing its services until the end of the transition period. The new city is authorized to initiate the collection of taxes, assessments, fees and other revenues, but it is required to pay the actual cost of any services provided by the county unless otherwise provided by agreement between the city and county. Roads cannot be removed from the county road system during the transition period except by agreement.¹⁷

When the charter of a new city receives voter approval, the governor is required to appoint five persons to serve as interim representatives of the newly created city.¹⁸ The "Governor's Commission" of the new city serves only until the time the new governing authority takes office. The function of the Governor's Commission is to facilitate the provision of services and facilities, collection of taxes and fees, and negotiation of intergovernmental agreements for the establishment of the new municipality. The Governor's Commission has no authority to make agreements, expend money or incur any liability on behalf of the new city.¹⁹

Cityhood Movement in Urban Counties

The process of county municipalization began with the incorporation of the city of Sandy Springs in 2005.²⁰ This was the first new city created in Fulton County following a 1993 statute of the General Assembly setting forth minimum standards for forming a new municipality.²¹ It was followed



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by the creation of the city of Johns Creek in July 2006, the city of Milton in December 2006, and the city of Chattahoochee Hills in June 2007.²² In DeKalb County, the city of Dunwoody incorporated in December 2008, and Peachtree Corners, located in Gwinnett County, incorporated in November 2011.²³ Total municipalization of Fulton County was achieved in 2017 when the voters approved the creation of the new city of South Fulton on Nov. 8, 2016.²⁴

The cityhood movement in DeKalb County is progressing with the recent creation of two new cities, the incorporation of the city of Tucker in 2016²⁵ and the new city of Stonecrest in 2017.²⁶ There are now 13 municipal incorporations in DeKalb County,²⁷ and a 14th city could have been created had the voters approved the proposed city of La Vista Hills. It is estimated that about 50 percent of DeKalb County is now municipalized.

The following is a summary of reasons for considering incorporation:²⁸

- Create representation that is proportionate to population;
- Create a politically accountable governing body for a specific and limited geographic area;
- Improve local public services;
- Redirect existing revenues generated from the local residents to directly support local services;
- Give a community control over land use planning;
- Pursue local policy goals more appropriate for the community;
- Create and preserve local identity;
- Prevent forced annexation by nearby municipalities; and
- Address dissatisfaction with current services provided by the county government.

In both the Sandy Springs and Stonecrest Commission hearings, the major concerns most often expressed involved the need for greater control of local government services, public safety, and more equitable allocation of tax and other revenues.

The municipalization of the other urban counties might be accomplished by apportionment of their remaining unincorporated areas to the various municipalities so that their boundaries would be expanded according to the natural geographic service delivery areas and/or natural or normal “Communities of Interest.”²⁹ Every city—regardless of size—has a potential service delivery footprint, defined by major boundaries, such as highways, waterways, neighborhoods, and commercial and industrial areas. For example, it may not be practical or cost-effective to leap over a river or expressway to absorb territory that could be best served by an adjacent municipality. This municipalization process obviously would require extensive negotiation among political leadership in the affected cities, a consideration of local municipal annexation acts by the General Assembly, and local intergovernmental agreements for service delivery. As a practical matter, the apportionment of unincorporated areas for municipalization of urban counties is probably not feasible.

Emerging Service Relationships

In city-dominated counties such as Chatham County, cities will continue to be the major provider of urban services, and the county will become increasingly municipalized either through annexation or creation of new cities. In county-dominated counties like Cobb, Gwinnett and Clayton, the county will continue as the major urban service provider unless substantial additional municipalization occurs. Because of the almost total municipalization of Fulton County (excluding the industrial district), cities are becoming the major urban service providers, with the county providing more traditional services. As DeKalb County “municipalizes,” more local urban services will be provided by its cities. In Dougherty County, the city of Albany will continue to be the major urban service provider, and total municipalization would have to occur either through municipal annexation or city-county consolidation.

The initial charters of most newly created cities in Gwinnett and DeKalb

Counties not only limit the number of urban services they can provide, but also impose millage limits.³⁰ For example, Peachtree Corners in Gwinnett County has a millage limit of one mill and provides three services: land-use planning and zoning, building and environmental regulation, and solid collection.³¹ The city of Stonecrest in DeKalb County is also limited by charter to the imposition of one mill and to performance of three services. The new city of Tucker provides only three services: planning and zoning, code enforcement, and parks and recreation. These initial service and millage limits are not permanent and can be changed by charter amendment and by notification of the county upon assuming the performance in any additional urban service following the transitional period.

Municipalization as a form of governmental reorganization in urban counties could lead to a sorting out of functions between cities and counties on a practical basis. In reality, political factors have and will continue to have a major impact on the municipalization movement. Counties could be assigned to perform those activities that are area-wide in nature and that involve large capital investment. Municipalities, on the other hand, could perform those local functions and services that people “see, hear, feel and touch on a day-to-day basis.” Such functions might include police patrol, fire protection, garbage collection, street cleaning, recreation, housing, land use control and zoning. Environmental and major infrastructure functions that span a broad geographical resource base and require intensive financial capitalization would become responsibilities of the county as well as emergency management, solid waste disposal, public health facilities and services, emergency rescue, animal control, major road construction and maintenance, parks and recreation programs and facilities, public transportation, libraries, social services, county-wide planning and pollution control.

Conclusion

As the first county in Georgia where all city services are provided through municipalization, Fulton County’s urban service

delivery role empowered by the Equalization Amendment³² is eliminated. Notwithstanding this outcome in Fulton County, the Equalization Amendment and the subsequent Service Delivery Act of 1997³³ continue to cause considerable conflict and competition between many counties and cities, disputes over duplication of services, double taxation and fiscal inequity in the financing of such services. Municipalization of counties could serve as a vehicle for overcoming many of these issues. Municipalization would allow urban counties to assume a new role in partnership with cities, focusing on county-wide needs. This complementary service delivery system in Georgia's urban counties would be more politically responsive to those citizens actually served. Such a two-tiered system would enhance compatibility in local government service delivery and foster financial equity among taxpayers. It would also recognize the importance of keeping local government close to the people so that basic day-to-day services may be delivered more efficiently, equitably and with greater transparency to the people served. ●



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Endnotes

1. <http://en.wikipedia.org/wiki/municipalization> (last visited October 9, 2017) ("In the United States, municipalization often refers to incorporation of an entire county into its municipalities, leaving no unincorporated areas.").
2. 1972 Ga. Laws 1552-53; GA. CONST. OF 1976 ART. IX § 4, ¶2 (the predecessor to current GA. CONST. ART. IX, § II, ¶ III(a)).
3. THE CARL VINSON INST. OF GOV'T, UNIV. OF GA., *Counties and the Delivery of Urban Services in Georgia* (August 1983).
4. City-dominated counties consisted of Fulton, Chatham, Bibb and Dougherty. County-dominated counties were DeKalb, Cobb, Gwinnett, Clayton and Richmond. *See id.* at Executive Summary.
5. *Id.*
6. Urban services provided by urban counties in 1983: animal control, code enforcement, day care for children, emergency medical service, emergency phone number, fire protection, health screening, hospital, planning and/or zoning, police and/or sheriff, recreation, senior citizens programs, solid waste collection (door-to-door, dump, landfill), streets and highways, wastewater collection, water distribution, and water treatment. *Id.* at p. 38.
7. *Id.*
8. 2012 Ga. Laws 5595 (consolidation of Bibb County and the city of Macon); 1995 Ga Laws 3648 (consolidation of Richmond County and the city of Augusta).
9. THE CARL VINSON INST. OF GOV'T, UNIV. OF GA., *supra* note 3.
10. H.B. 618, 154th Gen. Assembly, Reg. Sess. (Ga. 2017).
11. THE CENTER FOR STATE AND LOCAL FINANCE, ANDREW YOUNG SCHOOL OF POLICY STUDIES, GEORGIA STATE UNIVERSITY, *Proposed Incorporation of Skidaway Island, Feasibility Study* (2016).
12. 1972 Ga. Laws 1552-53; GA. CONST. OF 1976 ART. IX § 4, ¶2 (The predecessor to current GA. CONST. ART. IX, § II, ¶ III(a)).
13. Former State Senator Tom Coleman (deceased).
14. House Committee on Governmental Affairs, Committee Rules, 154th Gen. Assembly, Reg. Sess., Rule 3 (Ga. 2017).
15. S.B. 375, 153rd Gen. Assembly, Reg. Sess. (Ga. 2016).
16. O.C.G.A. § 36-31-8 (2015).
17. *Id.* at §§ 36-31-8(a)-(d).
18. *Id.* at § 36-31-8(g).
19. *Id.*
20. 2005 Ga. Laws 3552 (allowing a referendum to create the city of Sandy Springs).
21. Pursuant to O.C.G.A. section 36-30-7.1, municipalities must provide at least three public services, hold at least six public meetings and hold a regular municipal election.
22. 2006 Ga. Laws 3503 and 2006 Ga. Laws 3554 provide for the incorporation of the Cities of Johns Creek and Milton, respectively. 2006 Ga. Laws 3821 provides for the incorporation of the city of Chattahoochee Hill Country for the purpose of local control over zoning. The residents approved the incorporation in 2007. In 2008, the city was renamed by ordinance from Chattahoochee Hill Country to "Chattahoochee Hills." *See also* https://en.wikipedia.org/wiki/Chattahoochee_Hills,_Georgia (last visited October 9, 2017).
23. Bill Crane, *Georgia View: A New-City Epidemic*, GEORGIA TREND MAGAZINE, July 12, 2012.
24. 2016 Ga. Laws 3726.
25. 2015 Ga. Laws 3897 allowed for a referendum. The City's charter limited its initial services to planning and zoning, code adoption and enforcement, and parks and recreation.
26. 2016 Ga. Laws 3538 allowed a referendum to create the city of Stonecrest, a city of about 50,000 people along Interstate 20. The initial services of the City were limited by charter to planning and zoning, code enforcement, and parks and recreation.
27. Atlanta (part), Avondale Estates, Brookhaven, Chamblee, Clarkston, Decatur, Doraville, Dunwoody, Lithonia, Pine Lake, Stonecrest, Stone Mountain and Tucker.
28. From "FAQs by the Landings Association" in an Incorporation Town Hall Meeting on February 27, 2017.
29. Community of Interest" means those common elements that pull a community together, such as political, social, economic and geographic considerations.
30. *See, e.g.*, 2016 Ga. Laws 3538; 2015 Ga. Laws 3897. The city charters of Peachtree Corners, Tucker and Stonecrest provide for a millage rate limitation of one mill.
31. City Charter, §§ 6.11 and 1.12(b), as provided in 2012 Ga. Laws 3729.
32. 1972 Ga. Laws 1552-53; GA. CONST. OF 1976 ART. IX § 4, ¶2 (the predecessor to current GA. CONST. ART. IX, § II, ¶ III(a)).
33. *See* O.C.G.A. §§ 36-70-20 to -28 (1997).

Trade Secrets and Proprietary Protection

The importance of understanding one's rights to protect and manage a company's trade secrets cannot be overstated. Trade secrets' protection is not automatic. Positive action must be taken to limit the ability of others' use of confidential and proprietary information.

BY STEVEN D. GINSBURG

Elisa Frye was excited and optimistic about her new entrepreneurial venture which implemented her 10-year-old vision, with the potential to revolutionize the financial software industry and provide much needed assistance in regulatory compliance with current and rapidly changing financial services laws. One can only imagine her surprise when she learned that a former employee took her idea and had already brought it to a com-



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petitor for development. The shock and dismay that Elisa experienced paled in comparison to the legal spend she faced in trying to fulfill her dream for this new venture. All of the second guessing about what could have been done to prevent this would not benefit Elisa; it could only pave the way for others to learn from the resulting appellate decision which effectively shut her down.

This is a hypothetical, but there's no reason to think it will remain one. The importance of understanding one's rights to protect and manage a company's trade secrets cannot be overstated. Trade secrets' protection is not automatic. Positive action must be taken to limit the ability of others' use of confidential and proprietary information. By raising awareness with employees, vendors and other agents, a company may put itself in a position to obtain court relief, including the possibility of an award of damages and injunctive relief.

Best Practices

Most states have adopted the Uniform Trade Secrets Act, which, in part, defines a "trade secret" as "information, including a formula, pattern, compilation, program, device, method, technique, or process." Trade secrets can also include research and development efforts, marketing, sales, pricing, profitability information and customer information. A trade secret need not be unique and can include "known" elements. Under the Uniform Trade Secrets Act, a trade secret is any information that is secret; has commercial value derived from the fact that it is secret; and is the subject of reasonable efforts to be kept secret. Information may be protected, or relief obtained for its misappropriation, if the information maintained value because it was kept secret and if reasonable steps were taken to keep it secret.

Intellectual property which includes trade secrets can be a valuable asset. But safeguards and methods of protection remain inadequate even with new enforcement tools through the Defend Trade Secrets Act, which became effective in May 2016. Businesses should perform risk assessments to understand and identify

trade secrets, their location, who has access and persons with an interest in their possession and use.

Confidentiality agreements with employees, business partners and vendors can be lacking by failing to thoroughly identify and properly document trade secrets (and their development), provide uniform procedures and safeguards, address temporal and geographic scopes, and receive implementation and routine, but thorough, follow up with employees, business partners and vendors, including training. Confidentiality agreements could be a condition of any new or continued business or employment relationship. When and where such a condition is appropriate, they should include a definition of the trade secrets, limitations on the use of the trade secrets and provide for monetary and injunctive relief in the event of a breach of the agreement. Similarly, confidentiality provisions should be considered for inclusion in employment manuals. Background checks and review of prospective employees or third parties complement the process.

Third parties who will be privy to trade secret or proprietary information, such as agents, vendors, customers or potential customers, should be required to sign non-disclosure agreements. Employees of such third parties should be made aware of the agreement(s). Also consider the use of other restrictive covenants such as a non-compete, non-solicitation or no-raid agreements.

Although one school of thought has been averse to identifying trade secrets to avoid inadvertent omissions, not doing so can lead to disclaimers of knowledge and intent from persons against whom relief is sought; that employees, for example, do not know what is or is not disclosable. Further, it becomes problematic to control the population with whom trade secrets are shared. Documenting trade secrets and keeping their identification current can mitigate such risks. Inadvertent omissions, if any, need not be a problem where the documentation states that it is not exhaustive. As an alternative to specifically identifying trade secrets, a definition of "confidential information" may be used in employee agreements that is

broad, includes information that qualifies for trade secret protection, and a non-exhaustive list of other types of information that qualifies as "confidential information" with the latter in the "included but not limited to" list, such as "and all other business information of value to the Company." In any case, any information determined to be confidential and proprietary should be further identified as such by either placing it in a separate location or stamping "confidential and proprietary" on it.

In factoring the scope of dissemination for the trade secret (the population who need to know), the business should strive to limit the level of disclosure. Should the trade secret be kept within the company—or within a discrete group in the company—or is it necessary to be accessible to third parties? Agreements should include as many restrictions to access as possible. Further protections, such as the owner of the trade secret's control over storage media for electronically stored information, password access, remote locations and how any licensee systems are best secured, must be addressed. Potential for incidental unauthorized access, such as maintenance, delivery, other staff or persons with facility access, should be considered and provided for. Although courts look at whether reasonable measures were taken to preserve confidentiality, the increasing concern for cybersecurity requires weighing access and security against business needs. By documenting efforts taken to protect the confidentiality of the trade secret, future enforcement is better promoted.

Regular meetings and training for all persons with access, including non-employees, is essential to preserving confidentiality. Confidentiality and non-disclosure agreements with vendors and independent contractors with training and monitoring should occur prior to, and not later than, the inception of sharing information. Monitoring employees' computers and access activities is preventative, and should be routinely done. Policy and procedure updates (as well as identifying the trade secrets) should be provided regularly and documented. The goal should be to foster an understanding

among employees, temporary personnel and third parties that any confidential information they receive or create on behalf of the company belongs to the company. For all persons who should no longer have access or possession, such as upon termination of the relationship, documentation should be provided of the continuing duty to maintain the information as confidential, and that it should not be used without authorization. At exit interviews, or otherwise at the cessation of any relationship, require the return of all confidential information, including hardware, and any information that is on office or home computers, mobile devices, cloud data or otherwise. Confirm that personal devices are wiped and access is disabled.

Identify the persons in the company who are responsible for implementing and enforcing policies and procedures to preserve confidentiality, and who may be contacted for questions.

At the time trade secrets begin their existence, records of financial costs and other valued interests in them should be kept. Any increases in income or decreases in expenses resulting from costs in the creation and use of trade secrets should be recorded.

International law and foreign countries' trade secret laws and cultures require attention. Where applicable, the foregoing factors and processes will assist in maintaining protection overseas, even if enforcement is ultimately sought in the United States.

When acquiring other companies, or their assets, it is advisable to investigate whether the seller or other transferor has followed any of the methods and preserved the protections described above, particularly in the case where trade secrets are included in the cost of the acquisition. Due diligence should include a review of how any trade secrets and their value are documented, and the historic and current procedures utilized to maintain and enforce confidentiality.

An annual or more frequent review by outside counsel can assist to correct errors, update for new developments or business changes, and ensure all required personnel have enforceable agreements.

The Impact of Social Media on Trade Secrets

The proliferation of social media and mobile devices has led to the unintentional, as well as intentional, disclosure of trade secrets and the movement of proprietary data off the company's network. Prevention of trade secret misappropriation requires policies and procedures that address the use of social media and mobile devices. Although marketing and sales often use social media, this practice implicates ownership and potential waiver of protection for trade secrets, such as customer lists.

Status updates, posts to Facebook friends with customers, tweets and email blasts about a new job may or may not be considered solicitation of a former employer's customers. Even a location check-in could disclose a trade secret or proprietary business plan or strategy. Again, trade secrets should be clearly identified in a social media policy with instruction and values to give notice of what is considered to be confidential. Such a policy should also require deletion of contacts an employee or third party has made while employed or engaged on behalf of the company. Unless employers clearly identify the type of conduct that is intended to be prohibited, they are at risk of not being able to enforce protection.

An advantage of employer-issued devices over bring your own device (BYOD) policies is that the expectation of the user's privacy is limited. By restricting employer-issued devices to only business purposes, the commingling of business and personal communications is significantly minimized and avoids the BYOD difficulty in identifying what is proprietary to the company and what belongs to the employee. Employer-issued devices permit inspection and monitoring. Because they must be returned at the end of employment, as contrasted with BYOD, which facilitates intentional or unintentional removal of trade secrets and confidential information from company servers, employer-issued devices should be preferable.

Mobile device management (MDM) software and company buy-back policies further reduce risk. Companies should consider prohibiting cloud storage or having a corporate-owned cloud

account so usage can be monitored. An MDM program can allow the company to remote-wipe devices upon termination of a relationship. Additional considerations are providing for complete data encryption, control over security settings and intrusion-detection systems that continuously monitor network traffic.

In designing social media policies, companies should be aware of user privacy rights and state laws with regard to employer access to personal social media accounts.

Enforcing Trade Secrets After Termination of a Relationship

Does the departing person or entity possess trade secrets or proprietary information which can be taken and used? Are there customers, lists of customers or information about goods and services that can be taken and cause harm if shared with unauthorized people? Does that person have knowledge of internal systems or programs which can be useful to others, and harmful to the company?

The Defend Trade Secrets Act provides for federal claims and remedies for the misappropriation of trade secrets. Although it does not pre-empt state laws, its remedies include:

- Ex parte seizures in "extraordinary circumstances" to "prevent the propagation or dissemination of the trade secret."
- Monetary damages for actual loss and unjust enrichment, or a reasonable royalty in exceptional circumstances that render an injunction inequitable.
- Exemplary damages up to two times the monetary damages and attorney fees where the conduct was "willful and malicious."

Once the Horse is Out of the Barn, What Are the Remedies?

Sources of recovery when trade secrets are misappropriated include seeking damages from the takers—former employees, competitors or both. In addition to consequential damages, is there a value of the non-competition agreement itself? Was there separate consideration assigned to that agreement in the parties'

agreement? Consider such an assignment in drafting agreements.

Damages can include lost profits, the competitor's profits caused by acquiring the trade secrets, disgorgement, severance pay and restitution, such as a refund of the consideration paid for the non-competition agreement. Restitution is appropriate for the unjust enrichment that would occur if a breaching party were permitted to retain the benefit of its non-performance. One court held that such a measure may be appropriate where consequential damages, such as lost profits, are speculative and difficult to establish.

In acquiring all or part of a company, it is diligent and prudent to take measures to determine whether you may be inadvertently acquiring any confidential data of a competitor. This includes a review of employees and former employees in the ac-

quiring company's employ who may have brought such information with them.

Notwithstanding best efforts to protect trade secrets and proprietary information, one should not lose sight of the fact that once in litigation, confidential documents can become exhibits at trial, where anyone can look at them. ●



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Atlanta Attorneys Bring Home Federal Bar Association's Annual Meeting and Convention

The Atlanta Chapter of the Federal Bar Association hosted the national convention in September, providing more than 300 attendees with the opportunity to connect with the greater legal community and celebrate giving back to the community, as well as experience some of the city's finest attractions.

BY STACY KING



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Downtown Atlanta felt an increased legal presence and a bit of national spotlight in September as the national Federal Bar Association (FBA) brought its annual meeting and convention to the Westin Peachtree Plaza.

Kevin Maxim of The Maxim Law Firm P.C. chaired a planning committee of attorneys who brought experienced speakers, as well as a few famous faces, to Atlanta for the event. Serving as honorary committee chairs were Chief Judge Thomas W. Thrash Jr. and Judge Richard W. Story, both of the U.S. District Court for the Northern District of Georgia, and Larry D. Thompson of Finch McCranie LLP and the University of Georgia School of Law.

“The Atlanta FBA Chapter’s Planning Committee worked hard in preparing for the convention, and it showed,” says Maxim. “We could not have done it without their efforts and the remarkable generosity of the convention’s sponsors.”

The efforts of the planning committee led to more than 300 attendees enjoying various aspects of the convention, including several social receptions and eight hours of continuing legal educa-

ing legal education. Former Georgia Sen. Saxby Chambliss provided a truly insightful address on the current state of affairs in Washington. Atlanta public radio personality Denis O'Hayer interviewed NPR Legal Affairs Correspondent Nina Totenberg of National Public Radio during the Foundation of the FBA luncheon.

"Hosting attorneys and judges from across the country allowed us to connect Atlanta's federal practitioners in ways that aren't possible via the Internet," FBA Atlanta Chapter President Derek Bauer, a partner of BakerHostetler, explained about the importance of bringing the national conference to the area. "By bringing the association's annual meeting to Atlanta, we were able to welcome all of the organization's key players into our legal community for one exceptional weekend together."

Past National FBA President Joyce Kitchens agreed. "It's the best feeling to host the annual meeting and convention here in Atlanta once again. We helped provide the opportunity for these practitioners to become admitted to practice in the 11th Circuit, and it connects us just a little bit more within the legal community." Kitchens was the 2003-04 president of the FBA and is a principal of Kitchens New Cleghorn LLC.

Connecting with the legal community is an important area of focus for the Federal Bar Association. This spirit certainly showed during awards ceremonies that celebrated attorneys giving back to the profession as the association recognized many outstanding individuals as well as FBA chapters, sections and divisions.

The FBA Younger Lawyers Division recognized five outstanding attorneys under 40 who are working to give back to the legal community through their positions at various government agencies. The division also recognized Past National FBA President Matthew B. Moreland of New Orleans with the Robyn J. Spalter Outstanding Achievement Award for his service to the association on both the local and national levels.

The FBA Awards Luncheon on Saturday, Sept. 16, honored many outstanding efforts. The Elaine R. "Boots" Fisher



PHOTO PROVIDED BY THE FEDERAL BAR ASSOCIATION

Morning keynote address with former Georgia Sen. Saxby Chambliss. (Left to right) Hon. Michael J. Newman, immediate past president, Federal Bar Association, U.S. magistrate judge, Northern District of Ohio; Byung J. "BJay" Pak, member, Atlanta Chapter, Federal Bar Association; Kevin Maxim, convention committee chair; Tom Lacy, member, Atlanta Chapter, Federal Bar Association; Hon. Tilman E. "Tripp" Self III, judge, Court of Appeals of Georgia; Chambliss; Stacy King, executive director, Federal Bar Association; West Allen, chair, Government Relations Committee, Federal Bar Association; and Bruce Moyer, government relations counsel, Federal Bar Association.

Award was presented to Rupa G. Singh of San Diego for her outstanding community service and outreach both within and outside of the legal community.

Also at the luncheon, the FBA presented awards to many FBA chapters, sections and divisions to honor their work in publishing newsletters, creating and presenting CLE programming, and participating in community outreach efforts. The 2017 Chapters of the Year were named, with the honors going to the Dayton Chapter, the Minnesota Chapter and the South Florida Chapter.

The association's highest honors are presented during the annual meeting and convention. The Hon. Sarah T. Hughes Civil Rights Award was presented to Lawrence R. Baca for his lifetime of work with the U.S. Department of Justice and continued advocacy on behalf of Native Americans. The Earl W. Kintner Award for Distinguished Service was presented to Kent Hofmeister, Brown & Hofmeister, Dallas, Texas, for his more than 30 years of service to the Federal Bar Association.

The meeting was not all work and no play, however. Receptions at two of Atlanta's finest attractions helped showcase

the city to those attendees who were unfamiliar with its charms. A reception at the Atlanta History Center was well received and attendees had the chance to experience the many exhibits that the center has on display, learning more about Atlanta and Southern culture.

Many attendees commented on how powerful the National Center for Civil and Human Rights is after attending a reception there. The exhibits on display and the center's remarkable design had emotions running high as FBA members met and networked with one another.

"The annual meeting and convention was a great success, thanks to the work of our Atlanta Chapter and the Convention Committee," said incoming National FBA President Kip Bollin of Thompson Hine in Cleveland, Ohio. "It was a meeting full of insight, legal education, local hospitality and planning for the future of our association." ●



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2018 Legislative Preview

BY CHRISTINE BUTCHER HAYES

On Jan. 8, 2018, the 154th Georgia General Assembly will convene for year two of the legislative biennium. The 40-day session is likely to be over in the blink of an eye—many members will be eager to switch into campaign mode ahead of the primary election on May 22, which will determine the republican and democratic nominees for governor and a number of other statewide offices. Several state legislators resigned over the summer in anticipation of running for statewide office, including attorneys Stacey Evans and Stacey Abrams; and Rep. Regina Quick is now Judge Regina Quick following her recent appointment to the Superior Court bench in the Western Judicial Circuit. Quick will be replaced by Athens attorney Deborah Gonzalez, winner of the Nov. 7 special election for House District 117. As we move into December, we have our eyes on Senate District 6 and House District 89, where Atlanta attorneys Jen Jordan and Sachin Varghese are facing runoff elections in their respective districts.

For all you lawyers out there contemplating a run for legislative office, save this date: qualifying for state races begins March 5, 2018!

The legislative team has their work cut out for them in 2018. We have six bills that will carry over from the 2017 Legislative session and three new bills from the Fiduciary Section that were approved by the Board of Governors on Oct. 28. Here's a glimpse of the State Bar's 2018 legislative package.

Power of Attorney: The Reprise

During the 2017 session, the Legislature passed a complete rewrite of Georgia's power of attorney statute. Since the law took effect on July 1, a number of attorneys have discovered issues with the language and execution of a few specific provisions. This "cleanup bill" intends to resolve these issues and provide additional clarity to certain provisions in the law.

Prenups

HB 190 seeks to codify that antenuptial agreements be in writing, signed by both parties who agree to be bound, and shall be attested by at least two witnesses, one of whom shall be a notary public.



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Legislation for the Kids

Procedural Stay of an Adoption Proceeding

SB 131 would clarify that an appeal of an order terminating parental rights stays an adoption proceeding related to that child until the appeal to the termination order is decided. This procedural change is intended to give closure to a child and his or her parent(s) and ensure that the adoption is not later invalidated by the court's decision in the appeal.

Waiver of a Right to an Attorney in Dependency Proceedings

All parties to a dependency hearing have the right to an attorney. SB 130 would clarify O.C.G.A. § 15-11-103(g)(3) so that a waiver of counsel by a party other than a child is knowing and voluntary.

Legislation to Discuss at a Cocktail Party Full of Trust and Estate Attorneys

Amendments to the 2010 Revised Georgia Trust Code

HB 121 expressly provides five methods for modifying an irrevocable trust. Additional provisions will be added to the bill this session that clarify the computation of an individual trustee's annual fee and provide that if a trust is named a grantee of a transfer of property, the transfer is deemed to be made to the trustee.

Revised Uniform Fiduciary Access to Digital Assets Act

Traditionally, a fiduciary has the power to plan for the management and disposition of a trustee's tangible property. SB 301 seeks to extend a fiduciary's traditional power to manage tangible property to digital property as well. The legislation would modernize the trust code to consider assets like computer files, web domains, digital photography and virtual currencies.

Cleanup to the Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act

This bill proposes some simple revisions to HB 954, which was signed into law in

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2016. The addition of Chapter 11 to Title 29 created incongruities and inconsistencies with Chapters 4 and 5 of the same title. The proposed amendments would integrate citations to provisions in Title 29 Chapter 11 in order to provide clarity for attorneys practicing in this area and to prevent litigation based on ambiguities between these chapters.

Legislation on Topics You Thought You Left Behind in Law School

The Rule Against Perpetuities

HB 122 would provide for a 360-year permissible vesting period for a non-vested property interest. Current Georgia law provides for a 90-year permissible vesting period (or "90 years of a life in being" if you're feeling nostalgic for 1L property class).

Our second Advisory Committee on Legislation meeting took place on Nov. 28. A few additional proposals were considered, with final approval set for the Board of Governor's meeting in Atlanta on Jan. 6, 2018.

Since 2018 is year two of the biennium, any bill that was filed in 2017 and did not pass is still active. We expect to see movement on some familiar legislation from last year, most notably the adoption code update (HB 159) and the mandatory civil e-filing bill (HB 15).

With the 40-day session moving at rapid speed, we want to make it easier for Georgia attorneys to follow legislation that is applicable to their area of practice. This year, we are implementing a bill-

tracking website that will be available to members through a link on the State Bar's legislative page and in the weekly legislative update you receive via email. Legislation will be classified by section and include details about the bill's position in the legislative process. We hope that by tracking these bills by practice area, we can encourage more attorneys to engage in the process and to speak up about potential shortfalls they might discover in pending legislation.

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



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Georgia High School Mock Trial Competition: Your Involvement Today Will Change a Life Tomorrow

The Georgia High School Mock Trial Competition is entering its 30th season giving high school students across the state an opportunity to engage in the law and exposure to the legal profession. Without the support of the Bar's membership, this program and opportunity would not be able to exist.

BY MICHAEL NIXON



PHOTO PROVIDED BY THE STATE BAR OF GEORGIA HSMT PROGRAM

One of Georgia's participating teams during the 2007 State Finals competition, held at the Winnett Justice and Administration Center, Lawrenceville.

Every member of the Bar had some moment that pushed them into the legal profession. For some, it may be a mentor or influential figure, be it an aunt who was an attorney or a family friend. For others, it was who they saw on screen: Ben Matlock, Jack McCoy or Vinny Gambini. Maybe it was Atticus Finch or John Grisham. Others may have had some profound experience earlier in life, something that they saw as an injustice or a wrong they wanted to right. Some may have a driving sense of affecting change or bringing justice. A few just like the tax code and lots and lots of numbers. But for whatever the reason, the desire to go into law was most likely sparked in your youth and here you are today.

The Georgia High School Mock Trial Competition is entering its 30th season giving high school students across the state an opportunity to engage in the law and exposure to the legal profession. Sponsored by the Young Lawyers Division of the State Bar of Georgia, it has grown into one of the largest high school mock trial competitions in the country. For the 2017-18 season, more than 120 schools from all parts of the state have registered to compete, involving almost 2,000 high

school students in the program. The competition draws teams from every possible school demographic, from public to private; traditional to home school; from affluent to Title I; from rural to urban. The High School Mock Trial Competition is one of the largest programs of the State Bar that directly connects the Bar's members with the general public.

The mock trial season starts with the case release in early October. Once the case is released, teams prepare both sides of the case for trial. Each team will represent the prosecution and defense in two separate courtrooms against other schools' teams in the competition, working through an advancement to the state finals competition in early March. All teams compete at the regional level in late January, with the top three teams from each region advancing to the district competition in mid-February. The district champion teams meet at State Finals to determine the state champion who will represent Georgia at the National High School Mock Trial Championship in May.

Without the support of the Bar's membership, this program and opportunity would not be able to exist. Highlighted below are three crucial areas where Bar membership is involved.

Attorney Coaches

Each high school fields one team of students to compete. A full team is comprised of 14 students; some have many more than that. Competing students play the roles of attorneys and witnesses. Each team is required to have at least one attorney coach on its coaching staff to coach alongside their teacher coach(es). Many teams have multiple attorney coaches; this helps spread the load between the coaching staff as well as making practice time more efficient. Each team determines their practice schedule, with most teams meeting at least twice a week after work hours. These students are trying to get a case ready to go to trial, while learning trial practice and procedure, along with an annotated Georgia Rules of Evidence, in a few months. Attorney coaching is essential. While it is the most time consuming, coaching gives

Judging Panel Volunteers Needed in 2018

The members of the State Bar of Georgia have supported the Mock Trial program for 29 outstanding seasons.

Three hours of your time is all we need for a successful 30th!

REGIONAL LEVEL OF COMPETITION

Albany (1/27), Athens (1/27), Atlanta (1/27, 28 and 30), Cartersville (1/27), Cumming (1/26 and 27), Dalton (1/27), Decatur (1/27), Douglasville (1/27), Jonesboro (1/26 and 27), Lawrenceville (1/26 and 27), Macon (1/27), Marietta (1/27), McDonough (1/27), Savannah (1/27) and Valdosta (1/27).

No high school mock trial pre-requisite for judging panel service at the Regional level. Current attorney coaches are not eligible.

DISTRICT LEVEL OF COMPETITION

Feb. 17 in the following cities:

Athens, Atlanta, Cartersville, Douglasville, Lawrenceville, Savannah and Valdosta

Feb. 15 and 18 in Jonesboro

At least one round of HSMT judging panel experience or one year of HSMT coaching experience required to serve at the district level.

STATE FINALS COMPETITION | LAWRENCEVILLE | MARCH 3

At least two rounds of HSMT judging panel experience or one year of HSMT coaching experience required to serve at the state level.

Volunteer forms are available online in the "Volunteer for the Program" page of our website:
www.georgiamocktrial.org.

Contact the Mock Trial Office with questions:
404-527-8779 or 800-334-6865 ext. 779

Email: michaeln@gabar.org
Facebook @ GeorgiaMockTrial
Twitter @ GA_MockTrial



**GET
CLE
CREDIT
FOR SERVING
ON A
HIGH SCHOOL
MOCK TRIAL
JUDGING
PANEL**

Earn 1 Hour of CLE, including 1 Trial Practice and 1 Professionalism, for serving on a judging panel for one level of competition—Regional, District or State.

Earn an additional 1 Hour of CLE, including 1 Trial Practice, for serving on a judging panel for an additional level of competition.

State Bar of Georgia

GEORGIA
MOCK TRIAL
COMPETITION

YOUNG LAWYERS DIVISION

STATE BAR OF GEORGIA

attorneys the greatest chance to interact with the students on a regular basis and help them in all manner of preparation for trial. Many of our attorney coaches make a long-lasting connection with their teams and are able to mentor their students well beyond their mock trial experiences.

Judging Panel Volunteers

At competition, we need judges and attorneys to sit on a judging panel to evaluate the students' presentation of their case. Mock Trial does not evaluate on the merits of the case; the cases are written as balanced as possible to give both sides a chance to fight for their side in court. Instead, the evaluators judge the students on their knowledge of the case materials and rules of evidence, courtroom presentation and demeanor, and believability of the witnesses on the stand. The cases are written with a factor of entertainment in mind to be engaging to the teams but with real legal aspects to be adjudicated. The cases always have things that should never get in or instances of hearsay, as a way to test the teams in their preparation of the case and handling of these obstacles in court.

Judging panel volunteers are given a copy of the case, along with a bench brief, to help in their preparation. Each round requires only a few hours' time commitment from each panel member. This small commitment of time provides the students with a real-world courtroom experience and helps advance the competition through its various levels. Each season, our need is great. At the regional level in January, there will be approximately 900 judging panel spots to fill across the state, both in the jury box and on the bench. We will need to fill more than 300 spots in February at the district competitions and about 80 at state finals. If you cannot help at one level, we could use your help at another point in the season. Many of our long-time evaluators say that their experience at mock trial competitions has helped them in their own practice of law.

Behind the Scenes

It takes a small army of volunteers to coordinate the competitions each

spring. There are 16 regions across the state in late January. Each region is coordinated by a local attorney, who secures the competition site as well as signing up the local judging panels. On the day of competition, the regional coordinators run the competition, orient and organize the judging panels, process the scoresheets and advance the teams through the day. Every regional coordinating team would welcome additional help behind the scenes on the day of competition, as well as recruiting panel volunteers. Some regions are run on a skeleton staff of two people because they can't find anyone to help during the day.

Eight of the regions host the district competition in mid-February. While it is another day of competition, it is a smaller group of teams and a more relaxed atmosphere. However, the need to fill panels and run the competition remains.

The High School Mock Trial Committee is run by attorneys, both of the YLD and big Bar. Many of our committee leadership have been involved in mock trial for many years and we are always looking to add to the ranks. The biggest task is creating the problem for each season's competition. The committee also establishes and updates the Rules of Competition and Rules of Evidence, assists with the operation of the State Finals Competition and the annual Law Academy, as well as fills in where needed during competition weekends when possible.

While the Mock Trial Competition has been operating the competition successfully for 30 years now, we still need your help. Please consider getting involved with the competition at some level. We would be more than happy to talk with you about your interests and where you feel you would best fit in. If you are interested in helping out or learning more, contact the Mock Trial office at michaeln@gabar.org or 404-527-8779. ●



Michael Nixon

High School Mock Trial Director
State Bar of Georgia

michaeln@gabar.org

KEENAN'S KIDS FOUNDATION
ANNOUNCES THE WINNERS OF THE

15TH ANNUAL LAW STUDENT CLOSING ARGUMENT COMPETITION



4th place: Alixandria Davis (Emory University, 3L); 3rd place: Allison Bailey (Emory University, 3L);
2nd place: Tyler Almon (Georgia State, 2L); 1st place: Max Harris (Mercer University, 3L); Don Keenan - Founder

The Keenan's Kids Foundation is proud to announce the winners of the 2017 15th Annual Law Student Closing Argument Competition. The competition was established in 1997 to show students the importance of children's rights and to encourage them into this most needed area of the law. The event also stands as an opportunity for students to gain courtroom experience in front of a jury.

- FIRST PLACE: Max Harris (from Mercer University, 3L)**
SECOND PLACE: Tyler Almon (from Georgia State, 2L)
THIRD PLACE: Allison Bailey (from Emory University, 3L)
FOURTH PLACE: Alixandria Davis (from Emory University, 3L)

Should you desire further information please contact Lauren Bauer at 404-523-2200 or LBauer@keenanlawfirm.com

A Conversation with Randy Evans

In this installment of the Georgia Lawyer Spotlight, Editorial Board Member Jake Evans interviews his father, Randy Evans, a partner at Dentons. Randy is a litigator, author, columnist and expert in complex matters involving high-profile, high-exposure challenges for clients around the world. He has recently been nominated to be the U.S. ambassador to Luxembourg.

BY JAKE EVANS



What do you enjoy most about the practice of law?

The practice of law permits me to defend the very essence of our republic—namely the rule of law. Our country relies on a set of laws to define all of our relationships with each other and with our government. The power to ultimately enact, interpret and apply those laws is vested in individual citizens elected by the people. Against this backdrop, those of us fortunate enough to engage in the practice of law have one of the most important roles to play. We are the keepers of the law on behalf of all of our fellow citizens. They depend on us to ensure that the rule of law itself protects their lives, liberties and pursuits of happiness. Knowing the importance of that role is what (and why) I cherish it so much.

What do you know now that you wish you knew when you first started practicing law? What is your number one tip for younger lawyers?

As a young attorney, I had no real context for the practice of law. None of my rela-

tives were attorneys. I did not even know any attorneys. So, I was fortunate to work with two legends of the Bar early in my career—Emmet Bondurant and former Georgia Gov. Ellis Arnall.

The single most important thing they both taught me was that being successful at the practice of law involved much more than just knowing the law. For one thing, as almost every lawsuit proves, reasonable minds can often differ over exactly what the law is.

More importantly, the law does not exist in a clinical vacuum devoid of context and consequences. Instead, the practice of law involves real people facing real consequences dependent on real interpretations and applications of statutes and legal precedent with implications not only for the parties involved, but also many future parties to come.

Candidly, just knowing the law is rarely enough to prevail in a legal dispute and certainly not enough at the highest levels of the practice. To our clients, “winning” itself can mean so many more things than

just getting a specific ruling or obtaining a specific concession.

If I had one lesson for every young lawyer, it would be to start every representation with one question to your client: “What is a win?” Never lose sight of that answer no matter how well or poorly the representation progresses. Also, do not be surprised when winning is not a verdict in your client’s favor or a deal on your client’s terms. Sometimes winning involves losing a battle to win a war; getting a worse deal to start a long-term profitable relationship; or taking a hit to gain some ground.

Finally, there are three ways to the top—stairs, escalators and elevators. Watch for all three. Of course, if you just take the stairs, it could take a lifetime to climb a few floors. And escalators move faster, but you do have to stop at every floor. And, you have to wait on elevators, which can be unpredictable and stop at a few floors you prefer to skip. My general rule has been to take the stairs while looking for escalators

and always grabbing an elevator or two when they stopped on my floor.

How have you balanced your political involvement with the practice of law? When has this helped you? When has it hurt you?

To fully understand the law involves much more than reading statutes and cases because the statutes and cases came from somewhere. Knowing this gave me an enormous advantage in successfully applying the laws in cases not yet contemplated when the statute was adopted or the case was decided. Inevitably, the context of the statutes and cases are political.

Statutes are passed by legislative bodies with two or more political parties each attempting to advance their vision for the future. Decisions are made by judges either elected or appointed by folks who are elected. Hence, the common denominator for a legal system that derives its ultimate power from a political process with democratic principles is politics, and there is no better way to understand and utilize the political component than to be involved in it.

Of course, any time someone is actively involved in the political process, they confront two major challenges. First, especially in a two-party system, once you pick one side, you necessarily run the risk of alienating the other side. Second, the worst clients for paying attorneys are politicians. Most believe that the mere honor (and potential patronage should your candidate or party be successful) is enough compensation for whatever legal services you may provide. Both are realities that attorneys in the political process must simply accept. There is good, but there is also the bad.

The key is to maintain a balance based on your own values and your own checkbook. It is a difficult balance to maintain. For me, it was making sure that I was never blindly partisan nor blindly desperate to be around power. If I believed in a cause or politician, I would work with them and for them to the best of my ability. On the other hand, I also knew that I needed income and the best way to do that was a growing and strong practice.

Occasionally, I got tilted a little too far one way or the other, but the art of self-correction is an important one. The key is to recognize when you have gone too far one way or the other, and then do something about it.

When did you know you wanted to be a litigator?

When my grandfather lost his eye to an experimental chemical for his crops on his farm, I knew I wanted to be a lawyer. Then, when I excelled at high school and intercollegiate debate, I was sure I wanted to be a litigator. As a member of the UGA National Moot Court Team and the UGA National Mock Trial Team, I had no doubt. I believed I had the passion, skillset, mindset and drive to be a good litigator.

Fortunately, during my summers in law school and then after law school, I had the opportunity to work with some of the best litigators in the country. I quickly learned that old lawyers can easily teach young lawyers many a thing or two. It was then that I became content with my calling and really began to understand what it was like to be a litigator and why I wanted to be one of the best.

What is your most memorable memory practicing law?

Like many athletic coaches, I am one of those folks who remember every loss and virtually none of my victories. But, my favorite memory involves an old judge saving a young lawyer from a terrible mistake.

I was trying a case in Jesup against one of the best trial lawyers in Georgia. I even told the jury that they should judge the case on the facts alone because my talents came nowhere near the talents of the attorney on the other side. The case was going extremely well for my client and it seemed everyone knew it. Then, out of nowhere, the attorney on the other side mentioned insurance—a definite no-no under the law at the time. I jumped up and immediately moved for a mistrial. The judge (whose most famous saying was “often in error, never in doubt”) called the attorneys up for a

sidebar. He then asked me the following: “Mr. Evans, you do realize you are winning this case rather handily and because of that, I am sure that I misheard your objection because I know you meant to say objection as opposed to moving for a mistrial.” Needless to say, I immediately conceded that I had misspoken and meant only to object. The jury was out only 10 minutes.

Where will you be in five, 10 or 15 years from today?

Given how rapidly the world is changing, I do not believe any of us know where we will be in five, 10 or 15 years. Technology is changing the world so fast that we can only guess at what the practice of law will look like. After all, look at how fast the practice of law has changed in just the last five years. And, assuming I am confirmed by the Senate, I will be in a very different position than where I am now.

Public service may be my destiny now. But, I do love the practice of law. And I have always enjoyed teaching. One thing is clear: I will still be in love with the law and searching for ways to spend more time with it.

Assuming you are confirmed as Ambassador to Luxembourg, what will you miss most about practicing law?

I will miss my family, friends and colleagues in the Bar the most. Although some of the attorneys I have litigated against will find this hard to believe, there is not one member of the Bar that I have not enjoyed getting to know. Certainly, when in litigation, I give it my all. But in life, I respect every colleague and appreciate their talents and skills, and I feel very fortunate to have gotten to know as many as I can. ●



Jake Evans is an attorney at Thompson Hine LLP and focuses his practice on high-stakes complex litigation principally in the business litigation context. Evans is also a frequent writer and speaker on legal and political issues.

Kudos



BOONE



STONE

Boone & Stone announced that David W. Boone and William S. Stone received the Georgia Trial Lawyers Association's (GTLA) Guardian of Justice Award in April at their annual convention. This award is GTLA's highest honor.

It is bestowed upon members who have given extraordinary service and support to the association.



Gov. Nathan Deal appointed Jason W. Swindle Sr. of Swindle Law Group to the Sexual Offender Registration Review Board (SORRB.) The SORRB's purpose and mission is protecting Georgia's children and communities at large by identifying convicted sexual offenders that present the greatest risk of sexually re-offending.



Attorney Steven Rossum was appointed CEO of Silver Airways in August. In his role as CEO, Rossum will lead the Fort Lauderdale-based airline in its new strategic initiatives, including the delivery of up to 50 new ATR-600 series aircraft. Rossum was most recently a partner at Smith,

Gambrell & Russell, LLP, as well as CEO and managing director of the firm's aviation consulting business.



Kilpatrick Townsend & Stockton LLP announced Partner Theodore H. "Ted" Davis received the International Trademark Association's (INTA) 2017 President's Award. INTA developed the President's Award to demonstrate its appreciation to exceptional volunteers who, over the

course of a career in trademark law, have made an outstanding contribution to the association. The President's Award also acknowledges the profound appreciation of the global trademark community to individuals who have made a lasting impact on INTA and its mission.



Linda A. Klein, senior managing shareholder at Baker Donelson and immediate past president of the American Bar Association, was recognized by the National Association of Women Judges with the Florence K. Murray Award in October. The award honors a non-judge who,

by example or otherwise, has influenced women to pursue legal careers, opened doors for women attorneys or advanced opportunities for women within the legal profession. Klein

was also honored in October at The Veterans Consortium's 2017 Pro Bono Mission Partner Awards in Washington, D.C., as the honorary co-counsel for The Veterans Consortium's milestone 5,000th appellate case, currently before the U.S. Court of Appeals for Veterans Claims.



MARSH



POTTER

Swift, Currie, McGhee & Hiers, LLP, announced that Partner C. Bradford Marsh was reappointed to the State Bar of Georgia Formal Advisory Opinion Board and the State Disciplinary Board-Review Panel, and Associate Donovan Potter was appointed to the advisory board of Handshake Atlanta. Marsh will help draft formal opinions that interpret the Georgia Rules of Professional Conduct and address ethical issues related to members of the State Bar of Georgia. In his role on the Review Panel, he will help investigate and discipline members of the State Bar of Georgia for violations of the Bar's Standards of Conduct.

Potter will assist in launching the second Handshake America location and guiding it through its first year in Atlanta. Handshake America is a 501(c)(3) nonprofit organization dedicated to coaching high school student-athletes and teaching them the elements of success while leveraging their athletic experiences.



Eversheds Sutherland announced that Karissa F. Blyth was selected to take part in the Hispanic National Bar Association's 2017 Latina Leadership Academy. Blyth joins a group of other lawyers and leaders in this competitive program that focuses on personal and professional development.



Carlock, Copeland & Stair LLP announced David Root was elected as a fellow of the American College of Trial Lawyers (ACTL) during its 2017 annual meeting in Montreal, Quebec. The ACTL maintains and seeks to improve the standards of trial practice, professionalism, ethics and the administration of justice through education and public statements on independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings. It is composed of the best of the trial bar from the United States and Canada.



Smith, Gambrell & Russell, LLP, announced that Leah Ward Sears, partner and former chief justice of the Supreme Court of Georgia, was elected to the Board of Directors of the American Academy of Appellate Lawyers (AAAL). The AAAL's stated mission is to advance the highest standards and practices of appellate advocacy and to recognize outstanding appellate lawyers. Sears will support the work of the AAAL by providing mission-based leadership and strategic governance for the organization, which is committed to advancing the administration of justice and promoting the highest standards of professionalism and advocacy in appellate courts.



Taylor English Duma LLP announced its recognition with the Construction Lawyers Society of America's (CLSA) Law Firm Award. The honor was accepted by Partner Natalie Mark at the CLSA International Conference & Induction of Fellows in September. The recognition profiles excellence in construction law. Winners are selected based upon independent research by the society and input from CLSA Fellows who sit on the CLSA Law Firm Awards Committee.



Hon. Rhathelia Stroud, presiding judge, DeKalb Misdemeanor Mental Health Court, was appointed as one of 14 non-federal members to the U.S. Dept. of Health and Human Services' Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC) in July to serve a three-year term. The ISMICC is a new change agent for mental health reform that was established by the 21st Century Cures Act. Pursuant to the Act, the ISMICC will submit to Congress and other relevant departments and agencies a report with (1) a summary of advances in serious mental illness, (2) an evaluation of the effect that federal programs related to serious mental illness have on public health, and (3) specific recommendations for actions that agencies can take to better coordinate the administration of mental health services.



FINK



WEINRICH

Berman Fink Van Horn P.C. announced Shareholder Benjamin Fink moderated a session, "Trade Secret Protection Goes Federal," at the Federal Bar Association Annual Meeting and Convention program in September. The panel included Neal Weinrich, shareholder at Berman Fink Van Horn, and provided an overview of the Defend Trade Secrets Act (DTSA). The DTSA is a U.S. federal law that allows an owner of a trade secret to sue in federal court when its trade secrets have been misappropriated. The attorneys shared what the DTSA means for practitioners and how trade secret litigation will be impacted by the DTSA.



Smith Moore Leatherwood announced that G. Marshall Kent Jr. was selected as a member of Leadership Sandy Springs Class of 2018. Leadership Sandy Springs brings business, government, nonprofits, the religious community and volunteer leaders together to learn, grow and engage with each other in order to make the community the best possible place to live and work.



Richard H. Deane Jr., partner, Jones Day, was elected as a member of the American College of Trial Lawyers (ACTL) Board of Regents in September. The ACTL maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings. It is composed of the best of the trial bar from the United States and Canada.



Steven D. Ginsburg, partner, Duane Morris, LLP, served as a panelist at the Mortgage Bankers Association (MBA) Regulatory Compliance Conference in Washington, D.C., in September. He presented on Servicing Compliance Essentials, The Mortgage Servicing Rule and the Fair Debt Collection Practices Act. The MBA is the leading advocate for the real estate finance industry, acting as the industry's voice on legislative and regulatory issues. It seeks to develop open and fair standards and practices for the industry.



Allegra Lawrence-Hardy, founding partner of Lawrence & Bundy LLC, was recognized by the Atlanta Business League as one of "Atlanta's Top 100 Black Women of Influence." Lawrence-Hardy was honored at the 22nd Annual Women of Vision Breakfast. For more than 20 years, the Atlanta Business League has honored black women in metro-Atlanta who have reached senior level positions within their profession; are leading entrepreneurs in their industry; or have attained the ability to influence large public bodies politically and in government. The "100 Black Women of Influence" have demonstrated their commitment to the citizens of metro-Atlanta by maintaining significant involvement and participation in community and civic activities.

On the Move

IN ATLANTA



Rafi Law Firm LLC announced the addition of Matt Hurst as an associate. Hurst's practice focuses on individuals injured in tractor-trailer, commercial motor vehicle and automobile crashes, crime victims in negligent security cases and others who have been seriously injured. The firm is located at 1201 W. Peachtree St. NW, Suite 2319, Atlanta, GA 30309; 404-800-9933; Fax 470-344-3425; www.rafilawfirm.com.



Balch & Bingham LLP announced Jessica Nwokocha joined the firm as a member of the litigation practice. Nwokocha has experience in complex commercial litigation, product liability and mass tort litigation. She helps defend business interests during all phases of litigation in both state and federal courts. The firm is located at 30 Ivan Allen Jr. Blvd. NW, Suite 700, Atlanta, GA 30308; 404-261-6020; www.balch.com.



Dentons announced that William Mayfield joined the firm's corporate practice as a senior counsel. Mayfield's practice focuses on providing strategic advice and counseling on corporate finance matters, particularly with respect to corporate and commercial lending. The firm is located at 303 Peachtree St. NE, Suite 5300, Atlanta, GA 30308; 404-527-4000; Fax 404-527-4198; www.dentons.com.



Thomas Cohen Law Firm, LLC, announced it will now be known as Cohen Amason Law Firm, LLC. It also announced the addition of Jeffrey Amason as a member. Amason's practice focuses on contract drafting and negotiation, risk analysis, claim evaluation, dispute evaluation, commercial concerns, estate planning and estate administration. He has also resolved disputes over intellectual property infringement, unpaid invoices, claims, defective workmanship and other business matters. The firm is located at 1275 Peachtree St. NE, Suite 525, Atlanta, GA 30309; 404-812-1700; Fax 404-815-7205; www.tcohenlaw.com.



CLARKE



HANRAHAN



NELSON



OKURA



BARNHARDT



GRAVES



LOUIS

Taylor English Duma LLP announced Sandra Brown, Alan S. Clarke, Mark V. Hanrahan, Allen W. Nelson and Masae Y. Okura joined as partners and Hubert J. Barnhardt, John G. Graves and Karen Neely Louis joined as counsel. Brown is an entertainment attorney whose practice focuses on working with award-winning talent. Clarke joined the entertainment practice group and has experience representing recording artists, writers, performers, athletes, record labels, producers, managers, authors and others in the entertainment industry. Hanrahan joined the construction practice group and has extensive experience representing clients in construction-related transactions and disputes. Nelson's experience includes advising management on a wide variety of legal and business matters ranging from mergers and acquisitions (both domestic and international); board committee work and governance; public company disclosure and listing compliance; regulatory and government negotiations; internal investigations; litigation; commercial contracts; compliance and ethics; employment law; executive compensation and other areas. Okura joined the firm's labor and employment relations practice group and represents multinational companies with emphasis on Japanese companies investing in the United States by advising on the immigration, incorporation, employment, contracts and various business matters. Barnhardt joined the firm's intellectual property group with more than 20 years of experience, with a particular focus in IP strategy, patent and technology licensing and patent portfolio development. Graves joined the firm's intellectual property practice group, focusing on domestic and international mechanical patent prosecution. His practice encompasses conducting patentability studies, infringement and invalidity analyses, portfolio and competitor analysis as well as drafting and negotiating intellectual property license agreements. Louis joined the firm's corporate practice group, concentrating her practice on regulatory compliance matters in the consumer financial services industry with a focus on deposit operations and mortgage lending and servicing. The firm is located at 1600 Parkwood Circle SE, Suite 200, Atlanta, GA 30339; 770-434-6868; Fax 770-434-7376; www.taylorenglish.com.

Ballard Spahr, LLP, announced it has merged with Levine Sullivan Koch & Schulz, a media law boutique firm. The firm will retain the name Ballard Spahr. The Atlanta office is located at 999 Peachtree St. NE, Suite 1000, Atlanta, GA 30309; 678-420-9300; Fax 678-420-9301; www.ballardspahr.com.



PENN



BALLARD

Attorney Darren Penn announced the opening of Penn Law LLC and the addition of William Ballard as of counsel, and Alexandra Cole and David Dreyer as attorneys. Ballard focuses on medical malpractice, but his expertise extends to product liability, serious motor vehicle collisions and other complex personal injury litigation. Cole focuses on products liability, catastrophic personal injury, medical malpractice, employment discrimination/civil rights and complex civil litigation. Dreyer focuses on business torts, RICO and racketeering claims, fraud, wrongful death, catastrophic injury, product liability, shareholder dispute, insurance coverage, international litigation, employer-employee restrictive covenants, internal investigations, embezzlement investigations, complex-damage determinations, nursing home liability and breach of fiduciary duty. The firm is located at 4200 Northside Parkway NW, Building One, Suite 100, Atlanta, GA 30327; 404-961-7655; www.pennlawgroup.com.



COLE



DREYER

Drew Eckl & Farnham announced Bart Benton, Dana Schwartzenfeld, Janeen Smith and Earl King joined as associates. Benton focuses his civil litigation practice in the areas of general liability and premises liability. Schwartzenfeld focuses on representing employers and insurers in workers' compensation matters. Smith focuses her practice on civil and commercial litigation. King focuses primarily on workers' compensation claims. The firm is located at 303 Peachtree St. NE, Suite 3500, Atlanta, GA 30308; 404-885-1400; Fax 404-876-0992; www.deflaw.com.



BENTON



SCHWARTZENFELD



SMITH



KING

The law firm of Boone & Stone announced it is now The Stone Law Group, LLC, and has relocated its Atlanta office. The firm also announced the addition of Michael G. Regas II as a member. Regas will focus his practice on personal injury litigation arising from automobile and tractor trailer accidents, medical malpractice, premises liability and products liability. The firm is located at 5229 Roswell Road NE, Atlanta, GA 30342; 404-239-0305; Fax 229-723-4834; www.stonelaw.com.



Long & Holder announced that Justin L. Wolfe joined the firm as an associate. Wolfe focuses his practice on representing injured individuals across the state of Georgia. The firm is located at 260 Peachtree St. NW, Suite 1401, Atlanta, GA 30303; 404-850-9870; Fax 404-688-0500; www.longandholder.com.



Georgia Appleseed Center for Law and Justice announced it has relocated its offices to space provided by the law firm of Taylor English Duma LLP. The Georgia Appleseed Center for Law and Justice is a nonprofit, nonpartisan, public interest law center with the mission to increase justice in Georgia through law and policy reform and community engagement. The office is located at 1600 Parkwood Circle SE, Suite 200, Atlanta, GA 30339; 678-426-4640; www.gaappleseed.org.

Smith, Gambrell & Russell, LLP, announced that M. Everett "Rett" Peaden joined the firm as a partner. Peaden focuses on mergers and acquisitions and provide general counsel to business clients, advising on ongoing transactional matters and assisting the owners of closely held businesses with long-term succession planning. The firm is located at Promenade, Suite 3100, 1230 Peachtree St. NE, Atlanta, GA 30309; 404-815-3500; Fax 404-815-3509; www.sgrlaw.com.



Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, announced that Trenton Ward, former lead administrative patent judge at the U.S. Patent and Trademark Office, joined the firm as a partner. Ward's practice focuses on patent litigation, including patent office trials, district court litigation, litigation before the International Trade Commission and appeals before the Federal Circuit and Supreme Court. The firm is located at 271 17th St. NW, Suite 1400, Atlanta, GA 30363; 404-653-6400; Fax 404-653-6444; www.finnegan.com.



Parker, Hudson, Rainer & Dobbs LLP announced the addition of Chris Troutman as an associate in the real estate practice group. Troutman assists business owners, developers, alternative energy leaders, investors, landlords and tenants with their commercial real estate needs, including leasing, development and acquisitions/dispositions. The firm is located at 303 Peachtree St. NE, Suite 3600, Atlanta, GA 30308; 404-523-5300; Fax 404-522-8409; www.phrd.com.





Lawrence & Bundy LLC announced Leslie J. Bryan joined the firm as counsel. Bryan brings more than 30 years of experience as a trial lawyer with litigation experience at all levels—from pretrial proceedings to electronic discovery, expert witness depositions and Daubert-based challenges. The firm is located at 1180 W. Peachtree St., Suite 1650, Atlanta, GA 30309; 404-400-3350; Fax 404-609-2504; www.lawrencebundy.com.



Johnson, Marcou & Isaacs LLC, a virtual IP law firm, announced the promotion of Brent Nix to partner in the Atlanta location. Nix specializes in United States and international patent prosecution with a focus in DNA and protein microarrays, pharmacogenomics, systems biology, computational methods for RNA and protein structure prediction, and in vivo imaging and diagnostics. His general areas of expertise include bioinformatics, biomolecular engineering, molecular biology, cell biology, virology and mechanical. Contact the firm at 404-665-3099; Fax 240-359-4879; www.jmi-iplaw.com.

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MCEVOY

Polsinelli PC announced Brian F. McEvoy was promoted to managing partner and Nancy E. Rafuse was named chair of the new labor and employment department. McEvoy is the chair of Polsinelli's government investigations practice group and focuses his practice as a white collar defense litigator handling health care fraud cases and other federal economic criminal matters. Rafuse represents and advises employers on the full range of employment law and litigation issues in today's business environment. The firm is located at 1201 W. Peachtree St. NW, Suite 1100, Atlanta, GA 30309; 404-253-6000; www.polsinelli.com.



RAFUSE



ELISON

Smith Moore Leatherwood announced the addition of Jesse P. Elison and David Lin to the firm's transportation industry group. Elison represents regional and national motor carriers and intermediaries. He brings extensive in-house experience on motor carrier and shipper contracts, commercial transactions, independent contractor agreements, real property leases, accident and freight claims, risk management, regulatory compliance, and labor and employment issues. Lin's practice focuses on representing clients in the transportation industry, including commercial motor vehicle companies and motor carriers, drivers, specialty haulers, bus lines and motor coaches, emergency and non-emergency transportation providers, and insurers. The firm is located at 1180 W. Peachtree St. NW, Suite 2300, Atlanta, GA 30309; 404-962-1000; Fax 404-962-1200; www.smithmoorelaw.com.



LIN

Smith Moore Leatherwood announced the addition of Jesse P. Elison and David Lin to the firm's transportation industry group. Elison represents regional and national motor carriers and intermediaries. He brings extensive in-house experience on motor carrier and shipper contracts, commercial transactions, independent contractor agreements, real property leases, accident and freight claims, risk management, regulatory compliance, and labor and employment issues. Lin's practice focuses on representing clients in the transportation industry, including commercial motor vehicle companies and motor carriers, drivers, specialty haulers, bus lines and motor coaches, emergency and non-emergency transportation providers, and insurers. The firm is located at 1180 W. Peachtree St. NW, Suite 2300, Atlanta, GA 30309; 404-962-1000; Fax 404-962-1200; www.smithmoorelaw.com.



Parker Poe announced the addition of Shaney Lokken as counsel. Lokken focuses her practice on assisting clients in government, higher education, health care and other industries structure and finance a variety of transactions. The firm is located at 1180 Peachtree St. NE, Suite 1800, Atlanta, GA 30309; 678-690-5750; Fax 404-869-6972; www.parkerpoe.com.

IN ATHENS



Fortson, Bentley & Griffin, P.A., announced Elinore "Ellie" Carroll joined the firm as an attorney. Her practice focuses on estate planning, estate administration and elder law. The firm is located at 2500 Daniell's Bridge Road, Building 200, Suite 3A, Athens, GA 30606; 706-548-1151; www.fbglaw.com.

IN AUGUSTA



Hull Barrett, PC, announced that Mitchell B. "Mitch" Snyder joined the firm as an associate in the litigation department. Snyder's practice focuses on general civil litigation with an emphasis on business and commercial disputes, intellectual property and probate litigation. The firm is located at 801 Broad St., Augusta, GA 30901; 706-722-4481; Fax 706-722-9779; www.hullbarrett.com.

IN MACON



Georgia Legal Services Program announced Tomieka R. Daniel was promoted to managing attorney. Daniel's duties include provision of a full range of legal assistance to eligible clients in 23 counties in central Georgia in addition to managing a staff of attorneys, paralegals and support staff. The office is located at 241 Third St. Macon, Georgia 31201; 478-751-6261; Fax 478-751-6581; www.glspl.org.

IN ROME



The Stone Law Group, LLC, announced it has opened an office in Rome managed by attorney Ryals Stone. Stone focuses his practice on individual and corporate plaintiffs in the areas of catastrophic personal injury, wrongful death, products liability, medical negligence, civil fraud/RICO as well as commercial and consumer litigation. The firm is located at 215 Broad St., Suite 115, Rome, GA 30161; 404-239-0305; Fax 229-723-4834; www.stonelaw.com.

IN SAVANNAH



Bouhan Falligant announced Ashley Henson joined the firm as an associate. She will focus her practice on civil litigation. The firm is located at One W. Park Ave., Savannah, GA 31401; 912-232-7000; Fax 912-233-0811; www.bouhan.com.



GALIS

HunterMaclean announced that Allan C. Galis and Heather H. Lundy were elected partners and Nicholas J. Laybourn was named practice group leader for the firm's specialty litigation group. Galis focuses his practice on commercial disputes, contract matters, real estate disputes and products liability. Lundy focuses her practice on commercial disputes, personal injury litigation, transportation matters and real estate litigation. Laybourn's



LUNDY



LAYBOURN

practice includes personal injury defense, business litigation, real estate and construction litigation, trucking litigation and medical malpractice defense. The firm is located at 200 E. Saint Julian St., Savannah, GA 31412; 912-236-0261; Fax 912-236-4936; www.huntermaclean.com.

IN GREENVILLE, S.C.



Clawson and Staubes LLC announced Jeanmarie Tankersley joined the firm as an associate. Tankersley's practice focuses on general defense

litigation. The firm is located at 1000 E. North St., Suite 200, Greenville, SC 29601; 864-546-4393; Fax 864-232-2921; www.clawsonandstaubes.com.

IN HOUSTON, TEXAS

Kilpatrick Townsend & Stockton announced it has opened an office in Houston. The practice will focus on the prosecution and defense of commercial, personal injury, real estate, environmental, energy and insurance litigation across almost all substantive areas of law. The firm is located at 700 Louisiana St., Suite 4300, Houston, TX 77002; 281-809-4100; Fax 281-929-0787; www.kilpatricktownsend.com.

Georgia Bar Foundation Makes \$2,000 Grant to the iCivics Committee of the State Bar



Kitty Cohen, president of the Georgia Bar Foundation, presents the \$2,000 Fellows grant check to Evelyn Davis, chair, iCivics Committee. (Left to right) Len Horton, executive director, Georgia Bar Foundation; Cohen; Hon. Dorothy T. Beasley; and Davis.

The Georgia Bar Foundation awarded a \$2,000 emergency grant to the iCivics Committee of the State Bar of Georgia. The funds were needed to bring a professional trainer of Georgia teachers to the Annual Conference of the Georgia Council for Social Studies in Athens, Oct. 12-13.

iCivics was started by Justice Sandra Day O'Connor in 2009 to try to put civics education back in our nation's schools.

According to Judge Dorothy Beasley, a member of the iCivics Committee, "Justice O'Connor believes that American citizens should be better acquainted with the structures of our government, how it operates at various levels and what their responsibilities and opportunities are as citizens."

Justice O'Connor has tapped into feelings shared throughout Georgia and the nation. Robert Brinson, a lawyer in Rome, Ga., recently told Georgia Bar Foundation Executive Director Len Horton, "We have to get civics back in our schools so our future leaders fully understand our nation and how to get things done while preserving who we are." Brinson went on to suggest that he hoped the fellows of the Georgia Bar Foundation would take an interest in supporting the iCivics Committee and perhaps doing other projects to make sure our children understand our government and how it works.

Georgia Bar Foundation President Kitty Cohen said, "I am pleased that

the Board decided to assist the iCivics Committee of the State Bar in this worthy program by giving them a Fellows grant. Helping to make sure that our teachers are up to speed on this excellent resource is a major step toward having our children informed. Educating our children is the only way to ensure that our future leaders are informed and know how our government functions."

iCivics is an internet-based approach that uses video games to teach middle and high school students how democracy works. As is her style, Justice O'Connor said it clearly: "The practice of democracy is not transferred through the gene pool. It must be taught and learned anew by each generation of citizens."

Evelyn Fletcher Davis, a partner in the firm of Hawkins Parnell Thackston & Young and chair of the iCivics Committee, responded to the grant by saying, "We are so grateful for this grant and the fact the Board of Trustees of the Georgia Bar Foundation understands why this is important and is supporting us."

The Georgia Bar Foundation is the charitable arm of the Supreme Court of Georgia. To show how important the work of the iCivics Committee is to our Court, Justice Carol Hunstein is the honorary chair of the iCivics Committee as well as the liaison justice to the Georgia Bar Foundation. ●

File. What File?

BY PAULA FREDERICK

“Jenna Myers called,” your assistant reports. “She wants a copy of her entire file.”

“I swear we’ve sent her everything twice already,” you say wearily. “But there’s no point in arguing with her about it—she has a right to her file even though she fired us. At least we don’t have the expense of mailing bankers’ boxes now that we’ve gone paperless. Just email whatever she wants.”

“There’s one problem,” your assistant replies. “She wants her cassette tapes back—you know, where she recorded those calls with her ex?”

“So?” you ask impatiently.

“We digitized them, attached them to the electronic file and threw the original cassettes away,” your assistant reminds you. “Her new lawyer is telling her she needs the originals to prove her case.”

“I sure hope he’s wrong,” you muse.

Must a lawyer maintain client documents and property in their original format? If not, what is the lawyer’s obligation to return “originals” to the client when the representation ends?

The Georgia Rules of Professional Conduct certainly do not prohibit a lawyer from converting client documents to a digital format. Lawyers who maintain their records digitally find that they save time and money over the paper-driven file management systems of the past.

But what if the client wants her originals back at some point? And what if the

client does not want the digital file that the lawyer has maintained, but insists on receiving a paper file?

Georgia Rule of Professional Conduct 1.16(d) does require that a lawyer “surrender papers and property to which the client is entitled” upon termination of representation, but it is silent on this particular issue. We in the Office of the General Counsel typically advise lawyers that they should plan to “surrender” the file in the same format that the client delivered it, although we find that often clients are happy to accept a digital copy of their file even when they brought paper to the lawyer.

A lawyer in a paperless office has an obligation to maintain important original documents and property. The office certainly should not destroy originals if it is foreseeable that the client will need them or if they are intrinsically valuable. Doing so could lead to civil liability and possibly to claims of malpractice.

The best bet for a lawyer who “scans and shreds” paper as it comes into the office is to notify clients in advance, so that they have the opportunity to object if they prefer that their file be handled differently. ●



Paula Frederick

General Counsel
State Bar of Georgia
paulaf@gabar.org

Attorney Discipline Summaries

Sept. 13 through Oct. 16, 2017

BY JESSICA OGLESBY

DISBARMENTS

Anthony Sylvester Kerr

4850 Sugarloaf Parkway, Suite 209-312
Lawrenceville, GA 30044

On Sept. 13, 2017, the Supreme Court of Georgia in Case Nos. S17Y1499, S17Y1502 and S17Y1623 disbarred attorney Anthony Sylvester Kerr (State Bar No. 142346). In the first two cases, the State Bar filed formal complaints regarding representation of two clients in 2013 and 2014. In each case, Kerr answered the formal complaint but failed to respond to the Bar's discovery requests.

In S17Y1499, Kerr had previously received an interim suspension for failing to adequately respond in an unrelated disciplinary matter, from Oct. 6, 2014 to Nov. 4, 2014. During this suspension, Kerr was hired by a woman to represent her husband in a criminal matter, but he failed to explain to the client or his wife that he could not practice law because of his suspension, though the wife later learned about the suspension from someone else. The client's wife requested a refund, but Kerr failed to repay the money until she filed a Bar grievance against him. The Bar issued a notice of investigation; Kerr failed to adequately respond until nearly three months later, resulting in a second interim suspension. In mitigation, Kerr had proposed that there were other attorneys available at his firm to handle the matter, that the client had failed to pay Kerr's fee in full and that no action was taken on the

matter adverse to his client. In aggravation, the special master noted Kerr's prior disciplinary history and his substantial experience in the practice of law. His conduct violated Rules 1.16 (a), 1.16 (d), 5.5 (a), 8.4 (a) (4) and 9.3 of the Georgia Rules of Professional Conduct (GRPC).

In S17Y1502, Kerr was hired by a different client in 2013 to represent her in a civil matter concerning an automobile accident. The client paid Kerr \$4,500 towards a \$7,000 fee, and Kerr filed on the client's behalf an answer and counterclaim in the civil case. Following this filing, the client contacted Kerr on numerous occasions to inquire about the case, but Kerr either did not respond or furnished the client with misleading information regarding the case and his representation. The client then unsuccessfully requested a refund and filed a Bar grievance. The Bar issued a notice of investigation to Kerr, but he failed to timely respond under oath until nearly three months later and received a third interim suspension, running in tandem with the second. In mitigation, the special master noted that there were no proposed factors. In aggravation, the factors were present in S17Y1499. His conduct violated GRPC Rules 1.2 (a), 1.3, 1.4, 1.16 (d), 3.2, 8.4 (a) (4) and 9.3.

In S17Y1623, the Bar filed a petition for the appointment of a special master upon learning of Kerr's March 8, 2017, felony conviction, pursuant to a negotiated plea, for client-related deposit

*"He who is his own lawyer
has a fool for a client."*

Warren R. Hinds, P.C.

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account fraud in violation of O.C.G.A. § 16-9-20 (b). Kerr was paid a \$5,000 fee to represent a client in a dental malpractice case. The client asserted that Kerr did nothing on her case. Kerr agreed to refund the money, but the check that he gave her could not be processed because

it was written on a closed account. Kerr then promised to reimburse her in two installments, but failed to do so. The special master found that there were no factors in mitigation of discipline, but noted in aggravation that Kerr had received five interim suspensions during the period from October 2014 to March 2017 in unrelated matters; that Kerr had failed to fully acknowledge the wrongful nature of his conduct; that the victim was vulnerable; and that Kerr had shown an indifference to making restitution.

James Edward Watkins Sr.

18 Atlanta St.
McDonough, GA 30253

On Oct. 2, 2017, the Supreme Court of Georgia disbarred attorney James Edward Watkins Sr. (State Bar No. 740430). Watkins failed to file answers to the formal complaints in two disciplinary cases for his deficient representation and abandonment of two unrelated clients, and was found to be in default.

The first client paid Watkins \$500 in March 2015 to represent her in a contempt action against her homeowners association (HOA). Over several months, the client unsuccessfully tried to contact Watkins for an update on her case. In July 2015, the client went to Watkins' office to inquire about her case and, dissatisfied with his lack of work on the case, asked for a refund. Watkins sent her a letter demanding she never come to his office again. Later, Watkins sent the client a bill for services, a copy of a June 20, 2015, letter from him to the HOA and a copy of an undated contempt motion; the client had not been copied on the June 20 letter allegedly sent to the HOA. Watkins told the client that he had filed the motion for contempt and performed other work on the case, but he had not; he failed to communicate with the client, or to take any action on her behalf.

Watkins was appointed to represent the second client in a criminal case in November 2015 to Watkins, and he entered an appearance. The client had an \$8,000 bond at the time. Watkins did not file any other motions on the client's behalf. He failed to communicate with the client, take any other action on the

client's behalf aside from filing a bond reduction motion and failed to communicate with the prosecutor regarding a plea offer on the basis that he was unsure if he still represented the client. Watkins failed to properly withdraw from the representation, and the client apparently remained incarcerated and unindicted.

Watkins's conduct violated GRPC Rules 1.2, 1.3, 1.4, 1.5 (a) (4), 1.16, 3.2 and 8.4 (a) (4). Aggravating factors were multiple offenses, prior discipline, substantial experience in the practice of law and disregard of the disciplinary process.

Brenden E. Miller

2940 Nightfall Terrace
Douglasville, GA 30135

On Oct. 16, 2017, the Supreme Court of Georgia disbarred attorney Brenden E. Miller (State Bar No. 506214). The State Bar served a Notice of Discipline on Miller by publication after unsuccessful attempts to serve him at his address listed with the Bar. Miller failed to file a Notice of Rejection as to this disciplinary matter, and was found to be in default.

By virtue of default, Miller admitted that he filed a petition for relief for a client in federal bankruptcy proceedings, but the client was thereafter unable to reach Miller. The client then contacted the bankruptcy trustee, who wrote to Miller requesting that he contact his client to assist her, but the client, who was hospitalized at the time and continued to be unable to reach Miller, was allowed to file a motion pro se. The bankruptcy court then entered an order directing Miller to confer with his client and, if necessary, file an amended motion, and the trustee again sought to contact Miller about the status of the matter, but he failed to respond. The court then entered an order sanctioning Miller and suspending him from filing cases until he appeared and showed cause, but he failed to respond to the order, to contact his client or to seek to be removed from the case. Miller's conduct violated GRPC Rules 1.2 (a), 1.3, 1.4, 1.16 (c) and 3.2.

In aggravation, Miller received a prior 12-month suspension for his neglect of another client's bankruptcy matter, see *In the Matter of Miller*, 291 Ga. 30 (2012); he failed to respond to the Notice of In-

vestigation, for which failure he was still under suspension, see *In the Matter of Miller*, S17Y0713 (Dec. 8, 2016); and he had considerable experience in the practice of law.

James Edward Rambeau Jr.

P.O. Box 2403
Norcross, GA 30091-2403

On Oct. 16, 2017, the Supreme Court of Georgia disbarred attorney James Edward Rambeau Jr. (State Bar No. 592845). Rambeau failed to file a Notice of Rejection of a Notice of Discipline filed against him in three underlying grievances and served by publication after he failed to respond to service mailed to the post office box address on file with the State Bar's membership department. He was found to be in default.

The facts, as deemed admitted by virtue of Rambeau's default, show with regard to State Disciplinary Board (SDB) Docket No. 7020 that, in April 2015, a client hired Rambeau to represent her in a civil suit filed in Fayette County Superior Court. He entered an appearance, but thereafter failed to take any action, to appear at any hearing or to seek permission to withdraw, effectively abandoning the client's case. His conduct violated GRPC Rules 1.2 (a), 1.3, 1.4 (a) (4), 1.16 (c) and 9.3.

In SDB Docket No. 7021, a client hired Rambeau in April 2015 to represent her in an employment discrimination case. Although he filed suit on the client's behalf against her employer, he never served the employer with the summons and complaint and therefore the magistrate judge issued a report recommending that the action be dismissed. After the client learned of that recommendation on her own, Rambeau filed an objection to the report and was granted additional time in which to serve the client's employer. Though the client had given Rambeau the funds to pay for the expenses of service, he failed to serve the employer and the case was dismissed in September 2016. Rambeau never told the client about the dismissal order, and failed to refund any of the money she had paid or to account to her for those payments. His conduct violated GRPC Rules 1.2 (a), 1.3, 1.4 (a) (4), 1.15 (I) (c), 1.16 (d) and 9.3.

In SDB Docket No. 7022, Rambeau maintained an IOLTA account at BB&T

Bank. In 2016, the Bank twice notified the Bar that checks written by Rambeau were not paid because of insufficient funds. Rambeau failed to respond to the Bar's Trust Account Overdraft Coordinator's request for an explanation, leading the Investigative Panel to initiate a grievance, to which he failed to respond. His conduct violated GRPC Rules 1.15 (I) (a), 1.15 (I) (c), 1.15 (II) (a) and (b), and 9.3.

David Wesler Fry

10 Indian Cove Road
Augusta, GA 30909

On Oct. 16, 2017, the Supreme Court of Georgia disbarred attorney David Wesler Fry (State Bar No. 278690). As set out in an earlier opinion, in March 2012, Fry entered a guilty plea in the Superior Court of Richmond County under *North Carolina v. Alford* and the First Offender Act, to two felony counts of bribery of county commissioners. He was sentenced to five years' probation on each count to be served concurrently. Fry's probation was terminated in October 2016, and he was discharged without an adjudication of guilt, as is allowed by the First Offender Act.

After remand, the special master held a hearing at which Fry testified and presented evidence. The special master then found that, by virtue of his plea, Fry had violated GRPC Rule 8.4 (a) (2). In aggravation, the special master found that Fry was an experienced member of the Bar. In mitigation, Fry lacked a prior disciplinary history, suffered personal and emotional problems for which he had sought treatment and that there was substantial delay in the disciplinary process. Noting that the case involved no potential or actual injury to a client in the traditional sense, the special master recommended a one-year suspension with conditions for reinstatement. The Court disagreed, noting that Fry has shown no remorse for his crimes, and emphasizing that one important purpose of disciplinary action involves protection of the public's confidence in the legal system. It held that Fry's acts not only indicate that he is unqualified to practice law due to unprofessional conduct, but also that they gravely denigrate public confidence in the legal system.

REVIEW PANEL REPRIMAND

Melissa M. Clyatt

111 Woodrow Wilson Drive
Valdosta, GA 31604

Oct. 16, 2017, the Supreme Court of Georgia imposed a Review Panel Reprimand on Melissa M. Clyatt (State Bar No. 006110). A former client of Clyatt recorded a videotaped statement in May 2014 conveying her grievance. The client died, however, in May 2015, and the formal complaint against Clyatt was not filed until May 2016. Although the parties engaged in extensive discovery, the death of the former client greatly impacted the ability of the parties to marshal the relevant evidence and left several issues about the admissibility of certain evidence. As a result, the parties agreed on a set of stipulated facts under which they agreed the matter would be adjudicated.

According to the stipulated facts, in 2006, Clyatt began representing the client in a catastrophic workers' compensation case, which settled in November 2013. During the course of her representation, Clyatt's relationship with the client evolved into a more personal relationship. At the client's request, Clyatt assisted the client in setting up accounts for the settlement proceeds, and at the client's request placed both her name and the client's on the accounts. Clyatt and the client agreed that the client would allow her to use the settlement money, in return for which the client would receive a set monthly amount as interest, and Clyatt would return any principal amount borrowed upon request. However, this agreement was never reduced to writing, and the client was not informed that she could and should seek the advice of independent counsel before entering into such an arrangement, in violation of GRPC Rule 1.8. In February and March of 2014, Clyatt wrote several checks for large dollar amounts against the account and paid the client the agreed-upon amounts in interest. In late March, the client suffered a severe health event that necessitated a hospitalization and additional nursing and hospice care from the time she was discharged until her death in May 2015. In May 2014, the client called Clyatt and asked her to return the principal amounts

she had withdrawn, which Clyatt did in May and June 2014.

In mitigation, the special master noted that Clyatt had no prior disciplinary record; that she did not have a dishonest or selfish motive; that she made a timely good faith effort to make restitution and had paid interest per their agreement in the interim; that she displayed a cooperative attitude towards the disciplinary proceedings; that she has exhibited remorse; and that a rare, personal relationship had developed between Clyatt and the client, which greatly benefitted the client. In aggravation, the special master noted only Clyatt's considerable experience in the practice of law. Because of the greater weight of the collected mitigating factors and the absence of evidence of malice, deceit or bad faith, the special master found that a Review Panel reprimand is the appropriate sanction in this matter, and the Court agreed.

INDEFINITE SUSPENSION

Vincent Chidozie Otuonye

P.O. Box 13231
Atlanta, GA 30324

On Oct. 16, 2017, the Supreme Court of Georgia accepted Vincent C. Otuonye's (State Bar No. 555470) voluntary suspension of his license to practice law pending the outcome of an appeal of his criminal conviction.

On April 20, 2017, Otuonye was convicted in the Superior Court of Mitchell County on one felony count of Criminal Attempt to Furnish Prohibited Items to Inmates in violation of O.C.G.A. § 42-5-18. Otuonye recognized that his conviction, which constitutes a violation of Rule 8.4 (a) (2) of Bar Rule 4-102 (d), would make him subject to the provisions of Bar Rule 4-106. Stating that he has initiated an appeal of his conviction, however, Otuonye filed this petition requesting that the Court suspend his license pending the resolution of his appeal. ●



Jessica Oglesby

Clerk, State Disciplinary Board
State Bar of Georgia
jessicao@gabar.org

Legal Tech TIPS

BY NATALIE R. KELLY
AND MICHAEL MONAHAN



GETTYIMAGES.COM/SOYONILLUST

1 Medisafe medisafe.com

You've been prescribed a number of medicines, but they can't work if you don't take them. Medisafe is an app that educates you about your conditions and medications and offers progress reports and tips, as well as a "virtual pillbox" where users can see what medications they've taken and what's due to be taken next. Medisafe also offers digital reminders to take your medicine, and allows you to designate a "Medfriend" who will be alerted if your compliance slips and can help keep you on track. Medisafe is available for iOS and Android. #LawyersLivingWell

2 Veterans Legal Checkup veteranslegalcheckup.com

Do you know a veteran? Legal Checkup™ helps veterans identify legal needs in their lives and gives them

straightforward actions and resources (not advice) to help them resolve legal issues. Check it out and share it with a veteran you know.

3 TED Talks for Lawyers www.ted.com/topics/law

TED is a nonprofit devoted to spreading ideas, usually in the form of short, powerful talks. There are currently 48 law-related topics in the TED Talks collection.

4 YouTube and the Lawyer in You youtube.com/user/tipsforlawyers

You can use YouTube to make life and work better—marketing, organizing client education and more. www.TipsforLawyers.com has set up a YouTube channel to help lawyers incorporate video into their practices for marketing and community outreach. Watch a few of the videos and see what you think.

5 iGive Gifts www.lookingglass.mobi/gifts

iGive Gifts helps you track your gift ideas for the holidays and throughout the year, received gifts, upcoming events and, most important, your holiday budget. Free in the iTunes store.

6 Office 365 Groups

Office 365 is spreading its wings, and even though the service has now become very popular among law offices, the functionality within the service's platform has gotten smoother thanks to Groups and its ability to let users create a shared resource block for an Outlook inbox, shared calendar and document library. Office 365 Groups are available for 365 users who have Exchange Online and SharePoint Online. It allows users to work on documents, project plans, meetings and even email together. Users with Exchange-Only 365 plans can use a shared inbox and calendar. Ultimately, Office 365 Groups is a collaboration tool you don't want to miss out on.

7 Cortana www.microsoft.com/en-us/windows/cortana

Think all this talk about AI (Artificial Intelligence) and ML (Machine Learning) is interesting? Then you may be shocked to learn that it's coming





Hey Cortana

standard on Windows machines with the Cortana service. Cortana not only allows for easy—and voice-activated—searching on your newer Windows machines, but she learns about your Windows-based activities and can make suggestions and provide additional information like telling you about an upcoming meeting and providing directions before you need to leave for the meeting location. The machines are truly already here!

8 Ransomware Prevention

www.nomore ransom.org

It's not unheard of for law firms to report their systems have been victims of a ransomware attack these days. To learn more about how you can prevent such malicious online activity and not be duped into paying a ransom from which you may not recover the decryption key to your computers' data, you should check out the help being provided at the website, No More Ransom. The site provides a list of common ransomware and links to decryption tools for each.

Don't forget that keeping machines updated and having three forms of backup checked via a regular restore routine can go a long way to help prevent being out of business for long periods of time if you are subject to a ransomware attack.

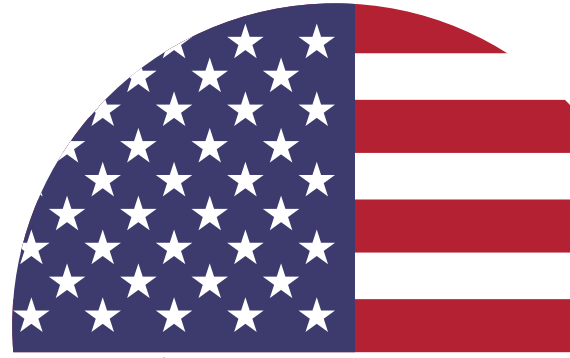
9 VPNs (Virtual Private Networks)

VPNs are getting more attention as users seek more ways to safely navigate the increasingly dangerous Internet, especially when working away from the office. For users needing access to their office network—or any other network that needs more secure access—a virtual private network can provide a secure tunnel which encrypts information being sent between remote computers and devices and your office network. Check out VPN services from reputable companies like NordVPN, TunnelBear VPN, KeepSolid, PureVPN and Private Internet Access VPN if your firm does not already provide such access.

10 Virtru Encryption

www.virtru.com

Virtru is a cloud-based encryption service for email and documents on Google and Microsoft platforms. The service also protects information within Office 365. The service boasts HIPPA compliance, administrative controls and auditing for optimal data security and e-discovery needs.



GETTYIMAGES.COM/JANE_KELLY

Testimonial



Linda Klein
Baker Donelson
Bearman Caldwell
& Berkowitz PC,
Atlanta

Veterans Legal Checkup

veteranslegalcheckup.com

I urge all lawyers and the veterans they know to visit the American Bar Association's veteranslegalcheckup.com, an easy-to-use first step to solve access-to-justice issues of an often-overlooked population. Legal Checkup for Veterans provides free and fast help to identify veterans' legal needs and clear paths to resolution.



NO MORE RANSOM!

Tips for Practice Management Success in 2018

As you work toward firm goals in the New Year, keep these tips in mind to reach greater levels of success in your professional life and practice.

BY NATALIE R. KELLY

Managing a law practice is hard work, but the task can be made more palatable by exercising sound management principles and continually striving for improvement. As you work toward firm goals in 2018, keep these tips in mind to reach greater levels of success in your professional life and practice.

1 Plan for your firm's management.

Don't go into 2018 without a written plan. Even if it's only a few bullet points



about things you want to accomplish over the next 12 months, you should write down what you expect to achieve. Statistics from Cecil Alec Mace's work from 1935 have led researchers to point out that people with written goals are 50 percent more likely to achieve than people without. It is also interesting to note that 92 percent of New Year's goals fail by Jan. 15. We would advise creating a firm management plan that includes action items for each month and schedule quarterly reviews to track your progress.

2 Challenge your "but we've always done it this way" procedures.

Don't fall into the trap of managing things a certain way in your practice simply because that's the way things have always been done. While we are not believers of doing things just for the sake of doing things or fixing what isn't broken, we do advocate that you should take time to review and reflect on your current practices and any tracked data to determine what is working and what needs to be changed. Head into 2018 asking yourself, "Why have we always done things this way?"

3 Don't ignore technology.

The focus on cyber security and data protection looms as one of the first things you should concentrate on in 2018. It's likely you aren't ignoring technology to begin with, but go that extra mile to ensure you take an even broader approach to protecting client information than just protecting your email systems. Review all the technology you use to make sure it is providing you with the level of service required to best manage your caseload and valuable information. Consider your devices and the procedures in place for using them. Look at your physical data storage and the procedures for accessing and using this information. Technology

is a very broad area to cover in practice management, so be diligent and set realistic goals for proper system selection, implementation, training and usage. Track your progress and get additional training, if needed.

4 Don't ignore yourself.

The State Bar of Georgia's Wellness Program is one of the more prominent reminders that you must take care of yourself. Utilize the service to get in touch with yourself as well as to work on your overall physical and mental well-being. Check out books like "Yoga for Lawyers" and other health-focused titles from the Law Practice Management Program. Do things like walking more each day or using a standing desk to move from a sedentary lifestyle to one of more movement and purpose.

5 Leverage knowledge gained from CLE programming and events.

It can often be hard to gain traction with what you learn at continuing education programs, conferences and events. Challenge yourself to take away at least three things from every session or program you attend and follow up on them within the first quarter of the event. Learn to take what you now know and make it a part of your practice going forward. Growing from what you learn is a great way to expand in 2018.

6 Upgrade your performance evaluation process.

Take your evaluation process more seriously and leverage it as a tool to help further develop staff in the new year. Minimize the complaint of staff not producing work the way you need them to or not growing in their positions. Review your performance evaluation procedures to make sure there are ways for staff to eval-

uate themselves; ways for you to point out your staff's weaknesses and to set goals for improvement; and ways for you and your staff to track progress in reaching identified developmental goals.

7 Focus on firm financials.

An area for continued improvement for most firms is in the arena of financial management. Even if there are procedures in place that ensure bills are sent and clients understand what is expected of them financially, many lawyers struggle with understanding how to properly set up and maintain their client trust accounts, or have not figured out a strategic way to increase revenue without raising their hourly rates or flat fees. Using the data from previous clients' bills and from your bookkeeper or accountant, you should be able to set realistic financial goals for your practice, i.e., 4 percent increases in revenue over the next quarter with new marketing campaign or increase lawyer income by \$1,500 over the next six months.

Begin 2018 with a written budget for the firm. Review the various aspects of your firm's financial operations and take incremental steps toward improving rates of return with effective billing and accounting procedures. Keep your focus on improvement for all of your firm's numbers.

While none of these tips can guarantee practice management success, you can use them to make steady progress in your law practice in 2018 and beyond. If you need help with any forms, checklists, articles or other information in the New Year, those resources are available to you through the State Bar's Law Practice Management Program. Happy New Year! ●



Natalie R. Kelly

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State Bar of Georgia

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Service to the Community, a Gift to the Profession

The Access to Justice Committee and the Pro Bono Resource Center of the State Bar of Georgia confer several annual pro bono awards for outstanding service to the profession and the public.

BY MIKE MONAHAN



PHOTOS BY TINA HALL PHOTOGRAPHY

The 2017 Pro Bono Awards reception was held on Nov. 15, at the Glenn Hotel SkyLounge with State Bar president Brian D. “Buck” Rogers delivering the awards. Ashley Akins, a member of both the Bar’s Access to Justice Committee and the YLD’s Pro Bono Committee, emceed the event.

In place of the Pro Bono column in this edition of the *Bar Journal*, I present to you the recipients of the 2017 State Bar of Georgia Access to Justice and Pro Bono Awards. On behalf of the Access to Justice Committee and the Pro Bono Resource Center, I thank these dedicated lawyers and law students for improving the justice system for Georgians who need critical legal help and for enhancing the profile of the Georgia lawyer. We appreciate you and your commitment to pro bono publico services.

H. Sol Clark Award

The H. Sol Clark Award is named for former Georgia Court of Appeals Judge Clark of Savannah, who was known as the

State Bar President Brian D. “Buck” Rogers presents the H. Sol Clark award to Julia H. Sullivan, Stone & Sullivan, LLC, Savannah.

“father of legal aid in Georgia.” The Clark award honors an individual lawyer who has excelled in one or more of a variety of activities which extend legal services to the poor. This year’s recipients were Hon. Catherine Salinas, U.S. District Court Magistrate, Atlanta; and Julia H. Sullivan, Stone & Sullivan, LLC, Savannah.

William B. Spann Jr. Award

The Spann Award is given each year either to a local bar association, law firm or a community organization in Georgia which has developed a pro bono program that has satisfied previously unmet needs or extended services to underserved segments of the population. The award is named for a former president of the American Bar Association and former executive director of the State Bar of Georgia. This year’s recipient was the Georgia Applesseed Center for Law and Justice.

A Business Commitment Award

The Pro Bono Business Law Award honors the business law pro bono contributions of an individual lawyer, corporate legal department or law firm to the non-profit community development sector in Georgia. This year’s recipient was the Atlanta Office of Troutman Sanders LLP.

Dan Bradley Award

The Dan Bradley Award honors the commitment to the delivery of quality legal services of a lawyer of Georgia Legal Services Program or the Atlanta Legal Aid Society. The award honors the memory of Georgia native and Mercer Law graduate Dan J. Bradley, who was president of the federal Legal Services Corporation. This year’s recipient was Michael Tafelski, Georgia Legal Services Program, Inc., Atlanta.

Law School Excellence in Access to Justice Awards

Created by the State Bar of Georgia Access to Justice Committee, the Law School Excellence in Access to Justice Award is

PRO BONO STAR STORY **MIKE MONEY**



Mike Money
Edwards McLeod & Money PC
Douglasville, Ga.

Mike Money has worked as a partner at Edwards, McLeod and Money P.C. since 1997. The Douglasville attorney practices in the areas of family law, criminal law, probate law and general civil litigation. He graduated from Georgia State University College of Law in 1996 after earning his B.A. in English at Auburn University in 1987.

Mike was introduced to public interest work in 1988 while a paralegal at King & Spalding. He has volunteered with a variety of organizations including Georgia Legal Services Program, the AIDS Legal Project, Cystic Fibrosis Foundation, Habitat for Humanity and Douglas County’s Special Olympics. He served as an officer in the Douglas County Bar Association, and was president from 2006-08. He was the attorney coach of Alexander High School’s mock trial team for 11 years, advancing to the state competition in five of those years.

Mike recently volunteered with Georgia Legal Services to handle a guardianship issue on behalf of a paternal grandmother who had expressed a need in gaining some legal authority over her grandson. He quickly decided that the grandmother needed more than a guardianship. Suddenly it was

not a simple volunteer case after all. The grandmother was seeking custody of her grandson for a number of reasons: public school, public assistance, health insurance, health care and the need to limit negative influences from the child’s parents.

Neither parent consented to the petition as neither wanted to be liable for child support. The grandmother prepared a list of “please admits” for Mike that he used in drafting and serving Requests for Admissions upon the Respondents. Those requests coupled with unanswered discovery led to the court granting the grandmother’s Petition for Custody, which will now provide her 8-year-old grandson the stability he needs to flourish and be cared for the way he deserves.

Like most lawyers in smaller law firms, Mike can’t afford to provide this level of service on a pro bono basis all the time. He has helped Georgia Legal Services Program with several matters over the years, but none required this level of attention. Mike believes that “all of us attorneys can do a little bit more, even on our tighter budgets, to make the world a better place.” ●



(Left to right) Jennifer A. Huber (1L), 1L representative, Emory Law IRAP Chapter; Christina Zeidan (3L), past president of Emory Law IRAP Chapter; Fiona O'Carroll (3L), president, Emory Law IRAP Chapter, receive the Law School Excellence in Access to Justice Award on behalf of the Emory Law School Chapter of the International Refugee Assistance Project from President Brian D. "Buck" Rogers.



Sharon Hill, executive director, Georgia Appleseed, and John H. Fleming, partner, Eversheds-Sutherland LLP, receive the William B. Spann Jr. Award on behalf of the Georgia Appleseed Center for Law and Justice from President Brian D. "Buck" Rogers. (Left to right) Hill, Rogers, Fleming.

open to all law students currently enrolled in or graduating from an accredited Georgia law school and the all student groups of Georgia law schools.

The Law School Excellence in Access to Justice Awards recognize an individual law student and a law student group or group activity. The Student Award specifically recognizes a law student who has excelled in participation in support of a civil pro bono or legal aid program or who has developed or has been instrumental in the development of a civil pro bono program satisfying previously unmet civil

legal needs or extended services to underserved segments of the population. The Group Award also specifically recognizes a law student-led group or activity that has demonstrated an effective mechanism in addressing the civil legal needs of the community or that has demonstrated a high level of participation and commitment of its members to provision of civil legal services to the poor in the community. The 2017 Law School Excellence in Access to Justice Group Activity Award was presented to the Emory Law School Chapter of the International Refugee As-

sistance Project. The Law School Excellence in Access to Justice Group Individual Student Award was presented to Meghan Flanagan, University of Georgia; Andrew Navratil, Georgia State University College of Law; and McKinley Anderson, Georgia State University College of Law. ●



Mike Monahan
Director
Pro Bono Resource Center
mikem@gabar.org

“And Justice for All”

2017 State Bar Campaign for the Georgia Legal Services Program, Inc.

If You Don't Stand for Justice for All, Who Will?

Give Today at www.glsp.org (Click on Donate Now)



The Culver family was evicted from their home when the landlord failed a federal inspection. The landlord responded by evicting the Culvers and denying the return of their security deposit. With legal assistance from the Georgia Legal Services Program (GLSP), the Culvers had the wrongful eviction reversed, maintained their housing and clean credit rating, and received treble damages against the landlord for the failure to return the security deposit. GLSP's involvement was vital in keeping this family together.

Evictions can be complicated and detrimental to the stability of working families. Homeless families lose jobs looking for another place to live. Their children miss school for long periods that often lead to dropping out. With few other affordable housing options, homeless families relocate to housing that is not better, but has more housing problems, or they move into neighborhoods that are not safer, but have higher crime rates. They pay up to 80% of their incomes for rent to live in housing that is usually indecent or substandard, because too many landlords fail to maintain the properties and pocket the cash, instead, for their own benefit. GLSP's work on eviction cases maintains housing and keeps families together.



**2017 “And Justice for All” State Bar Campaign
for the Georgia Legal Services Program®**



Please give at www.glsp.org (click on Donate Now) and help more vulnerable clients obtain justice and opportunities out of poverty.

Fastcase 7: Checking Your Citations

Fastcase training classes are offered three times a month at the State Bar of Georgia in Atlanta for Bar members and their staff. Training is available at other locations and in various formats and will be listed on the calendar at www.gabar.org. Please call 404-526-8618 to request onsite classes for local and specialty bar associations.

BY SHEILA BALDWIN

Fastcase is the legal research tool provided as a member benefit to all members of the State Bar of Georgia. Access to Fastcase is available through the member account login on the Bar's website. Often people ask how Fastcase differs from other legal research services. They also want to know if it can Shepardize a case. This article will address these questions and outline a good approach to citation checking.

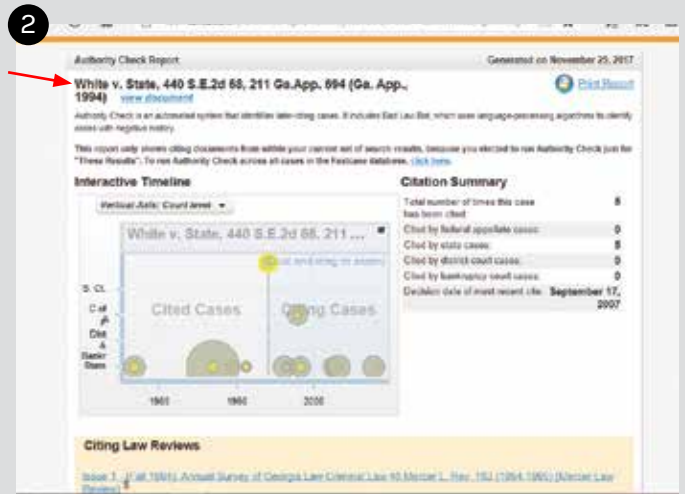
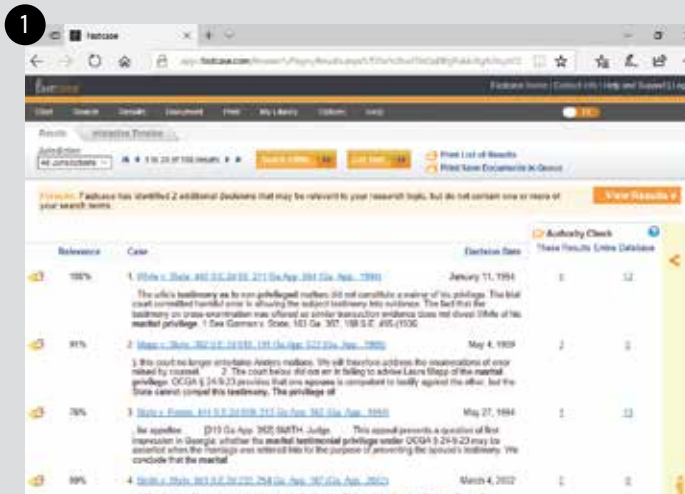
Fastcase is a fully electronic search engine that uses algorithms to find cases based on relevance, date decided and case name. It also finds all later citing cases and creates a "super relevant" subset of those cases found within my search results. Understanding how to create a good query using Boolean terms and connectors brings the most valuable results. In addition to locating cases, the database contains relevant legal materials such as statutes, rules, law reviews and other materials accessible through your State Bar account.

No editor is organizing, editing or creating summaries or headnotes in Fastcase. Instead, Fastcase has an amazing algorithm that displays all cases that cite to your case and provides hyperlinks to other cases cited within the case and makes it easy to find the exact paragraph where your case is cited. Within Authority Check, Bad Law Bot flags cases for which it sees negative treatment; however, Fastcase itself warns, "This is not a complete citator like Shepard's." Importantly, Authority Check only lists later citing cases in the Fastcase database.

Suppose you find a case that seems to be relevant and highly cited. How do you check to see if it is still good law? Begin this process by using Authority Check, which is available from your results screen or from the document view of the case. Authority Check displays a hyperlinked list of later-citing cases to let you see when your case was cited and how it was treated. The following steps describe

how to check your cases and find more relevant material using this feature.

During your initial search you enter the terms (testimon* or marital) /3 privileg* and (spouse or wife) within Georgia and find 108 cases. *White v. State* is the most relevant and has been cited a number of times. At the far right of your screen you will see two numbers both having links to all cases that cite to *White v. State* (see fig. 1). The hyperlinked numbers correspond to the number of times the case was cited in the Fastcase database. The "entire database" column refers to all cases that cite to your case and the "these results" column is a subset of those cases that are also in your search results, thus making them the most relevant cases. By clicking on the hyperlinked number under "these results," Authority Check opens to display five cases that cite to *White v. State* and are also in the initial search results. The report is designed in such a way that makes analysis easy. At



the top of the screen you can see the case name and parallel citations with a link to view the case as well as a link that allows you to easily broaden the search to include all cases in the Fastcase database (see fig. 2).

The Interactive Timeline on the left side of the screen features a variety of options to filter your citing cases in three dimensions so you see your case mapped out in a visual timeline. By clicking on a link, the timeline opens to give full access. A summary at the right of the timeline breaks down the number of times the case has been cited by jurisdiction. It also conveniently shows the last date your case was cited.

Below this area you may see a yellow highlighted area where cases that indicate negative treatment are flagged using the Bad Law Bot icon and a red flag and the warning that “this is a limited form of negative history. . . . Bad Law Bot uses algorithms, not human editors. If you see

no negative history that does not necessarily mean that your case is good law” (see fig. 3). Carefully review any case with this designation to determine if it does represent negative history on your point of law. If not, the case in question may still support your case. In our example of *White v. State*, there are no citing cases that indicate negative treatment. Instead we find a list of all Citing Law Reviews which will be useful to gain more complete or relevant information to prove our case. Notice that Fastcase points you to the exact paragraph that discusses your case within the law review article for quick review.

Below the law reviews is a list of all citing cases (see fig. 4). The cases are listed with the most recent at the top and a filter is included that allows you to narrow to a single jurisdiction. Authority Check makes it easy to view the five cases by showing the paragraph that cites your case and giving an option to open

the entire case in the document view so you can read it in context. At this point, you should have a good idea if you have a good case, and you may have gathered other relevant cases or information to complete your research.

Fastcase is a great member benefit. If you are not getting the greatest advantage from using it for your research you may want to schedule a training. Visit the calendar on the Bar’s website to sign up for a webinar by Fastcase experts or choose to attend a live training at the Bar. CLE credit is available for either option. Please feel free to contact me at sheilab@gabar.org, or call 404-526-8618 with any questions. ●



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Augmenting Your Research, Writing and Editing With Artificial Intelligence

Whether research and writing can ever fully be automated is not yet clear, but lawyers need to be aware that the future will require us to rely upon artificially intelligent systems to deliver better written work, at lower prices, to our clients.

BY KAREN J. SNEDDON AND DAVID HRICK



GETTYIMAGES.COM/WIGGLESTICK

Artificial intelligence is here. Netflix suggests movies that you might like to watch. It analyzes what you have watched in the past, identifies the movies that others have watched similar to yours and suggests those to you. Amazon does basically the same thing when suggesting products you might like to purchase. Those are just two examples, and the use of artificial intelligence is going to continue to increase. This installment of “Writing Matters” showcases the role that artificial intelligence can play, now, in legal research and writing.

Artificial intelligence has long been present in legal research. When was the last time you physically picked up the Shepard’s books and “Shepardized” cases through the maroon books, then the yellow ones and finally the pocket parts? (Does that order sound familiar? If not, we understand. It has been a while!) Today, you likely instead use an online legal research service which instantly displays the results of an automated analysis, explaining the subsequent history of a case with details including whether it was simply cited, analyzed and explained, and how deeply.

Artificial intelligence in legal research is combining with artificial intelligent writing. This is happening, now. For example, in October 2017, Lexis introduced “Lexis Answers.” No longer do you run a search and then read the cases and write a synthesis of the law: Lexis will do that for you. Likewise, there are services available already which “write” legal memoranda, review contracts and provide feedback on various forms of legal writing.

We will identify and describe a few of these services. Some predict that these services may someday replace lawyer writing and review. When and whether this may happen is unclear. But the potential—today—for these services to augment research, writing and review is already apparent.

Examples of Artificial Intelligence Available for Legal Research and Writing

Contract Review Systems

Most contracts, of course, are performed without dispute or controversy. Thus, the time spent reviewing each contract needs to be short given the unlikely potential for any mistake to truly matter. New services automate review and help to identify potential problems for lawyer review. (This, in turn, reduces the transaction costs.)

One of those services is Lawgeex.com. For a monthly fee, a lawyer can submit contracts for an artificially intelligent system to review. The system allows lawyers to input specific polices that their client requires, submit a contract and receive a report that identifies clauses that have general problems or violate those polices. Supposedly, it can reduce the time to review a contract by 80 percent. The service should be viewed as a tool for lawyers and a benefit to clients: it allows lawyers to focus their time and judgment on fixing problems, not spotting them.

Legal Research

For several years now, the larger online legal research services have been using artificial intelligence. For example, when search results are displayed, Westlaw indicates that *it* has identified additional cases that, while not responsive to the search, it “thinks” are relevant to the issue you are researching.

Enter RossIntelligence.com. This service relies upon artificial intelligence to augment user searches to a much greater extent. The service states that it can reduce research time by about 25 percent. The good: more lawyer time can be billed rather than written off as “inefficient.” The bad: we may need fewer lawyers. And the service reports that the amount of efficiency gained will only increase as the system “learns” more about legal research and the law.

Forensic Analysis Consultations

QUESTIONED DOCUMENTS ANALYSIS (Handwriting)

Former: Police Academy Professor–FBI Academy Graduate
University Professor in Criminal Justice at the Master Program
Doctoral and Master degrees in Criminal Justice
Qualified Expert by State & Federal courts in more than 400 cases
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Memorandum Writing. Yes, Writing.

Although still in their infancy, services like Ross Intelligence actually provide written memorandum, not just providing legal research results. One lawyer who used the services said that the result was “indistinguishable from a memo written by a lawyer.”

Lexis has developed “Lexis Answers” as a similar product. Like Ross’s service, it augments legal research, and along with the search results, it includes a “card” containing a summary of the law disclosed in those cases.

Conclusion

Whether research and writing can ever fully be automated is not yet clear. Just as Netflix and Amazon’s recommendations are not always accurate, automation has yet to replicate the nuances possible by human review, thought and writing.

The good news is that Skynet is not yet self-aware, but lawyers need to be aware that the future will require us to rely upon artificially intelligent systems to deliver better written work, at lower prices, to our clients. In future installments, we will discuss other services and systems, and address their limitations. ●



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

ENDNOTES

1. A concise video explaining in the context of legal research of what artificial intelligence, and machine learning, are, is available here: <https://vimeo.com/223300703>.
2. Document assembly programs has been in widespread use for decades and may be used to create a variety of documents. For an exploration of document assembly programs, see Henry J. Lischer, Jr., et al., *What is Document Assembly?—Document Assembly Compared with Traditional Forms of Document Preparation*, 16 WEST’S LEGAL FORMS, ESTATE PLANNING § 3.4. See also Carol L. Schlein, *Take Your Document Production Further: Document Assembly Software Can Help Remove Tedium & Risk from Drafting*, 24 No. 17 LAW. PC 5 (June 1 2007).
3. A white paper on the Ross Intelligence web page reports this information.
4. Steve Lohr, *A.I. Is Doing Legal Work. But It Won’t Replace Lawyers, Yet*, N.Y. Times March 19, 2017 (available here: https://www.nytimes.com/2017/03/19/technology/lawyers-artificial-intelligence.html?_r=0).



Karen J. Sneddon is a professor of law at Mercer University School of Law.

Educational Interventions to Cultivate Professional Identity in Law Students: 17th Annual Georgia Symposium on Professionalism and Ethics

The goal of the symposium was to explore effective ways to intervene in a student's legal education, through courses or otherwise, to try to cultivate the right kind of professional identity.

BY PROF. PATRICK E. LONGAN

In 1999, Hon. Hugh Lawson, now a Senior U.S. District judge for the Middle District of Georgia, oversaw the settlement of a matter that involved allegations of litigation misconduct. As part of the settlement, four of Georgia's law schools each received an endowment to fund annual symposia programs. The symposium series began in 2001 and rotates among Mercer University, Georgia State University, the University of Georgia and Emory University.

Mercer University School of Law recently hosted the 17th Annual Georgia Symposium on Professionalism and Ethics. The theme of the symposium was "Educational Interventions to Cultivate Professional Identity in Law Students." That title deserves some explanation. In its 1996 report, "Teaching and Learning Professionalism,"¹ the Professionalism Committee of the American Bar Association Section on Legal Education and Admissions to the Bar recommended that law schools devote more attention in the curriculum to lawyer professionalism. Eight

years later, Mercer Law School responded to that call and added a first-year required professionalism course, The Legal Profession. We undertook through that course to "teach professionalism."

We have gradually come to the conclusion that "teaching professionalism" is only a small part of the larger mission. That larger mission gave us the theme of the symposium: the cultivation of professional identity in our students. The ultimate goal is for our students to become lawyers who will faithfully fulfill the purposes of the profession. Knowing the tenets of "professionalism" is necessary for that purpose but not sufficient. David Brooks captured the broader picture when he wrote, "Our institutions depend on people who have enough engraved character traits to fulfill their assigned duties."² An "engraved character trait" is a part of a person's identity, and the institutions of the law depend upon lawyers having the kind of professional identity that will dispose them to fulfill their duties and thereby preserve the institutions

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I believe that there is no better long-term way of promoting ethics and professionalism among lawyers than to graduate students who have internalized, personal commitments to the virtues necessary for the fulfillment of the purposes of the legal profession.

of the law. A law school cannot “teach” professional identity. The development of professional identity requires more than the transmission of knowledge. But law school inevitably “cultivates” professional identity, for better or worse, by everything that happens during a student’s legal education. The goal of the symposium was to explore effective ways to intervene in a student’s legal education, through courses or otherwise, to try to cultivate the right kind of professional identity.

We sought and received the help of other disciplines. Prof. Clark Cunningham from Georgia State University College of Law spoke at the symposium and collaborated with two distinguished psychologists, Muriel Bebeau, University of Minnesota, and Steven Thoma, University of Alabama, on an article regarding the role of social science research in formulating and assessing educational interventions related to professional identity formation.³ Prof. Larry Krieger from Florida State University School of Law reported on the results of his work with Professor of Psychology Kennon Sheldon on the connections between professional identity and lawyer satisfaction. Prof. Elizabeth Vozzola, University of St. Joseph, West Hartford, Conn., brought to us her insights from the field of moral psychology.

We needed guidance from other professions as well. Lt. Col. Benjamin Grimes, deputy director, Professional Responsi-

bility Advisory Office at the U.S. Department of Justice, started the symposium by describing his experience with professional identity formation at West Point. We also heard from Dr. Richard Cruess and Dr. Sylvia Cruess, Center for Medical Education, McGill University, leading experts on the cultivation of professional identity in medical school. Dr. Larry Golemon, executive director, Washington Theological Consortium, Washington, D.C., described his experience with identity formation in clergy education.

Law professors (in addition to Cunningham) also contributed to the success of the symposium. Professors Tim Floyd from Mercer and Kendall Kerew from Georgia State provided a detailed look at a particular type of “educational intervention,” the academic component of a field placement program. Prof. Emeritus Jack Sammons from Mercer spoke at the symposium and brought his deep philosophical perspective to the question of professional identity and “the art of self.” Prof. Mark Jones from Mercer helped to plan the symposium and contributed his article on the development of virtue and practical wisdom as components of professional identity. Prof. Neil Hamilton, St. Thomas University School of Law, Minneapolis, Minn., shared his work on assessment of professional identity formation learning outcomes, particularly with respect to the need for proactive professional development.

I believe that there is no better long-term way of promoting ethics and professionalism among lawyers than to graduate students who have internalized, personal commitments to the virtues necessary for the fulfillment of the purposes of the legal profession. The 17th annual Georgia Symposium on Professionalism and Ethics was an important step in improving how law schools can go about this crucial task. ●



Prof. Patrick E. Longan holds the William Augustus Bootle Chair in Ethics and Professionalism in the Practice of Law at the Mercer University School of Law and is the Director of the Mercer Center for Legal Ethics and Professionalism.

This article is adapted from Patrick Emery Longan, Educational Interventions to Cultivate Professional Identity in Law Students: Introduction, 68 Mercer Law Review 579 (2017).

Endnotes

1. Teaching and Learning Professionalism, Report of the Professionalism Committee, American Bar Association Section of Legal Education and Admissions to the Bar (1996).
2. David Brooks, When the World is Led by a Child, *New York Times*, May 16, 2017.
3. The articles from the symposium have been published in volume 68 of the *Mercer Law Review*.

In Memoriam honors those members of the State Bar of Georgia who have passed away. As we reflect upon the memory of these members, we are mindful of the contributions they made to the Bar. Each generation of lawyers is indebted to the one that precedes it. Each of us is the recipient of the benefits of the learning, dedication, zeal and standard of professional responsibility that those who have gone before us have contributed to the practice of law. We are saddened that they are no longer in our midst, but privileged to have known them and to have shared their friendship over the years.

DAVID CHARLES ATEs
Roswell, Ga.
Emory University School of Law (1991)
Admitted 1991
Died October 2017

TRACEY VALERIE BAsET
Stone Mountain, Ga.
University of California Berkeley School of Law (1988)
Admitted 1989
Died July 2017

RANDALL K. BART
Savannah, Ga.
University of Georgia School of Law (1978)
Admitted 1978
Died August 2017

HELEN BERENTHIEN
Columbus, Ga.
Mercer University Walter F. George School of Law (1970)
Admitted 1970
Died August 2017

MORRIS E. BRASWELL
Santee Nacoochee, Ga.
Atlanta's John Marshall Law School (1978)
Admitted 1978
Died February 2017

WILLIAM E. EASON JR.
St. Simons Island, Ga.
Duke University School of Law (1968)
Admitted 1968
Died September 2017

J. MELVIN ENGLAND
Roswell, Ga.
University of Georgia School of Law (1956)
Admitted 1959
Died September 2017

MERLE JEROME KESSLER
Franklin, N.C.
Harvard Law School (1965)
Admitted 1964
Died August 2017

PHYLLIS A. KRAVITCH
Atlanta, Ga.
University of Pennsylvania Law School (1943)
Admitted 1944
Died June 2017

FASHA SHVONNE LEWIS
Augusta, Ga.
Howard University School of Law (2005)
Admitted 2005
Died June 2017

PAUL J. LIVELY
Tucker, Ga.
Atlanta's John Marshall Law School (1984)
Admitted 1984
Died October 2017

DELANO MAURICE
Savannah, Ga.
Mercer University Walter F. George School of Law (1955)
Admitted 1955
Died August 2017

DONNELL JAMES MCCORMACK JR.
Smyrna, Ga.
University of Memphis Cecil C. Humphreys School of Law (1979)
Admitted 1998
Died September 2017

LARRY THOMAS MCLEAN JR.
Charlotte, N.C.
University of North Carolina School of Law (1997)
Admitted 1997
Died June 2017

JUDITH A. MINNES MCLEOD
Weddington, N.C.
University of Georgia School of Law (1997)
Admitted 1997
Died March 2017

N. FORREST MONTET
Atlanta, Ga.
University of Virginia School of Law (1956)
Admitted 1956
Died September 2017

CATHERINE MARCENE O'NEIL
Atlanta, Ga.
Harvard Law School (1990)
Admitted 1990
Died October 2017

DOROTHY A. ROBINSON
Marietta, Ga.
St. Louis University School of Law (1967)
Admitted 1967
Died August 2017

KEITH DAVID SIVER
Atlanta, Ga.
Georgetown University Law Center (1991)
Admitted 2004
Died October 2017

JOHN W. TAYLOR
Roswell, Ga.
Woodrow Wilson College of Law (1960)
Admitted 1961
Died March 2017

PAUL HENRY TIETZ
Savannah, Ga.
Duke University School of Law (1975)
Admitted 2013
Died October 2017

GERALD J. VAN BUSKIRK
Deerfield Beach, Fla.
Woodrow Wilson College of Law (1985)
Admitted 1987
Died February 2017

REBECCA CHRISTINA WALL
Atlanta, Ga.
University of Georgia School of Law (1997)
Admitted 1997
Died March 2017

ELIZABETH ANN WHIPPLE
Tuscaloosa, Ala.
University of Alabama School of Law (2007)
Admitted 2008
Died April 2017

BERANTON JAMES WHISENANT JR.
Miami, Fla.
University of Florida Fredric G. Levin College of Law (2004)
Admitted 2013
Died May 2017

GLENN WHITLEY
Tifton, Ga.
University of Georgia School of Law (1962)
Admitted 1961
Died August 2017

PERCY V. WILLIAMS II
Conyers, Ga.
University of Georgia School of Law (1986)
Admitted 1987
Died September 2017

OBITUARIES



U.S. Court of Appeals Senior Judge Phyllis Adele Kravitch of Atlanta died June 15, 2017, at Piedmont Hospital. At age 96, she was the oldest female member of the State Bar of Georgia.

A native of Savannah, Kravitch was a pioneer among women in the legal profession.

She earned an A.A. degree from then-Armstrong Junior College in Savannah and a B.A. degree from Goucher College in Towson, Md. She graduated in 1943 with an LL.B. degree from the University of Pennsylvania Law School, where she served on the Law Review Board of Editors.

She entered the private practice of law in 1944 and served as the first woman president of the Savannah Bar Association in 1975. The following year, Kravitch became the first woman elected to a Superior Court judgeship in Georgia history, serving in the Eastern Judicial Circuit (Chatham County).

In 1979, Kravitch was nominated by President Jimmy Carter as the first female U.S. Circuit Court judge in Georgia and the third in the nation. She served on the U.S. Court of Appeals from the Fifth Circuit (1979-81) and the 11th Circuit (1981-1996) before taking senior judge status until fully retiring in 2015.

According to the *New York Times*, "Judge Kravitch wrote hundreds of opinions on the 11th Circuit Court involving, among other issues, the rights of migrant workers, affirmative action, employment discrimination and the treatment of Haitian refugees and Cuban spies."

The Savannah Bar Association established the Judge Phyllis Kravitch Scholarship to assist law school students with the cost of their education, stating, "The fairness, patience and wisdom of Judge Kravitch serve as an inspiration not only to all lawyers and judges but to the community at large."

A public memorial service for Judge Kravitch was held Sept. 18, 2017, at the Elbert P. Tuttle Courthouse in Atlanta, with 11th Cir-

cuit Chief Judge Ed Carnes presiding. Speakers included U.S. Supreme Court Justice Clarence Thomas; 11th Circuit Judge R. Lanier Anderson; Aaron Scharf, nephew of Judge Kravitch; Norman E. Zoller, former 11th Circuit executive; and U.S. District Court Judge Valerie E. Carponi of the Southern District of New York, a former law clerk to Judge Kravitch. ●



Hon. Dorothy A. Robinson, 79, of Marietta, died in August 2017. Born in Brooklyn, N.Y., Robinson attended Catholic school in Queens before attending nearby St. Johns University where she studied business. She attended law school at St. Louis University, where she met her husband, Hugh. The couple moved to Georgia in 1967 and Robinson began practicing law in Marietta that same year.

Robinson developed a reputation for success as a criminal defense lawyer, which brought her to then-Gov. Jimmy Carter's attention as a judicial appointment. The state and superior court judge served Cobb County for 40 years. She was the first woman in Georgia appointed to a court of record when Gov. Carter appointed her to the Cobb County State Court in 1972. In 1980, Robinson ran for Cobb County Superior Court, unseating an incumbent. She held the seat until her retirement in 2012. Five years later, in 1985, Robinson became the first woman in the Supreme Court of Georgia's 140-year history to be asked to sit on that court's bench as a temporary judge.

Robinson was the first woman president (1979-80) of the State Trial Judges and Solicitors Association (now the Council of State Court Judges). She was a past president of the Georgia Association for Women Lawyers and the first woman chief judge of the Cobb Judicial Circuit (1995-97). Robinson was also one of the first in the state to require motorists convicted of driving under the influence to attend alcohol counseling courses. ●

Memorial Gifts

Memorial Gifts are a meaningful way to honor a loved one. The Georgia Bar Foundation furnishes the Georgia Bar Journal with memorials to honor deceased members of the State Bar of Georgia. Memorial Contributions may be sent to the Georgia Bar Foundation, 104 Marietta St. NW, Suite 610, Atlanta,

GA 30303, stating in whose memory they are made. The Foundation will notify the family of the deceased of the gift and the name of the donor. Contributions are tax deductible. Unless otherwise directed by the donor, In Memoriam Contributions will be used for Fellows programs of the Georgia Bar Foundation.

Business and Commercial Litigation in Federal Courts, 4th Edition

Editor, Robert L. Haig
(in cooperation with the ABA Section of Litigation)

REVIEWED BY HENRY D. FELLOWS JR.

All of us are bombarded on a weekly basis with offers from publishers of legal treatises and research tools to purchase their products. It is difficult to assess the value of the assorted legal research materials offered to us. Ultimately, the value of a given treatise is a function of how frequently we use and rely upon that treatise for our legal research needs.

During the past 12 years, this reviewer has frequently used and relied upon the evolving editions of "Business and Commercial Litigation in Federal Courts." Time and again, I have found the answer to a legal question or a possible solution to a difficult legal issue in the extremely well written volumes of this treatise. Therefore, I can assure you that the cost/benefit ratio associated with our firm's purchase and use of "Business and Commercial Litigation in Federal Courts" has been very positive.

Through the continued excellent editorial supervision of Robert L. Haig, the

fourth edition of "Business and Commercial Litigation in Federal Courts" provides business litigators and trial attorneys with user-friendly substantive, procedural, and strategic analysis and tips. Twenty-five new chapters have been added to the treatise, and the chapters of the previous edition have been substantially expanded. The updated 14 volume set also includes a useful CD-ROM which contains valuable forms, checklists and jury instructions.

The fourth edition of this publication contains the work of 296 principal authors, including 27 federal judges and seasoned trial attorneys whose practice is devoted to business and commercial litigation. The 14 volumes of the treatise combine in-depth treatment of federal civil procedure with substantive law. The authors present helpful strategies for the representation of both plaintiffs and defendants in the most frequent types of commercial cases, including antitrust, banking, business torts, contracts, deriva-

This reviewer recommends that every law firm that practices business litigation in federal courts acquire this fourth edition. It will pay for itself over and over again.

tive actions, franchising, insurance, intellectual property, professional liability, sale of goods and securities litigation. The volumes comprehensively address equitable and monetary relief, and remedies sought by plaintiffs and defenses to those remedies asserted by defendants.

Several Georgia practitioners wrote excellent chapters for the fourth edition, including Daniel J. King and John P. “Pat” Brumbaugh, partners of King & Spalding, on “Sanctions”; Harold T. “Hal” Daniel Jr., partner of Holland & Knight, on “Litigation Management by Law Firms”; Todd R. David and Lisa R. Bugni, partners of Alston & Bird, on “Executive Compensation”; and Chilton Davis Varner and Stephen B. Devereaux, partners of King & Spalding, on “Food and Drug.”

The chapter on “Sanctions” by King and Brumbaugh includes a useful discussion of sanctions under Fed. R. Civ. P. 11, considerations in bringing sanctions motions, considerations in defending against sanctions motions, discovery sanctions, sanctions under 28 U.S.C. § 1927, civil contempt sanctions and appellate sanctioning power. The authors have included helpful checklists for each type of sanction.

The chapter on “Litigation Management by Law Firms” by Daniel provides a comprehensive plan for the management of a commercial case in federal court, including documenting the engagement, conflict checks, staffing of the case, selection and use of experts, budgeting, case supervision, document management and control, electronic discovery, safeguarding client information, and the billing and recovery of attorneys’ fees.

The chapter on “Executive Compensation” by David and Bugni explains the federal legislation and regulations pertinent to “Say-on-Pay” litigation, including the Dodd-Frank Wall Street Reform and Consumer Protection Act, state law challenges to executive compensation, including the breach of fiduciary duty standard of care, and federal law challenges to executive compensation under the Securities Exchange Act.

The chapter on “Food and Drug” by Varner and Devereaux provides a comprehensive discussion of pharmaceutical



litigation, third-party payor litigation, and food and beverage litigation, including an analysis of false advertising claims and foodborne illness claims. The chapter contains very helpful practice aids, including checklists of essential allegations and defenses, discovery requests and jury instructions.

There are two additional subjects which are of prime importance to the successful representation of clients in business litigation in federal courts. These two chapters alone compel the acquisition of the fourth edition.

The chapter entitled “Discovery of Electronically Stored Information (ESI)” by U.S. District Judge Shira A. Scheindlin and Jonathan M. Redgrave provides a comprehensive mini-treatise on objectives and strategic considerations associated with ESI, the duty to preserve ESI, disclosure and production of ESI, cost-sharing and cost-shifting issues, discovery disputes and claims of spoliation, and valuable practice aids, including checklists and forms associated with the investigation and discovery of ESI.

Another topical subject covered by the fourth edition is the chapter entitled “Social Media” by Paul C. Curnin and Alexis S. Coll-Very, partners of Simpson Thacher. The authors provide a com-

prehensive discussion on all facets of social media, including discovery of social media, evidence, jurors, employees and ethical issues associated with the use of social media. The authors also provide excellent practice aids, including sample interrogatories, requests for admission, requests for production and deposition questions.

As Haig notes in his Foreword, the publication of the fourth edition is the result of a successful joint venture between Thomson Reuters and the American Bar Association Section of Litigation. All royalties from sales of the treatise and annual pocket parts flow back to the ABA Section of Litigation.

This reviewer recommends that every law firm that practices business litigation in federal courts acquire this fourth edition. It will pay for itself over and over again. ●



Henry D. Fellows Jr. is a partner of the Atlanta business litigation firm, Fellows LaBriola LLP, which is celebrating its 25th

anniversary on Jan. 1, 2018. He is an AV-rated trial lawyer who was inducted as a Fellow of the American College of Trial Lawyers in 2007.

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- 14** ICLE: **Partnership Audit Update**
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- 30** ICLE: **The Lawyer's Compass**
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- 2** ICLE: **Residential Real Estate**
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- 2-3** ICLE: **63rd Annual Estate Planning Institute**
Athens, Ga. | 10 CLE
- 4-8** ICLE: **Update on Georgia Law (Ski CLE)**
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- 7** ICLE: **Special Needs Trusts**
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| 20 | ICLE: Business Litigation CLE Atlanta, Ga. 6 CLE | 29 | ICLE: Toxic Torts/Mass Torts Atlanta, Ga. 6 CLE |
| 21 | ICLE: Post Judgement Collection Atlanta, Ga. 6 CLE | 30 | ICLE: Trial Evidence: Artistry and Advocacy Atlanta, Ga. 6 CLE |
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Proposed Amendments to the Bylaws of the State Bar of Georgia

Pursuant to Bar Rule 1-602 notice is hereby given of proposed amendments to the following Bylaws of the State Bar of Georgia. Notice of the proposed amendments was also published on the State Bar of Georgia website at least 30 days before the January 2018 State Bar of Georgia Midyear meeting. These proposed amendments may be adopted by a majority of the members present and voting at the January 2018 State Bar of Georgia Midyear meeting.

Article I. Members

Section 1. Registration of Members.

Persons admitted by the courts to the practice of law shall, within ~~sixty~~ 60 days after admission to the bar of the Superior Court, register with the State Bar of Georgia and pay a monthly pro-rated dues amount calculated from the date of the Superior Court admission through the remainder of the State Bar of Georgia's fiscal year. ~~If the date of admission is on or after May 15, the member shall not be required to pay any dues or assessments for the remainder of that fiscal year. Those members admitted by examination shall begin making the mandatory assessments outlined in Rules in the second full fiscal year following their admission.~~

Article I. Members

Section 1. Registration of Members.

Persons admitted by the courts to the practice of law shall, within 60 days after admission to the bar of the Superior Court, register with the State Bar of Georgia and pay a monthly pro-rated dues amount calculated from the date of the Superior Court admission through the remainder of the State Bar of Georgia's fiscal year. If the date of admission is on or after May 15, the member shall not be required to pay any dues or assessments for the remainder of that fiscal year. Those members admitted by examination shall begin making the mandatory assessments outlined in Rules in the second full fiscal year following their admission.

Article I, Members.

Section 6. ~~Associates~~ Affiliate Membership and Law Student Membership.

Purpose.

In addition to the classes of membership provided in Rule 1-202, Organization of the preceding sections of this Article State Bar and Admissions, the Board of Governors or the Executive Committee ~~of the Board~~ may consider and approve or disapprove applications for Affiliate or Law Student membership

with the State Bar. ~~Any of Georgia.~~ Affiliate ~~member or~~ and Law Student ~~member~~ members shall have the right to attend State Bar of Georgia meetings and receive State Bar official publications, ~~but shall not have the right to.~~ ~~Neither Affiliate nor Law Student members may~~ hold office ~~or,~~ vote or have ~~any~~ other rights and privileges incident to ~~the~~ membership. ~~An classes set forth in Rule 1-202 with the State Bar of Georgia.~~ Affiliate or Law Student ~~member~~ members shall not hold ~~himself or herself~~ themselves out ~~or imply~~ to the public ~~or imply~~ in any manner, courts or members of the legal profession that ~~he or she is a member~~ they are members of the State Bar of Georgia as defined in good standing of the State Bar of Georgia or entitled to practice law in this State. An Affiliate or Law Student member shall not use his or her membership number for any purpose other than communicating with the State Bar. Rule 1-202 of the State Bar of Georgia. The State Bar retains the right to deny or revoke the membership privileges of any Affiliate or Law Student member who violates this Section.

(a) Affiliate Membership. The application form for an Affiliate Member or Law Student membership shall include ~~the~~ recommendation ~~of the applicant signed~~ by an active member in good standing of the State Bar of Georgia. Affiliate ~~or Law Student~~ membership may be renewed each ~~fiscal~~ Bar year without additional application. The Board of Governors ~~shall prescribe~~ they may set an amount of annual dues or fees for Affiliate ~~or Law Student~~ membership. Affiliate membership shall be approved only when the applicant is ~~licensed to practice in another state or the District of Columbia, and a Domestic Lawyer~~ who is in good standing in all jurisdictions in which he or she is licensed, ~~and~~ is an employee of ~~the~~ government, the armed services, a private or commercial institution or a law school, and is not otherwise authorized to practice law in Georgia. ~~Application to become a Law Student member shall be approved when the applicant is enrolled in a law school approved by the American Bar Association or the Georgia Board of Bar Examiners.~~

(b) Law Student Membership. The application form for a Law Student member shall include a certification by the applicant that ~~he or she is a student in good standing at an ABA accredited law school in Georgia. Law Student membership may be renewed each Bar year by certifying to the Membership Department of the State Bar of Georgia that the student is currently enrolled in law school and in good standing.~~ The Board of Governors may set annual dues or fees for Law Student membership.

Article I, Members.

Section 6. Affiliate Membership and Law Student Membership.

Purpose.

In addition to the classes of membership provided in Rule 1-202, Organization of the State Bar and Admissions, the Board of Governors or the Executive Committee may consider and

approve or disapprove applications for Affiliate or Law Student membership with the State Bar of Georgia. Affiliate and Law Student members shall have the right to attend State Bar of Georgia meetings and receive State Bar official publications. Neither Affiliate nor Law Student members may hold office, vote or have any other rights and privileges incident to the membership classes set forth in Rule 1-202 with the State Bar of Georgia. Affiliate or Law Student members shall not hold themselves out or imply to the public, courts or members of the legal profession that they are members of the State Bar of Georgia as defined in Rule 1-202 of the State Bar of Georgia. The State Bar retains the right to deny or revoke the membership privileges of any Affiliate or Law Student member who violates this Section.

(a) Affiliate Membership. The application form for an Affiliate Member shall include a recommendation signed by an active member in good standing of the State Bar of Georgia. Affiliate membership may be renewed each Bar year without additional application. The Board of Governors may set an amount of annual dues or fees for Affiliate membership. Affiliate membership shall be approved only when the applicant is a Domestic Lawyer who is in good standing in all jurisdictions in which he or she is licensed, is an employee of the government, the armed services, a private or commercial institution or a law school, and is not otherwise authorized to practice law in Georgia.

(b) Law Student Membership. The application form for a Law Student member shall include a certification by the applicant that he or she is a student in good standing at an ABA accredited law school in Georgia. Law Student membership may be renewed each Bar year by certifying to the Membership Department of the State Bar of Georgia that the student is currently enrolled in law school and in good standing. The Board of Governors may set annual dues or fees for Law Student membership.

Article I. Members

Section 7. Emeritus Members.

In addition to the classes of membership provided in the preceding sections of this Article, the Membership Department may approve or disapprove applications for emeritus member status as provided for in Rule 1-202(d) of the Bar Rules. Applications for emeritus membership shall be on forms prescribed by the Membership Department.

Emeritus membership shall have the same privileges, rights, duties and responsibilities as active membership, except that emeritus members shall not give legal advice or otherwise practice law, except as set out in Rule 1-202(d), ~~nor~~ nominate a member for office or hold office in the State Bar, ~~or vote on any candidate for elected position in or proposal concerning the State Bar.~~

Emeritus members may be required to pay section dues at the option of each section of the State Bar.

At the sole discretion of the Membership Department, a member who ~~has attained~~attains the age of 70 years ~~during a Bar year~~, and who has been admitted to the practice of law for at least 25 years, may be placed in emeritus status in the event the Membership Department is unable to locate or contact the qualifying member and provided there is no pending disciplinary action against the member.

Article I. Members

Section 7. Emeritus Members.

In addition to the classes of membership provided in the preceding sections of this Article, the Membership Department may approve or disapprove applications for emeritus member status as provided for in Rule 1-202 (d) of the Bar Rules. Applications for emeritus membership shall be on forms prescribed by the Membership Department.

Emeritus membership shall have the same privileges, rights, duties and responsibilities as active membership, except that emeritus members shall not give legal advice or otherwise practice law, except as set out in Rule 1-202 (d), nor nominate a member for office or hold office in the State Bar.

Emeritus members may be required to pay section dues at the option of each section of the State Bar.

At the sole discretion of the Membership Department, a member who attains the age of 70 years during a Bar year, and who has been admitted to the practice of law for at least 25 years, may be placed in emeritus status in the event the Membership Department is unable to locate or contact the qualifying member and provided there is no pending disciplinary action against the member.

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Canadian lawyer, 25 years experience, seeking association with Georgia law firm. Criminal defense, drug defense (trafficking, importation, cultivation), white collar crime, civil fraud, class actions, tort liability, bankruptcy. Winfield Edward Corcoran, Barrister & Solicitor, 289-442-6189, winfieldcorcoran@sympatico.ca.

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