December 2018 *Volume 24, Number 3*

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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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PUBLISHER'S STATEMENT

The *Georgia Bar Journal* (ISSN-1085-1437) is published six times per year (February, April, June, August, October, December) by the State Bar of Georgia, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303. One copy of each issue is furnished to members as part of their State Bar dues. Subscriptions: $36 to non-members. Single copies: $6. Periodicals postage paid in Atlanta, Ga., and additional mailing offices. Advertising rate card will be furnished upon request. Publishing of an advertisement does not imply endorsement of any product or service offered. POSTMASTER: Send address changes to same address.

GEORGIA BAR
JOURNAL
December 2018 | Volume 24 | Number 3

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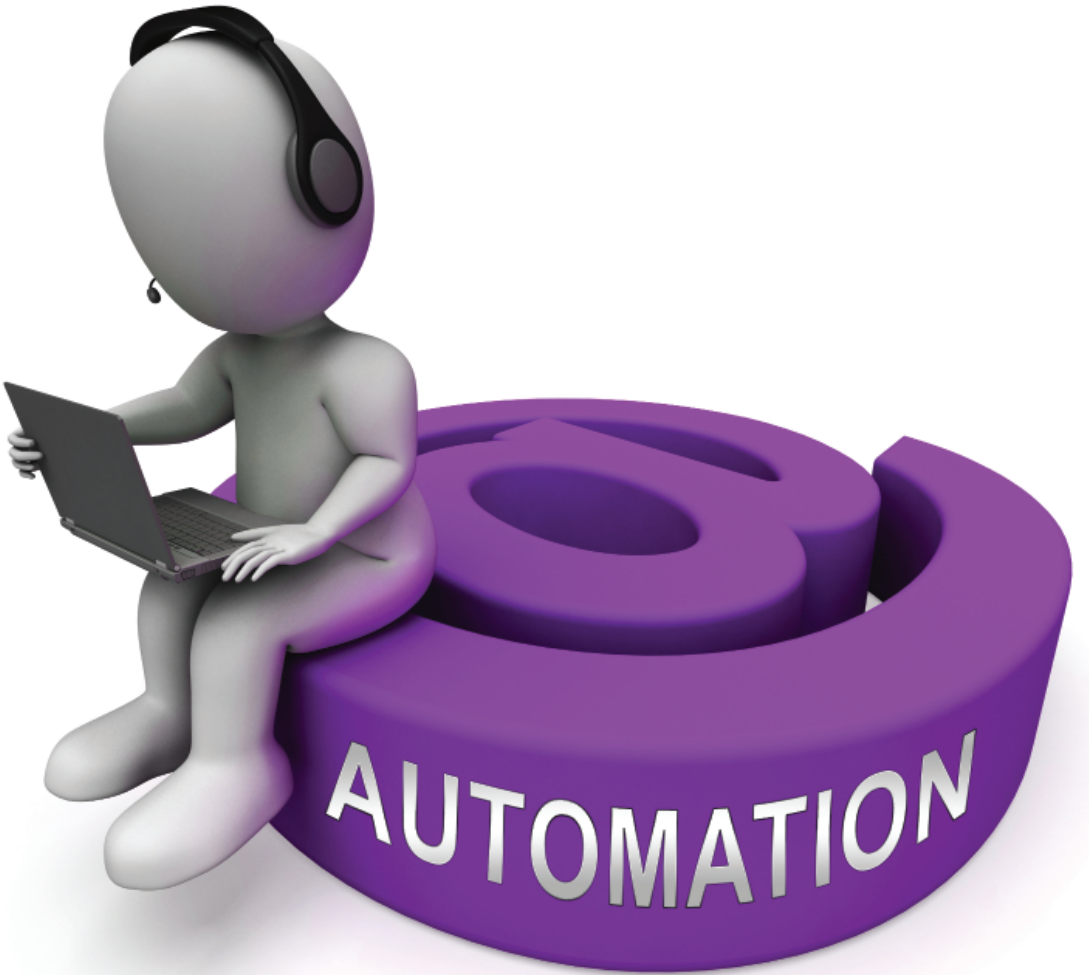
GBJ | *The Features*

The Legals



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GBJ | *In Every Issue*

The December Issue

This issue, we have two legal articles for our readers. The first is our cover legal, "Reasonable Medical Care and the Opioid Epidemic: What's Really Broken?", by Daniel C. Kniffen and Robert D. Ingram. This legal article is a counterpoint to the October 2018 article "The Broken Machine: Mandatory Medical Treatment Under Georgia's Workers' Compensation" by Charles W. Snyder, which generated debate among the workers' compensation bar. In "What's Really Broken?", the authors provide a different perspective on the issue of how the opioid crisis is addressed in the workers' compensation context so that readers can decide the issue for themselves. As a mandatory bar, the State Bar of Georgia does not take a position on the issue, but rather gives its members a platform so that all perspectives can be heard, and takes seriously our duty as lawyers to debate and weigh all sides of an issue.

The second is "The Georgia Power of Attorney Act" by Blake N. Melton and Cathy Wiegand, which gives an overview of recent changes in the law governing powers of attorney. The article focuses on an agent's powers, authority, duties and potential liability; the scrutiny applied to those powers that have the greatest potential for abuse; and the advantages in the 2018 Act as amended.

This month's feature article concerns a sobering issue: threats of violence against legal practitioners."Threats and Violence Against the Georgia Legal Profession: Results of the 2018 Survey" by Stephen D. Kelson and Peter C. Johnston summarizes a voluntary survey of Georgia Bar members regarding the type and frequency of work-related threats of violence and incidents of actual violence against members of the Georgia legal community. The results are broken out into tables showing, among other things, the types of perpetrator and victim, the location of the threats, the type and number of the threats, and the number of threats experienced by gender. The article includes numerous anecdotal examples, and the results from the Georgia survey, and the same survey in other states, show that violence and threats of violence against legal practitioners are much more prevalent than most people think.

Along with the *Journal's* regular content is a wonderful article highlighting the 2018 pro bono awards recipients who were recognized at a reception hosted by the Bar's Access to Justice Committee and the Pro Bono Resource Center. Reading about the selfless pro bono service of these outstanding lawyers (and law students) throughout our state will warm your heart this holiday season. These honorees have served the public whose legal needs might otherwise go unmet in the areas of immigration, prison conditions, civil rights, constitutional rights, voter access, free speech, tax and health, among others.

From myself and all the members of the Editorial Board and the Communications Department of the State Bar of Georgia, we wish you a happy and healthy holiday season. ●

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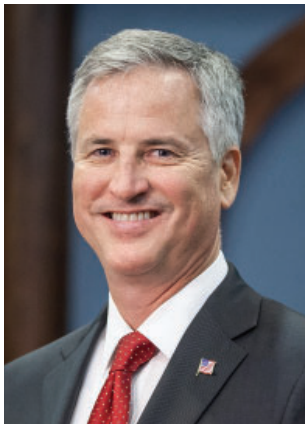


KENNETH B. HODGES III

President
State Bar of Georgia
president@gabar.org

The Spirit of Giving: Representing Those in Need

December is a month for giving. I can think of no more appropriate gift for Georgia lawyers to give than access to justice for those in need. Fortunately, our state offers numerous opportunities for Bar members to give back—with either our time or financially—to the cause of justice for all.

This holiday season, I want to thank the thousands of Georgia lawyers who are already active in pro bono service or generously contribute to legal services organizations, as well as encourage everyone else to become involved. The need to help those who cannot afford legal representation is there, and so are the programs that can make the most effective use of your volunteer service or financial support.

Georgia Legal Services Program

The mission of Georgia Legal Services Program (GLSP) is to provide access to justice and opportunities out of poverty for Georgians with low incomes. GLSP lawyers, paralegals and volunteers provide the help that reflects community values of fairness, equality, responsibility and respect to assist those in need. The U.S. Census Data for 2017 indicated that there were more than 1.6 million Georgians with incomes below the poverty line.

A large majority of those individuals are in GLSP's service area, which includes both rural and urban areas. Most of those individuals qualify for GLSP services. In order to qualify for GLSP's services, an individual's income cannot exceed the 200 percent poverty level. Clients must have gross incomes at or below 200 percent of the federal poverty level, which is $4,183 monthly for a family of four and $2,023 monthly for an individual.

Half of the children in Georgia live in families with income that is less than the 200 percent poverty level. GLSP is required by the Legal Services Corporation (LSC) to review priorities for case services and matters each year. The purpose of the review is to make sure GLSP is conducting a thorough analysis of case services priorities and to make sure GLSP is appropriately addressing client's legal needs within their service area.

According to Ira Foster, GLSP's interim executive director, a primary focus of the program is to meet the current critical legal needs of low-income Georgians and their families. LSC priority reviews allow GLSP to determine what those critical needs are on an annual basis.

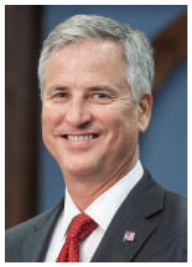
"Representing individuals who are victims or survivors of domestic violence is a major priority of GLSP," Foster said. "Preserving and securing income for clients is another top priority for the program. GLSP also believes that it is important to make a priority of helping children get a good start in life by staying in school and obtaining a quality education. A quality education can help youth break out of the cycle of poverty. Staying in school can also keep youth out of the school dropout to prison pipeline. Additionally, health benefits, consumer, elder rights and housing are major service areas. It is essential that GLSP focus carefully and intensely on these types of cases. GLSP wants to be most effective at solving individual problems for clients while also having the most impact on larger, systemic issues that can help low-income client communities to eliminate the burdens and barriers of poverty. The core priorities, goals and targets within those priorities become the focus of GLSP's work."

Foster added, "While trying to serve the core clients that are identified by the priority analysis, GLSP is challenged with serious inadequate resources to meet the critical needs that GLSP clients face. Although the number of individuals in poverty increases every year, LSC funding for LSC grantees such as GLSP has been flat for the last several years. It is essential for GLSP to focus carefully on the types of cases it undertakes because of the limited resources issue. That is unfortunate because this limitation results in GLSP being unable to represent many clients that desperately need its services."

Reductions in funding and resources make vitally important for GLSP to have the continued support of the State Bar and its members, according to Foster. "GLSP will continue to collaborate with the State Bar of Georgia on encouraging the private bar to offer pro bono client representation and services," he said. "Pro bono representation and outreach provides an important supplement to the limited direct services provided by GLSP. In addition, the State Bar of Georgia annual dues notice provides an opportunity for Georgia lawyers to support GLSP. By

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, *we asked our State Bar of Georgia officers, "Which legal giant, living or deceased, has inspired you the most?"*



KENNETH B. HODGES III
President

Perhaps not a legal giant to all, for me it's not even close—K.B. "Buddy" Hodges Jr. The law was his second career and he built a great firm focused on helping people in need. A man of his word who often operated on a handshake, he cared about his community and making a difference. And he did.

DARRELL L. SUTTON
President-Elect

Tie: John Moore, Robert Ingram and Bill Johnson. Combined, they taught me how to properly serve a client, along with the imperatives of service to the profession and the community. And they taught me that the three are equal; that you can be a great lawyer only if you master all three forms of service.

DAWN M. JONES
Treasurer

During law school, I was accepted for a semester-long externship with then-Chief Justice Leah Ward Sears at the Supreme Court of Georgia. Working with that unique legal scholar and trailblazer was both awe-inspiring and extremely motivating. She continues to inspire me today.

ELIZABETH L. FITE
Secretary

Allen P. Roberts, a retired Marine and solo practitioner (who began practicing in 1964), is a living legend in the legal community in my home state of Arkansas. After giving me my first law job in high school, he became a mentor and friend, making a lasting impact on my life.

BRIAN D. "BUCK" ROGERS
Immediate Past President

My father, C.B. Rogers. Growing up I had assumed that all lawyers were successful like him and his friends, Emmett Bondurant, Richard Sinkfield, Jack Hardin and Miles Alexander. Little did I know that he and his pals were exceptional and how much I would benefit from their influence over the years.

making a yearly donation, Georgia lawyers provide a much-needed supplement to GLSP's yearly budget. Those donations from the private bar help offset the funding decreases that GLSP receives from LSC. The legal needs are great. The funding sources to help meet the legal needs are limited."

Atlanta Legal Aid Society

Founded in 1924, Atlanta Legal Aid Society offers civil legal services for low-income people in the five metro counties not covered by GLSP—Clayton, Cobb, DeKalb, Fulton and Gwinnett—and statewide via the Georgia Senior Legal Hotline and the Health Law Partnership. Legal Aid's 65 staff attorneys open about 20,000 cases a year, working on a wide range of legal problems. Additionally, nearly 1,000 volunteers work across the five counties and the state, clocking more than 23,000 hours thus far in 2018. Legal Aid lawyers and volunteers obtain outcomes of more than $20 million a year for clients, which fuels the Georgia economy with more than $100 million annually.

According to Executive Director Steve Gottlieb, Atlanta Legal Aid offers a wide variety of platforms for involvement by State Bar members. The annual campaign is one of the oldest and most robust in the country among civil legal aid organizations. Financial donations can be made from both a firm and from individuals.

The Gambrell Society, a major giving club honoring Legal Aid founder E. Smythe Gambrell, allows individuals to make larger, multi-year commitments to the program and attracted more than 40 members in its first year. Online giving is available at donate.atlantalegalaid.org. For more information on giving, contact Angie Tacker at ajtacker@atlantalegalaid.org.

If you wish to volunteer, Atlanta Legal Aid's pro bono office offers a wide variety of options, which are designed not only to help the client but to work with the individual volunteer's schedule, interests and skills. You can sign up online at www.legalaidprobono.org or email Laurie Rashidi at lrashidi-yazd@atlantalegalaid.org.

Indigent Defense

Defendants in criminal cases who cannot afford an attorney are provided representation, compliant with guarantees under the U.S. and Georgia Constitutions and the Georgia Indigent Defense Act of 2003, by the state's public defenders.

Most public defenders work under the statewide system overseen by the Georgia Public Defender Council, an independent agency within the executive branch of the state government. According to the council's website, its mission "is to ensure, independently of political considerations or private interests, that each client whose cause has been entrusted to a circuit public defender receives zealous, adequate, effective, timely and ethical legal representation, . . . to provide all such legal services in a cost-efficient manner; and to conduct that representation in such a way that the criminal justice system operates effectively to achieve justice."

Six of Georgia's 49 judicial circuits—Bell-Forsyth, Blue Ridge, Cobb, Douglas, Gwinnett and Houston—have opted out of the statewide public defender system and maintain their own panels of qualified criminal defense attorneys for appointment to represent indigent defendants in their courts at significantly reduced hourly rates.

The Public Defender Council, on its website, says, "Many choose a career as attorneys and as public defenders because they want to make a difference. Some choose this career for the extensive courtroom experience it offers. Others choose it because they want to see the Constitution in action—protecting the constitutional rights of each individual who comes into contact with the court system protects the rights of every American."

Bar members interested in working as public defenders can find contact information for county and circuit offices at www.gpdsc.org.

Pro Bono Service

State Bar Rule 6.1 makes it clear: "A lawyer should aspire to render at least 50 hours of pro bono public legal services each year." And our Pro Bono Resource Center, working with various advocacy organizations, makes it easy for each of us to fulfill that responsibility, through:

- An expedited volunteer sign-up and placement process
- By maximizing each attorney's time and skills
- By enabling each attorney to select pro bono engagements that fits his or her skills, interests and schedules
- Development of the DueJusticeDo50 website, which helps lawyers build a manageable pro bono practice

The need for increased volunteer pro bono legal services is great in Georgia, where one in five residents live in poverty and need legal aid, totaling some 20,000 critical need legal cases per year. But less than 10 percent of the active attorneys in our State Bar are performing pro bono work with coordinated, structured pro bono programs.

When Hurricane Michael tore through my home area of southwest Georgia this fall, our Pro Bono Resource Center went to work—finding lawyers to help with emergency benefit forms, identity card replacement, unemployment benefits and bankruptcy. The Young Lawyers Division set up a statewide hotline to assist those hardest hit, including many who lost everything.

Our access to justice program is a statewide effort to address a statewide need, year-round. There are many counties in Georgia where there are far too few lawyers to help low-income people with critical legal needs. Many of Georgia's local bar associations have organized pro bono opportunities as well. For more information, contact Mike Monahan, director of the Pro Bono Resource Center, at probono@gabar.org or visit www.duejusticedo50.org or www.georgiaadvocates.org.

Especially during this season of giving, I urge all State Bar members to do our part—whether by making a financial contribution or donating our professional time and expertise—to help provide access to justice for our fellow Georgians in need. It will make a difference in their lives, and in ours. ●

"Pro bono service offers many benefits. Helping someone in need provides me with a sense of personal accomplishment. As a relatively young lawyer, it also forces me to step outside my comfort zone to hone new skills and gain new perspectives and knowledge. It makes me a better person—and a better lawyer. Pro bono service is a commitment I intend to keep throughout my career."

— Jason Cooper, Esq., Volunteer, State Bar of Georgia Access to Justice Initiative

The cause of justice requires an army of volunteers.
Answer the call. Do Pro Bono. **Because You Can.**

Atlanta Legal Aid Society

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Access to Justice and Opportunities Out of Poverty

avlf Atlanta Volunteer Lawyers Foundation

GOOD THINKING

State Bar of Georgia

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***Rule 6.1 Voluntary Pro Bono Public Service**: A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year... In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means. No reporting rules or requirements may be imposed without specific permission of the Supreme Court granted through amendments to these Rules. There is no disciplinary penalty for a violation of this Rule.*

Help Make Athens 2019 a Success

HON. RIZZA P. O'CONNOR

YLD President
State Bar of Georgia
rizzaoconnor@gmail.com

The countdown is on for the 2019 National High School Mock Trial Championship, to be hosted by the State Bar of Georgia, the Young Lawyers Division and the Georgia High School Mock Trial Competition, in Athens the weekend of May 16-18.

Approximately 30,000 students participate each year in local, regional and state high school mock trial competitions throughout the United States, Guam, South Korea and the Northern Mariana Islands. The competition, coming to Georgia for the first time in 10 years, features the nation's best teams competing for the championship title.

The success of the 2019 Nationals will depend on the support of Georgia's legal community, through volunteer service, financial assistance or both.

Volunteer Opportunities

Lawyers, judges and other legal professionals and members of the community are needed to serve on judging panels, as volunteers to usher competitors through the courthouses, as room liaisons and as coordinators for team registrations and other events.

The biggest need is for judging panel volunteers in the four preliminary rounds of competition taking place in the Athens-Clarke County Courthouse and Classic Center. With 46 teams from throughout the country competing, there will be 23 trials happening simultaneously, and each trial will be overseen by a panel, each including a presiding judge and three evaluators. In all, 92 panel members are required per round.

Rounds I and II will take place in the morning and afternoon of Friday, May 17. Rounds III and IV will take place on Saturday, May 18. Please consider serving for more than one round of competition if your schedule permits.

The competition committee is hoping for judging panel volunteers from all over the state and would like for everyone who is helping in Athens to have had previous experience with mock trials, especially the presiding judges. The state competitions in Georgia that will take place in the spring of 2019, prior to the nationals, will provide that opportunity for anyone who wants to volunteer and gain that experience.

In addition to the judging panels, event volunteers will fill a vital role in the success of the competition. Volunteers are needed to help with registration, manage events, and assist team members and spectators as they are traveling to and from the courtrooms and venues. Courtroom liaison volunteers, who will be assigned to judging panels and will ensure that score sheets are collected and returned to the competition staff, are also needed.

There will be a reception for the judging panels on Friday evening, May 17, at the Richard B. Russell Building Special Collections Library. When you register

on the website to volunteer for a judging panel, you can also register for the reception. The Georgia Theatre in downtown Athens will be the site of a team event Friday evening as well as Friday night's hospitality suite on the rooftop bar.

Three downtown Athens hotels are the official hotels and are offering negotiated room rates for the week of competition. You can find these rates on the Athens 2019 website and make a reservation, using the links on the website's Travel page.

To express your interest in volunteering, visit the Volunteer page at www.athens2019.nhsmtc.org.

Sponsorship Opportunities

The financial support of Bar members is crucial to the overall success of Athens 2019. The fundraising goal is $225,000 to offset general competition expenses for an event of this size and stature. Early community support has been outstanding, but there are numerous sponsorship opportunities available at varying financial levels:

- Tour Manager, $20,000+
- Booking Agent, $10,000+
- Promoter, $5,000+
- Stage Manager, $3,000+
- Stage Hand, $1,000+
- Roadie, $500+
- Groupie, $250+
- Fan of the Band, $1-$249

All sponsors will be recognized on the Athens 2019 website, in the competition program book and on signs throughout the competition venues. Donations will be accepted from individual Bar members, law firms, Bar sections, and local and specialty bar associations.

It's easy to show your support by visiting the Donate page at www.athens2019.nhsmtc.org.

About the Program

The National High School Mock Trial Championship was held in Atlanta in 1993 and 2009, so this will be the third time the country's top teams have visited

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, *we asked our State Bar of Georgia officers, "Which legal giant, living or deceased, has inspired you the most?"*

HON. RIZZA P. O'CONNOR | *YLD President*

Carla Wong McMillan. As a person who is first-generation Asian-American, it is inspiring to see Judge McMillan's path. I admire her boldness for first running for state court judge of Fayette County and then proud to see her become the first Asian-American to be elected to statewide office in Georgia.

WILLIAM T. "WILL" DAVIS | *YLD President-Elect*

The legal career of Mary L. Bonauto is incredibly inspiring. Her dedication to fighting for equality for LGBT citizens at both the state and national levels has impacted me both personally and professionally, and her work as an impassioned litigator will be appreciated for generations to come.

BERT HUMMEL | *YLD Treasurer*

Abraham Lincoln always inspired me because he was seemingly a man of simple origin who rose to great influence through his personability, progressive thinking and problem solving, and his storytelling. Not to mention he is a fine Kentuckian like myself.

ELISSA B. HAYNES | *YLD Secretary*

No "legal giant" is more inspiring than Ruth Bader Ginsburg: the first Jewish female U.S. Supreme Court justice, a trailblazer for gender equality and a physical fitness regime that puts mine to shame. And yes, I would have donated my ribs to ensure her speedy return to the bench.

NICOLE C. LEET | *YLD Immediate Past President*

My law partner, Michael Rust. He has been an amazing mentor, sharing his time and thoughts regarding the practice of law. He is the epitome of professionalism. Michael also is an aspirational influence through his actions, especially interactions with everyone from clients to opposing counsel.

AUDREY B. BERGESON | *YLD Newsletter Co-Editor*

I met the Hon. Willie Lovett early in my career. I was inspired by the way he treated those around him, from interns to the parties in his courtroom. He was compassionate and always sought to find new and innovative ways to improve the lives of the children of Fulton County.

BAYLIE M. FRY | *YLD Newsletter Co-Editor*

Hands down, Cathy O'Neil. She was an exceptional lawyer, avid networker, thoughtful leader and most importantly, a devoted wife and loving mother. Cathy inspired me each and every day that I had the honor of knowing her, and she continues to be someone that I strive to emulate personally and professionally.

Georgia, where a tremendously successful high school mock trial program was launched in 1988 as a program of the Young Lawyers Division. A growing number of public and private high schools and homeschool associations enter teams in the annual state competition.

The 14-member student teams, who are coached by teachers and volunteer lawyers, work together to prepare their presentations from case materials provided by the YLD's High School Mock Trial Committee. In the competition trials, students take on the roles of attorneys and witnesses, using the provided witness statements and case evidence.

The volunteer lawyers and judges who preside over and evaluate the competition rounds evaluate each team on its ability to produce a logical, cohesive and persuasive presentation, rather than the legal merits of the case itself.

The annual competition begins at the regional level, which in 2019 will be held at 16 sites around the state the weekend of Feb. 1-2. The top three teams from each region will advance to district competitions Feb. 23, where they will vie for a spot in the state finals, which are scheduled for March 16 in Athens. The state champions will qualify to return to Athens to represent Georgia in the National High School Mock Trial Championship.

Georgia teams have won four national championships: in 1995, 1999, 2007 and 2008. This past season, the mock trial team from Jonesboro High School represented Georgia at the National High School Mock Trial Championship in Reno, Nevada, and finished in fourth place.

With the endorsement of the Georgia Department of Education and the Judicial Council of Georgia, the annual competition provides opportunities aimed at helping students gain an understanding of the legal system, while receiving professional coaching in developing questioning, critical thinking and oral advocacy skills.

Clayton County Superior Court Judge Kathryn Powers has been greatly involved in the Jonesboro High School Mock Trial Program. She was a student participant in 2002 and coached the 2007 and 2008 national championship teams. She continues to coach the Jonesboro program today. As a coach, she explains to parents, "The program is not used to train future lawyers and the skills that students gain from high school mock trial are not simply 'legal' ones." Powers believes that "High school mock trial teaches time management, public speaking and extemporaneous thought, all skills which I developed as a participant. Those skills translate to any profession. We have coached future lawyers, teachers, police officers and doctors."

As Powers stated, not every participating student will become a lawyer, but each of them will no doubt benefit all team members later in life by improving their proficiency in such basic skills as listening, speaking, reading and reasoning. Additionally, the program fosters cooperation, communication and collaboration among diverse groups of young people from throughout the state.

The State Bar measures the impact of the High School Mock Trial Program by its success in furthering students' understanding of court procedures and the legal system; improving participants' proficiency in the skills of listening, speaking, reading and reasoning; promoting better communication and cooperation between the educational and legal communities; providing a competitive event in an academic atmosphere; and fostering cooperation among young people of various abilities and interests.

Every school entering a mock trial team is required to have at least one attorney coach who works directly with the students in preparing the case; many teams have more than one. Serving as a volunteer coach involves the greatest commit-

ment of time, but it also provides the most necessary interaction with the students.

Being a coach can be a valuable experience both for the student and the coach. Powers has been a coach to the Jonesboro High School Mock trial program since she was a law student and now has been an attorney coach for the past nine years. When asked what drew her to come back and coach her former team Powers remarked, "High school mock trial was the reason that I considered becoming a lawyer. The lifetime mentors that I gained as a result of that participation made the decision to return to coach my hometown team an easy one. I know without a doubt, without those mentors I would not be where I am today. Thus, serving as a coach to these kids is one of the easiest decisions I have ever made."

Bar members who are interested in serving as an attorney coach for a high school team in your community can get involved by contacting the Mock Trial Office, which keeps a list of schools in need of attorney coaches. You can receive CLE credit for serving as a volunteer coach.

Volunteer attorneys and judges are also needed as evaluators or presiding judges during the regional, district and state competition rounds. Requiring only a few hours of your time on a Saturday, this is the simplest, least time-committed way to volunteer for the program. Bar members can register to volunteer on the judging panel by using the volunteer forms at www.georgiamocktrial.org under "Volunteer."

YLD members can also join the High School Mock Trial Committee, which oversees and is responsible for the operation of the mock trial competition in Georgia. There is always a need for members of the various subcommittees. To join the committee, please contact High School Mock Trial Director Michael Nixon at michaeln@gabar.org.

Along with the statewide competition, the Mock Trial Program oversees the annual Law Academy and the Craig Harding Memorial Court Artist Contest, both of which are designed to increase students' understanding of and appreciation for the law, court procedures and the legal system.

The Law Academy, sponsored by the Special Projects Task Force of the YLD's High School Mock Trial Committee, is held each fall. Students with at least one year of active participation on their mock trial team are invited to attend an intense, informative and fun weekend training experience. Law Academy faculty is made up of Georgia attorneys with experience in working with the High School Mock Trial Competition.

Artistically inclined students from schools with an active mock trial team are encouraged to enter the Craig Harding Memorial Court Artist. Contestants create original drawings of the courtroom scene during the competition rounds. Entries are evaluated by professors from the Savannah College of Art & Design, which co-sponsors the art competition with the YLD Mock Trial Committee. The state champion artist wins the opportunity to accompany the Georgia Mock Trial State Champion team to the National High School Mock Trial Championship. The contest is named in memory of Craig Harding, a SCAD student who was sponsored by the college to accompany the 1996 and 1997 Georgia state champion teams to their national competitions.

We have been working on the plans to host the National High School Mock Trial Championship in Athens for about four years. We're excited that the event is now just a few months away, and we are ready for our Bar volunteers to get involved. I encourage all Bar members to lend your support as a volunteer, financial contributor or otherwise to make Athens 2019 a successful and memorable competition. For more information about Nationals, contact Michael Nixon at athens2019@gabar.org. ●

Judge Romae Turner Powell: Georgia's First African-American Judge

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This is the third in a series of articles highlighting the heroic and vital contributions lawyers and judges have made to the American Civil Rights Movement.

Born in 1926, Romae Turner Powell grew up during a time when there were very few African-American lawyers in Georgia—or anywhere in the South for that matter—and even fewer African-American women who were lawyers. But she learned at a young age about the inequities in the justice system of a segregated society and was determined to make a difference.

Indeed, she went on to become a lawyer and, 45 years ago, Georgia's first appointed African-American judge, a position from which Powell advocated for and made changes in the juvenile justice system.

According to her biography written for the Foot Soldier Project for Civil Rights Studies at the University of Georgia, Romae Turner Powell was born in Atlanta, the youngest of five children. Her father, a native of rural Crawfordville, Georgia, worked for a white-owned laundry and sought to protect his children from the perils of the Jim Crow South. "My father was quite a man, and kind of a philosopher," Powell recalled. "He would shield us from segregated facilities like the movie houses and didn't want me to babysit for families because I might see myself as a servant. He also saw the potential for a desegregated world." Her mother, a homemaker, and her father constantly read to the children, and she said reading and the Baptist faith were highly held values in the Turner household, along with education—which led to a turning point in Powell's life.

While working on an eighth-grade writing assignment, Powell learned about lawyers and the courts. "Part of my paper dealt with attorneys," she said. "I discovered that black people often went unrepresented and were treated unfairly in the courts. And they lacked the money to pay for good attorneys if they were available. My idea was to become a lawyer and provide representation for black people."

Encouraging her ambitions, her parents told young Romae, "You're as good as anyone else. Education will provide you the opportunity to compete with white people. While you're sleeping, the white man is getting ahead of you." News surrounding the famous Scottsboro Boys case, in which nine black youths were falsely arrested for assault and rape charges, gave her additional inspiration.

Powell's father died when she was only 14, but, inspired by his support and encouragement, she continued to thrive academically. After graduating high in her class from Atlanta's Booker T. Washington High School, she stayed in her hometown to enter Spelman College. Graduating with the class of 1947, Powell then left Georgia to complete her law degree at Howard University in Washington, D.C. While studying at Howard, she saw first-hand the justice system in action, attending U.S. Supreme Court hearings with her classmates.

Upon earning her law degree in 1950, Powell returned to Atlanta to open a private practice on Auburn Avenue, pri-

Powell herself acknowledged the resistance she faced in her courtroom, from both white and African-American participants, who were unaccustomed to seeing a black woman in a position of judicial authority.

marily serving lower-income African-American clients, as well as volunteering her services to the NAACP in desegregation cases and other matters in Georgia. According to the Foot Soldier Project at UGA, "Her assistance in preparing the case played a pivotal role in preventing the Georgia state government from obtaining the organization's membership list."

Four years after returning to Georgia, Romae Turner married C. Clayton Powell, an optometrist and president of the Atlanta branch of the NAACP. They had two children, C. Clayton Powell Jr., born in 1954, and Rometta Powell, born in 1959. The Foot Soldier Project quotes her son as saying of Powell, "She's mom, mommy, babe. We've always been close. I call her my best girlfriend. At home, she was mom. No matter how busy she was, she was there for whatever I needed. We sat up many nights when I needed to talk things over with her." Likewise, her daughter, who became an Atlanta dentist, said, "She worked long hours as a lawyer but still spent lots of time with us. We always had a lot of fun together." On dealing with the difficulties of a working mother, Powell told *Ebony* magazine, "You do not have time for frivolities. You have to make every minute of the day count."

In 1968, Powell's career path turned from private law practice into the judicial arena. Fulton County Juvenile Court Judge John S. Langford Jr. felt the courts needed a respected black judge on the bench, and he appointed Powell as the first African-American to serve as a full-time judicial referee for the Juvenile Court. Langford was promoted five years later, creating a vacancy for a full court judge in the Juvenile Court. Powell applied for the position, and Langford's support, along with her exceptional record, was sufficient for her to be appointed by the Judicial Selection Committee of the Atlanta Bar Association. Powell thus became Georgia's first appointed African-American judge.

Even after her appointment, Powell met resistance and some resentment from her white colleagues. Keep in mind it had only been since 1967 that the restrooms in Fulton County's courthouse were desegregated and juvenile offenders were placed with probation officers of a different race. "There was a lot of staff anxiety," one of Powell's former co-workers told the Foot Soldier Project. "Certain white staff members saw her as a threat. But any staff concerns evaporated rapidly."

Powell herself acknowledged the resistance she faced in her courtroom, from both white and African-American participants, who were unaccustomed to seeing a black woman in a position of judicial authority. But in the face of such challenging circumstances, she earned respect for maintaining her composure and displaying competence from the bench, even when dealing with those who yelled racial epithets at her in her own courtroom. She carried out her duties in a unique manner, swearing in each juvenile defendant herself and requiring each one to write and turn in an essay regarding the charges he or she faced.

Even outside the courtroom, Powell worked to improve the lives of juvenile offenders by helping establish vocational training and activities intended to instill a sense of responsibility in the young people. She also worked to improve the quality of food served in Georgia's youth detention centers. Her reputation rose among her colleagues as a result of these personal touches in working with juveniles.

Active in a number of legal organizations at the state and local level, Powell was appointed to the State Crime Committee by Gov. George Busbee and to the National Council of Juvenile Court Judges' Committee on Serious and Repeat Offenders. She also served as president of the Council of Juvenile Court Judges of Georgia and as a member of the Georgia Alliance for Children. Additionally, she was a leader in the Gate City Bar Association, which was established in 1948 to encourage diversity in the legal profession and to fight injustice and discrimination in the law.

Reflecting on her work in the juvenile justice system, Powell said, "Most children are amenable to juvenile court treatment and are not particularly disposed to going in a wrong direction. They are looking for some kind of supervision to give them the tools they need to make the decisions they should make."

Powell died from lung cancer in 1990 at the age of 63. She was honored by Fulton County with the naming of the Romae T. Powell Juvenile Justice Center at the courthouse complex on Pryor Street in Atlanta, and the Atlanta Bar Association presents The Honorable Romae Turner Powell Judicial Service Award each year to a judge who has made significant contributions to the judiciary.

As UGA's Foot Soldier Project concluded, "Judge Powell's personal and professional life is a model for other activists, lawyers and judges. Despite the challenges she faced within and outside the court, she believed in the juvenile courts and in the ability of the offenders to establish a better life. . . . Her memory lives on in the example she set and the lives she touched." ●

Thanks to Linton Johnson, media consultant to the Bar, for his assistance in researching and drafting this article. These articles are in support of the Arc of Justice Institute and its Hidden Legal Figures project. For more information, visit onthearc.net.

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Reasonable Medical Care and the Opioid Epidemic: What's Really Broken?

A counterpoint to "The Broken Machine: Mandatory Medical Treatment Under Georgia Workers' Compensation" presented in the October 2018 issue of the *Georgia Bar Journal.*

BY DANIEL C. KNIFFEN AND ROBERT D. INGRAM

The feature article appearing in the October 2018 issue of the *Georgia Bar Journal* aspires to label both workers injured on the job in our state, and our Workers' Compensation System in general, as a "Broken Machine," victimized by "mandatory medical treatment." The arguments used to support these claims are as ponderous as might be expected from the notion that there are legions of injured employees who are opposed to medical treatment being provided to them, fully paid for by their employer. Perhaps more importantly, however, the author's use of the Opioid epidemic in our society, which the Workers' Compensation system is not immune from, as an argument against the well-established authority of the State Board of Workers' Compensation (the Board) to use its discretion in overseeing an employer's liability for medical care to its injured employees is misplaced.

The Requirement of *Reasonable*, not *Mandatory*, Medical Treatment

Absent from the October 2018 article purporting to describe a broken workers' compensation system is the foundational principle that an employer covered by the Workers' Compensation Act (the Act) must provide medical treatment and services "*which in the judgment of the State Board of Workers' Compensation shall be reasonably required and appear likely to effect a cure, give relief, or restore the employee to suitable employment.*"[1] The beginning point in any discussion of medical treatment under the Act, therefore, is simply whether it is reasonable.

Indeed, an employer has no authority whatsoever to suspend a claimant's weekly income benefits unilaterally based upon the assertion that he or she is not cooperating with his or her medical care; to the contrary, no such suspension can occur without an order from the State Board of Workers' Compensation, after both sides have the opportunity to be heard and present evidence, a proceeding that is exceedingly rare.[2] As the author concedes, over the nearly 100 years of its existence, the Board has been consistent in refraining from ordering any claimant to undergo any medical procedure deemed dangerous, intrusive or otherwise not likely to restore the employee to work.[3] Indeed, a practitioner will search in vain for any reported case in which an employer has successfully argued to suspend a claimant's benefits because they have refused surgery or any comparable invasive procedure.

Far from having the power to impose unreasonable medical treatment on an employee, an employer is required to provide all "reasonable and necessary" medical care, and may only take issue with a claimant's use of that treatment by going before the Board. The lack of reported cases in which an employer has even attempted to suspend benefits in this manner attests to the lack of any true issue on this subject, but pales in comparison to the magnitude of medical benefits paid annually in our Workers' Compensation System. Since 2009, more than $800,000,000 in medical benefits alone is paid *every year* by Georgia's employers, their insurers and self-insured Group Funds.[4] These staggering numbers, which dwarf annual recoveries in the state's tort system, do not even include workers' compensation income benefits, which in many years equal or exceed medical payments, sending the total annual benefits paid well over $1.5 billion dollars. Indeed, the income benefits paid in Georgia's Workers' Compensation system were among the highest of 18 states included in a recent benchmark study performed by the Workers' Compensation Research Institute. In this study, Georgia's average payment of $26,875 in income benefits per claim ranked second.[5]

If, as the "Broken Machine" article imagines, the motive of employers and insurers is to "simply save insurers the cost of pain management," the numbers would suggest they are failing miserably. The fact is that no such effort exists, and the Workers' Compensation system would not allow for it.

The Case That Does Not Support The Premise

Although the October 2018 article begins (and takes its title from) a 1929 Court of Appeals of Georgia case that agreed with a claimant's contention that he had reasonably refused medical care,[6] a 90-year-old case hardly supports the claim that today's system is warped by harmful medical treatment being forced upon injured workers. For that, the author looks to published decisions on the State Board's website for the proposition that it "repeatedly asserted the right to suspend the income benefits of an injured worker who refused to submit to medical treatment." Upon inspection, however, the first two of the published decisions involve cases in which no suspension of the claimant's benefits was even at issue; rather, the issue in both these cases was a request for a change in authorized treating physicians, in which one request by a claimant for a different doctor was granted and another was denied.[7]

The only other published decisions referenced in the article all involve the multi-year history of a single case, tried and appealed within the State Board on several occasions. As with the others, neither a suspension of benefits nor a claim of non-cooperation with medical treatment was even at issue.

In this case, the issue that consumed several years of appeals, including an unsuccessful appeal to the Supreme Court of Georgia, began in 2014, when an evidentiary hearing was held to determine the employer's request that a change in physicians be made from Dr. Brosman to one of two detoxification facilities, based upon the findings of two separate physicians that the claimant's ongoing disability was caused by "high doses of opioid medications the employee was taking for his work-related back injury."[8] The Administrative Law Judge (ALJ) *denied* the employer's request for a change in physicians, finding that the employer had failed to identify a physician to oversee the treatment of the claimant's back while he underwent a detoxification program the ALJ found to be medically necessary.

As with the other cases cited as evidence in the October 2018 article, the ALJ did not order a suspension of the claimant's benefits and, indeed, the claimant's benefits continued for years while his attorneys appealed the issue of whether a change in physicians should be awarded. Ultimately, in 2017, the employer succeeded in having a Dr. Doward designated as the authorized treating physician to oversee the claimant's treatment while he underwent the detoxification treatment ordered by the Board three years earlier, all at the employer's significant expense.[9]

Interestingly, in the multiple decisions issued by the ALJ and Appellate Division over the course of several years in this case, the claimant made no effort to argue that the Board was suspending his benefits or acting beyond its statutory authority; to the contrary, the claimant argued for years that he should be allowed to continue taking high doses of narcotic pain medication. At best, therefore, this multi-year, single case represents multiple decisions from the Board that favored the claimant in many respects, never resulted in a suspension of benefits and never involved a claim, let alone a ruling, that the claimant's benefits should be suspended because he failed to cooperate with medical treatment under O.C.G.A. § 34-9-200(c).

Far from supporting the charge that the State Board of Workers' Compensation is enforcing some broad, sinister policy to deprive injured employees of needed treatment, this case highlights a far more pervasive and deadly abuse of medical treatment that most Workers' Compensation practitioners have witnessed far too often.

The Opioid Crisis

Even the author of "The Broken Machine" concedes that there may be "legitimate concerns about opioid abuse": a significant understatement. Indeed, every medical authority from the Centers for Disease Control to the American Medical Association has decried what has accurately been called the "epidemic" of opioid abuse, specifically when used to treat back injuries and many other work-related conditions.[10] According to CDC statistics, between 1999 and 2014 more than 165,000 Americans died from an overdose of opioid pain medication; countless more suffer from debilitating addiction that often far exceeds any remaining physical injury. The CDC has flatly stated that "Opioids are not first line or retained therapy for chronic pain." According to the CDC guidelines, three days or less will often be a sufficient prescription; more than seven days should rarely be needed, with other forms of pain management being available.

It is against that horrific backdrop that laws such as Georgia's Pain Management Clinic Act were passed in 2013.[11] Labeling, as the October 2018 article does, the Board's laudable efforts to combat the misery of over-prescription and addiction of opioids in the Workers' Compensation system as a cynical effort simply to "reduce the costs of medical coverage under Georgia's Workers' Compensation" ignores the massive efforts made across the country to relieve this scourge. Indeed, recent headlines in Georgia have decried the fact that more than a thousand doctors in Georgia continue to violate the state's Drug Monitoring Program, and reported the arrest of a workers' compensation medical practitioner for operating a pain clinic without a license.[12]

There is no "Broken Machine" of providing medical care in our Workers' Compensation System. There is, however, a well-documented and lethal epidemic of opioid abuse in our country. We should never confuse the two. ●

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Endnotes

1. O.C.G.A. § 34-9-200(a)(1) (2013) (emphasis added). The entire section reads as follows: "For all injuries occurring on or before June 30, 2013, and for injuries occurring on or after July 1, 2013, designated as catastrophic injuries pursuant to subsection (g) of Code Section 34-9-200.1, the employer shall furnish the employee entitled to benefits under this chapter such medical, surgical, and hospital care and other treatment, items, and services which are prescribed by a licensed physician, including medical and surgical supplies, artificial members, and prosthetic devices and aids damaged or destroyed in a compensable accident, which in the judgment of the State Board of Workers' Compensation shall be reasonably required and appear likely to effect a cure, give relief, or restore the employee to suitable employment."
2. O.C.G.A. § 34-9-200(c) (2013); Board Rules 200(c) and (d) (2012).
3. See also Richard C. Kissiah & Douglas T. Lay, Kissiah & Lay's Georgia Workers' Compensation Law §18.09 (4th ed. 2018) ("It seems even more difficult still, if not almost impossible, when the type of treatment for which the employer-insurer is seeking an order from the Board…is treatment involving surgery…").
4. Statistics, The Georgia State Board of Workers' Compensation, https://sbwc.georgia.gov/statistics (last visited Nov. 25, 2018). The only two exceptions since 2009 have been 2011, when approximately $780,000,000 in medical benefits were paid, and 2015 when the number spiked to $950,000,000.
5. Sharon E. Belton et al., *CompScope Benchmarks, 18th Edition*, Workers' Compensation Research Institute (April 23, 2018) (copyrighted material available for free to members or for purchase at https://www.wcrinet.org/reports/compscope-benchmarks-18th-edition) (last visited Nov. 25, 2018).
6. Zant v. United States Fid. & Guar. Co., 40 Ga. App. 38, 148 S.E.2d 767 (1929).
7. Case No. 2011-021274, Published Award, State Board of Workers' Compensation, http://s3.amazonaws.com/sbwcdocs/google-shared/2011021274.pdf, Trial at 4 (July 10, 2015); Case No. 2010-034379, Published Award, State Board of Workers' Compensation, http://s3.amazonaws.com/sbwcdocs/google-shared/2010034379Trial.pdf, Trial at 4 (May 25, 2012). In both cases the same Administrative Law Judge cited identical case law and language on interpreting the Workers' Compensation Act and the general parameters of providing medical treatment under the Act, but in neither case was there any issue about the claimant's cooperation with medical benefits.
8. Case No. 2011-000999, Published Award, State Board of Workers' Compensation, http://s3.amazonaws.com/sbwcdocs/2011000999TrialAppeal.pdf, Appeal at 3 (Sept. 15, 2017).
9. *Id.*
10. *American Medical Association Opioid Task Force 2018 Progress Report: Physicians Progress To Reverse The Nation's Opioid Epidemic*, http://www.end-opioid-epidemic.org/wp-content/uploads/2018/05/AMA2018-OpioidReport-FINAL-updated.pdf (last visited Nov. 25, 2018); Deborah Dowell, M.D. et al., *CDC Guideline for Prescribing Opioids for Chronic Pain – United States 2016* (March 18, 2016), https://www.cdc.gov/mmwr/volumes/65/rr/rr6501e1.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fmmwr%2Fvolumes%2F65%2Frr%2Frr6501e1er.htm (last visited Nov. 25, 2018).
11. O.C.G.A. § 43-34-280 (2013).
12. *See* Yamil Berard, *More Than 1000 Doctors Violating State Opioid Law*, The Atlanta Journal-Constitution, Nov. 8, 2018, *available at* https://www.ajc.com/news/state--regional/more-than-000-doctors-violating-state-opioid-law/PVPKiKgutSTKrw6Mx5LzaI/; Jim Morekis, *Richmond Hill Doctor Arrested For Operating Without Valid License*, Connect Savannah, Oct. 24, 2018, *available at* https://www.connectsavannah.com/NewsFeed/archives/2018/10/24/richmond-hill-doctor-arrested-for-operating-without-valid-license. Ironically, it was the same doctor who was recently arrested that the claimant requested as his treating physician in the case relied upon in the October 2018 article. *See* Case No. 2011-000999, Published Award, State Board of Workers' Compensation, http://s3.amazonaws.com/sbwcdocs/2011000999TrialAppeal.pdf, Appeal at 3 (Sept. 15, 2017).

The Georgia Power of Attorney Act

In 2017, the Georgia General Assembly passed the "Georgia Power of Attorney Act" (the Act), which was modeled on the Uniform Power of Attorney Act (UPOAA). A substantial corrections bill was passed in 2018, and this article will address the Act as amended.

BY BLAKE N. MELTON AND CATHY WIEGAND

A power of attorney is a document that allows an agent to act in place of a principal. Powers of attorney are oftentimes used to transact business on behalf of the principal, such as paying bills or buying and selling personal or real property. Powers of attorney are used commonly when the principal is either incapacitated or otherwise unavailable, such as traveling abroad.

In 2017, the Georgia General Assembly passed the "Georgia Power of Attorney Act"[1] (the Act), which was modeled on the Uniform Power of Attorney Act (UPOAA). The General Assembly passed a substantial corrections bill in 2018,[2] and this article will address the Act as amended.

Prior to the passage of the Act, Chapter 6 of Article 10 of the Georgia Code governed powers of attorney. Chapter 6

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was not only outdated, but also heavily focused on commercial transactions. The only sections that truly focused on the common usage of general powers of attorney in the personal financial and estate planning context merely set forth a statutory form.[3] Given the prevalence of powers of attorney, the case law was likewise relatively sparse and often outdated.

Powers of attorney are important because they avoid the costly and time-consuming process of having a guardian, conservator or both appointed. However, the price for this convenience is the potential for abuse. Like the UPOAA, the Act attempts to balance the need for flexibility, the need for acceptance of the agent's authority and the need to prevent and redress financial abuse.

More specifically, the Act provides needed guidance to Georgia citizens, businesses and courts by (i) providing robust default powers for the agent; (ii) applying heightened scrutiny to powers that have the greatest potential for abuse; (iii) clarifying the agent's authority, duties and potential liability; (iv) creating express procedures to review an agent's conduct; and (v) imposing reliance provisions and acceptance requirements designed to encourage acceptance of powers by third parties such as financial institutions.

This article covers the general framework of the Act and certain unique Georgia provisions. Due to the comprehensive nature of the Act, this article is not a thorough analysis of all parts of the Act. Practitioners should read the Act itself and consult both the UPOAA (especially the comments) and the materials available at the website of the Fiduciary Law Section of the State Bar of Georgia.[4]

Applicability

The Act applies to all powers of attorney created after July 1, 2017.[5] Powers of attorney created before July 1, 2017, are still governed by Chapter 6 of Title 10 of the Georgia Code. The only portion of the Act that is retroactive to pre-July 2017 powers is the section that empowers a third party to request and rely upon various assurances concerning the validity of a power of attorney.[6]

For powers created after July 1, 2017, there are also six delegations of authority to which the Act does not apply. In general, the excluded delegations are instances in which the agent is not intended to act as the principal's fiduciary (e.g., power for the benefit of a creditor), or the delegation is governed by other law (e.g., the health care power).[7] In addition to the exceptions in the UPOAA, Georgia added an exception for "powers that only grant authority with respect to a single real estate transaction or series of related transactions" in response to concerns regarding the potential impact on real estate closings.[8]

Attestation

The Act imposes additional attestation requirements.[9] A power of attorney must be witnessed by at least one individual who is not also named as an agent and must be notarized by an individual who is neither the witness nor the agent.[10] The primary change is the notarization requirement. Having the power notarized has always been the best practice, however, because real estate transactions require notarization.[11]

Conservatorship

A principal may use a power of attorney to nominate a conservator.[12] A conservator is a court-appointed individual who has the authority to manage the property of another person. In Georgia, the appointment of a conservator terminates all or part of the power of attorney relating to matters within the scope of the conservatorship, unless the power of attorney or court order provides otherwise.

Agent's Authority: General, Ancillary and Hot Powers

The Act makes fairly significant changes to prior law regarding an agent's authority. Prior law provided, in part, "Whatever one may do himself may be done by an agent."[13] Case law provided some additional detail, but not that much: a power of attorney should be strictly construed and "general terms in it are restricted to consistency with the controlling purpose, and will not extend the authority so as to add new and distinct powers different from the special powers expressly delegated."[14]

Prior law also contained a blanket prohibition against delegations in which "special confidence" had been placed on the "skill, discretion, or judgment" of the principal.[15] The test was whether the party conferring the rights upon the principal intended the rights to be exercised by only the principal. In other words, was there a "special confidence" in the abilities of the principal?[16] For example, a principal who has contracted to drill a well could delegate the drilling of the well because no "special confidence" had been placed in the principal.[17]

The provisions of the Act are substantially more robust and specific. The Act confers three types of authority: "general authority," "ancillary authority" and "hot powers."[18] The general powers consist of a comprehensive set of broad powers over subject matters such as real proper-

ty, stocks and bonds, bank accounts, taxes and similar subjects. General powers may be incorporated by referring to the subject or the corresponding code sections. Also, if a power of attorney states that the agent can do "all acts that a principal could do," then the agent is deemed to have all the general powers (but none of the hot powers).

"Ancillary powers" are "incidental authority" that is "often necessary for the exercise or implementation" of the general powers.[19] For example, ancillary powers include the power to enter into contracts and to prepare and execute documents.[20] Such ancillary powers are consistent with prior law, under which the Supreme Court of Georgia held that "the agent's authority shall be construed to include all necessary and usual means for effectually executing it."[21] Notably, ancillary powers only apply to general powers and the "hot" power to make gifts under the Act.

The principal must expressly confer authority over a "hot power" in order for an agent to exercise that power. Express delegation is required because these powers represent a greater risk to the principal's property and estate planning. Despite this risk, in many circumstances it will be beneficial for an agent to continue estate planning or to manage assets on behalf of the principal.

Hot powers can be divided into four "categories." The first category grants powers over estate planning items, including powers over inter vivos trusts, gifting and the renunciation of a property interest. The second category covers beneficiary designations, including not only the power to change beneficiary designations generally, but also the powers to change rights of survivorship and the survivor beneficiary under a retirement plan. The third category involves the delegation of authority: the principal may specifically authorize the agent to delegate authority granted under the power of attorney or to exercise those fiduciary powers that the principal has authority to delegate. The fourth category authorizes an agent to access the content of electronic communications.

Requiring an express delegation of authority for these "hot powers" is a significant departure from prior law, especially for the authority to make gifts on behalf of a principal. Under prior law, the Supreme Court of Georgia, in *Lecraw v. Lecraw*, held that, despite the absence of any express delegation of the authority to make gifts, the principal's agents were authorized to make annual exclusion gifts to the principal's children and grandchildren.[22]

In addition to requiring express delegation, the Act contains an additional safeguard on the exercise of hot powers. If the agent is not an ancestor, spouse or descendant of the principal, then the agent cannot exercise authority to create an interest in the principal's property for the agent, including authority over gifts, rights of survivorship, beneficiary designation and disclaimer.[23] This restriction requires special attention for clients who have chosen to name a significant other, sibling or other similar party as an agent and who intend that the agent receive a portion of their assets.

There are additional points concerning the powers conferred under the Act as discussed below.

Requiring an express delegation of authority for these "hot powers" is a significant departure from prior law, especially for the authority to make gifts on behalf of a principal.

Gifting and Family Support

The power to provide for "personal and family support" is separate from the power to make gifts. The authority to make support payments is a general power which is not subject to the limitations that apply to the hot power to make gifts. Authority for personal and family support includes the authority to support the principal, the principal's spouse, the principal's minor children, those legally entitled to be supported by the principal and adult children

who are under 25 years old and pursuing postsecondary school education.[24]

Notably, the UPOAA's standard is broader and allows payments to any of principal's children. Like a number of the other states, Georgia imposed the "minor children" and "under 25 pursuing education" limitations to prevent abuse. For example, if a client wants to provide support payments to adult children who are not students or who are over 25 years old, such as special needs children, then the power should specifically grant authority to support these persons.

The Act authorizes support payments to other individuals subject to a heightened standard. If the principal has established a pattern of making support payments, then the agent has authority to make support payments to the principal's parents, minor dependents who are not the principal's children and adult descendants who are under 25 years of age and pursuing postsecondary school education. The latter two categories encompass persons like grandchildren.[25] If a client wishes to make support payments to certain persons but has not yet established a pattern of payments, then the power should expressly state this intent.

Unlike support payments, the power to make gifts is a hot power that must be expressly granted in the power of attorney. Additionally, the power to make gifts is limited to an amount not in excess of the annual exclusion amount, which is currently equal to $15,000 for an unmarried individual or $30,000 for a married couple who elects to split gifts.[26] If the principal would like the agent to have authority to make gifts larger than the annual exclusion amount, then the power must expressly authorize the agent to do so.

Access to Digital Assets

The power to access a principal's "catalogue" of electronic communications is an ancillary power.[27] The catalogue includes records of the principal's communications with others, including the electronic addresses of other parties, and the time and date of the communication. For example, if a principal's electronic bills are considered to be a catalogue, then such catalogue could reveal the service provider and the date that the principal typically received his or her bill, but the agent would not be able to view the actual bill or body of the email.

The power to access the "content" of such communication is a hot power. The content includes the body of emails or messages and attachments, such as photos. This power should be granted carefully. Although it seems innocuous in the context of bills and similar communications, it also grants the agent access to the principal's more personal emails and text messages. It is possible that principals may want to grant this power to their spouse as the primary agent but not to their children as the successor agents. This power should not be granted casually.

Inter Vivos Trusts

As part of the general powers related to estates, trusts and other beneficial interests, the Act grants the authority to create a revocable trust that distributes its assets to the principal's estate upon termination and only authorizes distributions that would be permissible under the power of attorney.[28] This authority is intended to allow an agent essentially to "hire," via the pour-over trust, a professional fiduciary to assist the agent in their management of the principal's affairs. The agent would direct and monitor the fiduciary, and have the power to "fire" the fiduciary at any time by revoking the trust.

Beyond this default authority, the power to "create, fund, amend, revoke, or terminate an inter vivos trust" is a hot power that must be expressly granted. This power is tantamount to the authority to prepare an estate plan subject to the duty to preserve the estate plan to the extent such plan is known by the agent. Practitioners should engage in careful consideration and thorough discussion with the principal before granting this authority. If the principal is granting the authority in a power of attorney, then

practitioners should consider limiting the power. For example, the power may be limited to creating trusts for certain family members or planning strategies.

In Georgia, a power of attorney alone cannot effectively confer upon an agent authority to exercise a principal's power of revocation. Rather, the agent may only exercise a principal's power of revocation if both the trust instrument and the power of attorney authorize the agent to do so.[29] This is a departure from Uniform Trust Code 602(e), which requires only authorization within either the trust instrument or the power of attorney.[30]

Power to Allow Agent to Delegate Agency

An agent's power to delegate his authority as agent is a hot power[31] and is distinct from the normal retention of advisors and other third parties by an agent.[32] For example, if Child A holds the power of attorney, then the hot power to delegate the agent's authority will allow Child A to delegate his or her powers as agent to Child B. Child A may want to do this for a variety of reasons, such as when Child A is traveling abroad.

Although this power has valid uses and can be quite convenient, there is the obvious potential for abuse or—at the very least—confusion. This authority should be granted thoughtfully, and principals may want to specify the permissible delegees.

Power to Exercise Fiduciary Powers

The power to exercise fiduciary powers is also a hot power, which must be expressly delegated. There are two additional limitations with respect to this power. First, this grant of authority only applies to the fiduciary powers specifically identified in the power of attorney, even when the hot power to exercise fiduciary powers is granted.[33] This limitation provides clarity on the fiduciary powers the principal is attempting to delegate.

Second, a principal can only delegate to their agent fiduciary powers that the principal has the authority to delegate.[34] In many instances involving fiduciary powers, it is doubtful whether the principal has the authority to delegate such powers. For example, Georgia law expressly allows the trustee to delegate "investment and management functions,"[35] which is only a subset of a trustee's powers and duties. Additionally, any delegation is appropriate only as long as the trustee is not incapacitated because one of the conditions for delegation is that the trustee "shall exercise reasonable care, skill, and caution in . . . reviewing periodically the agent's actions."[36]

The most common delegations of fiduciary powers likely will be the delegation of one co-trustee's power to another co-trustee and the delegation of an agent's powers.

Agent's Duties and Liability

An agent accepts a power of attorney by exercising authority or performing duties as an agent.[37] Upon acceptance, the agent is a fiduciary. Although the Act contains a robust set of requirements that flesh out the agent's exact duties, the agent must act in good faith and in accordance with the principal's reasonable expectations. To the extent the principal's expectations are not known, the agent must act in the principal's best interests.[38]

An agent has the duty to attempt to preserve the principal's estate plan, but only if preserving such plan is consistent with the principal's best interests.[39] Relevant factors to consider when determining the principal's best interests include, among others, the value and nature of the principal's property, the principal's foreseeable maintenance and tax minimization.

Unlike prior law, the Act imposes significantly more robust and specific duties upon an agent. Under prior law, an "agent for hire" was required to exercise "ordinary care, skill, and diligence required of a bailee for hire."[40] A "voluntary agent" was liable only for "gross neglect."[41]

An agent must also keep a record of all receipts, disbursements and transactions made on behalf of the principal. The agent is not required to disclose those records, unless the power of attorney states otherwise, the records are requested by certain persons or the agent is ordered to do so by a court. The class of persons empowered to request records is fairly narrow: the principal, a guardian, a conservator, another fiduciary acting for the principal, a government agency having authority to protect the welfare of the principal, or the personal representative of the principal's estate.[42] Principals may want to expand this class to include additional persons, such as children.

Although the class of persons entitled to receive records is narrow, the class of persons entitled to petition a court to review an agent's conduct is broad. In addition to a number of specifically-identified parties, it includes any "person that demonstrates sufficient interest in the principal's welfare."[43]

A power of attorney may waive an agent's liability for breach of duty, but a waiver is not effective for a breach committed either in bad faith or with reckless indifference to the purpose of the power of attorney.[44] A waiver is also not effective if it results from the abuse of a confidential relationship.

If an agent violates the Act, then the agent must restore the principal's property as if the violation had not occurred. The agent must also reimburse the principal for any attorney's fees paid from the principal's assets on the agent's behalf.[45]

Under prior law, agents were required to "keep their accounts in a regular manner and to be always ready with them supported by proper vouchers."[46] If this requirement were violated, then charging the agent was subject to "interest on the balances on hand and with costs."[47]

Third Party Acceptance and Liability

The Act's reliance and acceptance provisions are intended to promote acceptance of powers of attorney by third parties. Financial institutions and other third parties have been known to refuse the power of attorney drafted by the principal's attorney, and instead insist the principal execute the institution's form. However, when the principal is already incapacitated, he is unable to execute the third party's form.

The Act permits a third party to rely on the validity of an "attested power of attorney," provided such reliance is made in good faith with no actual knowledge to the contrary. An "attested power of attorney" is a power that has been notarized. When presented with an attested power of attor-

ney, a third party can assume the signature is valid, the power of attorney is valid and not revoked, and the agent is not exceeding or improperly exercising his authority.

The Act also provides that a third party may request further assurances that the power is valid, including an agent's certification of any factual matter and an attorney's opinion as to any matter of law.[48]

When presented with an "attested statutory form power of attorney," third parties are directed to either accept the power or request one of the enumerated assurances within seven business days. Generally, a "statutory form power of attorney" is a power that substantially reflects the language of the statutory form or is a military power of attorney.[49] A power meets this requirement if it (i) grants or withholds authority for each of the general powers; (ii) grants or withholds authority for each of the hot powers; and (iii) states that any person, including the agent, may rely on the validity of the power of attorney unless that person has actual knowledge it has terminated or is invalid. A power still satisfies these criteria if it restricts, expands or otherwise modifies the default powers. All that is required is that the power address each general and hot power.

There are several exceptions to the acceptance requirement, including when the third party is not required to engage in a transaction with the principal in the same circumstances and when the third party in good faith suspects some sort of misconduct.

If a third party fails to accept a power of attorney that is ultimately found to be valid (and one of the exceptions did not apply), then the third party is subject to a court order mandating acceptance of the power as well as liability for reasonable attorney's fees and expenses of litigation.[50] Third parties are presumably not liable for costs associated with phone calls, letters and negotiations because liability for expenses is limited to those expenses incurred in an "action or proceeding."

Conclusion

Although powers of attorney are subject to abuse, they are important and a widely-utilized alternative to guardianship. Although attorneys and others will need time to adjust to the Act, the amended Act should prove advantageous for Georgia because it increases the clarity surrounding the agent's powers, requires express delegation of the powers most susceptible to abuse, requires the agent to adhere to a well-defined fiduciary standard, imposes record-keeping obligations on the agent, creates multiple procedures to monitor and review an agent's conduct and facilitates the acceptance of powers by third parties. It also creates uniformity with approximately 25 other states that have enacted the UPOAA, including Alabama, South Carolina and North Carolina. ●

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Endnotes

1. O.C.G.A. § 10-6B-1 (2018).
2. H.B. 897, Reg. Sess. 2017-2018 (Ga. 2017).
3. O.C.G.A. §§ 10-6-140 to 142 (2018).
4. State Bar of Georgia Fiduciary Law Section, https://www.gabar.org/committeesprogramssections/sections/fiduciarylaw.
5. O.C.G.A. § 10-6B-81 (2018).
6. O.C.G.A. § 10-6B-19 (2018).
7. Georgia Advance Directive for Health Care Act, O.C.G.A. §§ 31-32-1 to 14 (2018); *see* Unif. Power of Attorney Act § 103 cmt. (2017).
8. O.C.G.A. § 10-6B-3 (2018).
9. Prior to the Act, powers of attorney could be created with relatively little formality. O.C.G.A. § 10-6-2 (2018).
10. O.C.G.A. § 10-6B-5 (2018).
11. O.C.G.A. § 10-6B-141 (2018).
12. O.C.G.A. § 10-6B-8 (2018).
13. O.C.G.A. § 10-6-5 (2018).
14. Johnson v. Johnson, 184 Ga. 783, 193 S.E. 345 (1937) (quoting White v. Young, 122 Ga. 830, 51 S.E. 28 (1905)).
15. O.C.G.A. § 10-6-5 (2018).
16. Council v. Teal, 122 Ga. 61, 49 S.E. 806, 807 (1905).
17. *Id.*
18. Unif. Power of Attorney Act § 201 (2017); O.C.G.A. § 10-6B-40 (2018).
19. Unif. Power of Attorney Act § 203 cmt. (2017) (UPOAA § 204-217 is analogous to O.C.G.A. §§ 10-6B-43 to 56 (2018)).
20. O.C.G.A. § 10-6B-42 (2018).
21. Johnson v. Johnson, 184 Ga. 783, 193 S.E. 345 (1937).
22. Lecraw v. Lecraw, 261 Ga. 98, 99, 401 S.E.2d 697 (1991). In reaching this decision, the Court took into account the language of the power of attorney which stated that it was a general power of attorney, authorized the agents to perform any act which the principal might do in person and authorized them to make withdrawals from financial accounts. The Court also considered the principal's pattern of making annual exclusion gifts. *Id.* at 99-100.
23. O.C.G.A. § 10-6B-40(b)(1) (2018). This restriction bears some resemblance to prior law's prohibition against self-dealing. O.C.G.A. § 10-6-24 (2018).
24. O.C.G.A. § 10-6B-52(a)(1) (2018).
25. O.C.G.A. § 39-1-1 (2018) (age of legal majority is eighteen years).
26. I.R.C. § 2503(b)(1) (2017).
27. O.C.G.A. § 10-6B-42 (2018); O.C.G.A. § 53-13-16 (2018).
28. O.C.G.A. § 10-6B-50(b)(7) (2018).
29. O.C.G.A. § 53-12-43 (2018).
30. Unif. Trust Code § 602(e) (2003).
31. O.C.G.A. § 10-6B-40 (2018).
32. O.C.G.A. § 10-6B-42(6) (2018).
33. O.C.G.A. §§ 10-6B-40(a)(1)(G) and 40(b)(2) (2018).
34. *See* O.C.G.A. § 10-6B-40 (2018) (listing powers that cannot be delegated to an agent).
35. O.C.G.A. § 53-12-345 (2018).
36. *Id.* at 345(a).
37. O.C.G.A. § 10-6B-13 (2018).
38. O.C.G.A. § 10-6B-14 (2018).
39. O.C.G.A. § 10-6B-14(b)(6) (2018).
40. O.C.G.A. § 10-6-22 (2018).
41. *Id.*
42. O.C.G.A. § 10-6B-14(h) (2018).
43. O.C.G.A. 10-6B-16 (2018).
44. O.C.G.A. § 10-6B-15 (2018).
45. O.C.G.A.§ 10-6B-17 (2018).
46. O.C.G.A. § 10-6-30 (2018).
47. *Id.*
48. O.C.G.A. § 10-6B-19(d) (2018).
49. O.C.G.A. § 10-6B-70 (2018).
50. O.C.G.A. § 10-6B-20 (2018).

Threats and Violence Against the Georgia Legal Profession: Results of the 2018 Survey

This article provides a brief summary of Georgia legal practitioners' responses to the survey and a glimpse into work-related threats and violence experienced, but seldom discussed, by members of the Georgia legal profession.

BY STEPHEN D. KELSON AND PETER C. JOHNSTON

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On June 20, 2018, Antonio Mari, a prominent family law attorney in Cartersville, Georgia, was shot and killed at his law office by Walter Samuel Radford, the husband of a client he was representing in a divorce proceeding. Radford later committed suicide at his wife's home. These terrible events remain in the minds of many in the Georgia legal community and raise concerns regarding threats and violence against the legal profession.

Violence is an increasingly concerning issue in our country where even the legal profession has been affected. In 2017 and 2018, national media groups reported a number of sensational acts of violence against the legal profession. For example, in Arizona, two paralegals were murdered at their law office by the ex-husband of the firm's former client. In New Jersey, a man on trial for murder punched his public defender after the jury was dismissed for deliberations. In Missouri, an attorney was shot and killed on his front porch. In Ohio, a man ambushed and shot a judge outside the courthouse. In Wisconsin, a divorce attorney was shot and killed in her office by her client's estranged hus-

band. In California, a deputy district attorney was attacked in an attempt to prevent her from giving closing arguments in a gang murder trial. In Nevada, a murder suspect hit his six months pregnant defense counsel in the face while in court. In Alabama, a mentally ill man, mistakenly believing an attorney played a part in his 1997 criminal case, stalked and murdered the attorney.

Due to the limited number of threats and violence reported by the media against the legal profession one might think that such incidents are unique and extremely rare. However, such examples represent only a fraction of reported incidents against the legal profession throughout the 2010s. Moreover, media stories of violence against the legal profession rarely report or take into account the many additional forms in which violence occurs, including threats, vandalism, sabotage, assaults and physical attacks.

Many members of the legal profession, including members of the Georgia legal profession, experience threats of and actual violence in their practices—some regularly. To better evaluate and understand the degree of threats and violence experienced in the practice of law, members of the Georgia legal profession were invited to participate in an online survey. This article provides a brief summary of Georgia legal practitioners' responses to the survey and a glimpse into work-related threats and violence experienced, but seldom discussed, by members of the Georgia legal profession.

Studies of Violence Against the Legal Profession

Limited research exists on the subject of violence against the legal profession. Nevertheless, studies do show that a substantial amount of violence is regularly directed at the legal profession, and may be increasing. For example, decades of statistics gathered by the U.S. Marshals Service provide disquieting data regarding violence against federal judicial officials in the United States. During the 13 fiscal years of 1980 through 1993, there were a total of 3,096 recorded inappropriate communications and threats directed at federal judges—an average of 238 per year.[1] In comparison, during the following seven fiscal years of 2001 through 2007, the U.S. Marshals Service reported a total of 5,657 inappropriate communications or threats—an average of 808 per year.[2] The average number of inappropriate communications and threats has dramatically increased since that time. During the three fiscal years of 2008 through 2010 there were 4,062 inappropriate communications or threats—an average of 1,354 per year.[3] In fiscal year 2017 alone, the U.S. Marshals Service reported 2,847 "threats and inappropriate communications against protected court members."[4]

While there is no national method for reporting threats and violence against the legal profession, analysis shows that threats and violence against the legal profession occur frequently at the state and local court levels. To date, 28 statewide surveys have been conducted by author Stephen D. Kelson, either independently or through state bar associations, regarding threats and violence against the legal profession. The results

While there is no national method for reporting threats and violence against the legal profession, analysis shows that threats and violence against the legal profession occur frequently at the state and local court levels.

provide a rare insight into the nature and frequency of work-related threats and violence experienced by members of the legal profession, the overwhelming majority of which have never been publicly reported. The results also show that contrary to public perception, members of the legal profession are not exempt from workplace violence, but in fact, many face danger from their own clients, opposing parties and interested parties, at any place and at any time.

These acts of violence reported by attorneys in these 28 state surveys include violence and threats of violence against the legal profession. Acts of violence reported by attorneys in these state surveys include numerous shootings, stabbings, assaults and batteries, as well as vandalism to businesses and personal property. The kinds of threats of violence reported include stalking, phone calls, written letters, emails, texts, online posts, verbal threats of physical violence and death threats, conspiracies to murder attorneys and judges, etc. The results of each state survey shows that violence and threats of violence against members of the legal profession are much more prevalent than reported by the media or commonly perceived by practitioners.

The Survey of Violence Against the Georgia Legal Profession

To better evaluate and understand the degree of threats and violence against attorneys, from Feb. 26, 2018, through March 26, 2018, all active, in-state members of the Georgia legal profession with accessible email addresses received an opportunity to participate in the survey. As of April 2018, the State Bar of Georgia consisted of 24,696 active, in-state attorneys.

The 2018 Survey

The survey was conducted independently by the author, using an email list created from online sources, and administered through http://www.surveymonkey.com. The survey consisted of 15 close-ended questions with two open-ended responses provided in two of the questions as they related to the category of law practiced and types of violence experienced. One descriptive question was also provided, wherein, respondents could briefly describe any threat(s) or violence experienced in their legal practice. The survey's questions sought responses regarding:

- Whether respondent had ever received threats or been the victim of violence
- Types of threats and/or violence
- Number of threats received
- Whether threats and/or violence occurred while employed in public or private practice
- Locations where threats occurred
- Association between those who made threats and subsequent assaults
- Relationship with perpetrator
- Whether incidents were reported to the police
- When threat and/or violence last occurred
- Change in conduct
- Demographic information

Generally, the determination of whether a threat is made is a subjective determination by the recipient. For the purposes of the survey, a threat was defined as: "A written or verbal intention to physically hurt or punish another, and/or a written or verbal indication of impending physical danger or harm." To simplify the survey, if a respondent indicated that he or she had not been a recipient of a threat or an act of violence, the survey skipped otherwise inapplicable questions related thereto.

The Results

The survey received a total of 1,670 responses, representing 6.8 percent of all active, in-state members of the Georgia legal profession. Although the survey's responses provide sufficient information to conduct a thorough analysis of each of the close-ended questions as they relate to each demographic question, this article focuses primarily on limited demographic questions as they relate to whether respondents have ever been the recipient of threats and/or violence.

Threats and Acts of Physical Violence

The survey's chief question asked attorneys if, "while serving as a member of the Georgia legal profession, have you ever been the recipient of a threat or been the victim of a violent act." Of the 1,660 total responses to this question, 709 (42.5 percent) respondents reported that they had been threatened and/or physically assaulted at least once. This percentage places Georgia in the middle in terms of the other surveyed states, and slightly higher than the average of the other 27 states (41.4 percent) (see Table 1).

Respondents to the survey provided more than 650 examples of work-related threats and violence perpetrated against them. Some examples of egregious threats and violence reported by members of the Georgia legal profession include:

- After court, the father of the Defendant forced my car off the road and threatened to kill me.
- Opposing party came to my office when I was not there, and later that day murdered his wife, shot his mother-in-law and killed himself.
- My client threatened me and stalked me at the office. I am not sure, but he may have followed me home. He would wait until I got in the office and "pounce" at the door.
- I have seen opposing parties damage my vehicle in the courthouse parking lot and in a Publix grocery store parking lot.
- I was called by my client while I was at my residence on a weekend with my family and guests. She told me that her former husband had just beat her up, had a gun and was on the way to kill me. . . . Instead of me, he killed himself.
- Brick thrown through window of conference room, tires slashed, car keyed, hang up calls, threatening letters. . . .
- [Opposing party in a divorce case] would follow me and memorize my routines and then come to my office and tell me that he had been following me and would tell me my daily routines. . . .

Table 1 | Statewide Surveys of Violence and Threats of Violence Against Attorneys

Year	State	In-State Membership	Responses	Percentage In-State Membership	Threats/ Violence	Percentage Respondants
2006	Utah	6,832	904	13.2	417	46.1
2008	Idaho	3,627	780	21.5	319	40.9
2012	Nevada	8,245	1,039	12.6	412	40.0
2012	Wyoming	1,639	467	28.5	211	46.0
2012	Oregon	13,916	1,862	13.4	684	36.7
2013	New Mexico	6,170	919	14.9	369	40.0
2013	Arizona	17,383	1,841	10.6	777	42.2
2013	Iowa	7,329	1,333	18.2	547	41.0
2013	North Carolina	21,856	2,251	10.3	732	32.5
2013	Kansas	8,177	1,185	14.5	480	40.5
2014	Nebraska	4,937	286	6.8	101	35.3
2014	Michigan	35,824	4,219	11.8	1,529	36.2
2014	Mississippi	7,048	422	6.0	195	46.2
2014	North Dakota	1,663	243	14.6	113	46.5
2015	Louisiana	22,257	1,577	7.1	576	36.5
2015	Rhode Island	4,454	293	6.6	104	35.5
2015	Hawaii	4,122	356	8.6	134	37.6
2015	Alaska	2,444	471	19.3	195	41.4
2015	Alabama	14,509	1,088	7.5	440	40.4
2015	Washington	25,678	1,720	6.6	756	44.0
2015	Delaware	2,952	225	7.6	87	38.7
2015	Montana	3,247	403	12.4	169	41.9
2016	South Carolina	12,236	839	6.9	379	45.2
2016	Colorado	21,739	1,255	5.8	589	46.9
2016	Vermont	2,213	240	10.9	106	44.2
2017	South Dakota	1,968	223	11.3	118	52.9
2017	New Hampshire	3,504	419	12.0	172	41.1
2018	Georgia	24,696	1,670	6.8	709	42.5

Table 2 | Types of Threats/ Inappropriate Communications

Type	Number
Inappropriate Communications	557
Inappropriate Approaches	345
Physical Assault	54
Combination of two or more of the above	56
Other	49

Table 3 | Threats Experienced

	Number of Respondents	Percentage
None	6	.9
One	165	25.4
Two	170	26.1
Three	123	18.9
Four	47	7.2
5 to 10	106	16.3
More than 10	34	5.2
Total	651	100

- Firebombing of offices.
- Defendant showed up at my new house and knew where my old house was located.
- A client physically attacked me in court after a jury verdict.
- A man rammed his vehicle into my law office, then set out on foot and placed a bomb inside a window. He detonated the bomb, killing himself and injuring one of my law partners, a client and two support staff.
- A gun was pulled on me [by someone] who fortunately thought I was another attorney.
- Opposing party came into my office with a knife and threatened to cut me. I held out a chair like a lion tamer and my partner pointed his gun at the assailant who then dropped the knife.
- Contract was taken on my life by a drug gang.

Types of Threats and Violence

The survey asked respondents to identify the types of threats and acts of violence received relating specifically to their responsibilities as a legal practitioner. Of 651 respondents to this question, the vast majority of respondents identified inappropriate and threatening communications and approaches (see Table 2). Inappropriate and threatening communications were those communicated verbally (in person, through third-parties and by phone, letters/cards, email, social media, etc). Inappropriate approaches included face-to-face confrontations, attempts to commit violence and stalking. A total of 54 respondents (8.3 percent) who identified themselves as recipients of threats and violence reported being the victim of a physical assault.

Inappropriate communications were made primarily in person or by phone and included direct and veiled threats. For example, individuals made threats of: "I'll kill you"; "stop stirring things up or else"; "I'm going to beat the @#$% out of you"; "Watch your back"; "I'll stick a gun up you and pull the trigger"; "I'll leave you in a pool of your own blood"; "I'll burn down your office"; "I'm going to kill me a lawyer"; "I'll find out where you live"; "I know where you live"; "I'll cut your body up"; "You won't leave the courthouse alive"; "I'll put you in a box"; "I'll send my people to visit you"; etc. Violence and threats of violence were not only directed at attorneys, but also at their staff, spouses and children. For example, one respondent reported that an opposing party confronted an attorney's child in a restaurant, seeking information about where she lived and went to school.

Respondents who experienced other forms of threats and inappropriate communications were asked to identify how they occurred. In response, attorneys reported learning about threats and violence against them through various means, including through clients, social media, enforcement authorities, letters and emails. Several respondents described their experiences of learning of threats through other forms of inappropriate communications, including vandalism to vehicles (keyed, tires slashed, break-ins, tampered with to cause vehicle to crash, etc.) and vandalism to/attack upon their offices and residences (burglaries at home, a brick through office window, damaged mailbox and office doors, damage to the front yard, poisoned and injured pets, etc.). Multiple respondents also reported curse and voodoo threats. Inappropriate approaches include threats made by or while physically approaching the legal professional.

The survey requested those respondents who identified themselves as recipients of threats and violence to indicate the number of threats they received. A total of 651 respondents reported they had received threats of violence in the practice of law. Based on the responses shown in Ta-

ble 3, respondents who were recipients of threats, 480 (73.7 percent), received more than one threat during their legal career up to the time of the survey (see Table 3).

Locations of Threats

The survey asked members of the Georgia legal profession to identify the location(s) where they experienced threats and violence. The 27 other statewide surveys conducted uniformly report that the business office and the courthouse are the two most prominent locations of threats and violence. Similar to all of the other state surveys, the majority of respondents identified the business office (363 responses) and the courthouse (303 responses) as the most prominent locations of threats and violence. However, many respondents reported the occurrence of threats and violence at other locations, such as the home (52 responses) and elsewhere (193 responses), including at jails/prison, parking lots, grocery stores, mediations, depositions, public streets, restaurants, bars, schools, a hotel lobby, a handball court, a festival, a gas station, etc.

Threats and Subsequent Assaults

Attorneys who received threats were asked to identify if the individual who made the threat was the same person, or connected to the person, who most recently assaulted them. Of 651 responses, 34 incidents (5.2 percent) of subsequent physical assaults were reported. Nine additional respondents identified that he or she didn't know the assailant.

Relationship with the Perpetrator of Threats/Assaults

Recipients of threats and violence were asked to identify their association with the individual who most recently threatened/assaulted them (see Table 4). As in all of the other surveyed states, respondents reported that threats and violence were primarily perpetrated by opposing parties (40.9 percent) and the attorney's own client (22.9 percent). However, responses show that threats and violence can occur from any individual involved in a legal case, including relatives/associates of a client and relatives/associates of an opposing party. It should be noted that 29 respondents (4.5 percent) reported threats and violence from opposing counsel. Reported threats and violence from opposing counsel include being punched by another attorney, shoved in the courtroom in front of the jury, assaulted in a courthouse elevator, an attack over the table during a deposition, being grabbed by the arm/s and lapels, invitations to fight, etc.

Table 4 | Perpetrators of Threats/Assaults

	Number of Respondents	Percentage
Client	149	22.9
Relative/Associate of Client	52	8
Opposing Party	266	40.9
Relative/Associate of Opposing Party	55	8.5
Opposing Counsel	29	4.5
Unknown	21	3.2
Other	79	12.1
Total	651	100

Threats and/or Violence against a Public or Private Attorney

The survey asked respondents to identify whether the most recent threat(s) and/or violence experienced occurred while they were employed as public or private attorneys. Of 651 respondents, 441 (67.7 percent) reported that the last threat and/or violence occurred while employed in private practice, 176 (27 percent) occurred while employed in public practice and 34 (5.2 percent) said it occurred while employed in both public and private practice. These responses suggest that Georgia

Table 5 | Last Work-Related Threat or Physical Assault

Time	Number	Percentage
Within the past year	152	23.4
1 – 5 years ago	236	36.3
6 – 10 years ago	118	18.1
More than 10 years ago	145	22.3
Total	651	100

Table 6 | Threats/Violence by Gender

	Female	Male	Total
Number Members	8,502	16,194	24,696
Percent Members	34.4	65.6	100
Number Responding	987	673	1,660
Total Percent Responding	11.6	4.6	
Number Threats/Violence	279	430	709
Percent Threats/Violence by Gender	41.3	43.3	

attorneys employed in private practice are more likely to experience threats and violence than those in public practice.

When the Last Threat/Violence Occurred

Respondents were also asked when they last experienced a work-related threat or when they were the victim of a physical assault (see Table 5). Results show that of 651 respondents to the question, the majority, 388 (60 percent), reported such acts had last occurred within the past five years. 152 respondents (23.4 percent) experienced threats and violence within the past year. The results show that threats and assaults are relatively recent occurrences for many attorneys.

Whether Incidents Were Reported to Police

Respondents who reported threats and acts of violence were asked if it was reported to police. Of 651 respondents, 202 (31 percent) indicated yes, while 338 (51.9 percent) said no. Another 111 respondents (17.1 percent) did not find the question applicable. In many circumstances, respondents did not feel the threat was credible. Some members of the Georgia legal profession reported that threats and violence are considered "part of being a lawyer" and are told that they should get used to it. Some respondents expressed disappointment with the response from the police and the court after reporting threats and violence.

Change in Conduct

Respondents that had received threats or had been the victim of violence were asked if such threats/violence had altered the way they conducted their legal business. Of 639 respondents to this question, only 39 (6.1 percent) reported that such incidents had affected their conduct a great deal, 236 (36.9 percent) indicated that their conduct had been somewhat affected and the majority, 364 (57 percent), identified that it did not at all alter the way they conducted business. Multiple attorneys reported changing their area of practice as a result of threats and violence.

Several respondents reported taking steps to protect themselves and staff, including: requesting a court security escort where there was a sense of risk, purchasing a gun, obtaining a weapons carry permit, removing all public references to home addresses, changing mail addresses and phone numbers, obtaining self-defense training, installing security cameras and installing an emergency button for the office.

Demographic Survey Results

The survey's demographic questions provide additional information regarding the distribution of threats and violence against members of the Georgia legal

profession by gender, age, area of practice and years of practice.

Threats by Gender

Table 6 shows Survey results regarding threats and violence experienced by active members of the Georgia legal profession as distinguished by gender. Although the survey does not focus on gender-specific issues, there are sufficient findings for future analysis of gender-specific targeting in the legal profession. As of April 2018, of Georgia's 24,696 active, in-state attorneys, 8,502 (34.4 percent) were females and 16,194 (65.6 percent) were males. In response to the survey, 11.6 percent of active, in-state female attorneys responded in comparison with only 4.6 percent of males. Female respondents reported a slightly lower percentage of threats and violence (41.3 percent) than male respondents (43.3 percent). Also, many threats and violence experienced by female respondents were gender-related in comparison with those made against males. For example, many threats described by female members of the Georgia legal profession specifically identified gender and suggest sexual violence associated with their gender. Only one threat described by male members of the Georgia legal profession was gender-related.

Area of Practice

The survey also requested that respondents identify what area of law comprises the majority of their legal practice (see Table 7). Not surprisingly, a significant percentage of respondents who reported threats and violence primarily practice in the areas of family law (19.5 percent) and criminal defense/prosecution (24 percent). Respondents who reported a principal practice area of "general litigation" reported a significant number of threats and violence (15.9 percent). Many of the threats and violence reported in the area of general litigation occurred in family/divorce and criminal defense cases. However, respondents in other listed areas of practice also reported being the recipients of threats and violence. Moreover, an additional 21.3 percent of respondents, practicing in other areas of law, reported being the recipients of threats and violence.

These results are consistent with the 27 other statewide surveys that show criminal defense, prosecution and family/divorce law as the most widely reported areas of law in which threats and violence against the legal profession occur. However, results also show that a significant number of threats and violence occur against attorneys in many other areas of practice.

Table 7 | Threats/Violence by Area of Practice

	Number Respondents	Percentage Respondents	Number Threats/Violence	Percentage Threats/Violence
Criminal Defense	220	13.3	123	17.4
City/State/Federal Prosecution	89	5.4	47	6.6
Family/Divorce	242	14.6	138	19.5
Wills/Estates	65	3.9	22	3.1
Administrative	27	1.6	4	.6
Corporate/Commercial/ Real Estate	189	11.4	39	5.5
General Litigation	274	16.5	113	15.9
Labor/Employment/ Civil Rights	57	3.4	14	2.0
Judge	88	5.3	58	8.2
Other	409	24.64	151	21.3
Total	1,660	100	709	100

Table 8 | Threats/Violence by Age Group

Age	Number Respondents	Percent Respondents	Number Threats/ Violence	Percent Threats/ Violence
30 or Less	92	5.5	15	2.1
31-40	359	21.6	128	18.0
41-50	386	23.3	185	26.1
51-60	377	22.7	168	23.7
61-70	298	18.0	151	21.3
71 or More	148	8.9	62	8.7
Total	1,660	100	709	100

Table 9 | Threats/Violence by Years of Practice

Years of Practice	Number Respondents	Percent Respondents	Number Threats/ Violence	Percent Threats/ Violence
Less than 1	5	.3	0	0
1-5	180	10.8	43	6.1
6-10	222	13.4	69	9.7
11-15	212	12.8	91	12.8
16-20	208	12.5	99	14.0
21-30	383	23.1	186	26.2
More than 30	450	27.1	221	31.2
Total	1,660	100	709	100

Age

Table 8 demonstrates the results of the survey regarding threats and/or violence experienced by active members of the Georgia legal profession by age groups. An examination of the survey reveals what appears to be a correlation between the number of respondents who identify themselves as recipients of threats and violence and their reported age. This corresponds with an apparently strong correlation between the number of years an individual has practiced law and the number of threats and violence reported—at least between those up to 60 years old.

Years of Practice

Lastly, respondents were asked to identify the number of years that they have been in practice. Table 9 demonstrates the survey results regarding threats and/or acts of violence experienced by respondents, as distinguished by their years of practice. An examination of Table 9 reveals a general increase in the number and percentage of threats and violence experienced by respondents over time in practice, from new practitioners to those that have been practicing for more than 30 years.

Conclusion

The purpose of this article is not to recommend that legal professionals should constantly look over their shoulders and anticipate some act of violence. Howev-

er, members of the Georgia legal profession should not discount the reality that work-related threats and violence can come from any side of a given case and can occur beyond the courthouse and office, regardless of one's area of practice. The survey's results show that many Georgia legal professionals experience a wide range of work-related threats and violence, and it should not be assumed that similar threats and violence against attorneys only happen somewhere else to someone else. Many attorneys regularly work in very contentious and highly emotional conflicts. Recognizing the reality of potential violence in the practice of law is an essential first step in helping to avoid and prevent becoming the victim of work-related violence. Attorneys can and should implement measures to anticipate and prevent potentially violent situations. Simple measures on the front end can prevent dire consequences to professional and personal well-being and physical safety of legal professionals, staff and their families. ●

Stephen D. Kelson is an attorney and mediator at the law firm of Christensen & Jensen, P.C., in Salt Lake City, Utah, where his practice focuses on civil and commercial litigation. Kelson has published numerous articles on topics related to legal professionalism and professional liability issues, and is a frequent presenter on professional legal topics. For more than a decade, he has studied, documented and conducted statewide surveys regarding violence against the legal profession and methods to prevent workplace violence.

Peter C. Johnston is a second-year international studies major at the University of Utah with a focus on the intersection of domestic politics and international human rights.

Endnotes

1. Frederick S. Calhoun, Hunters and Howlers: Threats and Violence Against Federal Judicial Officials in the United States, 1789-1993, 51 (U.S. Marshals Service, 1998).
2. *See* Office of Public Affairs, U.S. Marshals Service, Pub. No. 23, Facts and Figures at a Glance (2002); Office of Public Affairs, U.S. Marshals Service, Pub. No. 23, FACTS AND FIGURES AT A GLANCE (2003); Office of Public Affairs, U.S. Marshals Service, Pub. No. 21-B, Facts and Figures at a Glance (2004); Office of Public Affairs, U.S. Marshals Service, Pub. No. 21-D, Facts and Figures at a Glance (2005); Office of Public Affairs, U.S. Marshals Service, Pub. No. 21-D, Facts and Figures at a Glance (2006); Office of Public Affairs, U.S. Marshals Service, Pub. No. 21-D Facts and Figures at a Glance (2007); *see also* U.S. Marshals Service: Judicial and Court Security, http://www.usmarshals.gov/judicial/index.html.
3. *See* Alan Silverleib, *Report: Threats Against Federal Judges, Prosecutors Rise Sharply*, Jan. 4, 2010, http://articles.cnn.com/2010-01-04/justice/judges.threats_marshals-service-federal-judges-report?_s=PM:CRIME; U.S. Marshals Service, Judicial Security (2009), http://www.justice.gov/marshals/judicial/; The Third Branch: Ensuring Safety and Security: An Interview with the Director of the U.S. Marshals Service (March 2011), http://www.uscourts.gov/news/; The Third Branch/11-03-01/Ensuring_Safety_and Security_An_Interview_with_the_Director_of_the _U_S_Marshals_Service.aspz; U.S. Judicial Security, Judicial Security (2011), http://usmarshals.gov/judicial/index.html.
4. *See* Office of Public Affairs, U.S. Marshals Service, Fact Sheet: Judicial Security (2018), https://www.usmarshals.gov/duties/factsheets/facts.pdf.

The John T. Marshall Model Mentor Award: Honoring the Cause, the Champions and the Concept

The inaugural John T. Marshall Model Mentor Award was presented to John T. Marshall at the 2018 Fall Board of Governors Meeting.

BY MICHELLE E. WEST

PHOTO BY JENNIFER R. MASON

John T. Marshall and Michelle E. West, director, Transition Into Law Practice Program, during the presentation of the inaugural John T. Marshall Model Mentor Award at the Fall Board of Governors Meeting.

When you get, give. When you learn, teach.
—Dr. Maya Angelou

This vision is what the Transition Into Law Practice Program (TILPP) seeks to fulfill through its continuing legal education seminars, mentor programming and mentor pairing. TILPP, the State Bar of Georgia's mentoring program, was created in response to the need to assist new lawyers with ethics, professionalism and practice tips as they begin their careers.

TILPP honored the most notable of its many champions, John T. Marshall, at the Fall Board of Governors Meeting on Friday, Nov. 2, at Callaway Gardens. TILPP created the John T. Marshall Model Mentor Award to commemorate its 10th anniversary and to celebrate experienced lawyers, who like its namesake, are so graciously giving of their time as they willingly teach from their experiences. This commitment and dedication of TILPP mentors translates into a warm welcome for new lawyers entering the profession.

TILPP was initiated by the Chief Justice's Commission on Professionalism (CJCP), which conducted town hall

meetings around Georgia to address the growing concern regarding recent law graduates' readiness to join the practice of law. At these meetings, CJCP hoped to gather further insight into and support for this noble cause. In 1996, State Bar of Georgia President Ben Easterlin asked John T. Marshall to lead the Standards of Profession Committee and to develop a mentoring program. The initial thought was to create an apprenticeship program similar to the residency program for new doctors. However, Marshall did not think that type of program would be ideal for new attorneys.

In order to fulfill this important mission of new lawyer mentoring in Georgia, Marshall assembled a dream team, which included Ron Ellington, Larry Jones, Sally Lockwood Mitchell and Bill Scranton. Intuitively Marshall knew that these individuals possessed the expertise and perspective to assist in such a great endeavor. This dream team devised a pilot program, recruited mentors and mentees, and traveled the state. Approximately 10 years later, the State Bar of Georgia Board of Governors and the Supreme Court of Georgia approved the mandatory mentoring program for full implementation.

As the program gained more momentum and became increasingly successful, the dream team traveled the country to teach other states about administering a successful mentoring program. Based on the groundwork laid by the diligence and hard work of Georgia lawyers, Georgia became, and remains, an authority in the realm of national legal mentoring programs. As Sally Lockwood Mitchell traveled nationally, she recalled advising those who asked why Georgia was so successful with legal mentoring that three "M"s were needed to have a successful mentoring program (1) available and interested mentors; (2) a program that is mandatory; and (3) the direction, drive and dedication of someone like John T. Marshall. Currently, there are approximately 19 states, including Georgia, with legal mentoring programs.

As of November 2018, under the direction of Doug Ashworth, followed by Tangela King and now myself, 12,533 newly admitted lawyers have enrolled in the Mentoring Program. There have been 51 Supreme Court orders appointing TILPP's 4,680 mentors. The 4,680 mentors reflect solely each mentors' initial appointment. Many of our mentors have served multiple times.

We salute the dream team and honor its fearless leader, John T. Marshall. He and his team created a program that has served as a template for numerous programs nationwide. Marshall, currently of counsel to Bryan Cave Leighton Paisner, shaped such an impactful program all while being a partner at then Powell Goldstein LLP where he chaired the Litigation Department. He is a former president of the Atlanta Bar Association, and a former adjunct professor at both Emory University School of Law and the Georgia State University College of Law. He has also served on the Supreme Court of Georgia's Board to Determine Fitness of Bar Applicants. Last, but definitely not least, Marshall has served as a mentor to many of us who have been blessed with the pleasure of making his acquaintance.

In 2009, TILPP requested from its mentors five things they had learned since law school and their best mentoring tip or technique. Marshall remarked:

- The most important part of law practice is your credibility
- Looking back over my 47+ years, I remember most my relationships with my partners as well as other lawyers and judges, exceeded only by my relationships with clients.
- The most challenging thing, and the most interesting thing I remember, was trying jury cases.
- The law is, indeed, a jealous mistress.
- Today's disaster is tomorrow's cocktail story.

He concluded with his nomination for the best mentoring tip or technique as: Listen . . . really listen . . . to your mentee.

Marshall's advice is something we can all relate to and learn from. He has always been true to giving as he has received and teaching what he has learned. It is such a pleasure to acknowledge Marshall for his unwavering service, commitment and dedication to the legal profession, which has benefitted so many. Among his previous honors from the American Bar Association, the State Bar of Georgia, the Atlanta Bar Association, the American Inns of Court, the Anti-Defamation League, the Atlanta Volunteer Lawyers Foundation and the Georgia State University College of Law, he can now add the 2018 John T. Marshall Model Mentor Award.

We will continue to honor the contribution of John Marshall, the dream team and Georgia mentors with the annual presentation of the John T. Marshall Model Mentor Award. Nominations for the 2019 Marshall Model Mentor Award are open until Feb. 28, 2019. Please send an email with your entry to mentoraward@gabar.org. In the subject line, please list your TILPP mentor's name and bar number. In the body of the email, please tell us why you are nominating your TILPP mentor and elaborate on how your mentor's service and commitment has impacted you and the legal profession. The recipient will be honored at the State Bar Annual Meeting. ●

Michelle E. West

Director
Transition Into Law Practice Program

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GABWA Goes to Switzerland

Members of the Georgia Association of Black Women Attorneys traveled to Switzerland for a unique learning experience.

BY AVARITA L. HANSON AND RITA M. TREADWELL

So what did you do last summer? How we spend the summer months is important to lawyers, our families and friends. We can fill that time with wellness, leisure and professional activities. Last August, several members of the Georgia Association of Black Women Attorneys (GABWA), joined by family members and friends from around Georgia, traveled to Switzerland. The lawyers earned continuing legal education credits while visiting this beautiful country, a land

PHOTO BY MARC-ANTOINE BOREL

GABWA CLE travelers on the steps of the Swiss Federal Supreme Court.

of about 4 million people in a country roughly the size of Ohio.

Why did GABWA go to Switzerland? President Rita Treadwell exercised her presidential choice to take us to the land where she has family, and we were heartily welcomed at the Zurich airport by her brother and niece after the overnight flight. Said Treadwell, "Switzerland holds such a special place in my heart; there is an openness to her people and peace in her beauty. I wanted to share my love for its people and culture with GABWA." Several GABWA members are fluent in French and German, two of the three countries that border Switzerland (the other is Italy) and they were eager to practice their language skills, which were used to help the group navigate the country. The Swiss Tourist Board (also known as Presence Switzerland, part of the Swiss Federal Department of Foreign Affairs) helped tailor our unique tours of the best sites in Switzerland, including a visit to the Swiss Federal Supreme Court in Lausanne, the Olympic Capital. Our "CLE at Sea" organizers, Adria Green and Rahmah Abdulaleem, presented an excellent learning and travel program.

For five days we ventured from Atlanta to our base in Zurich and across Switzerland in reserved cars in high speed commuter trains; cable cars up to and cogwheel mountain train cars down from Mt. Pilatus; in boats on lakes and rivers; luxury buses; and on foot. In our hotel we learned about the healthy Swiss lifestyle, including the fine mountain water from the tap, the sign for which read: "Clean, healthy, zero sugar. Fat free, refreshing, organic, safe to drink. Enjoy your Zuri water!" Our day and evening tours included Zurich, Lausanne, Lucerne and Geneva, as we stopped along the byways to take in waterfalls, landmarks, meals and informative exchanges with our guides. From train windows, we viewed the verdant Swiss countryside, replete with many lush farms and vineyards. We saw snow-capped mountains and one day, ventured to the top of Mt. Pilatus. Our adventure took us to the beautiful city of Lucerne, the Rhine Falls, the quaint city of Stein am Rhein and on a train ride above the clouds. In Geneva, we viewed the buildings that are home to the United Nations, World Trade Organization, International Red Cross, United Nations High Commissioner for Refugees, Geneva Museum, International School of Geneva, and we toured the building of the Church of Scotland (Presbyterian) where John Calvin preached. The day in Geneva ended with a scenic boat ride on Lake Geneva with its ferris wheel, spew-

Welcome from the Swiss Federal Supreme Court

Honourable Ladies and Gentlemen,

I would like to welcome you here in the main courtroom of the Swiss Federal Supreme Court, at its principal seat in Lausanne. Can you imagine that our Swiss Federal Supreme Court, when it was created in 1875, had as its model or prototype your highest court, the Supreme Court of the United States? Yes, believe me, honourable Ladies and Gentlemen, this is true, it's an historic truth: That modern Switzerland was founded in 1848, is the result of the uniquely successful liberal revolution in Continental Europe, while other countries like Germany, France, Austria or Russia still remained for a long time under authoritarian regimes. So, Switzerland shares with Great Britain and the United States of America an old and long constitutional tradition of democracy, rule of law, and checks and balances. That is the reason why I have the pleasure of receiving you today, at the occasion of your visit to the Swiss Federal Supreme Court. Have a pleasant stay in Switzerland!

PHOTO BY MARC-ANTOINE BOREL

(Left to right) Avarita L. Hanson, Ulrich Meyer and Rita Treadwell

Lausanne, 14th August 2018
Ulrich Meyer
President of the Swiss Federal Supreme Court

The Swiss Federal Supreme Court

ing fountain, views of fine homes and the surrounding French Alps.

Albany attorney Je'Nita Lane brought with her three teenagers who had special permission from their school system to miss a few days and earn extra credit for writing reports upon their return. The teenagers left Georgia with adolescent views about food choices and American creature comforts. Within a few days under the tutelage of caring, seasoned travelers, the teens became more open to trying new adventures and foods while exploring the sights of Switzerland, learning about the land and people, and enjoying the company of global travelers. Some lawyers were accompanied by their parents and helped the group enjoy a truly multi-generational travel experience.

Our Sunday morning in Zurich was spent in CLE sessions. We heard from Rahmah Abdulaleem, Karamah Muslim Women Lawyers for Human Rights, about "Negotiation and Diplomacy in Difficult Times." Fatima Harris Felton, judicial officer, Fulton County Superior Court and The Harris Law Firm, LLC, provided hot topics helpful to many in her session: "The Georgia Family Law Survival Kit." The last presenters, Erica Wilson, The Law Office of Erica Wilson LLC, and Nichole Tucker, the Law Office of J. Nichole Tucker LLC, led the group through "New Challenges in Legal Ethics." The CLE sessions provided lively, interactive and timely information. We were even joined by a Georgia attorney who resides in Germany and welcomed the opportunity to travel to Zurich to earn in-person CLE credits and meet other Georgia attorneys.

The highlight of the trip was the visit to the Swiss Federal Supreme Court in Lausanne, where we were greeted by the Chief of Protocol Marc-Antone Borel. Hon. Ulrich Meyer, president of the Swiss Federal Supreme Court (the equivalent of the chief justice), provided us with gracious remarks (see page 39) and joined us on the courthouse steps for a photo op. We learned about the highest court in the land, its organization, caseload and jurisdiction. The court operates in the three languages used in Swiss territories—French, German and Italian—penning opinions from cases heard from those regions in those languages which opinions they do not translate. We enjoyed a guided tour of the beautiful building in which the court is housed, just across the street from the building that houses the International Olympic Committee and overlooking Lake Lucerne.

As Georgia attorneys, we must, can and often attend CLE sessions at home in Georgia. The opportunity to compare laws, legal systems, life, environments, see new lands and meet new people is a rewarding way to continue our legal education, get to know the best of each other, and get some well-needed rest and relaxation, so central to our overall wellness. This year's trip to Switzerland was a first for GABWA. Over the years, GABWA members have ventured to St. Kitts, Costa Rica, Dubai, Brazil, Egypt and enjoyed several "CLE at Sea" cruises. Who knows where we will travel to in the future? Surely, that will be another great experience, no matter what season. ●

Avarita L. Hanson, Atlanta attorney, is the former executive director of the Chief Justice's Commission on Professionalism and was the fourth president (1985) of the Georgia Association of Black Women Attorneys.

Rita M. Treadwell, 2018 president, Georgia Association of Black Women Attorneys, is as a senior research analyst at Nelson Mullins Riley & Scarborough LLP in Atlanta where she conducts complex legal research and provides competitive intelligence and business development research for the firm.

"And Justice for All"
State Bar Campaign for the Georgia Legal Services Program® (GLSP)





You Can Help Close the Justice Gap in Georgia. Give to the Georgia Legal Services Program.

Ms. Sarah Hendley is 81 years old and has Parkinson's disease. She lives in her own home and is mentally competent to make decisions. When she became very sick, she gave her only son a power of attorney over her income of $1,200 monthly. Her son stole hundreds of dollars from her accounts for his own use and would tell his mother that he was entitled to be compensated for visiting her and buying her groceries. He controlled his mother with threats that he would place her in a nursing home if she made any trouble for him. Ms. Hendley was aware of the Georgia Legal Services Program from her neighbor who was a GLSP volunteer. A GLSP lawyer provided legal assistance to execute a revocation of the power of attorney and filed it at the courthouse. Ms. Hendley's bank accounts were immediately cut off from her son. The GLSP lawyer prepared a new will for Ms. Hendley, removing her son as a beneficiary. Ms. Hendley has full access to her money now and is living a more peaceful life free from her son's control and threats.

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Ten (10) GLSP offices outside metro Atlanta serve 154 of Georgia's 159 counties. Your gift makes a difference!

Authentic Leadership: Leading with Courage and Heart

Authentic leadership has been explored in various degrees for decades. The Georgia Diversity Program set out to explore the intersection between authentic leadership, diversity and inclusion.

BY REBECCA CHRISTIAN SMITH

PHOTO BY DON MORGAN

Cheryl Cofield, director of Culture, Diversity & Inclusion for the Georgia Institute of Technology, during the morning CLE presentation.

On Thursday, Sept. 27, the State Bar of Georgia Diversity Program (GDP) hosted its 26th Annual Diversity CLE & Luncheon. This year's theme—The Way Forward: Achieving Inclusion Through Authentic Leadership—was the idea of GDP Steering Committee Vice-Chair Kathleen O. Currey, partner, Parker Hudson Rainer & Dobbs, LLC. Our committee quickly agreed that the topic was timely, interesting and would provide a valuable teaching moment for members of the Bar.

Authentic leadership has been explored in various degrees for decades.[1] At this year's event we set out to explore the intersection between authentic leadership, diversity and inclusion. Here are a few takeaways from the CLE to help all of us become authentic leaders and create or maintain a culture that supports a diverse, equitable and inclusive environment throughout our respective organizations.

First, authentic leadership involves hard work and some discomfort. An authentic leader must take responsibility for his or her own personal development. Authenticity involves consistent self-evaluation. Authentic leadership is not a destination. It is a journey. Second, authentic leaders are willing to discover and constantly reframe their life stories. What are life stories? Though factual, life stories are the events, narratives and experiences that help to explain why leaders lead their organizations in the manner they do. Life stories inform the leader's values and principles. Third, authentic leaders must be willing to be vulnerable. In this circumstance, vulnerability is not synonymous with weakness. Authentic leaders exhibit traits such as courage, compassion, empathy, transparency and consistency. An authentic leader cannot exhibit these characteristics without being vulnerable. In other words, leaders who are vulnerable are authentic. Leaders who achieve this level of vulnerability inspire others and create meaningful relationships which ultimately attracts talent and leads to increased performance.[2] Finally, authentic leaders under-

stand that results and success is not about him or her. It is about the team. It is about empowering other leaders.

This year's program would not have been possible without the support of the GDP Steering Committee members and the leadership of the State Bar of Georgia. A generous thank you to our morning CLE presenter, Cheryl Cofield, director of Culture, Diversity & Inclusion for the Georgia Institute of Technology, and our distinguished panelists: Kimberly Adams, director, Global Diversity and Inclusion, Cox Automotive, Inc.; Helen Ho, partner, HKH Law, founder, Asian Americans Advancing Justice; Clara Green, executive vice president/head of Diversity and Inclusion, Regions Bank; Noni Ellison, general counsel, Carestream; and Al Vivian, president and CEO, BASIC Diversity, Inc., who served as our keynote speaker. We are also grateful to this year's sponsors: Constangy Brooks, Smith & Prophete, LLP; Cox Communications; Morris, Manning & Martin, LLP; Georgia Power; Parker Hudson Rainer & Dobbs, LLP; Arnall Golden & Gregory, LLP; Equifax; Eversheds Sutherland; Kilpatrick Townsend, LLP; Miller & Martin, PLLC; Nelson Mullins Riley & Scarborough, LLP; Swift, Currie, McGhee & Heirs, LLP; Troutman Sanders, LLP; and Taylor English Duma, LLP. ●

Rebecca Christian Smith

Executive Director
State Bar of Georgia Diversity Program

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Endnotes

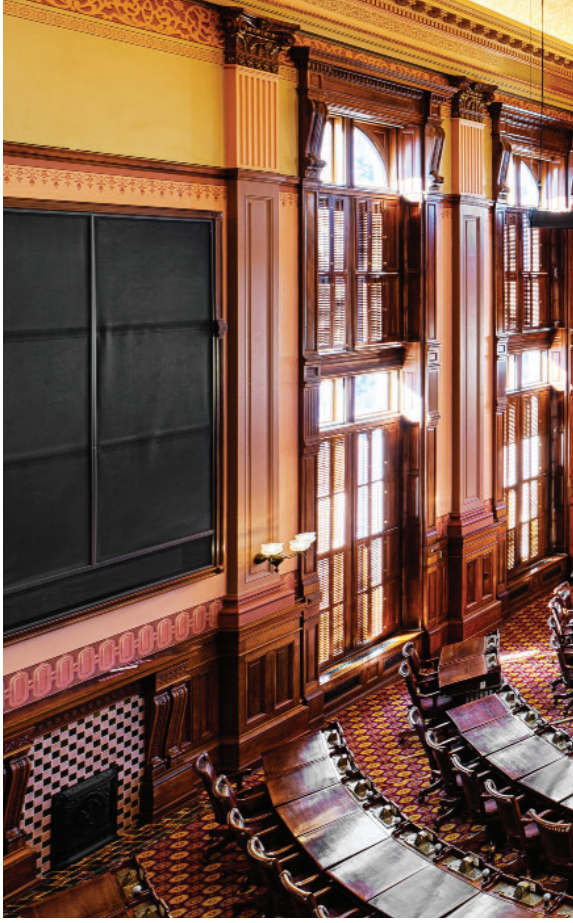
1. Authentic leadership has been a part of modern management science and theories, gaining wide acceptance after Bill George's book, "Authentic Leadership: Rediscovering the Secrets to Creating Lasting Value" was published in 2003.
2. Giacoman, Augusto. "The Strength of Vulnerable Leaders." S+B Blog. The Critical Few, 29 Nov. 2017.

PHOTO BY DON MORGAN

(Left to right) Couch Conversation panelists Kimberly Adams, director, Global Diversity and Inclusion, Cox Automotive, Inc.; Noni Ellison, general counsel, Carestream; Helen Ho, partner, HKH Law and founder of Asian Americans Advancing Justice; and Clara Green, executive vice president/head of Diversity and Inclusion, Regions Bank.

PHOTO BY DON MORGAN

(Left to right) Keynote Speaker Al Vivian, Charles Huddleston, Noni Ellison, Brent Wilson, Kathleen O. Currey, Rebecca Christian Smith and Clyde Mize Jr.



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Out of Office: Legislative Duties, Law Practice and the Legislative Stay Statute

Two former lawyer-legislators on juggling legislative duties with their full-time law practice and the importance of the legislative stay statute.

BY EDWARD H. LINDSEY AND RONNIE E. MABRA JR.

Each year on the second Monday in January, the Georgia General Assembly convenes its 40-day legislative session. As members of a part-time Legislature, each senator and representative must balance their legislative duties, the needs of their constituents and for most, a full-time job that pays the bills.

We juggled these responsibilities as two practicing attorneys who formerly served in the Georgia House of Representatives. It is certainly not easy. The firms of Goodman McGuffey LLP (Lindsey) and The Mabra Firm (Mabra), were still very young and growing fast when we entered our first respective legislative sessions. Our caseloads were large—Lindsey on the defense side and Mabra the plaintiff side—and our hearing calendars full. We each had to rely heavily on the other attorneys in our offices and on our supporting staffs. We learned how to trust very quickly.

Fortunately, Georgia law provides some respite during session so that lawyer-legislators can manage the needs of their constituents with the demands of legal practice.

Lawyers who have acted as opposing counsel or co-counsel with a member of the General Assembly may already be familiar with Georgia's legislative stay statute under O.C.G.A. § 9-10-150. The statute provides that "a member of the General Assembly who is the attorney for a party to a case . . . shall be granted a continuance and stay of the case." The continuance and stay shall last the length of any regular or special session of the General Assembly and through the first three weeks following its adjournment. Those three weeks following the session were always crucial in order to catch up after a three-month whirlwind in the Legislature.

In 2006, the Legislature amended O.C.G.A. § 9-10-150 to allow grounds for a continuance outside of a regular or special session of the General Assembly. A continuance and stay must also be granted when a lawyer-legislator certifies to the court that he or she is required elsewhere to handle legislative duties. This recognizes that a legislator's work is not confined to his or her time in the 40-day session and has allowed lawyer-legislators to accommodate special committees and study committee meetings that arise year-round.

Many Georgia lawyers are unfamiliar with the legislative stay statute. So what happens when opposing counsel continues to file motions and send notices anyway? The result is time spent away from legislative business to put out fruitless fires. Lawyers have tried (and failed) to challenge the legislative stay. But a Georgia court does not have the discretion to deny a request for legislative stay or continuance while a lawyer is representing his or her district in Atlanta during the legislative session.[1] Furthermore, the stay and continuance apply regardless of whether the lawyer-legislator is lead counsel or sole counsel for a party—it is only required that he or she be an attorney for a party in the case.[2] The statute broadly stays and continues all aspects of a case, including the filing and serving of an answer, response to a subpoena, discovery or motion, and appearance at a hearing, trial or argument.

The legislative stay and continuance under O.C.G.A. § 9-10-150 allows a lawyer-legislator to put on the breaks on his or her caseload when business under the Gold Dome shifts into high gear. Even with this provisional stay and continuance, the pressures of practice still linger. The 40-day session does not suspend the work performed outside of litigation, like regular client communication, business development, law firm obligations or any of the ethical responsibilities demanded of an attorney. Clients understandably still expect their calls answered and their needs timely addressed. Likewise, constituents need their concerns addressed and legislation must be properly vetted. The legislative stay statute helps strike an accord between these time-intensive obligations.

The concept of legislative stay has been on the books in Georgia since 1905. The provisions in O.C.G.A. § 9-10-150 support the role of lawyers in elected office and provide a means to balance practice and public service. As our state and our laws continue to evolve, it is critical to have bright attorneys serving in the Legislature with the encouragement of their legal colleagues. With the modern demands of legal practice leading fewer attorneys to serve in office, we hope that our fellow members at the Bar will honor the leave taken by these lawyer-legislators as they briefly detour from the courtroom to proudly serve our state. ●

Edward H. Lindsey

Partner and Head of the Georgia Public Policy Team
Dentons US LLP

Ronnie E. Mabra Jr.

Attorney
The Mabra Firm, LLC

Endnotes

1. Hill v. First Atlantic Bank, 323 Ga. App. 731 (2013).
2. *Id.* at 733.

Lawyer-Legislators in the 2019-20 Georgia General Assembly

House of Representatives

Rep. William Boddie (D-East Point)
Rep. David Dreyer (D-Atlanta)
Rep. Chuck Efstration (R-Dacula)
Rep. Barry Fleming (R-Harlem)
Rep. Scott Holcomb (D-Atlanta)
Rep. Trey Kelley (R-Cedartown)
Rep. Dar'shun Kendrick (D-Lithonia)
Rep. Brenda Lopez (D-Norcross)
Rep.-Elect Josh McLaurin (D-Sandy Springs)
Rep. Mary Margaret Oliver (D-Decatur)
Rep.-Elect Beth Moore (D-Peachtree Corners)
Rep. Sam Park (D-Lawrenceville)
Rep. Jay Powell (R-Camilla)
House Speaker David Ralston (R-Blue Ridge)
Rep. Bert Reeves (R-Marietta)
Rep.-Elect Bonnie Rich (R-Suwanee)
Rep. Deborah Silcox (R-Sandy Springs)
Rep. Pam Stephenson (D-Decatur)
Rep. Robert Trammel (D-Luthersville)
Rep. Andy Welch (R-McDonough)
Rep.-Elect Michael Wilensky (D-Dunwoody)
Rep.-Elect Matthew Wilson (D-Brookhaven)

Senate

Sen. Bill Cowsert (R-Athens)
Sen. Harold V. Jones II (D-Augusta)
Sen. Jen Jordan (D-Atlanta)
Sen. John Kennedy (R-Macon)
Sen. William T. Ligon Jr. (R-Brunswick)
Sen.-Elect Zahra Karinshak (D-Lawrenceville)
Sen. Elena Parent (D-Atlanta)
Sen. Jesse Stone (R-Waynesboro)
Sen. Brian Strickland (R-McDonough)
Sen. Blake Tillery (R-Vidalia)

2019 Legislative Preview

BY CHRISTINE BUTCHER HAYES

You may be tired of state politics after last month's election, but the fun has just begun! The General Assembly will convene on Jan. 14, 2019, to kick off the first year of the two-year legislative biennium. Look for House Speaker David Ralston to retain his leadership as Speaker while Georgia's new Lt. Governor Jeff Duncan takes the helm in the Senate. Not to mention Governor-Elect Brian Kemp who will be sworn into office on Jan. 14.

Jan. 14 may feel like the first day at a new school for many Georgia politicos, with a host of new faces joining the ranks. Keep an eye out for the new legal eagles in the House, Josh McLaurin, Beth Moore, Bonnie Rich, Michael Wilensky and Matt Wilson, as well as Zahra Karinshak in the Senate.

After a string of election-related lawsuits in November, the aftershock of the election will likely carry to the statehouse as both parties spar over changes to Georgia election law. Cyber security will also be a hot topic as the state has continued to promote cyber training and innovation through its new facility in Augusta. The Legislature also plans to tackle the issue of expanding of broadband and health care access throughout the state following a two-year House study committee on rural development.

So what's on the legislative front for the State Bar in 2019? You can check out a synopsis of the Bar's proposed legislative package on page 47. From time to time during the legislative session, the Bar may also take a position for or against a bill that is moving through the Legislature which addresses the practice of law or the administration of justice. Any official position by the Bar, including its Sections, must follow the process outlined in Standing Board Policy 100. The State Bar and affiliated entities cannot take an official position on legislation without following this policy.

Additionally, any proposed position to be taken by the Bar must be pursuant to the organization's interest in (1) regulating the legal profession and (2) improving the quality of legal services, a standard outlined by the U.S. Supreme Court in *Keller v. State Bar of California* (1990). The *Keller* standard is a minimum standard and the State Bar's Executive Committee, Board of Governors or Advisory Committee on Legislation may

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determine that proposed legislative position is not in the best interest of the State Bar and its membership as a whole. Historically, legislative positions taken by the State Bar are non-controversial, nonpartisan and advocated with the intent of improving Georgia law for practitioners and for the public.

Of course, there are other ways for lawyers to advocate even if the State Bar has not taken a position on a particular issue. You can always call or email your legislator in your individual capacity, or write a formal letter to take a position on a bill with a group of like-minded attorneys. Legislators are always looking for counsel and expertise from highly specialized lawyers.

Visiting the Capitol is also a great way to get involved during the legislative session. The State Bar's legislative team would be happy to show you the ropes. And we mean that quite literally—lobbyists and constituents alike send notes to senators and representatives in the chamber using a page and often come out of the chamber to chat "on the rope line" outside the House and Senate doors. Please reach out if you are interested in joining us, either with your local bar associations or individually, for a "Lobby Day" at the Capitol.

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 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. ●

Christine Butcher Hayes

Director, Governmental Affairs
State Bar of Georgia

christineh@gabar.org

The State Bar's Board of Governors will vote whether to support the following legislative proposals at its Jan. 12, 2019, meeting:

Cleanup to the Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act

The addition of Chapter 11 to Title 29 in 2016 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. This proposal includes the same language from HB 896, which the State Bar supported during the 2018 legislative session, and adds three new provisions that address bonding, costs and registering guardianship letters from other states.

Counterclaims in Custody Cases

Family law attorneys have long complained about the requirement that they file a separate action for a counterclaim in response to a complaint to modify custody. This proposal would amend Georgia law so that a party may bring a counterclaim for contempt or enforcement of a custody order, or for modification of legal or physical custody or parenting time in response to a complaint seeking the same. These proposed changes would promote efficiency and expediency in these types of custody actions.

Adoption of the Uniform Mediation Act in Georgia

The proposal seeks to adopt the Uniform Mediation Act in order to facilitate the resolution of international business disputes more effectively. The proposal provides that each mediation participant holds a privilege with respect to his or her communications and may prevent those communications from being disclosed or used in a subsequent formal proceeding. The proposal would also require voluntary private mediators to disclose conflicts of interest. The proposal has been adopted in 11 states and introduced in New York, Massachusetts, Connecticut and Minnesota.

Remote Online Notaries

A handful of states, including Texas and Virginia, have passed legislation authorizing remote online notarization through a third-party vendor. After seeing the issue pop-up in state legislatures throughout the country over the last few years, the Mortgage Bankers Association, the American Land Title Association and the Uniform Law Commission came together to create a framework for states to adopt an online remote notarization process. This proposal would support a study committee in the Legislature to convene relevant stakeholders and investigate ways to modernize Georgia's notary statutes.

PHOTO BY SARAH I. COOLE

A Conversation with Chief Judge Stephen Louis A. Dillard

In this installment of the Georgia Lawyer Spotlight, Editorial Board Member Jacob E. Daly interviews Court of Appeals of Georgia Chief Judge Stephen Louis A. Dillard.

BY JACOB E. DALY

What does it mean to you to serve as the chief judge of the Court of Appeals of Georgia?

It means the world to me. As chief judge, I am able to serve the Court, my colleagues, our dedicated employees, and the people of Georgia on a daily basis in a unique and meaningful way. In addition to the many administrative duties, there is also an important ceremonial aspect to this position. The chief judge is the face of the Court, and with that honor comes a great deal of responsibility to represent the institution to the best of my ability. Needless to say, it is an obligation that I do not take lightly. That said, I have thoroughly enjoyed being chief judge, and I greatly appreciate my colleagues giving me the opportunity to serve them in this capacity.

What do you miss, if anything, about practicing law?

I obviously miss seeing and interacting with my former colleagues on a daily basis. I love being a judge, but I also thoroughly enjoyed being a lawyer. There is something special about being involved in a case from beginning to end. I particularly enjoyed mapping out a litigation strategy, and then watching and adjusting to the inevitable twists and turns a case takes over time. I also miss writing from scratch on a regular basis. When you work for one of the busiest appellate courts in the country, it is difficult, if not impossible, to write an opinion without any assistance. Thankfully, I have three amazing staff attorneys who have learned to write in my voice. That said, and as my staff attorneys will attest, I am actively involved in the opinion-writing process. In some of the easier cases, I may only need to do light editing; but in the more difficult appeals, I frequently add a significant amount of my own language and research. I love writing, and it is hard for me to simply serve as a high-end editor. So, while I have learned to delegate the task of preparing the initial draft to my staff attorneys, it is not uncommon for me to go through eight to 20 drafts of an opinion on my own before it is published.

How would Attorney Stephen Dillard fare in front of Judge Stephen Dillard during oral argument?

I think he'd do just fine. I feel like I was a strong appellate advocate, and I think I did

well at oral arguments. My oral-argument preparation began with writing the underlying brief. As a practitioner, I spent a considerable amount of time in the record and researching the relevant issues before I even started writing. I also made sure that my brief contained pinpoint citations to the record and relevant case law. As a former federal appellate clerk (for Judge Daniel A. Manion), I knew how important it was to make the lives of the clerks and judges as easy as possible. Suffice it to say, I benefitted greatly from my experience as a clerk. At the Seventh Circuit, I was truly fortunate to witness skilled advocates and read outstanding briefs on an almost daily basis, and that experience was invaluable. As an appellate practitioner, I also spent a significant amount of time preparing for oral argument. The week before an argument, I re-read the briefs and record and then jotted down any new impressions that came to me from that review, refined my overarching narrative, prepared index cards with the questions I anticipated being asked, and then practiced my opening remarks and answering questions (both alone and with my colleagues). In short, I put a great deal of effort into my written briefs and oral presentations, and I appreciate it when those who appear before me have done the same.

Who are your personal and professional role models?

My hero is my grandfather, Dr. Louis Edgar "Doc" Armstrong. He was the first director at Indian Springs School, a nationally recognized college preparatory and boarding school located just outside of Birmingham, Alabama. And he, more than anyone, influenced me growing up. My grandfather taught me to be a critical thinker, to treat everyone with respect, and to recognize that every person has inherent dignity and worth. He also emphasized the importance of working with others for the sake of the common good. I also greatly admire my mother, who instilled in me a love for public service. My primary professional role model is Judge Daniel A. Manion, who I had the honor of clerking for at the Seventh Circuit. Judge Manion is one of the most brilliant, thoughtful, and hard-working judges in the United States, and I try my best to live up to the standard he set for me as a clerk. And while Judge Manion takes his work seriously, he is much more concerned with the people that work for him as human beings. He always emphasizes that family comes first and the best way to ensure your employees are doing outstanding work is to support and encourage family life, and I have adopted that approach in my chambers. I also have been greatly influenced by renowned jurists like Justice Antonin Scalia, Justice Clarence Thomas, Chief Justice John Roberts, Justice Joseph Story, and Judge Robert Bork, to name just a few.

"My primary professional role model is Judge Daniel A. Manion, who I had the honor of clerking for at the Seventh Circuit. Judge Manion is one of the most brilliant, thoughtful, and hard-working judges in the United States, and I try my best to live up to the standard he set for me as a clerk."

Other than the usual, what are some things you wish lawyers would or would not do?

Treat the law like a profession. Every time you file something with a court, you

put your reputation on the line. It takes years to build up your reputation and just a moment to lose it. In my view, many instances of unprofessional behavior stem from lawyers engaging in "zealous advocacy." I have come to dislike this term because I think it instills in lawyers the idea that they have to act like zealots in order to effectively represent their clients. And the most effective advocates I have seen, as both a lawyer and judge, are those who calmly and dispassionately present their arguments. Your client is important; but when you become so zealous in your advocacy that you fail to treat opposing counsel or the court with respect, or when you misrepresent the facts or relevant law to win a case, then you are harming both your client and the profession. I also tell lawyers to be good to each other. That sounds corny, but the law is a tough profession. Practicing law is a daily grind, and we are engaging in confrontation on a daily basis, so we ought to commit ourselves to doing it in an honorable way.

You are the 73rd judge to serve on the Court of Appeals. A couple of months ago, Judge Coomer was appointed as the 88th judge to serve on the Court. Fifteen new judges in the eight years since you were appointed is a lot of turnover, and number 16 will come at the beginning of next year. How has the Court been able to maintain a sense of continuity and collegiality with so much turnover?

It has been a challenging time for the Court of Appeals, but I am proud of our judges and dedicated employees for embracing our new colleagues and working hard to make their transition to the Court as smooth as possible. One of the special things about the Court of Appeals is the collegiality among the judges and our employees, and our new judges have acclimated themselves well. They bring different perspectives and talents to the Court, and I am impressed with the contributions they are already making to our work product and culture. I am confident that the Court of Appeals is going to come through this period of transition even stronger than before. We are all committed to maintaining the Court of Appeals of Georgia's reputation as one of the preeminent state intermediate appellate courts in the county.

Why is Samford University so special to you?

Samford was the first place that I chose to call home, and where I met my wife and soulmate (we will celebrate 25 years of marriage on Jan. 2, 2019). It is the place where I not only received a world-class education, but also spent my formative years as a young adult. I love that Samford is a school where faith and reason are not at odds, and that the university cares deeply about graduating students who are well-rounded, caring, and thoughtful individuals, and who are committed to their faith and the common good. The values that were instilled in me at Samford are values that I carry with me to this very day, such as seeking to glorify God in everything that I do and treating every person with respect and dignity. Samford emphasizes service to others, and encourages its students to go out into the world and live out their faith. I received more than a degree from Samford. It is my forever home and an institution that continuously challenges me to be a better person. I would not trade my Samford education and experience for anything. It is an amazing university.

Much of your life is an open book because of your social media presence. Why is it important to you to be so visible on social media?

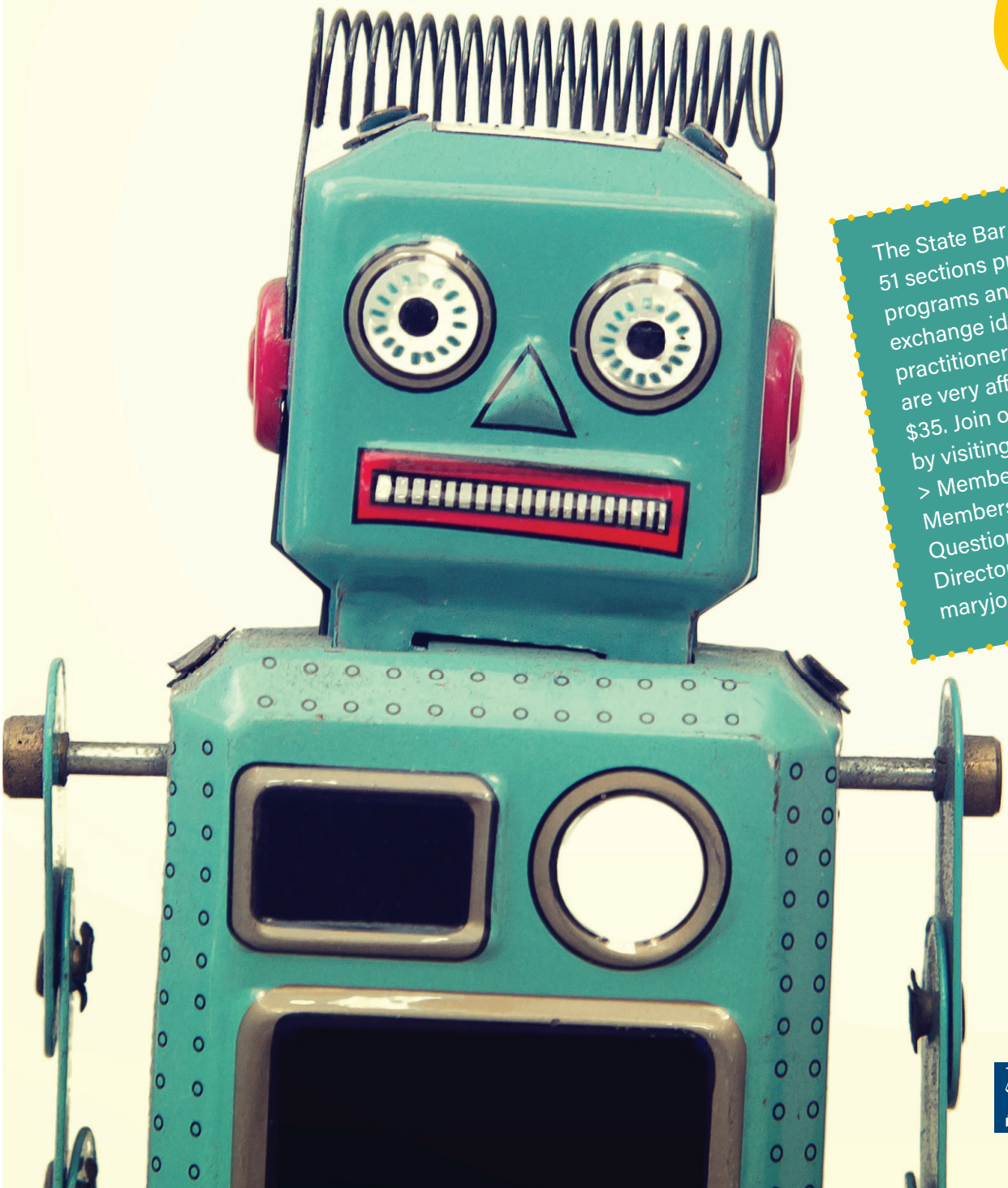
I think judges have a duty to educate those we serve about the important role the judiciary plays in their daily lives. But in order to do that, we need to rethink the way we engage with the public. In my view, reimagining the judiciary's engagement with those we serve begins with putting to rest the notion that it is a good idea for judges to essentially separate themselves from the rest of society. Judges are public servants. They are accountable to the people, and they need to be accessible to the people, so long as they do so in a manner that is consistent with their oath of office and the code of judicial conduct. There is no reason that a judge cannot maintain the integrity of his or her office and engage the public in a more meaningful sense. But in order to do this, we—especially those of us in the legal profession—need to get past our collective unease with technology and embrace the social-media platforms that are increasingly used by those we serve. Indeed, the ability of a judge to use social media to directly reach and communicate with his or her constituents is nothing short of revolutionary. And when you serve the public, the public has a right to know who you are as a human being. I want those who follow me on social media to know who I am as a person. I am not just a judge. I am a husband, a father, a person of faith, and I have a life outside of the courthouse. I love reading, history, sports, music, my church, and spending time with my family and friends. And I am blessed beyond measure to wake up every day and work at a job that I dearly love. My hope is that the people who follow me on social media will sense this about me—that I am a joyful public servant. My goal is for my online personality to be an accurate reflection of who I am in real life. And if my constituents truly get a sense of who I am as a person from my engagement with them on social media, then my time online will have been well spent. ●

Please note that the style of the Georgia Bar Journal *is to omit the Oxford comma. However, knowing how strongly Chief Judge Dillard feels in favor of using the Oxford comma, the* Journal *has decided to leave it in even though it goes against the* Journal *stylesheet. This is for you, Chief Judge!*

Jacob E. Daly is of counsel with Freeman Mathis & Gary, LLP, in Atlanta and a member of the Georgia Bar Journal Editorial Board. He represents private companies, government entities and their employees in personal injury litigation with a focus on defending property owners, management companies and security companies in premises liability lawsuits.

it's time to

JOIN A STATE BAR SECTION



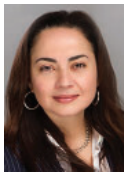
The State Bar of Georgia's 51 sections provide newsletters, programs and the chance to exchange ideas with other practitioners. Section dues are very affordable, from $10-$35. Join one {or more} today by visiting www.gabar.org > Member Login > Section Membership > Join Sections. Questions? Email Sections Director Mary Jo Sullivan at maryjos@gabar.org.

State Bar of Georgia

Kudos

The Council on Legal Education Opportunity, Inc. (CLEO), announced that Vernon E. Jordan received the inaugural CLEO EDGE Heritage Award in November. Hereinafter, the award will be named the CLEO EDGE Vernon E. Jordan Jr. Heritage Award to commemorate his lifetime achievements. CLEO is a nonprofit organization that helps to increase the number of lawyers from diverse backgrounds who are actively contributing to the legal profession.


BERMAN


FAGUNDO


FISHER


DIXON

Taylor English Duma LLP announced that Vice Chair and Partner Ilene Berman received a 2018 National Law Award in the Collaborative Leadership category from Corporate Counsel in October. This award honors top women attorneys who are dedicated to improving the legal profession.

Partner Glianny Fagundo was selected by the Georgia Hispanic Chamber of Commerce as one of the "Fifty Most Influential Latinos in Georgia" for 2018. This inaugural award recognizes individuals who have made a positive impact in the community through leadership in categories such as government, media, business, nonprofits and more.

Partner Eric S. Fisher was elected as a fellow of the American Bar Association. Selection of a fellow is recognition of a lawyer whose career has demonstrated outstanding dedication and to the highest principles of the legal profession and the welfare of society.

Attorney Harry D. Dixon III was appointed chair of the American Bar Association's International Anti-Money Laundering Committee in August.

Additionally, the firm received the Catherine Vandenberg Advocate for Victims of Domestic Violence Award from the Atlanta Legal Aid Society.

The American Bar Association's (ABA) Commission on Lawyer Assistance Programs announced that LaKeisha R. Randall was presented with the Progress Award in July at the 2018 ABA Annual Meeting in Chicago. Randall received the award for outstanding contributions and sustained commitment to maintain the integrity of the legal profession and to enhance the quality of life for lawyers.

Nelson Mullins Riley & Scarborough LLP announced that partner Erika C. Birg was elected president of the Federal Bar Association—Atlanta Chapter in October. The Federal Bar Association is dedicated to the advancement of the science of jurisprudence and to promoting the welfare, interests, education and professional development of all attorneys involved in federal law.

Stites & Harbison, PLLC, announced that it received the 2018 CLSA Law Firm Award from the Construction Lawyers Society of America at their International Conference in September in Banff, Alberta, Canada. The award recognizes North American law firms for excellence in construction law.

Steven Ginsburg, a partner at Litchfield Cavo LLP in Atlanta, presented a litigation forum on "State Litigation Trends," to the Mortgage Bankers Association Regulatory Compliance Conference, Washington, D.C., in September.

Savannah Potter-Miller was elected as a delegate-at-large to the ABA House of Delegates during the ABA's Annual Meeting in Chicago. Potter-Miller has held leadership positions with the ABA Criminal Justice Section and with the National Conference of Bar Presidents.

David J. Burge, partner at Smith Gambrell & Russell, LLP, was appointed to the Board of Visitors of Emory University. The Board of Visitors is an advisory board of business and civic leaders who assist Emory University in integrating its intellectual assets with the Atlanta community, in increasing the awareness of Emory in the Atlanta area and in improving Emory's level of service to society.

On the Move

IN ATLANTA

Henning Mediation & Arbitration Service, Inc., announced the addition of Greg K. Hecht as a panel member. Hecht's areas of expertise include business, commercial and real estate litigation, local government law, commercial landlord/tenant, contract, 42 USC 1983, zoning, land use, employment law, discrimination, FLSA, personal injury and wrongful death, and

civil litigation. The office is located at 3350 Riverwood Parkway SE, Lobby Level, Suite 75, Atlanta, GA 30339; 770-955-2252; www.henningmediation.com.

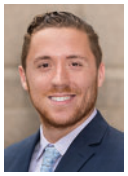
Pursley Friese Torgrimson announced that Jeff Haymore joined the firm as an attorney in the zoning and land use practice. Haymore focuses his practice on litigating real estate and zoning matters, navigating the highly regulated environment governing land use and development, and resolving matters on behalf of property owners, builders and developers across Georgia. The firm is located at Promenade, Suite 1200, 1230 Peachtree St. NE, Atlanta, GA 30309; 404-876-4880; pftlegal.com.

WILLIFORD

TONGE

Butler Wooten & Peak LLP announced that Michael F. Williford and Jonathan S. Tonge have joined the firm as associates. Both Williford and Tonge practice in the areas of False Claims Act litigation, business torts and personal injury. The firm is located at 2179 Buford Highway, Atlanta, GA 30324; 800-242-2962; www.butlerwootenpeak.com.

JE Dunn Construction announced that Mary Katherine Tinsley joined the firm as East Region counsel. Tinsley is responsible for providing legal assistance and representation to the operations team serving JE Dunn offices in Atlanta, Charlotte, Nashville, Savannah and Tampa. The firm is located at 2555 Cumberland Parkway SE, Atlanta, GA 30339; 770-551-8883; www.jedunn.com.

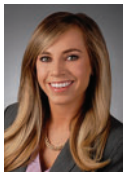


DOUGHERTY

RICHARDSON

ZHAN

Hall Booth Smith, P.C., announced that Brenden P. Dougherty, Daniel Richardson and Mina Zhan joined the firm as associates. Dougherty focuses on transportation, insurance coverage and general liability. Richardson specializes in workers' compensation. Zhan joins the China practice and focuses on corporate law and international business, intellectual property and business litigation. The firm is located 191 Peachtree St. NE, Suite 2900, Atlanta, GA 30303-1775; 404-954-5000; www.hallboothsmith.com.



Schneider Hammers LLC announced that Ashley G. Mitchell joined the firm as an associate and will practice in the firm's litigation group. The firm is located at 5555 Glenridge Connector, Suite 975, Atlanta, GA 30342; 770-394-0047; www.schneiderhammers.com.

GILFILLAN

HE

GLASGOW

Kilpatrick Townsend & Stockton, LLP, announced the addition of Doug Gilfillan as partner on the government enforcement and investigations team, and Shan He and Julia Glasgow as associates. Gilfillan specializes in white collar crime and cyber security. Shan He specializes in patent preparation, prosecution and counseling primarily related to software and electronic arts. Glasgow specializes in non-compete agreements, wrongful termination, harassment, maternity leave policies and other workplace issues. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309-4528; 404-815-6500; www.kilpatricktownsend.com.

DEHAVEN

MILLS

YI

Taylor English Duma LLP announced the addition of Travis DeHaven and John Mills as partners and Jonathan Yi as an associate. DeHaven joins the firm's corporate and business practice group with 30 years experience representing a variety of Fortune 500 clients and other sophisticated private companies in matters related to employee benefits and executive compensation. Mills joins the firm's litigation and dispute resolution practice group and concentrates his practice on bankruptcy, debtor/creditor rights, bankruptcy acquisitions, debtor in possession financing, and insolvency related litigation, including receiverships and foreclosures. Yi joins the litigation practice group and focuses on a variety of matters related to construction-related claims, including construction inefficiencies, delays, differing site conditions, constructive changes, and extra-work and default claims. The firm is located at 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339; 770-434-6868; www.taylorenglish.com.

James-Bates-Brannan-Groover-LLP announced that Jonathan O. Nwiloh Jr. joined the firm as an associate in the tax and wealth planning group. Nwiloh focuses his practice on estate and tax planning. The firm is located at 3399 Peachtree Road NE, Suite 1700; Atlanta, GA 30326; 404-997-6020; jamesbatesllp.com.

Swift, Currie, McGhee & Hiers, LLP, announced that Quinton R. Beasley, Sky Choe, Leah F. Parker, Jenna B. Rubin and Frederic M. Rushing joined the firm as associates. Beasley focuses his practice almost exclusively in the area of workers' compensation defense on behalf of employers, insurers, self-insureds and third-party administrators across Georgia. Choe's practice focuses in the area of workers' compensation. Parker practices in the areas of premises liability, automobile litigation and trucking litigation. Rubin's practice focuses on insur-

ance coverage and trucking litigation. Rushing practices in the areas of general liability and civil litigation with an emphasis on catastrophic injury and wrongful death cases arising out of medical malpractice, trucking and transportation litigation, premises liability and products liability. The firm is located at 1355 Peachtree St. NW, Suite 300, Atlanta, GA 30309; 404-874-8800; Fax 404-888-6199; www.swiftcurrie.com.

Smith Moore Leatherwood LLP announced it has merged with Fox Rothschild LLP and will now be known as Fox Rothschild LLP. The firm's Atlanta office is located at 1180 W. Peachtree St. NW, Suite 2300, Atlanta, GA 30309-3482; 404-962-1000; www.foxrothschild.com.

Boyd Collar Nolen & Tuggle announced it has changed its name to Boyd Collar Nolen Tuggle & Roddenbery with the addition of Tina Shadix Roddenbery as an equity partner. Roddenbery specializes in divorce, custody, support modification, legitimation, paternity and contempt cases. The firm is located at 3330 Cumberland Boulevard, 100 City View, Suite 999, Atlanta, GA 30339; 770-766-4015; www.bcntrlaw.com.

HARRIS

COX

MendenFreiman LLP announced that Robert H. "Bo" Harris II joined the firm as a senior associate attorney in its estate planning and trust, estate administration and business practice areas, and Thomas W. Cox joined as an associate in the business law and outside general counsel practice areas. Harris specializes in tax planning for individuals and business entities and provides clients with advanced strategies in estate planning. Cox will provide legal counsel to small- and medium-size businesses on a variety of corporate and transactional matters, including business and corporate representation, entity structuring, incentive plans, licensing agreements, employment law and related agreements, trademark and copyright clearance, and related registration. The firm is located at 5565 Glenridge Connector NE, Suite 850, Atlanta, GA 30342; 770-739-1450; www.mendenfreiman.com.

Womble Bond Dickinson announced that Philip Gura joined the firm as of counsel. Gura's practice includes managing and directing corporate governance, regulatory/compliance, privacy/data security and intellectual property efforts. The firm's Atlanta office is located at 271 17th St. NW, Suite 2400, Atlanta, GA 30363; 404-872-7000; www.womblebonddickinson.com.

IN ALBANY

Hall Booth Smith, P.C., announced that Barbara Mulholland joined the firm as of counsel. Mulholland specializes in transportation, insurance coverage, cargo, medical malpractice, agricultural and charter school law. The firm is located at 2417 Westgate Drive, Albany, GA 31708; 229-436-4665; www.hallboothsmith.com.

IN AUGUSTA

Fletcher, Harley & Fletcher, LLP, announced that William L. Fletcher Jr. joined the firm as an associate. Fletcher will focus on civil practice, including business, commercial and residential real estate, estate planning, and administration, school and government law. The firm is located at 3529 Walton Way Ext., Augusta, GA 30909; 706-724-0558; Fax 706-724-4730; www.fhflaw.com.

IN BRUNSWICK

HunterMaclean announced that Zachary B. Harris joined the firm as an associate. Harris specializes in government procurement and contracting, government affairs and administrative law, coastal permitting, condominium and homeowners' associations, and civil rights laws. The firm is located at 777 Gloucester St., Suite 400, Brunswick, GA 31520; 912-262-5996; www.huntermaclean.com.

IN HARTWELL

The Van Dora Law Firm LLC announced that Tash M.A. Van Dora joined the firm as an associate. Van Dora focuses his practice in the areas of workers' compensation, personal injury, family law and employment law. The firm is located at 21 Vickery St., Hartwell, GA 30643; 706-377-4044; www.vandoralawfirm.com.

CORRECTION

In the October 2018 issue of the *Georgia Bar Journal*, we incorrectly announced the addition of Christopher Greene as a partner at McGuire Woods. Greene has been a partner at the firm since 2010; he was recently appointed managing partner of the firm's Atlanta office. We apologize for this error.

IN MACON


EPPS


BANTER


EDMONDS


LAHOTI


WARE

James-Bates-Brannan-Groover-LLP announced the addition of Richard A. Epps Jr. as of counsel and James F. Banter, Nathaniel "Nate" Edmonds, Itishree Lahoti and Joshua J. Ware as associates. Epps joined the financial institution and real estate practice group and focuses on all areas of commercial real estate law. Banter joined the financial institution and commercial litigation practice groups and focuses on banking and commercial litigation. Edmonds joined the general litigation practice group and focuses on insurance defense, liability defense and general litigation. Lahoti joined the business and commercial litigation practice group and focuses her practice on business and commercial litigation, including construction, contract and employment matters. Ware joined the tax and wealth planning practice group and focuses on estate planning. The firm is located at 231 Riverside Drive, Macon, GA 31201; 478-742-4280; jamesbatesllp.com.


WILSON


RUTLEDGE


PETERSON


WILLIS

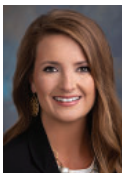

SWINSON

Partner F. Bradford Wilson Jr. and Partner Jeffrey M. Rutledge announce the formation of Adams, Hemingway, Wilson & Rutledge, LLC, and the addition of Kort D. L. Peterson and Kathryn S. Willis as of counsel and Stephen G. Swinson as an associate. Wilson's practice areas include business and general civil litigation; commercial real estate; corporate and transactional; estate, trust and tax planning; personal injury; probate and estate administration; school and education law; and trust and estate litigation. Rutledge specializes in corporate and transactional; estate, trust and tax planning; and probate and estate administration. Willis' practice areas include business and general civil litigation; corporate and transactional; trust and estate litigation; and probate and estate administration. Peterson specializes in corporate and transactional; estate, trust and tax planning; probate and estate administration; and tax controversy. Swinson's practice areas include corporate and transactional; estate, trust and tax planning, and probate and estate administration. The firm is located at 544 Mulberry St., Suite 1000, Macon, GA 31201; 478-743-4601; www.adamshemingway.com.

IN SAVANNAH

Harris Lowry Manton, LLP, announced that Maria D. Sayers joined the firm as an associate. Manton's practice areas include business tort cases and plaintiff's litigation. The firm is located at 410 E. Broughton St., Savannah, GA 31401; 912-651-9967; www.hlmlawfirm.com.

IN STATESBORO



Hall & Navarro, LLC, announced that Paige Boykin Navarro was promoted to partner. Navarro's practice areas include divorce and custody litigation, bankruptcy and criminal law. The firm is located at 5 Oak St., Statesboro, GA 30458; 912-764-6757; hallnavarro.com.

IN JACKSONVILLE, FLORIDA

Smith, Gambrell & Russell, LLP, announced that William S. Rogers Jr. returned to the firm as counsel. Rogers focuses his practice on the acquisition, leasing, development and financing of commercial real estate property in the Southeast and across the country, with a particular focus on the acquisition, sale and financing of medical office buildings and other health care related assets, shopping centers and retail developments. The firm is located at Bank of America Tower, 50 N. Laura St., Suite 2600, Jacksonville, FL 32202; 904-598-6100; www.sgrlaw.com.

IN BOSTON, MASSACHUSETTS

Anderson, Goldman, Tobin & Pasciucco, LLP, announced that Peter D. Pasciucco was named partner. Pasciucco has a general practice focusing primarily upon criminal defense, personal injury and real estate. He also represents small businesses, primarily restaurants and bars, in liquor licensing and other corporate matters. The firm is located at 50 Redfield St., Suite 201, Boston, MA 02122; 617-265-3900; www.andersongoldman.com.

Breaking Up is Hard to Do

BY PAULA FREDERICK

"I'm sure sorry to see you go," your soon-to-be former senior partner claims, shaking his head with regret. "But since you're taking our best client with you, I'm afraid we have to exercise that covenant in our employment agreement."

"What covenant?" you ask, only vaguely remembering the contract you signed when you bought into the partnership three years ago.

"The noncompete," your partner reminds you. "Since you've stolen our client, you forfeit any return of your capital contribution. You also owe the firm 30 percent of the gross fees you collect from any of the firm's former clients for five years after you leave."

"It's been my dream to open my own firm; you knew that when you hired me! Besides, you can't force clients to stay with you," you bluster, hoping you're right.

Are you?

Rule 5.6 of the Georgia Rules of Professional Conduct prohibits a lawyer or firm from making an employment agreement that limits the lawyer's right to practice when the agreement ends. Whether they attempt to prohibit a departing lawyer from opening an office in the same geographic area or from engaging in a particular specialty, these restrictive covenants have one underlying theme—a desire to limit competition with the former firm.

The Rules of Professional Conduct prohibit these agreements as a matter of public policy. They interfere with a client's right to hire the lawyer of their choice; Comment [1] to Georgia's rule also notes that covenants not to compete threaten lawyer independence.

The rule does not apply to agreements about retirement benefits, or to arrangements made for the sale of a law practice under Rule 1.17. Of course a firm may also take its share of a fee for work begun before the lawyer's departure.

Rule 5.6 has plenty of critics who argue that a law firm should be able to protect its substantial investment in hiring and training new lawyers. From the perspective of the firm, it's only fair to allow contract provisions that discourage lawyers from moving on just when they become profitable. In response to these concerns the ABA in its Annotated Model Rules of Professional Conduct notes that "[a] minority of jurisdictions will uphold 'reasonable' financial disincentives notwithstanding their potential anticompetitive effect." (8th Edition, p. 537). ●

Paula Frederick

General Counsel
State Bar of Georgia

paulaf@gabar.org

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Attorney Discipline Summaries

Sept. 14, 2018 through Nov. 8, 2018

BY JESSICA OGLESBY

Disbarment

Richard Allen Hunt
1962 Clairmont Terrace
Atlanta, GA 30345

On Oct. 22, the Supreme Court of Georgia disbarred Richard Allen Hunt (State Bar No. 378650) after a third appearance of this disciplinary matter before the Court. In Hunt's first voluntary petition before the Court, he sought to receive a suspension of six months to one year. In his second voluntary petition before the court, Hunt sought to receive a suspension of 18 months to two years but later withdrew that petition. In February 2018, the State Bar filed a formal complaint in which Hunt filed a verified answer admitting virtually all the complaint's factual allegations. Hunt violated Rule 1.15 (I) (a), 1.15 (I) (c), 1.15 (II) (b) and 8.4 (a) (4) of the Georgia Rules of Professional Conduct.

Hunt represented a client and her two minor sons in a wrongful death case, and in November 2002, he settled the case for $100,000, with the client receiving $50,000 and each child receiving $25,000. Hunt then represented the client in probate court, helping her get appointed as her sons' conservatrix (which at the time was called a "guardian of the property") and filed some, but not all, of the required annual probate court reports. In 2011, when the client's home was in foreclosure, she removed $737 from each child's account to make a mortgage payment without the court's permission. The court later cited her for removing the funds and mismanagement of the account (and failing to file reports), revoked her appointment as conservatrix and appointed a successor conservatrix, Caces. Hunt offered to deliver the children's funds to Caces, and the client gave him those funds (almost $60,000). He deposited the funds in his attorney trust account, and at the client's request, he appealed the order revoking her appointment as her sons' conservatrix. By the end of January 2014, Hunt had taken more than half of the children's funds from his attorney trust account, and over time he took all but a few dollars, spending the money for his own personal and business expenses.

On March 4, 2015, the Court of Appeals affirmed the probate court's order revoking the client's appointment as the children's conservatrix, and this Court denied certiorari on June 1, 2015. The next month, Caces asked Hunt for the children's money, and he sent her two checks

For the most up-to-date information on lawyer discipline, visit

www.gabar.org/forthepublic/recent-discipline.cfm

State Bar of Georgia

for $29,903.86 drawn on his attorney trust account, even though the account had insufficient funds to cover the checks. The checks bounced, and Cobb County Probate Court Judge Kelli L. Wolk ordered Hunt to appear in court on Oct. 19, 2015, and deliver the children's money to Caces. Hunt appeared at the hearing, bringing a certified check for only half the funds, and he admitted to Judge Wolk that he had spent the children's money for his own personal and business purposes. Hunt asked for a continuance to obtain counsel, which was granted, and Judge Wolk reconvened the hearing a week later, when Hunt appeared without counsel and had not turned over the rest of the children's money to Caces. Hunt did not fully replace the funds that he misappropriated until several months later.

The special master granted the State Bar's motion for judgment on the pleadings, and found that Hunt had violated Georgia Rules of Professional Conduct Rules 1.15(I) (a) and (c), 1.15(II) (b) and 8.4 (a) (4).

The special master granted Hunt's request for an evidentiary hearing on mitigation at which he requested a lengthy suspension in lieu of disbarment, but ultimately rejected the asserted mitigating factors recognized by the ABA, i.e., absence of a dishonest or selfish motive, timely good faith effort to make restitution or rectify the consequences of misconduct, and full and free disclosure of misconduct or cooperative attitude toward disciplinary proceedings.

In aggravation, the special master found that Hunt had five prior disciplinary offenses, that he acted with a dishonest or selfish motive, engaged in a pattern of misconduct, that he refused to acknowledge the wrongful nature of his conduct, that his clients were vulnerable, that he had substantial experience in the practice of law and that his Rules violations involved illegal conduct.

Anthony Eugene Cheatham
4807 S. Main St.
Acworth, GA 30101

On Oct. 22, 2018, the Supreme Court of Georgia disbarred attorney Anthony Eugene Cheatham (State Bar No. 122215) from the practice of law. The State Bar of Georgia personally served Cheatham with the formal complaint, but he failed to file an answer and was found in default by the special master.

The facts were admitted by virtue of the default. In May 2017, Cheatham agreed to close a real estate transaction. However, at the time that he agreed to represent the purchasers he had already been administratively suspended from the practice of law for failure to complete CLE requirements, a suspension that continued through Aug. 4, 2017. While Cheatham was suspended from the practice of law, he received into his IOLTA account a wire transfer of $140,600 from the purchasers to fund the purchase, and a $1,000 check as earnest money. He converted the funds to his own use and commingled them with his personal funds. He closed the sale on July 13, 2017, but did not have sufficient funds to promptly disburse the proceeds of the sale to the seller. Instead, he made incremental payments and misled both the seller and purchasers about the reasons. He issued one check for $56,880 on July 25, 2017, but stopped payment on the check the next day because he knew there were insufficient funds in his IOLTA account. Additionally, Cheatham failed to timely prepare and record the warranty deed for the real estate deal; failed to communicate with the seller and purchasers regarding the deed; failed to account for the proceeds of the sale when asked to do so; and abandoned the completion of the sale to the detriment of the seller and purchasers. Cheatham violated Rules 1.3, 1.4, 1.15 (I) (a) and (c), 1.15 (II) (a) and (b), 5.5 (a) and 8.4 (a) (4) of the Georgia Rules of Professional Conduct. The maximum sanction for a violation of Rule 1.4 is a public reprimand, and the maximum sanction for a violation of the remaining rules is disbarment. ●

Jessica Oglesby

Clerk, State Disciplinary Board
State Bar of Georgia

jessicao@gabar.org

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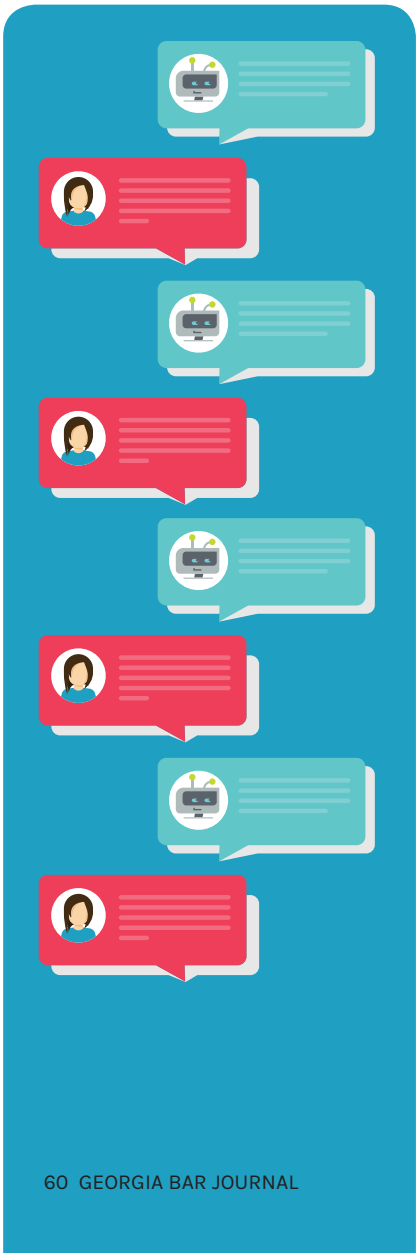
Legal Tech TIPS

BY NATALIE R. KELLY
AND MIKE MONAHAN



1 Reroute Santa
www.reroutesanta.com

Traveling this holiday season but worried about how to let Santa know where to deliver gifts? Reroute Santa is perfect for calming anxious little minds so that Rudolph and the reindeer gang bring holiday happiness to wherever your sleigh travels this winter. Whether you are naughty or nice, this site gets Santa to your ho-ho-home for the holidays!

2 Grinch Alert!
www.irs.gov/newsroom/irs2goapp

January brings a new tax year. Use the IRS2Go Mobile App in 2019. The free IRS app allows you to check your refund status, make a payment, find free tax preparation assistance, sign up for helpful tax tips and more. It's available in both English and Spanish for iOS devices and Android. Now back to the merriment!

3 PlugShare for Your Hybrid
www.plugshare.com

Over the river and through the woods to grandmother's house you go . . . in a plug-in hybrid vehicle or electric vehicle? Try using PlugShare. PlugShare provides a comprehensive and accurate list of charging stations. Available for iOS devices and Android.

4 Do You Have the Rights for That?

Do you need images for your website, project or social media and don't have an account with an online service to help make sure you have rights to use an image? Google can provide you with images, and you can use the Google search "Tools" button to see if you can use the image. First, do a search in Google for the subject matter, say Santa, for example. Click "images" under the search field. You'll see more Santas than in the malls across America in December. Now click "Tools" under the search field, then "Usage Rights." Google will reorder the images based on your selection.

5 Bring Back Memories
archive.org

Archive.org is the Auld Lang Syne for the Internet Age. You can find pretty much anything that might bring back some memories. Access old software games, old radio mystery broadcasts and television archives.

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6 2019 ABA TECHSHOW
www.techshow.com

Boasting a former TECHSHOW chair—Natalie Kelly in 2014—Georgia lawyers and their staff can use the code "EP1906" for savings on the world's best conference for bringing lawyers and technology together. Conference registration, which starts at $1,050 for standard registration, is discounted for Georgia Bar members using the code above.

7 CryptoCurrency Resources
www.investing.com/crypto

Didn't get a shiny nickel, but a wheelbarrow full of crypto currency instead? Use the Crypto Currency resources on Investor.com to track what crypto currencies exist, track their values and even manage their conversion to the traditional dollar!

8 Chatbots for Websites

Use interactive website connectors and AI-powered chatbot services to make your connection to web visitors "stickier." The chatbot service can detect visitors' needs and help guide them to a meeting with you made with online appointment setting calendars and more. Think about adding this functionality the next time you upgrade your website. Some top contenders are LivePerson, LiveChat and Amazon Lex. You can have users arrange their appointments with you through online scheduling services from your website. One program to consider is vCita.

9 Sleep Cycle Alarm Clock App
www.sleepcycle.com

Sleep cycle is an app that monitors your sleep patterns by listening to how you breathe while sleeping. The app is set to alarm only when you are in your light sleeping stage so as not to jolt you from a deep sleep. Available for iOS devices and Android.

10 Cyber Security Monitoring
gabar.memberbenefits.com/cyber-security

In the New Year, give your firm the gift of cyber security. Use the State Bar's Private Insurance Exchange to access a three-pronged program for helping your firm with cyber protection. The services for cyber security assessment, compliance and insurance can be accessed on the Member Benefits, Inc., website listed above.

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Testimonial

Laura Rashidi-Yazd (on right, with family) *is the director of Pro Bono for the Atlanta Legal Aid Society.*

Reroute Santa
www.reroutesanta.com

Like me, if you have kids and might be on the road for the holidays or you're thinking about Disney for the holidays, you'll want to have this website in your favorites for sure!

Your Year-End Practice Review and Checklist

Use this list to determine if you have things you need to change in your office and practice in 2019.

BY NATALIE R. KELLY

It's that time of year again! It's time to look back over the past year to see where you've been and to chart a course for where you are planning to take your firm in the New Year. You might have already addressed this issue through an earlier strategic planning meeting or retreat, but doing another quick once over might bring additional issues to the surface that you need to consider. Use this list to determine if you have things you need to change in your office and practice in 2019.

General Office Management

- Have you completed staff and attorney performance evaluations?
- Did you have your staff and attorneys do self-evaluations before your evaluation of them?
- Did you update your policies and procedures manual to deal with any new ways of doing things in your practice?
- If you hired or fired staff this past year, did you perform entrance and exit interviews to make sure your procedures are capturing talent which is a match for the firm culturally and skill-wise?
- If you are in a partnership, did you review your partnership agreement to cover new developments from emerging issues like firm intellectual property (who owns the website or what happens to it if we split)?
- Do you have dates planned for monthly partners and associates meetings?
- Have job descriptions been updated to include general provisions of performing any additional tasks as assigned and the need to lay out essential job functions?
- Have you checked the State Bar Private Insurance Exchange for your firm's insurance needs?
- Have you reviewed how you manage conflict checking and file opening and closing?
- Do you have a disaster recovery plan to address concerns which may arise due to natural or man-made disasters in your practice?
- Do you carry cybersecurity insurance?
- Do you have malpractice insurance?
- Do you have an attorney designated as your successor in the event of your incapacity or death?
- Have you reviewed your office equipment leases and maintenance agreements?
- Have you become aware of ways your firm can help with access to justice initiatives?

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- Have you reviewed the ethics opinions (Georgia Rules of Professional Conduct) recently?

Technology

- Do you have a regular data backup routine that you test each month?
- Is firm data backed up in at least three places—onsite, offsite and online?
- Are your computers up to date?
- Do you have multiple monitors on your desktop? (Why not?)
- Do you have practice management software that everyone knows how to use and is using in your practice? (Again, why not?)
- Can you work remotely and track your time using an updated app or mobile platform?
- Do you need more training on your firm's systems?
- Does the firm keep its own "cheat sheets" for the systems you use?
- Have you designated one or more "tech gurus" in your practice to help with general support and training concerns?
- Is firm data consistently updated and synchronized across platforms for easy and secure access from anywhere by firm members?
- Do you have clients using a client portal through your practice management system?
- Do you have your firm's basic workflows set up to run from within your practice management program?
- Have you budgeted for firm technology training?
- Have you planned to attend a legal technology conference or event to ensure you are knowledgeable about the most recent developments with legal tech?
- Does your website invoke artificial intelligent (AI) services or a "bot" or "chatbot" to streamline client intake or other communication?
- Is your website mobile-enabled or enhanced?
- Does your firm have size and practice-area appropriate systems for time tracking, billing, general ledger accounting, legal research, document assembly, document management and practice management?
- Have you considered a virtual receptionist service for answering phones and managing tasks?
- Can everyone in your office produce and work with PDFs?
- For litigators, have you mastered your litigation support tools?
- Do you need to invest in e-discovery tools?
- Have you considered smart contract drafting tools?
- If you are using cloud-based systems, do you have a regular routine for managing backups and keeping copies stored onsite via downloads?
- Are you using a telephone system via a service which automates messaging and call management?

Marketing

- Does your marketing plan include new areas for outreach?
- Does everyone in your firm know your firm's mission and elevator pitch?
- Are your firm's business cards unique?
- Do you review your events calendar every three months to mine contacts and set dates for future meetings?
- Have you monitored your firm's brand?
- Have you upgraded your CloudLawyers profile on the State Bar's website?
- Have you set dates to review reports analyzing your social media traffic and engagement?
- Do you use social media channels to market your practice?
- Have you reviewed your net promoter or other modeled engagement benchmark scoring system to see how you are perceived by clients?
- Have your online marketing plans been upgraded to focus on video?
- Are you considering making CLE presentations or writing articles?

Financial Management

- Do you have a budget for 2019?
- Do you know how your cash flow will be impacted by the practice's revenue through the past year?
- Have you reviewed your salaries, bonuses and benefits for fairness and viability for your firm's finances?
- Is your chart of accounts set to help with clear reporting on your firm's profits and losses?
- Do you accept online and credit card payments?
- Can your clients see their bills via your firm's practice management client portal?
- Do you have a regular process for managing monthly bank reconciliation across firm trust and operating accounts?
- Do you have records for your client trust accounts going back for at least six years—the length of time you are required to keep trust accounting records?
- Do you use a client case plan and budget for each matter?
- Do you have your accounting integrated into your practice management system or do you use a practice management system which includes accounting functionality?

This list is not comprehensive; it is simply the starting place for a review over the last year of your practice. If you need assistance or additional resources for reviewing your practice management needs in 2019, please contact the Law Practice Management Program at 404-527-8773. ●

Natalie R. Kelly

Director, Law Practice Management
State Bar of Georgia

nataliek@gabar.org

Sharon (Nyota) Tucker—Much More Than a Footnote

As the first African-American woman to graduate from the University of Georgia School of Law, Nyota continues to inspire and motivate.

BY BONNE DAVIS CELLA

Nyota Tucker grew up in Dublin, Georgia, where her father was a mechanic and her mother a beautician. Her mother finished high school and her father only completed the eighth-grade, but they were resolute with their children's education. Nyota was among the first group of African-American students to integrate into Dublin High School in 1966. She was a junior.

"It was a tumultuous time—we were ostracized. In the cafeteria, white students vacated tables when we sat down. During school assembly, I was often left to sit alone on an entire row of seats in the auditorium—the message was that I didn't belong—that I wasn't wanted. Thank goodness I had the support of my family, our neighbors and my church. My 5th grade teacher, Mrs. Bernice Myers, always pushed me to do my best and gave me a good foundation."

Doing her best in high school resulted in a scholarship to Howard University in Washington, D.C., where she received a B.A. in Political Science.

PHOTO PROVIDED BY NYOTA TUCKER

Nyota Tucker

"My parents were amazing—they had three children in college at the same time—they sacrificed a lot. I am blessed."

Her older brother graduated from Tuskegee Institute and is a retired architect. Her sister is a talented musician who graduated from Albany State University (AUS) and enjoyed a 30-year career in state government.

Her younger brother is an attorney in the D.A.'s office in Savannah and graduated from Morehouse College and Howard University School of Law.

After Nyota graduated from Howard University in 1971, she was one of five African-American's who matriculated into the University of Georgia School of Law.

As far as discrimination at law school, Nyota said: "Because seats were generally assigned for first-year students, there was not an option not to sit next to me. But I distinctively remember several students who often mispronounced the word 'Negro' during Constitutional Law discussions. One of my greatest regrets is that neither I nor the professor corrected them. The message that was communicated was that I didn't belong, that I was taking a seat that 'belonged' to a white male. But in addition to these disparaging acts, there were also acts of kindness by several classmates. I specifically remember William 'Morgan' Akin, a classmate from Cartersville who gave my young daughter, Nairobi, a puppy that she named 'Wildflower.' Another classmate who later became a law professor at Mercer Law School, Jack Sammons, along with his wife, provided accommodations at their home during the time we prepped for the bar exam. Ashley Royal, a classmate who is now a U.S. District Court Judge in Macon exhibited goodwill."

Of the five African-Americans attending UGA Law School, only two prevailed and graduated in 1974—Nyota and Robert Robinson from Savannah. Robinson was also among the first to enter an all-white high school in Savannah. After law school he returned to Savannah and became a high profile civil rights attorney. Tragically, Robinson was killed when a mail bomb tore through his law office on Abercorn Street on Dec. 18, 1989. He was 42.

PHOTO PROVIDED BY NYOTA TUCKER

Nyota graduated from the University of Georgia School of Law in 1974.

PHOTO PROVIDED BY NYOTA TUCKER

Nyota and her daughter Nairobi at the Georgia Legal Services Law Library in Albany.

As for being the first African-American female to graduate from UGA Law School, Nyota is reluctant to take any credit and rarely mentions her milestone.

"There are so many more who paved the way for me—those who refused to take 'no'—they are the ones to be celebrated. I am just a small footnote in the history of UGA Law School," she said.

After law school, Nyota served as a staff attorney in Albany for Georgia Legal Services Program (GLSP) and there adopted her Swahili name of Kimya Dajenaba Nyota—to connect with her African roots. In Swahili, her name translates to "quiet affectionate star" and from my observation the name certainly fits. During her career at GLSP, Nyota suffered a tremendous loss. Her five-year old daughter Nairobi was killed in a car crash.

After working at GLSP, Nyota served as an intern with the NAACP Legal Defense Fund in San Francisco, California, and later joined the faculty at ASU teaching Introduction to Law, Judicial Process, American Constitutional History, Constitutional Law, Trial Advocacy, Consumers and the Law, Civil Rights and Minorities, and U.S. and Georgia Government. She was also the attorney for ASU and said it was her "dream job" because she could utilize her training as a lawyer. As the pre-law student advisor, she interacted and mentored the students—she was their cheerleader.

In 1991 Nyota was selected as a Fulbright-Hays Summer Abroad Fellow and spent six weeks in Zimbabwe, Botswana and Malawi studying the "Social and Economic Changes in Southern Africa." She was selected as Teacher of the Year for her department at ASU more than a dozen times.

"UGA Law School has always been kind and gracious—they rolled out the

PHOTO PROVIDED BY NYOTA TUCKER

(Left to right) Reggie Lewis, Tiffany Brown-Morris, Jarrod Burch, Nyota Tucker, Daniela Romo, Alexis Hill and Ronnie Mabra at the August 2018 opening of the The Mabra Firm in Albany.

red carpet when I brought students to orientation. I had a small hand in helping my students maneuver the application process. I love the relationships that were built with my students," she said.

One of her former students is Tifton attorney Jarrod Burch. After a stint in the Army, he began at ASU at age 21 and served as student body president. He met Nyota his junior year; he was majoring in political science and she was his professor. Other students warned him of how tough she was in the classroom. She was "all business" they said.

"She was first and foremost a scholar—she would break down Supreme Court cases for us to study from the 1700s and 1800s. She made us brief cases that were very challenging. This was before the internet of course. When I got to UGA Law School, I was prepared and I am so thankful that she was hard on us. I am very appreciative of her, and I would not be where I am today without Nyota's influence. She inspired me to be a teacher, and I taught Constitutional Law at St. Leo University in Tampa for 15 years before joining the Mabra Firm," said Burch.

"My daughter is a senior in pre-law and hopes to go to UGA Law School. She and I both were helped by Justice Robert Benham's initiatives that support minorities—my daughter went to his law camp and I benefited from his scholarship program. I am so appreciative to him as well as Nyota for helping me to succeed."

When asked what she was most proud of in her career, Nyota did not hesitate to respond: "My kids! They are the kind of people that I would want to spend time with even if they weren't my kids. My daughter, Sadiga Kendi, is an emergency room pediatrician at Washington National Children's Hospital in D.C. She attended Spelman and Yale Medical School. My son, Macharia Edmonds, went to Stanford for engineering and Northwestern for law school and works for Google. They are good people who love people. I have one granddaughter, Imani Nairobi Kendi, and I now understand how 'grand' it is to be a grandparent. Also the young people who have enriched my life through teaching. I often run into former students around town or read about the amazing things they are doing. Their accomplishments far outshadow anything I have done. One former student, Zachery Faison, is president of Edward Waters College. Four are judges: Hon. Tangela Hopkins Barrie, Superior Court of DeKalb; Hon. Vernita Lee Bender, Municipal Court of Valdosta; Hon. Crystal Gaines, Municipal Court of Atlanta; and Hon. Gregory Williams, Municipal Court of Edison; and Keir Bradford-Grey is the director of the Defender Association of Philadelphia. Many others are making a difference in governmental service, teaching or in the active practice of law as evidenced by the work of Jarrod Burch."

"A former student of mine, Marvin Laster, came back to Albany as CEO of the Boys and Girls Club and asked me to help. I am now retired from ASU and I want to give back. There are at least 200 nonprofits in Albany, but this one is really outstanding. I help the kids with their homework and just interact with them—I love it—I have a good life."

And Nyota, for the record . . . you are much more than a footnote. ●

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These Lawyers and Law Students Represent the Best of 2018

The annual pro bono awards recognize the development of court-based help centers and pop-up legal clinics to assist persons who would otherwise go unrepresented, and law school access to justice activities.

BY MIKE MONAHAN

Hon. Katie Salinas, vice chair of the Bar's Access to Justice Committee.

PHOTO BY STEPHANIE J. WILSON

The State Bar of Georgia's annual pro bono awards highlight and honor incredible stories of professionalism and dedication of outstanding Georgia lawyers, public interest programs and law students.

The 2018 pro bono awards recipients, recognized at a reception hosted by the Bar's Access to Justice Committee and Pro Bono Resource Center in November 2018, represent a strong commitment to access to justice through legal work on the civil side in the areas of taxation, immigration, prison conditions and constitutional rights. The awards also recognized the development of court-based help centers and pop-up legal clinics to assist persons who would otherwise go unrepresented, and law school access to justice activities.

The H. Sol Clark Award is named for former Court of Appeals of Georgia Judge Clark of Savannah, who is known as the "father of legal aid in Georgia." The prestigious Clark Award honors an individual

lawyer who has excelled in one or more of a variety of activities that extend civil legal services to the poor. The State Bar of Georgia Access to Justice Committee selected Curtis Allen Garrett of Kilpatrick Townsend & Stockton LLP for his long-term commitment to pro bono, especially on behalf of unpopular clients on work such as prison conditions, free speech and voter access to polls.

The William B. Spann Jr. Award is given annually to a local bar association, law firm or community organization in Georgia that has developed a civil pro bono program that has satisfied previously unmet legal 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. The Access to Justice Committee honored two recipients: Kids in Need of Defense, which assists immigrant and refugee children who would otherwise go unrepresented in immigration court; and the Athens Justice Initiative under the leadership of Hon. Regina M. Quick, Superior Courts, Western Judicial Circuit, in partnership with the Western Circuit Bar Association. The Athens Justice Initiative was formed to assure that low-income pro se parties have access to lawyer-designed forms and legal advice in help clinics in the Western Circuit.

The Dan Bradley Award honors the memory of Georgia native and Mercer Law graduate Dan J. Bradley, who was president of the federal Legal Services Corporation from 1979-82. He is credited by many with having been instrumental in saving the Legal Services Corporation, which funds programs like Georgia Legal Services Program and the Atlanta Legal Aid Society, from elimination in the early 1980s. The Dan Bradley Legal Services Award recognizes the work of

PRO BONO STAR STORY

VALERIE G. LONG

BY RHUDINE NELSON

Valerie G. Long
Attorney
Valerie G. Long, Attorney at Law

Valerie G. Long is a bankruptcy and family law attorney and has been helping people in Columbus, Georgia, and surrounding communities find solutions to their legal problems since 1994. Her practice focuses on Chapter 7, Chapter 13, estate planning and uncontested divorces. She is a strong supporter of the Georgia Legal Services Program, Inc., and has served as a pro bono volunteer for 15 years for GLSP's Columbus Regional Office. Pro bono clients have described Long as dedicated, compassionate and thorough, and her staff as friendly, polite and kind. Dina Nelson, the pro bono coordinator for the Columbus Office, offers, "I can't thank Valerie enough for her volunteer efforts. Valerie has held firm to her commitment to serve our pro bono clients since the first client was referred to her many years ago. She takes her motto 'helping good people through bad times' seriously and her dedication to our clients and our community is a testament to the good things that lawyers do to help the low-income and senior clients who cannot afford the services of a private attorney."

Long grew up in a military family, moving around to various duty stations until her father retired to Augusta, Georgia. She graduated high school from The Academy of Richmond County in Augusta, then attended Radiography School at University Hospital in Augusta. She worked 40 hour weekends as an X-ray tech while attending Augusta College and graduated with a bachelor's degree in Business Administration in 1989. She has lived in Columbus since 1990 and commuted to Atlanta for law school where she obtained her J.D. from John Marshall Law School in 1994. Long has been in private practice since 1994. She is an active member of the Georgia Association of Women Lawyers, Columbus Bar Association and Cornerstone Baptist Church in Ellerslie. Long enjoys underwater photography, traveling and spending time with her family. ●

PHOTO BY STEPHANIE J. WILSON

Hon. Katie Salinas *(left)* and Mike Monahan *(right)* present the H. Sol Clark Award to Curtis Allen Garrett *(center)*.

PHOTO BY STEPHANIE J. WILSON

(Left to right) Hon. Regina M. Quick, Western Judicial Circuit and Debra M. Finch of Debra M. Finch, P.C.

an Atlanta Legal Aid or Georgia Legal Services Program attorney who has excelled in the commitment to the delivery of quality legal services to the poor and to providing equal access to justice. Roshonda B. Davis-Baugh of Gwinnett Legal Aid (Atlanta Legal Aid Society) received the Dan Bradley award for her many years at Atlanta Legal Aid, her management and mentoring skills, and her work in developing the Gwinnett Legal Aid office into a high-performing unit of Atlanta Legal Aid.

The A Business Commitment Award is presented by the State Bar of Georgia Pro Bono Resource Center to honor the business law pro bono contributions of an individual lawyer, corporate legal department or law firm to the nonprofit community and community economic development sector in Georgia. Nedom A. Haley of Baker Donelson Bearman Caldwell & Berkowitz, PC, was this year's recipient. Haley's nomination for the award underscored his nine years of pro bono service to nonprofits that included 22 matters, several of which were extremely complicated tax matters, all resolved through negotiation or court advocacy—one of which even went to the U.S. Tax Court where Haley won the case for the nonprofit client.

The Bar's Access to Justice Committee instituted new awards three years ago to help stimulate attention in law school to pro bono and access to justice issues, creating awards for student-lead and individual activity in access to justice. The 2018 Law School Excellence in Access to Justice Group Activity Award was presented to the Pro Bono Program of the Center for Access to Justice at the Georgia State University College of Law. The Center for Access to Justice's Pro Bono Program connects students with legal volunteer opportunities to address the unmet legal needs of people of limited means. Working under the supervision of practicing attorneys in the nonprofit, public and private sectors, Georgia State Law students are enhancing the capacity of law and legal institutions to do justice.

Two law students—Mary Honeychurch and Samantha Kessler, both 2018 University of Georgia School of Law graduates, were honored with the Law School Excellence in Access to Justice Group Individual Student Award. Honeychurch was recognized for her participation in the Community Health Law Partnership Clinic, the Public Interest Practicum and the Mediation Practicum at the University of Georgia School of Law. Kessler was chosen for her law student volunteer work as coordinator for the Western Judicial Circuit Self-Represented Litigant Docket. She shepherded the inaugural launch of the Western Judicial Circuit Self-Represented Litigant Center and Self-Help Desk which operates from the Law Library in the Athens-Clarke County Courthouse.

The State Bar's Access to Justice Committee's award nominations open in August each year. Please consider helping us by nominating an outstanding volunteer lawyer, law student or program that serves unmet legal needs or creates a new model for successful delivery of legal services to low-income or marginalized Georgians. If you have any questions about the awards, please email me at probono@gabar.org. ●

Mike Monahan

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2019 HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

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MAY 16-18 | athens2019.nhsmtc.org | athens2019@gabar.org

Athens is approximately 75 miles northeast of Hartsfield-Jackson Atlanta International Airport.

The State Bar of Georgia and its Young Lawyers Division are excited to host the 2019 National High School Mock Trial Championship! Athens, "The Classic City," is a beautiful southern college town and will be a perfect setting for crowning the 2019 National Champion.

NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP MAY 16-18, 2019 ATHENS, GA

VOLUNTEER

- With about 46 teams coming in from all over the country, we will need a lot of help to make the 2019 Nationals a success.
- We need lawyers, legal professionals and community members to serve in a variety of roles, including 368 spots on judging panels.

DONATE

- Our fundraising goal is $200,000.
- Sponsorship opportunities are available at varying financial levels.
- Donations are tax-deductable if made through the State Bar of Georgia Foundation.

Targeting Millennial Clients

The State Bar of Georgia's Find a Lawyer directory is a tool the public can use to search for a lawyer in Georgia that practices the type of law they need. Every Georgia lawyer with an active status is listed in the directory with a business card. You may enhance your profile and add more content for potential clients.

BY YAEL BOLOKER

GETTYIMAGES.COM/WRAGG

There are 92 million millennials in the United States (born between 1980 and 2000). They have surpassed the baby boomers as the generation with the largest purchasing power in the economy ($1.4 trillion by 2020). To target millennial clients, you may need to make changes to your firm to meet and exceed their expectations.

Millennials value more aspects of your firm than your knowledge of the law. By the time a millennial client has contacted your firm, they have researched their legal issue online, decided they need a lawyer and then thoroughly researched their options through both their contacts and online research. In August, 39 percent of searches in the State Bar of Georgia's Find a Lawyer directory were by lawyer name; many to verify license credentials and to check the continuity of a lawyer's online presence. Millennials look at your entire online presence to determine if you and your firm would be a good fit.

Law firms need to provide both quality services and a quality customer experience.

Before Your Client Meets You

Create an Effective Online Presence

When legal marketers speak about creating an online presence, what they really mean is that you need to create an online relationship with potential, current and future clients. In particular, prospective millennial clients are looking for personal, authentic and transparent content. You want to show you and your firm as human. Tell the story of your practice, not just what practice areas you work in, but how you established your practice, your values and your personality. By taking the time to establish a relationship with the potential client, you will become valuable to them. For example, if they come across several blog posts about their legal issue and they feel you explain the legal concepts and case options, they will want to work with you. In your Find a Lawyer profile on the Bar's website, use your bio, cases represented field, speaking engagements and blogs to speak directly to clients. Remember they can find any lawyer, but you need to take the time to show them you are worth choosing since they will check all your platforms and competitors before deciding. An effective online presence includes the following:

- Law firms must develop an online strategy.
- Express the vibe of your office, what it's like to work with your team and who will help on their case.
- A modern website design, font and layout. If a lawyer has a website that looks as if it was designed in the early '90s, potential clients will turn away because they think everything about the firm is outmoded.
- Build in interactive features to your online presence with contact forms, online appointment scheduling, live chat, quizzes, polls, podcasts and videos. You can allow potential clients to contact you through your Bar profile by enabling contact and online appointment scheduling in the Find a Lawyer directory.

While 85 percent of millennials have smartphones, they generally do not use them to call people. As a whole, they would rather initiate contact through a website or live chat.

- Add relevant content to help educate potential clients on your expertise and show who you are. You can add speaking events, articles, press releases and blogs in your Find a Lawyer profile.
- Social Media. Choose social media applications where you can post at least once a month. It is better to be active on one or two apps than inactive on many of them.
- Fixed fees. Use fixed fees to set expectations about the work and pricing. Millennials are savvy shoppers. Even if they are comparing your firm to others, that means they are looking for the best value not the lowest price.
- Monitor what is said about you and your practice online. Also ask your happy clients to give you testimonials and reviews. In some studies, it was shown that having a bad review gives the reviews authenticity.

Creating A Quality Experience

The millennial clients have grown up in an environment that encourages collaboration, and they will be looking for lawyers and firms where they can be included in the process. Take time to explain their case in detail and outline the possible outcomes. Reach out early to discuss expectations, strategy and deadlines. Competitive law firms will create smooth experiences for their clients to retain their business.

- Use technology to your advantage and make sure everyone in your firm understands how to use the technology as well. Clients do not want to be billed for inefficiencies.
- Make communication easy. Provide multiple channels of communication, such as email, text, phone or messaging services.
    - If you are worried about giving clients your cell phone number get a dedicated phone just for clients.
    - Just as you do not want to waste 30 minutes on a phone call, your millennial client does not either.
    - It is helpful to have a case coordinator that the client can contact to check deadlines or address their concerns.
- Online Case Management. Use software that the client can log in and review or sign documents as needed.
- Online bill paying. Make it easy for your clients to pay invoices. This will help you collect your payment in a timely fashion and make bookkeeping easier.

Finally, in order to improve your practice, ask your clients: What did we do well? What was most difficult? What part of the process can be streamlined and made easier? Make sure you send this follow up once the case is over to remind them that you are invested in your relationship. Additionally, ask if they would like to be on your firm mailing list, so you can send them your firm newsletter. A newsletter can remind past clients of your great work and will open the door for referrals.

You can read more about CloudLawyers and find resources at www.gabar.org/cloudlawyers.

The State Bar of Georgia's new Find a Lawyer directory is powered by development partner, CloudLawyers.com. The goal is to help create a strong national lawyer search network at cloudlawyers.com that will help all of our members and the members of the public who are looking for a lawyer. For assistance with State Bar Member Benefits, please contact the Law Practice Management Program Member Benefits Coordinator Sheila Baldwin at sheilab@gabar.org or 404-526-8618. ●

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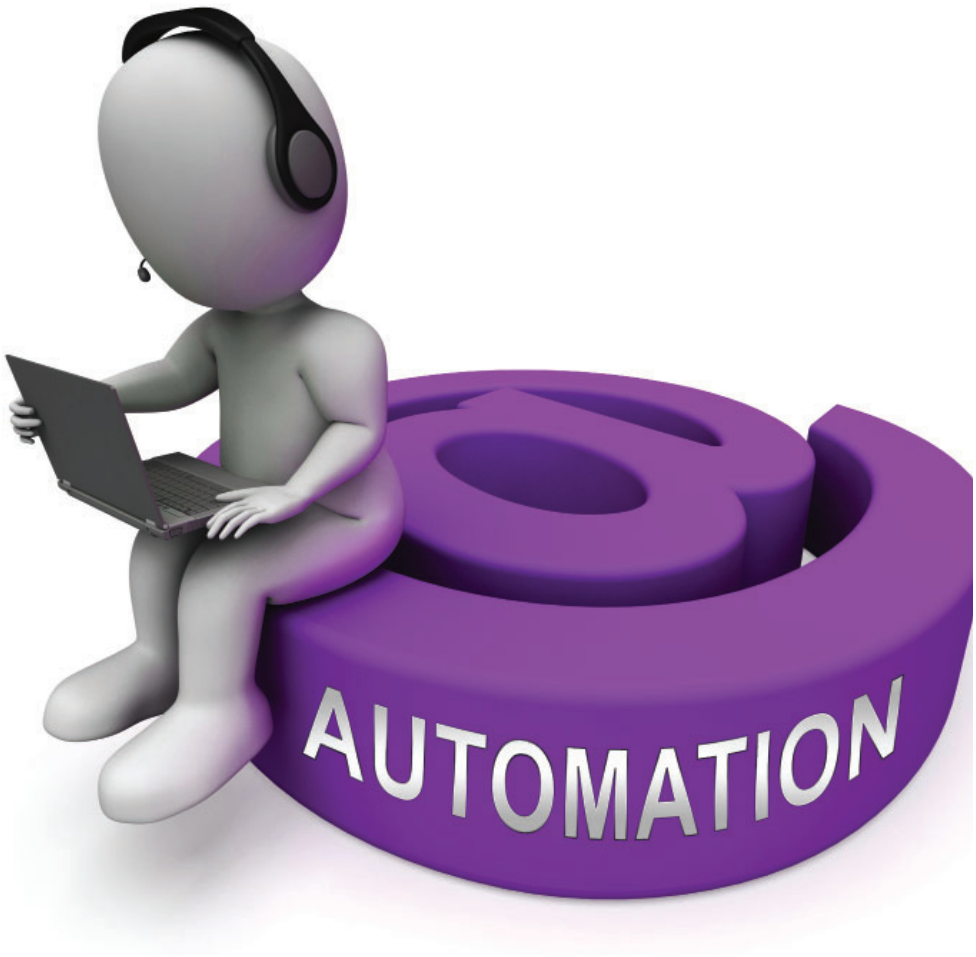
Using Automation to Enhance Your Email Communications

Automation can increase the efficiency and accuracy of email communications. Take full advantage of it by making your instant communications read as if they were well-considered and typed like a pro.

BY KAREN J. SNEDDON AND DAVID HRICIK



GETTYIMAGES.COM/STUARTMILES99

We all write and respond to emails every day. This installment of "Writing Matters" addresses two common issues and a common question that arise from communicating through email and explains some automated ways to enhance your email communications. Besides solving the problems we identify, the solutions have some added benefits.

The Problem of Snarky or Overly Informal Emails

All our communications should be professional. The speed and convenience of email can create challenges for meeting that goal. We've all smugly written a snarky email in haste and clicked send, only to regret moments later the tone or words that we had used. Judges and bar associations have decried the growing lack of civility in discourse, and pointed out that nasty emails likely do not advance the client's case. Yet, many succumb to the pleasure of sending an off-the-cuff email. But an email rant full of vindictive language sent to opposing counsel does little to advance our client's case or our profession's image.

The speed of email can also tempt us to be overly informal. "OMG, I can't believe

that idiot judge ruled against us," may be exactly what you're thinking, but not what you should write down. Such language may come across as unprofessional or impolitic even if the recipient agrees with your view of the judge's decision. And, the saying that every email should be written as if it will be a trial exhibit should be taken to heart.

There is an automated solution to both snarky and informal emails built into the very program that allows you to be unprofessional in the first place. On a Mac, for example, you can use the "System Preferences" application in your dock to access the "Keyboard" and then the "Text" function to have your mail program automatically replace specific words. So, for example, you can set the Text function so "OMG" automatically is replaced with "Oh my goodness" or some other better term. Likewise, you can set "idiot" to automatically become "unreasonable." In other words, you can set up your computer so you can write opposing counsel an email that says "OMG, I can't believe that idiot judge ruled against us," but the recipient will receive: "Oh my goodness, I can't believe that unreasonable judge ruled against us."

Automation is wonderful: the tactile joy of snarky email remains, as does the ability to use informal terms. You can write them; they just aren't received that way.

This same automation can improve other aspects of email communications. For instance, if you occasionally use an acronym but cannot remember it, you can forget about having to remember it. For example, is it HIPPA or HIPAA? Look it up once, and then use the Text function to automatically replace "HIPPA" with "HIPAA" (the latter being the correct acronym for the Health Insurance Portability and Accountability Act of 1996). Similarly, if you repeatedly use a phrase, you can create a short acronym that will be replaced by the full term: if you want HIPAA to always be "the Health Insurance Portability and Accountability Act of 1996" you can set it so "HIPAA" always changes to the full title. Can't remember if it's "F.Supp.2d" or "F. Supp. 2d" or "F. Supp.2d"? Figure it out once, and maybe even automate it so typing "fs2" becomes "F.Supp.2d".

The Problem of Burying the Lede[1]

Every email communication is sent for a specific purpose. If an email's purpose is to request action, or a decision, the request should be either in the first sentence or in a separate stand-alone paragraph, and the "re" line should make the need for action clear.

There are two reasons for doing this. One is that often people read email on their phone. A request buried in a long paragraph may not be seen. The second is that everyone is buried with email. If you need action, your email needs to ask for it.

There's no automated solution to this one, unfortunately. But don't bury the lede if you want and need a quick response.

If It Isn't Privileged and Highly Confidential, Don't Say It Is

Many lawyers' signature blocks automatically include a "disclaimer" at the end stating that the email is highly confidential and privileged. If the content of the email is not actually privileged, this legend is not helpful. For example, if your emails to opposing counsel always end with "this is highly confidential and privileged," and you one day accidentally *do* misdirect an email, the indiscriminate use of claim of privilege will undermine the argument that the recipient should have known *that* email *was* privileged.

On top of that, it is doubtful these "disclaimers" are legally enforceable.[2] But, perhaps even more pertinent for our purpose here, as vice president of the Association of Corporate Counsel put it, so long as "you have your order from [Mexican restaurant] Chipotle marked as privileged . . . no one will take you seriously."[3]

There is an automated solution to this one, but it requires a mouse click. Every mail program allows a user to create different "signatures" and to select which one goes on a particular email. If an email is privileged, use the signature with the disclaimer; if it is not, use different signature.

Concluding Thoughts

Email has revolutionized communication by allowing for near instantaneous communication. Automation can increase the efficiency and accuracy of those communications. Take full advantage of it by making your instant communications read as if they were well-considered and typed like a pro. ●

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David Hricik is a professor of law 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. "Lede" is the historical alternative spelling of "lead." Today, "lede" is used in journalism to refer to the key point of a news story.
2. "Lawyers and experts on internet policy say no court case has ever turned on the presence or absence of such an automatic e-mail footer in America, the most litigious of rich countries." Spare us the e-mail yada-yada, The Economist (Apr. 7, 2011) (available at https://www.economist.com/business/2011/04/07/spare-us-the-e-mail-yada-yada)
3. Brett Cenkus, Email Confidentiality Disclaimers: Annoying but are They Legally Binding? (available at: https://www.businessattorneyinaustin.com/annoying-email-confidentiality-disclaimers/)

P. Harris Hines (1943-2018)

I Offer Service

Remembering the late Chief Justice P. Harris Hines (Retired)

BY KARLISE Y. GRIER

The last tenet of A Lawyer's Creed states: "To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system . . . ." Justice Preston Harris Hines lived this tenet of A Lawyer's Creed throughout his entire legal career. Chief Justice Hines began his legal career when he spent a year as a law clerk for Judge E. A. Wright, senior judge of the Civil Court of Fulton County.[1] Then in 1969, he joined the firm of Edwards, Bentley, Awtrey & Parker of Marietta, where he became a partner in 1973.[2] Justice Hines first became a full-time judge in 1974, when he was appointed to the bench of the State Court of Cobb County by then-Gov. Jimmy Carter.[3] In 1982, he was elected to the Superior Court of the Cobb Judicial Circuit.[4] Thereafter, Gov. Zell Miller appointed him to the Supreme Court of Georgia on July 26, 1995. Justice Hines once said that he was the last one of the justices appointed by Gov. Miller.[5] He said, "I think I was the most junior judge on this court for about 10 years."[6] Justice Hines served as the Supreme Court's presiding justice from Aug. 15, 2013, until he was sworn in as the Court's chief justice on Jan. 6, 2017.[7]

During his tenure with the Supreme Court, Justice Hines was the Court's liaison to the Institute of Continuing Judicial Education, the General Assembly and the Office of Bar Admissions. He chaired the Judicial Council and the Judicial Council's Policy and Legislative Committee. In 2015, Justice Hines was appointed as a member of the Judicial, District Attorney and Circuit Public Defender Compensation Commission.[8] Justice Hines also served as the chair of the Supreme Court's Justice for Children Committee for more than 16 years, beginning in 2001.[9] In that role, he immediately began to improve the legal process for children in juvenile courts. Through its Cold Case Project, for example, the committee helped more than 300 children who were "stuck in foster care" find permanent families by 2015. Justice Hines also personally worked tirelessly to improve the professional capabilities of judges and lawyers who work with children by providing a broad range of educational opportunities that included scholarships to national conferences, seminars, live-streaming of legal classes and other professional training. As a result of the committee's work, in 2015, 47 attorneys in Georgia had been certified by the National Association of Counsel for Children as Child Welfare Law Specialists.[10] Justice Hines also worked hard to move Georgia toward having one full-time juvenile court judge in each of Georgia's 49 judicial circuits.[11] The committee created the Chief Justice P. Harris Hines Awards in 2017, in partnership with Georgia's Office of the Child Advocate and the State Bar of Georgia Child Protection and Advocacy Section, to honor the work and commitment of Justice Hines to juvenile law and court improvement.[12]

In the broader community, Justice Hines was an elder in his church, the First Presbyterian Church of Marietta. He was also a member of the Board of Visitors of the University of Georgia School of Law, a former trustee of the Kennesaw State University Foundation, a member and past distinguished president of the Kiwanis Club of Marietta and a past distinguished Lt. Governor of the Georgia District of Kiwanis International. He served on the inaugural board of directors of the Cobb-Marietta Girls Club and was a past president of the Cobb County YMCA.[13]

In addition to his legacy of service, Justice Hines also embodied the tenet of the Aspirational Statement on Professionalism that challenges judges and lawyers to "assist my colleagues become better people in the practice of law." Justice Hines would often tell the story of how he met the current chief justice, Harold D. Melton, when Justice Melton was an undergraduate student at Auburn University. At the time, Justice Hines was a judge on Cobb's Superior Court. He contacted Justice Melton after his wife read an article in the *Marietta Daily Journal* about the Wheeler High graduate and suggested he reach out to Justice Melton and ask him to come intern for the summer. Chief Justice Melton has said that a superior court judge calling up an undergraduate student for an internship is still unheard of, but Justice Melton is glad that Justice Hines took him under his wing.[14]

Chief Justice Melton summed up the legacy of Justice Hines best when he said, "When you look back on a career, there's a lot that you can say . . . . You can talk about professionalism, community service and commitment to a cause . . . . All those things ring true with this man."[15] ●

Karlise Y. Grier

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Endnotes

1. *See* Katy Ruth Camp, Justice Praises Family, County (March 6, 2017), Cobb Business Journal, In the Marketplace, https://www.mdjonline.com/cobb_business_journal/justice-praises-family-county/article_a7b0d480-ff65-11e6-9b7a-1fb78e13d5dd.html (Last visited November 19, 2018).
2. *See* Supreme Court of Georgia, Harris Hines to Become New Chief Justice (September 6, 2017), https://www.gasupreme.us/9616-harris-hines-to-become-new-chief-justice/ (Last visited November 19, 2018).
3. *See* Ricky Leroux, Marietta to Rename Bridge for Late Chief Justice Hines (November 15, 2018), Marietta Daily Journal, https://www.mdjonline.com/news/marietta-to-rename-bridge-for-late-chief-justice-hines/article_3089aad0-e929-11e8-b343-b36fdcdf9ab4.html (Last visited November 19, 2018).
4. *See* Marietta Daily Journal, A Good Lawyer and a Better Judge: Supreme Court Justice Harris Hines Reflects On Journey of His Law Career (August 6, 2016), https://www.mdjonline.com/news/supreme-court-justice-harris-hines-reflects-on-journey-of-his/article_01c0a46c-5c4d-11e6-b9a9-73dd632614a6.html (Last visited November 19, 2018).
5. *See Id.*
6. *Id.*
7. *See* Georgia Courts Journal, Justice P. Harris Hines Receives Child Advocacy Award, Administrative Office of the Courts of Georgia, Georgia Courts Journal November 2015), http://journal.georgiacourts.gov/justice-p-harris-hines-receives-child-advocacy-award (Last visited November 19, 2018).8. *See* Marietta Daily Journal, A Good Lawyer and a Better Judge: Supreme Court Justice Harris Hines Reflects On Journey of His Law Career (August 6, 2016), https://www.mdjonline.com/news/supreme-court-justice-harris-hines-reflects-on-journey-of-his/article_01c0a46c-5c4d-11e6-b9a9-73dd632614a6.html (Last visited November 19, 2018).
9. *See* Georgia Courts Journal, Justice P. Harris Hines Receives Child Advocacy Award, Administrative Office of the Courts of Georgia, Georgia Courts Journal November 2015), http://journal.georgiacourts.gov/justice-p-harris-hines-receives-child-advocacy-award (Last visited November 19, 2018) and Supreme Court of Georgia, Harris Hines to Become New Chief Justice (September 6, 2017), https://www.gasupreme.us/9616-harris-hines-to-become-new-chief-justice/ (Last visited November 19, 2018).
10. *See* Georgia Courts Journal, Justice P. Harris Hines Receives Child Advocacy Award, Administrative Office of the Courts of Georgia, Georgia Courts Journal November 2015), http://journal.georgiacourts.gov/justice-p-harris-hines-receives-child-advocacy-award (Last visited November 19, 2018).
11. *See* Marietta Daily Journal, A Good Lawyer and a Better Judge: Supreme Court Justice Harris Hines Reflects On Journey of His Law Career (August 6, 2016), https://www.mdjonline.com/news/supreme-court-justice-harris-hines-reflects-on-journey-of-his/article_01c0a46c-5c4d-11e6-b9a9-73dd632614a6.html (Last visited November 19, 2018).
12. Judicial Council of Georgia Administrative Office of the Courts, Chief Justice P. Harris Hines Child Advocacy Award Winners Announced, http://georgiacourts.gov/content/chief-justice-p-harris-hines-child-advocacy-award-winners-announced (Last visited November 19, 2018).
13. Emory University School of Law, Honoring Supreme Court Chief Justice Harris Hines, Emory Law News Center (November 6, 2018), http://law.emory.edu/news-center/releases/2018/11/supreme-court-justice-hines-passes-away.html#.W_NnnYXz0sN (Last visited November 19, 2018).
14. See Shaddi Abusaid, Marietta Daily Journal, Harris Hines Stepping Down After 50-Year Legal Career (August 10, 2016), https://www.mdjonline.com/news/harris-hines-stepping-down-after--year-legal-career/article_b498a480-9cf7-11e8-8dd5-93ed3ed85d8c.html (Last visited November 19, 2018).
15. *Id.*

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.

CORRECTION

In the October 2018 issue of the *Georgia Bar Journal*, our In Memoriam column contained inaccurate information due to a formatting error. The law school graduation dates were incorrectly listed. We have corrected the dates and have included those individuals in this issue, marked with an asterisk. We offer our sincerest apologies for this error.

CHARLES MICHAEL ABBOTT
Atlanta, Georgia
Duke University School of Law (1968)
Admitted 1975
Died October 2018

GLEN EDWARD ASHMAN
East Point, Georgia
Mercer University Walter F. George School of Law (1980)
Admitted 1980
Died August 2018

MURIEL B. AUGUST
Ormond Beach, Florida
Emory University School of Law (1976)
Admitted 1976
Died November 2018

SANDRA M. BOURBON
Alpharetta, Georgia
Georgia State University College of Law (1985)
Admitted 1986
Died September 2018

***DAVID M. BROWN**
Durham, North Carolina
University at Buffalo School of Law (1966)
Admitted 1974
Died July 2018

***LARRY DONELL BROX**
Macon, Georgia
Mercer University Walter F. George School of Law (2005)
Admitted 2005
Died August 2018

BARBARA JO CALL
Atlanta, Georgia
Emory University School of Law (1985)
Admitted 1985
Died October 2018

JACQUELINE F. COLSON
Snowflake, Ariz.
University of Alabama School of Law (1983)
Admitted 1984
Died September 2018

MICHAEL ANDREW COVAL
Decatur, Georgia
Emory University School of Law (1987)
Admitted 1987
Died August 2018

***MICHAEL C. DANIEL**
Athens, Georgia
University of Georgia School of Law (1983)
Admitted 1984
Died July 2018

ROBERT T. EFURD JR.
Atlanta, Georgia
Emory University School of Law (1953)
Admitted 1953
Died October 2018

GEORGE M. EUBANKS
Alpharetta, Georgia
Emory University School of Law (1960)
Admitted 1959
Died September 2018

***JAMES M. EUBANKS**
Mobile, Alabama
Emory University School of Law (1986)
Admitted 1986
Died June 2018

***GARY WAYNE FARRIS**
Atlanta, Georgia
University of Alabama School of Law (1988)
Admitted 1995
Died July 2018

***DAVID ALAN FOWLER**
LaGrange, Georgia
Mercer University Walter F. George School of Law (1988)
Admitted 1988
Died August 2018

***ALEXANDER T. GALLOWAY III**
Griffin, Georgia
Mercer University Walter F. George School of Law (1993)
Admitted 1993
Died August 2018

***BRENDA L. GARDNER**
Atlanta, Georgia
University of Florida Levin College of Law (1982)
Admitted 1984
Died August 2018

***ROBERT E. LEE GARNER**
Huntsville, Alabama
Harvard Law School (1971)
Admitted 1971
Died July 2018

***JOE W. GERSTEIN**
Atlanta, Georgia
Duke University School of Law (1953)
Admitted 1953
Died August 2018

***FRANCISCO GONZALEZ-BURGOS**
Alma, Georgia
University of Puerto Rico School of Law (1976)
Admitted 1986
Died July 2018

JUDSON LEON GREEN III
Dublin, Georgia
Mercer University Walter F. George School of Law (1972)
Admitted 1972
Died October 2018

JUSTIN M. GROSHAN
Sherman Oaks, California
Emory University School of Law (1959)
Admitted 1958
Died September 2018

GEORGE B. HAGOOD
Savannah, Georgia
Mercer University Walter F. George School of Law (1971)
Admitted 1971
Died October 2018

***WILLIAM M. HAMES**
Atlanta, Georgia
Vanderbilt University Law Schol (1962)
Admitted 1963
Died July 2018

**Individuals marked with an asterisk were listed in the October 2018 issue of the* Georgia Bar Journal *with incorrect law school graduation dates. The dates have been corrected in this issue.*

P. HARRIS HINES
Atlanta, Georgia
Emory University School of Law (1968)
Admitted 1968
Died November 2018

JAY MARVIN JACKSON
Jonesboro, Georgia
Georgia State University College of Law (1995)
Admitted 1995
Died September 2018

***DAVID G. JEFFORDS III**
Macon, Georgia
University of Georgia School of Law (1974)
Admitted 1974
Died May 2018

***DAVID E. JONES**
Atlanta, Georgia
Suffolk University Boston Law School (1979)
Admitted 1983
Died June 2018

***D.R. JONES**
Atlanta, Georgia
Emory University School of Law (1950)
Admitted 1950
Died August 2018

ROSEMARY KITTRELL
Atlanta, Georgia
Duke University School of Law (1968)
Admitted 1969
Died September 2018

AGNE A. KRUTULES
Atlanta, Georgia
Georgia State University College of Law (2004)
Admitted 2004
Died October 2018

***STEPHEN FORREST LANIER**
Rome, Georgia
Woodrow Wilson College of Law (1976)
Admitted 1977
Died July 2018

WILLIAM H. LAWSON
Atlanta, Georgia
University of Georgia School of Law (1971)
Admitted 1971
Died October 2018

***WILLIAM H. LEE**
Adairsville, Georgia
Atlanta Law School (1984)
Admitted 1987
Died May 2018

BARRY CHARLES LEWIS
Austin, Texas
Atlanta Law School (1992)
Admitted 1992
Died October 2018

***J. O'QUINN LINDSEY**
Macon, Georgia
Mercer University Walter F. George School of Law (1986)
Admitted 1986
Died August 2018

***JACK H. LITTLETON**
Atlanta, Georgia
University of Georgia School of Law (1970)
Admitted 1970
Died August 2018

***GERARD JOHN LUPA**
Stone Mountain, Georgia
Atlanta Law School (1989)
Admitted 1989
Died June 2018

***JOHN F. MANNING**
Norcross, Georgia
Mercer University Walter F. George School of Law (1972)
Admitted 1973
Died September 2018

***THOMAS MICHAEL MARTIN**
Fayetteville, Georgia
Atlanta Law School (1981)
Admitted 1981
Died June 2018

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 the Fellows Program of the Georgia Bar Foundation.

***DANIEL MCGINNIS**
Winter Springs, Florida
University of Georgia School of Law (1979)
Admitted 1979
Died September 2018

TIMOTHY S. MIRSHAK
Augusta, Georgia
Emory University School of Law (1977)
Admitted 1977
Died November 2018

JOHN HOWARD MOORE
Marietta, Georgia
Mercer University Walter F. George School of Law (1970)
Admitted 1970
Died November 2018

***BRUCE FIELDING MORRISS**
Atlanta, Georgia
Mercer University Walter F. George School of Law (1990)
Admitted 1990
Died June 2018

***MARCIA JO NIELSON**
Monroe, North Carolina
Emory University School of Law (1981)
Admitted 1982
Died June 2018

DONALD FREDRICK OLIVER
Chickamauga, Georgia
University of Georgia School of Law (1980)
Admitted 1998
Died May 2018

MORRIS G. PANOVKA
Atlanta, Georgia
Atlanta Law School (1981)
Admitted 1981
Died October 2018

PATRICIA L. PEARLBERG
Atlanta, Georgia
Georgia State University College of Law (2004)
Admitted 2004
Died August 2018

***LARRY J. POLSTRA**
Duluth, Georgia
Atlanta Law School (1976)
Admitted 1976
Died July 2018

RUSSELL BROOKS POOLE
Green Cove Springs, Florida
Mercer University Walter F. George School of Law (1995)
Admitted 1995
Died March 2018

DAVID L. ROBERTS
Columbus, Georgia
Mercer University Walter F. George School of Law (1977)
Admitted 1977
Died September 2018

RUSSELL JAMES ROGERS
Atlanta, Georgia
Emory University School of Law (1992)
Admitted 1995
Died August 2018

***WILLIAM L. ROGERS JR.**
Gainesville, Georgia
University of Georgia School of Law (1971)
Admitted 1971
Died July 2018

HERBERT P. SCHLANGER
Atlanta, Georgia
Arizona State University Sandra Day O'Connor College of Law (1975)
Admitted 1978
Died September 2018

TIMOTHY A. SILER
Florala, Alabama
Woodrow Wilson College of Law (1976)
Admitted 1976
Died October 2018

***STEVAN CARL SMARR**
Marietta, Georgia
Woodrow Wilson College of Law (1987)
Admitted 1991
Died June 2018

***CHARLES DANIEL STRICKLAND**
Lavonia, Georgia
Mercer University Walter F. George School of Law (1973)
Admitted 1973
Died August 2018

***CONNIE HOYT THERRELL**
Charlotte, North Carolina
Woodrow Wilson College of Law (1978)
Admitted 1979
Died June 2018

C. DAVID TURK III
Dahlonega, Georgia
Mercer University Walter F. George School of Law (1980)
Admitted 1980
Died September 2018

***DONALD B. WALKER**
Atlanta, Georgia
Woodrow Wilson College of Law (1974)
Admitted 1974
Died April 2018

HAROLD W. WALLACE III
Thomson, Georgia
University of Tulsa College of Law (1978)
Admitted 1979
Died September 2018

ROBERT G. WALTHER
Rome, Georgia
University of Georgia School of Law (1951)
Admitted 1950
Died May 2018

***VICTORIA RENEE WEISS**
Saint Marys, Georgia
Nova Southeastern University Shepard Broad College of Law (1986)
Admitted 1980
Died August 2018

***GEORGE HAROLD WELDON**
Gay, Georgia
Woodrow Wilson College of Law (1979)
Admitted 1979
Died May 2018

WILLIAM M. WHEELER
Thomson, Georgia
Mercer University Walter F. George School of Law (1962)
Admitted 1962
Died June 2018

SUSAN LYNN WILLIAMS
Louisville, Kentucky
Emory University School of Law (1985)
Admitted 1985
Died January 2018

**Individuals marked with an asterisk were listed in the October 2018 issue of the* Georgia Bar Journal *with incorrect law school graduation dates. The dates have been corrected in this issue.*

OBITUARIES

Distinguished criminal defense lawyer, C. Michael Abbott, passed away peacefully in October 2018 at the age of 76 in the presence of his loving daughter, Sherrill, who steadfastly cared for him during the final years of his life. Michael hailed from Scottsbluff, Nebraska, and graduated from the University of Wyoming and Duke Law School. Michael briefed and argued civil and criminal cases before the U.S. Supreme Court, *Fuentes v. Shevin*, 407 U.S. 67 (1972) and *John H. Evans, Jr. v. United States* 504 U.S. 55 (1992).

Formerly assistant dean of Emory University School of Law and chief, White Collar Crime Section, U.S. Attorney's Office for the Northern District of Georgia, Abbott had a stellar career as a criminal defense lawyer including being the trial partner of famed lawyer Bobby Lee Cook in numerous trials together. He was the co-chair for many years of the Southeastern White Collar Crime Institute, the leading CLE seminar for white collar criminal defense lawyers.

Proud father of daughter Sherrill and loving son Christopher (Suji), Abbott was blessed with two beautiful grandchildren, Orin (4) and Eli (1). He was fortunate to have two loves of his life; Connie Hanson, who predeceased him, and Joy Lindal.

An avid tennis player at the Ansley Golf Club, Abbott enjoyed life, chose his cars with care, had a sweet tooth and favored Manhattan's on ice. Shy and reserved but with a silly side, Abbott was elegant, intelligent and upheld the highest standards of ethics and professionalism throughout his career. ●

P. Harris Hines of Marietta, retired chief justice of the Supreme Court of Georgia, died Nov. 4, 2018, of injuries sustained in an automobile accident. He was 75.

A native of Atlanta, he was an Eagle Scout and a graduate of Henry W. Grady High School. He received his undergraduate education from Emory University and earned his law degree from Emory Law School. He was admitted to the State Bar of Georgia in 1968.

He joined the law firm of Edwards, Bentley, Awtrey & Parker in Marietta, where he later became a partner. In 1974, he was appointed by then-Gov. Jimmy Carter to serve as a judge for the State Court of Cobb County and was later elected as a Superior Court judge for the Cobb Judicial Circuit. In 1995, he was appointed by then-Gov. Zell Miller to the Supreme Court of Georgia and was elected to additional six-year terms in 1996, 2002, 2008 and 2014. He served as chief justice from January 2017 until his retirement in August 2018.

Hines further served the legal profession and justice system as president of the Old War Horse Lawyers Club, emeritus master of the Joseph Henry Lumpkin Inn of Court at the University of Georgia School of Law, a member of the Board of Visitors at the University of Georgia School of Law, a fellow of the Lawyers Foundation of Georgia, chair of the Judicial Council of Georgia and chair of the Supreme Court's Justice for Children Committee.

He served the community in Cobb County as a trustee of the Kennesaw State University Foundation, past distinguished president of the Kiwanis Club of Marietta, past distinguished lieutenant governor of the Georgia District of Kiwanis International, member of the inaugural Board of Directors of the Cobb-Marietta Girls Club, past president of the Cobb County YMCA and elder in the First Presbyterian Church of Marietta. Among numerous awards and accolades for his service, Hon. P. Harris Hines was recognized as Cobb County's Most Admired Community Leader in 1993 and Cobb County Citizen of the Year in 2016.

State Bar of Georgia President Kenneth B. Hodges III said, "During his 50 years of service to the community, the legal profession and the justice system of our state, Justice Hines personified the Bar's principles of duty and service to the public to improve the administration of justice and to advance the science of law. Moreover, throughout his 23 years on the Supreme Court, including his tenure as chief justice, he embraced and worked to strengthen the important relationship between the Supreme Court and the State Bar. Georgia's legal community had no better friend than Justice Harris Hines, who will be missed by all who knew him."

Survivors include his wife, Helen Hill Hines of Marietta; a daughter, Mary Margaret Doyle and her husband Clem Doyle of Marietta; a son James Harris "Hap" Hines and his wife Kelly Hines of Newnan; and four grandchildren, Harris Clay Doyle, Charles Hines Doyle, Edith Anne Hines and Preston Harris Hines II.

A memorial service was held Nov. 13 at First Presbyterian Church of Marietta with the Rev. Joe Evans, the Rev. Joe Brice and Dr. Jim Speed officiating. Memorial contributions may be made to First Presbyterian Church of Marietta Mission Council, 189 Church St., Marietta GA 30060, or MUST Ministries, P.O. Box 1717 Marietta, GA 30061. Mayes Ward-Dobbins Funeral Home in Marietta was in charge of arrangements. ●

DECEMBER

11 ICLE: **Personal Injury Law Clinic II**
Atlanta, Ga. | 2 CLE

12 ICLE: **Winning Your Case with a Better Memory**
Atlanta, Ga. | 6 CLE

12 ICLE: **Georgia and the 2nd Amendment**
Atlanta, Ga. | 4 CLE

13 ICLE: **What Every General Practitioner Should Know About the New Tax Laws**
Atlanta, Ga. | 6 CLE

13–14 ICLE: **Consumer and Business Bankruptcy**
Greensboro, Ga. | 7 CLE

13-14 ICLE: **Corporate Counsel Institute**
Atlanta, Ga. | 12 CLE

14 ICLE: **Powerful Witness Preparation**
Atlanta, Ga. | 6 CLE

14 ICLE: **Finance for Lawyers**
Atlanta, Ga. | 6 CLE

JANUARY

8 ICLE: **Personal Injury Law Clinic III**
Atlanta, Ga. | 2 CLE

9 ICLE: **Business Immigration Law**
Atlanta, Ga. | 6 CLE

10 ICLE: **Defense of a Personal Injury Case**
Atlanta, Ga. | 6 CLE

10 ICLE: **Restrictive Covenants and Trade Secrets in Georgia**
Atlanta, Ga. | 6 CLE

11 ICLE: **Solo and Small Firm Bootcamp**
Atlanta, Ga. | 6 CLE

16 ICLE: **Residential Real Estate**
Atlanta, Ga., and via satellite in Savannah and Tifton, Ga. | 6 CLE

17 ICLE: **Jury Trial**
Atlanta, Ga., and satellite locations | 6 CLE

18 ICLE: **Deposition Control**
Atlanta, Ga. | 6 CLE

18 ICLE: **Family Immigration Law**
Atlanta, Ga. | 6 CLE

24 ICLE: **Child Protection Seminar**
Atlanta, Ga. | 6 CLE

24 ICLE: **Hazing Seminar**
Atlanta, Ga. | 6 CLE

24 ICLE: **Jury Trial Rebroadcast**
Atlanta, Ga., and satellite locations | 6 CLE

25 ICLE: **Speaking to Win**
Atlanta, Ga. | 6 CLE

24-28 ICLE: **Wellness & Practical Skills CLE**
Carefree, Ariz. | 12 CLE

Note: To verify a course that you do not see listed, please call the CLE Department at 404-527-8710. Also, ICLE seminars only list total CLE hours. For a breakdown, call 678-529-6688. For ICLE seminar locations, please visit www.gabar.org.

FEBRUARY

3–6 ICLE: **Update on Georgia Law**
Avon, Ga. | 12 CLE

6 ICLE: **Special Needs Trust**
Atlanta, Ga. | 6 CLE

7 ICLE: **Advanced Debt Collection**
Atlanta, Ga. | 6 CLE

7 ICLE: **Residential Real Estate Replay**
Atlanta, Ga., and via satellite in Savannah and Tifton, Ga. | 6 CLE

7-12 ICLE: **29th Annual Tropical Seminar**
Majesty of the Seas (Royal Caribbean) | 12 CLE

8 ICLE: **Eminent Domain**
Atlanta, Ga. | 6 CLE

8-9 ICLE: **Estate Planning Institute**
Athens, Ga. | 9 CLE

11-15 ICLE: **CLE by the Sea 2019**
Honolulu, Hawaii | 12 CLE

12 ICLE: **Personal Injury Law Clinic IV**
Atlanta, Ga. | 2 CLE

13 ICLE: **Basic Securities Law**
Atlanta, Ga. | 6 CLE

13-14 ICLE: **Social Security Institute**
Atlanta, Ga. | 10 CLE

14 ICLE: **Ancient Foundations and Modern Equivalents**
Atlanta, Ga. | 2.5 CLE

14 ICLE: **Abusive Litigation**
Atlanta, Ga. | 6 CLE

15 ICLE: **Attorney's First Aid Kit**
Atlanta, Ga. | 6 CLE

15 ICLE: **Time Management for Lawyers**
Atlanta, Ga. | 3 CLE

20 ICLE: **27th Annual Product Liability Seminar**
Atlanta, Ga. | 6 CLE

21 ICLE: **Negotiated Corporate Acquisitions**
Atlanta, Ga. | 6 CLE

21 ICLE: **Internet Research**
Athens, Ga. | 6 CLE

22 ICLE: **26th Annual Criminal Practice Seminar**
Kennesaw, Ga. | 6 CLE

22 ICLE: **28th Annual Bar Media and Judiciary Conference**
Atlanta, Ga. | 6 CLE

22 ICLE: **Employment Law Seminar**
Savannah, Ga. | 2.5 CLE

22 ICLE: **Plaintiff's Personal Injury**
Atlanta, Ga., and satellite locations | 6 CLE

26 ICLE: **Beginning Lawyers Program**
Atlanta, Ga., and via satellite in Savannah and Tifton, Ga. | 6 CLE

26 ICLE: **Hidden Legal Figures**
Atlanta, Ga. | 3 CLE

27 ICLE: **Fundamentals of Health Care Law**
Atlanta, Ga. | 6 CLE

28 ICLE: **Plaintiff's Personal Injury Replay**
Atlanta, Ga., and satellite locations | 6 CLE

28–Mar 1 ICLE: **Truck Wreck Cases**
Atlanta, Ga. | 6 CLE

MARCH

5 ICLE: **Workers' Compensation for the General Practitioner**
Atlanta, Ga. | 6 CLE

6 ICLE: **Crossing the Line (You Define the Moment)**
Atlanta, Ga. | 3 CLE

6 ICLE: **Whistleblower Law Symposium**
Atlanta, Ga. | 7 CLE

7 ICLE: **16th Annual Nonprofit Law Seminar**
Atlanta, Ga. | 6 CLE

8 ICLE: **Milich on Evidence**
Atlanta, Ga. | 6 CLE

8 ICLE: **Trial and Error**
Atlanta, Ga., and satellite locations | 6 CLE

12 ICLE: **March Group Mentoring**
Atlanta, Ga., and via satellite in Savannah and Tifton, Ga. | 0 CLE

12 ICLE: **Personal Injury Law Clinic V**
Atlanta, Ga. | 2 CLE

12–13 ICLE: **12th Annual Arbitration Institute**
Atlanta, Ga. | 7.5 CLE

13 ICLE: **ADR in the Workers' Compensation Arena**
Atlanta, Ga. | 6 CLE

13 ICLE: **Negotiation Strategies for Lawyers**
Atlanta, Ga. | 6 CLE

13 ICLE: **ADR in the Workers' Compensation Arena**
Atlanta, Ga. | 6 CLE

14 ICLE: **8th Annual Family Law Issues for the Modern Family**
Atlanta, Ga. | 6 CLE

14 ICLE: **Litigation: Soup to Nuts**
Atlanta, Ga. | 6 CLE

14 ICLE: **Trial and Error Replay**
Atlanta, Ga., and satellite locations | 6 CLE

15 ICLE: **Proving Damages**
Atlanta, Ga. | 6 CLE

15 ICLE: **Winning Settlement Strategies**
Atlanta, Ga. | 6 CLE

19 ICLE: **Business Litigation**
Atlanta, Ga. | 6 CLE

20 ICLE: **Post Judgment Collection**
Atlanta, Ga. | 6 CLE

22 ICLE: **Secured Lending**
Atlanta, Ga. | 6 CLE

Note: To verify a course that you do not see listed, please call the CLE Department at 404-527-8710. Also, ICLE seminars only list total CLE hours. For a breakdown, call 678-529-6688. For ICLE seminar locations, please visit www.gabar.org.

21	ICLE: **Pushing Buttons** Atlanta, Ga. | 6 CLE
21	ICLE: **Professional and Ethical Dilemmas in Litigation** Atlanta, Ga., and via satellite in Savannah and Tifton, Ga. | 3 CLE
22	ICLE: **Basic Fiduciary Practice** Atlanta, Ga., and via satellite in Savannah and Tifton, Ga. | 6 CLE
22	ICLE: **Mediation Advocacy** Atlanta, Ga. | 6 CLE
26	ICLE: **Beginning Lawyers Program Rebroadcast** Atlanta, Ga., and satellite locations | 6 CLE
27	ICLE: **10th Annual Employee Benefits Law Section** Atlanta, Ga. | 6 CLE
27	ICLE: **Handling Big Cases** Atlanta, Ga. | 6 CLE
28–30	ICLE: **General Practice and Trial Law Institute** St. Simons Island, Ga. | 12 CLE
28	ICLE: **Not Your Typical CLE** Atlanta, Ga., and via satellite in Savannah and Tifton, Ga. | 6 CLE
28	ICLE: **Toxic and Mass Torts** Atlanta, Ga.| 6 CLE
29	ICLE: **Entertainment Law Institute** Atlanta, Ga. | 6 CLE
29	ICLE: **Thinking Inside the Box** Atlanta, Ga. | 6 CLE

Proposed Amendment to the Uniform Rules for Superior Court

At its business meeting on Aug. 29, 2018, the Council of Superior Court Judges approved a proposed amendment to Uniform Superior Court Rule 24.11. A copy of the proposed amendment may be found at the Council's website at http://georgiasuperiorcourts.org.

Should you have any comments on the proposed amendment, please submit them in writing to the Council of Superior Court Judges at 18 Capitol Square, Suite 104, Atlanta, GA 30334 or fax them to 404)-651-8626. To be considered, comments must be received by Monday, Jan. 21, 2019.

THE STATE BAR OF GEORGIA ANNOUNCES ITS ANNUAL

FICTION WRITING COMPETITION

DEADLINE: JANUARY 11, 2019

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.**

Property/Rentals/Office Space

Prime Buckhead Peachtree Offices for Rent—Brand new, award-winning, high tech Class A offices on glass in new Peachtree Tower. Client wow factor. Peachtree views. Concierge service, valet parking, three restaurants, across from Phipps Plaza. Support staff. Share with other former big firm lawyers. Referral work with opportunities. Contact: rlmoss@mossgilmorelaw.com.

Empty law office space in your law firm? At www.LawSpaceMatch.com, we help solo practitioners find available LawSpace within law firms. Search 40,000 zip codes for free. Law firms post descriptions of law office space for rent/sublease and up to six photos. Also, attorneys can post their profiles.

Professional single office in Class A space in Sandy Springs overlooking downtown Buckhead. Great location! $1,500 per month w/full access to conference room, free fitness center, free covered parking and a café. Phone, internet, copy already set up. Immediate availability. Call Jonathan Sard at 404-983-1279 or email jsard@sardwealth.com with questions.

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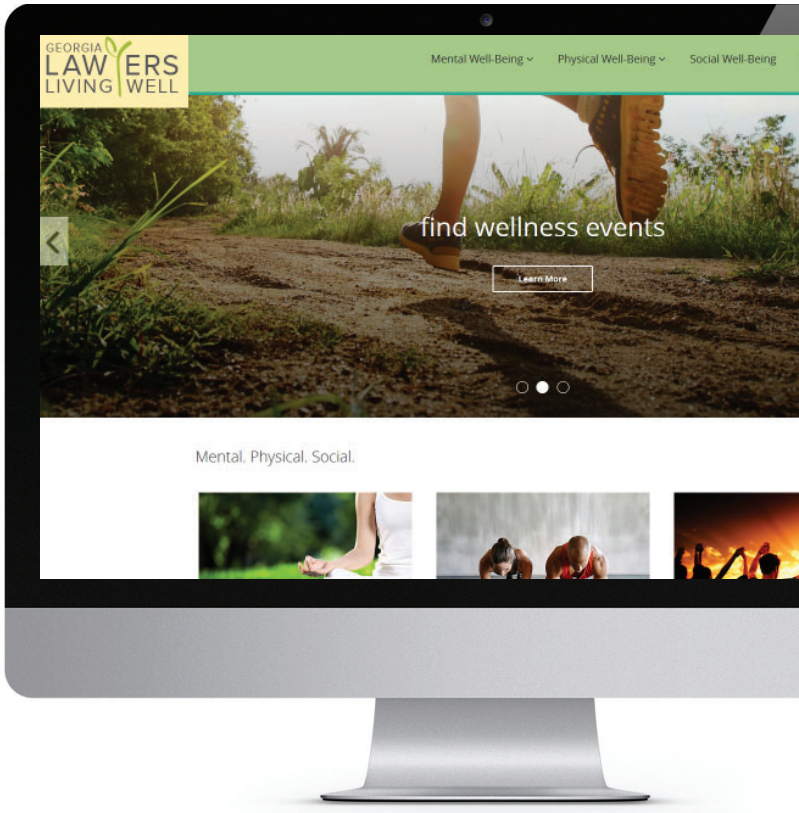
GEORGIA LAWYERS LIVING WELL

www.lawyerslivingwell.org

The State Bar of Georgia has made lawyer wellness a priority. In addition to CLEs and other activities related to wellness, we've launched lawyerslivingwell.org. Visit the website to view articles and resources related to wellness, and learn more about State Bar programs that help lawyers in their lives and practices. Be sure to check out the wellness partners and get discounts on gym memberships, fitness classes and more.

Learn more by visiting www.lawyerslivingwell.org



Position Wanted

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