

GEORGIA BAR

JOURNAL

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A Conversation with Anne W. Lewis

Small Changes, Big Impact

LEGAL

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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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The Legal

**A GUIDE TO
DISQUALIFICATION UNDER
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1.6, 1.7 AND 1.9 / 18**

Tarek Abdel-aleem
and Yussuf A. Aleem



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The February Issue

It's that time of year again: New Year's resolutions. Do any of your resolutions concern your law practice? If so, please turn your attention to "Reaching Your Business Goals in 2019" from the Law Practice Management Program, where you can find information on LPM services, including helpful literature, technology proficiency and business planning. Younger lawyers may find useful the YLD president's article on the Lawyers for Equal Justice (L4EJ) Program. L4EJ is a competitive program open to a select group of applicants to help new lawyers "gain hands-on, real-life experience in representing clients in need of legal services" (but only if you are up for a two-week boot camp followed by substantive legal training for 18 months). This program serves the dual goal of furthering the practice of young lawyers while expanding the availability of low-cost legal services to those in need.

Rebecca Christian Smith "re"-introduces readers to the State Bar of Georgia Diversity Program. Georgia was one of the first states whose Bar association established a steering committee on diversity for its members. Smith's article brings the GDP to life, discussing its membership and ever-growing programs. We have a fascinating feature article on William H. Alexander, a Georgia civil rights attorney whose career as an attorney, state legislator, state court judge and then superior court judge, is as inspiring as it is humbling. Can there be any higher praise than to hear that he was "undeterred in his quest for justice?"

In "Marching Toward Women's History Month," you can read about the Georgia Association for Women Lawyers' past ef-

forts to advance women in the legal profession and support their interests. Notably, GAWL just celebrated its 90th anniversary. We have also featured an interview of Anne W. Lewis, the general counsel for the Georgia Republican Party. She speaks about "the intersection of law and politics" and how that has shaped her career, and her perspective on Georgia politics, both red and blue.

On the President's Page, Bar President Ken Hodges discusses the continuing self-regulation of the legal profession: including whether to require Georgia lawyers to carry professional liability insurance, or disclose that they do not carry such insurance; auditing trust accounts; reporting bar violations; and mandatory written fee agreements. Hodges invites Georgia lawyers to comment on these issues that will affect every member. This month's legal article, "A Guide to Disqualification Under Georgia Rules of Professional Conduct 1.6, 1.7 and 1.9" by Tarek Abdel-aleem and Yussuf A. Aleem, will hopefully help you keep in mind the issues surrounding conflicts that arise with successive clients.

Finally, "Melton's Mentoring Moments . . . According to 'My Cousin Vinny'" is a must read. Chief Justice Harold D. Melton reminisces about his mentoring experiences, which he tells through the lens of that oft-quoted and much loved movie. Any lawyer who has seen it will instantly relate to Chief Justice Melton's personal stories.

For those of you whose New Year's resolution is to read the *Georgia Bar Journal* from cover to cover, then we hope you enjoy these and all of the other great articles in this issue! ●

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President
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Protecting the Authority to Self-Regulate

Unlike most professions, lawyers have the authority of self-regulation. In fact, the need to protect the public through a system of regulation and discipline within the legal profession was the main reason the Georgia General Assembly and the Supreme Court of Georgia established the unified State Bar of Georgia 55 years ago.

Hugh M. Dorsey, the first president of the State Bar of Georgia, said as much during his address at the 1964 Annual Meeting. “Certainly, the capstone of the State Bar is the power of self-discipline, which has been sought so long and is needed so badly,” Dorsey said. “For the first time all of us can, and will, be held to answer to the public for the conduct and character of our profession and here we must not, and cannot, fail.”

This is an important responsibility that if not handled properly could result in the power to self-regulate being removed, which is why, as president, I established a Professional Liability Insurance Committee to look into whether we should require attorneys to maintain legal malpractice insurance, or at least require disclosure to their clients and/or the public whether they have such coverage.

We all know that lawyers are open to being sued for malpractice when clients

are dissatisfied with their representation. Legal professional liability insurance protects the lawyer from the mistakes that can occur while practicing law and compensates clients who can prove they were harmed by those mistakes.

A lawyer’s failure to carry malpractice insurance when there is a legitimate claim can result in inadequate compensation to the harmed client, financial ruin for the lawyer—or both. Going without such coverage is irresponsible and can itself be considered malpractice. When I was in private law practice, I could not have imagined doing so without liability insurance, and I always carried errors and omissions insurance. However, uninsured lawyers have become a relatively pervasive problem in Georgia, according to malpractice lawyers I have heard from. At a minimum, it seems to me that lawyers should be required to disclose to potential clients whether or not they’re carrying insurance.

The State Bar’s Executive Committee first discussed the idea of mandatory malpractice insurance for Georgia lawyers, or disclosure thereof, during a retreat last September. We decided to explore the concept and asked General Counsel Paula Frederick to provide information for

discussion at the November meeting of the Board of Governors.

Paula reported that 23 jurisdictions currently require lawyers to disclose whether they have malpractice insurance. Most gather the information through a check-off on their annual dues or registration statement. The information is most often provided to the public for the benefit of potential clients; in fact, seven jurisdictions require the lawyer to disclose the information directly to the potential client. Many clients are not aware that lawyers in most states are not required to have insurance.

According to news reports, the State Bar of California is now debating whether to require all lawyers in that state to carry malpractice insurance coverage. Presently, only the Idaho and Oregon bars have such a requirement.

I have yet to hear a strong argument against requiring mandatory insurance or, at a minimum, disclosure. There is little sympathy over the concern that a lawyer who does not have liability insurance would be at a disadvantage in getting clients. To those who say they cannot afford the coverage, I would respond that defending a malpractice claim without insurance would be far more expensive than the insurance premiums would have been. And without the insurance, the client and/or the public would have little to no recourse.

The Professional Liability Insurance Committee, which is working hard to finalize a proposal for Board of Governors action next month, includes a diverse group of Bar members in terms of geography and size and scope of practice. We wanted to ensure that we covered the spectrum of representation to take in all points of view. Linley Jones of Atlanta chairs the committee, and Bill Mitchell of Norcross is vice chair. Members include Sally Akins of Savannah, Kimberly Cofer Butler of Savannah, Emerson Carey Jr. of Atlanta, Bill Clark of the Georgia Trial Lawyers Association, Young Lawyers Division President-Elect Will Davis, Michael Frick of Brunswick, Warren Hinds of Roswell, David Lefkowitz of Athens, Christine Mast of Atlanta, Gary Spencer of Atlanta, Shannon Sprinkle of Atlanta

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, "Which recent development in the legal profession has affected your law practice the most? Or what app do you use that helps you in your practice?"



HON. KENNETH B. HODGES III

President

While not new, the iPad and iPhone allow me to live in Albany and practice (and now judge) anywhere. The three-hour commute to Atlanta is a great time to connect with all I need to talk to, handsfree of course, and working remotely affords me a much higher quality of life.



DARRELL L. SUTTON

President-Elect

Using an e-signature app has cut out the back and forth which often comes with obtaining required signatures. The app has made executing documents less cumbersome. When I submit documents for execution, I can instantaneously get the signatures I need or sign items while I'm on the go.



DAWN M. JONES

Treasurer

Mandatory eFiling is a welcome development to my active litigation practice. I will not miss driving to the applicable courthouse, trying to beat traffic and the clerk's office closing. Change can be painful, especially as it relates to technology, but eFiling any time, any day, anywhere, is good for us and for our clients.



ELIZABETH L. FITE

Secretary

I recently got an iPencil to use with my iPad Pro, and it has increased my productivity with the iPad. It's nice to be able to handwrite notes in documents and have everything saved in one place.



BRIAN D. "BUCK" ROGERS

Immediate Past President

The SEND button for texts and emails has had a regrettably detrimental effect on civility and has all but eliminated attorney down time. It is difficult to determine the tone of the inherently brief communication. Further, by having the opportunity to always be on call, we often burden ourselves and each other.

In addition to requiring attorneys to carry or at least disclose whether they carry malpractice insurance, there are other potential measures the Bar could consider to strengthen the authority of professional self-regulation to further protect the public.

and Pete Werdesheim of Atlanta. David Lipscomb of Lawrenceville is the Executive Committee liaison.

In addition to requiring attorneys to carry or at least disclose whether they carry malpractice insurance, there are other potential measures the Bar could consider to strengthen the authority of professional self-regulation to further protect the public. Three of these are random audits of trust accounts, a requirement for lawyers to report violations of the Rules of Professional Conduct by other Bar members and offer of settlement insurance.

Auditing Trust Accounts

We do not currently have a Random Audit of Trust Accounts rule in Georgia, but we do have a Bar Rule 4-111, which allows the State Disciplinary Board to conduct an Audit for Cause when the board has evidence suggesting that a lawyer is stealing client funds. Before approval of the audit can be granted, the lawyer shall be given notice that approval is being sought and be given an opportunity to appear and be heard. The sufficiency of the notice and opportunity to be heard shall be left to the sole discretion of the persons giving the approval. The State Disciplinary Board must inform the person being audited that the audit is an Audit for Cause. According to Paula Frederick, the board has never used this authority.

The American Bar Association has developed a Model Rule for Random Audit of Lawyer Trust Accounts, which is predicated on the adoption by the ABA of Recommendation 16 of the Report of the

Commission on Evaluation of Disciplinary Enforcement (the “McKay Commission”), which provided that random audits of lawyer trust accounts be authorized by court rule. The McKay Commission determined that random audits were a proven deterrent to the misuse of money and property in the practice of law and that examination of trust accounts by court-designated auditors provided practitioners with expert and practical assistance in maintaining necessary records and supporting books of account. The Model Rule includes the following provisions:

1. The [highest court of the jurisdiction] shall approve procedures to randomly select lawyer or law firm trust accounts for audit.
2. An audit of a lawyer or law firm trust account conducted pursuant to this rule shall be commenced by the issuance of an investigative subpoena to compel the production of records relating to a lawyer’s or law firm’s trust accounts. The subpoena shall contain a certification that it was issued in compliance with this rule, that the lawyer or law firm was selected at random, and that there exist no grounds to believe that professional misconduct has occurred with respect to the accounts being audited. The subpoena shall be served at least [10] business days before commencement of the audit.
3. With respect to each audit conducted pursuant to this rule, the examiner shall:
 - (1) determine whether the lawyer’s or law firm’s records and accounts are being maintained in accordance

with applicable rules of court; and (2) employ sampling techniques to examine “selected accounts,” unless discrepancies are found which indicate a need for a more detailed audit. “Selected accounts” may include money, securities and other trust assets held by the lawyer or law firm; safe deposit boxes and similar devices; deposit records; cancelled checks or their equivalent; and any other records which pertain to trust transactions affecting the lawyer’s or law firm’s practice of law.

4. The examiner shall prepare a written report containing the examiner’s findings, a copy of which shall be provided to the audited lawyer or law firm.
5. In the event that the audit report asserts deficiencies in the audited lawyer’s or law firm’s records or procedures, the lawyer or law firm shall, within [10] business days after receipt of the report, provide evidence that the alleged deficiencies are incorrect, or that they have been corrected. If corrective action requires additional time, the lawyer or law firm shall apply for an extension of time to a date certain in which to correct the deficiencies cited in the audit report.
6. All records produced for an audit conducted pursuant to this rule shall remain confidential, and their contents shall not be disclosed in violation of the client-lawyer privilege.
7. Records produced for an audit conducted pursuant to this rule may be disclosed to:

-
- (1) the lawyer disciplinary agency or to a court to the extent disclosure is necessary for the purposes of the particular audit;
 - (2) the lawyer disciplinary agency for the purposes of a disciplinary proceeding; and
 - (3) any other person, including a law enforcement agency, with the permission of the [highest court of the jurisdiction].
8. A lawyer or law firm shall cooperate in an audit conducted pursuant to this rule, and shall answer all questions pertaining thereto, unless the lawyer or law firm claims a privilege or right which is available to the lawyer or law firm under applicable state or federal law. A lawyer's or law firm's failure to cooperate in an audit conducted pursuant to this rule shall constitute professional misconduct.
 9. No lawyer or law firm shall be subject to an audit conducted pursuant to this rule more frequently than once every [three] years.

The ABA Model Rule proposes a basic structure and system for a random audit program, including such procedural safeguards as adequate prior notice before the commencement of an audit; written audit reports; the opportunity for an audited lawyer or law firm to respond to an examiner's report; the preservation of confidentiality of client records; and the frequency of audits conducted by random selection.

The rule contemplates that assigned agencies will tailor or augment these basic procedures to address specific conditions, needs and concerns which exist in their jurisdictions. Certain jurisdictions, for instance, issue an informal notice of audit rather than a subpoena. Such local rules require the assignment of administrative responsibility for the jurisdiction's random audit program to the lawyer disciplinary agency, the lawyers' fund for client protection or other appropriate court-designated entity.

While in private practice, I actually volunteered to have my law firm audited. It is easy to make mistakes. This

rule would not only protect the public from bad lawyers; it would also protect lawyers and law firms from employees who go bad.

Reporting Conduct Violations

ABA Rule 8.3 (also known as "the rat rule") provides that "a lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority."

The ABA rule also states that a "lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority."

The rule stipulates that the disclosure of information protected by another rule or gained while participating in a lawyers assistance program is not required.

Offer of Settlement Insurance

Another item that could be considered is relatively new to the landscape. Georgia is the second state (along with Florida) where offer of settlement insurance is available as a way of protecting clients from costly results and for lawyers to safeguard their contingency fees in tort claims affected by the state's offer of judgment statute.

The insurance is aimed at helping alleviate the risk of going to trial rather than accepting a settlement offer. Under state law, if the damages awarded at trial are more than 25 percent higher or lower than the amount offered, the party that rejected the settlement may be held liable for the opposing side's attorney fees and expenses from the date the offer was declined.

According to a recent article by Greg Land in the *Daily Report*, lawyers whose clients have purchased the policies, which are unregulated by the Georgia insurance commissioner but are marketed as enforceable private contracts, said they have worked successfully for them. But

there are concerns over whether buying the insurance violates one of the rules of professional conduct. I have asked the Rules Committee to consider providing additional guidance on the matter.

Mandatory Written Fee Agreements

The Executive Committee has also referred the idea of mandatory written fee agreements to the Disciplinary Rules Committee for consideration. Currently, only contingency fee agreements have to be put in writing. Proponents of expanding that requirement contend that if all fee agreements were in writing, there would be less confusion for clients and the State Bar would receive fewer grievances related to fees.

I am not saying that the State Bar should enact all of these initiatives. But our paramount duty is to serve the interests of the public and the justice system. We should consider these and all other proposals that would improve our system of regulation and discipline.

When I was a district attorney, working on a daily basis with law enforcement, I sometimes was put in the unusual position of having to prosecute officers for wrongdoing, including a former sheriff who had ordered the assassination of his successor. I knew that the vast majority of the law enforcement community wanted officers who had broken the law held accountable.

Likewise, the State Bar cannot be a protectionist organization. We don't want to believe there are any "bad apples" out there among our colleagues. But we know there are those who break the rules and fail to meet professional standards. That puts people's lives and liberties at risk. To maintain our authority to self-regulate, we must be diligent in disciplining those who tarnish the profession.

The State Bar leadership needs to hear from our fellow members about these and other issues that need to be addressed. I want to hear your position and the rationale for your position before decisions are made. Feel free to send me your thoughts by email to president@gabar.org on these or any other proposals. ●

L4EJ: Helping New Lawyers Help Clients in Need



HON. RIZZA P.
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The beneficiary of this year's Young Lawyers Division Signature Fundraiser is Lawyers for Equal Justice, a unique, dual-purpose program that is not only helping new Georgia attorneys get their law practices off the ground but also working to close the justice gap in our state.

Lawyers for Equal Justice (L4EJ) was established as an incubator program to serve as a springboard for recent law school graduates to start innovative, socially conscious and sustainable law practices by providing affordable legal services to underserved, low- and moderate-income clients. While the State Bar's Law Practice Management Program offers a wealth of resources for starting a law office, L4EJ provides a way for new lawyers to gain hands-on, real-life experience in representing clients in need of legal services.

L4EJ provides an 18-month program to help attorneys launch their careers in a range of practice areas, directly serving those in need. Attorneys who apply for L4EJ and are selected to participate pay a fee and benefit from a collaborative office environment; a case referral program; practical resources including advanced law practice management technology; and top-notch legal training, mentoring and business coaching.

According to its website, L4EJ seeks to identify talented, public interest-minded

and entrepreneurial lawyers who want to build innovative practices that "break the mold" to provide cost-effective services. L4EJ participants are chosen through a competitive selection process that includes a personal statement and interview. L4EJ accepts a group of up to 10 participants every November and June, with up to 30 participants total in the 18-month program at any time.

The Lawyers for Equal Justice board and staff do not exercise direct or indirect supervisory or managerial authority over the participating attorneys, and the program does not share legal fees with the participating attorneys. L4EJ is not a law firm; rather, it is a community for individual, Georgia attorneys committed to serving people who otherwise could not afford legal representation. Each participating attorney operates his or her own distinct and independent practice. No legal representation relationship exists in any way between L4EJ and any of the clients or prospective clients of the participating attorneys and/or between any user of this website and L4EJ or any of its affiliates.

L4EJ creates an entrepreneurial career pipeline by providing each of its participants with an office toolbox of resources, including office space and software to help launch the practices, in addition to

training and mentoring. Each class of participants starts with a two-week boot camp that gives new attorneys the foundation for starting a successful law practice. The sessions begin with vision and mission, move to development of innovative and efficient practice systems, cover strategies for effective client communication and conclude with practice skills development. The program is engaging, interactive and fun.

Boot camp is just the beginning of the training offered by L4EJ. Throughout the year, L4EJ provides substantive legal training in two tracks: "Law 101" and "Advanced Legal Topics." The "Law 101" series gives attorneys a baseline level of knowledge in areas that are likely to affect low- and moderate-income clients, such as bankruptcy, family law, traffic violations and public benefits. In addition to the pro bono tracks, which provide numerous opportunities for hands-on skills development, L4EJ offers skills development training on mediation and negotiation, discovery, evidence, witness examination and trial preparation. Every attorney also participates in a simulated mediation and trial as part of "Trial Day."

The "Advanced Legal Topics" series takes a deeper dive into issues that arise in the participating attorneys' practice areas. These trainings have included real estate title transfers and foreclosure defense. And although solo and small-firm attorneys don't always think of themselves as business owners, business management skills are an essential part of success as a solo attorney, L4EJ provides regular training on practice management, accounting, strategic planning and business development.

Training continues through weekly sessions covering substantive law, legal skills and practice management. Between boot camp and regular training, L4EJ makes more than 150 hours of training available to participants each year. Many of the training opportunities are available to any member of the Bar at a reasonable cost.

Guest trainers from legal services organizations, law schools and law firms volunteer their time to conduct many of L4EJ's training sessions. Mentoring is offered to participants through a structured

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, we asked our YLD officers, "Which recent development in the legal profession has affected your law practice the most? Or what app do you use that helps you in your practice?"



HON. RIZZA O'CONNOR | YLD President

As a magistrate, I am considering several programs to streamline our criminal warrant process. We currently use the traditional paper method. I hope to switch to a program that will allow magistrates and police officers the ability to communicate via video conferencing and then electronically sign warrants from home or work computers.



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

I'm an advocate for Our Family Wizard. It allows parties to message, post photos and share receipts. All communication can be saved and monitored. OFW provides evidence of success and failure by the parties for future contempt and modification actions. I recommend it to my clients with kids (or difficult exes).



BERT HUMMEL | YLD Treasurer

The recent transition to mandatory eFiling will have a tremendously positive affect on my law practice and should free up time and resources spent on filing in person.



ELISSA B. HAYNES | YLD Secretary

I have personally benefited from Georgia's mandatory civil eFiling. With a growing insurance defense practice, filing deadlines are critical. Mandatory eFiling makes it easier to quickly review a docket and has helped to cut down on courier expenses for those last-minute pleadings.



NICOLE C. LEET | YLD Immediate Past President

The Westlaw App has a useful "offline" mode where you can save cases and access them even without service. It saves so much bulk by not having to print out "just in case" cases you may use but are not your primary support. It's also very handy to check opposing counsel's references on the fly.



AUDREY B. BERGESON | YLD Newsletter Co-Editor

I love that most document storage programs now also have an app. It's great to be able to quickly pull up a client file or pleading on the go.



BAYLIE M. FRY | YLD Newsletter Co-Editor

I use Workshare Compare frequently in my practice to compare document versions. Not only is it a useful learning tool, but it is also helpful to reflect edits made to transaction documents to other counsel involved on a deal. The redline reflecting the changes is produced in .PDF format, which avoids inadvertent edits in the document.

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JEFF DAVIS

Executive Director
State Bar of Georgia
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This is the fourth in a series of articles highlighting the heroic and vital contributions lawyers and judges have made to the American Civil Rights Movement.

William Alexander: Low in Profile, High in Accomplishment

During the Civil Rights Movement of the 1960s, a number of African-American attorneys in Georgia rose to national prominence. Donald L. Hollowell and Horace T. Ward of Atlanta, C.B. King of Albany and John H. Ruffin Jr. of Augusta were among those in the public spotlight, taking the fight to the courthouse for equal access to education, public accommodations and basic constitutional rights.

Another name that might be harder to find in the history books but is no less iconic as a Georgia civil rights lawyer is that of William H. Alexander, who fearlessly challenged segregation and discrimination as an attorney in the 1950s and 1960s and later as a state legislator and judge in Fulton County's State and Superior Courts.

Alexander was born in Macon and graduated from Fort Valley State University in 1954. Returning from service in the Korean War, he was unable to attend Georgia's segregated law schools, so he matriculated at the University of Michigan Law School, earning a J.D. degree, and then Georgetown University Law School, earning an L.L.M. degree.

He began his law practice in Atlanta and, in his highest profile case, was the lead

attorney in a 1964 federal lawsuit, *Willis v. Pickrick Restaurant*, against an Atlanta eatery and its owner, the segregationist future governor of Georgia, Lester Maddox, who refused service to African-Americans.

Alexander's team included more famous lawyers such as Constance Baker Motley of New York and Burke Marshall of Washington, D.C. They brought the suit on behalf of three African-American ministers who were denied service by Maddox on July 4, 1964, two days after enactment of the Civil Rights Act. A gun-brandishing Maddox reportedly chased the ministers out of the restaurant and was accompanied by several of his white customers who threatened the ministers with axe handles.

According to the University of Georgia Libraries' Civil Rights Digital Library, Maddox was one of two Atlanta business owners who had captured national attention by refusing to comply with the Civil Rights Act. Maddox and Moreton Rolleston, owner of the Heart of Atlanta Motel, had also sued to challenge the constitutionality of Section II of the Civil Rights Act, barring segregation in all public accommodations



Judge William Alexander “was a judge’s judge—very meticulous, thoughtful and detail oriented,” according to his former law clerk, Court of Appeals of Georgia Presiding Judge M. Yvette Miller. “He was undeterred in his quest for justice.”

on the basis that the practice inhibited the interstate movements of people and products. *Willis v. Pickrick* was the first case brought under Section II.

The Pickrick and Heart of Atlanta cases were paired and tried before a three-judge panel in Atlanta, including Fifth U.S. Circuit Court of Appeals Chief Judge Elbert Tuttle, which upheld the law and ordered both men to admit black patrons within 20 days. “That victory,” according to a Fort Valley State University alumni spotlight article on Alexander, “set the precedent for the desegregation of all restaurants in the state.”

Maddox’s decision to close the Pickrick rather than submit to integration earned him notoriety and support among civil rights opponents and helped pave the way to his 1966 election as governor, which was decided by the Georgia General Assembly after neither he nor Republican Bo Callaway received a majority of the popular vote in the General Election. Meanwhile, Rolleston appealed his decision to the Supreme Court, which unanimously upheld the lower court’s decision.

The same year that Maddox was chosen as governor, Alexander was elected

to the Georgia House of Representatives. Among the first African-Americans to serve as legislators following passage of the Voting Rights Act, Alexander was known for his work behind the scenes to tackle difficult issues. As he had done in his law practice, he ceded the spotlight to fellow legislators, including Julian Bond.

“I observed how Bill, in his deliberate way, could explain complex issues and make them understandable,” Bond said of Alexander in the *Atlanta Journal-Constitution* obituary for Alexander published in 2003. “Bill was very principled and serious, not at all susceptible to the blan-

Among the first African-Americans to serve as legislators following passage of the Voting Rights Act, Alexander was known for his work behind the scenes to tackle difficult issues.

“He was the best organized and most accomplished person in the law I ever knew.”—Horace T. Ward (1927-2016)

dishments of special interests. He never raised his voice, but when he spoke, all his colleagues listened.”

Alexander represented Fulton County in the House until 1975. Then he served as a judge for 20 years, first in the Fulton County State Court and later in the Fulton County Superior Court until his retirement in 1996.

In the early 1980s, Alexander hired as his law clerk a young attorney from his hometown of Macon, one M. Yvette Miller, who in 2009 would become the first African-American woman sworn in as chief judge of the Court of Appeals of Georgia. Miller, who continues to serve as a presiding judge on the Court of Appeals, recalls Alexander as a special mentor whose exemplary professional style was instrumental in preparing her for a judicial career.

“He was a judge’s judge—very meticulous, thoughtful and detail oriented,” Miller said in an interview for this article. “I learned an awful lot observing him in the courtroom. He was always on point with the law and also very fair. He was an even-handed person and was not easily excited. He did not get overruled during my tenure with him on the court.”

Miller said Alexander spoke to her only briefly about his previous work as a civil rights lawyer, or about the Lester Maddox case in particular. Simply, she said, “He felt like people should do the right thing, and the law should be enforced. He was undeterred in his quest for justice.” She said his demeanor, which steered toward focusing on the task at hand and away from calling attention to himself, served him well as a lawyer, legislator and judge.

“Judge Alexander had such a low-key personality,” Miller said. “He was not a grandstander. He was very articulate, but he was not going to be forceful in that articulation. He was not a Thurgood

Marshall, but he was someone who knew Thurgood Marshall and was well thought of by him.”

Miller’s mother and father had been contemporaries of Alexander during his years as a student at Fort Valley State University. She has a special appreciation for their commitment to education during a time when colleges and universities in the South were segregated, saying, “They were all about trying to better themselves because they knew the plight of African-Americans, which required them to do their best and make a positive difference in society.”

After leaving her post as Alexander’s law clerk, Miller’s career in the legal profession and justice system took a meteoric rise. She worked as an assistant district attorney in Fulton County, as senior in-house counsel with MARTA, in private practice in Jesup, as director/judge of the Appellate Division of the State Board of Workers’ Compensation, and—following in Alexander’s footsteps—as a Fulton County State Court judge before her appointment to the Court of Appeals in 1999. She credits her time with Alexander as a strong influence on her career.

“He prepared me so well for my career in the judiciary, although at the time I had no idea I would rise to the judiciary,” she said. “It was that methodical approach of his. On a motions calendar, we might have 10-15 cases a day. During a recess, he would hand me those cases and have me write a legal memorandum on how he should rule on the motions. It was challenging but interesting, and it became easier over time. Some cases would take me longer, and I would find out later he had already ruled on the case. That crushed me, but as his assistants explained, he would have let me know if he disagreed with my recommendation. It was good training for me. I am very appreciative

of that clerkship that started me on my career. It gave me some really good mentorship that meant an awful lot then and still now. He was well thought of by his colleagues, but he was always on to the next project. As his law clerk, I was too. We stayed busy. I am proud of my work for him, and my association with him. He was first class.”

William H. Alexander died Aug. 17, 2003, at the age of 72 in Indianapolis, Indiana, where his daughter lived. In the *AJC*’s obituary published that week, Atlanta lawyer Kirkland A. McGhee recalled the judge’s kind and dignified manner in which he dealt with a young counselor.

“I will always hold a special place in my heart for Judge Alexander,” McGhee said. “The very first presentation I made in court was before him. I got tongue-tied and could hardly speak. The judge, recognizing my nervousness, laid out my argument for me from my brief. Then he asked me to be seated, mercifully ending my embarrassment. I even won the motion! I laugh at the experience now but remain thankful that he helped a rookie lawyer get through his first hearing.”

Perhaps the simplest and greatest tribute to Judge Alexander came from Horace T. Ward (1927-2016) in that same obituary. Ward, who in 1950 became the first African-American to apply for admission to the University of Georgia Law School and later served as a U.S. District Court judge, said of Alexander: “He was the best organized and most accomplished person in the law I ever knew.” ●

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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A Guide to Disqualification Under Georgia Rules of Professional Conduct 1.6, 1.7 and 1.9

Few guidelines describe the mechanics for disqualification under Georgia law, what factors and relevant case law the practitioner should consider, and the ultimate benefits and potential drawbacks of filing a motion to disqualify. This article attempts to briefly address these issues while simultaneously walking you through this seldom-discussed but ubiquitous occurrence with a carefully selected case study.

BY TAREK ABDEL-ALEEM AND YUSSUF A. ALEEM

In 2010, State Bar of Georgia General Counsel Paula Frederick published a short article in the *Georgia Bar Journal* advising readers that a two-minute phone call with a potential client may constitute a conflict and grounds for immediate withdrawal in a pending legal matter.¹ Few guidelines describe the mechanics for disqualification under Georgia law, what factors and relevant case law the practitioner should consider, and the ultimate benefits and potential drawbacks of filing a motion to disqualify. This article attempts to briefly address these issues while simultaneously walking you through this seldom-discussed but ubiquitous occurrence with a carefully selected case study.

Hypothetical

Assume, as in the Frederick hypothetical, that your client called an attorney and spoke to her during an initial consultation for approximately one hour. During this consultation, your client divulged

confidential information to the attorney pertaining to the nature of his business relationships with others, relevant work experience, personal and business background, clientele, business and personal finances. Your client received a retainer agreement as well as escrow instructions for wiring the retainer via email. For various reasons, he never retained that lawyer.

A few years later, your client gives a deposition in a different matter only to find himself across from that very same lawyer he consulted with, in a breach of contract case in which your client is the plaintiff. Halfway through the deposition, your client informs you that he consulted with opposing counsel years ago and that she is questioning him about information she obtained in confidence. He feels very uncomfortable in the proceeding. Your client does not want to proceed with the deposition.

Quickly, you suspend the deposition and ask opposing counsel to withdraw. Unsurprisingly, she emphatically denies your re-

quest and threatens sanctions if you do not proceed with the deposition. Your client, flush in the face and antsy, turns to you for advice. What do you do? As set forth below, you should file a motion to disqualify.

Timeliness

Under Georgia law, a motion to disqualify should be made with “reasonable promptness” after a party discovers the facts that lead to the motion. Four factors are determinative of this issue:

- (1) the length of the delay in light of the circumstances of the particular case, inclusive of when the movant learned of the conflict;
- (2) whether the movant was represented by counsel during the delay;
- (3) why the delay occurred; and
- (4) whether disqualification would result in prejudice to the nonmoving party.²

Failure to file a motion to disqualify with reasonable promptness may result in a waiver of the right to oppose continued representation.³

In *Shuttleworth*, the litigant seeking to disqualify the attorney waited eleven months after the entry of the attorney into the case and waited an additional seven months before seeking disqualification, despite knowing of the involvement of the opposing counsel prior to the suit being filed. The court nonetheless grant-

ed the motion for disqualification, finding no prejudice to the opposing party because discovery was not yet complete.⁴

In the instant hypothetical, assume approximately 12 months has passed since opposing counsel entered her appearance on the case but your client raised the issue of disqualification on the same day during the deposition, after hearing opposing counsel’s voice for the first time since the initial phone consultation. Here, the fact that you immediately alerted both the court and the opposing counsel to the conflict the same day and filed a motion in less than a week would appear to be timely. Importantly, the focus should be on when the conflict was discovered.

Applicable Rules of Professional Conduct

After exploring the issue of timeliness, the court must consider the potential prejudice to the opposing party if the court were to grant the motion for disqualification.⁵ When considering an adverse counsel or party’s motion for disqualification on the basis of a conflict of interest between clients, a Georgia court will consider the adverse party’s essential right to counsel,⁶ the immediate adverse effect,⁷ the time and expense of requiring that party to obtain new counsel,⁸ and whether there is a violation of the rules which is “sufficiently severe to call in question the fair and efficient administration of justice.”⁹ Furthermore, the court explains, “disqualification of chosen counsel should be seen as an extraordinary remedy and should be granted sparingly.”¹⁰

Furthermore, Rule 1.6 (a) states:

- (a) A lawyer shall maintain in confidence all information gained in the professional relationship with a client, including information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client, unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, or are required by these rules or other law, or by order of the court.

Failure to file a motion to disqualify with reasonable promptness may result in a waiver of the right to oppose continued representation.

Rule 1.7 (a) states:

(a) A lawyer shall not represent or continue to represent a client if there is a significant risk that the lawyer's own interests or the lawyer's duties to another client, a former client, or a third person will materially and adversely affect the representation of the client, except as permitted in (b).

Rules 1.6 (a) and 1.6 (b) "require[] a lawyer to maintain in confidence all information gained in the professional relationship with a client unless the client consents to disclosure after consultation."¹¹ Rule 1.6 (e) states that the duty of confidentiality survives the termination of the client-lawyer relationship.¹²

Although the former client may waive a conflict after the attorney obtains informed consent, in the instant hypothetical, opposing counsel neither sought nor obtained informed consent from your client. Moreover, though the attorney-client relationship terminated when your client did not accept the retainer arrangement with opposing counsel, the duty of confidentiality survived that termination.

Rule 1.9 governs the rule on successive representation, stating, in part:

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former gives informed consent, confirmed in writing.

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:

(1) . . . whose interests are materially adverse to that person; and

(2) . . . about whom the lawyer had acquired information protected by Rules 1.6 and 1.9 (c), that is material to the matter; unless the former client gives informed consent, confirmed in writing.



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(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) . . . use information relating to the representation to the disadvantage of the former client except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client, or when the information has become generally known; or

(2) . . . reveal information relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client.

Additionally, and as applicable in this scenario, the provisions of Rule 1.7 apply to prospective clients as well as to current clients.¹³ The same is true of Rule 1.9:

Information gained in the professional relationship includes information gained from a person (prospective client) who discusses the possibility of forming a client-lawyer relationship with respect to a matter. Even when no client-lawyer relationship ensues, the restrictions and exceptions of these rules as to use or revelation of the information apply, e.g., Rules 1.9 and 1.10.¹⁴

Applying the above rules, in this hypothetical you can make a persuasive argument that: (1) your client was opposing counsel's prospective client who was never asked for informed consent by opposing counsel such that she could ap-

pear on the new breach of contract matter; (2) opposing counsel's client's interest appears adverse because her client is a defendant in the new matter and your client is the plaintiff; and (3) your client revealed confidences to opposing counsel regarding the same or similar issues as in the new breach of contract matter.

Materiality

As mentioned above, you must prove that the interests of your client and the defendants represented by opposing counsel are materially adverse.¹⁵ In this hypothetical, the fact that your client is in court and suing the defendant for breach of contract clearly demonstrates that the interests of the defendant and your client are materially adverse. Under Georgia law, you will also have to show the information obtained by opposing counsel is material to the pending litigation.¹⁶ As a practical matter, to show materiality you must ascertain what financial and personal information your client communicated to opposing counsel during the phone consultation that the opposing counsel then used against the client in the subsequent litigation, and how it is material to the existing matter.

To prove that the information divulged is material to the pending litigation, you could examine the complaint which was filed in the first suit or other documents such as a demand letter, or any depositions. At length, we recommend pulling both case files and obtaining affidavits from your client and witnesses to show materiality. If your client's business structure, finances and clients were center to

the first case as outlined in the complaint and then resurfaced years later in the second matter, a good faith argument can be made that the information divulged was material to the pending litigation.

It is a long-standing principle that an attorney cannot use his client's confidences against him: "Of course, it is well settled, and based upon the very highest ethical principles, that an attorney who acquires knowledge of the affairs of another pending the relationship of attorney and client between them cannot use such knowledge afterwards to the detriment of his former client, and that an attorney who has been on one side of litigation will not be allowed to take a position in subsequent cases where the knowledge derived from his former client might be used to the prejudice of such client."¹⁷ In this case, if opposing counsel has used your client's financial information and business relationships for the aid of her client in the new matter, to the detriment of your client, you will likely succeed in proving materiality. You can show the court that based on the phone call, opposing counsel knew what to look for in discovery in the pending breach of contract matter. Put differently, you suspended the deposition because opposing counsel knows on which subjects to push harder in discovery because she has inside information. This alone creates an unfair advantage to the former client sufficient to warrant disqualification.

You must show the court there is a substantial risk that the confidential information obtained by opposing counsel will materially advance¹⁸ the other parties in the pending matter. As alluded to above, this analysis will be case-specific and will rely heavily on documents and testimony. However, in this case, to prevail on the material advancement prong, you should demonstrate to the court that your client revealed his corporate structure, billing mechanics, strategies, financial performance of the company and the business origination strategies during the consultation, which opposing counsel then used to materially advance the position of her clients in the new breach of contract matter.

Calling a Lawyer as a Witness in a Pending Case is Disfavored

Rule 3.7 states:

- (a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness except where:
 - (1) the testimony relates to an uncontested issue;
 - (2) the testimony relates to the nature and value of legal services rendered in the case; or
 - (3) disqualification of the lawyer would work substantial hardship on the client.
- (b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.

Applying Rule 3.7 to the instant case, the fact that your client revealed information to opposing counsel during the phone consultation that is relevant to the pending breach of contract matter means that she would likely be subject to a deposition or subpoenaed as a witness at trial.

To bolster your motion to disqualify, you should cite to this occurrence in relation to Rule 3.7 and explain why the case should not continue with opposing counsel serving as both an advocate and a trial witness. In *Humphrey v. State*,¹⁹ the Court of Appeals held that the trial court should have disqualified a prosecutor from prosecuting Humphrey for a DUI charge because his law partner at his prior firm had represented Humphrey in a divorce proceeding. One issue in the divorce proceeding was Humphrey's alleged drinking habits.²⁰ Because Humphrey's drinking habits were arguably relevant to the prosecution of the DUI charge, the Court of Appeals held that the trial court should have disqualified the prosecutor because the matters were "substantially related" even though there was no direct evidence that the former partners had communicated about Humphrey.²¹

Significantly, it was never alleged that the prosecutor used the information known by his law partner because such allegations are not necessary. "A lawyer

breaches this duty [to decline successive representation] by taking a second client if his independent judgment may reasonably be affected; 'there is no requirement of actual harm.'"²² As in *Humphrey*, if opposing counsel, like the prosecutor, would be a fact witness in the pending case, even if there weren't any actual harm, she should be disqualified if she served as counsel in both cases.

Conclusion

The facts in this hypothetical warrant a motion to disqualify as to the opposing counsel and members of her firm.²³ However, you should always advise your clients that these motions are only granted under extreme circumstances and discuss the ultimate advantages that disqualification may yield. To prevail, you may have to file a lengthy brief, with numerous documents and affidavits exhibited thereto, and appear on behalf of your client at a lengthy fact-intensive hearing. Therefore, you should discuss the costs associated with disqualification versus the potential gains in detail with your client.

Bear in mind, if the nature of the information was very personal and confidential, the client will probably instruct you to file a motion to disqualify even if it's an expensive endeavor and of marginal tactical advantage in the litigation. Either way, the lawyer cannot take lightly his client's strong psychological aversion to prosecuting or defending his or her rights against a lawyer who knows their intimacies; this is why the rules were created. ●



Tarek Abdel-aleem is a member of Joseph, Aleem & Slowik, LLC, and a graduate of the University of California, Berkeley, and studied law at the University of California, Davis and the Boston University School of Law. He clerked for the First Circuit Court of Appeals. In 2013, he obtained the largest workplace negligence jury verdict in the state of Georgia. He is the author of "The American Bar Association's Guide to Establishing a Motor Vehicle Accident Practice," and has authored

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Yussuf A. Aleem is a graduate of Harvard Law School and member at Joseph, Aleem & Slowik, LLC, where he focuses on health care fraud and abuse defense and commercial litigation. Aleem is the author of "Small Law Big Success" (Edward Elgar Publishing) and "Aleem's Guide to Healthcare Compliance" (Forthcoming, Edward Elgar Publishing).

Endnotes

1. Paula Frederick, Potential Client on Line One, 15:6 GA. BAR J. 52 (2010).
2. Shuttleworth v. Rankin-Shuttleworth of Ga., LLC, 328 Ga. App. 593, 596, 759 S.E.2d 873, 877 (2014), citing Rescigno v. Vesali, 306 Ga. App. 610, 613, 703 S.E.2d 65 (2010).
3. Zeldia Enters., LLLP v. Guarino, 343 Ga. App. 250, 253-54, 806 S.E.2d 211, 214 (2017).
4. *Id.*
5. *Id.*
6. Bernocchi v. Forcucci, 279 Ga. 460, 462, 462 614 S.E.2d 775, 778 (2005), quoting Blumenfeld v. Borenstein, 247 Ga. 406, 408, 276 S.E.2d 607 (1981) ("the right to counsel is an important interest which requires that any curtailment of the client's right to counsel of choice be approached with great caution."). Bernocchi involves conflicts arising from the simultaneous representation of clients, but the analysis is the same under Georgia Rule of Professional Conduct 1.7 (a) ("A lawyer shall not represent or continue to represent a client if there is a significant risk that the lawyer's own interests or the lawyer's duties to another client, a former client, or a third person will materially adversely affect the representation of the client, except as permitted in (b).").
7. *Id.*, quoting Reese v. Ga. Power Co., 191 Ga. App. 125, 127, 381 S.E.2d 110 (1989) ("disqualification has an immediate adverse effect on the client by separating him from counsel of his choice, and . . . inevitably cause[s] delay.").
8. *Id.*, quoting Bergeron v. Mackler, 623 A.2d 489, 493 (Conn. 1993) ("a client whose attorney is disqualified may suffer the loss of time and money in finding new counsel and may lose the benefit of its long-time counsel's specialized knowledge of its operations.").
9. *Id.* at 463, citing In re Betty G. Robinson, 90 S.W.3d 921, 925 (Tex. App. 2002), Meehan v. Antonino, 2002 WL 31559712 (Conn. Super. Ct. 2002) (unpub. op.), and Anderson Trucking Serv., Inc. v. Gibson, 884 So. 2d 1046 (Fla. Dist. Ct. App. 2004).
10. *Id.* at 462, citing Anderson Trucking Serv., Inc. v. Gibson, 884 So. 2d 1046, 1049 (Fla. Dist. Ct. App. 2004) ("Because of the right involved and the hardships brought about, disqualification of chosen counsel should be seen as an extraordinary remedy and should be granted sparingly.").
11. In the Matter of Margrett A. Skinner, 292 Ga. 640, 641, 740 S.E.2d 171, 172 (2013) (after client terminated the attorney-client relationship and posted negative reviews of attorney on consumer websites, attorney responded with internet posts containing personal and confidential information about the client acquired during the attorney-client relationship).
12. *Id.*
13. See, e.g., Tilley v. King, 190 Ga. 421, 9 S.E.2d 670 (1940) ("We realize that under the rule laid down an attorney will sometimes find, as most of us have, that by reason of having been employed or retained in some small matter, or by some casual prior employment, he has disqualified himself from taking employment in subsequent matters of importance; yet such is a part of a lawyer's life.").
14. Georgia Rule of Professional Conduct 1.6, Comment [4A].
15. Georgia Rule of Professional Conduct 1.7 (a), 1.9.
16. Georgia Rule of Professional Conduct 1.9 (b) (2) ("A lawyer shall not knowingly represent a person *in the same or a substantially related matter* in which a firm with which the lawyer formerly was associated had previously represented a client . . . about whom the lawyer had acquired information protected by Rules 1.6 and 1.9 (c), that is *material to the matter.*" (emphasis added)).
17. Johnson v. Morris, 27 Ga. App. 463, 108 S.E. 810, 811 (1921).
18. Comment 3 to Georgia Rule of Professional Conduct 1.9, states, in part: "Matters are "substantially related" for purposes of this Rule if . . . there otherwise is a substantial risk that confidential information as would normally have been obtained in the prior representation would materially advance the client's position in the subsequent matter."
19. 244 Ga. App. 808, 537 S.E.2d 95 (2000).
20. *Id.* at 810.
21. *Id.* at 810, 811-12.
22. *Id.* at 810, quoting In re: Allison, 267 Ga. 638, 645 n. 13, 481 S.E.2d 211 (1997).
23. Georgia Rule of Professional Conduct 1.10 (a), "Imputed Disqualification," states in part: "While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rule 1.7: Conflict of Interest: General Rule, 1.8 (c): Conflict of Interest: Prohibited Transactions, 1.9: Former Client or 2.2: Intermediary."



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Mentors Share Expertise for Bar Exam Success

In an effort to buck the trend of law school graduates passing the Georgia Bar Examination being on the decline throughout the current decade, Mercer University's Walter F. George School of Law has, throughout the period of declining scores, offered recent law school graduates identified by their class standing and other factors as "at risk" an innovative mentoring program to help them succeed on the test.

BY LINTON JOHNSON



Reflecting a national trend, the percentage of law school graduates passing the Georgia Bar Examination has been on the decline throughout the current decade.

According to the state Office of Bar Admissions, Georgia's overall pass rate for the July 2018 exam was 61.2 percent, as compared to 79.7 percent just six years earlier. For first-time takers of the exam, the result had dropped from 85.3 percent to 72.9 percent over the same period.

In an effort to buck the trend, Mercer University's Walter F. George School of Law has, throughout the period of declining scores, offered recent law school graduates identified by their class standing and other factors as "at risk" an innovative mentoring program to help them succeed on the test.

The sessions are conducted on campus, free of charge, under the volunteer leadership of two Mercer Law alumni and longtime adjunct professors, Macon

(Left to right) Hon. Marc T. Treadwell, Dean Cathy Cox and Manley F. Brown

PHOTO BY LINTON JOHNSON

attorney Manley F. Brown of O'Neal & Brown P.C. and U.S. District Court Judge Marc T. Treadwell of the Middle District of Georgia, and a host of experienced Bar members.

Before organizing the program, Brown had been mentoring individual students on an informal basis. "Mercer, every once in a while, would call me when they had somebody who they felt like would have difficulty passing the bar," he said. "They would usually send them to me. One was a clerk for a judge. She just couldn't pass the Bar. So they said, 'Please, will you help us out?' It was then that I realized the value of one-on-one coaching."

A longtime examiner for the Office of Bar Admissions, Brown recalls traveling to Chicago with then-Justice George H. Carley of the Supreme Court of Georgia for an annual meeting of the National Conference of Bar Examiners. "At one of those sessions, a young lawyer from Chicago came to talk to us about something called the Chicago Project. They had a problem, which had been sort of aggregating; some students in Chicago, for whatever reason, were not able to pass the bar."

The Chicago Project recruited veteran lawyers to coach the students who had difficulty passing the exam. "They had remarkable success," Brown said. "And they eventually started passing everybody. But the remarkable thing he said about it, which touched me about it, was the emotional support the kids got from someone taking an interest in them. He thought that was worth more than the actual coaching, teaching them how to write and that kind of thing. His point was, if you're in the bottom of the class, and you don't pass, you're some kind of outcast. A lot of times, people abandon you. Some of these were forgotten students, and he said it was an uplifting thing for them."

Brown remembered what he had heard in Chicago when, years later, he received a group email from Gary J. Simson, who at the time was the dean of Mercer Law and is still on the faculty as a professor and Macon Chair in Law. The gist of Simson's message was that Mercer, like law schools across the nation, was seeing a decline in its graduates' bar exam passage

In the program's formative years, Brown said "seven or eight" students would attend the sessions at his office over two evenings. "On the second night, we took them to a nice restaurant and had a real nice dinner," he recalled. "They got to talk to us, which really uplifted them. Before, they might have felt like, 'We're at the bottom of the class; nobody cares.' The fact that someone was now helping them I think had a remarkable impact on them."

rate and he was seeking ideas for how to improve it.

"I called him and said, 'I have an idea about that,'" Brown said. "We talked, and he was very excited about it. He said, 'I assure you we will do it.' I give Gary full credit for that. He got really energetic and interested in it. He could see what was beginning to develop. That's how we got started. I talked with Marc about it, and he was all in to trying to do it. We recruited a lot of people who have helped us with this."

In the program's formative years, Brown said "seven or eight" students would attend the sessions at his office over two evenings. "On the second night, we took them to a nice restaurant and had a real nice dinner," he recalled. "They got to talk to us, which really uplifted them. Before, they might have felt like, 'We're at the bottom of the class; nobody cares.' The fact that someone was now helping them I think had a remarkable impact on them."

Treadwell said a key to the program's success has been an emphasis on the bar exam's essay questions. "Both the Georgia essay questions and now the MPT (Multistate Performance Test) are written by lawyers and graded by lawyers," he said. "Consequently, what they're looking for is a lawyer-like response to these questions."

As the number of students grew over the years, the sessions moved to classrooms at the law school. "It's worked pretty well," Brown said. "We haven't personally tried to keep any statistics, and we are normally working with students who were at risk, as selected by the faculty. Even with that, we have been passing about 70 to 80 percent of the ones we are working with."

Treadwell said a key to the program's success has been an emphasis on the bar exam's essay questions. "Both the Georgia essay questions and now the MPT (Multistate Performance Test) are written by lawyers and graded by lawyers," he said. "Consequently, what they're looking for is a lawyer-like response to these questions. For example, they have to write to the point. They're not going to impress the Bar examiners by discussing a subject that's not raised by the question. It may show they know something about that subject, but again, the Bar examiner is looking at this like a lawyer or a judge, and he or she is looking for a concise, to-the-point, analytical answer to the question that has been posed.

"We really try to get the students to approach this the way a lawyer approaches any issue he or she is facing," Treadwell added. "We like to tell them this: no matter what their specialty is, lawyers essentially do two things: they figure out an answer to a problem, whether they're drafting a contract or writing a brief or whatever it may be, they analyze the problem, and they figure out an answer to the problem; and then they communicate the

solution or the answer they have reached to the problem. That's all the bar exam is. They're testing whether you can analyze a situation, come up with the answer and whether you can effectively communicate the answer that you have found."

Each participant receives a set of writing tips for answering the essay questions, in which they are urged to "stick to the call" of the question and "be concise, use direct language, short, direct, simple sentences." Brown said, "The writing is very important. Bar examiners get tired. Most of the Bar examiners work all day and try to grade papers at night or on weekends. They want to pick up a paper that's easy to read. If it's well written, you can grade the thing in less than 10 minutes. But if you have to concentrate to find what the answers are, it's really hard."

The program is conducted twice a year prior to the February and July Bar exam dates. The session runs from approximately 4 to 7 p.m. each of two days. After a preliminary discussion of the writing tips, participants answer an essay question (a Georgia question one day and an MPT question the other). The volunteer mentors then go over the answers with the participants, point out deficiencies and recommend improvements. There is also a group discussion about each question.

The most recent mentoring session drew 27 participants, 22 of whom passed the Bar. Cathy Cox, the current Mercer Law dean, calls it "an extra bonus for students," who otherwise might have to rely on commercial bar preparation courses, including online options.

"Nobody charges them for this resource," Cox said. "They could do all their Bar prep online all by themselves, which sounds great and is convenient. But how much do they really do when they're doing it at home, all by themselves? To come to the law school, face to face, with Manley, Judge Treadwell and these other lawyers and judges, many of whom have been actual Bar examiners, is a world-class resource to prepare for the bar and get live feedback on your writing and preparation that just is unparalleled for our students."

Both Brown, who taught Trial Advocacy at Mercer for 44 years, and Treadwell, who is in his 20th year of teaching Georgia Civil Practice & Procedure, said while the law school graduates preparing to take the Bar are the beneficiaries of the program, the volunteer lawyers and judges get something out of it as well.

"The mentors really have had a good time," Brown said. "It's enjoyable and sort of a labor of love. It's not drudgery, and you're helping them at the same time." Treadwell added, "I want to emphasize just how rewarding it is, not just for the students but also for the mentors. As we've gotten older and had younger mentors come in, I've noticed that they really get a lot out of it."

Over the years, Brown and Treadwell have been joined as mentors by former Supreme Court Justice Hardy Gregory, Rusty Simpson, Mary Katz, Virgil Adams, Judge Tommy Day Wilcox, Stuart Walker, James Bantor, Amble Johnson, Bo Brown, Anna Stangle, Beth Manley, Judge Charles H. Weigle, Judge Verda M.

Colvin, Christy Curreli, Tom Shaw, Moses Tincher, Warren Plowden and Robert M. Matson. Mercer Law staff members Margaret “Peg” McCann and Evelyn Lopater, along with Mary Donovan, who was at the law school for many years and is now starting a mediation practice in Macon, also deserve a good deal of credit, Brown said.

“They dealt with the selection of students to participate,” he said, “selecting the questions and model answers and many other time consuming administrative chores, as well as constant encouragement of the student participants.”

Brown said the participants need that encouragement throughout their bar exam preparation process, especially those doing so while simultaneously working at law firms.

“A lot of the lawyers have no sympathy for these students taking the bar,” he said. “If you want to pass the bar, you’ve got to get up at 8 o’clock in the morning and you have to study all day. But some lawyers have people who have been working for them during law school and are just Draconian and tell them ‘no you can’t have any time off.’ It’s shameful they won’t give them time off. If you want these people to pass, give them a chance to study. You can’t work all day and come home and study for the bar very effectively. You have to study during the day. You need some time to get ready and just to get your mind right. Give them a fair chance to pass the bar.”

In 2015, the program added a satellite component to accommodate recent Mercer Law grads who were living or working in the Atlanta area while preparing to take the bar exam. Judge Treadwell contacted Mercer Law alumnus Richard A. “Doc” Schneider of King & Spalding LLP and asked him to spearhead the effort. Schneider was able to recruit a number of his colleagues to serve as mentors, and Rusty Simpson traveled from Macon to help lead the sessions at King & Spalding.

Schneider said the Atlanta sessions, which replicated the Macon format, were held annually over a three-year period, with approximately 20 participants, and he looks forward to continuing the



Richard A. “Doc” Schneider

program in the future. “It’s a nice partnership between practicing lawyers and law students at Mercer,” Schneider said. “We wanted to provide the same mentoring opportunity here that had been offered in Macon.”

The mentors Schneider recruited at King & Spalding included Mercer Law graduates Val Leppert, Billie Pritchard, Bethany Rezek, Todd Davis, Zach McEntyre, Paul Quiros, Dwight Davis, Stewart Haskins and Greg Smith as well as, according to Schneider “graduates of other fine law schools,” including Barry Goheen, Bill Durham, Chad Peterson, Rebecca Ojeda, Arthur Fahlbusch and the late Simon Rodell.

Although Mercer Law hosts the mentoring program, participation is not limited to Mercer students or graduates. “We’ve always been willing to take students in from other schools,” Brown said. “It’s not a closed shop for Mercer. We just happened to be here, and it started out with Mercer students. We can’t take everybody, but we can help people as far as we’re able to do it, facility-wise with space and having enough people who can help us.”

Cox expressed her appreciation to Brown and Treadwell for their leadership of the program, which she will continue to recommend to Mercer Law students.

“I would be shocked to know that any other law schools have the depth of loy-

alty from their alumni that we have from these two gentlemen,” Cox said. “When you combine the decades they’ve given to teaching as adjuncts and then coming back to do this course—for really no compensation, just a love for the law, a commitment to being good lawyers and to helping Mercer Law students—that says more than anything I could say about what great role models these gentlemen are.

“It’s open to anybody, but we try to target more of the at-risk students,” Cox added. “This past summer, one of the examples they used in the workshop was almost identical to one of the real questions on the Bar exam. Students came in to lunch during the Bar exam and were on cloud nine that they had been through a very similar hypothetical in the class. Manley had no way of knowing that. It was just the luck of the draw, but it just shows that the more you get out there and study and practice, the odds can be with you. We promote it because it’s such a great resource. Why would you turn down something like this?” ●



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Melton's Mentoring Moments . . . According to "My Cousin Vinny"

The greatest challenge in a mentoring relationship is getting people to listen, really listen.

BY MICHELLE E. WEST



PHOTO PROVIDED BY THE SUPREME COURT OF GEORGIA

Chief Justice Harold D. Melton is sworn-in by his mentor, the late Chief Justice P. Harris Hines, on Sept. 4, 2018.

Who would have thought that after almost 20 years, "My Cousin Vinny" would continue to have such an impact? This film centers around a murder case defended by Vincent LaGuardia "Vinny" Gambini, an inexperienced lawyer who is the cousin of one of the young defendants. While traveling through rural Alabama, the defendants become entangled in a web of misunderstanding and miscommunication. The comedy unfolds in a small southern town as Brooklyn native, Vinny, exhibits through his actions inside and outside of the courtroom, before everyone involved, that he has no prior litigation experience. Indeed this is his first trial.

At the beginning of the year, I was afforded the wonderful opportunity to speak with Chief Justice Harold D. Melton concerning his mentoring experiences. With a look of thoughtful contemplation, he expressed that they were somewhat akin to "My Cousin Vinny," his favorite legal movie. He then asked if I had seen the movie. I had to admit that I had not seen this popular 1990s movie that brought such a reminiscent glow to his face. Immediately, I made a mental note to watch it to establish a clear frame of reference.

What followed was an enlightening, yet practical, conversation on Chief Jus-

tice Melton's Mentoring Moments . . . according to "My Cousin Vinny." A favorite, yet "telling," quote from the movie that Chief Justice Melton fondly recalls was the exchange between Vinny and his fiancée Mona Lisa Vito regarding the defense of his newly inherited case:

Mona Lisa: "Learn as you go?" You didn't learn that in law school?

Vinny: Nah . . . they teach precedents, interpretations . . . you're supposed to learn procedure from the firm that hires you or you can go to court and watch.

Mona Lisa: Have you been doing that?

Chief Justice Melton noted that most beginning lawyers are similarly situated when they graduate from law school and are newly admitted to practice. He said that most of the time new lawyers are not aware of the nuts and bolts of practice, the actual art of practicing. Although Melton was admitted in 1991, he recalls, following his first year of law school, clerking for the late Justice P. Harris Hines and spending much of his time sitting and observing courtroom dynamics. He remembers paying close attention to the interactions between lawyers, the judge and courtroom staff. He also witnessed how to recover when a lawyer lost his train of thought or misplaced an exhibit. His examination of the courtroom activities was his first experience with mentoring. Chief Justice Melton notes that the Transition Into Law Practice Program (TILPP), the State Bar of Georgia's mentoring program initiated by the Chief Justice's Commission on Professionalism, seeks to capture these essential experiences through the Mandatory Advocacy Experiences component of its Model Mentoring Plan.

Chief Justice Melton recalls Hines' form of intentional mentoring. He remembers Hines always going above and beyond in ensuring that his mentee was doing OK. Chief Justice Melton mentioned that it is easy to mentor those that keep in touch, however Hines would reach out to his mentee if he had not heard from him. He would call his mentee to check on him and schedule a time to connect. This nurturing relationship



PHOTO BY JODI LEWIS LIPSITZ

Nov. 15, 2018—State Bar of Georgia Transition Into Law Practice Program mentors being sworn in at the Mentor Orientation CLE by Hon. Shawn LaGrua.

Mentor Oath

(NOTE: The following oath is based upon the oath of an attorney upon admission to the Bar.)

"I, _____, swear or affirm that I will truly and honestly, justly and uprightly conduct myself as a mentor of the State Bar of Georgia Transition Into Law Practice Program in accordance with the rules and regulations of the Georgia Supreme Court and the State Bar of Georgia. So help me God."

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was similar to what Vinny described regarding the encouragement and care he received from his mentor Judge Malloy.

Vinny: The whole time the Judge—Judge Malloy—he was smilin’ and laughin.’ Afterwards he invited me to “lunch.” I was so impressed with him—he had this great old Cadillac. And then he tells me he thinks I’d be a good “litigator.” I didn’t know what a litigator was. I’d never even thought of being a lawyer. But Judge Malloy—he was from Brooklyn too—he did it, so suddenly it seemed possible. I went to law school. He’d help from time to time. Real nice man, you know? To go out of his way and do that. He wanted his son to follow in his footsteps, . . . but he became a musician. So when I graduated, he was so proud of me.

Chief Justice Melton’s second most memorable mentoring experience occurred during his employment with the Attorney General’s Tax Section. The supervisor over the section also became somewhat of a mentor. His experience in the attorney general’s office instilled in him a greater sense of confidence. He remembers that his supervisor gave him what he needed and then got out of the way so he could get his work done. He was encouraged not to reinvent the wheel but to use his resources to assist in the research process. This meant that, before picking up a book, he should walk down the hall and talk to the more experienced lawyers in his section. As alluded to in “My Cousin Vinny,” it is unwise to adopt Vinny’s plan of attempting to go it alone, as was so elegantly pointed out by his fiancée in another one of the movie’s famous exchanges:

Mona Lisa: So what’s your problem?

Vinny: I wanted to win my first case without anybody’s help.

Mona Lisa: Well, I guess that plan’s moot.

Vinny: Yeah.

Mona Lisa: This could be a sign of things to come; you win your cases—but with “someone else’s help.” Right? You win case after case and then afterwards, you have to go up to someone and say “thank you.” [pause] Oh my God—what a . . . nightmare!

Chief Justice Melton remembers a third experience outside of the legal community where he acted as an informal mentor with Young Life Ministries, a worldwide nondenominational Christian organization. He worked with the urban school-based program that provided youth outreach to Grady High School and the surrounding neighborhood. It was an organic experience that involved becoming acquainted with the students and applying specific situational solutions. This opportunity helped him hone the skill of employing clear and direct communication with the youth he mentored.

Chief Justice Melton has had many great mentoring opportunities over the years. Based on his experiences, he found that the greatest challenge in a mentoring relationship is getting people to listen, really listen. Chief Justice Melton considers the key components of impactful mentoring are remembering why we all went to law school, the notion that we all can do some good, upholding the professionalism values of treating and valuing others in the same manner we would want for ourselves and, finally, realizing the significance and strength in our skill set and how it serves to assist others with varying issues. TILPP includes this concept in the Model Mentoring Plan as the program requires the mentor and mentee to discuss “A Lawyer’s Creed” highlighting attorneys’ obligations to others.

Chief Justice Melton went on to characterize mentorship as being like discipleship as it serves to spread awareness of essential components of a curriculum, doctrine, profession and life. However, he really believes that mentoring should be focused in order to have the greatest value for both

the mentor and mentee. Irrespective of a formal or informal pairing, mentors should engage in relational mentorship. The mentor and mentee should discuss why each participant in the mentoring relationship is committed to mentorship. He noted that the goal of mentoring is to be able to look back over the people with whom you have shared mentoring experiences and identify a few whom you have followed throughout their career and brought to a place of strength.

Chief Justice Melton's final tips on making memorable mentoring moments are the following:

Mentors

- Show actual interest in your mentee.
- Commit to the mentor relationship for the long term.
- Understand that your mentees will pick up more lessons from observation than lecture.

Mentees

- Take advantage of the mentoring opportunity.
- Show initiative . . . invite your mentor to lunch.
- Ask questions about your mentor's life, and not just the practice.
- Do not discount your mentor based on your first or second impression; you will be surprised as to what your mentor can offer.

After, the opportunity to finally watch "My Cousin Vinny," I can now genuinely relate to why it is one of Chief Justice Melton's favorite legal movies. Although it is a "Hollywood" comedy (filmed in Jasper County, Georgia), there are lessons woven throughout that could benefit us all. Scenes such as Vinny being lectured on procedure, courtroom etiquette and communica-

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

To the courts, and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.

To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.

tion, and him reminiscing about his mentor, Judge Malloy, changing his life were truly reminiscent of the first years as a practicing attorney. A focused, intentional mentoring relationship truly adds value to the first year and beyond, leading to memorable mentoring experiences that greatly enrich the lives and careers of new lawyers for a lifetime. ●



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The State Bar of Georgia Diversity Program Is Here and Here To Serve

The State Bar of Georgia Diversity Program has been championing the cause for a diverse and legal community for more than 26 years. Discover more about the program and how it can benefit you and your practice.

BY REBECCA CHRISTIAN SMITH

It is hard to believe that 2018 is over and a new year has begun. Like numerous others, I've been thinking about the new year and what I want to accomplish both personally and professionally. After spending a significant portion of 2018 learning about the ins and outs of the Georgia Diversity Program (GDP), speaking with present members, past members, allies and lawyers in the community about their knowledge and/or experience with the GDP, I learned about the history of GDP, about successful programs and about programs that were not



PHOTO PROVIDED BY REBECCA CHRISTIAN SMITH

Georgia Diversity Program Steering Committee Members at member firm Arnall Golden Gregory, LLP. (Back row, left to right) Charles Huddleston, Michelle Reid, Rebecca Christian Smith, Rick Goerss, Crystal McElrath, James Johnson, Paul Krebs and Chris Cottrell; (front row, left to right) Kathleen Currey and Rhonda Sadler-Collins.

as successful as one would have liked. I also learned and continue to learn about diversity and inclusion, about the issues that are important to lawyers and about what lawyers would like to see GDP accomplish in the future. To my surprise, I learned that there are members of the Bar who either don't know the role of GDP or that GDP even exists. As a result, my first goal for 2019 is to "re"-introduce each and every Georgia lawyer to the State Bar of Georgia Diversity Program.

What is the State Bar of Georgia Diversity Program?

For more than 26 years, the State Bar of Georgia Diversity Program has championed the cause for a diverse and inclusive legal community. Founded in 1993 by State Bar Past President Charles T. Lester Jr. and Hon. Marvin Arrington Sr., their decision to lobby the Bar to create GDP was bold and set the standard. The State Bar of Georgia became one of the first state bars to embrace diversity and inclusion by establishing a steering committee dedicated to providing programming on matters involved in creating cultures that support diverse and inclusive environments in the legal profession, providing educational opportunities for members to learn about best practices, and assisting and promoting diverse lawyers and female lawyers as they rise through the ranks of the profession. At its core, the mission remains the same: *to provide support to, and to promote the inclusion of and advocate for the advancement of all members of the State Bar of Georgia regardless of race, nationality, ethnicity, religion, sex, gender identity, sexual orientation, disability or age.*

Is GDP a membership organization and who can become a member?

Yes, GDP is a membership organization. Individual lawyers, law firms, corporations, nonprofit or public interest organizations, and government agencies can be members. Members pay annual dues and participate as sponsors, and representatives from the respective

member organizations serve on GDP's Steering Committee.

What is the role of the Steering Committee?

Steering Committee members play a significant leadership role in carrying out the mission of GDP through the programs produced every year. The Steering Committee meets six times per year. Members help to drive content, secure speakers, sponsor programs and act as GDP ambassadors.

What are GDP's programs?

Traditionally GDP produces four programs a year. The Business Development Symposium occurs in the spring. This program provides an opportunity for younger lawyers, senior associates and junior partners to hear from a diverse panel of seasoned lawyers from across the legal spectrum on various topics designed to provide opportunities for the audience to develop their respective practices, learn from senior lawyers and network.

The High School Pipeline Program is a partnership with Atlanta's John Marshall Law School and The Leadership Institute for Women of Color Attorneys, Inc. The Pipeline Program is GDP's attempt to introduce 22 high school students to the legal field through daily writing instruction, mentoring programs on different themes including, but not limited to, storytelling and presentation techniques, social media etiquette and organization skills. The students also engage in a writing and oral argument competition. Lawyers volunteer to help prepare the students for the competition.

The Summer Associate Judiciary Reception is GDP's third program. For several years Nelson Mullins Riley & Scarborough, LLP, has generously hosted summer associates and members of the judiciary for an evening networking reception.

Finally, the Fall CLE and Luncheon is an opportunity to take a deep dive into an issue that is in the forefront of diversity and inclusion. Past themes have included unconscious bias, authentic leadership and culture building. The program includes a

morning workshop presenter, a panel discussion and a luncheon keynote speaker.

What's in store for 2019?

The Steering Committee and GDP's executive director are currently exploring and planning new programs. There is serious interest among the committee and allies to expand the High School Pipeline Program. We are presently discussing the viability of expanding this program outside of the metro-Atlanta area. Additionally, we are exploring the opportunity to present a forum for diverse women lawyers and their allies to discuss how to empower and elevate diverse women lawyers within their respective organizations. Lastly, GDP is given an opportunity to publish articles in the *Georgia Bar Journal*. This year, the executive director will write articles on substantive diversity and inclusion issues. In addition, GDP will reserve three articles to highlight Georgia law firms and organizations that engage in diversity and inclusion initiatives within their respective organizations and for the greater common good. To have your organization highlighted in the *Georgia Bar Journal* please contact gadiversityprogram@gmail.com.

How can I or a firm/organization get involved in GDP?

The best way to learn more about GDP and have all questions answered is to contact the executive director or any Steering Committee member. Additional ways to get involved in GDP include attending events and inviting colleagues, allies, mentors, mentees, sponsors and clients to attend. Also, consider volunteering to participate as a panelist, moderator or speaker. Finally, you can get involved by becoming a GDP member or by sponsoring an event.

GDP is a service of your State Bar of Georgia and we are here to serve! ●



Rebecca Christian Smith

Executive Director
State Bar of Georgia Diversity Program
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Augusta-Area Attorneys Honored

The State Bar of Georgia's Military Legal Assistance Program and the Military/Veterans Law Section along with the Office of the Staff Judge Advocate at the U.S. Army Cyber Center of Excellence and Fort Gordon recognize attorneys dedicated to helping in-need service members.

BY CHRISTOPHER PITTS

Last year, Fort Gordon and the State Bar of Georgia's Military Legal Assistance Program (MLAP) and Military/Veterans Law Section along with the Office of the Staff Judge Advocate at the U.S. Army Cyber Center of Excellence and Fort Gordon honored eight attorneys for their efforts in providing legal assistance to service members and veterans with critical legal needs. The recognition event was held in the Fort Gordon's Command Support Center.

"What an honor it was hosting the recognition program with the State Bar of Georgia's Military Legal Assistance Program. The honored attorneys went above and beyond their call of duty devoting countless hours of representation to local service members either pro bono or at reduced fee rates," Col. John M. McCabe, staff judge advocate for the U.S. Army Cyber Center of Excellence and Fort Gordon, remarked. "As a result of the excellent legal representation provided by these attorneys through the State Bar of Georgia's MLAP, the local service members were provided the ability to focus on a successful military mission."

The State Bar of Georgia MLAP Committee Chair M. Jerome "Jay" Elmore presented awards on behalf of the committee to the several outstanding lawyers. Patti Elrod-Hill, chair of the State Bar's Military/Veterans Law Section, presented awards and challenge coins on behalf of the section to the attorneys being recognized.

The following attorneys were recognized by the Bar's Military Legal Assistance Program and Committee:

- Donna Lorraine Barlett, a former judge advocate general, who has not only helped the program find attorneys for cases, but has handled many cases herself.
- William Emil "Bill" Cassara, active member of the Military/Veterans Law Section of the State Bar of Georgia and current Military Legal Assistance Program Committee member, who has handled many discharge upgrade cases through MLAP.
- Bobby Lee Christine, who has not only handled cases through the program, but has also assisted in maintaining a group of attorneys who participate in the program in the Augusta area.
- J. Patrick "Pat" Claiborne, who has handled many family law cases through MLAP and has even taken on a complex family law case on a pro bono basis.
- Shawn Patrick Hammond, who has handled numerous family law cases through MLAP.
- Chuck R. Pardue, who served as a Military Legal Assistance Program Committee member for several years, has been vital to the program with assisting service members who do not live in Georgia but have cases in the state—recently assisting a young military widow with a case shortly after the death of her husband.
- Shellana Joanna Welch, who has handled numerous VA benefits cases through MLAP and has further



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Jay Elmore and Donna Lorraine Barlett.



Col. John M. McCabe and Bobby Lee Christine.



Jay Elmore and Pat Claiborne.

assisted MLAP by helping locate volunteer attorneys.

- Thomas F. Allgood Jr., who was posthumously recognized for his dedicated service with the program. Allgood was recognized as the “dean” of family law legal assistance for service members and veterans. He was very active in taking MLAP cases, providing direct or indirect help on more than 40 family law cases, all of which he handled pro bono or on a reduced fee. A plaque and challenge coin were presented in his honor to his brother, Robert Lyn Allgood.

Over the past eight years, MLAP has provided pro bono and reduced-fee representation to service members and veterans throughout Georgia. To qualify for pro bono legal assistance, service members must be ranks E-5 or below. The program also connects military retirees and disabled veterans facing financial hardships with attorneys for civil legal matters. Veterans who face issues with VA disability benefits may also qualify where the ability of an attorney to receive a fee for their services is impossible or unlikely.

For more information on how to join MLAP or the types of service opportunities currently available, contact Christopher Pitts at 404-527-8765 or MLAP@gabar.org. ●



Col. John M. McCabe and Shawn Hammond.



Col. John M. McCabe and Chuck Pardue.



Col. John M. McCabe and Shellana Welch.



Col. John M. McCabe and Lyn Allgood.



Christopher Pitts

Director, Military Legal Assistance Program
State Bar of Georgia

christopherp@gabar.org

Marching Toward Women's History Month: Looking Back and Ahead

As the months rush by during this first quarter of 2019 and we find ourselves at the beginning of March, remember that although there is much to celebrate surrounding the contributions women have made to this great nation, there is much work to do in the area of women's rights.

BY MICHELLE E. WEST

As we head into Women's History Month this March, we salute and celebrate women and the contributions they have made throughout the world. However, we must also remember to highlight issues that women confront daily.

We have celebrated Women's History Month in the United States since March of 1987 when the National Women's History Project (now the Women's History Alliance) petitioned Congress to pass Public Law 100-09 after years of lobbying by groups and individuals. The Sonoma County California Commission on the Status of Women first observed Women's History Week in 1978 during



PHOTO BY MICHELLE E. WEST

Attendees at the 2018 Equal Pay Day event at the Carter Center, hosted by the Georgia Association for Women Lawyers.

the week of March 8 in order to correspond with International Women's Day. Visionary women groups and colleges took notice and began work in July 1979 to establish a National Women's History Week with a two-week-long conference, and one and a half years later, President Jimmy Carter proclaimed National Women's History Week to commence on March 8, 1980. Thereafter, various schools throughout the United States expanded their celebration to a month, which 14 states adopted by 1986, and Congress adopted in 1987.

President Carter's presidential proclamation, like all annual presidential proclamations made in honor of Women's History Month, underscores the reason why it is important to take time to recognize women leaders:

"Too often the women were unsung and sometimes their contributions went unnoticed. But the achievements, leadership, courage, strength and love of the women who built America [are] as vital as that of the men whose names we know so well."

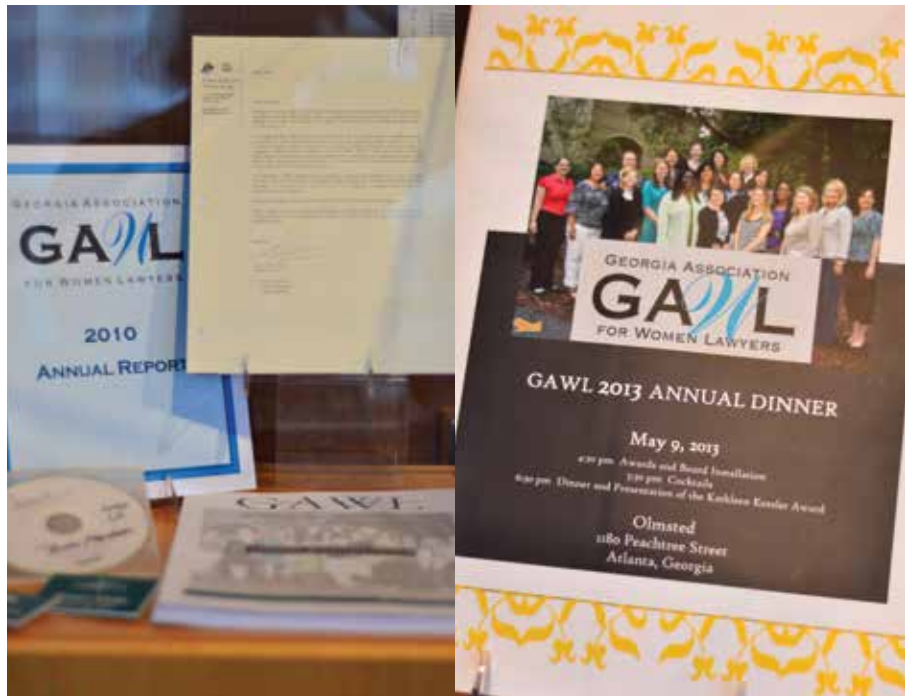
As we march into Women's History Month, the Georgia Association for Women Lawyers (GAWL) looks back on the actions it took during 2018 to spread awareness of the impact its past presidents and members have had on the organization and legal community.

Last March, GAWL kicked off Women's History month by celebrating the organization's 90th anniversary. This anniversary marked the opening of GAWL's collection of historical records at the Georgia State University Library Special Collection and Archives. The collection memorializes many advancements made by the organization and its leadership "to enhance the welfare and



GAWL members receive a tour of the Georgia State University Library Special Collection and Archives, featuring GAWL's historical records.

PHOTOS BY MICHELLE E. WEST



A modicum of GAWL's archives on display at Georgia State during the 90th anniversary celebration.



PHOTO BY LAWRENCE WARING



(Left to right) Alexia Kotsopoulou (Emory Alumni '02), Ta-Tanisha Perryman, Ed Lee, Karyl Davis, Ioanna Lagoumidou (President of BPW Athens Greece), Gwendolyn Fortson-Waring, Michelle West, Angela Brown, Cherri Shelton, Bruce Fisher and Robin Martinelli at the Greek Court of First Instance.

development of women lawyers and to support their interests.”

In furtherance of this mission, in April, GAWL worked to raise awareness about gender pay disparity. GAWL hosted an Equal Pay Day event at the Carter Center where participants discussed pay disparity from a legislative, financial, legal and everyday perspective, and explored strategies to assist in closing the gap. GAWL then continued the pay equity conversation in Greece during the organization’s first international CLE. This comparative international legal journey included a tour of Greek courts, observations of hearings, a discussion with the Athens Bar Association on the issue of pay equity in Greece and a program with women of the Athens Bar, Business Professional Women’s group and Greek Ministry of Gender Equality.

Gwendolyn Fortson-Waring describes the international comparative legal journey in the abridged excerpt below:

The GAWL International CLE in Greece afforded the group an opportunity to learn about ancient Greece and its contributions to democracy as

we know it, as well as to observe the continuing modern-day efforts of the women of Greece to achieve equality.

Our journey began in Athens, which is credited with implementing the rule of law and being the root of democracy. While Greece has many bar associations in its different localities, we met with the Athens bar president and women members from the organization. The governing body of the Athens Bar is comprised of 25 board members but includes only one woman, although the Bar is 60 percent female.

Most attorneys practice in firms consisting of 1-3 people. We discovered that attorneys are required to practice in a clerkship akin to an apprenticeship prior to taking the bar exam. The women lawyers with whom we met from the Athens Bar and the Athens Business Professional Women’s group shared the challenges they faced practicing law in Greece. Similar to many women in the United States, they are greatly responsible for child rearing, maintaining the home and having a full-time career.

Regarding the question of pay disparity, there was spirited debate on whether one existed in Greek society. The Athens Bar president commented that the disparity was due to women leaving the workforce. He was of the notion that because the maximum hourly rate for consultation was 88 euros and lawyers had the ability to negotiate a contractual fee, there was no pay disparity as all were free to negotiate within that framework. On the other hand, the women from the Athens Bar spoke about the importance of working to decrease the pay disparity in Greek society.

In addition to meeting with members of the bar, we were afforded the opportunity to observe the Greek lower court system, the Court of First Instance, where we observed many women judges serving on hearing panels composed of 2-3 judges.

As the months rush by during this first quarter of 2019 and we find ourselves at the beginning of March, remember that although there is much to celebrate surrounding the contributions women have



PHOTO BY ROBIN MARTINELLI

GAWL members visit the Parthenon.



PHOTO BY LAWRENCE WARING

GAWL networking event with women of the Athens Bar Association and the Athens Business Professional Women's Group.

made to this great nation, there is much work to do in the area of women's rights. Identify what contributions women have made to history about which you would like to educate others, but also determine what causes or issues you can champion to help advance women's rights nationally and globally. The theme for 2019 Women's History Month is "Visionary Women: Champions of Peace & Nonviolence." Whether you are raising awareness of national or global issues affecting women for International Women's Day on March 8, or raising awareness about the gender pay gap that continues to confront women worldwide for Equal Pay Day on April 2, you will be spreading the vision of remarkable women who march for the benefit of all. ●

Identify what contributions women have made to history about which you would like to educate others, but also determine what causes or issues you can champion to help advance women's rights nationally and globally.



Michelle E. West

Director, Transition Into Law
Practice Program
State Bar of Georgia

michellew@gabar.org



PHOTO PROVIDED BY ANNE W. LEWIS

A Conversation with Anne W. Lewis

In this installment of the Georgia Lawyer Spotlight, Editorial Board Member Jacob E. Daly interviews Anne W. Lewis.

BY JACOB E. DALY

Tell us how you became involved in politics and how you became general counsel for the Georgia Republican Party?

When I was in law school at Georgia State in 1988, I clerked for Wilson Strickland & Benson. Frank Strickland served as one of the two counsel for the Georgia Republican Party. (Frank and Oscar Persons alternately served as general counsel and assistant general counsel, depending on their work schedules, as I recall.) I went to work for the firm as an associate in 1989, and the 1990s redistricting followed soon thereafter. I worked on the challenge brought to Cynthia McKinney's district, which ran from Atlanta to Augusta to Savannah. We represented the unusual amici combination of Newt Gingrich and John Lewis, who had an idea of how the new

map in 1995 should look once the federal map was struck down a couple years earlier. After that, I started doing projects with Frank on things that the Party needed, although it was a much smaller business enterprise than it has become. I love politics and the intersection of law and politics, and so I worked on every such matter I could. In 2001, much to my surprise, I was appointed assistant general counsel. I didn't know anything about that, and when I saw Ralph Reed, who was the new chairman of the state party, and asked him about it, he said he forgot to mention that he had appointed me. I served under Randy Evans from 2001 until 2009, when Randy decided to step down as general counsel. I took over as general counsel and have been serving in that position ever since.

What is the role of the general counsel for the Party?

Over the years, it has grown quite a bit. In the beginning, it mostly involved litigation. For example, one of the first things I worked on was when David Duke sued to be on the presidential ballot in Georgia after the Party voted not to put him on it. Over time, I started reviewing multi-candidate advertisements to make sure they did not contain libel and included the correct disclaimers. In recent years, we have had not as much litigation, but there have been disagreements with the national Party about allocating delegates and alternates to the national convention. The state Party is a several million dollar per year business, so in addition to litigation, regulatory issues and national Party matters, I deal with issues that

every business has, such as garnishments, personnel matters and the like. I would say that there's an opportunity to deal with Party issues several days a week.

Who are your political and legal heroes or role models?

Frank Strickland is certainly my main political hero and role model. He has taught me, and continues to teach me, so much about how to be a good lawyer and how to treat other lawyers and litigants. Frank is not interested in getting credit for anything, and he is always working behind the scenes for what is in the best interest of the Party. On the other side of the aisle, I have often had disagreements, legally and perhaps philosophically, with Emmet Bondurant, but we've been on a lot of cases together. He's an excellent lawyer, and he got me involved in the Georgia Resource Center, which is a nonprofit organization that provides habeas counsel to death-sentenced inmates. I've always admired Emmet for his dedication to that organization.

What do you think the lessons of the 2018 election are?

If people are motivated enough, they will vote, and whoever gets his or her voters out, wins. Although I'm happy that so many people were motivated to vote, it seemed like a great deal of the motivation on both sides was, to some extent, anger rather than how are we going to fix our problems. For the Republican Party, the ground game must be stronger because the newer registered voters are not necessarily automatically assigning themselves to the Republican Party, and I think part of that is due to the constant contact they have from the Democrat Party. A related lesson is that we have to do better in terms of registering people to vote, making sure they do vote and making sure that if they ask for an absentee ballot, they get it and they return it.

What do you think about how Georgia is changing politically? Is the state still red, or has it already become purple? Is it on its way to becoming blue, and if so, when will that happen?

I think it's still red. Is it getting closer to purple? Yes. Is the blue wave going to take

It's distressing to me that there is such incivility in the political process because one of my favorite things is to talk to people on the Democrat side about issues and why they think what they think.

over the state in the next 10 years? I don't think so, but I think Georgia is getting to be an evenly matched state, and I think the reason for that is turnout. Last year showed us when both sides turn out their voters, it's going to be extremely close. It's going to require more and more work to keep it red, and there is a lot of hope that that can happen, but we'll definitely see it more purple in the next decade.

Do you see any parallels between political incivility in today's society and the current state of lawyer professionalism?

It's distressing to me that there is such incivility in the political process because one of my favorite things is to talk to people on the Democrat side about issues and why they think what they think. I think that since I started practicing law there is a little more incivility among lawyers. Some of that I attribute to email because it is much easier to write something to somebody than it is to pick up the phone and call them or meet them and talk with them about what the problem is. My advice for other lawyers is if you have something very difficult to discuss with opposing counsel, have a conversation. A conversation puts things in perspective that might not come through an email, and it also means you won't see your email attached to a motion! As my mentor Frank Strickland says, if you have to write an unpleasant email, write it and leave it in your drafts folder for 24 hours, and maybe you'll come back

I've loved every minute of being a lawyer, so I don't ever want to do anything that would prevent me from practicing law.

and decide not to send it. Similarly, it's easier for people to go to Twitter and Facebook and write harsh political things, whereas if they were talking to a neighbor over the fence, they would never say something like that.

What are the other aspects of your practice that don't involve politics?

When I started at Wilson Strickland & Benson, I did a lot of workers' compensation defense, which was a great way to learn litigation because it was much less overwhelming in terms of time in the courtroom, but you still had to know the rules of civil procedure and the rules of evidence. I also did a lot of school and college law and then started working on political matters. Today, my practice is focused on areas that somehow have to do with the political or quasi-political process, such as election contest and qualification challenges, redistricting and other voting rights cases. Through the political process, I became involved in representing companies at the Public Service Commission, and from my work in voting rights cases, I've worked on disputes between governmental entities. I have enjoyed representing governmental entities because it gives me the opportunity to work with a client that is composed of several people who have been elected to public office by their constituents. They are very nice people to work with, so that's been very enjoyable for me. It's difficult sometimes if you can't get a majority decision, but I have always found that the governmental entity we're representing really does have the best interest of the

constituents at heart. Sometimes there are difficult political decisions for those people to make, but it's gratifying to watch them work through and decide that this is not so good for our people or this is good for our people.

I think people like to hear about how high-achieving people, regardless of gender, balance their professional and personal commitments since this is such a demanding profession. What is your secret for maintaining a work-life balance?

Two things come to mind. The first is I have a very supportive family. My husband and I have two boys who are 21 and 23, and we have always supported things that the others like to do. The second is being in a firm with partners who I've practiced with since I was a clerk in law school. That has allowed me to have a balance to work and do things like being the classroom mom, go to sporting and other events our kids have had, and participate in political activities. The theme in our firm has always been that family is the most important thing, and so do what you need to do for your family first.

You said a couple years ago that you had not ruled out the possibility of running for office but that you would consider doing so only after both of your sons graduated from high school. That has happened now, so what is your position now on becoming a candidate?

Even though I have been on a little bit of a health adventure for the last several years, I still would like to run for something someday. I am a very fortunate citizen of the new city of Tucker. I think I would like to perhaps run for city council

one day, but we have a great council and mayor, so that's no time soon.

Are you interested in running for office only if you can still practice law?

That's right, because I love everything about practicing law. My grandfather always talked to me about being a lawyer, and then I had the great fortune of going to Georgia State University to law school. I had paid my deposit to go to UGA because I had gone there for undergrad, but I took a year off and went to work at SCAD in the daytime and as a bartender at night to save money. I had a bunch of friends who moved here and encouraged me to try this new law school in Atlanta because, as they put it, "We're all up here having a big time." Little did I know that law school students weren't going to have a big time, but I loved law school. I loved every minute of it, and I've been eternally grateful to Georgia State for giving me an excellent education that I could afford. I've loved every minute of being a lawyer, so I don't ever want to do anything that would prevent me from practicing law. ●



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.

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MARK



QUILLIAN

Taylor English Duma LLP announced that the firm received the Construction Lawyers of Society of American Law Firm Award in October in Banff, Alberta, Canada. The award recognizes North American law firms for excellence

in construction law.

Partner Natalie N. Mark received the Diversity Law Institute Diversity Award for her dedicated efforts to advance, promote, and support diversity and inclusion in the legal industry.



DIXON

Partner Henry M. Quillian III was elected president for the Foundation of the Federal Bar Association. The Foundation, the charitable arm of the Federal Bar Association, promotes and supports legal research and education, advances the science of jurisprudence, facilitates the administration of justice and fosters improvements in the practice of federal law.

Attorney Harry D. Dixon III was elected as a fellow of the American Bar Foundation as well as a member of the State Bar of Georgia Young Lawyers Division Leadership Academy Class of 2019.



Gerber & Holder announced that founding attorney Thomas Holder was elected president of the Workers' Injury Law and Advocacy Group (WILG). WILG is the national non-profit organization dedicated to representing the interests of millions of workers and their families who suffer the consequences of work-related injuries or occupational illnesses.

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Hodges, McEachern & King announced that partner T. Kyle King was elected a fellow of the American College of Trust and Estate Counsel (ACTEC). ACTEC is an organization of peer-elected trust and estate lawyers and law professors.



Morgan Clemons of Aldridge Pite LLP served as contributing editor to "Dury Consulting Presents: The Lawyers' Activity & Coloring Book." The book is intended to provide relaxing activities for lawyers and law students to relieve the stress and anxiety associated with law practice and the law school experience.

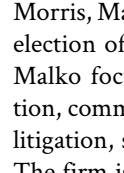
Cynthia Tolbert contributed a fictional, legal short story, "Mattie's House," to "Dury Consulting Presents: The Lawyers' Activity & Coloring Book."

On the Move

IN ATLANTA



BENNETT



JAGER

Morris, Manning & Martin, LLP, announced the election of Simon Malko as managing partner. Malko focuses his practice on appellate litigation, commercial litigation, litigation, real estate litigation, securities litigation and enforcement. The firm is located at 3343 Peachtree Road NE, Atlanta, GA 30326; 404-233-7000; www.mmmlaw.com.



BENNETT



JAGER

Nall & Miller announced the addition of Quinn C. Bennett and Matt B. Jager as associates. Bennett joins the firm's trucking and litigation group. Jager joins the medical malpractice defense and health care litigation group. The firm is located at 235 Peachtree St. NE, Suite 1500, Atlanta, GA 30303; 678-522-2200; Fax 404-522-2208; www.nallmiller.com.



SKIDMORE



EISENHAUER

James-Bates-Brannan-Groover-LLP announced the addition of Bradley Skidmore as partner and Taylor Eisenhauer and Tiffany M. Weatherholtz as associates. Skidmore has 25 years of experience negotiating and litigating real estate and business transactions. Eisenhauer focuses her practice on business and corporate transactions. Weatherholtz focuses her practice on financial institutions real estate matters. The firm is located at 3399 Peachtree Road NE, Suite 1700; Atlanta, GA 30326; 404-997-6020; jamesbatesllp.com.



WEATHERHOLTZ



WALKER



STEPHENS

FisherBroyles, LLP, announced the addition of Thomas Walker and Beth Stephens as partners. Walker focuses his practice on bankruptcy and restructuring, litigation and commercial litigation. Stephens focuses her practice on health and pharmacy law, insurance and litigation. The firm is located at

945 E. Paces Ferry Road NE, Suite 2000, Atlanta, GA 30326; 866-211-5914; fisherbroyles.com.



PHILLIPS



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BEANE



CARTER



CLIFTON



KAMENSKY



NOVOSEL



SCHLAIRET



VIGILANT



WHITE



YOUNG

Swift, Currie, McGhee & Hiers, LLP, announced the elevation of Jessica M. Phillips, Rebecca E. Strickland and Calvin P. Yaeger to partner, and the addition of Sara Alexandre, Rebecca M. Beane, Avery G. Carter, Clay L. Clifton, Lauren Kamensky, Nichole C. Novosel, Tara P. Schlairet, Kristen M. Vigilant, Ivy R. White and Robert K. Young as associates. Phillips focuses her practice on commercial litigation and coverage issues. Strickland focuses her practice on first party coverage, premises liability, commercial litigation, arson, fraud and intellectual property. Yaeger focuses on automobile and trucking accidents and premises liability, environmental law and construction litigation. Alexandre focuses her practice on catastrophic injury and wrongful death, automobile litigation and premises liability. Beane focuses on commercial litigation, construction law and products liability. Carter practices in the areas of commercial litigation, automobile litigation and premises liability. Clifton focuses his practice on workers' compensation defense. Kamensky focuses on automobile litigation, construction litigation, premises liability and wrongful death. Novosel joins the workers' compensation practice group. Schlairet focuses on workers' compensation. Vigilant practices in the areas of commercial litigation and insurance coverage. White represents employers, insurers, self-insureds and third-party administrators. Young practices workers' compensation and employment law. The firm is located at 1355 W. Peachtree St. NE, Suite 300, Atlanta, GA 30309; 404-874-8800; www.swiftcurrie.com.



Atlanta, GA 30342; 770-379-1450; mendenfreiman.com.



DEAL



MORLOCK



RIGHTLER



TRIGG



EDERLE

MendenFreimen LLP announced the appointment of Brian M. Annino as senior associate attorney. Annino practices business law, estate planning, and trust and estate administration. The firm is located at 5565 Glenridge Connector NE, Suite 850, Atlanta, GA 30342; 770-379-1450; mendenfreiman.com.

Kilpatrick Townsend & Stockton LLP announced the addition of Jennifer Deal, Michael Morlock, Hillary Rightler and James Trigg as partners and Kathryn Ederle as an associate. Deal focuses her practice on intellectual property litigation, including cases involving trademarks and trade dress, unfair competition, false advertising, licensing agreements and internet disputes. Morlock focuses his practice on patent litigation, post-grant proceedings and patent prosecution. Rightler focuses her practice on white collar criminal defense matters. Trigg focuses his practice in the areas of copyright, trademark and entertainment law. Ederle focuses her practice on commercial litigation and white collar criminal defense. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-815-6500; Fax 404-815-6555; www.kilpatricktownsend.com.



RUSNAK



MYERS



FISCHER



CLARK



BIVINS



DREIBELBIS

Drew Eckl & Farnham announced the appointment of David L. Rusnak as of counsel, Amanda Myers as a senior associate and Katelyn Fischer, S. Monique Clark, Shayla J. Bivins and Caryn Dreibelbis as associates. Rusnak focuses his practice on state and federal litigation, risk management and alternative dispute resolution. Myers' practice focuses on workers' compensation. Fischer focuses her practice on civil litigation defense. Clark focuses on litigation representing employers, insurance carriers and third party administrators in workers' compensation matters. Bivins' practice is focused on civil and commercial litigation. Dreibelbis' practice is focused on workers' compensation defense. The firm is located at 303 Peachtree St. NE, Suite 3500, Atlanta, GA 30308; 404-885-1400; www.deflaw.com.



JAMS Mediation, Arbitration and ADR Services announced the addition of Hon. William S. Duffey to its panel. Duffey retired from the bench of the U.S. District Court for the Northern District of Georgia in July 2018. Prior to his judicial career, Duffey specialized in complex commercial, banking and government fraud, and product liability matters. The office is located at One Atlantic Center, 1201 W. Peachtree St. NW, Suite 2650, Atlanta, GA 30309; 404-588-0900; www.jamsadr.com.



SMITH



LINCOLN

Eversheds Sutherland announced the election of Darryl F. Smith and Jesse W. Lincoln as partners and the election of Rob Ellis and Jenny Worthy as of counsel. Smith focuses on electric cooperatives, energy and infrastructure, environmental, finance, securities and corporate governance, public finance and public-private partnerships. Lincoln focuses his practice on litigation, construction and diversified industrials. Ellis focuses



ELLIS



WORTHY

his practice on corporate, securities and corporate governance, mergers and acquisitions, and private investment funds. Worth focuses on real estate and timber and forest products. The firm is located at 999 Peachtree St. NE, #2300, Atlanta, GA 30309; 404-853-8000; us.eversheds-sutherland.com.



BOWCOTT



SILVERMAN

Berman Fink Van Horn P.C. announced the addition of Ashley M. Bowcott and Katherine M. Silverman as associates. Bowcott focuses her practice on business litigation, non-compete/trade secrets, and employment and real estate litigation. Silverman's practice focuses on business litigation, non-compete/trade secrets, and employment and real estate litigation. The firm is located at 3475 Piedmont Road, Suite 1110, Atlanta, GA 30305; 404-261-7711; www.bfvlaw.com.



TURNER



WINNICK

Chamberlain Hrdlicka announced that J. Thompson Turner and Kyle Winnick joined the firm as associates. Turner's practice area is on corporate, securities and finance, estate and income tax planning, and estate administration. Winnick focuses his practice on employee benefits and executive compensation, and labor and employment. The firm is located at 191 Peachtree St. NE, Forty-Sixth Floor, Atlanta, GA 30303; 404-659-1410; www.chamberlainlaw.com.



Finnegan announced that Kevin D. Rodkey was promoted to partner. Rodkey focuses his practice on post-grant review proceedings, including inter partes review and covered business method review proceedings, patent litigation, appeals, prosecution, due diligence counseling and transactions. The firm is located at 271 17th St. NW, Suite 1400, Atlanta, GA 30363-6209; 404-653-6484; www.finnegan.com.



Smith, Gambrell & Russell announced that Susan C. Atkinson rejoined the firm as counsel. Atkinson focuses her practice on health care and corporate law. The firm is located at Promenade, Suite 3100, 1230 Peachtree St. NE, Atlanta, GA 30309; 404-815-3500; www.sgrlaw.com.



Barnes & Thornburg announced that John Koenig was elected managing partner. Koenig focuses his practice on labor and employment law. The firm is located at 3475 Piedmont Road NE, Suite 1700, Atlanta, GA 30305-3327; 404-846-1693; Fax 404-264-4033; www.btlaw.com.



FLAUM



HOM

Nelson Mullins announced the election of Douglas M. Flaum, Dennis Hom, Erin Reeves McGinnis, Joshua F. Reif, Andrew J. Rosenzweig and Cheryl V. Shaw as partners. Flaum's practice focuses on alternative lending and other non-bank financial services, banking and financial services, bankruptcy, creditors' rights and restructuring, commercial and syndicated lending, creditor representation and real estate capital markets. Hom focuses his practice on litigation, premises liability, products liability—consumer and mechanical, products liability—pharmaceuticals and medical devices, and toxic torts. McGinnis focuses her practice on corporate



MCGINNIS



REIF



ROSENZWEIG



SHAW

governance, public company compliance and counseling, real estate capital markets, real estate investment trusts, securities offerings, mergers and acquisitions, investment management, and corporate and securities. Reif focuses his practice on banking and financial services, commercial and syndicated lending, real estate and real estate capital markets. Rosenzweig focuses his practice on commercial litigation and business torts, dispute resolution, litigation, premises liability, products liability—consumer and mechanical, products liability—pharmaceuticals and medical devices, toxic torts, and consumer product safety, risk prevention and regulatory compliance. Shaw's practice focuses on commercial and syndicated lending, commercial leasing,

executive compensation, ERISA, employee benefits, general counsel services, mergers and acquisitions, schools and universities, state and local government relations, and tax. The firm is located at 201 17th St. NW, Suite 1700, Atlanta, GA 30363; 404-322-6000; www.nelsonmullins.com.



BROWN



CLARK



COUNCILL



HERGENROTHER



MACKENZIE



MYERS



ROECKER



ROTTNER



WATERSON

Alston & Bird announced the election of Elizabeth B. Brown, Elizabeth G. Clark, Pamela H. Councill, Jenny A. Hergenrother, Sarah H. Mackenzie, C. Jordan Myers, Nicholas J. Roecker, Jason Rottner and Alison D. Waterson as partners. Brown focuses her practice on commercial, litigation, class action and multidistrict litigation, privacy and data security, antitrust, privacy and cybersecurity litigation, and health care litigation. Clark's practice focuses on litigation and securities litigation. Councill focuses her practice on intellectual property, intellectual property litigation and inter partes, and covered business method review. Hergenrother's practice focuses on litigation, products liability, toxic torts, commercial, class action and multidistrict litigation, and food, drug and device/FDA. Mackenzie focuses her practice on corporate and finance, corporate and business transactions, capital markets and securities, mergers and acquisitions, and private equity. Roecker's practice focuses on finance, corporate debt finance, and corporate and finance. Rottner focuses his practice on litigation, antitrust, class action and multidistrict litigation, commercial, corporate plaintiff's litigation, insurance litigation and regulation, and industrials and manufacturing. Waterson's practice focuses on real estate and REITs, commercial real estate development, sales and acquisitions, corporate and finance enforcement, and workouts and foreclosures. The firm is located at 1201 W. Peachtree St., Suite 4900, Atlanta, GA 30309-3424; 404-881-7000; www.alston.com.

JUDGING PANEL VOLUNTEERS NEEDED FOR 2019 STATE FINALS TOURNAMENT

Saturday, March 16
Athens-Clarke County Courthouse and the Classic Center, Athens

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CLE credit available for serving on a judging panel.

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Contact the Mock Trial Office with questions:

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mocktrial@gabar.org

 **@GeorgiaMockTrial**

 **@GA_MockTrial**





ADAMS



DOWDY

Taylor English Duma LLC announced that Teresa Adams, L. Craig Dowdy and Kendall Minter joined the firm as partners. Adams focuses her practice on litigation and dispute resolution. Dowdy focuses his practice on corporate and



MINTER

business, and litigation and dispute resolution. Minter's practice focuses on corporate and business, intellectual property and entertainment, sports and media. The firm is located at 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339; 770-434-6868; www.taylorenglish.com.

IN ALPHARETTA

Cheeley Law Group, LLC, announced it moved to a new location. The firm is now located at 2500 Old Milton Parkway, Suite 200, Alpharetta, GA 30009; 770-814-7001; www.cheeleylawgroup.com.

IN BUFORD



Chandler, Britt, & Jay, LLC, announced the addition of Dorothy "Dodie" Sachs as an associate. Sachs' practice focuses on family law issues. The firm is located at 4350 S. Lee St., Buford, GA 30518; 770-271-2991; cbjblawfirm.com.

Beck, Zwald & Associates, LLC, announced the addition of Matthew Aldridge as an associate. Aldridge focuses his practice on civil litigation matters. The firm is located at 2711 Buford Highway, Buford, GA 30518; 678-765-8844; www.bzalaw.com.

IN ELLIJAY



The Georgia Public Defender Council announced the appointment of Clint Hooker as the circuit public defender of the Appalachian Judicial Circuit. The office is located at Gilmer County Courthouse, 1 Broad St., Suite 1, Ellijay, GA 30540; 706-698-7322; www.gapubdef.org.

IN MACON



CROMER



COEYMAN

James-Bates-Brannan-Groover-LLP announced the addition of David S. Cromer and Katherine F. Coeyman as associates. Cromer focuses his practice on litigation, insurance defense and financial institutions. Coeyman focuses her

practice on tax, estate planning and corporate matters. The firm is located at 231 Riverside Drive; Macon, GA 31201; 478-742-4280; jamesbatesllp.com.

IN MARIETTA



HENDRICK



BRYCE

Abernathy Ditzel, LLC, announced it has changed its name to Abernathy Ditzel Henrick Bryce, LLC, with the addition of Jordan Hendrick and Mark Bryce as partners. Hendrick's practice focuses on family law, probate law and personal injury. Bryce

focuses his practice on comparative and international family law. The firm is located at 319 Atlanta St., Suite 250, Marietta, GA 30060; 404-596-4991; www.adfamilymatters.com.

IN SAVANNAH



HunterMaclean announced that Mary C. Bostwick joined the firm as an associate. Bostwick focuses her practice on corporate law. The firm is located at 200 E. Saint Julian St., Savannah, GA 31401; 912-236-0261; www.huntermaclean.com.

IN NEW YORK, NEW YORK

Eversheds Sutherland announced the appointment of Doyle Campbell as of counsel. Campbell focuses his practice on corporate, securities and corporate governance, derivatives and structured products, mergers and acquisitions, private equity and private investment funds. The firm is located at The Grace Building, 40th Floor, 1114 Avenue of the Americas, New York, NY 10036; 212-389-5000; us.eversheds-sutherland.com.



Alston & Bird announced the election of Steven R. Campbell as partner. Campbell focuses his practice on litigation, commercial, international arbitration and dispute resolution, energy, and industrials and manufacturing. The firm is located at 90 Park Avenue, 15th Floor, New York, NY 10016-1387; 212-210-9400; www.alston.com.

How Many Lawyers Does it Take . . . ?

BY PAULA FREDERICK

“Help!!!” your partner screams as he rummages through the receptionist’s desk. “I have a pleading due today and I don’t know how to file it!”

“Where’s Darlene?” you ask. “She always handles the eFiling.”

“Darlene’s on her way to the hospital—can you believe she went into labor a month early?” your co-worker replies. “Perfect timing; she was supposed to help me finish up some revisions to this Answer and get it filed for me this afternoon. I’m trying to find our bar numbers and passwords—she’s got to have them written down somewhere.”

“Well don’t look at me,” you respond. “I wouldn’t begin to know how to eFile. Darlene set up my account and I never even asked for the login information! At least we have until midnight to figure it out.”

“Do we?” your partner asks. “I thought the deadline for eFiling was 5 p.m., the same as for filing in person.”

“Mark! Get over here!” you exclaim as you spot your newest associate wandering down the hall. “You’re a techie, surely you know how to eFile!”

“eFile? What’s that?” your associate asks.

As of Jan. 1, 2019, Georgia law requires eFiling for new civil cases in the state and superior courts. Every Georgia lawyer who does business in those courts will need to register for eFiling, and the prudent lawyer will pay close enough attention to be able to file pleadings herself in a pinch.

In 2012 the American Bar Association revised the Model Rules of Professional Conduct to inform lawyers about the need to keep up with changes in technology that affect law practice. The new language is at Rule 1.1, the rule that requires competence in providing representation to a client. Comment 8

provides “[t]o maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology. . . .”

Some ABA members questioned the need for a comment that singles out a specific subject matter, and there was vigorous debate about whether the change was appropriate.

Proponents pointed out that in order to respond to a discovery request for electronic records, a lawyer must have some understanding of how email is collected and stored. To comply with the obligation to protect client information, a lawyer must understand and guard against cyber threats. In the end, the majority of members in the ABA’s House of Delegates were persuaded that the problems experienced by technologically backward lawyers were serious enough to warrant separate language in the Rules.

In Georgia, Rule 1.1 is still written as though it applies solely to contracts and torts, and most lawyers don’t think about technology when they consider competence as a lawyer. That may soon change, however. Georgia’s Disciplinary Rules & Procedures committee recently voted to add the language in ABA Comment 8 to Georgia’s Rules of Professional Conduct. The proposal will proceed to the Board of Governors and then to the Supreme Court for approval before it becomes final and even then, it will be aspirational and not mandatory in Georgia. ●



Paula Frederick

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State Bar of Georgia

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Attorney Discipline Summaries

Nov. 9, 2018 through Jan. 15, 2019

BY JESSICA OGLESBY

Disbarments

David P. Rachel

P.O. Box 857
Mableton, GA 30126

On Dec. 10, 2018, the Supreme Court of Georgia disbarred David P. Rachel (State Bar No. 591601). This matter arose from Rachel's conviction, in the U.S. District Court for the District of Arizona, for one count of conspiracy and 12 counts of money laundering. In a prior appearance of this matter, the Court accepted Rachel's petition for voluntary discipline, suspending him until further order of this Court, pending his appeal of his federal convictions. Rachel acknowledged in his petition for voluntary discipline that his convictions constituted a violation of Bar Rule 8.4 (a) (2), the maximum sanction for a violation of which is disbarment. Rachel's convictions were affirmed by the U.S. Court of Appeals for the Ninth Circuit and his petition for certiorari review was denied by the U.S. Supreme Court.

Suspensions

Amber C. Saunders

P.O. Box 7719
Atlanta, GA 30357

On Dec. 10, 2018, the Supreme Court of Georgia accepted a petition for vol-

untary discipline filed by Amber C. Saunders (State Bar No. 827587), and imposed a 12-month suspension for her conversion of client funds for personal use which violated Rules 1.15 (I) (c) and 1.15 (II) (b) of the Georgia Rules of Professional Conduct.

In her petition, Saunders explains the circumstances leading up to her misuse of the client funds. In 2015, Saunders obtained \$26,283.50 in an arbitration proceeding on behalf of an incarcerated client. She used the portion of the funds to which she was entitled as her fee to purchase a car, but the car broke down. Because Saunders was too embarrassed to seek help, she converted the client's funds for her own personal use to recover from the financial challenges brought on by her former abusive relationship.

In mitigation, Saunders stated that the client has been repaid in full; she has no prior disciplinary history; she cooperated with the disciplinary process by submitting a detailed letter of her misconduct to the Investigative Panel member assigned to the case; her actions were due to extreme emotional distress stemming from domestic violence; she has undergone counseling to rebuild her self-esteem to avoid similar problems in the future;

she otherwise has good character and reputation as shown by letters of support from the legal community; and she is remorseful.

Samuel Williams Jr.

3485 Ellington Way
Atlanta, GA 30349

On Jan. 7, 2019, the Supreme Court of Georgia accepted a petition for voluntary discipline from Samuel Williams Jr. (State Bar No. 764123), the fourth appearance of this disciplinary matter before the Court. In the petition for voluntary discipline, Williams sought a suspension of no less than 20 months, nunc pro tunc to the Nov. 1, 2017, date on which he voluntarily ceased the practice of law. The Special Master issued a report recommending that the Court accept Williams's petition and impose a suspension of 20 months, nunc pro tunc to Nov. 1, 2017.

William's petition arises from his guilty-plea conviction for selling unregistered securities in Alabama, which, Williams conceded, constituted a violation of Rule 8.4 (a) (2) of the Georgia Rules of Professional Conduct.

In mitigation, as stated in an earlier appearance of this matter, In the Matter of Williams, 300 Ga. 781 (798 SE2d

215) (2017), was the near-concurrent bankruptcy of Williams's law firm and diagnosis of his wife with metastatic breast cancer in the fall of 2009; that he has no prior disciplinary history or criminal record; that he served honorably in the military for 20 years; that he self-reported his conviction to the disciplinary authorities and has been cooperative; that his failure to register the securities was negligent and unintentional; that his failure to reject or secure the \$380,000 was negligent and without a selfish motive; that he is sincerely remorseful; that he has attempted to improve his own understanding of the law and to help others avoid the mistakes he made; and that he has complied with all of the terms of his probation. Williams also asserted that the nearly four-year delay between his self-reporting of the violation and the petition for appointment of a Special Master should be considered in mitigation. Additionally, the Alabama prosecutor sent a letter to the State Bar of Georgia saying that Williams was inexperienced at the time, distressed because of his wife's illness and extremely remorseful, and that the trial judge concluded that his involvement in the criminal scheme was minimal.

Although Williams's probation ended in April 2017, he remains under the jurisdiction of the Alabama court with respect to payment of restitution. However, while that case is therefore not truly dismissed but remains on the court's administrative docket, the restitution ordered—\$250 per month against a \$380,000 obligation—reflects the parties' apparent expectation that the obligation would not ever be totally fulfilled, and the Special Master concluded that under Alabama law a restitution default would not subject Williams to additional criminal sanctions, so the criminal portion of his sentence has concluded. Thus, while the status of probation is an important consideration in assessing the appropriate duration of a disciplinary suspension, tying suspension to the restitution obligation in this case could result in the imposition of what would effectively be an endless suspension. ●



Jessica Oglesby

Clerk, State Disciplinary Boards
State Bar of Georgia

jessicao@gabar.org

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

Warren R. Hinds, P.C.

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www.warrenhindslaw.com

Legal Tech TIPS

BY NATALIE R. KELLY
AND MIKE MONAHAN



WHAT the FONT

1 Online Mental Health Service www.iprevail.com

iPrevail is an online mental health service providing health assessments and support peer communities and resources. This online cognitive behavioral therapy service program allows users to take assessments; receive a recommended program of support, guidance and tools from peer coaches; and access peer specialists within larger support communities who have experienced similar circumstances. Take an assessment today at www.iprevail.com and get help with anxiety, depression, eating disorders, grief, panic attacks and stress.

2 PhoneSoap UV Charger and Sanitizer www.phonesoap.com

Physical health is just as important as mental health and with almost everyone walking around with a mobile device in hand, we must be concerned about germs. Enter the PhoneSoap UV Charger and Sanitizer with UV-C lights which kill germs without using liquid, heat or chemical solutions. The unit also charges your device while cleaning it. Prices for mobile phone units start around \$60.

3 Textexpander www.textexpander.com

Having to repeatedly type the same blocks of text over and over when writing emails, word processing documents or even time entries can be grueling. Textexpander lets users create and save “snippets” of text which are generated by typing just a few characters. The service has a free trial with Life Hacker individual accounts starting at \$3.33/month and Team level subscriptions starting at \$7.96/user/month.



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4 WhatTheFont!

www.myfonts.com/WhatTheFont

If you run across a really cool font, but don't know what it is, you can upload a sample into the WhatTheFont service to determine which font you've encountered. The service recognizes PNG or JPG only, but boasts "the world's largest collection of fonts." Their count as of this writing is over 130,000 fonts!

5 Redaction REQUIRED

Embarrassing law firm headlines aside, redaction is one technology skill every lawyer must understand and know how to execute in today's digital world. Services like Adobe's Acrobat DC and Nuance PDF help users learn to apply redaction to highlighted areas of text and images on pages of PDF documents. These PDF services and others like PDFelement share tips on how to use their services. Pair these company instructions with those of the courts or other entities where you are submitting redacted documents, and you should be able to skip being next on the wall of shame! Don't forget the State Bar's Law Practice Management Program can assist with technology training on redaction, too.

6 Talk to Your Kids About Underage Drinking

www.samhsa.gov/underage-drinking

Don't be too busy to talk to your children about difficult subjects. There are apps for that! For example, "Talk. They Hear You" helps you learn the do's and don'ts of talking to kids about underage drinking. The app, created by the Substance Abuse and Mental Health Services Administration, is free and available for download to your phone.

7 Pet Sitter Apps

Staying late at the office or just finding out you've been booked on Delta for a client meeting the next day? What's a pet owner to do? There's an app to help you locate a pet sitter or dog walker. Try Rover or DogVacay, for example. The apps are available free in the AppStore and on Google Play. Find a pet sitter or walker, schedule and pay through the app.

8 Declutter Your Life

www.decluttr.com

Spring is around the corner. Declutter using, well, Decluttr. Turn your old books, vinyl, gaming software, hardware and more into spending cash.

9 Get a Clean House

While you are out of town and your pet is with a sitter, what better time than to schedule a tidy-up for your house? Try apps like Handy or Merry Maids, available in the App Store or on Google Play.

10 Think About Personal Safety

getbsafe.com

Personal safety is a concern for many lawyers. There are SMS services and apps you can use to keep your friends and family updated on your whereabouts when you travel, meet with clients or are just out running or socializing. Check out an SMS service like Kitestring that lets you set up text alerts to yourself and friends when you are on the go. There are safety apps like bSafe that are available in the App Store or on Google Play. Apps like bSafe allow you to set up automatic timers, alerts and SOS messages (in addition to your phone's 911 capability).

Testimonial



Mike Monahan
Director, Pro Bono Resource Center

Noelle
Loyal friend and escape artist

DogVacay

I'm happy to recommend DogVacay. We recently had to board our little doggie. We used the DogVacay/Rover App to locate a sitter and boarding for a week's stretch. I typed in our zip code, selected the level of service and size of our dog, and immediately received a list of 35 potential sitters in our zip code along with the starting price. The app provides reviews as well. Easy!



WWW.PHONESOAP.COM

Reaching Your Business Goals in 2019

The practice of law is a business and focusing on it as such is just the beginning. Your path to better business in 2019 can start with utilizing the services of the Law Practice Management Program.

BY NATALIE R. KELLY

The New Year is zooming by so fast.

It seems like just yesterday we were looking at setting goals for the New Year and here we are in February. The resolutions you set (or didn't) may feel like they have been relegated to the back burner, but it's never too late to work on your business goals. Whether you are the lead partner in a small boutique firm with visions of higher profits or a newly-knighted senior associate working for a much larger contribution to your firm and shooting for partnership, you can receive business



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help from the Law Practice Management Program. Lawyers who've learned about the Law Practice Management Program are always intrigued with the number of business management resources available to them with just a simple ask.

If you don't know where to start, here's a list of key points about the program and its services.

Practice Management Consultations with Legal Technology Assessments and Business Planning

The low-cost, confidential management consultations offered assess your business needs and provide actionable advice to help you make progress in your practice. The service now requires the completion of a legal technology assessment (LTA). While you may initially hesitate at the idea of completing testing modules and working through training guide answers to determine proficiency in basic technologies such as word processing, spreadsheets and PDFs, it's an important part of the process. The LTA uses those results to help change the course of your practice as it relates to overall productivity and efficiency as it works to shore up any deficiencies you or your staff might have with law firm technologies.

The consultation process focuses on what's wrong with the firm's policies and procedures for management, finances, technology and business development. It works best when Bar members and their staff fully engage in the process. While some of the information provided seems like common sense knowledge that could be picked up anywhere, the customized assistance you receive is keenly focused on a firm's very specific concerns and pain points. Firms that take advantage of the service can easily see gains as they work to continue firm growth, better manage staff and resources, and ultimately prosper in their law practice business.

Member Benefits Programs

The State Bar of Georgia is continually working to provide our members with

benefits that can help both professionally and personally. To that end, you should know what your Bar is doing for you to help you reach your business goals effectively. Three of our most visible member benefits include Fastcase—free online legal research; Member Benefits, Inc., a comprehensive insurance brokerage service; and CloudLawyers, the enhanced membership directory that helps the public find a lawyer. Vendors who provide other benefits to our members can be located through the Online Vendor Directory or just by talking with a LPM staff member. Simply knowing what benefits are available can be a resource for your business.

Resource Library Business Titles

Boasting more than 1,500 items, the program's resource library is arguably the largest in the country, containing books, DVDs and periodicals covering a wide range of practice management and business topics. We love to recommend resources that can help members with their individual business decisions.

The library is kept up to date with newer business-focused titles like: "Smarter Pricing, Smarter Profit; Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law"; "The Early-Career Guide for Attorneys: Starting and Building a Successful Career in Law"; "The Associate as Rainmaker: Building Your Business Brain"; "Accelerating Lawyer Success: How to Make Partner, Stay Healthy, and Flourish in a Law Firm"; "Legal Project Management: Control Costs, Meet Schedules, Manage Risks, and Maintain Sanity, Second Edition"; "Building a Better Law Practice: Become a Better Lawyer in Five Minutes a Day"; "The Lawyer's Guide to Creating a Business Plan"; and "How to Build and Manage . . . (a practice-area series covering Family Law, Personal Injury, Estate Planning, Entertainment Law, Environmental Law and Real Estate)." Check one out today and decide whether you want to include the title in your own library. Just knowing you can build your own library by starting here can be a plus for reaching your business goals.

Program staff are also keenly aware of the growing number of external resources which can benefit members. For instance, many of the library items just mentioned are from ABA Publishing and can be purchased by Georgia lawyers at a discount. Just ask for Georgia's ABA book discount code. Other external resources come in the form of legal podcasts, blogs, periodicals and even business management consultants for business development and coaching. The list of products and services expands almost daily; the program can help point out those to help with your unique business needs. Whether it's what one needs to open a practice after years of working elsewhere or what's needed for someone coming to practice just out of law school to managing the day-to-day activities of a thriving practice to closing down and retiring, the Law Practice Management Program's Resource Library is an invaluable tool for success.

Business Planning from the Start

The startup kit "Starting Your Georgia Law Practice" is one of the most requested items by Bar members. Even lawyers who have been in practice for many years find its information useful. The program generally recommends lawyers use this office startup kit alongside a written business plan to get your practice off the ground and moving. Need help with a business plan? Check out The Lawyer's Guide to Creating a Business Plan, a downloadable program that automates creating a law firm business plan, available in the library.

The practice of law is a business and focusing on it as such is just the beginning. Your path to better business in 2019 can start with utilizing the services of the Law Practice Management Program. Contact us today for more information and assistance. ●



Natalie R. Kelly

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State Bar of Georgia

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What's Your Change Score?

Each of us is a part of the solution that ensures people who need access to a lawyer get a lawyer. Do Justice. Do 50. Be the change.

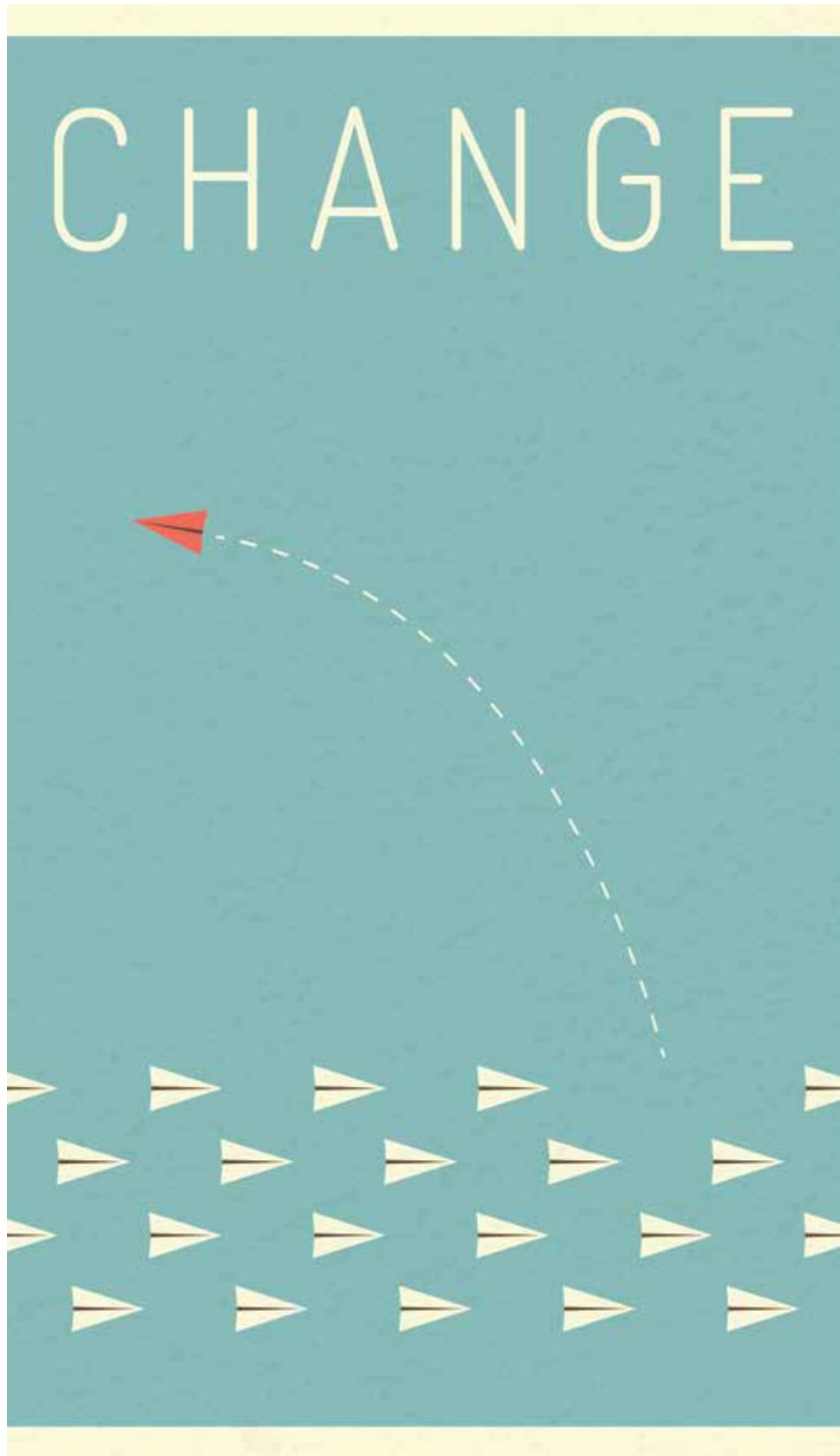
BY MIKE MONAHAN

I don't know about you, but I'm feeling challenged by changes in my profession that seem to pile up one on another. When I think I am adjusting to one change, one or two more appear.

Two decades ago when I started working on pro bono and access to justice issues, the work was pretty much paper driven, involved the use of the telephone or fax machine and a Rolodex. We cold-called lawyers across Georgia asking them to handle divorces, child support cases and bankruptcies. Twenty years ago, we were not shy about detailing the difficulties the clients faced or about the potential ugly outcomes should the client not find a lawyer.

The need for critical, basic legal services for low-income households remains overwhelming today. The challenge 20 years ago was finding data about legal needs of the poor and marginalized. Today, we have data, and it presents compelling reasons for change in the way we look at access to justice. Today we talk about pro bono in the language of opportunity.

Our Georgia Legal Needs Study,¹ published nine years ago, shows that 60 percent of low and moderate-income households experience at least one legal problem each year, yet studies show that the collective civil legal aid effort meets only about 20 percent of the needs of these low-income Georgians.



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PRO BONO STAR STORY

DENISE VANLANDUYT

BY LAURIE RASHIDI-YAZD



Denise VanLanduyt
Founding Partner
VanLanduyt Giles Greer, LLC

The 2017 Justice Gap Report² of the Legal Services Corporation found that 86 percent of the civil legal problems reported by low-income Americans received inadequate or no legal help. Developing research in Georgia indicates there are currently 1.1 million self-represented litigants in Georgia courts. It's a safe guess that many are self-represented not by choice but by financial circumstance. Further, the 2016 Justice Index, published by the National Center for Access to Justice, places Georgia far down the list at No. 36 out of 50 states and the territory of Puerto Rico.³ Our "Attorney Access" score in the Justice Index is just 3.069 out of 100.

As a lawyer, you should score yourself in providing access to a legal remedy for people in your community. If out of every 10 people who come to you in a month who can't afford your hourly rate or retainer you serve two, do you know what happens to the eight whom you declined service? If you do, give yourself 10 points. Do you partner with agencies in your community to provide holistic services? If so, give yourself another 10 points. Are you part of a referral network? 10 points. Have you created a plan with your local legal aid program for participation in pro bono, advice clinics or online advice? That's 25 points. Have you completed your "Find a Lawyer" profile on the State Bar of Georgia website? Again, 25 points.

Each of us is a part of the solution that ensures people who need access to a lawyer get a lawyer. Every lawyer has a professional responsibility to provide legal services to those who are unable to pay. Under Georgia Bar Rule 6.1, a lawyer should aspire to render at least 50 hours of pro bono legal services per year and contribute financially to support legal aid programs. There is nothing new about this aspirational goal. What is very different now is that the aspirational pro bono goal for lawyers is viewed within a much more expansive access to justice "triage" context in which the organized bar, courts, legal aid and nonprofits work together to assure that every person coming into the civil legal system receives an appropriate level of service.

You may think that pro bono service means you are on the hook to handle a

Denise VanLanduyt is a founding partner of VanLanduyt Giles Greer, LLC. She has practiced family law for 15 years and is a frequent speaker on legal issues impacting all types of families and children. VanLanduyt is a trained mediator and arbitrator for family disputes. Active in the DeKalb Bar Association, she helped form and found the Family Law Section of the DeKalb Bar Association. She is a past president of the DeKalb Bar Association and is actively involved with the Board for the DeKalb Volunteer Lawyers Foundation. VanLanduyt serves on the Atlanta Legal Aid Service Council and is a frequent volunteer.

"As lawyers, we are extremely fortunate to do what we do. I be-

lieve we are each called to apply our skills to purposes, causes and individuals beyond our firm doors. So, my helping to forge a partnership between Atlanta Legal Aid and Action Ministries who operate the Women's Community Kitchen at Grace United Methodist Church just made sense. Working with Legal Aid to host legal clinics during the Women's Community Kitchen, which provides lunch with grace and hospitality, fills a void for women and children experiencing transitions; specifically, with housing. I am proud of my work with Legal Aid and am honored to give of my time to help the women and children in our community who are most in need."—Denise VanLanduyt

divorce from start to finish. Yes, our pro bono and legal aid programs and their clients would certainly appreciate your help with divorces. But pro bono services are changing and we hope you have noticed. You can also spend two hours on a Friday or Saturday at a free legal advice and brief services clinic near you or you could go visit your local courthouse law information center to volunteer. Volunteer on a helpline or train volunteers in your area of expertise.

Check out our volunteer support sites—GeorgiaAdvocates.org and LegalAidProBono.org. We'll show you options.

Due Justice. Do 50. Be the change. ●



Mike Monahan

Director, Pro Bono Resource Center
State Bar of Georgia

mikem@gabar.org

Endnotes

1. https://www.google.com/url?sa=t&rc=t=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwj1ipWXkf_fAhUGGt8KHTZTAHAQFjAAegQIChAC&url=https%3A%2F%2Fwww.americanbar.org%2Fcontent%2Fdam%2Faba%2Fadministrative%2Fdelivery_legal_services%2Fdownloads%2Fgeorgia_legal_needs_study.pdf&usg=AOvVaw3P90txDeeDK3qYM5AQABm8
2. <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>
3. <https://justiceindex.org/2016-findings/findings/#site-navigation>

State Bar Construction Law Section Building Its Membership

In November, the State Bar of Georgia's Board of Governors approved the creation of a new section, the Construction Law Section. The *Journal* sat down with three members of the Bar who proposed the section: Peter Crofton, Greg Smith and Darren Rowles. Here is what they say about the section and why you should support it.

GBJ: *What is the purpose of the Construction Law Section?*

DARREN: The Construction Law Section is a place for Georgia lawyers to meet and exchange information relating to construction issues. Many Georgia lawyers deal with construction-related issues as part of their practice, even if their practices do not focus on serving the construction industry. This section allows all of these lawyers to network and exchange information and ideas concerning a wide range of construction issues. This includes in-house attorneys, attorneys in firms and attorneys with government entities. This section will assist attorneys across the state who work on construction contracts, disputes or regulatory/compliance issues.

GBJ: *Why is there a need for the section for the State Bar of Georgia?*

GREG: Georgia has many lawyers and specialty groups and firms that practice construction law. In fact, many consider Georgia to be the birthplace of the construction law practice. Construction spending topped \$15 billion in Georgia last year, not including residential construction spending. Georgia is aggressively seeking new businesses and industries,

seeking to grow existing ones and seeking to expand the workforce that powers these companies. Attorneys across the state are involved with the construction that makes this growth possible—from new offices in the metro-Atlanta area to new plants and distribution centers in Savannah and Albany. And new live-work-play centers are springing up in many communities in the state. The frequency of large projects in the metro area and easy access to air travel contributed to making Atlanta a hub for construction-related legal activity. Increasingly, however, lawyers outside of metro-Atlanta, and lawyers with a more generalized practice than just construction, can benefit from information about construction-related legal topics. This section creates a statewide network of attorneys working on the same type of issues.

GBJ: *What are some trends and legal issues those in the construction industry are facing?*

PETER: The construction industry is changing rapidly. Skilled and unskilled labor and specialty tradespersons such as electricians and plumbers are increasingly in demand as construction is ramping up and the supply of skilled



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Peter M. Crofton is a partner in the Construction Law Practice of Smith, Gambrell & Russell, LLP.



Greg K. Smith is counsel in the Construction and Government Contracts Practices at Smith, Gambrell & Russell, LLP.



Darren G. Rowles is an associate in the Construction Law, Litigation and Sustainability Practice of Smith, Gambrell & Russell, LLP.

tradespersons dwindles. New materials and new equipment such as drones and 3D modeling are changing the way projects are built. Fluctuations in material costs remain a concern due to tariffs on imported materials, such as steel. Infrastructure projects such as roads and ports are increasingly critical as goods are manufactured and transported across the states, the nation and the world.

GBJ: *Are there issues and trends specific to Georgia?*

GREG: Georgia and neighboring states such as Florida, South Carolina and Alabama are seeing similar challenges and opportunities in their construction markets. Contractors and laborers often cross state lines to perform work. Georgia's ports, roads and railroads are used by manufacturers and retailers across the country. Cities such as Atlanta, Charlotte, Birmingham and Miami are seeing booming housing markets. As a result, Georgia lawyers often work with lawyers in our sister states as projects are constructed.

GBJ: *Is the section only for construction attorneys or can anyone join?*

DARREN: This section is not just for construction attorneys. It will benefit anyone with clients involved in the construction industry. This includes owners, developers, design-builders, construction managers, general contractors, subcontractors, suppliers and designers (architects and engineers).

GBJ: *How will the section assist its members?*

PETER: The Construction Law Section provides a place for the many attorneys involved in these development projects to access information about construction-related legal issues while building a community of Georgia lawyers who deal with construction issues, either daily or occasionally. The section offers its members a place to:

- Find articles and other resources concerning construction topics in Georgia;
- Foster collaboration and networking between lawyers who address construction-related issues;
- Serve as a conduit to the State Bar and the state government concerning statutory or regulatory issues that require attention;

- Work with other state bars to provide educational opportunities to address construction-related issues of a cross-border nature;
- Offer social gatherings for attorneys that allow construction law practitioners to build relationships that improve civility in the Bar;
- Host forums and blogs that allow members to share ideas about breaking topics and issues; and
- Provide outreach to underserved participants in the construction industry, especially Hispanics who account for approximately 40 percent of the industry.

GBJ: *How does somebody join the section?*

PETER: You can join now by visiting www.gabar.org and logging in to your member profile. You can also join the section when you renew your Bar dues. ●

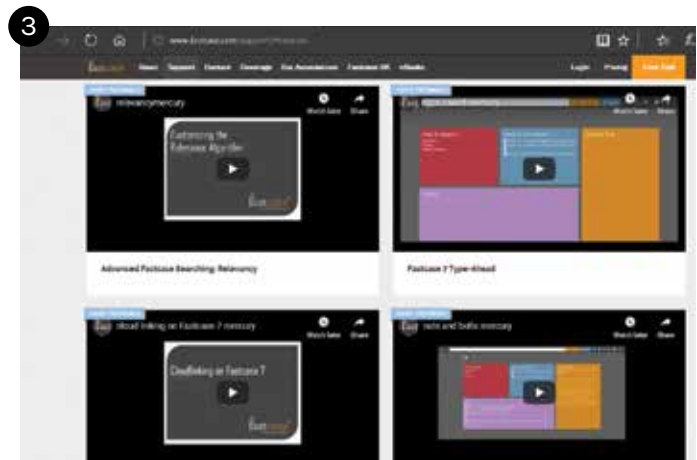
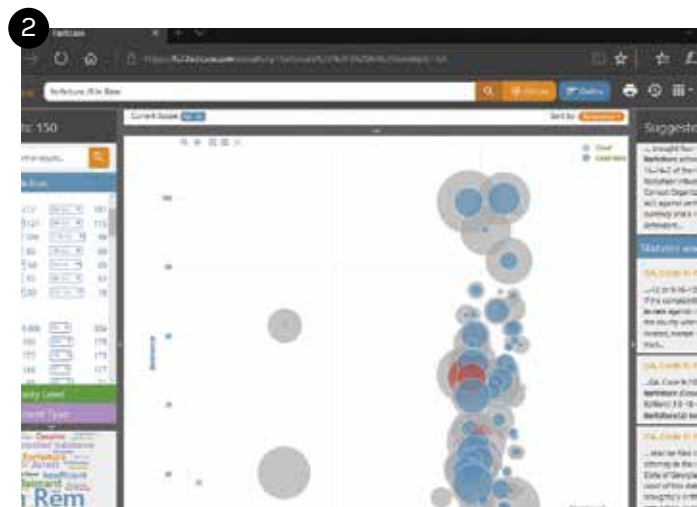
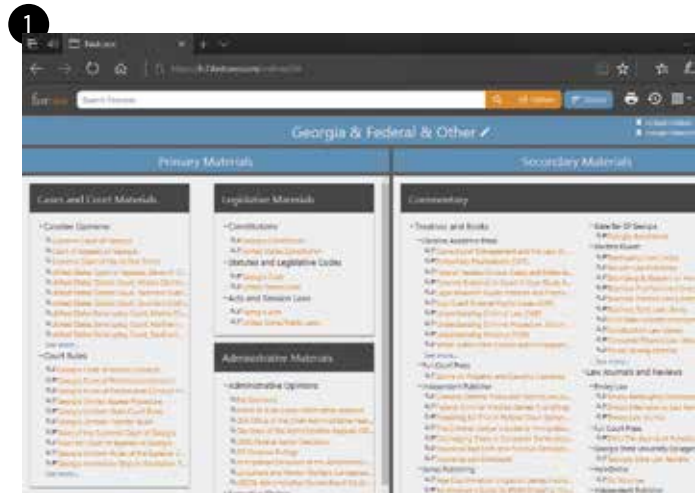
Ready to join? Visit www.gabar.org > Member Login > Section Membership > Join Sections. Questions? Email maryjos@gabar.org or pcrofton@sgrlaw.com.

Fastcase 7— Five Things That Make It a Great Member Benefit

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

BY SHEILA BALDWIN

Fastcase 7 (FC7) was first introduced to the members of the State Bar of Georgia in Nov. 2016 with the latest version debuting in Oct. of 2018. If you were a first adopter and haven't recently logged in to the latest version, you may want to give it a second look. I think you'll find it's worth investing a little time to discover why it's been well received by legal technology experts. The FC7 update, referred to as Fastcase 7.3, cleared up some of the kinks and awkward visual displays that hampered ease of use in the beta version. Most of us hate change, but when we take time to look at the big picture, we are often pleased to discover the new look or new way of doing things will serve us well. Hopefully, Fastcase 7 will prove to be one of these happy



discoveries. This article introduces some of my favorite changes, and I hope this encourages you to give it a shot.

Browse Libraries

Searching data by keywords is a useful and necessary way to find legal materials, but sometimes it's good to be able to see statutes or rules by going to the source to view it in an indexed format. Select Outline in the toolbar that runs along the top of your screen from the homepage and then pick the jurisdiction by state from the map. A screen will appear with primary and secondary materials (see fig. 1). The case opinions are not indexed but statutes, rules and regulations will be and will also include archives.

Bottomless Searching

Results now show up in the middle column after you enter your query and run the search. They collect and sort by way of relevance unless you change to another option available from the Sort By tab on the upper right of your results screen. In the past you had to click through pages to get to the next group of 20 results; now they collect in an endless list. This saves time and makes them easier to view because you won't have to wait for a page to refresh in the event you have a poor internet connection.

History

Fastcase 7 holds the most recent 10 searches on the personalized start page. To find additional history, click on the refresh clock icon on the toolbar at the top right for access to each search you have conducted. The tab on the left of the screen also includes your document history, listing documents such as cases, statutes or rules that have been viewed and not limited to 10 as in Fastcase 6. The Favorites tab contains those you choose to save and are also limitless. To rerun the search or open a document, click on the icon on the far right of the item.

Interactive Timeline with Red Bubbles

The interactive timeline is a powerful data visualization tool unique to Fast-

case. To view the timeline with maximum effectiveness, expand to full screen by clicking on the up arrow at the top of the interactive box. Each case in your results list is represented on the timeline by a circle, the larger the circle, the more times it's been cited. The gray circle indicates how many times a case has been cited overall. The blue circle indicates how many times a case has been cited by a case in your list of results, thus creating a super relevant set of cases due to having the same search terms. Forecite cases are those that appear in your results not in response to your query, but by the fact that they are most common to all cases in your results list. The legend on the top right side of the timeline allows you to view any set of these cited cases by clicking on the corresponding term. Additionally, Fastcase now flags cases that indicate negative history by showing them as a red circle (see fig. 2).

Tutorials

The Fastcase support page continues to add more teaching aids that are accessible at any time. The tutorials are especially useful because they explain features in short clips which allows you to get right to the information that you need. The five-minute tutorial "Nuts and Bolts: Short Demonstration of Searching," would be a good one to start with. All tutorials are accessible from the tutorial link under the help menu, located under the question mark icon on the top right of the page (see fig 3).

If you find you're not taking advantage of this valuable member benefit, please sign up for in-person training here at the Bar or participate in a webinar by Fastcase experts; CLE credit is available for either option. ●



Sheila Baldwin

Member Benefits Coordinator
State Bar of Georgia

sheilab@gabar.org

State Bar of Georgia

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Small Changes, Big Impact

Making these small changes can help you think about the goals of writing more efficiently and effectively.

BY KAREN J. SNEDDON
AND DAVID HRICK

Expert legal writers take time to reflect on the writing process and are thoughtful about approaching writing, considering how to further enhance and refine their legal writing skills. That includes thinking about the goals of writing more efficiently and effectively. This installment of “Writing Matters” shares seven small changes that will help you reach both goals.

1 Monitor Adverbs

An adverb modifies or qualifies a verb, adjective or other adverb, and they often end in “ly.” They are useful, but the general rule of legal writing applies to them: do not use two words when one will do. Adverbs violate that rule when used to bolster a weak word. *He drove quickly through the intersection* is fine, but *He sped through the intersection* is better.

In addition, adverbs mask undeveloped ideas, analysis or arguments. The two adverbs that often signal this are “clearly” and “obviously.” Telling the reader a point is “clear” or “obvious” is not necessary if it is so. Don’t let adverbs stop you from explaining the steps, the policies and assertions.

Monitoring for adverbs will make your writing more effective. To efficiently do so, search your writing for “ly” to spot them, and see if you’re letting adverbs get in the way of the best word. Use adverbs deliberately.

2 Favor the Active Voice

Good writers often caution against using the passive voice because it is viewed as inefficient, weak or potentially vague. For example, the following sentence is written in passive voice: *The*



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email was written by Nora. Nora performed the action but only appears at the end of the sentence. In contrast, the sentence leads with the object of the sentence, what Nora created. Not only are passive constructions usually longer, they can be inefficient because our brains favor information presented first and so the email, not Nora, is prominent. *Nora wrote the email* is a crisp four word sentence that leads with the actor, a strong verb, and concludes with the object of the action.

So review for passive constructions. On occasion, passive voice can be used to emphasize the object of the sentence. Favoring active voice allows you to deliberately use passive voice when passive—not active voice—is the better choice.

3 Limit “it is” and “there are” Constructions

Legal writers should favor strong sentence constructions. Two weak sentence constructions use “it is” and “there are.” Both constructions allow for what is called a delayed subject: the subject of the sentence is introduced late in the sentence. Consider the following sentence: *It was the committee who held the meeting.* The “it is” construction delays the presentation of the actor. *The committee held the meeting* or *The committee met* are clearer and shorter.

The “it is” and “there are” constructions can also attract unnecessary words and dilute the meaning of sentences. Consider the following sentence: *It is important to create strong sentences.* The “it is” construction delays the presentation of the key part of the sentence. *Create strong sentences.* Legal writers always aim for that goal, and so review your writing for these weak constructions and eliminate them.

4 Embrace Thoughtful Paragraphing

Paragraphs help writers develop complete analysis and arguments by bundling to-

gether related sentences. A strong paragraph includes the information critical to the purpose of that paragraph. The first sentence of the paragraph, called the thesis sentence, establishes the focus of the paragraph. Each sentence then relates to the thesis sentence by providing relevant reasons, explanations and examples. A strong paragraph then concludes with a final sentence, called the takeaway sentence, which may signal the end of an idea or connect the paragraph to the next paragraph.

Length is not key: there is no “right” number of sentences, and short paragraphs are not necessarily strong paragraphs. Rather than adhering to arbitrary rules about the number of sentences in a paragraph or the number of paragraph breaks per page, review your paragraphing from the reader’s perspective of what information should be packaged together.

5 Vary Sentence Length

Legal writing can become dense with complex ideas presented with increasingly complex syntax. Those complex sentences can become long and maddening and so difficult for the reader to comprehend. Readability and comprehension studies suggest that most sentences should be less than 25 words long. Those studies also show that a reader is more engaged with text if the sentence length varies.

Good legal writing eliminates long constructions and separates dense sentences into multiple sentences. See how you are doing. Select a page you recently wrote and calculate the average number of words in each sentence and look for a variety of sentence lengths.

6 Use a Variety of Transitions

We all have favorite phrases that reappear throughout our writing. This is

especially true when writers select transition words and phrases. Just look over a text you recently created. Does “moreover” appear repeatedly? Are you a fan of “additionally” or “in contrast”? See “however” in every paragraph?

Transitions help readers navigate the text by underscoring how the topics, ideas, concepts, rules, policies and facts relate to each other. Relying on the same transition can lose the reader. So, again, look at a page you recently finished to see if you are repeating the same transitions. If so, find alternatives.

7 Include Key Quotations

Language is critical in legal writing. For that reason, legal writers frequently need to include quotations from statutes or cases, or from documents, such as transcripts or contracts. Despite the need for and authoritative power of quotations, use them sparingly to achieve the greatest impact. Rather than quote, paraphrase the concept or point. Save the quotations for the critical language, and use short, to-the-point quotations not block quotes.

So, again, take a look at something you just wrote. Are you a slave to quotations? And, above all, beware the bland block quotation—studies show that readers actually skip over them! ●



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



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.

Convocation on Professionalism and the Global Community

The purpose of the Convocation was to model professionalism while discussing a high-conflict issue and to demonstrate the ways in which attorneys have implemented “A Lawyer’s Creed” and the “Aspirational Statement” in their work with the global community.

BY LESLIE E. STEWART



PHOTO BY DON MORGAN PHOTOGRAPHY

Supreme Court of Georgia Chief Justice Harold D. Melton

On Nov. 30, 2018, the Chief Justice’s Commission on Professionalism (the Commission) held its Convocation on Professionalism (the Convocation) at Atlanta’s Porsche Experience Center. This year, the Convocation theme was Professionalism and the Global Community, which focused on the professionalism values of competence, civility, character, and commitment to the rule of law and the public good. The purpose of the Convocation was to model professionalism while discussing a high-conflict issue and to demonstrate the ways in which attorneys have implemented “A Lawyer’s Creed” and the “Aspirational Statement” in their work with the global community. The event, which was sponsored by Squire Patton Boggs, Miller & Martin PLLC and Alston & Bird LLP, was well-received by the attendees. The speakers included an array of notables and dignitaries with ties to Georgia, beginning with Supreme Court of Georgia Chief Justice Harold D. Melton, who urged the attendees to demonstrate professionalism through service to their community, a key element of “A Lawyer’s Creed” and the “Aspirational Statement.”

The first panel, “Overview of the Global Community in Georgia,” was facilitated by Javier Díaz de León, Consul General of Mexico. Two judges, Hon. Meng H. Lim, Tallapoosa Circuit Superior Court, and Hon. Dax E. Lopez, DeKalb County State Court, spoke movingly about how their judicial careers have been influenced by their experiences of straddling two cultures. Abby Turano, deputy commissioner for International Relations, Georgia Department of Economic Development, explained how and why Georgia welcomes foreign businesses to Georgia.

The second panel, “A View from General Counsels of Companies Doing International Business,” was moderated by Shelby S. Guilbert Jr. from King & Spalding. The panelists, including Angus M. Haig, senior vice president and general counsel for Cox Automotive, and Ricardo Nuñez, senior vice president and general counsel for Schweitzer-Mauduit International, described their challenges and how core values affect their roles as international general counsels. Audrey Boone Tillman, executive vice president and general counsel for AFLAC, portrayed the challenges and successes of being a woman of color supervising attorneys in Japan. Joseph Folz, vice president, general counsel and secretary for Porsche Cars North America, shared his experiences working for a German-based company.

The third panel, “The Business Pros and Cons of Developing a Formal Working Relationship with an International Lawyer or Law Firm,” was facilitated by Petrina A. McDaniel from Squire Patton Boggs. Tricia “CK” Hoffer, principal at The CK Hoffer Firm, regaled the attendees with her vivid descriptions of being threatened by automatic gunfire as a result of a cultural miscalculation while she represented an un-named government. Therese Pritchard, from Bryan Cave and Robert Tritt, Dentons US LLP, discussed the necessity of retaining competent local counsel in international cases.

The Convocation’s keynote speaker, Randolph “Randy” Evans, U.S. Ambassador to Luxembourg, described his humble beginnings in Georgia and how the values instilled in him by his family continue to influence the way in which he deals with his professional duties—of treating each person with respect and dignity.

After lunch, the next panel, “What Lawyers Need to Know about Labor Trafficking,” focused on the darker side of doing business in the global community. The moderator, Hon. Richard Story, judge, U.S. District Court, Northern District of Georgia, oversaw a lively discussion between Norm Brothers, senior vice president and general counsel for UPS; Susan Coppedge, former U.S. Ambassador-at-Large, the Office to Monitor and Combat Trafficking in Persons, and senior advisor to the Secretary of State (Ret.); and Jay Doyle of Lewis Brisbois Bisgaard & Smith LLP. This panel focused on the way in which government and private business have collaborated to combat the scourge of human trafficking.

The attendees were then treated to a presentation on “An Overview of Professionalism in Immigration Cases” by James McHenry, director of the Executive Office for Immigration Review at the Department of Justice, who unpacked the complex hearing procedures surrounding this timely topic.

The second afternoon panel, “Emerging Issues and Pro Bono Opportunities for Attorneys as a Result of Changes in Immigration Laws,” was moderated by Phil Sandick from Alston & Bird. The panelists were Audra Dial from Kilpatrick Townsend & Stockton, Jorge Andres Gavilanes from Kuck Baxter, Monica Khant, executive director of the Georgia Asylum and Immigration Network, and Willis Linton Miller from The Latin American Association. During this panel, the speakers touched on the need for pro bono assistance on these important cases due to an upsurge in work and the conse-

quent burnout on the part of those working full time in this area.

The final panel of the day, “Ethics, Regulatory and Procedural Issues in International Practice,” was facilitated by Shelby R. Grubbs, from Miller & Martin. Along with Paula Frederick, general counsel of the State Bar of Georgia and Ben Greer Jr., retired partner at Alston & Bird, the presenters discussed the competing ethical standards that attorneys must negotiate in international work and the necessity of adhering to Georgia standards regardless of cultural or ethical differences.

The Convocation offered a marvelous opportunity for in-person attendees to learn about how the principles of professionalism impact our legal work in the global community. Commission member Hon. Carla McMillian, Court of Appeals of Georgia, tweeted throughout the day at @cjcpga in English and Spanish with the help of Commission member Maria F. Mackay, a Georgia certified interpreter who provided Spanish interpretations of the proceedings for McMillian to tweet. Commission advisor Jennifer Davis and Commission liaison Dee Dee Worley provided invaluable “behind the scenes” staff assistance for the event throughout the day. The Commission staff was grateful for the support of the Commission members and other Convocation contributors and planners who provided invaluable assistance for this immensely successful Convocation. More information about the Convocation and other upcoming Commission events, including the 20th Annual Justice Robert Benham Awards for Community Service, is available on the Commission’s website at www.cjcpga.org. ●



Leslie E. Stewart is a child welfare attorney and has served as a Supreme Court Fellow on Georgia’s Cold Case project since March 2009 and is also a contractor with the Chief Justice’s Commission on Professionalism.

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.

WENDELL B. ALCORN JR.
Williamsburg, Virginia
University of Houston
(1969)
Admitted 1975
Died September 2018

ABRAHAM ALHADEFF
Atlanta, Georgia
Atlanta's John Marshall
Law School (1959)
Admitted 1961
Died April 2018

JAMES H. BRATTON JR.
Atlanta, Georgia
Yale Law School (1956)
Admitted 1957
Died January 2019

JOSEPH H. BRILEY
Gray, Georgia
Mercer University Walter
F. George School of Law
(1961)
Admitted 1961
Died December 2018

JACK T. BRINKLEY JR.
Columbus, Georgia
Mercer University Walter
F. George School of Law
(1981)
Admitted 1981
Died November 2018

RUSSELL D. COLTON
Sandy Springs, Georgia
Woodrow Wilson College
of Law (1962)
Admitted 1962
Died August 2018

KELLY O'MALLEY COOGAN
Atlanta, Georgia
Indiana University
Maurer School of Law
(1994)
Admitted 1997
Died December 2018

WILLIAM H. DODSON II
Atlanta, Georgia
Emory University School
of Law (1972)
Admitted 1972
Died January 2019

ROBERT M. DRAKE
Albany, Georgia
University of Georgia
School of Law (1952)
Admitted 1952
Died June 2018

NICHOLAS G. DUMICH
Marietta, Georgia
Samford University
Cumberland School of
Law (1977)
Admitted 1977
Died November 2018

ANDREW W. ESTES
Brasstown, North Carolina
Emory University School
of Law (1968)
Admitted 1968
Died November 2018

CICERO GARNER JR.
Panama City Beach,
Florida
University of Georgia
School of Law (1961)
Admitted 1960
Died November 2018

JULE B. GREENE
Macon, Georgia
Mercer University Walter
F. George School of Law
(1950)
Admitted 1950
Died November 2018

STEPHEN W. IRVING
Clarkston, Georgia
Mercer University Walter
F. George School of Law
(1979)
Admitted 1979
December 2018

DON M. JONES
Loganville, Georgia
University of Alabama
School of Law (1961)
Admitted 1972
Died November 2018

BRUCE W. KIRBO
Bainbridge, Georgia
University of Georgia
School of Law (1951)
Admitted 1951
Died December 2018

JEFFERSON D. KIRBY III
Pawleys Island,
South Carolina
University of Virginia
School of Law (1964)
Admitted 1968
Died December 2018

RICHARD EARL KRAMER
Tallahassee, Florida
Stetson University
College of Law (1986)
Admitted 1991
Died November 2018

DARYL G. LECROY
Atlanta, Georgia
Woodrow Wilson College
of Law (1973)
Admitted 1973
Died October 2018

LYNWOOD A. MADDOX
Atlanta, Georgia
Atlanta's John Marshall
Law School (1954)
Admitted 1954
Died December 2018

CHRISTINE MARIE MANNO
Blairsville, Georgia
California Western School
of Law (1996)
Admitted 2017
Died November 2018

**THOMAS BALDWIN
MARTIN JR.**
Macon, Georgia
Northwestern University
Pritzker School of Law
(1950)
Admitted 1948
Died April 2018

JON B. MCPHAIL
Alpharetta, Georgia
University of Virginia
School of Law (1982)
Admitted 1982
Died January 2019

MICHAEL JOSEPH MILLER
Douglasville, Georgia
Samford University
Cumberland School of
Law (2000)
Admitted 2000
Died November 2018

GERALD S. MULLIS
Macon, Georgia
Mercer University Walter
F. George School of Law
(1951)
Admitted 1951
Died July 2018

MEYER H. ROSE
Atlanta, Georgia
Woodrow Wilson College
of Law (1981)
Admitted 1981
Died November 2018

WILLIAM NELSON SEARCY
Savannah, Georgia
University of Georgia
School of Law (1967)
Admitted 1967
Died December 2018

J. DAVID SMITH
Clayton, Georgia
University of Georgia
School of Law (1981)
Admitted 1981
Died December 2018

STEPHEN L. THOMPSON

Belize City, Belize
Emory University School
of Law (1979)
Admitted 1979
Died November 2018

**RAYMOND EVAN
TILLERY JR.**

Columbus, Georgia
West Virginia University
College of Law (1990)
Admitted 1993
Died January 2019

TERESA O'PRY WEINER

Jonesboro, Georgia
Atlanta's John Marshall
Law School (1978)
Admitted 1979
Died November 2018

OBITUARY



Distinguished real property lawyer William H. "Bill" Dodson II, passed away on Jan. 1, 2019, at the age of 71.

Dodson was born in Panama on Sept. 8, 1947, to William H. Dodson and May Elizabeth Dodson. He is survived by Mary Dodson, his wife of more than 40 years. He is also survived by his brother, Mark Dodson, and his sisters, Barbara Dodson, M.D., Claudia (Dee Dee) Brook and Donna Dodson McTighe.

Dodson graduated in 1972 from Emory Law School and began his legal career with the firm of Greene, Smith, Davis & Dodson in Marietta. From 1982 until 1990, he practiced with Cashin & Davis in Atlanta, and with Stephenson & Dodson in Marietta. Since 1990, Dodson was a principal in the law firm of Dodson, Feldman & Dorough in Atlanta, which became Dodson & Feldman, and eventually William H. Dodson, II LLC. He was a member of the state bars of Georgia and Florida, the Atlanta Bar Association and the American Bar Association.

Over the past 30 years, Dodson has been instrumental in drafting, rewriting, amending and improving numerous pieces of legislation in Georgia, as well as the Georgia Title Standards. He was also a key player in the establishment of the Georgia Superior Court Clerks Cooperative Authority (GSCCCA) and their now-indispensable statewide database of title records. In 2001, Dodson served as chair of the State Bar's Real Property Law Section (RPLS), and in 2007 he was the recipient of the George A. Pindar Award, the highest honor given each year by the RPLS. The main objective of the Pindar Award, according to the official nominating criteria, is to honor a member of the section "who unselfishly gives of him or herself for the benefit of the bar."

Fellow Pindar Award recipient and former RPLS chair Carol Clark remembers Dodson as someone who "made practicing law fun. His humor in the countless seminars we shared was sparkling, self-deprecating and always brought a fresh perspective to the issue du jour. We sparred often with disparate legal positions but always with mutual respect." Another fellow Pindar Award recipient, Marcus Calloway, remembers Dodson as a leader in the world of commercial real estate who was "responsible for the education of so many people in our industry. His willingness to share his knowledge has helped create the love we all have for him. His passing has caused a void that will never be filled."

Dodson was renowned for his quotes, which came to be known as "Dodsonisms" and were words he lived by every day. In his real estate practice, he lived by the mantra, "The very first thing you have to ask is, who owns the dirt? You can't do anything with it unless you own it, it's just that simple." He was once heard to remark, "I'm sorry your property didn't close, Joe, but I can't make a silk purse out of a sow's ear." He observed that "if you're not embarrassing yourself, then you are not expanding your experience." He advised younger lawyers that "you can't ever become a great big oak tree if you are standing in the shadow of another oak tree." And he reminded himself often: "The only and most important thing I have to sell is my reputation."

Dodson had a deep and abiding love for the great outdoors. He ran numerous marathons and other races, including 40 Peachtree Road Races. He was a race car enthusiast during the 1970s and 1980s and held leadership positions with the Atlanta Region of the Sports Car Club of America. He loved fly fishing and bird hunting and was a dedicated member of the Burge Club and the Chastain Park Conservancy. ●

FEBRUARY

- 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: **Advanced Securities Law**
Atlanta, Ga. | 6 CLE
- 13-14 ICLE: **Social Security Institute**
Atlanta, Ga. | 10 CLE
- 14 ICLE: **Ancient Foundations and Modern Equivalents**
Michael C. Carlos Museum
Atlanta, Ga. | 2.5 CLE
- 14 ICLE: **Abusive Litigation**
Atlanta, Ga. | 6 CLE
- 15 ICLE: **Attorney's First Aid Kit**
Atlanta, Ga. | 6 CLE
- 20 ICLE: **27th Annual Product Liability Seminar**
Atlanta, Ga. | 6 CLE
- 21 ICLE: **Internet Research**
Athens, Ga. | 6 CLE
- 21 ICLE: **Negotiated Corporate Acquisitions**
Atlanta, Ga. | 6 CLE
- 22 ICLE: **Recognizing Employment Claims**
Savannah, Ga. | 2.5 CLE
- 22 ICLE: **26th Annual Criminal Practice**
Kennesaw, Ga. | 6 CLE
- 22 ICLE: **28th Annual Georgia Bar Media and Judiciary Conference**
Atlanta, Ga. | 6 CLE
- 26 ICLE: **Beginning Lawyers Program**
Atlanta, Ga., and via satellite in Savannah and Tifton | 6 CLE
- 26 ICLE: **Hidden Legal Figures**
Atlanta, Ga. | 3 CLE

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

- 28-MAR 1 ICLE: **Truck Wreck Cases**
Atlanta, Ga. | 6 CLE

MARCH

- 1 ICLE: **Banking Law**
Atlanta, Ga. | 6 CLE
- 1 ICLE: **Georgia Auto Insurance Claims Law**
Macon, Ga. | 6 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
- 11 ICLE: **Crossing the Line (You Define the Moment)**
Atlanta, Ga. | 3 CLE
- 12 ICLE: **March Group Mentoring**
Atlanta, Ga., and via satellite in Savannah and Tifton | 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: **Negotiation Strategies for Lawyers**
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.

- | | |
|--|---|
| <p>13 ICLE: ADR in the Workers' Compensation Arena
Atlanta, Ga. 6 CLE</p> <p>13 ICLE: Annual Sports Law Seminar
Atlanta, Ga. 3 CLE</p> <p>14 ICLE: 8th Annual Family Law Issues for the Modern Family
Atlanta, Ga. 6 CLE</p> <p>14 ICLE: Litigation: Soup to Nuts
Atlanta, Ga. 6 CLE</p> <p>14 ICLE: Trial and Error Rebroadcast
Atlanta, Ga., and satellite locations 6 CLE</p> <p>15 ICLE: Recognizing Employment Claims
Columbus, Ga. 2.5 CLE</p> <p>15 ICLE: Proving Damages
Atlanta, Ga. 6 CLE</p> <p>15 ICLE: Winning Settlement Strategies
Atlanta, Ga. 6 CLE</p> <p>19 ICLE: Advanced Topics in Franchising and Distribution
Atlanta, Ga. 3 CLE</p> <p>19 ICLE: Business Litigation
Atlanta, Ga. 6 CLE</p> <p>20 ICLE: Secured Lending
Atlanta, Ga. 6 CLE</p> <p>20 ICLE: Post Judgment Collection
Atlanta, Ga. 6 CLE</p> <p>21 ICLE: Pushing Buttons
Atlanta, Ga. 6 CLE</p> <p>21 ICLE: Professional and Ethical Dilemmas in Litigation
Atlanta, Ga., and via satellite in Savannah and Tifton 3 CLE</p> <p>22 ICLE: Agriculture Law
Macon, Ga. 6 CLE</p> <p>22 ICLE: Basic Fiduciary Practice
Atlanta, Ga., and via satellite in Savannah and Tifton 6 CLE</p> | <p>22 ICLE: Professionalism and Ethics Update
Atlanta, Ga., and satellite locations 3 CLE</p> <p>22 ICLE: Recognizing Employment Claims
Martinez, Ga. 2.5 CLE</p> <p>26 ICLE: Beginning Lawyers Program Rebroadcast
Atlanta, Ga., and satellite locations 6 CLE</p> <p>27 ICLE: 10th Annual Employee Benefits Law Section
Atlanta, Ga. 6 CLE</p> <p>27 ICLE: Handling Big Cases
Atlanta, Ga. 6 CLE</p> <p>28-30 ICLE: General Practice and Trial Law Institute
St. Simons Island, Ga. 12 CLE</p> <p>28 ICLE: Not Your Typical CLE
Atlanta, Ga., and via satellite in Savannah and Tifton 6 CLE</p> <p>28 ICLE: Toxic and Mass Torts
Atlanta, Ga. 6 CLE</p> <p>29 ICLE: Entertainment Law Institute
Atlanta, Ga. 6 CLE</p> <p>29 ICLE: Thinking Inside the Box
Atlanta, Ga. 6 CLE</p> <p>29 ICLE: Professionalism and Ethics Update Rebroadcast
Greensboro, Ga. 3 CLE</p> |
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State Bar Campaign for the Georgia Legal Services Program® (GLSP)



Ms. Walker’s golden years grew dark when her home became at risk of foreclosure.

Ms. Walker contacted the Georgia Legal Services Program about a foreclosure notice she received despite having receipts for regular loan payments. The GLSP lawyer discovered the loan servicing company was charging Ms. Walker 400% more for homeowner insurance than she could have obtained from the market, and this expense was causing her escrow, and therefore, her monthly payments to rise significantly from the monthly payments she thought she owed. The loan servicing company’s harassing phone calls demanding Ms. Walker to pay different amounts of money made it difficult for her to work effectively with the company to resolve the problem. Ms. Walker stated she had gone without food, lost weight, and endured sleepless nights worrying about keeping her home. The GLSP lawyer was able to stop the foreclosure, get market rate homeowner insurance, stabilize the escrow, and set up bank deductions from Ms. Walker’s bank account to avoid further delinquencies.

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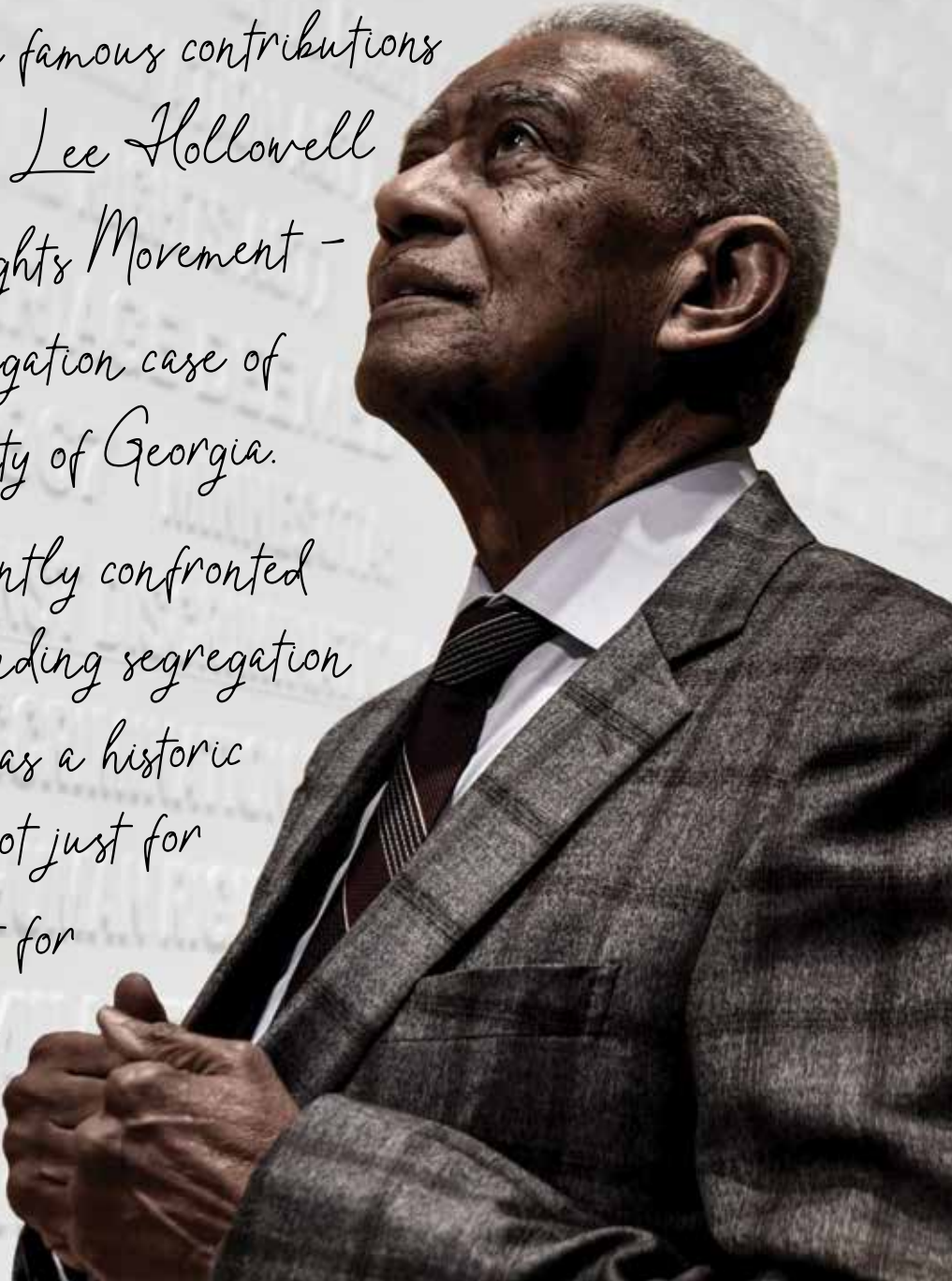
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