

April 2017

Volume 22, Number 6

GEORGIA BAR
JOURNAL



From the President:
A Veteran Served

From the YLD President:
Embracing Social Media
in the Legal Profession

A Conversation with
Justice Leah Ward Sears

Eleven Safe Computing
Steps for Lawyers:
How to Keep Bad Guys
and Bad Things at Bay

GBJ SPECIAL ISSUE

**Public Interest
Immigration
Update**

I had him on a Sunday.
Monday we noticed swelling.
Wednesday they
took him. I cried
every night.
My lawyer
fought to get
my baby back.



Who needs lawyers? We do.

Queenyona — Lithonia, Georgia
Loving Mother Falsely Accused Of Abuse

 State Bar
of Georgia

ganeedslawyers.com

RECOMMENDED BROKER OF THE:



State Bar
of Georgia



Employer Group Exchange

NEW INNOVATIVE WAYS

*to save on group
health insurance*



Insurance Exchange for State Bar of Georgia Members

A top concern for most small-businesses is the cost of employee health plans. That's why the Insurance Exchange for State Bar of Georgia Members is offering more than just traditional group insurance options. In addition to the most competitive group insurance plans on the market, you'll have access to unique cost savings opportunities, enrollment technology, HR tools and ancillary benefits that are typically only offered to fortune 500 companies. Many plan options come with:

Return of premium
opportunities

Large networks of
hospitals & physicians

HSA Qualified
plan options

Flexible
plan designs

Learn more at www.memberbenefits.com/gabar or call (800) 282-8626.

Products sold and serviced by the State Bar of Georgia's recommended broker, Member Benefits. The State Bar of Georgia is not a licensed insurance entity and does not sell insurance.

ADMINISTERED BY:



MemberBenefits

HEADQUARTERS

104 Marietta St. NW, Suite 100
Atlanta, GA 30303
800-334-6865 | 404-527-8700
Fax 404-527-8717
www.gabar.org

COASTAL GEORGIA OFFICE

18 E. Bay St.
Savannah, GA 31401-1225
877-239-9910 | 912-239-9910
Fax 912-239-9970

SOUTH GEORGIA OFFICE

244 E. Second St. (31794)
P.O. Box 1390
Tifton, GA 31793-1390
800-330-0446 | 229-387-0446
Fax 229-382-7435

INSTITUTE OF CONTINUING LEGAL EDUCATION

248 Prince Ave.
P.O. Box 1855
Athens, GA 30603-1855
800-422-0893 | 706-369-5664
Fax 706-354-4190

EDITORIAL BOARD

EDITOR-IN-CHIEF

Timothy J. Colletti

MEMBERS

Donald P. Boyle Jr.
Rickie Lee Brown Jr.
Jacqueline F. Bunn
John Clay Bush
Jacob E. Daly
Bridgette E. Eckerson
Jake Evans
Lynn Gavin
Chad Henderson
Michelle J. Hirsch
Eric Hooper
Spencer Lawton Jr.
Amber L. Nickell
Kristin M.S. Poland
Addison Johnson Schreck
Pamela Y. White-Colbert
Mark W. Wortham

EDITORS EMERITUS

Bridgette E. Eckerson (2012-15)
Robert R. Stubbs (2010-12)
Donald P. Boyle Jr. (2007-10)
Marcus D. Liner (2004-07)
Rebecca Ann Hoelting (2002-04)
Marisa Anne Pagnattaro (2001-02)
D. Scott Murray (2000-01)
William Wall Sapp (1999-00)
Theodore H. Davis Jr. (1997-99)
L. Brett Lockwood (1995-97)
Stephanie B. Manis (1993-95)
William L. Bost Jr. (1991-93)
Charles R. Adams III (1989-91)
L. Dale Owens (1987-89)
Donna G. Barwick (1986-87)
James C. Gaulden Jr. (1985-86)
Jerry B. Blackstock (1984-85)
Steven M. Collins (1982-84)
Walter M. Grant (1979-82)
Stephen E. Raville (1977-79)

OFFICERS OF THE STATE BAR OF GEORGIA

PRESIDENT

Patrick T. O'Connor

PRESIDENT-ELECT

Brian D. "Buck" Rogers

TREASURER

Kenneth B. "Ken" Hodges III

SECRETARY

Darrell L. Sutton

IMMEDIATE PAST PRESIDENT

Robert J. "Bob" Kauffman

YLD PRESIDENT

Jennifer C. Mock

YLD PRESIDENT-ELECT

Nicole C. Leet

YLD IMMEDIATE PAST PRESIDENT

John R. B. Long

COMMUNICATIONS COMMITTEE

CO-CHAIR

Peter C. Canfield

CO-CHAIR

Sonjui L. Kumar

COMMUNICATIONS DEPARTMENT

DIRECTOR

Sarah I. Coole

ASSISTANT DIRECTOR

Jennifer R. Mason

COMMUNICATIONS COORDINATOR

Stephanie J. Wilson

ADMINISTRATIVE ASSISTANT

M. Lane Sosebee

QUICK DIAL

ATTORNEY DISCIPLINE

800-334-6865 ext. 720
404-527-8720

CONSUMER ASSISTANCE PROGRAM

404-527-8759

CONFERENCE ROOM RESERVATIONS

404-419-0155

FEE ARBITRATION

404-527-8750

CLE TRANSCRIPTS

404-527-8710

DIVERSITY PROGRAM

404-527-8754

ETHICS HELPLINE

800-682-9806
404-527-8741

GEORGIA BAR FOUNDATION/IOLTA

404-588-2240

GEORGIA BAR JOURNAL

404-527-8791

GOVERNMENTAL AFFAIRS

404-526-8608

LAWYER ASSISTANCE PROGRAM

800-327-9631

LAW PRACTICE MANAGEMENT

404-527-8773

LAW-RELATED EDUCATION

404-527-8785

MEMBERSHIP

404-527-8777

MEETINGS INFORMATION

404-527-8790

PRO BONO RESOURCE CENTER

404-527-8763

PROFESSIONALISM

404-225-5040

SECTIONS

404-527-8774

TRANSITION INTO LAW PRACTICE

404-527-8704

UNLICENSED PRACTICE OF LAW

404-527-8743

YOUNG LAWYERS DIVISION

404-527-8778

MANUSCRIPT SUBMISSION

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

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

DISABILITIES

If you have a disability which requires printed materials in alternate formats, please call 404-526-8627 for assistance.

PUBLISHER'S STATEMENT

The *Georgia Bar Journal* (ISSN-1085-1437) is published six times per year (February, April, June, August, October, December) with a special issue in November by the State Bar of Georgia, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303. Copyright State Bar of Georgia 2017. One copy of each issue is furnished to members as part of their State Bar dues. Subscriptions: \$36 to non-members. Single copies: \$6. Periodicals postage paid in Atlanta, Ga., and additional mailing offices. Advertising rate card will be furnished upon request. Publishing of an advertisement does not imply endorsement of any product or service offered. POSTMASTER: Send address changes to same address.



The opinions expressed in the Georgia Bar Journal are those of the authors. The views expressed herein are not necessarily those of the State Bar of Georgia, its Board of Governors or its Executive Committee.



PHOTO BY ISTOCK.COM/YURIZ

GBJ | *The Features*

- 28** Immigrant Children at Risk
MEREDITH LINSKY
- 35** Practical Challenges to Representing Unaccompanied Children Before the Atlanta Immigration Court
REBECA E. SALMON
- 38** All Children Deserve Representation: Kids in Need of Defense in Atlanta
CHRISTINA ITURRALDE THOMAS
- 41** Victory for Immigrant Detainees and Access to Counsel
EUNICE HYUNHYE CHO
- 43** Immigration Status as a Barrier to Civil Legal Services
ALPA AMIN
- 46** An Update on the American Immigration Lawyers Association's Georgia-Alabama Chapter Attorney of the Day Program
ELIZABETH MATHERNE, AUDREY LUSTGARTEN AND ASHLEY LARICCIA
- 50** The 26th Annual Georgia Bar Media & Judiciary Conference
STEPHANIE J. WILSON
- 54** Georgia Bar Foundation: A Partner in Philanthropy
C. LEN HORTON
- 58** 2016 Georgia Corporation and Business Organization Case Law Developments
MICHAEL P. CAREY
- 66** Georgia Legal Services Program "And Justice for All" Honor Roll of Contributors

The Legal

PROPORTIONALITY
LOST? THE RISE OF
ENFORCEMENT-BASED
EQUITY AND ITS
LIMITATIONS/ 16
Prof. Jason A. Cade



PHOTO BY ISTOCK.COM/PETERHOWELL

GBJ | *In Every Issue*

- 5 Editor's Letter
- 6 From the President
- 10 From the YLD President
- 14 From the Executive Director
- 61 Know Your Bar
- 74 Bench & Bar
- 81 Attorney Discipline
- 82 Legal Tech Tips
- 98 In Memoriam
- 101 CLE Calendar
- 102 Notices
- 103 Classified Resources
- 104 Advertisers Index

72 Georgia Lawyer Spotlight

A Conversation with
Justice Leah Ward Sears

Jacob E. Daly

**80 Office of the General Counsel
Show and Tell**

Paula Frederick

84 Law Practice Management

Eleven Safe Computing Steps
for Lawyers: How to Keep Bad
Guys and Bad Things at Bay

Natalie R. Kelly

87 Pro Bono

Lawyers on the Front Lines

Cheryl Naja and Jarvarus Gresham

89 Pro Bono Star Story

Byron W. Kirkpatrick and Dow
"Kip" Kirkpatrick II

Monica Khant

90 Member Benefits

Effective Keyword Boolean
Searching in Fastcase

Sheila Baldwin

92 Writing Matters

Two Key Stages of Writing:
Revising and Editing

Karen J. Sneddon and David Hricik

94 Professionalism Page

State Bar of Georgia Members
Honored for Outstanding
Service

Avarita L. Hanson

The April Issue

Issues of the *Georgia Bar Journal* do not usually have a theme, but this one does. Mike Monahan, director of the Bar's Pro Bono Resource Center, solicited articles from Bar members on legal issues facing immigrants. The Editorial Board thanks Mike, both for his vision and for obtaining quality articles to publish.

Immigration is an increasingly political matter, but obscured by the politicization of immigration issues are apolitical humanitarian and legal issues. One issue with both humanitarian and legal aspects involves unaccompanied children coming to the United States to escape violence in their home country. This edition of the *Journal* contains several features discussing the hurdles these children face and what Georgia attorneys can do to help.

The "Immigrant Children at Risk" article explains in broader terms the challenges these children face once they arrive in the United States, such as lack of counsel once in custody and in immigration proceedings. The article discusses the ABA's efforts in coordinating with numerous organizations dedicated to helping these unaccompanied children, as well as the ABA's efforts in recruiting and educating attorneys willing to provide pro bono services.

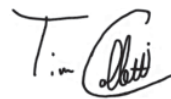
The feature "Practical Challenges to Representing Unaccompanied Children Before the Atlanta Immigration Court" highlights two specific challenges facing unaccom-

panied children in the local immigration court: protecting the children's confidential information, and protecting the children from demands by immigration judges that may put the children's stability at risk.

Local groups dedicated to providing legal services to unaccompanied children are also highlighted. The "All Children Deserve Representation" feature highlights the Atlanta-based Kids in Need of Defense, whose mission is to recruit, train and mentor local attorneys in representing unaccompanied children in immigration matters pro bono. "An Update on the Lawyer of the Day Program" highlights a program that provides free legal services to children at the Atlanta Immigration Court.

This issue's legal article is "Proportionality Lost? The Rise of Enforcement-Based Equity in the Deportation System and its Limitations." For those of us without a background in the subject matter, the article is a good brush-up on the basics of immigration and deportation as well as on the recent cases and government policies that have brought immigration issues into the spotlight. For those with more exposure to immigration, the article's nuanced analysis of the deportation system will be informative.

This issue of the *Journal* truly has too much quality content to summarize in the space allocated to the Editor's Letter. Please, open and enjoy, and let us know what you think. ●



TIM COLLETTI
Editor-in-Chief, *Georgia Bar Journal*
journal@gabar.org



ON THE COVER

PHOTO BY ISTOCK.COM/LILLISPHOTOGRAPHY

VISIT

gabar.org

VIEW ONLINE

www.gabar.org/newsandpublications/georgiabarjournal/

FOLLOW

Twitter
[@StateBarofGA](https://twitter.com/StateBarofGA)
[@Georgia/YLD](https://twitter.com/Georgia/YLD)

Facebook
[/statebarofgeorgia](https://www.facebook.com/statebarofgeorgia/)
[/GeorgiaYLD](https://www.facebook.com/GeorgiaYLD/)

Youtube
[/StateBarofGeorgia](https://www.youtube.com/channel/UC...)

Flickr
[/statebarofgeorgia](https://www.flickr.com/photos/statebarofgeorgia/)
[/yld](https://www.flickr.com/photos/yld/)

Instagram
[@statebarofga](https://www.instagram.com/statebarofga/)

LinkedIn
[/state-bar-of-georgia](https://www.linkedin.com/company/state-bar-of-georgia/)

A Veteran Served



PHOTO BY CASEY JONES PHOTOGRAPHY

PATRICK T. O'CONNOR

President
State Bar of Georgia
president@gabar.org

When most Americans think of the locations of significant World War II events, Khorramshahr, Iran, does not spring to mind as quickly as, say, Normandy or Iwo Jima.

Only the staunchest military history buffs might know that 30,000 U.S. troops were stationed in Iran and Iraq during World War II and that Khorramshahr was the site of an Army port critical to the Persian Gulf Command, whose mission was to expedite the shipment of war materials from the West to the Soviet Union as part of the "Lend-Lease" program.

Cleveland Tucker of Atlanta, a spry 97-year-old World War II veteran, certainly remembers. From May 1942 through November 1945, he held the rank of sergeant while serving as a cook at the Persian Gulf port in Khorramshahr, situated on the Iranian side of the confluence of the Tigris and Euphrates rivers.

In February of this year, the State Bar of Georgia was able to honor Mr. Tucker's service when he became the oldest Georgia veteran helped by our Military Legal Assistance Program (MLAP). Norman Zoller, the program coordinator, was contacted by Mr. Tucker's daughter, Cleester Tucker. She reported her father's need for an updated will and some estate planning.

On Jan. 31, Norman referred the case to Drew N. Early of Shewmaker & Shewmaker, LLC, in Atlanta, an experienced member of the Bar's MLAP Committee and Military/Veterans Law Section. Drew is also an Army veteran, having served multiple deployments in Haiti and the Middle East, and is a graduate of the

U.S. Military Academy at West Point. In 2010, he earned the State Bar's Marshall-Tuttle Award for outstanding service to the MLAP.

Drew met with Mr. Tucker and his daughter and learned that there had been an advancement of property to one of the beneficiaries named in Mr. Tucker's existing will. Despite this and some other issues, the matter was fairly straightforward. Drew took immediate action to prepare the necessary documents and oversee their execution. By Feb. 15, Drew was able to report he had prepared the new will, overseen its execution and provided estate planning assistance for Mr. Tucker.

Drew said he did not hesitate to take the case when Norman contacted him. "Norman made the referral to me for two reasons: one, geographic, as we always try to link the client to a nearby lawyer; and two, the kind of action that was needed, and Norman knows that I do estate work," he noted.

Norman had explained to the Tuckers that while MLAP does not charge service members or veterans any type of referral fee, the matter of whether legal services are provided on a pro bono or reduced-fee basis, beyond a free initial consultation, is determined by agreement between the lawyer and client.

"I did this pro bono," Drew said. "I think this is a great opportunity for the State Bar to be of service. These folks have been in service to us. Why not reciprocate and be of service to them? The Bar has been very good to me, and it is a

privilege for me to do what I can do to participate in this kind of service, which the Bar is all about. Here is a way for us to expand and do a little more, and it takes such a little time out of my day.

"Particularly for a World War II veteran like Mr. Tucker, 97 years old with a basic education, this program shows what the Bar is able to do to expand access to justice for people who have nowhere else to turn. It was really hard to say no. Both Norman and I had picked up that he had been a cook, working in a mess hall at an overseas port. Cooks and mechanics, they are the unsung heroes of the Army. I just happened to ask him where he was stationed, and I thought he would say maybe England or somewhere in the South Pacific. When it turned out he was in Iran . . . that was really amazing to me."



For those who have known only the United States' often intense hostilities with Iran over the past four decades and an untrusting-to-adversarial relationship with Russia for most of the past seven decades, the concept of a Western/Soviet alliance functioning in Iran, of all places, also seems amazing. It was a different time, however. In fact, U.S. President Franklin D. Roosevelt, British Prime Minister Winston Churchill and Soviet Premier Joseph Stalin met in 1943 for the first of their strategy summits at the Soviet Embassy in the Iranian capital of Tehran.

In an article for *World War II Magazine* published just last year, Steven Trent Smith describes the Persian Gulf Command mission as follows:

On a chilly afternoon in late 1943, a U.S. Army train was chugging north between Arak and Qom, Iran. The trip had departed Khorramshahr, on the Persian Gulf. At Tehran, Red Army railroaders would take over, shepherding train and cargo into the USSR to supply the fight against the Germans. For the delivery crew—an engine-man, a fireman and a conductor, all GIs, plus an Iranian brakeman—operations like this usually were milk and honey.

But not today.

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, we asked our State Bar of Georgia officers, "Which member benefit offered by the State Bar do you value and utilize the most?"



PATRICK T. O'CONNOR

President

During my year as president, the Bar Center in Atlanta has been home base for me. Along with our satellite offices in Savannah and Tifton, we have great facilities where we host events from mediations, depositions and seminars to civics presentations, mock trials and black tie dinners.



BRIAN D. "BUCK" ROGERS

President-Elect

The Bar Center is one of the benefits I appreciate most. The security and staff are very accommodating, and the building itself is impressive and has a professional appearance for all types of meetings. Complimentary parking when going to events at Philips Arena or the Georgia Dome is also a nice perk.



KENNETH B. "KEN" HODGES III

Treasurer

The one I utilize most is parking. It's free like we like it in the country! The one I value most and my favorite is the Wellness Initiative. We need to take care of our mind, body and soul to be happy and productive. This initiative will lead us there.



DARRELL L. SUTTON

Secretary

The State Bar staff. They are kind, helpful, diligent, proactive and available to assist with just about anything. They also are responsible for the effective and efficient operation of the Bar, making this organization the sophisticated and premiere organization that it has become.



ROBERT J. "BOB" KAUFFMAN

Immediate Past President

There have been times over the years when I have been faced with an ethics question and needed assistance with interpreting the Disciplinary Rules. The ethics hotline has been very helpful and I encourage all Bar members to call before plunging forward if there is any doubt.

Our MLAP program, which enjoys a splendid reputation in our state and indeed elsewhere in the country, has now connected more than 1,800 service members and veterans with a Georgia lawyer.

Today's 1,000 ton load was 10 tankers of volatile aviation fuel, plus 11 boxcars packed with ammunition and high explosive. And the big steam locomotive's throttle was jammed wide open . . .

(The mission in Iran) was part of a massive program providing the USSR with Lend-Lease equipment, fuel, ammunition, food and medical supplies. The effort required 30,000 GIs, . . . along with mechanics, drivers and Iranian civilians . . .

Historically, African-American GIs did the Army's heavy lifting: 5,000 of them were assigned to Iran. Black soldiers drove trucks, maintained roads, ran bakeries and laundries and worked the docks, where the Army feared white GI stevedores would bristle at their presence. Tensions, never pronounced, resolved into an almost-friendly rivalry. Each month a flag went to the gang, black or white, that unloaded the most tonnage. More often than not, the African-Americans took the banner.¹

Cleveland Tucker was born in 1919 in the west Georgia community of Cabbageville, in Troup County outside of LaGrange. He had a fifth-grade education when he entered military service at age 23. The segregated society he knew growing up in Georgia during that time followed him into the Army.

En route to Iran, the transport ship on which he served as a cook encountered torpedo fire, and the damage caused flooding in the lower part of the ship, forcing the African-American soldiers to vacate their quarters and go to the top

deck for the remainder of the journey to the Persian Gulf.

This was, of course, long before the time when such services were contracted to outside vendors by the military. His military discharge records specify his duties as first cook for Port Company overseas as follows: "Prepared, cooked, seasoned and served meats, vegetables, gravies, sauces and desserts according to military methods. Baked bread, pies and cakes. Set up field kitchens overseas."

In the mess hall at Khorramshahr, the entire kitchen staff was African-American, Mr. Tucker said, "except for our supervisor." For more than three years, Mr. Tucker led the preparation of three meals a day, seven days a week, for the 200-250 soldiers in his unit. The food he had to work with consisted almost exclusively of canned goods—even the meat and eggs—that had been shipped to the camp.

The kitchen staff filled 30-gallon cans with water to make coffee and tea, heating the contents over a field burner. "It took two men to carry one of those cans (weighing 240 pounds)," said Mr. Tucker. Once, when he and another soldier were carrying a full can across the kitchen, he was walking backward and tripped over a field burner that had been left in the way—causing his only injury during the war. "I fell and hurt my back. I went to the doctor, and they kept me in the hospital for three weeks," he said. The "hospital" was a trailer that had been fashioned into a mobile medical unit.

Of his service to the Persian Gulf Command, Mr. Tucker said, "we were happy

we could help," noting that on occasion, the Iranian civilians who had been hired for dock work at the port "would come by hungry, asking for food. If we had it, I would give it to them."

In November 1945, six months after V-E Day and two months after V-J Day, the mission at Khorramshahr came to an end. "They closed our place down, and we went home," said Mr. Tucker.

After the war, he settled in Atlanta and went to work cleaning offices at the York Corp., a supplier of refrigeration and air conditioning systems, and later with the Atlanta Housing Authority. He and his wife, Lillian Arnold Tucker, started a family. The first of their three children, daughter Cleester Tucker, was born in 1952. She moved back to the family home in 1998 to help care for her parents, and her mother died two years later.

It was Cleester Tucker who made the call to Norman Zoller at the State Bar—after a referral by Atlanta Legal Aid. "I told them about my dad's situation and that we were looking for a lawyer," she said. "They asked if my dad was a veteran. When I said yes, they gave me the phone number. Norman found Drew for us, and their service to my dad has been amazing. We were very satisfied with the result, and we still are."

Of the 16 million Americans who served in World War II, only 620,000 were still living in 2016.² Mr. Tucker is one of a dwindling number. "I wish I knew," he replied when asked the secret of living to 97. "The Lord has just blessed me."

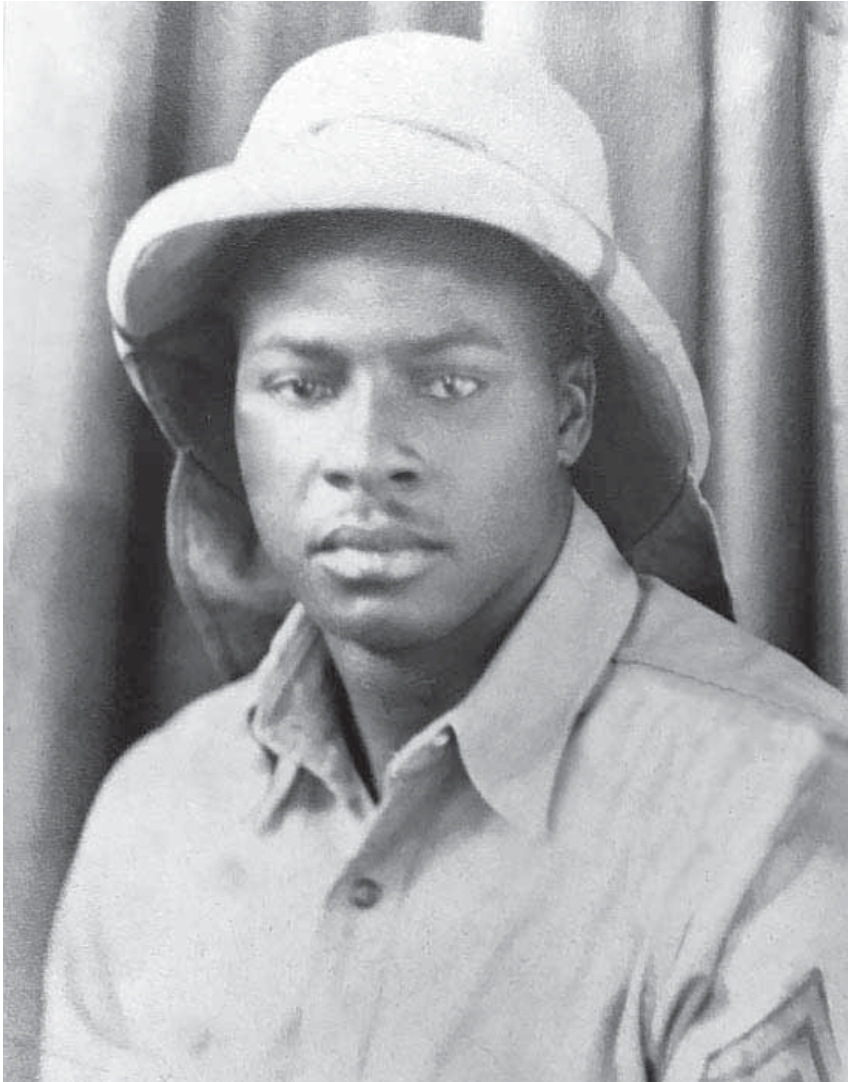


PHOTO COURTESY OF CLEVELAND TUCKER

In February of this year, the State Bar of Georgia was able to honor Cleveland Tucker's service in World War II when he became the oldest Georgia veteran helped by our Military Legal Assistance Program.

His daughter works full time, so Mr. Tucker spends most days alone in his Southwest Atlanta home, enjoying a variety of TV programs and eagerly anticipating the Atlanta Braves' new season. Using a walker and hearing aids, he is able to care for himself. And the man who cooked for more than 200 soldiers more than 70 years ago is indeed able to prepare his own meals.

"He's still a good cook," daughter Cleester declared.

This is only one of the many examples of the situations fielded and handled every day on behalf of Georgia's

military service members and veterans who need legal assistance. According to Norman Zoller, "Most are reasonably routine, and there are also those that are compelling, or heartbreaking, or heartwarming as well."

Our MLAP program, which enjoys a splendid reputation in our state and indeed elsewhere in the country, has now connected more than 1,800 service members and veterans with a Georgia lawyer. It also helps create good will and enhances the reputation of our legal community as we fulfill an important responsibility to the citizens of Georgia.

I encourage you to join in this effort by providing your expertise to these most deserving members in communities across our state. If you are willing to help, simply contact Mike Monahan (director, Pro Bono Resource Center) at 404-527-8762 or probono@gabar.org; or Norman Zoller at 404-527-8765 or normanz@gabar.org. ●

ENDNOTES

1. Smith, Steven Trent, "Off the Rails: the Forgotten Bastards of Iran," *World War II Magazine*, May/June 2016.
2. National World War II Museum website, www.nationalww2museum.org.

Embracing Social Media in the Legal Profession



JENNIFER C. MOCK

YLD President
State Bar of Georgia
jennifer@mocklaw.com

When asked why he robbed banks, Willie Sutton had a simple answer: “Because that’s where the money is.”

Likewise, if you wonder why more and more members of the legal profession are using social media to grow their client lists and expand their professional networks, the reason is just as simple: that’s where the people are.

Facebook alone has nearly 200 million active users in the United States, thus penetrating nearly two-thirds of the total population and growing every day. LinkedIn, by far the most popular social media application for lawyers, boasts 128 million users in the U.S., followed by Instagram (77 million) and Twitter (67 million). The worldwide numbers are a staggering 1.86 billion people on Facebook, 600 million on Instagram, 467 million on LinkedIn and 319 million on Twitter.

Compared to other business sectors, the legal community initially took a cautious approach to tapping into the social media market, but that is not the case these days.

“Although social media was originally met with a lukewarm reaction from most of the legal profession, lawyers are increasingly acknowledging the importance of understanding—and using—social media,” writes Nicole Black, legal technology “evangelist” for MyCase.com. “For some lawyers it’s because social media is being used as evidence in their clients’ cases, for others it’s shaping up to be a great networking and business

development tool, and some lawyers are using it for those purposes and more.”

Citing the ABA’s 2014 Legal Technology Report, Black states that “lawyers are using social media tools more than ever before.” Highlights from the survey include these statistics:

- 62 percent of law firms maintain social networks
- 78 percent of lawyers maintain one or more social networks for professional purposes
- Lawyers in the following practice areas personally maintain social networks:
 - Litigation, 84 percent
 - Commercial law, 83 percent
 - Employment and labor, 80 percent
- Lawyers spend 1.7 hours per week using social networking sites for professional purposes
- The most common reason lawyers maintain social networks are:
 - Career development/networking, 75 percent
 - Education/current awareness, 50 percent
 - Client development, 44 percent
 - Case investigation, 22 percent
- Those who have obtained clients from their social networks:
 - 35 percent of lawyers

- 14 percent of law firms of 100 or more attorneys
- 33 percent of lawyers and 52 percent of law firms maintain a Facebook presence
- 10 percent of lawyers and 19 percent of law firms maintain a Twitter presence
- 96 percent of lawyers and 90 percent of law firms maintain a LinkedIn presence¹

While the ABA's survey is the most recent at hand, those numbers are more than two years old and all have likely increased since they were published, as lawyers and judges have increasingly accepted and embraced social media as an effective means of communication with legal colleagues and the public.

Presiding Judge Stephen Dillard of the Court of Appeals of Georgia, who has been called the "Twitter Laureate" of our state's judiciary, is arguably the leading authority on the subject among members of the State Bar. Every day, his tweets engage, educate and entertain the more than 8,700 followers of the @JudgeDillard feed. He also encourages his colleagues to jump into social media with both feet.

"(W)e—especially those of us in the legal profession—need to get past our collective unease with technology and embrace the social-media platforms that are increasingly used by those we serve," Judge Dillard wrote in the Spring 2017 edition of the Duke Law Center for Judicial Studies' publication *Judicature*. "... Some judges take a very conservative approach to social media, and simply use it to highlight campaign and public appearances. ... But in doing so, you need to be aware that you are not likely to gain much of a following or establish a true online presence if you are unwilling to engage the public in a more personal way."

In seeking to strike a balance between accessibility and decorum on a daily basis, Judge Dillard lists five clearly defined goals for his Twitter account:

1. "My primary goal is to explain to the citizens I serve exactly what we do as judges on the Court of Appeals of Georgia."
2. "In my position, I also have a vested interest in promoting excellence in appellate practice, which means that I spend a considerable amount of time sharing

OFFICERS' BLOCK

In this issue of the Georgia Bar Journal, we asked our YLD officers, "Which member benefit offered by the State Bar do you value and utilize the most?"



JENNIFER C. MOCK | *YLD President*

I utilize the free parking at the Bar Center frequently. Whether I am in Atlanta for a CLE seminar, business or fun, I try to use the Bar's parking deck to save money.



NICOLE C. LEET | *YLD President-Elect*

The State Bar Building (and parking deck). It is not only convenient for CLEs and meetings, but provides a great spot to meet with clients or get some work done in between meetings downtown. And the parking deck is a fantastic benefit for parking downtown.



RIZZA O'CONNOR | *YLD Treasurer*

Whether I am in Atlanta for a Bar event or to spend the weekend with my children at the zoo, I always take advantage of the hotel discounts offered to Bar members. I have found that these discounts on Atlanta hotels are better than the rates found on travel websites.



WILLIAM T. "WILL" DAVIS | *YLD Secretary*

The Bar Center, hands down. Whether scheduling a neutral site for a mediation or using the parking on weekends, Bar staff are always friendly and available. The Bar Center is not just a benefit to me but also to my clients who are always impressed with our facilities.



JOHN R. B. "JACK" LONG | *YLD Immediate Past President*

I value our bar centers and free parking. In addition to being great facilities for CLEs and meetings, our bar centers provide members a place to work when in the Atlanta, Savannah or Tifton areas. Plus, the free parking in downtown Atlanta during a game or concert is extremely convenient.



SHAMIRACLE S. JOHNSON | *YLD Newsletter Co-Editor*

I most often utilize the Lawyers Lounge. On days where I have gaps between depositions or court appearances in the downtown area, I find the Lawyers Lounge most valuable. There, I am able to work remotely, in a quiet space, until my next work-related event.



HEATHER RIGGS | *YLD Newsletter Co-Editor*

I really love using the preferred vendor list on the State Bar's website. Not only can I call upon these trusted partners for my own business needs, but they are an excellent referral database I can leverage for my colleagues and clients, too.

“If you’re going to have a social media presence as a lawyer or judge, you should have a clear idea of what you wish to convey to those who follow you.”

—Presiding Judge Stephen Louis A. Dillard

articles and tips on how lawyers can improve their legal writing and oral-advocacy skills.”

3. “I also care deeply about professionalism and civility.”
4. “Additionally, I use social media to be a virtual mentor to law students and young lawyers in Georgia and throughout the United States.”
5. “Finally, I want those who follow me on social media to know who I am as a person. I am not just a judge.”²

In Judge Dillard’s case, his followers know he is a husband, father, person of faith and fan of his alma mater Samford University’s football team. His beloved rescue dog Irish even has her own Twitter account (@JudgDillardDog), which was created and is maintained by one of the judge’s followers.

We are also kept informed as to what “Chambers Music” Judge Dillard happens to be enjoying (U2’s “Wide Awake in America” on March 2, for example) or when a friend or colleague has turned a year older. “I take judicial notice of any birthday that is brought to my attention,” he said in an interview for this article. “It only takes a little bit of time on my part, and my followers seem to really appreciate it.”

A stickler for proper writing style, Judge Dillard never lapses into lazy grammar, spelling or punctuation in his tweets—despite the medium’s requirement for brevity. “I wouldn’t say that I have a policy against using emojis or spelling shortcuts, but I don’t particularly care for them,” he

said. “Twitter’s 140-character limit forces you to be concise with your thoughts on that platform, and that, in my view, is a good thing.” His most retweeted tweet to date has been a missive to Ezra Koenig of Vampire Weekend about the judge’s appreciation of the Oxford comma.

“If you’re going to have a social media presence as a lawyer or judge, you should have a clear idea of what you wish to convey to those who follow you,” he added. “You need to decide at the outset what you hope to accomplish with the account, find an online community that shares your passions and interests (see, e.g., #AppellateTwitter), and then directly engage with active users.”

Primarily using an iPhone 6 Plus as his instrument of choice, Judge Dillard’s strategy for scheduling such prolific social media activity is surprisingly basic. “I try to tweet when I have a spare moment or two at the end of the day,” he said. “It takes far less time than many people realize.”

Becoming a Twitter, Facebook or LinkedIn “laureate” is, of course, not for everyone. However, the fact that more and more lawyers and law firms are finding they can benefit professionally from an effective presence on social media is undeniable. Writing for ABA’s *Law Practice Today*, Larry Port contends it is important to “learn from lawyers who, in my opinion, rock social media the most to understand what it is, what it isn’t and how it can affect your practice for the better.”

If you are seeking to establish or strengthen your social media profile, Port offers the following reminders:

“You Can’t Build a Practice on Social Media. (A)nyone who tells you that Facebook or Twitter is going to magically create a zillion potential leads is either a snake oil salesman or has taken medicine that is only legal in certain states. The truth is that having a LinkedIn, Twitter or Facebook presence can raise awareness about you, or serve as a starting point to discover more about your practice. And if you have a solid practice already, then your social media activity will leave a trail of breadcrumbs back to it.”

“You Can Increase Your Leads. Since you’re communicating with other . . . lawyers, you’re building relationships on social media just like you would from a networking group. Once you build and establish trust, you may find yourself referring out cases or receiving referrals from your online friends. In addition, broadcasting your original content through Twitter, Facebook and LinkedIn creates more site traffic, which translates to more people being made aware of you. More website visitors equals an increased likelihood of one of those visitors becoming a lead.”

“The Best Way to Start is to Dive In. How do you get started with a social media account? Don’t try to master all of them at once. Take time to establish your presence on LinkedIn, Facebook and Twitter sequentially so

you're not overwhelmed. . . . Connect with people you know or respect. Use a search to identify people in practice areas that might be complementary to your practice. Follow conversations to find people you might enjoy engaging. And remember, if you don't enjoy the platform, you won't use it. So try to develop a couple of tried and true friends you connect with on the platform to encourage you to use it."

"Don't Worry About Having Thousands of Followers. You'll encounter people on Facebook with thousands of friends, followers on Twitter or connections on LinkedIn. That's wonderful for those people, but it's not necessary to build such a behemoth following. According to inbound marketing firm Hubspot, inbound leads increase for business-to-consumer Twitter users when they have between 100-500 followers."³

Finally, it is good to consider the wealth of information you can learn from being an active user of social media. For example, you can keep up with upcoming YLD meetings, service projects, social gatherings, volunteer opportunities and much more. What can be better than that?

To stay informed on YLD activities, be sure to like us on Facebook (<https://www.facebook.com/GeorgiaYLD/>) and follow us on Twitter (<https://twitter.com/GeorgiaYLD>). ●

Endnotes

1. Black, Nicole; "Social Media for Lawyers," MyCase.com, Feb. 3, 2015.
2. Dillard, Stephen Louis A.; "#Engage: It's Time for Judges to Tweet, Like & Share," Judicature, Duke Law Center for Judicial Studies, Spring 2017 (Originally delivered as a speech in conjunction with the Georgia State University Law Review symposium, "Invisible Justices: Supreme Court Transparency in the Age of Social Media," Atlanta, Feb. 10, 2016).
3. Port, Larry; "Learn from Social Media Rock Stars," ABA Practice Today, February 2013.



@JudgeDillard tweets

Judge Dillard @JudgeDillard

Just so you know, @arzE, I actually do care very much about an Oxford comma.

RETWEETS 730 LIKES 1,885

12:42 PM - 12 Nov 2014

14 730 1.9K



Judge Dillard @JudgeDillard - Feb 24

I hope that all of you have a wonderful and relaxing weekend. Be good to each other.

5 80

Judge Dillard @JudgeDillard - Feb 10

I am not sure why folks are increasingly tweeting in all caps, BUT I DON'T CARE FOR IT.

21 113 417

Judge Dillard @JudgeDillard - Feb 9

It's perfectly acceptable for lawyers and non-lawyers alike to praise or criticize a judicial opinion. But please, read it first.

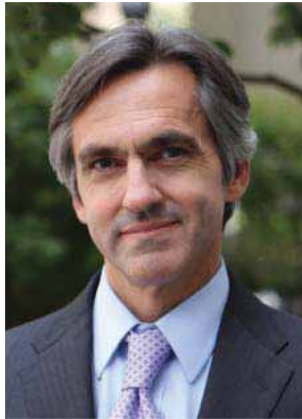
14 166 376

Judge Dillard @JudgeDillard - Feb 1

There are honorable people of good faith across the political spectrum. Find them, form friendships, and work together for the common good.

9 81 143

Making Lawyer Wellness a Priority



JEFF DAVIS

Executive Director
State Bar of Georgia
jeffd@gabar.org

Over the past couple of years, the State Bar of Georgia has placed an increased emphasis on lawyer wellness. We recognize the fact that too many of our members' professional and personal lives are adversely affected by the high level of stress unique to the practice of law, and we have stepped up our programming in an effort to provide help when it is needed.

In February 2016, the American Society of Addiction Medicine published the first comprehensive study on the prevalence of substance abuse and mental health concerns among licensed attorneys in more than 25 years.¹ The study employed the Alcohol Use Disorders Identification Test (AUDIT), a 10-item self-report instrument developed by the World Health Organization to screen for hazardous use, harmful use and the potential for alcohol dependence.

In the survey of 12,825 participants currently employed in the legal profession, 20.6 percent provided responses consistent with problematic drinking, compared to 11.8 percent of a broad, highly educated workforce screened on the same measure. The groups of lawyers displaying a proportionately higher result for problematic use were men, younger participants, those working in the field for a shorter period of time, attorneys working in private law firms or for the bar association, and those at the junior or senior associate level compared with other positions.

On the questions specifically focused on the quantity and frequency of use, 36.4 percent of the participants were evaluated as "consistent with hazardous drinking or possible alcohol abuse or dependence."

This compares with 15 percent of physicians and surgeons who screened positive on the quantity and frequency of use. On these questions, a significantly higher proportion of women in the legal profession had scores consistent with problematic use, along with respondents ages 50 and under.

The differences among attorneys at different stages of their careers were borne out in both the broad-range screening and the specific subset. While previous research from 1990 and before had demonstrated a positive association between the increased prevalence of problematic drinking and an increased number of years in the profession, these new findings reflect the direct opposite.

Of the respondents who stated that they believe their alcohol use has been a problem, a majority (57.9 percent) reported problematic use manifested during law school (14.2 percent) or in their first 15 years of law practice (43.7 percent). "Taken together, it is reasonable to surmise from these findings that being in the early stages of one's legal career is strongly correlated with a high risk of developing an alcohol use disorder," write survey authors Patrick R. Krill, Ryan Johnson and Linda Albert.

"In the legal profession, drinking is a learned response to stress," Krill wrote in a September 2016 article for Law.com. "Heavy drinking and a general lack of self-care are normalized—beginning in law school—resulting in a widespread cultural validation of poor lifestyle choices. Those engaged in risky or otherwise unhealthy behaviors experience a confirming effect when they look around at their peers and mentors, oftentimes

quelching any doubts about whether they are on a dangerous trajectory."²

Study participants were also questioned regarding their use of various classes of both licit and illicit substances, including stimulants, sedatives, tobacco, marijuana and opioids. The results found substantial to intermediate concern of use of these substances for about 25 percent of those surveyed.

On the subject of mental health, participants were asked about any past mental health concerns they had experienced over the course of their legal career. The most common conditions reported were anxiety (61.1 percent), depression (45.7 percent), social anxiety (16.1 percent), attention deficit hyperactivity disorder (12.5 percent), panic disorder (8 percent) and bipolar disorder (2.4 percent). Some 11.5 percent reported having suicidal thoughts at some point during their career, 2.9 percent reported injurious behaviors and 0.7 percent reported at least one prior suicide attempt.

Among the 6.8 percent of respondents who reported past treatment for alcohol or drug use, 21.8 percent had utilized treatment programs specifically tailored to legal professionals. Those reporting no prior treatment were questioned about hypothetical barriers in the event they were to need future treatment or services. The two most common barriers reported were (1) not wanting others to find out they needed help and (2) concerns regarding privacy or confidentiality.

Fortunately, the State Bar of Georgia provides a member benefit specifically designed to help lawyers and judges address these issues—including that of confidentiality. The Lawyers Assistance Program (LAP) offers Bar members up to six free sessions per presenting issue per year, in person with a professional counselor.

These services are accessible to Bar members through the confidential LAP Hotline at 800-327-9631, which is staffed by trained counselors 24 hours a day, seven days a week. Callers to the hotline receive advice, referrals and materials dealing with a wide variety of individual concerns, and financial and geographic needs. The LAP's Work/Life program offers assistance with such issues as childcare, elder care and finances.

Also under the auspices of LAP, the State Bar's suicide awareness campaign has a dual purpose as it is directed toward those who are suffering from anxiety and depression and may be at risk for suicide, as well as all Bar members, who need to be able to recognize the severity of the problem and identify warning signs among our colleagues.

These warning signs are detailed on the Bar's website and include feelings of hopelessness or worthlessness, depressed mood, poor self-esteem or guilt; withdrawal from friends, family and activities that used to be fun; changes in eating or sleeping patterns; anger, rage or craving for revenge; feeling tired or exhausted all of the time; trouble concentrating, thinking, remembering or making decisions; restless, irritable, agitated or anxious movements or behaviors; regular crying; neglect of personal care; reckless or impulsive behaviors; persistent physical symptoms such as headaches, digestive problems or chronic pain that do not respond to routine treatment; and thoughts about death or suicide.

To ensure the confidentiality for members needing help, the Bar contracts the services of the CorpCare Associates Inc. Employee Assistance Program, a national counseling agency headquartered in Georgia. For more information or assistance,

call the LAP Hotline at 800-327-9631 or email CorpCare Associate Vice President Lisa Hardy at lisa@corpcareeap.com.

An ounce of prevention being worth a pound of cure, the Bar more recently launched the Lawyers Living Well program, which makes lawyer wellness—mental, physical and social—a priority. In addition to promoting wellness-related CLE seminars and other activities, the program's website offers a wealth of information geared toward helping lawyers in their lives and practices.

A key objective of this initiative is to make sure our members know about the resources already in place where they can turn for help. These include LAP and the suicide awareness campaign, as well as the Support of Lawyers, All Concern Encouraged (SOLACE) program and the Law Practice Management program.

Our Attorney Wellness Task Force works to identify factors that impact the physical and emotional well-being of attorneys. The task force members are practicing lawyers who understand the day-to-day stresses associated with the practice of law. Their goal is to seek out and vet sources of information that will help their colleagues and to provide resources for our members in crisis or simply wanting help.

Visit www.LawyersLivingWell.org for more information. In the meantime, we will continue to work to enhance and raise awareness of the services the Bar offers to our Georgia lawyers who need assistance. ●

ENDNOTES

1. Krill, Patrick R. JD, LLM; Johnson, Ryan MA; Albert, Linda MSSW; *Journal of Addiction Medicine*, February 2016, Vol. 1, Issue 1, p. 46-52.
2. Krill, Patrick; "Law Schools Must Confront Students' Alcohol, Mental Health Problems: Opinion," *Law.com*, September 28, 2016.

DEPORTA



Proportionality Lost?

The Rise of Enforcement-Based Equity in the Deportation System and its Limitations

BY PROF. JASON A. CADE

Moones Mellouli lawfully entered the United States in 2004 on a student visa. He earned undergraduate and graduate degrees with distinction, taught mathematics at the University of Missouri-Columbia, became a lawful permanent resident (LPR) and got engaged to a U.S. citizen. In 2010, Mellouli pleaded guilty to possession of a sock as drug paraphernalia in Kansas state court, a misdemeanor offense. After he successfully completed probation in 2012, the federal immigration enforcement agency put him in deportation proceedings pursuant to a statutory ground of removal targeting controlled substance offenses. Ineligible for discretionary adjudicative relief under current law, Mellouli was deported. When his appeal finally reached the Supreme Court in 2015, the justices reversed.¹

The government's deportation of Mellouli for possession of a sock, and the Court's subsequent reversal of the agency, reflect the remarkable transformation of immigration law that has occurred in the United States over the last two decades. This article discusses the shift

PHOTO BY ISTOCK.COM/YURIZ

from a deportation system that previously allowed for more formal adjudicative-discretion to one in which state and federal enforcement officials bear primary responsibility for assessing proportionality and fairness through discretionary enforcement decisions regarding both lawfully and unlawfully present noncitizens. That shift, toward what I call enforcement-based equity, has exerted increasing influence on executive branch actions in immigration law as well as the U.S. Supreme Court's recent immigration jurisprudence.²

A Brief Primer on Deportation Law

In general, deportation rules target two groups of noncitizens. One consists of persons who are deportable on the basis of being present in the United States without authorization. Another consists of lawfully present noncitizens who become deportable after being convicted of certain offenses or engaging in other prohibited behavior (e.g., unauthorized employment or unlawful voting). A deportation order signifies the formal ejection of a noncitizen falling into one of these groups from the United States. Generally speaking, it is a civil legal determination,

following an administrative proceeding, that the noncitizen does not have a right to remain in the country.

For much of immigration law's history, immigration judges presiding over deportation proceedings were statutorily empowered to weigh a noncitizen's positive and negative factors before entering an order of removal.³ Where, on balance, deportation would be overly harsh in light of mitigating factors, immigration judges often had the equitable discretion to suspend or set it aside. Criminal law judges, too, had the authority to issue a sentencing "recommendation," considered binding on federal authorities, that deportation not follow from a criminal conviction in light of the defendant's individualized circumstances.⁴ Moreover, for most of the 20th century criminal history did not play a major role in determining the deportability of noncitizens. Congress enacted the first criminal removal ground in 1917, for persons convicted of a "crime involving moral turpitude," but this applied only within the first five years of the noncitizen's entry and only if a prison sentence of at least one year was imposed.⁵ Over the years, Congress gradually expanded the criminal offenses that would lead to deportation, but removal on the basis of criminal history remained relatively rare—about 7 percent of all deportations.⁶

In the late 20th century, however, Congress enacted a series of laws that precipitated a dramatic shift in immigration law.⁷ Extensive revisions to the immigration code made all unauthorized presence a deportable offense (though not a criminal infraction) and also significantly multiplied and broadened the categories of criminal offenses triggering deportation for lawful present noncitizens.⁸ Simultaneously, Congress drastically reduced the statutory authority for immigration law judges and criminal sentencing judges to make equitable determinations about the appropriateness of deportation in individual cases. A few discretionary forms of relief remain, but they are exceedingly difficult to qualify for.⁹ As a result, many criminal offenses that are treated quite lightly under state penal laws—for example, petty shoplift-

In general, deportation rules target two groups of noncitizens. One consists of persons who are deportable on the basis of being present in the United States without authorization. Another consists of lawfully present noncitizens who become deportable after being convicted of certain offenses or engaging in other prohibited behavior (e.g., unauthorized employment or unlawful voting).

ing, turnstile jumping and minor marijuana possession offenses—now can trigger detention, deportation, and lengthy or permanent bars on lawful return, with little room for immigration judges to balance equitable factors, even for long-term LPRs.¹⁰ In fact, under current law even convictions that have been fully pardoned, expunged or entered but deferred pending completion of diversionary programs in many cases can continue to result in immigration consequences.¹¹

At the same time, the size of the population deportable on the basis of unlawful presence has grown to more than 11 million, two-thirds of whom apparently have lived in the United States for over a decade.¹² The reach of modern deportation law is thus vast, with many millions of foreign nationals in the United States potentially subject to enforcement actions despite longstanding community ties.

The Rise of Enforcement-Based Equity

Although immigration is a controversial and frequently divisive topic, most would agree that a deportation is a life-altering event. To be sure, the severity will depend on the particular situation of the affected individual, but, generally speaking, few civil penalties exceed the impact that banishment has for many noncitizens, as well as their families and communities. The removal of a noncitizen from the United States commonly results in lengthy or permanent separation from children and spouse, significant economic hardship and the possibility of harm in the country of return. In the Supreme Court's words, "deportation may result in the loss of all that makes life worth living."¹³

On the other hand, immigration rules are intended to further undoubtedly significant interests. Such goals include public safety and national security, economic productivity (including the labor needs of U.S. employers as well as the protection of U.S. citizens' and lawfully present immigrants' economic interests), the prioritization of particular family relationships and the capacity to extend humanitarian relief to refugees and others. Deportation controls are ostensibly intended to re-

move from American society those noncitizens who pose threats or shirk rules.

The central challenge of our deportation system is the balance of these competing concerns. On the one hand are a deportable noncitizen's positive equities and mitigating factors, including the strength of family and community ties, the length of residence in the United States, economic contributions, general moral character, hardship or danger faced in the country of return and so on. On the other hand are the noncitizen's transgressions, including the nature and recency of any criminal activity or the frequency and egregiousness of any immigration violations.

This concern, raised by any legal system that administers significant sanctions, reflects the principle of proportionality. Proportionality refers to the fit between the gravity of the underlying offenses, tempered by any mitigating or exacerbating factors, and the severity of the sanction.¹⁴ To be sure, there is no universal agreement about the point at which a given penalty becomes disproportionate. Nevertheless, most lawyers, scholars and jurists accept that enforcers or enforcement systems should be sensitive to special cases and that at some point the gap between the consequences of deportation for an affected individual and the nature of the underlying violations becomes too wide, raising proportionality problems.

As discussed above, in the 1990s Congress dramatically widened the net of deportability while constraining back-end, formal adjudicative discretion. Nevertheless, removing equitable discretionary authority from the purview of judges does not necessarily excise all consideration of fairness from the deportation system. Instead, Congress's expansion of deportability grounds and contraction of back-end adjudicative equity may simply have shifted power (and, some might argue, responsibility) to police, prosecutors and federal enforcers to evaluate proportionality concerns at the front-end stages of the process.

This phenomenon has long been recognized in the criminal law field, where one consequence of enacting broad, inflexible penal statutes and mandatory sentencing guidelines is to transfer eq-

uitable power to law enforcement police and prosecutors, who act as the criminal system's normative gatekeepers.¹⁵ Legislators have incentives to increase the severity of penal laws, relying on police and prosecutors to exercise discretion in determining who to arrest and prosecute, so that criminal law is appropriately and proportionally applied to individual human beings. Discretion is thus critical to temper and refine broad criminal statutes.

Similarly, in the immigration context, Congress's expansion of the grounds for removal, in conjunction with the narrowing of adjudicative discretionary authority, effectively (if not intentionally) transferred substantial gate-keeping power to the deportation system's enforcement officials. Notably, when media accounts began highlighting stories of the immigration agency's indiscriminate enforcement against long-time lawful permanent residents of the harsher statutory provisions enacted in 1996, many of the same legislators who had voted for the revisions wrote a letter to the attorney general urging more systematic prosecutorial discretion in order to avoid "unfair" deportations and "unjustifiable hardship."¹⁶

Modern immigration law delegates wide authority to the Department of Homeland Security (DHS) to determine enforcement priorities.¹⁷ The vast number of potential enforcement targets is also relevant. Even as laws and attitudes about undocumented workers and immigration enforcement have become more stringent, Congress's budgetary appropriations in recent years to the Executive's immigration agencies permit the removal of only a small fraction of the total number of noncitizens who may be deportable on the basis of unlawful presence, criminal history or other infractions.¹⁸ Thus, even as the Obama Administration actualized more than 2.5 million removals—far more than any other administration in history¹⁹—these were a drop in the bucket relative to the size of the pool. This massive underfunding, coupled with the breadth of modern deportation categories and the constriction of back-end discretion, suggests that Congress depends on the Executive to set priorities and exercise

discretion when determining which percentage of the total removable population to target. President Trump has indicated a desire to increase deportations and detention above Obama's numbers, and it remains to be seen whether Congress will significantly increase the appropriations necessary to do so.

Recent Efforts at Enforcement-Based Equity in the Executive Branch

Under President Obama, DHS endeavored to implement enforcement-based equity in specific ways. I will highlight two such efforts here. First, the Department of Homeland Security prioritized enforcement against recent border-crossers and noncitizens who encounter criminal justice systems. Although not all deportations of persons within these categories will be proportional, prioritizing limited resources in this way does lessen the likelihood of enforcement against non-targeted groups, whom the government may believe are likely to present more significant equitable claims. Noncitizens who have already been living in the United States for some time, and who have avoided contact with the criminal justice system, are more likely to have developed ties and relationships that might militate against removal.

As a result of this strategy, border removals under the Obama Administration dramatically increased as a percentage of overall removals—something on the order of 66 percent in recent years.²⁰ Similarly, nearly half of recent deportees had at least some kind of criminal history.²¹ As discussed below, the Supreme Court appears to believe, as do many scholars and advocates, that the executive branch's approach to the removal of noncitizens with criminal history has been overly coarse. And by and large, the vast majority of those whom DHS terms "criminal aliens" have been convicted only of traffic offenses, low-level drug possession or crimes of migration (illegal entry or re-entry). Nevertheless, the Obama Administration's focus on noncitizens who encounter the criminal justice system—which the Trump Administration has in-

dicated it will continue to pursue—does increase the likelihood that those put in removal proceedings will have negative factors justifying deportation.

Second, DHS in recent years has increased the use of prosecutorial discretion in immigration enforcement, on both a case-by-case level and more categorically. In 2011, John Morton, then-director of Immigration and Customs Enforcement (ICE), began the roll-out of a series of agency initiatives aimed at encouraging more systematic use of prosecutorial discretion. Through memoranda and trainings, agency leaders set out various positive and negative factors to be balanced in the exercise of discretion. Over time the agency tinkered with the criteria and priorities, but the consistent focus was on encouraging front-line operatives to target noncitizens with criminal history or significant immigration violations, and to consider forbearance in cases with compelling humanitarian factors.

These prosecutorial discretion initiatives met with significant resistance by front-line operatives. In fact, one of ICE's unions sued the agency, and refused to allow its 7,700 members to engage in agency training on the use of prosecutorial discretion. ICE's prosecutors—the trial attorneys who represent the government in deportation proceedings—did not engage in organized resistance, and over time many increased their use of equitable discretion. But the results of these efforts nationwide varied wildly, with a small handful of immigration court jurisdictions representing the majority of discretionary case closures.²² Many similarly situated jurisdictions saw dramatically different closure rates.²³

Deferred Action for Childhood Arrivals (DACA), announced in 2012, represented the agency's attempt to shift toward more systematic and categorical implementation of enforcement discretion. DACA focuses on one of the most sympathetic groups of undocumented noncitizens—longtime residents who were brought to the United States at a young age, demonstrate potential for economic productivity and lack indicia of dangerousness or wrong-doing. Such individuals have been acculturated as

Americans and have little or no culpability in their immigration violations, thus bringing the current system's potential for disproportionality into sharp relief. Instead of the reactive, case-by-case approach of the earlier prosecutorial discretion initiatives, DACA encourages those individuals who can meet the specified criteria to announce themselves to the agency for consideration for "deferred action," which amounts to a revocable assurance that the individual will not be a priority for removal for a period of time.²⁴

It is some indication of the highly sympathetic circumstances of DACA-eligible noncitizens that the Trump Administration has decided not to end the program, instead allowing recipients to retain deferred action until their grant periods expire. In other respects, the new administration is likely to change the enforcement approach. In particular, DHS Secretary John Kelly has issued new memoranda that largely abandon the Obama-era prosecutorial discretion guidelines as agency-wide policy. Consequently, the exercise of discretion in individual cases currently is in a phase of uncertainty and change.

Enforcement-Based Equity in the Supreme Court

In recent years, the Supreme Court has come to grips with this new reality of enforcement-based equity in the deportation system. In fact, concerns about the system's potential for disproportionality appear to have influenced much of the Court's recent jurisprudence in this area, although the Court likely is far from recognizing a substantive proportionality principle. Here I will highlight a few of the leading cases that appear to be animated by the Court's equity concerns about the operation of the current removal and enforcement scheme.

Arizona v. United States

On June 22, 2012, the Supreme Court decided *Arizona v. United States*, which clarified the federal government's primacy in the area of immigration enforcement, although preserving some room for state activity.²⁵ The Court struck down on preemption grounds most of the chal-

“And Justice for All”

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

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

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



Ms. Smith contacted the Georgia Legal Services Program for help when she was unable to pay her rent after discovering the bank account she shared with her abusive husband was locked. He was in jail facing 10 felony charges for battering his wife and firing repeatedly at police officers during a 10-hour standoff at their home. While in jail, he had removed his wife from their joint bank account. Ms. Smith was evicted from their ransacked home following her husband's arrest. She feared her husband would be released from jail and find out where she is currently living.

A GLSP lawyer assisted Ms. Smith in filing a Temporary Protective Order with provisions for spousal support and access to the bank account. Her husband refused to comply, and the GLSP lawyer filed a motion for contempt. The lawyer talked to the bank's vice president about Ms. Smith's TPO, and he agreed to unlock the joint account. Ms. Smith was able to pay her rent and other expenses. Without GLSP's involvement, Ms. Smith would have become homeless and penniless.

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



State Bar of Georgia



GEORGIA LEGAL
SERVICES PROGRAM®

Access to Justice and Opportunities Out of Poverty

Thank you for your generosity and support.

lenged provisions of Arizona's omnibus law, SB 1070, which essentially had created a state-level branch of the federal immigration enforcement system. For present purposes, most remarkable about Justice Kennedy's majority opinion is its direct acknowledgement that equity in the deportation scheme today depends almost entirely on the exercise of prosecutorial discretion.

Justice Kennedy first explained that a "principle feature of the removal system is the broad discretion exercised by immigration officials."²⁶ It is worthwhile to appreciate the clarity of the Court's understanding—and endorsement—of the connection between federal agencies' exercise of prosecutorial discretion and the implementation of equity in the deportation system:

Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all. . . . Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service Returning an alien to his own country may be deemed inappropriate even where he has committed a removable offense or fails to meet the criteria for admission.²⁷

The Court in *Arizona* thus acknowledged that not all noncitizens made deportable by Congress are similarly situated, and that, as a result, executive enforcement officials should weigh individual equities in determining the appropriateness of removal in particular cases. This stark endorsement of the central role of enforcement discretion in the modern deportation scheme—including discretion not to pursue persons who are formally removable—set the stage for the Court's preemption analysis of the challenged provisions of SB 1070. Throughout its discussion, the Court's analysis reflected its concern that the challenged statutory

provisions would enable state or local authorities to negate the federal government's determination not to penalize certain removable individuals, whether resulting from case-by-case evaluation or macro-enforcement priorities.²⁸

Padilla v. Kentucky

As described above, the Obama administration's immigration enforcement agency largely declined to differentiate among so-called "criminal aliens," treating almost any kind of criminal history as an irrefutable signifier of undesirability. All indications are that the Trump administration will take an even more expansive approach. Recent rulings, however, suggest that overly aggressive enforcement of the Immigration and Nationality Act's (INA) criminal law provisions troubles the Court.

The justices' discomfort with the inflexible operation and harsh consequences of current deportation rules was perhaps most apparent in its 2010 decision in *Padilla v. Kentucky*, which took the unusual step of regulating an aspect of the removal system through a constitutional criminal procedure ruling.²⁹ Relying on erroneous advice from his attorney, Jose Padilla (a long-time lawful permanent resident) pled guilty to a criminal charge that all but guaranteed his deportation. The Court's watershed holding in that case—that the Sixth Amendment requires criminal defense counsel to render effective advice about the potential immigration consequences of a conviction—was firmly rooted in the new realities of federal immigration law, including the evisceration of opportunities for leniency in the face of criminal convictions.

The Court noted that for much of the 20th century the grounds of criminal removal were narrow, and zeroed in on the fact that "immigration reforms over time have expanded the class of deportable offenses and limited the authority of judges to alleviate the harsh consequences of deportation."³⁰ Justice Stevens' majority opinion emphasized the more recent loss of mitigating mechanisms at both federal and state levels, which he described as "critically important . . . to minimize the risk of unjust deportation."³¹ As a result, "the drastic measure of deportation . . . is

now virtually inevitable for a vast number of noncitizens convicted of crimes."³²

It would be constitutionally unfair, the Court reasoned, to allow persons to plead guilty without being aware that the penalty of deportation would follow. Rooted in the Sixth Amendment's command that criminal defendants be afforded adequate assistance of counsel, the decision puts constitutional obligations only on criminal defense attorneys. Practically, however, the ruling will pressure prosecutors and judges to ensure that defense attorneys have adequately advised their clients so that convictions cannot later be undone on ineffective assistance grounds. Recognizing that equitable discretion in the removal system has shifted to earlier, enforcement stages, Justice Stevens also expressed the hope that the Court's Sixth Amendment ruling would encourage defense attorneys and prosecutors to take immigration consequences into account when engaging in plea bargaining.³³

The Categorical Approach Cases

Padilla established a structure for non-citizen defendants to reach plea deals that avoid deportation, or that preserve narrow possibilities for equitable discretionary relief in later deportation proceedings. Another set of cases decided over the last decade have worked toward the same objective by narrowing the range of criminal convictions that trigger mandatory removal. For the most part, these decisions have concerned noncitizens with minor drug-related convictions that, while given lenient treatment under state law, were charged as "aggravated felony" deportation grounds by ICE prosecutors—a categorization that would foreclose any possibility of discretionary relief.³⁴ The name is something of a misnomer, as many convictions falling within this category are neither aggravated nor felonies.³⁵ The Court has rejected many of the governments' overzealous efforts by requiring a categorical match between the elements of the criminal offense and the removal ground.³⁶ Through these rulings, the Court has reigned in the harshest interpretations of the criminal removal provisions and safeguarded at least limited op-

portunities for equitable decision-making in deportation proceedings.

In *Carachuri-Rosendo v. Holder*, for example, the government argued that Carachuri-Rosendo's two minor state-law drug possession crimes would have made him a felony recidivist drug offender under the Controlled Substances Act, had he been federally prosecuted, therefore constituting an aggravated felony.³⁷ The Court focused on the need to preserve prosecutorial discretion in the conviction-to-removal pipeline. Federal procedure allows prosecutors to choose, in the exercise of discretion, whether to seek a recidivist enhancement. Many state codes afford state prosecutors similar discretion. The Court found that allowing immigration judges to apply their own recidivist enhancements "would denigrate the independent judgment of state prosecutors."³⁸ In Carachuri-Rosendo's own criminal case, the prosecutor chose to abandon the recidivist enhancement. One can only speculate on the prosecutor's motives for doing so, but the Court's ruling ensured that such measures by government attorneys will limit the impact of the conviction in subsequent immigration proceedings.

The Court employed a similar approach in *Moncrieffe v. Holder*.³⁹ Adrian Moncrieffe, a long-time lawful permanent resident with two U.S. citizen children, was stopped for a driving offense in Georgia and arrested for possessing a small amount of marijuana. He pleaded guilty as a first-time offender to possession of marijuana with intent to distribute. ICE asserted that Moncrieffe's conviction triggered the "illicit trafficking" aggravated felony ground of removal, which categorization would take equitable discretion away from the immigration judge.⁴⁰

In a 7 to 2 decision, the Court rejected the government's position, creating space for a discretionary judgment by an immigration judge about the justifiability of Moncrieffe's deportation. The Court again emphasized the categorical analysis that should be employed to determine the immigration consequences of criminal convictions. A "state offense is a categorical match with a generic federal offense only if a conviction of the state offense necessarily involved . . . facts equat-

Padilla established a structure for noncitizen defendants to reach plea deals that avoid deportation, or that preserve narrow possibilities for equitable discretionary relief in later deportation proceedings.

ing to the generic federal offense."⁴¹ The noncitizen's actual conduct, the Court explained, is not relevant to the categorical approach. Instead, courts "must presume that the conviction rested upon nothing more than the least of the acts criminalized, and then determine whether even those acts are encompassed by the generic federal offense."⁴² If the state statute criminalizes conduct that is broader than the generic federal offense referenced in the Immigration and Nationality Act, there is an insufficient match between the offenses to warrant imposition of the relevant removal ground.

The state conviction at issue in *Moncrieffe* was an insufficient match with the aggravated felony drug trafficking category because the cross-referenced federal statute captured both felonious sale and misdemeanor distribution (defined as social sharing of a small amount of marijuana for no remuneration). Although the government argued that the federal scheme treated misdemeanor distribution as a sentencing exception, the Court still found the approach excessive. Some state-law marijuana distribution convictions would unambiguously correspond only with federal misdemeanors, involving just a small amount of marijuana and no remuneration.

The underlying problem was that lawfully present noncitizens whose conduct was not egregious would find themselves subject to a mandatory removal category

without any possibility of equitable balancing. The Court concluded its opinion in *Moncrieffe* by chiding the government for its unduly aggressive approach to the criminal deportation provisions, especially with respect to the removal of LPRs with minor criminal history:

This is the third time in seven years that we have considered whether the Government has properly characterized a low-level drug offense as “illicit trafficking in a controlled substance,” and thus an “aggravated felony.” Once again we hold that the Government’s approach defies “the commonsense conception” of these terms.⁴³

In *Mellouli*, mentioned at the outset of this article, the Court similarly rejected the government’s scorched-earth approach to seeking the deportation of LPRs with minor drug crimes. Following an arrest for driving offenses, Moones Mellouli was detained. After officers discovered four Adderall pills in his sock, the state charged him with trafficking contraband in jail. A deal was later struck, and the amended complaint to which Mellouli pleaded guilty charged only the lesser offense of possessing drug paraphernalia—a sock—and did not identify the substance that the officers had seized.⁴⁴

In another 7-2 decision, authored by Justice Ginsburg, the Court held that Mellouli’s drug paraphernalia conviction was not a removable offense. First, the Court noted that federal law does not criminalize simple possession of drug paraphernalia. In addition, federal law defines drug paraphernalia, for purposes of non-possession crimes such as production or trafficking, as “any ‘equipment, product, or material’ which is ‘primarily *intended or designed for use*’ in connection with various drug-related activities,” in contrast to “common household or ready-to-wear items like socks.”⁴⁵ Justice Ginsburg also observed that in 19 states Mellouli’s conduct would not even have been deemed a criminal offense.

Immigration officials’ theory for Mellouli’s deportability was that “a paraphernalia conviction ‘relates to’ any and all controlled substances, whether or not fed-

erally listed, with which the paraphernalia can be used.”⁴⁶ The Court, however, again underscored the necessity of a categorical approach to analyzing the immigration consequences of criminal convictions, emphasizing that the INA’s controlled-substance ground of removal applies only to noncitizens actually convicted of laws relating to the federally controlled substances that are listed in section 802 of Title 21.⁴⁷ In particular, the Court was troubled by the “anomalous result” that minor paraphernalia offenses could trigger removal more easily than offenses based on the actual possession or distribution of drugs, since those offenses support removal only if they necessarily involve a federally controlled substance.⁴⁸

Thus, the Court again insisted on a “categorical approach” when considering the immigration consequences of criminal convictions, finding an insufficient match between the state conviction and the federal removal category in Mellouli’s case.

Notably, Justice Ginsburg’s opinion for the majority endorsed the fact that as a consequence of the categorical approach, noncitizens in criminal proceedings might “enter ‘safe harbor’ guilty pleas” that avoid immigration sanctions.⁴⁹ Indeed, Mellouli’s own plea seemed to have been an instance of this, in light of the deal struck and the amended complaint’s omission of the nature of the discovered pills in Mellouli’s sock. As it had done in *Padilla*, then, the Court in *Mellouli* endorsed the appropriateness of plea-bargain deals that help noncitizens avoid removal when significant equities support their continued residence in the United States.⁵⁰

Mellouli and the Court’s other recent crime-based-deportation rulings aim to inject considerations of individual fairness into the deportation process. *Padilla* pushes defense attorneys to seek safe harbors for their noncitizen clients, and prosecutors to weigh immigration-law consequences in exercising their discretion to strike individualized plea deals. At the same time, decisions like *Carachuri-Rosendo*, *Moncrieffe* and *Mellouli* help preserve the effectiveness of such criminal court deals in downstream removal proceedings, where back-end balancing is much constrained.

The Limitations and Drawbacks of Enforcement-Based Equity

To be sure, a deportation system that relies primarily on enforcement discretion for proportionality and fairness is far from ideal. One drawback of relying on enforcement discretion to keep the deportation system normatively justifiable is that executive actions in this area tend to arouse significant ire and controversy. States, congresspersons or members of the public may not approve of the particular manner in which the DHS manages discretionary enforcement power, and may attempt to force modifications through legislation or litigation. We saw this dynamic at work in the criticism of, and challenges to, President Obama’s deferred action initiatives. While the Court’s recognition in *Arizona* of the necessity of prosecutorial discretion as a vehicle for equity in immigration enforcement provides some support for categorical initiatives like DACA, the nature and scale of such programs complicates questions about their validity or desirability.

Another limitation is that the implementation of equity through enforcement discretion often does little more than preserve the status quo. Deferred action and other forms of prosecutorial discretion typically do not resolve the underlying issue that triggered the initiation of removal proceedings. An undocumented youth who receives a reprieve under DACA, for example, remains without legal status and in legal limbo.

Finally, under any administration, the enforcement agency is unlikely to engage in much equitable balancing for noncitizens with almost any criminal history. The immigration enforcement arms of the federal government have consistently pushed for the broadest and most severe interpretations of the criminal removal statutes possible. The Trump Administration has broadened its conception of targeted “criminal aliens” to include even those who are arrested but not yet convicted.⁵¹ Even President Obama’s DACA program was foreclosed to anyone with a “significant misdemeanor,” regardless of other equities or mitigating factors.⁵²

There are obvious political reasons for these kinds of enforcement choices.

Prioritizing noncitizens who have had run-ins with law enforcement is seen as an efficient means of sorting a very large pool of potential enforcement targets and plays well with most constituents. Moreover, criminal history provides the government with information reasonably assumed to be relevant to a noncitizen's fitness to be a member of U.S. society, such as respect for law, dangerousness and economic productivity.⁵³

But not all noncitizens with convictions, let alone arrests, are similarly situated. The deportation of noncitizens with criminal history will in many cases seem reasonable to most, but in many other situations it will be unjustifiably harsh in light of the relatively minor nature of their conduct and individual mitigating factors like rehabilitation, length of time in the United States, community and family ties, age and health concerns. At the center of every deportation case, there is an individual who often has formed deep community bonds of family, faith, employment and friendship. And where this is true, deportation results in life-altering consequences, both for that individual and for the family members, persons and institutions at the other end of those connections.

The theme of much of the Supreme Court's recent deportation jurisprudence is that even in a system of expansive deportation categories and constricted discretionary relief, the equities and impact of removal in the individual case must be considered in some way, even in cases involving noncitizens with convictions. But the Court is not institutionally well-positioned to make a big enough difference. It is unlikely, in the near future anyway, to recognize any substantive proportionality right (whether in the immigration context or elsewhere). The Court's decisions mainly enable the possibility of normative balancing. Thus, this jurisprudence, although important, is perhaps best seen as a signal to the political branches that aspects of the deportation system are in significant need of reform.

The most direct possibilities for redress of the current system lie with Congress. If federal lawmakers were to roll back the breadth and severity of the re-

moval grounds, and restore mechanisms for adjudicative relief from removal for both lawfully present and undocumented noncitizens, the pressure on the Executive to adopt measures that ensure individual deportations remain proportional and justified would decrease. Until then, we can expect the Court to keep a steady diet of deportation cases on its docket, chipping away at the harshest edges of a system marked by insufficient formal opportunities for equitable balancing. ●



Prof. Jason A. Cade has taught at the University of Georgia School of Law since 2013, where he is an assistant professor and director of the Community Health Law Partnership Clinic. Cade has published extensively in the field of immigration law, focusing primarily on the role of prosecutorial discretion and on intersections between criminal and immigration enforcement. Before joining the faculty at UGA Law, Cade was an immigration attorney in New York City and taught at the New York University School of Law. He can be reached at cadej@uga.edu.

Endnotes

- 135 S. Ct. 1980 (2015).
- I have explored this material in more depth in a series of recent articles. See generally Jason A. Cade, *Enforcing Immigration Equity*, 84 *FORDHAM L. REV.* 661 (2015); Jason A. Cade, *Judging Immigration Equity: Deportation and Proportionality in the Supreme Court*, 50 *U.C. DAVIS L. REV.* 1029 (2017).
- See Immigration and Nationality Act of 1952, Pub. L. No. 82-414, § 212(c), 66 Stat. 163, 187 (formerly codified as amended at 8 U.S.C. § 1182(c) (1994)), repealed by Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, div. C, § 304(b), 110 Stat. 3009-546, 3009-597 (1996); Immigration and Nationality Act of 1952, § 244, 66 Stat. 163, 214 (formerly codified as amended at 8 U.S.C. § 1254 (1994)), repealed by IIRIRA, div. C, § 308(b), 110 Stat. 3009-546, 3009-615.
- See generally Jason A. Cade, *Return of the IRAD*, 90 *N.Y.U. L. REV.* ONLINE 36 (2015), <http://www.nyulawreview.org/sites/default/files/NYULawReviewOnline-90-Cade.pdf>.
- Act of Feb. 5, 1917, Pub. L. No. 64-301, §§ 3 & 19, 39 Stat. 874, 875, 889.
- Stephen H. Legomsky, *The New Path of Immigration Law: Asymmetric Incorporation of Criminal Justice Norms*, 64 *WASH. & LEE L. REV.* 469, 488 n.92 (2007).
- In particular, see Anti-terrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (1996) (codified as amended in scattered sections of 18, 28, and 49 U.S.C.), and Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, div. C, 110 Stat. 3009-546 (1996) (codified as amended in scattered section of 8 U.S.C.).
- See, e.g., 8 U.S.C. § 1182(a)(6)(A)(i) (2012); 8 U.S.C. § 1227(a)(1)(B) (2012); 8 U.S.C. § 1227(a)(2) (2012).
- See, e.g., 8 U.S.C. § 1229b(a)-(b) (2012) (cancellation of removal for LPRs and non-LPRs); 8 U.S.C. § 1158 (2012) (asylum).
- See, e.g., *Lopez-Valencia v. Lynch*, 798 F.3d 863, 869 (9th Cir. 2015) (concerning the appeal of 42-year-old LPR in the country for 40 years who was deported as an "aggravated felon" after shoplifting \$2 can of beer).
- Jason A. Cade, *Deporting the Pardoned*, 46 *U.C. DAVIS L. REV.* 355, 368-69 (2012).
- Jeffrey S. Passel & D'Vera Cohn, *Unauthorized Immigrant Population Stable for Half a Decade*, *PEW RES. CTR.* (Sept. 21, 2016), <http://www.pewresearch.org/fact-tank/2016/09/21/unauthorized-immigrant-population-stable-for-half-a-decade>.
- Bridges v. Wixon*, 326 U.S. 135, 147 (1945) (internal quotation marks omitted).
- See generally Austin Lovegrove, *Proportionality Theory, Personal Mitigation, and the People's Sense of Justice*, 69 *CAMBRIDGE L.J.* 321, 330 (2010) ("[T]he severity of the punishment should be proportionate to the seriousness of the offence in question; but it also should be appropriate, having regard to the offender's personal mitigation."); Michael J. Wishnie, *Immigration Law and the Proportionality Requirement*, 2 *U.C. IRVINE L. REV.* 415, 416 (2012) ("Proportionality is the notion that the severity of a sanction should not be excessive in relation to the gravity of an offense.").

15. See, e.g., Kate Stith, *The Arc of the Pendulum: Judges, Prosecutors, and the Exercise of Discretion*, 117 YALE L.J. 1420 (2008); William J. Stuntz, *The Pathological Politics of Criminal Law*, 100 MICH. L. REV. 505 (2001).
16. Letter from 28 members of the U.S. House of Representatives to Janet Reno, Att'y Gen., U.S. Dep't of Justice, and to Doris M. Meissner, Comm'r, U.S. Immigration and Naturalization Servs. (Nov. 4, 1999).
17. See 6 U.S.C. § 202(5) (2012) (charging the Secretary of Homeland Security with "[e]stablishing national immigration enforcement policies and priorities"); 8 U.S.C. § 1103(a) (2012) (conferring broad power to the Secretary of Homeland Security over "the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens").
18. Moreover, Congress's immigration enforcement appropriation acts explicitly acknowledge—in fact, *provide*—that the Department of Homeland Security prioritize among noncitizens deportable on the basis of criminal history. See, e.g., Consolidated Appropriations Act, 2014, Pub. L. No. 113-76, 128 Stat. 5, 251 (2014); Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329, 122 Stat. 3574, 3659 (2009).
19. Serena Marshall, *Obama Has Deported More People than Any Other President*, ABC NEWS (Aug. 29, 2016, 2:05 PM), <http://abcnews.go.com/Politics/obamas-deportation-policy-numbers/story?id=41715661>.
20. See *FY 2015 ICE Immigration Removals*, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT, <https://www.ice.gov/removal-statistics/2015> (last visited Mar. 10, 2017) (showing that border deportations constituted at least two thirds of all removal orders from 2012 to 2015).
21. *Id.* (showing that over half of deported persons in each year since 2010 had some kind of criminal conviction).
22. See Jason A. Cade, *The Challenge of Seeing Justice Done in Removal Proceedings*, 89 TUL. L. REV. 1, 31–34 (2014).
23. *Id.* at 32 (showing large differences in discretionary case closures between smaller courts (e.g., Charlotte, Seattle, Phoenix and Omaha), mid-sized courts (e.g., San Diego, Atlanta and Dallas), and large courts (e.g., New York City and Los Angeles)).
24. In late 2014, Homeland Secretary Jeh Johnson announced an expansion of DACA and the creation of Deferred Action for Parents of Americans (DAPA). DAPA would have operated in a similar fashion to DACA, extending temporary reprieves from removal for otherwise law-abiding parents of children with United States citizenship or permanent residence. In 2015, these expansions were preliminarily enjoined by a federal judge in Brownsville, Texas. The government's appeal failed to convince a divided panel of the Fifth Circuit Court of Appeals, and on review the Supreme Court deadlocked 4-4, still down a member following the passing of Justice Scalia. See *Texas v. United States*, 809 F.3d 134 (5th Cir. 2015), *aff'd*, 136 S. Ct. 2271 (2016).
25. 132 S. Ct. 2492 (2012).
26. *Id.* at 2499 (emphasis added).
27. *Id.*
28. See Jason A. Cade, *Judging Immigration Equity: Deportation and Proportionality in the Supreme Court*, 50 U.C. DAVIS L. REV. 1029, 1043–46 (2017).
29. 559 U.S. 356 (2010). The rarity of a constitutional holding in this area is underscored by the fact that even the Court's substantive *criminal law* decisions are usually decided through subconstitutional means. See Kate Stith-Cabranes, *Criminal Law and the Supreme Court: An Essay on the Jurisprudence of Byron White*, 74 U. COLO. L. REV. 1523, 1548 (2003).
30. *Padilla*, 559 S. Ct. at 360.
31. *Id.* at 361, 368 (emphasis added).
32. *Id.* at 360.
33. *Id.* at 373.
34. Aggravated felonies make noncitizens subject to mandatory detention, ineligible for discretionary relief from deportation, and permanently prohibited from lawful return to the United States. See 8 U.S.C. § 1182(a)(9) (A)(ii) (2012) (aggravated felony bar to lawful admission to the United States); 8 U.S.C. § 1158 (b)(2)(B)(i) (2012) (aggravated felony bar to asylum and withholding of removal); 8 U.S.C. § 1229b(a)(3) (2012) (aggravated felony bar to cancellation of removal for LPRs); 8 U.S.C. § 1229b(b)(1)(C) (2012) (aggravated felony bar to cancellation of removal for non-LPRs).
35. See Jason A. Cade, *The Plea Bargain Crisis for Noncitizens in Misdemeanor Court*, 34 CARDOZO L. REV. 1751, 1758–59 (2013) (providing examples).
36. The two notable exceptions from the Court's strict categorical approach, *Nijhawan v. Holder*, 557 U.S. 29 (2009), and *Torres v. Lynch*, 136 S. Ct. 1619 (2016), are the product of uniquely drafted deportation provisions and are also grounded in the Court's proportionality concerns. See Jason A. Cade, *Judging Immigration Equity: Deportation and Proportionality in the Supreme Court*, 50 U.C. DAVIS L. REV. 1029, 1069–71 (2017).
37. 560 U.S. 563, 575–79 (2010).
38. *Id.* at 579–80.
39. 133 S. Ct. 1678 (2013).
40. *Id.* at 1683.
41. *Id.* at 1684 (internal quotation marks and alteration marks omitted).
42. *Id.*
43. *Id.* at 1693 (quoting Carachuri-Rosendo v. Holder, 560 U.S. 563, 573 (2010)).
44. Mellouli v. Lynch, 135 S. Ct. 1980, 1983 (2015).
45. *Id.* at 1985.
46. *Id.* at 1988 (quoting Matter of Martinez Espinoza, 25 I. & N. Dec. 118, 120 (BIA 2009)).
47. See *id.* at 1989.
48. *Id.*
49. *Id.* at 1987.
50. See also *Vartelas v. Holder*, 132 S. Ct. 1479, 1492 n.10 (2012) (endorsing the idea that lawful permanent residents might "negotiate a plea to a nonexcludable offense," allowing them to travel outside the U.S. without triggering immigration problems).
51. Memorandum from John Kelly, Sec'y, U.S. Dep't of Homeland Sec., Enforcement of the Immigrant Laws to Serve the National Interest (Feb. 20, 2017), https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf.
52. See generally Jayesh Rathod, *Criminalization Creep: Reframing Executive Action on Immigration*, 55 WASHBURN L.J. 173 (2015).
53. See Adam B. Cox & Eric A. Posner, *The Second-Order Structure of Immigration Law*, 59 STAN. L. REV. 809, 826–27, 846 (2007).

Due Justice.

Do Pro Bono.

duejusticedo50.org

Do Exceptional
Good.

“In my role here, I have the privilege of working with children fleeing violence, abuse, and neglect. These kids often are traumatized when I meet them. Part of my job is to calm them, listen to them, and understand their stories. I share that information with our volunteer lawyers. The impact one volunteer attorney can make on one child’s life can be exponential: the children we help will grow into adults who will pass those benefits on to their children. Never underestimate the impact you can make by taking on one case.”

— Christina Iturralde, Esq., Pro Bono Coordinator, KIND

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



#volunteerstatebarga
duejusticedo50.org

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

Immigrant Children at Risk

The ABA has issued a national call to action on behalf of unaccompanied children seeking protection in the United States.

BY MEREDITH LINSKY

FORWARD BY: Linda Klein, *President, American Bar Association*

I was gratified to learn that the *Georgia Bar Journal* was dedicating an edition to the important issue of immigration. And the American Bar Association is especially honored that part of this coverage will focus on the ABA's long tradition of work on legal representation of unaccompanied immigrant children.

Imagine arriving in the United States after a harrowing journey through Central America only to end up in a federal detention center. Now imagine you are a child, you don't speak English, and there is no one to help you, represent you in court or even speak on your behalf. This daily occurrence is what has driven the ABA's work with unaccompanied immigrant children for more than 15 years.

The ABA is deeply committed to increasing and enhancing legal representation for immigrant children, especially in light of the specialized protection needs children present and the devastating conditions of violence that exist today in Central America. In countries like Guatemala, El Salvador and Honduras, no reliable safety net exists for children in crisis. These children often make a dangerous migration to the United States as one of the only viable alternatives they have.

Lawyers are uniquely situated to make sure that the thousands of immigrant children who desperately need help are treated fairly and humanely. The ABA is committed to doing so through the work described in this article of its working group on unaccompanied minor immigrants. To join our efforts, please sign up at www.ambar.org/ican or contact Meredith Linsky at Meredith.Linsky@americanbar.org or by calling 202-662-1006.



PHOTO BY ISTOCK.COM/LINEPHOTO

During the summer of 2014, national media focused major attention on an unprecedented wave of unaccompanied children streaming across the southwest border, mainly from Central America and Mexico. News articles featured startling images of newly arrived immigrants packed into Border Patrol holding cells, huddled together on metal benches and concrete floors. Children, like adults, who enter the country without authorization have no recognized right to appointed counsel. As a result, tens of thousands of children face adversarial removal proceedings each year on their own, opposed by experienced government attorneys. In recognition of this stark reality, on Aug. 6, 2014, Vice President Joseph Biden convened a White House meeting to urge legal services providers and private law firms to undertake additional pro bono representation of unaccompanied minors in removal proceedings, stating “we really do care about these kids,” while admitting, “we all have varying degrees of frustration . . . with the process.”¹

In response to this national challenge, the American Bar Association (ABA) organized a border tour including (then) President James R. Silkenat and President-Elect William Hubbard. Over two days in July 2014, ABA leaders witnessed the reality of hundreds of unaccompanied children who had recently crossed the U.S. border in search of refuge.

The ABA delegation visited the Lackland Air Force Base in San Antonio, Texas, an emergency shelter where the Department of Health and Human Services’s Office of Refugee Resettlement (ORR) was holding almost 800 children, as well as other temporary shelters. ABA leaders spoke to one young girl from Guatemala who mentioned riding on top of a train referred to as “the beast” through Mexico. Another child quietly began to cry when she explained that she had recently learned an immigration judge could order her deported if she did not ultimately qualify for legal relief.

In a statement issued by James R. Silkenat immediately following the tour, he declared, “[W]e believe the nation can address the situation at our southwest border without compromising our commit-

ment to protecting the most vulnerable among us by adhering to the fundamental principles of justice and due process in which this country’s legal system is rooted.”² In remembering that time, William Hubbard shared the following reflection:

When we met with young girls at one of the shelters, and they described their arduous journeys and the difficulties encountered on arrival, I knew we had to help. The determination of these girls to escape from harm in their native countries and make a better life would inspire even the most hardened skeptics. We perhaps shed as many tears as the girls themselves.

We immediately set out to establish a working group to help these children by recruiting and training pro bono attorneys. Within two weeks, the ABA Board of Governors gave the green light and funding to proceed. Never in my ABA experience, has the ABA moved so quickly and effectively to create a structure and program to address immediate legal needs. It was the ABA and the American legal profession at its best.³

As a result of what members of the ABA delegation witnessed in Texas, and to help address the children’s legal needs, the ABA established a member-led Working Group on Unaccompanied Minor Immigrants (Working Group) to build legal capacity and safeguard children’s access to justice and due process in immigration and state court proceedings. The Working Group represents a cross-section of various ABA entities⁴ joining forces to pursue a common goal. The specific mandate of the Working Group was to develop and implement an immediate response to the call for trained lawyers to take on children’s immigration cases on a pro bono basis. This mandate was motivated by the understanding that effective representation has a significant impact on case outcomes. One 2014 study found that represented children have a 73 percent success rate in immigration court, as compared to only 15 percent of unrepresented children.⁵ Furthermore, studies

show that children who are represented have a much higher appearance rate in immigration court, 92.5 percent, versus 27.5 percent for unrepresented children.⁶

Unaccompanied children have been making their way to the United States for decades, both on their own and guided by human smugglers. This issue gained national attention when the number of children entering the country at the southwest border surged to an all-time high of 68,541 in fiscal year 2014, increasing more than four-fold from 15,949 in fiscal year 2011.⁷ Although the numbers decreased somewhat in fiscal year 2015, they have crept up again in fiscal year 2016 with Customs and Border Protection (CBP) reporting 59,692 apprehensions from Oct. 1, 2015, to Sept. 30, 2016.⁸ According to official statistics, between October 2013 and September 2016, a total of 168,203 unaccompanied children have been processed at the southwest border.⁹ Children apprehended at the border are generally from one of four Latin American countries: Guatemala, El Salvador, Honduras or Mexico.¹⁰ Approximately two-thirds of the children are male and one-third are female.¹¹ While approximately two-thirds of these children are between the ages of 15 and 17, it is not uncommon to find children of tender ages in immigration court, even toddlers and babies, who face the same adversarial court system as adults.¹²

Once apprehended, unaccompanied children from non-contiguous countries are placed in the custody of ORR.¹³ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 requires that children from non-contiguous countries be placed in removal proceedings before an immigration judge and provided the right to apply for legal relief and receive counsel “[t]o the greatest extent practicable.”¹⁴ In contrast, children from contiguous countries (Mexico and Canada) are expeditiously returned to their countries after a routine screening by a Department of Homeland Security officer, unless they express a credible fear of persecution, demonstrate indications of trafficking or are unable to independently agree to withdraw their application for admission.¹⁵ Children, like adults, who do not have authorization to be in the United

States are placed in removal proceedings before the immigration court, part of the Department of Justice's Executive Office for Immigration Review, with no guarantee of counsel. The majority of the children placed in ORR custody are reunified with sponsors, generally family members or family friends, within an average of 34 days.¹⁶ The most common states for reunification include Texas, California, New York, Florida, Maryland and Virginia.¹⁷ Once reunified, children are required to attend their immigration court hearings until there is a resolution in their case. This can take months or years, depending on the particular case and whether the child applies for legal relief in immigration court or before U.S. Citizenship and Immigration Services.

Thus, what began in 2014 as a "humanitarian crisis" at the border has evolved into a nationwide due process crisis in our country's immigration court system, a system that was already significantly overburdened and under-resourced.¹⁸ The majority of cases that have concluded in recent years have resulted in orders of removal *in absentia*. In 92 percent of these cases, the children were unrepresented.¹⁹ Although there has been a significant increase in federal funding available to provide legal services to both unaccompanied and reunified children, the demand continues to outweigh the supply.²⁰ Legal services providers continue to make difficult choices about which children to select for the limited free representation currently available.

Many of these children have fled terrifying conditions in Central America and Mexico where gang and cartel-inspired violence is rampant and impunity prevails.²¹ El Salvador recently surpassed Honduras as the country with the highest non-war homicide rate in the world, a highly lamentable distinction.²² The reasons children travel on their own to the United States are varied; most children make the decision to abandon their homes for more than one reason. Some of the most common reasons include violence by gangs and organized crime, domestic violence (including sexual abuse), threats of violence, poverty and to reunify with family.²³ In 2014, the United Nations High Commissioner for Refugees released a report analyzing the international protection needs of 404 unaccompanied or separated children who had entered the United States during or after October 2011.²⁴ This report concluded that 58 percent of the children raised potential international protection needs, including 48 percent who were personally affected by organized, armed criminal actors, and 21 percent who had survived abuse and violence in their homes by caretakers.²⁵

The ABA has long advocated for appointed counsel on behalf of unaccompanied children at all stages of the immigration proceedings.²⁶ In 2014, the ACLU and others filed a lawsuit in the Western District of Washington challenging the lack of appointed counsel on behalf of children in the Ninth Circuit, where last summer, the district court certified a limited class.²⁷ In September 2016, a three-judge panel from the Ninth Circuit held that the district court lacked jurisdiction over these right-to-counsel claims because individual petitions for review under 8 U.S.C. § 1252, filed in federal courts of appeals, are the exclusive means for judicial review.²⁸ In her concurring opinion, Judge McKeown referenced federal programs aimed at providing additional legal services for children in removal proceedings while recognizing,

Yet these programs, while laudable, are a drop in the bucket in relation to the magnitude of the problem—tens of thousands of children will remain

While representation rates have increased slightly over the past few years as a result of both increased government funding and pro bono involvement, legal services providers and immigration courts around the country continue to be overwhelmed by a high volume of cases.

unrepresented. A meritorious application for asylum, refuge, withholding of removal or other relief may fall through the cracks, despite the best efforts of immigration agencies and the best interests of the child. Additional policy and funding initiatives aimed at securing representation for minors are important to ensure the smooth functioning of our immigration system and the fair and proper application of our immigration laws.²⁹

While representation rates have increased slightly over the past few years as a result of both increased government funding and pro bono involvement, legal services providers and immigration courts around the country continue to be overwhelmed by a high volume of cases. Statistics show that despite these additional resources, only 58 percent of children throughout the nation are actually represented in immigration court.³⁰ Until the government provides appointed counsel to children who are otherwise unrepresented, it will be up to the philanthropic community, the legal services providers and the private bar to respond.

In an effort to recruit pro bono attorneys, not only from the ABA but also from state and local bars, and to build pro bono capacity, the ABA's Working Group initially focused on building an infrastructure to accomplish its mission. This resulted in the creation of the Immigrant Child Advocacy Network website.³¹ This website serves as a hub for resources related to pro bono representation of children in removal proceedings. It is also a place where prospective pro bono attorneys can register to represent an unaccompanied child. Once registered, the ABA will attempt to match the volunteer attorney with a legal services provider in their state. Marc D. Whitham, an attorney in San Diego, Calif., responded to this challenge by accepting the case of a 17-year-old boy from Honduras. The young man had fled an abusive home and was residing with an aunt in California who treated him like a son. Whitham worked to assemble the state court petition to appoint the teen's aunt as his guardian and to obtain a Special Immigrant Juvenile Status visa, (SIJS)³² a protective legal status

that would allow the young man to apply for lawful permanent residence in the United States. In reflecting on this experience, Marc Whitham shared,

The experience has moved me personally as my client is not much younger than my eldest sons. I can't imagine either of them having to go through what my client has endured. It saddens me that he is so anxious to move on with a new life in the U.S., but has the ever-present fear of being returned to Honduras and the truly terrible situation that awaits him there hanging over his head.³³

When asked if he would recommend his pro bono experience to others Marc Whitham commented, "It is an opportunity to meet and connect with others who face a reality and circumstances that are difficult to comprehend, and to be inspired by the resilience of the human spirit and the hope that an attorney's involvement in those persons' lives represents."

One of the Working Group's first endeavors, in October 2014, was to conduct a national legal service needs survey. The survey was completed by 164 respondents, including 81 percent from nonprofit immigration legal services providers as well as law school clinics, solo practitioners and private law firms. Two-thirds of the groups surveyed responded they were willing to accept additional pro bono lawyers at that time, although they did express a desire to work with attorneys who were experienced in immigration and/or family law. Another major finding of the survey was that the biggest impediment to using or expanding pro bono assistance was the ability to supervise and mentor pro bono volunteers. The survey responses identified the critical need for experienced family law attorneys to represent unaccompanied children in state court for SIJS cases. Finally, there was a direct ask for the ABA to raise awareness of the SIJS process among the state court judges in areas with large populations of reunified children. These responses informed many of the activities the Working Group has undertaken

Tax Court Accepts Kaye Valuation

Affirmed by
US Court of Appeals

Mitchell Kaye, CFA, ASA
(770) 998-4642

Business Valuations

Divorces • Estates • Gifts

ESOPs • FLPs

Intangible Assets • Disputes

Court Testimony and IRS Experience

servicing appraisal clients since 1981

www.MitchellKaye.com

over the past two years. Some of these activities include:

- partnering with the ABA Center on Children and the Law to develop trainings for state court judges and family law practitioners;
- developing a new legal resource/mentoring center in Houston, Tex.;
- collaborating with the American Immigration Lawyers Association (AILA) to identify mentoring attorneys to support pro bono efforts;
- providing mini-grants to enhance nonprofit pro bono efforts; and
- organizing a national symposium to bring together legal services providers, experts in pro bono development and members of the philanthropic community.

Below we share some of the highlights of the Working Group accomplishments over the past two years.

To raise awareness about unaccompanied minors' issues among ABA members during the Working Group's first year, it sponsored recruitment events at existing ABA meetings in collaboration with various ABA entities.³⁴ Our members and staff also participated in events sponsored by other entities aimed at expanding awareness about the need for pro bono representation and the challenges to representation for unaccompanied children.

In response to the frequently cited need for additional pro bono attorney mentors and to build on the success of the ABA Commission on Immigration's border project ProBAR,³⁵ the Working Group collaborated with the ABA Commission on Immigration to raise funds to develop an expert legal resource center in Texas, the state with the highest number of detained and reunified unaccompanied children in the nation. In December 2015, thanks to an initial two-year grant from the Texas Access to Justice Foundation and additional funding from the Office of Refugee Resettlement (through the Vera Institute of Justice), the ABA launched the Children's Immigration Law Academy³⁶ (CILA) located in Houston. CILA's mission is to provide free, specialized legal training, expert technical assistance and Working Group coordination to support pro bono attorneys and legal services providers representing noncitizen children in immigration proceedings in Texas. Since December 2015, CILA attorneys have provided 45 full-day trainings and more than 350 responses to individual technical assistance requests, as well as dozens of hours of Working Group coordination. In commenting on what CILA means to the legal services provider community in Texas, Ashley Walker, a staff attorney at the Refugee and Immigrant Center for Education and Legal Services (RAICES) in San Antonio, Tex., shared the following observation:

CILA has quickly become an indispensable resource for RAICES and other Texas legal providers that serve unaccompanied child migrants. The legal landscape with respect to this popula-

tion is constantly in flux; new challenges and opportunities demand fast and nimble responses. At the same time, many senior attorneys and managers are taking on policy advocacy, high-impact litigation, and time-consuming budgets for large-scale services. Staff attorneys handle heavy caseloads between "rocket dockets" and pilot projects for mandatory representation. Having an outside resource focus exclusively on training and technical case assistance is more valuable than ever. The best part is that CILA is comprised of experts with decades of combined experience and a constant pulse on both local and national developments. They are apprised of hundreds of case scenarios, yet remain unburdened by the attendant caseloads. I hope that this model will be replicated throughout the country. It would be an enormous assist to the development of highly-competent and sustainable legal services for tens of thousands of children who reside in under-represented areas.³⁷

In discussing the practical impact of CILA's work, Walker said:

As one example, a pro bono attorney working on his first SIJS case contacted me to serve as a court-appointed guardian ad litem representing his client's absent mother in family court proceedings. The attorney had many questions and his case had all sorts of complexities that I would never wish on a first-time volunteer. In my ad litem role, I was conflicted out of advising him about how best to proceed. Fortunately, I knew right where to refer him, for the state court case, and, to his delight, assistance for the duration of what will likely be a 1-2 year process of petitioning for SIJS and then adjustment of status. Efficiency is key, and with CILA we finally have a one-stop-shop for training and case support.³⁸

In another effort to provide mentors to pro bono attorneys representing children throughout the nation, the Working Group collaborated with AILA to re-

cruit experienced immigration lawyers to mentor pro bono attorneys on children's cases. In early 2016, AILA was able to identify nearly 100 lawyers who offered pro bono services for this purpose. The attorneys are located in 27 states and the District of Columbia and span the nation from California to Florida, Illinois to Texas. The ABA has referred these attorneys to legal services providers who have expressed an interest in expanding their mentor capacity.

More recently, in May 2016, the ABA organized a symposium in Austin, Texas, designed to utilize the ABA's expertise in pro bono work to increase the ability of immigration legal services providers to provide pro bono services to children. Twenty-five programs registered for sessions that included enhancing philanthropic partnerships, involving the private bar, developing an effective pro bono delivery system and providing examples of successful pro bono projects. In the roundtable discussion, participants broke into small groups to discuss their current pro bono initiatives and to seek guidance and feedback from their colleagues and workshop panelists. The symposium participants reported the symposium to be highly beneficial, and the participants continue to meet regularly by telephone.

The ABA Working Group has targeted cities and localities where the greatest number of unaccompanied children are to be found, or where the local community has specifically reached out to the ABA, for special efforts. For example, the Working Group has been actively involved in the Georgia Immigration Law Working Group since its inception in mid-2015. The Georgia group, initially organized and facilitated by Human Rights First, arose out of a recognition that the Atlanta immigration courts historically had the lowest asylum grant rate in the country.³⁹ As a result, some local attorneys were advising clients with meritorious claims not to seek asylum because they did not have any realistic chance of success. The Georgia Working Group has focused primarily on raising local consciousness about the need for more pro bono lawyers, providing

trainings to build the skills of practitioners and addressing systemic problems in adjudications in the Atlanta Immigration Court and at the Stewart Detention Center in Lumpkin, Georgia. The role of the ABA in the Georgia effort has been to bring a national perspective to the regional work, to help distinguish particular local issues from those confronting immigration courts nationally and to offer observations about best practices that have succeeded in other parts of the country, primarily focusing on cases of unaccompanied minors. Most recently, the ABA has collaborated with AILA and other national organizations, including the Catholic Legal Immigration Network, the Southern Poverty Law Center, and the Center for Gender and Refugee Studies at UC Hastings to establish a Center of Excellence in Atlanta, with the goal of raising representation rates and improving outcomes in the local immigration courts.

The ABA is committed to inspiring additional lawyers to represent these children pro bono and will continue to support the efforts of dedicated legal services providers and pro bono attorneys. At the end of the day, we will be judged as a nation by how we respond to this challenge and others that involve immigrants and asylum-seekers reaching our shores, seeking protection and justice. ●



Meredith Linsky is the director of the ABA Commission on Immigration in Washington, D.C. She was formerly the director of

ProBAR, the South Texas Pro Bono Asylum Representation Project, located in Harlingen, Texas, from 2000 to 2014, where she supervised staff and mentored volunteers working on behalf of detained immigrants and asylum-seekers. Previously, she worked as a research and writing attorney at the Office of the Federal Defender in the Eastern District of California. In 2012, the American Immigration Lawyers Association awarded Linsky with the Arthur C. Helton Human Rights Award. In 2013, the State Bar of Texas honored her with the J. Chrys Dougherty Legal Services Award.

Endnotes

1. Vice President Joe Biden, Remarks made at meeting of attorneys and nonprofit organizations at the White House (Aug. 6, 2014).
2. Statement of James R. Silkenat, President, Am. Bar Ass'n (July 31, 2014), http://www.americanbar.org/news/abanevents/aba-news-archives/2014/07/statement_of_jamesr1.html.
3. Email from William Hubbard to author (Sept. 14, 2016) (on file with author).
4. ABA entities represented on the Working Group include the following: Young Lawyers Division; Section of Family Law; Commission on Youth at Risk; Solo, Small Firm and General Practice Division; Section of Business Law; Section of International Law; Standing Committee on Pro Bono and Public Service; Commission on Immigration; Section of Litigation; Commission on Hispanic Legal Rights and Responsibilities; and Section of Civil Rights and Social Justice.
5. *Representation for Unaccompanied Children in Immigration Court*, SYRACUSE UNIV., TRAC IMMIGRATION (Nov. 25, 2014), <http://trac.syr.edu/immigration/reports/371>.
6. AM. IMMIGRATION COUNCIL, TAKING ATTENDANCE: NEW DATA FINDS MAJORITY OF CHILDREN APPEAR IN IMMIGRATION COURT 2 (July 2014), https://www.americanimmigrationcouncil.org/sites/default/files/research/taking_attendance_new_data_finds_majority_of_children_appear_in_immigration_court_final_1_0.pdf.
7. *United States Border Patrol Southwest Family Unit Subject & Unaccompanied Alien Children Apprehensions Fiscal Year 2016: Statement by Secretary Johnson on Southwest Border Security*, U.S. CUSTOMS & BORDER PROT. (Oct. 18, 2016), <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016> (figures found in table titled "Southwest Border Unaccompanied Alien Children (0-17 yr old) Apprehensions").
8. *Id.* (same table).
9. *Id.* (same table).
10. Office of Refugee Resettlement, *Facts and Data*, U.S. DEP'T OF HEALTH & HUMAN SERVS., ADMIN. FOR CHILDREN & FAMILIES, <http://www.acf.hhs.gov/orr/about/ucs/facts-and-data> (last updated Dec. 21, 2016) [hereinafter *ORR Unaccompanied Children's Statistics*].
11. In fiscal year 2015, the breakdown was 68% male and 32% female; in fiscal year 2016, the breakdown was 67% male and 33% female. *Id.*
12. *Id.*
13. Homeland Security Act of 2002 § 462(g), 6 U.S.C. § 279 (2012).
14. William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) § 235(c)(5), 8 U.S.C. § 1232(c)(5) (2012).
15. *See* TVPRA § 235(a)(2), 8 U.S.C. § 1232(a)(2) (2012).
16. *ORR Unaccompanied Children's Statistics*, *supra* note 8.
17. Office of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP'T OF HEALTH & HUMAN SERVS., ADMIN. FOR CHILDREN & FAMILIES, <https://www.acf.hhs.gov/orr/programs/ucs/state-by-state-uc-placed-sponsors> (last updated Mar. 1, 2017).
18. *See generally* HUMAN RIGHTS FIRST, REDUCING THE IMMIGRATION COURT BACKLOG AND DELAYS (July 2016), <http://www.humanrightsfirst.org/sites/default/files/HRF-Backgrounder-Immigration-Courts.pdf>.
19. *Juveniles – Immigration Court Deportation Proceedings*, SYRACUSE UNIV., TRAC IMMIGRATION, <http://trac.syr.edu/phptools/immigration/juvenile> (last visited Mar. 1, 2017).
20. Jude Joffe-Block, *Thousands of Children Seek Asylum, Many Without Lawyers*, ARIZ. PUB. MEDIA (June 9, 2016, 10:10 AM), <https://news.azpm.org/s/39689-thousands-of-children-seek-asylum-most-without-legal-help>.
21. Danielle Renwick, *Central America's Violent Northern Triangle*, COUNCIL ON FOREIGN RELATIONS, <http://www.cfr.org/transnational-crime/central-americas-violent-northern-triangle/p37286> (last updated on Jan. 19, 2016).
22. Alan Gomez, *El Salvador: World's New Murder Capital*, USA TODAY (Jan. 7, 2016, 10:57 AM), <http://www.usatoday.com/story/news/world/2016/01/07/el-salvador-homicide-rate-honduras-guatemala-illegal-immigration-to-united-states/78358042>; Johnathan Watts, *One Murder Every Hour: How El Salvador Became the Murder Capital of the World*, GUARDIAN (Aug. 22, 2015, 4:00 AM), <https://www.theguardian.com/world/2015/aug/22/el-salvador-worlds-most-homicidal-place>.
23. *See generally* CTR. FOR GENDER & REFUGEE STUDIES, UC HASTINGS, CHILDHOOD AND

- MIGRATION IN CENTRAL AND NORTH AMERICA: CAUSES, POLICIES, PRACTICES AND CHALLENGES 8–16 (of unpaginated PDF) (Karen Musalo, Lisa Frydman & Pablo Ceriani Cernadas, eds., 2015), http://cgcs.uchastings.edu/sites/default/files/Childhood_Migration_HumanRights_FullBook_English.pdf.
24. U.N. HIGH COMM'R FOR REFUGEES, CHILDREN ON THE RUN 4–7 (2014), <http://www.unhcr.org/56fc266f4.html>
 25. *Id.* at 6, 25.
 26. See *Unaccompanied Immigrant Youth Access to Counsel*, AM. BAR ASS'N (Feb. 2001 resolution), http://www.americanbar.org/groups/child_law/tools_to_use/attorneys/unaccompanied_immigranthyouthaccesstocounsel.html; *Alien Children Custody/Representation Standards*, AM. BAR ASS'N (Aug. 2004 resolution adopting the black letter STANDARDS FOR THE CUSTODY, PLACEMENT AND CARE; LEGAL REPRESENTATION; AND ADJUDICATION OF UNACCOMPANIED ALIEN CHILDREN IN THE UNITED STATES (2004)), http://www.americanbar.org/groups/child_law/tools_to_use/attorneys/alien_children_custodyrepresentationstandards.html; Resolution supporting government appointed counsel for unaccompanied children in immigration proceedings (Feb. 2015 resolution), http://www.americanbar.org/content/dam/aba/images/abanews/2015mm_hodres/113.pdf.
 27. See *F.L.B. v. Lynch*, No. C14-1026 TSZ, 2016 U.S. Dist. LEXIS 82653, 2016 WL 3458352 (W.D. Wash. June 24, 2016).
 28. *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1038 (9th Cir. 2016).
 29. *Id.* at 1041.
 30. *Juveniles – Immigration Court Deportation Proceedings*, *supra* note 19.
 31. See *Immigrant Child Advocacy Network*, AM. BAR. ASS'N, http://www.americanbar.org/groups/probono_public_service/projects_awards/unaccompanied_minors.html (last visited Mar. 2, 2017).
 32. Special Immigrant Juvenile status is legal status for noncitizens under 21 who have been declared dependent on a juvenile court located in the United States; who have been abused, abandoned or neglected by one or both parents; and for whom it is not in their best interest to be returned to their country of nationality. 8 U.S.C. §1101(a)(27)(J) (2012).
 33. Email from Marc Whitham (Jan. 9, 2015)(on file with author).
 34. These ABA entities include, among others, the following: the Section of Business Law; Commission on Immigration; Section of Litigation; Section of International Law; Solo, Small Firm and General Practice Division; Young Lawyers Division; Center on Children and the Law; Committee on Pro Bono and Public Service; Section of Administrative Law; and Regulatory Practice.
 35. ProBAR, the South Texas Pro Bono Asylum Representation Project, located in Harlingen, Texas, was launched in 1989 as a project of the American Bar Association, the American Immigration Lawyers Association and the State Bar of Texas. Since 2007, ProBAR has been managed exclusively by the ABA Commission on Immigration. With over 70 staff members, ProBAR provides free legal services to indigent adults and unaccompanied minors detained in the South Texas Rio Grande Valley. In 2015, ProBAR provided “Know your Rights” presentations to 10,891 unaccompanied minors and individually screened 9,445 children held in local ORR shelters. For more information, see http://www.americanbar.org/groups/public_services/immigration/projects_initiatives/south_texas_pro_bono_asylum_representation_project_probar.html.
 36. See *Children's Immigration Law Academy*, AM. BAR ASS'N, http://www.americanbar.org/groups/public_services/immigration/projects_initiatives/cila.html (last visited Mar. 2, 2017).
 37. Email from Ashley Walker to author (Sept. 19, 2016) (on file with author).
 38. *Id.*
 39. See *generally Immigration Judge Reports – Asylum*, SYRACUSE UNIV., TRAC IMMIGRATION, <http://trac.syr.edu/immigration/reports/judgereports/00004ATL/index.html> (last visited Mar. 2, 2017); *Judge-by-Judge Asylum Decisions in Immigration Courts FY 2011–2016*, SYRACUSE UNIV., TRAC IMMIGRATION, <http://trac.syr.edu/immigration/reports/447/include/denialrates.html> (last visited Mar. 2, 2017).

STATE BAR OF GEORGIA

PRO BONO RESOURCE CENTER

Visit www.gabar.org/www.GeorgiaAdvocates.org

We can help you do pro bono!

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



Practical Challenges to Representing Unaccompanied Children Before the Atlanta Immigration Court

The vulnerable and traumatized children in removal proceedings before the Atlanta Immigration Court desperately need and deserve well-trained advocates who will fight to protect their rights and confidentiality and to secure their stability.

BY REBECA E. SALMON



PHOTO BY ISTOCK.COM/LOKIBAHO

In the past five years, the United States has witnessed a steadily increasing surge of unaccompanied alien children (UACs) fleeing a range of horrors in Central America to seek safety in the United States. This surge reached its peak in fiscal year (FY) 2014, during which year 68,541 UACs were apprehended,¹ up from 15,949 UACs three years prior in FY 2011.² The sharp increase in UACs fleeing Central America for the United States since 2011 is largely attributed to the spike in gang and drug-related violence in Honduras, Guatemala and El Salvador,³ a region known as the Northern Triangle. Children in the Northern Triangle have been specifically and ruthlessly targeted by gang members, drug cartels and police, and subjected to violence, extortion, kidnapping, and economic and sexual exploitation.⁴ In addition to harms suffered as a result of gang violence and organized crime, a disturbing number of children fleeing the region were victims of family violence in the home.⁵

Representing vulnerable, traumatized children in immigration court presents a range of particular challenges. All child clients are recognized as having a diminished capacity, and they may have diffi-

culty understanding legal proceedings due to their age and level of maturity.⁶ UACs have additionally suffered trauma due to gang violence, sexual or domestic abuse, human trafficking or other forms of violence in their home countries and on their journey to the United States. Attorneys representing such children must overcome these barriers to build trust with their child clients and ask them to reveal the most traumatic events of their lives to a relative stranger to gauge whether any immigration relief is available.

Atlanta Immigration Court procedure has presented service providers with additional obstacles to effective representation. What follows is a discussion of two such obstacles: (1) protecting vulnerable children's confidential information in immigration court, and (2) protecting children from unreasonable demands by immigration judges that put their stability at risk. It is imperative that new attorneys and pro bono attorneys unfamiliar with relevant law draw on the expertise of experienced immigration attorneys who represent UACs in removal proceedings.

Unaccompanied Alien Children: Who Are They?

Many UACs fleeing the violence of their home countries are in need of international protection as refugees,⁷ and many qualify for relief in the United States under U.S. immigration law. The most common types of immigration relief for which UACs may qualify are Special Immigrant Juvenile Status (SIJS) and asylum. SIJS is a relief specifically available to undocumented children. A child is eligible for SIJS if a juvenile court finds that (1) he or she is dependent and in need of the protection of the court; (2) reunification with one or both parents is not viable due to abuse, neglect, abandonment or other similar basis under state law; and (3) return to the last known habitual residence is not viable.⁸ The child must also be under the age of 21 and unmarried.⁹

Asylum is a discretionary relief granted to refugees present in the United States. Eligibility is based on a well-founded fear of persecution on account of one of five protected grounds, based on such persecution

having occurred in the past: (1) race, (2) religion, (3) national origin, (4) membership in a particular social group or (5) political opinion.¹⁰ The persecutor(s) must be either a state agent, or a person or group that the state is unable or unwilling to control.¹¹

Other relief may be available to children who have been victims of crime or human trafficking. These remedies are outside the scope of this article, but it is vital that attorneys who represent UACs in immigration proceedings thoroughly screen for all available avenues for relief.

Protecting Vulnerable Children's Confidential Information in Immigration Court

In the past, the Atlanta Immigration Court has routinely ordered UACs seeking SIJS removed from the United States if the child's immigration attorney declines to submit to the immigration judge confidential juvenile court records, even though submission of such documents would violate both the Georgia Code¹² and the Georgia Rules of Professional Conduct.¹³ An in-depth analysis of state law and rules of professional ethics prohibiting disclosure of confidential juvenile records is outside of the scope of this article, but it is imperative that any attorney representing a UAC in immigration court become familiar with both.

As a result of the numerous appeals of removal orders filed by Access to Law Foundation's attorneys and other advocates, as well as complaints of misconduct filed against Atlanta's immigration judges with the Office of the Chief Immigration Judge, the Atlanta Immigration Court has finally discontinued its practice of requiring submission of the state juvenile dependency petition to the immigration court as a condition for granting continuances to allow eligible children to apply for SIJS. Despite this fact, many less experienced attorneys, as well as attorneys unfamiliar with the confidentiality requirements of the Georgia Code, continue to make a voluntary filing of the state juvenile dependency petition with the immigration court. This practice makes vulnerable children's confidential information a part of their immigration

records, which are subject to a request under the Freedom of Information Act,¹⁴ and depending on the information provided, potentially gives the Department of Homeland Security ammunition to challenge the basis of the SIJS application. It is crucial that attorneys representing vulnerable children familiarize themselves with the relevant law.

Protecting Children from Unreasonable Demands that Put Their Stability at Risk

A serious issue facing advocates representing children before the Atlanta Immigration Court has been the court's requirement that Office of Refugee Resettlement (ORR) sponsors or parents appear with UACs at all of their master calendar hearings. To provide context to this issue, minor children who enter the United States unaccompanied by a parent or guardian are placed in the custody of ORR. They stay in ORR shelters throughout the United States until ORR is able to repatriate them safely, or until a suitable sponsor (typically a parent or other relative, or even fictitious kin if no appropriate relative is willing and available) can be located.

Since approximately December 2015, the policy of the Atlanta Immigration Court has been to require minor child respondents to appear at their master calendar hearings with their parent or ORR sponsor. Many sponsors are undocumented and afraid to come to court; others still are unrelated or only peripherally related to the children in their care, and unwilling to risk detention by appearing in immigration court. This requirement has put the attorneys of UACs—who do not represent the parents and sponsors of their clients—in a precarious ethical position: representatives cannot in good faith advise the undocumented sponsors of minor clients to appear in court, where Immigration and Customs Enforcement (ICE) may detain them, nor can representatives provide any guarantee that undocumented sponsors will not be detained if they appear.

Undocumented custodians' fear of detention upon entering the Atlanta Immi-

gration Court is not unfounded. Access to Law Foundation is aware of at least two ORR custodians who were issued a Notice to Appear and Warrant for Arrest of Alien when they appeared for ICE check-ins with the respective children in their care. Only through the dedicated efforts of Access to Law's attorneys were the Notices to Appear rescinded.

The Executive Office for Immigration Review (EOIR) takes the position that immigration judges are responsible for taking "careful and appropriate steps to ensure that the best interests of [a UAC] are met and that the child is safe while in this country."¹⁵ Immigration judges have interpreted this responsibility as inquiring into with whom a child is living, who brought the child to court and even why a parent or ORR sponsor is not present in the courtroom.¹⁶ The Atlanta Immigration Court has incorrectly interpreted this as a mandate to require the physical presence of a child respondent's parent or ORR sponsor, even when the parent or sponsor is undocumented and the child has legal counsel present.

It is important for advocates representing children to object to inappropriate demands by immigration judges that put vulnerable children's stability at risk. There is no basis in law to require ORR sponsors to appear in proceedings to which they are not party. EOIR agency guidance prohibits the immigration judge from providing any guarantee that undocumented parents or ORR sponsors will not be detained by ICE if they enter the immigration court.¹⁷ Chief Immigration Judge Brian M. O'Leary specifically instructed immigration judges in his March 24, 2015, memorandum:

It would . . . be inappropriate for the immigration judge to [state] that the parent or guardian should not fear apprehension if that person accompanies the child to court. . . . [J]udges should not make assurances as to whether ICE will or will not apprehend parents or guardians before or after an immigration court appearance.¹⁸

The Atlanta Immigration Court's practice of requiring undocumented parents

and ORR sponsors to appear in immigration court and promising that nothing will happen to them if they enter the building is in direct contradiction to this agency guidance, and it is an unenforceable promise. This policy is already having the chilling effect of discouraging potential ORR sponsors from accepting custody of vulnerable children, as well as deterring adults and children from appearing at immigration hearings.

Conclusion

The vulnerable and traumatized children in removal proceedings before the Atlanta Immigration Court desperately need and deserve well-trained advocates who will fight to protect their rights and confidentiality and to secure their stability. Representing children in removal proceedings is rewarding and exciting work, and there is a need for competent and diligent immigration representation in Georgia. Familiarization with pertinent immigration law and juvenile law, as well as effective mentorship from experienced immigration attorneys, will empower green and pro bono attorneys to face the substantial challenges of representing vulnerable children in immigration court. ●



Rebeca E. Salmon, managing partner, A Salmon Firm, LLC, is the executive director of Access to Law, Inc., a nonprofit foundation dedicated to ensuring no vulnerable person goes without access to law based solely on inability to pay. A graduate of the University of Georgia School of Law, Salmon worked for Catholic Charities Atlanta through an Equal Justice Works (EJW) fellowship. Through her EJW fellowship, Salmon established the Immigrant Children Advocacy Project, a program that continues to educate children and sponsors. She is an active member of American Immigration Lawyers Association (AILA), the local AILA-AL/GA chapter, the American Bar Association, Federal Bar Association and Immigrant Law Section. She is also an active member of the National Association of

Counsel for Children, Georgia Association of Counsel for Children, Immigrant Children's Legal Network and has been a Court Appointed Special Advocate since 2002.

Endnotes

1. *United States Border Patrol Southwest Family Unit Subject & Unaccompanied Alien Children Apprehensions Fiscal Year 2016: Statement by Secretary Johnson on Southwest Border Security*, U.S. CUSTOMS & BORDER PROT. (Oct. 18, 2016), <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016> (figures found in table titled "Southwest Border Unaccompanied Alien Children (0-17 yr old) Apprehensions").
2. *Id.* (same table).
3. ACAPS, OTHER SITUATIONS OF VIOLENCE IN THE NORTHERN TRIANGLE OF CENTRAL AMERICA 4 (July 2014), http://www.centerforhumanrights.org/PFS_Petition/Ex13_ACAPS_CANT_ConditionsRpt073114.pdf.
4. *Id.*
5. *Id.*
6. See MODEL RULES OF PROF'L CONDUCT r. 1.14 (AM. BAR ASS'N 2016).
7. See generally U.N. HIGH COMM'R FOR REFUGEES, CHILDREN ON THE RUN 4-7 (2014), <http://www.unhcr.org/56fc266f4.html>.
8. 8 C.F.R. § 204.11 (2016).
9. *Id.* § 204.11(c)(1), (2).
10. 8 C.F.R. § 208.13(b)(1)(i) (2016).
11. *E.g.*, *Knezevic v. Ashcroft*, 367 F.3d 1206, 1211 (9th Cir. 2004).
12. See O.C.G.A. § 49-5-40(b) (Supp. 2016); O.C.G.A. § 49-5-44(a), (c) (2013).
13. See GA. RULES OF PROF'L CONDUCT r. 1.6(a), (b) (2016), <https://www.gabar.org/barrules/georgia-rules-of-professional-conduct.cfm>.
14. 5 U.S.C.A. § 552 (Westlaw through Pub. L. No. 114-316.).
15. Memorandum from Brian M. O'Leary, Chief Immigration Judge, to all immigration judges 3 (Mar. 24, 2015), <https://www.justice.gov/eoir/pages/attachments/2015/03/26/docketing-practices-related-to-uacs-and-awcatd-march2015.pdf>.
16. *Id.*
17. *Id.*
18. *Id.*

All Children Deserve Representation: Kids in Need of Defense in Atlanta

A pro bono attorney provides an invaluable service to a vulnerable group in our society. Children are unable to articulate their claim for protection based on their experiences before an immigration judge without an attorney.

BY CHRISTINA ITURRALDE THOMAS



PHOTO BY ISTOCK.COM/LATHURIC

I was 10 years old when I had no other choice but to stop attending school. Living in Guatemala, my parents were no longer able to afford to pay for my school tuition and they could no longer afford to take care of me.

Instead of continuing my education, I had to work in order to help provide my parents and my younger siblings with food and money. When I turned 16, I had to move in with my older sister in the city since there was no other work available where I lived. While living with my sister, we worked from 8 a.m. to 6 p.m. in a warehouse making about \$5 each day, most of which we sent back to our parents.

After doing this for several months, I realized that there was no future for me if my life continued this way. I decided to ask my uncle—who lives in the United States—if he would allow me to live with him and his family. I wanted to seek a better life for myself in a more stable home and in a place where I would be able to go to school and continue to learn.

During my journey to the United States, I traveled without my parents or any family members who could care for me. I was scared and alone, and one of my worst fears came true. Before I crossed into the United States, I was raped by a stranger; a man completely unfamiliar to me. I became pregnant as a result of this experience.

I am now in the United States and I want a better future for my child and for myself. With the help from Kids in Need of Defense, I was able to find a lawyer to help me with my case.

This is the true story of Esperanza,¹ a child who, while traveling alone to Georgia to live with her uncle, was raped and became pregnant. She was represented by a pro bono attorney through Kids in Need of Defense (KIND).

KIND opened its Atlanta office in December 2015 to help bridge the gap in legal services for unaccompanied immigrant and refugee children in the state of Georgia. The opening of KIND's Atlanta office has long been planned and anticipated by KIND and the public interest legal community serving immigrants in Georgia. KIND is centrally located and housed at Troutman Sanders LLP. Our nonprofit partners have been instrumental in ushering the work of KIND at the local level. KIND has partnered with a variety of local legal and non-legal nonprofit organizations and social service providers to ensure our services reach the children in most need of legal assistance.

The ever-growing necessity for legal aid for this vulnerable population of children in combination with financial support from various sources contributed to the launch of the office at this important time. As has been well documented, there has been a significant rise in the number of children arriving to the United States without their parents who need help finding legal remedies in their immigration cases. More than 160,000 of these children have come to the United States since 2014, a historic number, and most are from Central America. Georgia has received a number of these children in recent years.

At the peak of the crisis, children placed in Georgia reached 2,047 in fiscal year 2014 alone. In 2015, that number went down to 1,028. During fiscal year 2016, Georgia had 1,735 children placed with sponsors in the state. Sponsors can be brothers, sisters, aunts, uncles, friends of the family or other persons willing to help the child who has arrived here without his or her parents. A growing percentage of these children are reunified with parents already here in the United States.

The latest data estimates that about 844 unaccompanied children have been released to sponsors in fiscal year-to-date 2017 (since Oct. 1, 2016) to the state of Georgia alone. Since publication of these statistics,

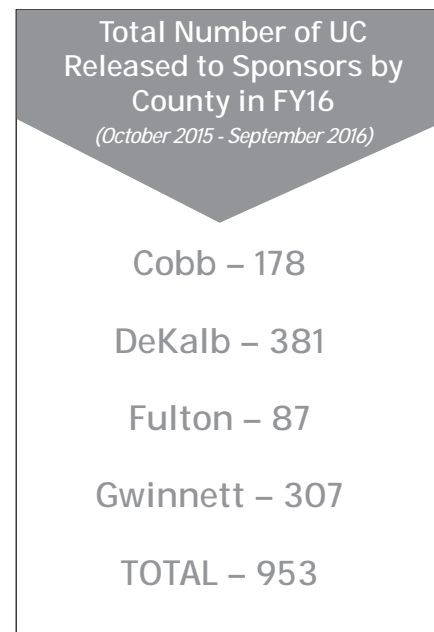
this number has only grown, indicating a genuine and dire need for pro bono attorneys within the region.

Many of these children are fleeing persecution by gangs and narco-traffickers from which their governments cannot or will not protect them, making the child potentially eligible for asylum. A large percentage have experienced some form of abuse, abandonment or neglect by one or both of their parents in their home country, which will often make the child eligible for protection through a legal remedy called Special Immigrant Juvenile status. Others have been trafficked.

About half of unaccompanied children nationwide do not have attorneys in their immigration proceedings; the same is true for children in Georgia as a whole and in the metro-Atlanta area. KIND's Atlanta office conducts screenings and intakes of the children to make sure they are eligible to pursue some form of legal relief before placing these children with pro bono volunteer attorneys.

Currently, the office is staffed by a pro bono coordinating attorney as well as a paralegal and legal fellow, both sponsored by the Equal Justice Works Justice AmeriCorps program. The main mission of the office is to train and recruit attorneys from local law firms willing to represent these children in their immigration matters in a pro bono capacity and provide mentorship to those attorneys throughout their representation of the children. Through the support of Justice AmeriCorps, KIND is able to help reach even more children who are in need of legal services by providing some, albeit limited, direct representation through this office.

Most of the children screened by KIND's Atlanta office are eligible to pursue some form of legal remedy based on their experiences. For example, many children will be eligible for asylum, a legal remedy meant for persons who are outside their country of nationality and who are unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. As mentioned above, many of the children who are eligible for this remedy report that they have



been victims of threats or harm experienced at the hands of gang members. Boys report being subjected to forced recruitment and beatings if they refuse to join. Girls report being followed on their way to and from school and receiving threats if they refuse to become gang girlfriends. Children are also reporting extreme forms of violence that have been inflicted on them by family members or other members of their community, which could rise to a level of cognizable harm under asylum. Claims of asylum by children are to be evaluated from a child's perspective.

A growing number of advocates in Georgia are becoming aware of the now decades old legal remedy available to immigrant children known as Special Immigrant Juvenile (SIJ) status. In 1990, Congress created SIJ status to allow immigrant children in the state juvenile system who cannot reunify with their parents due to abuse, abandonment or neglect, and who meet certain other criteria, to obtain lawful permanent immigration status. In 2008, the Trafficking Victims Protection Reauthorization Act made changes to the eligibility requirements for SIJ status and streamlined certain SIJ procedures, expanding the remedy to children who are found dependent by a state juvenile court and to children before any state court which has jurisdiction over that child's custody. In the short time since open-

join
us



[facebook.com/
statebarofgeorgia](https://facebook.com/statebarofgeorgia)
GeorgiaYLD



[@StateBarofGA](https://twitter.com/StateBarofGA)
[@Georgia/YLD](https://twitter.com/Georgia/YLD)



[flickr.com/
statebarofgeorgia](https://flickr.com/statebarofgeorgia)
yld



[youtube.com/
statebarofgeorgia](https://youtube.com/statebarofgeorgia)
yld



[@statebarofga](https://www.instagram.com/statebarofga)



[linkedin.com/
state-bar-of-georgia](https://linkedin.com/state-bar-of-georgia)

www.gabar.org

ing its doors, KIND's Atlanta office has already identified many children who are eligible for SIJ status.

For a child to be eligible for SIJ status, the child must be present in the United States and (a) be under the jurisdiction of a juvenile court or legally committed to the custody of a state agency, department, entity or individual by such court; (b) be unable to be reunified with one or both parents because of abuse, neglect, abandonment or a similar basis under state law; and (c) must have it determined that it would not be in the child's best interest to be returned to the home country. State courts are charged with making these factual findings about whether reunification with one or both of the child's parents is not viable due to abuse, abandonment or neglect, and whether it would be in the best interest of the child to return to the home country. Thus, SIJ status is a unique immigration remedy because a state court order, generally called a predicate order, is a prerequisite to filing for SIJ status with U.S. Citizenship and Immigration Services (USCIS). This is dependent on a unique interplay between state courts and federal agencies.

Once a child receives a predicate order with the SIJ status findings from a state court, the child can then apply for SIJ status classification before USCIS by submitting Form I-360 and including a copy of the predicate order as supporting evidence. If an SIJ status petition is granted, the child is conferred special immigrant juvenile status. However, this alone does not grant a right to live permanently and work legally in the United States. Since May 1, 2016, upon approval of the I-360, a child must apply to adjust the status to that of a lawful permanent resident once his or her visa priority date is current. Thus, obtaining SIJ status is not an end in itself. It is this complete process—SIJ status and then eventual lawful permanent residency—that is referred to as a remedy or form of relief for an undocumented child.

Some children report being the victim of trafficking or the victim of a serious crime since they entered the United States. KIND will match these children with lawyers on these cases as well, or refer the children to our partners in the community with experience on these issues when appropriate.

Pro bono attorneys working with KIND Atlanta provide legal representation to unaccompanied immigrant children in and around the city. Attorneys have the opportunity to gain valuable courtroom experience, whether in state or immigration court. No immigration experience is required. In addition to learning new skills, or perfecting ones already acquired, attorneys also develop an expertise in a unique area of law. Throughout the process, the attorney is never alone. The attorney not only has guidance from the local pro bono coordinator, but the support of a national organization with ample experience in representing immigrant children. However, the greatest benefit to a pro bono attorney is the opportunity to change the life of a child.

A pro bono attorney provides an invaluable service to a vulnerable group in our society. Children are unable to articulate their claim for protection based on their experiences before an immigration judge without an attorney. The result is that a child may be returned to a situation where her well-being, and even her life, is in danger. Only one in 10 children without attorneys are successful in their cases. But, unaccompanied children are five times more likely to gain protection if they have an attorney representing them. That attorney could be you. ●



Christina Iturralde Thomas is the pro bono coordinating attorney at the Atlanta Field Office of Kids In Need of Defense (KIND). Prior to

joining KIND, Thomas worked at the Latin American Association as a staff attorney representing unaccompanied minors. Previously she worked at Southern Poverty Law Center's Immigrant Justice Project and at LatinoJustice PRLDEF, defending the rights of immigrants through impact litigation. She is admitted to practice law in Georgia and New York and has been practicing law for the last 10 years.

Endnote

1. The name of this client has been changed to maintain confidentiality and protect the privacy of this child.

Victory for Immigrant Detainees and Access to Counsel

With the implementation of the nation's first program to allow sessions via Skype, communications with immigrants at Stewart and Irwin Detention Centers have been vastly improved.

BY EUNICE HYUNHYE CHO

On Sept. 5, 2016, immigrant rights advocates celebrated an important victory at Georgia detention centers. It was on that date that the Department of Homeland Security's Immigration and Customs Enforcement (ICE) and the Corrections Corporation of America (CCA), announced that it would launch the nation's first program to allow attorneys to schedule free and confidential video teleconference (VTC) sessions with detained clients via Skype. More recently, in January 2017, ICE announced an expansion of this VTC program at Irwin County Detention Center.

This victory comes as the result of advocacy by a coalition of pro bono law firms, law school clinical programs, nonprofit legal organizations and private immigration law practitioners with clients located in the ICE Atlanta Area of Responsibility. After Atlanta-based pro bono attorneys and advocates met to discuss potential solutions to the difficulties faced by immigrant detainees in Georgia, pro bono attorneys at Kilpatrick Townsend & Stockton discovered contract provisions between Stewart County, ICE and the CCA requiring the installation of a VTC platform by CCA and ICE to allow detainees to consult with their attorneys by December 2014. The contract specified that VTC machines should be installed to "comply with the recommendation of the Administrative Conference of the United States" regarding such technology. The contract provides that the CCA will "provide a data circuit, router, and monthly service at Stewart at no



PHOTO BY ISTOCK.COM / PITROVIZ

cost to the government.” This equipment had never been installed. With the support of the Southern Poverty Law Center, the coalition sent a demand letter to ICE, CCA and Stewart County in March 2016, informing them of this contract violation and requesting immediate compliance.¹

The installation of VTC machines at Stewart and Irwin Detention Centers will undoubtedly allow attorneys greater opportunity to communicate with clients in detention, a small but significant improvement. Before this program, attorneys were unable to schedule any communication, even telephone calls, with detained clients.

Detainees’ access to counsel at Stewart Detention Center was particularly limited, even in comparison to other immigration detention facilities in the United States. As a recent national study revealed, only 6 percent of detainees at Stewart Detention Center were represented by counsel between 2007 and 2012, in contrast to a 14 percent representation rate of all detained individuals, and a 37 percent representation rate of all immigrants in removal proceedings nationwide.² Representation by counsel is critical to ensure that detained individuals may successfully navigate immigration proceedings and fully exercise their rights. Detained immigrants represented by counsel obtain successful outcomes in 21 percent of cases nationwide, more than 10 times the rate of 2 percent for their unrepresented counterparts.³

Stewart Detention Center is one of the largest immigrant detention centers in the United States, with the capacity to house approximately 2,000 detainees per day. There is even an immigration court on site where judges hear detainees’ cases, yet there is not a single lawyer in Lumpkin who specializes in immigration law. Lumpkin is located nearly 150 miles from Atlanta where the significant majority of legal resources in Georgia are readily accessible, including pro bono resources. Travel from Atlanta to Lumpkin takes approximately two and one-half hours by car. Prior to this VTC program, an Atlanta-based attorney who needed to meet with a client had to travel for at least five hours to make the round trip. A

visit with one client at Stewart could cost an Atlanta-based attorney an entire day’s worth of work.

How to Use the VTC Platform to Communicate with Detainees in Georgia—The Basics

CCA has installed two computers equipped with a webcam, microphone, speakers and Skype programming in two private rooms at Stewart Detention Center. VTC sessions will be scheduled in one-hour blocks, from 8 a.m. to 4 p.m., Monday through Friday. When the system is at full capacity, 16 VTC sessions can be scheduled per day. Irwin County Detention Center’s VTC program operates under the same schedule.

To schedule a session, attorneys must send an email to the center’s dedicated contact and include the client’s name, a number, several proposed dates/times for the requested VTC session and the attorney’s Skype ID address. The email should also contain a scan of the attorney’s ID and bar card. If a legal assistant will join the call, the email should also attach a letter of authorization on the firm’s or organization’s letterhead and a scan of the assistant’s ID. A staff person will email attorneys back with a confirmed date and time.⁴ To schedule a VTC session at Stewart, email stewartvtc@cca.com at least 24 hours in advance of the requested session. To schedule a VTC session at Irwin, email irwinice@irwincdc.com. (Call 229-468-4121 x252 with additional questions about the Irwin program.)

The same guidelines for in-person attorney/client visits will apply to VTC sessions. Only attorneys, legal assistants and interpreters will be able to participate in the VTC sessions; family or friends of the clients are not permitted. Attorneys, legal assistants and interpreters must show, via VTC, government-issued identification and bar cards to the CCA guard at the start of the session. The VTC sessions are confidential;⁵ a guard will be stationed outside of the VTC rooms to ensure security. Any documents that will be discussed with the client must be sent by mail in advance.

ICE considers the installation of VTC machines to be a “pilot project.” The success of this technological platform may

enable advocates to push for installation of VTC machines at other detention centers nationwide.

Although immigrant detainees continue to face significant challenges in the full recognition of their due process rights in immigration courts,⁶ the ability to schedule VTC calls has removed one hurdle for attorneys wishing to represent detained immigrants in Georgia. ●



Eunice Hyunhye Cho is a staff attorney with the Southern Poverty Law Center in Atlanta, where her litigation and advocacy

focuses on law enforcement and detention abuses against immigrant communities. Previously, Cho worked as a staff attorney and Skadden Fellow for the National Employment Law Project’s Immigrant Worker Justice Project, and served as a law clerk for Hon. Kim McLane Wardlaw of the U.S. Court of Appeals for the Ninth Circuit.

Endnotes

1. Letter from Southern Poverty Law Center et al. to Sarah Saldana, Director, ICE, Attorney Access to various officials of ICE, CCA & Stewart County (Mar. 21, 2016), https://www.splcenter.org/sites/default/files/final_version-letter_re_access_to_counsel-stewart_detention_center.pdf.
2. Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. PENN. L. REV. 1, 7, 38 (2015).
3. *Id.* at 9.
4. SPLC has requested that CCA provide a direct telephone number to contact detention center staff in the case of technical difficulties, and await response.
5. SPLC has requested that ICE and CCA provide reassurance that the Skype VTC communications will not be recorded or stored in any way. We have received informal assurance that these communications will not be recorded or stored.
6. Letter from Southern Poverty Law Center to Juan Osuna, Dir., Exec. Office for Immigration Review, *Reports Raising Due Process Concerns for Detained Pro Se Respondents, Stewart Immigration Court* (Aug. 25, 2016), https://www.splcenter.org/sites/default/files/2016-8-25_stewart_detention_center-eoir_letter_0.pdf.

Immigration Status as a Barrier to Civil Legal Services

Without immigration status, crime victims are more likely to be dependent on their abuser and less likely to leave their abuser even in the face of adversity.

BY ALPA AMIN

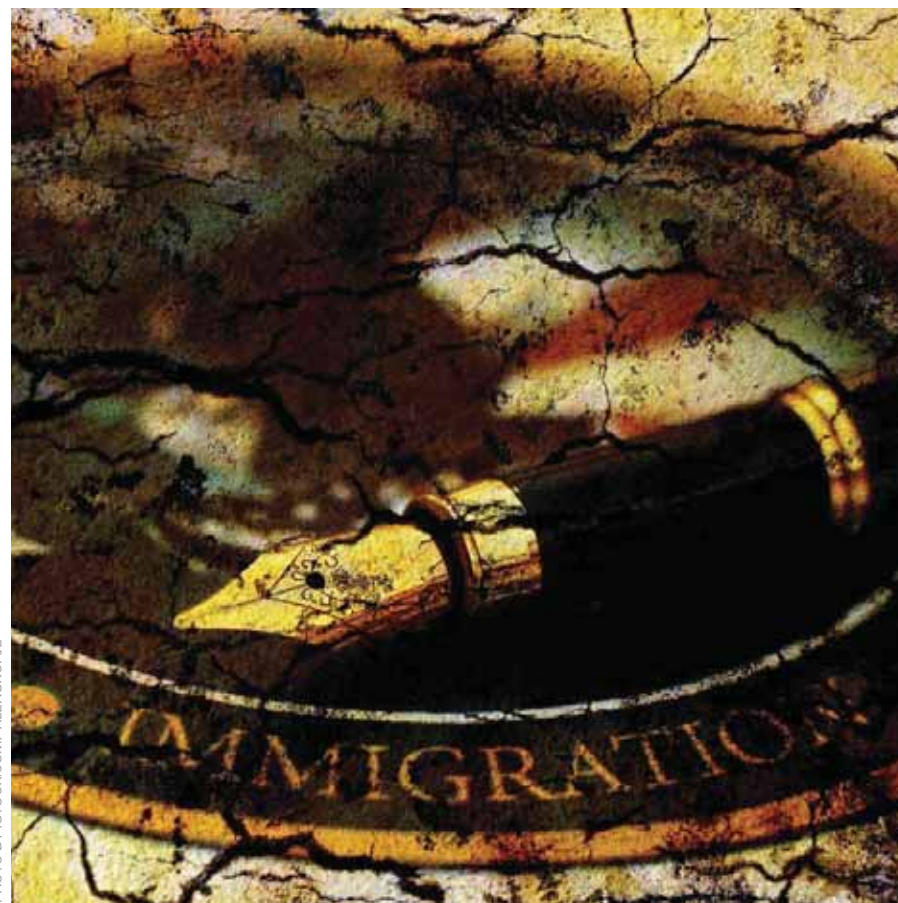


PHOTO BY ISTOCK.COM/ALEXSKOPIJE

Ying Li, a 32 year old woman from China, left behind her home, her career, and the only support system she had ever known, to come to the United States and marry the love of her life. Soon after her arrival, Ying's U.S. citizen husband became controlling and abusive, humiliating her and threatening to send her back to China if she refused his demands. Hoping to make her marriage work, Ying remained in the relationship until the day she found herself in the emergency room after an altercation with her husband. Alone and afraid, Ying was released from the hospital and taken to a women's shelter with nothing but the clothes on her back.

For Ying and countless other crime victims in the state of Georgia, the path to recovery and reintegration can be a challenging endeavor.¹ Besides navigating a complex criminal justice system, they have a host of civil legal needs that must be met before they can feel safe, secure and self-sufficient. These needs include, among other things, assistance with housing, divorce, immigration, protective orders, public benefits and medical/mental health.

There are numerous barriers, however, that prevent crime victims from satisfying these needs. Financial and geographic constraints can limit access to legal representation while fears of retaliation and separation from loved ones prevent victims from coming forward in the first place. For immigrant victims of crime, these fears are further compounded by cultural and linguistic barriers, an inability to live and work in the United States without lawful immigration status, and an overarching fear of deportation.

As legal practitioners, we are uniquely positioned to help crime victims overcome these barriers and to work collaboratively with law enforcement, shelters

and other non-legal services providers to help crime victims rebuild their lives.

Common Barriers to Civil Legal Services

With roughly 31,000 active Bar members across the state, it often comes as a surprise that legal representation is either limited or nonexistent in many parts of Georgia.² Seventy percent of Georgia's lawyers are concentrated in the five counties that make up metro-Atlanta which house only 35 percent of the state's population.³ The remaining 154 counties represent 65 percent of the state's population⁴ but have access to only 30 percent of the lawyers in the state.⁵ Six counties in Georgia have no practicing attorneys at all.⁶

Individuals eligible for services from legal aid organizations are similarly disadvantaged. With high caseloads and limited resources, agencies are often forced to prioritize the cases they accept⁷ and regretfully turn away hundreds of clients they cannot assist.

For many crime victims however, the barriers that prevent access to legal services are those perpetrated wholly, or in part, by an abuser through tactics of power and control.⁸ These tactics include physical harm, intimidation, emotional or economic abuse, and even the use of children as leverage to keep the victim in an abusive relationship.⁹ Language barriers exacerbate the effects of such behavior. A crime victim who does not speak English, or for whom English is a second language, may lack the courage to call the police or the confidence to tell her side of the story. It is also not uncommon for a crime victim's perception of the legal system to be influenced by his abuser. If a victim feels the system will only work in favor of her abuser, she may be foreclosed from seeking help altogether.

Immigration Status as a Tool for Power and Control

Immigration status can pose a significant barrier to civil legal services. At the Georgia Asylum and Immigration Network (GAIN), we provide free legal services in immigration matters to victims of human

trafficking, domestic violence and sexual assault. Through our interactions with clients, we've learned that without immigration status, crime victims are more likely to be dependent on their abuser and less likely to leave their abuser even in the face of adversity.

This is particularly true when a person's immigration status is based on their marriage to an abusive spouse. For example, individuals married to U.S. citizens or lawful permanent residents, must have their spouse file a petition for adjustment of status (i.e., green card) before they can live and remain in the United States. If the relationship turns violent and the victim tries to leave, her immigration status can be used as a tool to keep her in the abusive situation. Consequently, these victims may be reluctant to call 911, obtain a Temporary Protective Order or file for a divorce, because doing so could cause them to lose their immigration status and be forced to leave their children in the care and custody of an abusive spouse.¹⁰

Being in the United States on a dependent visa or status oftentimes means the crime victim is financially dependent on their abuser as well. There are several categories of immigrants, including spouses of certain H-1B visa holders,¹¹ who either because of federal regulation or inaction on the part of an abusive spouse do not have permission to work in the United States. For these crime victims, leaving an abusive spouse could mean choosing between a safer, healthier environment or being able to put food on the table for their families.

A lack of immigration status is equally devastating in the context of human trafficking where threats of harm or threats of abuse of the legal process are used to keep a victim compliant. Many of GAIN's clients have spent years being told that remaining in an exploitive situation is the only way he/she can earn a living, that no employer would hire them, and that if they tried to escape, they would be detained, deported and shamed in their home country for the work they did. Having immigration status to remain in the United States allows victims of human trafficking to obtain meaningful employment and to gain access to medical and mental health services they have gone so long without.



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

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



State Bar of Georgia

Federal legislation, such as the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act, is designed to provide certain safeguards and forms of relief, such as the VAWA Self-Petition, to enable crime victims to acquire immigration status independent of their abuser. Immigrants are also entitled to police intervention, assistance from child protective services, shelter, and treatment for mental illness or substance abuse.¹² But for crime victims who are unfamiliar with our laws and unaware of their rights, it becomes impossible for them to access these services on their own.¹³

The Victim Legal Services Network

Recognizing that a truly holistic approach to the delivery of legal services is one that takes into account the diverse needs of crime victims, GAIN has proudly partnered with the Atlanta Volunteer Lawyers Foundation, the Atlanta Legal Aid Society, the Criminal Justice Coordinating Council, the Georgia Legal Services Program and Georgia State University to form the Victim Legal Assistance Network (VLAN).¹⁴

VLAN, the only network of its kind in the Southeast, is a multidisciplinary team of lawyers and community agencies who have come together to address the barriers that prevent crime victims from accessing critical legal services. Through collaboration and coordination, the network provides comprehensive “no cost” civil legal representation to crime victims across the state of Georgia, supporting victims of domestic violence, sexual assault, stalking, elder abuse, identity fraud and others.

Through VLAN, shelters, advocates and other community partners have access to the services of partnering agencies through a carefully crafted referral process. Legal practitioners, including those outside of metro-Atlanta, now have greater opportunities to provide pro bono representation in civil legal matters. And local, state and federal law enforcement now have access to trainings and resources designed to assist them in their daily interactions with crime victims.

By far the most significant component of VLAN however, is a concerted, victim-centered approach to meeting the needs of crime victims. Project partners meet monthly to discuss strategies, and designated staff at the various partner agencies, known as “navigators,” help to screen potential clients, identify any civil legal needs and make referrals to resources within VLAN that may be able to assist. The goal is to ensure that, through this warm hand-off, no one who enters VLAN falls through the cracks because they either did not know what their needs were or were unaware of where to turn for help.

For crime victims in Georgia, particularly those who lack lawful immigration status, access to civil legal services can determine whether the victim leaves or remains in a harmful situation. VLAN provides a unique opportunity to address systematic barriers to legal services while trying to improve the overall outcomes for crime victims in the state of Georgia. Now more than ever, we need to continue to build partnerships, reach out to marginalized communities and do our part to make certain that once a crime victim walks through our doors in search of help, he/she is equipped and empowered with the tools to walk out as a survivor. ●



Alpa Amin is the lead attorney at the Georgia Asylum and Immigration Network (GAIN). Amin began her work with GAIN in 2008 as a law and policy assistant, and in 2009, she obtained an Equal Justice Works Fellowship to establish GAIN's Victims of Violence Program. In her current position, Amin recruits, trains and mentors pro bono attorneys from the Atlanta legal community and provides direct representation to immigrant victims of human trafficking, domestic violence and sexual assault who need assistance with filing T-visas, U-visas, VAWA Self-Petitions and Battered Spouse Waivers.

Endnotes

1. Jonathan Todres, *Human Trafficking and Film: How Popular Portrayals Influence Law and Public Perception*, 101 CORNELL L.

REV. Online at 18 (“[The] rescue is not the end, but rather the beginning of an arguably more challenging stage—that of recovery and reintegration”).

2. Katheryn Hayes Tucker, *Rural Lawyer Shortage Concerns Leaders of the Legal Profession; Access to Justice: The Rural Lawyer Gap*, Daily Report, (Jan 8, 2015), <http://www.dailyreportonline.com/id=1202714375765/Rural-Lawyer-Shortage-Concerns-Leaders-of-the-Legal-Profession>.
3. *Id.*
4. *Id.*
5. *Id.*
6. *Lawyers a luxury in rural Georgia*, The Atlanta Journal Constitution, (Apr 1, 2010, 10:35 A.M.), <http://www.ajc.com/news/news/local/lawyers-a-luxury-in-rural-georgia/nQdqb/>.
7. Tucker, *supra*, note 1.
8. The Duluth Model, commonly known as the Power and Control Wheel, is one way of conceptualizing domestic violence that encompasses all of the different aspects of an abusive relationship, beyond physical violence. See Wheel Gallery, Domestic Abuse Intervention Programs, <http://www.theduluthmodel.org/training/wheels.html>.
9. Leslye Orloff and Olivia Garcia, *Dynamics of Domestic Violence Experienced by Immigrant Victims, Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants 3* (2012).
10. *Id.* at 9.
11. As of May 26, 2015, Federal Regulations were amended to permit certain H-4 spouses of H-1B nonimmigrants to apply for employment authorization. See 8 CFR 214.2(h)(9)(iv); 8 CFR 274.a12(c).
12. Anita Raj and Jay Silverman, *Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence*, Violence Against Women, March 2002 at 391.
13. “Battered women often feel isolated from their communities, are frequently uninformed, unfamiliar with or simply confused about their legal rights and the social services available to them in the United States.” Orloff, *supra* note 9, at 2.
14. The Victim Legal Assistance Network (VLAN) was established with funding from the Office of Victims of Crime. Only 8 other states and Washington D.C. have received similar funding and the state of Georgia was one of 4 states in the U.S. to receive this award in 2014.

An Update on the American Immigration Lawyers Association's Georgia-Alabama Chapter Attorney of the Day Program

The American Immigration Lawyers Association's (AILA) Georgia-Alabama Chapter Pro Bono Committee came together in an effort to identify the area of greatest need in the Atlanta immigrant community and see how they could utilize AILA resources to address that need.

BY ELIZABETH MATHERNE, AUDREY LUSTGARTEN AND ASHLEY LARICCIA

The Attorney of the Day (AOTD) program launched in September 2015. It is the first of its kind in the Atlanta Immigration Court and is organized and led by the Georgia-Alabama Chapter of the American Immigration Lawyers Association (AILA). The program took years to come to fruition. Once it was implemented, the organizers and volunteers faced unexpected challenges. However, in spite of those challenges, the program and its organizers have persevered. The volunteer attorneys working with the AOTD program remain steadfast and dedicated to the program's purpose of offering legal orientation and support to the most vulnerable segment of immigrants facing deportation: children.



PHOTO BY ISTOCK.COM/JUANMONINO

The Idea

The vision for the AOTD program began with the AILA Georgia-Alabama Chapter Pro Bono Committee (the committee) in 2013. The committee came together in an effort to identify the area of greatest need in the Atlanta immigrant community and see how we could utilize AILA resources to address that need. We found that pro bono representation for immigrants¹ facing deportation within the jurisdiction of the Atlanta Immigration Court was severely lacking. Although a few area nonprofits do wonderful work with such immigrants, many immigrants still face immigration judges without representation.² This can have dire consequences, as U.S. immigration laws are very complex and unrepresented immigrants frequently do not understand the nature of the legal relief that may be available to them. Such immigrants are often deported without knowing they may be eligible for legal relief to allow them to stay in the United States.

The Inspiration

After identifying the area of unmet need, the committee set out to find the best way to meet the need given the limited resources available. We discovered that the AILA chapter in San Francisco had been operating an AOTD program in partnership with their state bar with great success. Under the San Francisco AOTD model, attorneys volunteer to meet with and advise immigrants appearing before the immigration court. Their representation is limited in scope—they assess the case and provide information regarding possible forms of relief available to the immigrant, and also give guidance regarding how to find an attorney. In the San Francisco program, a very limited set of cases are referred to the state bar for placement with long-term pro bono counsel, but most immigrants are simply given consultations.

We felt that implementing an AOTD program in Atlanta was the best way to leverage our limited resources to have an impact on the greatest number of immigrants. We thought the AILA attorney community would be very receptive to volunteer opportunities where the scope of representation was limited to a particular day and time. Certain types of im-

migration cases can take many months or even years to resolve and many attorneys are understandably hesitant to volunteer for such cases on such a long-term basis when they are not sure what their capacity will be six months or a year from the time of volunteering. With the AOTD program, volunteer attorneys could select the days and times they knew they would be available to do pro bono work. At the same time, the AOTD program had the potential to reach a large number of unrepresented immigrants. Although some immigrants fail to appear for their immigration court hearings, the majority do appear³ and, thus, could be made aware of the AOTD services. Although the AOTD

We felt that implementing an AOTD program in Atlanta was the best way to leverage our limited resources to have an impact on the greatest number of immigrants.

program would not be able to represent immigrants on a long-term basis, they could accomplish the significant task of educating immigrants about the court system, the immigration laws and methods for locating competent pro bono or private counsel. Our inspiration in place, we proceeded to meet with State Bar of Georgia staff and local nonprofit leaders and were pleased to gain their support for the AOTD idea. We were particularly grateful to have the State Bar's support as the California State Bar's support had been crucial to the San Francisco AOTD program that was our inspiration.

The Approval Process

Taking the AOTD program from idea to implementation was a long and sometimes frustrating process. We had to obtain the support and approval of not only the local Atlanta Immigration Court, but also the approval of the Executive Office for Immigration Review (EOIR). We met with local immigration judges, as well as the assistant chief immigration

judge, on several occasions to discuss the proposal. In the midst of the proposal process, the surge of unaccompanied minors (UACs) from Central America occurred and we moved to tailor our proposal to focus primarily on providing AOTD services to UACs. This was in keeping with our goal to initially implement the AOTD program in Atlanta as a pilot project—giving us the flexibility to make adjustments to the program as needed and also a key selling point with EOIR as it gave them the opportunity to provide input on future program adjustments. Finally, after two years of work, the AOTD program received EOIR approval in early 2015.


Training and Organizing Volunteer Attorneys

In September 2015, the committee held a day-long training program at the State Bar of Georgia and the Atlanta Immigration Court. The volunteer attorneys were taught by local experts, including Monica Khant of GAIN and Jennifer Bensman of Catholic Charities, who walked them through procedural and substantive trainings. The training even included a mock hearing in the Atlanta Immigration Court with Presiding Immigration Judge Madeline Garcia. The training was made possible by generous support and partnerships of AILA, Troutman Sanders and Kids in Need of Defense. More than 30 attorneys attended the training and signed up for volunteer opportunities with AOTD.


AOTD In Action

At the Atlanta Immigration Court, AOTD volunteers check-in with the clerk prior to the start of the hearings so that the court is aware that the volunteers are present. The judge may choose to announce at the

WORKED HARD,
ALL MY LIFE
3 TOURS IN THE MILITARY,
4 STILL WOUND UP HOMELESS.
THE GOVERNMENT SAID
I HAD NO IDENTITY.
MY LAWYER
GOT EVERYTHING BACK
FOR ME.



Who needs lawyers? We do.
Murray — Atlanta, Georgia
A Veteran, Forgotten

 State Bar
of Georgia
ganeeedlawyers.com

beginning of the hearing that the AOTD volunteer is present and will encourage unrepresented defendants to speak with the volunteer before leaving the court that day. For the unrepresented minors and their families, the AOTD volunteer is a friendly face in an otherwise adversarial process.

At the launch of the project the volunteers staffed initial master calendar hearing dockets in order to encourage the minors to find legal representation as early on in the project as possible. A few months into the project, based on the feedback of the volunteers, the project switched to staffing reset hearings, so that those minors who had returned to court with an attorney might better understand the importance of finding legal representation. The program operated at a robust pace in the first four months. The volunteer attorneys met with more than 25 minors who were attending court without legal representation. These children were screened for eligibility for relief, informed of their legal rights and advised on proper next steps.

However, not long after the launch of the AOTD program, the Atlanta Immigration Court made changes to the juvenile docket, requiring that the committee work closely with the court in order to respond with fluidity to the docketing changes. During this time, the juvenile docket was changed to three different judges. Communication between the court and the committee has been crucial throughout these changes in order to ensure continuity as the juvenile docket has moved to different judges. While each judge has his or her own preference on how to best incorporate the legal screenings, all of the judges have responded positively to the presence of the AOTD volunteers in the courtroom.

In early January 2016, ICE targeted the Atlanta area for enforcement of its removal priorities which included effectuating removal orders against women and children with recent removal orders.⁴ The enforcement action caused a wave of fear amongst UACs across the state; in the weeks and months following the raids, minors and their families were reluctant to venture out into the public. The committee suspects this fear led to an unfortunate percentage of unaccompanied minors missing their immigration court hearings out of misun-

derstanding and fear that they might be arrested and deported at court. Unfortunately for these minors, a missed hearing could result in an *in absentia* removal order.

Despite the challenges of docketing changes and the cooling effect of the ICE raids, the AOTD project and its volunteers have remained committed to providing legal assistance to unaccompanied children facing removal from the United States. Having the support and open communication with the Atlanta Immigration Court, particularly the immigration judges and the Court Administrator Cynthia Long have been critical to the success of this program. The committee and the court continue to work together and the volunteers are looking forward to continuing to staff the project. If you are interested in volunteering with the project or have questions about it please do not hesitate to reach out to us at AtlantaAOTD@gmail.com. ●



Elizabeth Matherne

Attorney
Matherne Immigration Partners, LLC
ehm.mip@gmail.com



Audrey Lustgarten

Attorney
Lustgarten Global LLC
audrey@lustgartenglobal.com

Ashley LaRiccia

Attorney
Kids in Need of Defense
ashley.lariccia@gmail.com

Endnotes

1. The technical term for immigrants who are facing removal from the United States is "respondent." The authors have chosen to use the term "immigrant" for readability purposes.
2. EXEC. OFFICE OF IMMIGRATION REVIEW, U.S. DEP'T OF JUSTICE, FY 2014 STATISTICS YEARBOOK F1 (Mar. 2015), <https://www.justice.gov/eoir/pages/attachments/2015/03/16/fy14syb.pdf>.
3. *Id.* at P1.
4. See generally S. POVERTY LAW CTR. & GA. LATINO ALL. FOR HUMAN RIGHTS, FAMILIES IN FEAR: THE ATLANTA IMMIGRATION RAIDS (Jan. 2016), https://www.splc.org/sites/default/files/splc_families_in_fear_ice_raids_3.pdf.



Fastest smartest malpractice insurance. Period.

800.906.9654
GilsbarPRO.com



SUPPORT OF
LAWYERS/LEGAL
PERSONNEL—
ALL CONCERN
ENCOURAGED

SOLACE

Lawyers Helping Colleagues in Need

The SOLACE program is designed to assist any member of the legal community (lawyers, judges, law office and court staff, law students and their families) in Georgia who suffer serious loss due to a sudden catastrophic event, injury or illness. Visit www.gabar.org for more information on SOLACE.

NEED HELP? EMAIL SOLACE@GABAR.ORG

The 26th Annual Georgia Bar Media & Judiciary Conference

From policing judges in Georgia to an Atlanta mayoral candidate forum, this year's Bar Media & Judiciary Conference was a success.

BY STEPHANIE J. WILSON



On Friday, Feb. 24, attorneys, media professionals and judges met at the State Bar of Georgia for the 26th Annual Georgia Bar Media & Judiciary Conference. As in years past, the 2017 event proved to be an exciting day full of sessions covering timely topics impacting the First Amendment. Many thanks to CNN and all the sponsors for their support of this annual symposium. For a complete list of sponsors, see page 52.

Policing the Professions: What the Public Needs to Know

Organizer

- Ken Foskett, Senior Editor for Investigations, *Atlanta Journal-Constitution*

Moderator

- Lois Norder, Investigative Editor, *Atlanta Journal-Constitution*

Brian Stelter, host of CNN's "Reliable Sources," shares some insights with the audience during his session "Fake News, Alternative Facts and Novel Answers for the News Business."

PHOTO BY STEPHANIE J. WILSON

Panelists

- Danny Robbins, Investigative Reporter, *Atlanta Journal-Constitution*
- Carrie Teegardin, Investigative Reporter, *Atlanta Journal-Constitution*

The conference kicked off with members of the team that reported the *Atlanta Journal-Constitution's* award-winning national investigative series "Doctors & Sex Abuse." Norder, Robbins and Teegardin discussed their findings about professional disciplinary systems in Georgia and elsewhere, zeroing in on how they work and don't work in protecting the public and why.

During the course of their investigation, the reporters repeatedly met with 64 medical boards in the United States. "Doing this day after day was difficult," Teegardin said. The team was shocked to find that half of the physicians sanctioned since 1999 are still practicing today. Many of the cases were handled privately even after the board knew about the abuse. The board members felt that doctors should be offered a chance at rehabilitation because of their standing in society.

For more information about the "Doctors & Sex Abuse" investigative series from the *Atlanta Journal-Constitution* please visit <http://doctors.ajc.com>.

Policing Judges in Georgia: What the Public Will Know

Moderator

- Jonathan Ringel, Editor, *Daily Report*

Panelists

- Hon. Lynwood D. Jordan Jr., Judge, Probate Court of Forsyth County
- Rep. Wendell Willard (R-Sandy Springs), Georgia House of Representatives
- Richard Belcher, Investigative Reporter, WSB-TV
- Edward D. Tolley, Cook & Tolley, LLP

Although invited panelist Sen. Joshua McKoon (R-Columbus) was absent due to some important votes that were to take place in the Georgia Senate during the conference, Jonathan Ringel ably fa-

cilitated a discussion about the restructuring of the Judicial Qualifications Commission (JQC) that began in the last legislative session. With the passing of Amendment 3 on the November

panel that is responsible for adjudicating formal charges filed by the investigative panel. On Monday, March 20, the Senate Judiciary Committee voted to send HB 126 to the Senate floor.



PHOTO BY STEPHANIE J. WILSON

Georgia Attorney General Chris Carr (*left*) discusses his priorities while in office, including open government, human trafficking, and drug and elder abuse, with Sean McIntosh (*right*) of the Georgia First Amendment Foundation

2016 ballot, the JQC was stripped of its independent status as a constitutional body, giving control to the Legislature itself. On Feb. 9, 2017, Rep. Wendell Willard (R-Sandy Springs) presented HB 126, the "Judicial Qualifications Commission Improvement Act of 2017," on the floor of the House of Representatives where it passed by a vote of 176-0 and crossed over to the Senate, where it was assigned to the Senate Judiciary Committee. The bill, presented to ensure more "fairness, due process and transparency," seeks to make improvements to the size, make-up and procedure of the JQC; but it also stripped the State Bar of Georgia of its direct appointments to the commission. Most notably, the bill seeks to create a two-panel commission, with an investigative panel that is responsible for the investigative and administrative functions of the commission and a hearing

Open Government Enforcement in Georgia: A Conversation with Attorney General Chris Carr

Shawn McIntosh, president of the Georgia First Amendment Foundation and a deputy managing editor at the *Atlanta Journal-Constitution*, sat down with Georgia Attorney General Chris Carr for an interesting conversation regarding the enforcement of open government in Georgia.

The Office of the Attorney General saw around 200 open government cases and/or inquiries in 2016. The inquiries came in two types: open meetings and open records. The majority of the open meetings inquiries stem from the lack of details on an agenda or items that are added at the last minute, or discussions that take place in executive session. In the case of open records requests, many of the inquiries that reach the Office of the Attorney General are due to expectation levels. The

The 2017 Georgia Bar Media & Judiciary Conference was graciously sponsored by

CNN

ACLU of Georgia

Atlanta Journal-Constitution

Bryan Cave LLP

Council of Probate Court Judges

Council of State Court Judges

Council of Superior Court Judges

Duane Morris LLP

Georgia First Amendment Foundation

Georgia State University
Department of Communication

Greenberg Traurig LLP

Jones Day

Judicial Council of Georgia/
Administrative Office of the Courts

Kilpatrick Townsend & Stockton LLP

Poston Communications LLC

State Bar of Georgia

Open Records Act states that agencies are to produce records within three business days; however, many requests, such as five years of emails, are too extensive and must be narrowed.

Carr also chatted with the audience about his priorities as attorney general. Carr stated that Georgia is the No. 1 state for business. He contributes that to our stable, reliable legal and regulatory environment. He will also continue the work of his predecessor, Sam Olens, in battling human trafficking and opioid dependency. Lastly, Carr mentioned working with federal partners to fight elder abuse.

Fake News, Alternative Facts and Novel Answers for the News Business

"The fake news media is the enemy of the American people," said CNN's Brian Stelter, host of "Reliable Sources."

"This is the time that journalists live for—I can feel it in my inbox, in my Twitter feed."

If you have a Facebook account, then you were probably a witness to the plethora of "fake" news stories flooding your timeline during the 2016 election cycle. "Fake news," Stelter stated, "is a failure of imagination" and is "the ultimate insult." Before you click share, be sure that the information at the link's destination is accurate and not just a catchy headline with which you agree.

Stelter shared his opinions about the changing consumption patterns of news. He feels that these changing patterns will cause the press to become more partisan. He also suggested that fake stories are going to get more malicious, insidious and sophisticated.

The public is having a hard time differentiating between straight journalism—reporting of facts—and opinion journalism—telling what you think about those facts. The television news media isn't helping matters much by blurring the lines between the two. Often journalists and editorialists are used on the same panel, making it hard for the public to tell the difference, but making for really great television.

While air time may be limited, there is unlimited space online. Many bloggers and citizen journalists have no training on the ethics and standards of journalism, which only creates more confusion between types. "What is the future of the news business?" Stelter asked. "All of the above—radio, digital, TV, streaming, print. Always on, always on demand." "Reliable Sources" airs at 11 a.m. ET on Sundays on CNN.

Outbreak!

Organizer/Interlocutor

Richard T. Griffiths, Editorial Director, CNN

Panelists

- Hon. Susan Edlein, Judge, State Court of Fulton County
- Jeff Baxter, Chief Counsel for Health Affairs, Emory University

- James Misrahi, Office of the General Counsel, Centers for Disease Control and Prevention
- Capt. Marty Cetron, MD, Director, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention
- Dr. Brooks Moore, Emergency Care Department, Grady Memorial Hospital
- Dr. S. Elizabeth Ford, District Health Director, DeKalb County Board of Health
- Polly Price, Associate Dean, Emory University School of Law
- Andy Miller, CEO/Editor, "Georgia Health News"

The champion of the Lizard Lick Mad Mutts Dawg Show traveled from China and through Toronto. Days after the third place winner and the champion played together at the show, the third place winner becomes symptomatic and ends up infecting the children living in his home. An outbreak of "puppy flu," which originated in Lhasa, Tibet, begins to sweep through the fictional town of Lizard Lick, Ga. Over the next three days, more children are admitted to Lizard Lick General Hospital. Is this an epidemic? Will the Health Department be forced to close the school? Will the Lizard Lick music festival featuring Three Dog Night and Snoop Dogg benefitting the Humane Society have to be canceled? Can the asymptomatic mother of the children originally infected legally be kept from traveling?

Richard Griffiths, newly retired as a senior editorial director at CNN, once again served as a most delightful interlocutor for this Fred Friendly-style panel. As Griffiths incrementally revealed the details of an outbreak scenario, the panelists joined in their official capacities as doctors, health care executives, attorneys, a journalist and a judge to discuss the medical, legal, privacy and journalism issues involved. Although Capt. Marty Cetron of the Centers for Disease Control and Prevention (CDC) joined the panel by phone from Vancouver, he played an integral part in helping the audience understand the methodology for risk assessment used by the CDC during an outbreak like the one presented.



PHOTO BY STEPHANIE J. WILSON

Panelists for "Outbreak!": (Left to right) Jeff Baxter, Polly Price, Hon. Susan Edlein, Dr. Brooks Moore, Dr. S. Elizabeth Ford, James Misrahi and Andy Miller await the unfolding of the hypothetical scenario by Richard Griffiths (standing at podium) for this Fred Friendly-style session.

"Political Rewind" Returns! What's Hot and What's Not in Georgia Politics and the General Assembly

Hosts

- Bill Nigut, "Political Rewind," Georgia Public Broadcasting

Panelists

- Jim Galloway, Writer, "Political Insider," *Atlanta-Journal Constitution*
- George W. "Buddy" Darden, Senior Counsel, Dentons US LLP
- Brian Robinson, President, Robinson Republic
- Michael Owens, Chair, Cobb County Democratic Committee
- Jackie Gingrich Cushman, Columnist, Creators Syndicate

For the second year in a row, the audience was treated to a live broadcast of GPB Radio's "Political Rewind" hosted by Bill Nigut. This panel of heavy hitters on both sides of the political aisle shared their thoughts about SB 79 which would allow casino gambling in Georgia; the "religious liberty" bill, HB 757; the election of a new chair of the Democratic National Committee; President Trump's speech at the annual Conservative Political Action Conference; and the city of Atlanta contractor scandal.

"Political Rewind" airs statewide on Mondays and Wednesdays at 2 p.m. and Fridays at 3 p.m. To listen to past episodes, visit gpbnews.org/programs/political-rewind.

Ask Atlanta's Next Mayor: A Candidates Forum

Organizers

- Ed Bean, Senior Vice President & Editor, Poston Communications
- Christopher Walker, Associate, Greenberg Traurig LLP

Moderator

- Ed Bean

Candidates

- Peter Aman
- Hon. Keisha Lance Bottoms
- Sen. Vincent Fort (D-Atlanta)
- Kwanza Hall
- Ceasar Mitchell
- Mary Norwood
- Michael Sterling
- Cathy Woolard

Ed Bean served as moderator for the eight-person panel of candidates for Atlanta mayor. Bean directed a question to a specific candidate who had only two minutes to answer. All other panelists were given one minute each to respond. Bean covered topics like transparency; police

morale; MARTA; procurement systems; ethics and corruption; putting all city financial transactions online for citizens to view; programs to cut or eliminate; the "religious liberty" bill, HB 757; the City Law Department and the criteria used for choosing a city attorney; rewriting the Juvenile Code to make repeat offenders' sentences tougher; reviving and revitalizing downtown, Underground Atlanta and the disposal of city-owned property, and development without displacement; public safety, including the murder rate; and what Atlanta needs from the Legislature, including police pay, colleges and universities, funding for transit operations, economic development, justice reform, homelessness and early childhood education. The mayoral candidate forum can be viewed on youtube.com/user/StateBarofGeorgia.

After the conclusion of the 2017 Bar Media & Judiciary Conference, attorneys, judges and journalists gathered for a reception outside the auditorium. Conversations among attendees and panelists flowed abundantly. Once again, this annual Institute of Continuing Legal Education in Georgia event was a great success. ●



Stephanie J. Wilson

Communications Coordinator
State Bar of Georgia

stephaniew@gabar.com

Georgia Bar Foundation: A Partner in Philanthropy

Because of the reduced IOLTA income and the Federal Reserve's reduction in interest rates, the foundation had to look for alternative sources of revenues.

BY C. LEN HORTON



PHOTO BY ISTOCK.COM/ZERBOR

The Georgia Bar Foundation (GBF), the largest legal charity in Georgia, has been and continues to be a significant force in the statewide effort to provide access to justice to thousands of Georgians. We assist needful Georgians by funding a number of legal aid and other law-related organizations throughout the state. To date, that support totals more than \$95 million awarded in grants to organizations like Atlanta Legal Aid, Georgia Legal Services Program, Atlanta Volunteer Lawyers Foundation, The Truancy Intervention Project and many more. As impressive as that assistance has been and continues to be, until recently the GBF has been almost exclusively focused on the funds it receives from Interest On Lawyer Trust Accounts (IOLTA) and from financial contributions from the Fellows of the Georgia Bar Foundation.

Confronted by reduced IOLTA income because of the "Great Recession" and the Federal Reserve's dramatic reduction in interest rates, the GBF began to look for alternative sources of revenues. Our introspection coincided with a new effort spearheaded by the

Public Welfare Foundation under the leadership of Mary McClymont to wed the access to justice movement with the overlapping interests of the philanthropic community.

Making its grant funds available through the National Association of IOLTA Programs (NAIP), the Public Welfare Foundation, partnering with the Kresge Foundation, created a grant program to encourage bar foundations to become more active participants in their local philanthropic communities. (See the sidebar, “The Civil Legal Aid-Philanthropy Connection” on page 56.) From that program, the GBF applied for and received a grant for \$15,000 to expand our involvement in the local philanthropic community. The plan included partnering with the Southeastern Council of Foundations (SECF) to raise awareness of bar foundations and their grantees, civil legal aid, and to form ongoing relationships with other foundations. In essence, the grant supported a coming out party for the Georgia Bar Foundation among Georgia’s many foundations that comprise Georgia’s philanthropic community. The grant also authorized payment of SECF membership dues for 11 southeastern states.

Upon receipt of the grant, then-Georgia Bar Foundation President Jimmy Franklin appointed a Philanthropy & Civil Indigent Legal Services Committee (the committee) to assist in monitoring and implementing the grant. The members of the committee are Katherine “Kitty” Meyers Cohen, chair; Aasia Mustakeem, president emeritus; Timothy Crim, secretary; Jaci Bertrand, director of member engagement for SECF; Sally Evans Lockwood, member of the State Bar Access to Justice Committee; and Guy Lescault, consultant with Professional Technical Assistance, LLC.

The committee met in December 2014 to develop and review a work plan and set milestones for implementation. The SECF assisted by providing membership benefits for its new bar foundation members and set up an orientation and communication network for southeastern IOLTA providers. Working with the committee, Guy Lescault provided sample

Atlanta Legal Aid’s Show It Approach to Foundations



Steve Gottlieb
Executive Director
Atlanta Legal Aid Society

I certainly hope that more foundations begin to view equal justice as part of their mission. At the same time we should not forget that legal services programs do not just do equal justice in some abstract way. We provide concrete benefits to our clients in their everyday lives—protecting them against violence, getting them food and shelter, and gaining them access to medical services. We need to continue to remind foundations (and other funding sources) of the real practical effects of what we do. Let me explain.

Most foundations focus on particular populations—children with serious illnesses, people with disabilities or women with cancer. To get their support we in legal aid must document that our work provides special benefits to those groups—how we help children get Medicaid to cover their illnesses, help people with disabilities to get out of institutions and help women with breast cancer to protect their children.

Atlanta Legal Aid has gotten foundation grants to support HeLP, our medical-legal collaborative with Children’s Healthcare and Georgia State University’s College of Law, to represent families whose children are in Children’s three hospitals. And foundations have supported the implementation of our *Olmstead* Supreme Court case (the *Brown v. Board of Education* of disability rights) to get people with disabilities community care. Recently a large foundation

gave us funding for our new building because they learned how our work helped families and children—they called us “legal social workers.”

We also must demonstrate that we are credible. At Atlanta Legal Aid we have historically had projects to protect a particularly vulnerable population before we asked for funding for our work. For instance, we demonstrated our success in helping grandparents raise their grandchildren, and then got foundation support.

Moreover the credibility needs to be for our program as a whole, and not just for our work on a particular project. Recently staff of a local foundation came to visit as part of their review of the foundation’s own priorities. We talked with them about all of our work, including one case where one of our HeLP lawyers helped an eight-month-old child get a heart transplant. None of the work fit within their mission, but the staff clearly wanted to support Atlanta Legal Aid as an institution. Through some serendipitous events right after the visit, we determined that we could represent unaccompanied minors fleeing to avoid being harmed or even killed in their native countries get Special Juvenile Immigration Status—work directly within the foundation’s area of interest. We applied for a grant for this work and got it.

In short, foundations, like all funders, need to be convinced that what we do has real and often dramatic benefits to clients in the areas they are passionate about. For legal services providers like Atlanta Legal Aid that should be easy; we work in all the critical areas of our clients’ needs—we just need to show it. ●

THE CIVIL LEGAL AID- PHILANTHROPY CONNECTION



Mary E. McClymont
*President and CEO
Public Welfare Foundation
Washington, D.C.*

In 2013, the Public Welfare Foundation (PWF) and the Kresge Foundation published *Natural Allies*, which urges the inclusion of civil legal aid as a critical component of philanthropic giving. "Investing to help low-income people solve legal problems is smart, results-oriented philanthropy. . . . Ultimately civil legal aid is a powerful tool that can increase the impact of a funder's support." The paper also noted, however, that ". . . civil legal aid for families living in or near poverty has been an overlooked partner in philanthropic efforts to improve the bedrock economic, social and health conditions for low-income people and communities."

The need for more investment in civil legal aid was also the impetus behind PWF's support to the National Association of IOLTA Programs (NAIP), working with its state IOLTA members, to promote to the broader philanthropic community in their jurisdictions the value of supporting civil legal aid. In my view, IOLTA program leaders can be key messengers to philanthropy about civil legal aid. That's because not only are they grantmakers themselves, but they know what legal aid means and what it can accomplish. They also hold a unique bird's eye view about relevant groups and developments in their respective states. In short, they fill a core niche and

can serve as ambassadors on behalf of civil legal aid with their peer private funders.

PWF's support to the NAIP Foundation Leadership Alliance Project provided for 17 mini-grants to 13 different state IOLTA funders to carry out a variety of activities highlighting the role of civil legal aid—including conducting webinars and targeted presentations, developing toolkits and videos, and meeting with philanthropic affinity groups. At the same time, IOLTA leaders have been learning more about how legal aid is seen by others outside the usual circles.

The work undertaken with the mini-grant support to the Georgia Bar Foundation demonstrates how funds are being used effectively to build new or stronger relationships with private funders and how the outreach is already resulting in more engagement by philanthropy.

Going forward, NAIP will continue to advance the goal of bringing philanthropy together with IOLTA programs that should benefit both constituencies. When the PWF support wraps up later this year, we hope that working relationships between IOLTA and the philanthropic community will be strengthened in all the participating states. Ultimately, we hope that private funders demonstrate a greater interest in using civil legal aid both as a key tool in their proverbial toolbox to accomplish their programmatic goals, and to empower individuals and communities to gain an equal shot at the justice they deserve. ●

toolkits, a video and a concept for a model Georgia toolkit that would serve as a template for other states.

Collaborating with a regional association of grantmakers like the SECF allowed the GBF to provide ready access education and tools for SECF foundation members to learn more about bar foundation grantees. These educational efforts included the webinar, "Funding Civil Legal Aid to Advance Your Grantmaking Goals" and a toolkit, "Funding Civil Legal Aid."

The SECF one-hour member webinar, was held in September 2015 with the following key messages:

- Low-income people often have difficulty obtaining legal help to deal with issues like housing, health care and employment security;
- Legal aid services help people address these problems; and
- Investing in civil legal aid programs is an innovative way for funders with specific interests (e.g. health care, housing, elderly, veterans) to accomplish their goals.

Janine Lee, the president of the SECF, introduced the topic as a "Member Spotlight" webinar and was followed by Mary McClymont, the president of the Public Welfare Foundation, who lead a discussion on the relationship between philanthropy and civil legal aid. Tracy Daniel, executive director of the Alabama Law Foundation, shared the impact of their grants with client stories.

In December 2015, the SECF launched the toolkit on its resource website, providing a state profile and an infographic for each state with the data provided by the IOLTA directors in the southeast.

Both the webinar and the toolkit can be downloaded on the SECF website, <http://www.secf.org/funding-civil-legal-aid>, providing a sustainable data profile of the work of bar foundation grantees in each state. These materials will be updated to remain factually correct and informative for other foundations.

One of the outcomes of this initial grant was the creation of opportunities

for other foundations to work with their bar foundations and other stakeholders to enhance foundation support for access to justice.

Over the past year, the philanthropic community has become more aware of the work of bar foundations, increasing the likelihood that the Georgia Bar Foundation may be recognized as a potential partner in attacking societal problems of interest to multiple foundations. Being part of the SECF and actively participating in the informative events they create will continue to be a major focus of the Georgia Bar Foundation. As our friends in other foundations see what we are doing and why, we hope they will become even more interested in partnering with us to tackle societal problems, almost all of which are affected by, if not caused by, social injustice.

To continue this effort, the Georgia Bar Foundation applied for and received

a second NAIP Leadership Award, which was received in February 2017. This award was for \$10,000. We see SECF as our doorway into learning to think as philanthropists rather than as mere funders. To obtain maximum effectiveness, a long-term commitment by the Georgia Bar Foundation in the SECF will require active engagement in the organization's two affinity groups, the Georgia Grantmakers Alliance and the Atlanta Foundation Forum. SECF's educational programs and policy advocacy resources are not lagniappe but a stimulus to generate ideas we can share with our new friends in the philanthropy community in Georgia.

Atlanta Legal Aid, which provides civil legal services in the five metro-Atlanta counties, has been actively engaged with foundations for years. (See the sidebar "Atlanta Legal Aid's Show It Approach to Foundations" on page 55.)

Its impact is felt in health care, aging, housing and education. Atlanta Legal Aid shows that justice touches virtually every part of our lives.


With the help of the Public Welfare Foundation and Georgia's philanthropic community, the Georgia Bar Foundation hopes to be able to convey that justice is not a concern of just lawyers; it should be the concern of everyone. ●



C. Len Horton

Executive Director
Georgia Bar Foundation

hortonl@bellsouth.net



Bring your **A** game

with an LL.M. in Tax or Business Law.

The University of Alabama School of Law offers LL.M. programs in **tax** and **business law**. Renowned professors and practitioners teach courses live from across the country. Earn your advanced degree and gain championship status.

OnlineLLM.ua.edu/ga

THE UNIVERSITY OF
ALABAMA® | School of Law
Online Programs

2016 Georgia Corporation and Business Organization Case Law Developments

This article presents an overview from a survey of Georgia corporate and business organization case law developments in 2016. The full version of the survey, contains a more in-depth discussion and analysis of each case (<https://www.bryancave.com/images/content/9/3/v2/93084/2016-Georgia-Corporation-and-Business-Organization-Case-Law-Dev.pdf>). This article is not intended as legal advice for any specific person or circumstance, but rather a general treatment of the topics discussed. The views and opinions expressed in this article are those of the author only and not Bryan Cave LLP.

BY MICHAEL P. CAREY

This article addresses decisions handed down in the past 12 months by Georgia state and federal courts addressing questions of Georgia corporate and business organization law. It includes both decisions with significant precedential value and others dealing with less momentous questions of law as to which there is little settled authority. Even those cases in which the courts applied well-settled principles serve as a useful indication of the types of claims and issues that are currently being litigated in corporate and business organization disputes and how the courts are dealing with them.

The year 2016 saw a rare jury trial involving bank director and officer liability for gross negligence and ordinary negligence in *FDIC v. Loudermilk*, the same case in which the Supreme Court of Georgia previously issued a major decision clari-



PHOTO BY ISTOCK.COM/WARCHI

fy Georgia's business judgment rule. The year also saw a large number of decisions involving limited liability companies, continuing a trend from recent years. The Supreme Court of Georgia addressed some interesting and novel questions of corporate law, including whether an out-of-state LLC (or corporation) can avail itself of the removal right that permits Georgia-based companies to shift certain tort litigation from the county in which it is brought to the county where it maintains its principal office, and whether a nonprofit corporation has standing to pursue a writ of *quo warranto* against public officials.

The decisions are organized first by entity type—i.e., business corporations, limited liability companies and partnerships. The remaining sections deal with transactional issues equally applicable to all forms of business organizations and litigation issues that are common to all business forms, such as secondary liability, jurisdiction and venue, evidence questions and insurance disputes.

Duties and Liabilities of Corporate Directors, Officers and Employees

One of the most closely watched Georgia corporate governance cases in recent years, *FDIC v. Loudermilk*, No. 1:12-cv-04156-TWT, went to trial in 2016. *Loudermilk* was one of more than two dozen lawsuits brought by the FDIC as receiver for a Georgia bank that failed during the Great Recession asserting negligence and gross negligence claims against the bank's former directors and officers, based on their approval of loans and other transactions that ultimately caused losses to the bank. It was the first of these suits to go all the way to trial. While it may also be the last such trial dealing with the bank that closed during the Great Recession, since most if not all of the FDIC's other cases have settled, the *Loudermilk* case will nonetheless have a lasting impact on bank and corporate governance in Georgia. It was in this case that the Supreme Court of Georgia clarified the contours of the business judgment rule in 2014, holding that the business judgment rule forecloses claims that sound in negligence that attack

the wisdom of a business decision, but does not absolutely foreclose a negligence claim that challenges only the carefulness of the decision-making process. The upshot of the Supreme Court's opinion, as far as the present case was concerned, was that the FDIC could go forward with its claims that the defendants negligently approved loans, provided that the claims were based only on the carefulness of the process.

At trial in the Northern District of Georgia, the FDIC sought more than \$21 million in connection with 10 loans it claimed were approved because of negligence or gross negligence. The jury found for the defendants as to six of the loans and the FDIC as to the other four, and awarded damages of \$4.98 million. The verdict form did not specify the level of negligence found by the jury as to those loans where liability was found, and it did not apportion liability among the several defendants. The defendants have filed an appeal, challenging the failure to apportion damages, as well as a pretrial decision by the trial court to preclude the defendants from introducing evidence that the Great Recession caused the bank's losses, and another decision permitting the jury to find a defendant liable for a loan regardless of whether that director attended the meeting in which the loan was approved.

The dispute over the handling of the Wayne Rollins estate made its fifth visit to the appellate courts in 2016. In *Rollins v. Rollins*, 338 Ga. App. 308, 790 S.E.2d 157 (2016), the Court of Appeals of Georgia held that summary judgment was properly granted to the estate's administrators as to certain claims challenging their conduct as directors of family corporations, but held for the third time that summary judgment had to be denied as to other claims premised on trust and partnership liability, holding that the summary judgment record raised a genuine question of fact as to the defendants' good faith. The Court of Appeals' earlier uncertainty about what standard of review to apply when a defendant simultaneously has two fiduciary roles (i.e., trustee of a trust and director of a corporation held within the trust) seems to have been resolved by the Supreme Court's 2015 ruling in the same case, but the Court of Appeals this time

was unconvinced that good faith could be determined as a matter of law from the summary judgment record. The defendants have petitioned for certiorari, seeking a third round of review from the Supreme Court of Georgia.

In *Post-Confirmation Committee for Small Loans, Inc. v. Martin*, 2016 WL 3251408 (M.D. Ga. June 13, 2016), the Middle District of Georgia held that issues of fact precluded summary judgment against a director of a family-owned corporation who allegedly sat silent while the corporation's assets were allegedly siphoned off by other related family entities (including a trust for the defendant's children). The court found that there were questions of fact as to whether the defendant intended to prefer himself given his professed lack of knowledge about the related party transactions and his claims that he relied on the company's management and accountants. The case ultimately proceeded to a trial in which the jury assessed damages of approximately \$3 million, a small portion of which was assessed to this defendant. Finally, in *Georgia Dermatologic Surgery Centers, P.C. v. Pharis*, 339 Ga. App. 764, 792 S.E.2d 747 (2016), the Court of Appeals held that its prior order voiding a professional corporation's termination of the plaintiff did not preclude the plaintiff from asserting a breach of contract claim against the corporation based on the termination. The court struck a portion of the jury's award to the plaintiff, however, finding that it included damages that were sustained not by the plaintiff but by a new entity the plaintiff formed to continue his practice.

Limited Liability Company Developments

In *Raiford v. National Hills Exchange LLC*, 2016 WL 2908412 (S.D. Ga. May 17, 2016), the Southern District of Georgia considered a novel question of LLC law: whether an interest holder in an LLC can have "vested rights" with respect to the LLC that cannot be taken away through an amendment to the operating agreement. Specifically, an equity interest holder claimed that an earlier operat-

ing agreement giving him an option to become a member, and also defaulting to the LLC Act's requirement of unanimous approval of a sale of assets, gave it vested rights that could not be taken away by amending the operating agreement. Reviewing the vested rights doctrine in Georgia corporate law, which has all but ceased to be discussed for decades, the court determined that a right pertaining to an LLC can only be "vested" if it relates to an economic interest, and not solely to the way in which the LLC is managed. Since the admission of new members and voting requirements fell within the latter category of management questions, the plaintiff had no vested right here.

Another opinion discussing the rights of an interest holder in an LLC was *Veterans Parkway Developers, LLC v. RMW Development Fund, II, LLC*, 300 Ga. 99, 793 S.E.2d 398 (2016), in which the Supreme Court of Georgia unanimously reversed a trial court's grant of a preliminary injunction in favor of an LLC's majority member, which had blocked the managing member's plans to construct a driveway on property owned by the LLC. The Supreme Court found that the majority member should not have been permitted to assert an interest in protecting the land from permanent alteration, because the land belonged to the LLC, not the member. Since the majority member could not otherwise show irreparable harm, it was not entitled to an injunction.

In *Perry Golf Course Development, LLC v. Columbia Residential, LLC*, 337 Ga. App. 525, 786 S.E.2d 565 (2016), the Court of Appeals of Georgia held that an arbitration clause in an LLC operating agreement was enforceable regardless of whether the LLC's members had abandoned the operating agreement, finding that the clause was broad enough to encompass the entire business relationship between the members. In *Niloy & Rohan, LLC v. Sechler*, 335 Ga. App. 507, 782 S.E.2d 293 (2016), the Court of Appeals held that an LLC member who also financed the LLC's operations could not recover debts that were owed to affiliated companies rather than the member itself, citing the rule that each plaintiff must prove its own damages.

Two cases addressed the effect of an LLC member's signature on documents executed in connection with transactions with third parties. In *The Guarantee Co. of North America v. Gary's Grading & Pipeline Co., Inc.*, 2016 WL 1181698 (M.D. Ga. Mar. 25, 2016), the Middle District of Georgia held that an LLC was bound by the signature of one of its three members on an indemnity agreement, even though that member had not been authorized to execute the agreement without the consent of the other two members. The third party was not made aware of the consent requirement, and therefore could rely on O.C.G.A. § 14-11-301. In *Envision Printing, LLC v. Evans*, 336 Ga. App. 635, 786 S.E.2d 250 (2016), the Court of Appeals held that an LLC member did not bind himself personally to a promissory note that he claimed he executed only in his official capacity on behalf of the LLC. The signature block was ambiguous as to the signer's capacity, so the Court of Appeals looked to other clues of the parties' intent from the document, as well as parol evidence, and determined that there was no intent to bind the LLC member individually.

Nonprofit Corporations

In *Sager v. Ivy Falls Plantation Homeowners Association Inc.*, 339 Ga. App. 111, 793 S.E.2d 455 (2016), the Court of Appeals held that a homeowners' association purportedly formed to replace a prior association had failed to take the steps necessary to show that it had succeeded to the interest of the prior association. The new association was formed with the same name as the prior association (which had dissolved), but there had never been a vote of the prior association's members or other act vesting the new association with the authority to govern the subdivision. The Court of Appeals held that the trial court erred by engaging in a "continuity of interest" analysis in which it found that the new association was essentially a continuation of the prior one. This test, which is normally employed to determine when a successor entity is liable for the debts of its predecessor, was found to be not applicable to the question of a homeowners' association's power to govern its members.

Transactional Cases

In *Sims v. Natural Products of Georgia, LLC*, 337 Ga. App. 20, 785 S.E.2d 659 (2016), the Court of Appeals affirmed a judgment rendered at a bench trial holding that two principals of an LLC did not defraud an investor about the use of the investment proceeds. The plaintiff argued on appeal that the defendants' payment of \$600/week salaries to themselves was evidence of fraudulent intent, since they had represented that they would use the investment proceeds to build new facilities. The Court of Appeals held that the trial court was entitled to find that these payments were not suspicious or indicative of fraud. In *Edwards v. Campbell*, 338 Ga. App. 876, 792 S.E.2d 142 (2016), the Court of Appeals addressed a claim that the seller of a business was liable to an injured third party for the negligent training of the buyer. The Court of Appeals affirmed a lower court decision finding that there was no liability, noting that the injury happened two years after the sale and that the buyer had made an independent decision, based in part on industry research, to continue the seller's practices and procedures. This, in the court's view, was an intervening cause sufficient to break the chain of causation between the seller's training and the injury.

Litigation Issues

Standing and Capacity to Sue

A unanimous Supreme Court of Georgia held in *Georgiacarry.org, Inc. v. Allen*, 299 Ga. 716, 791 S.E.2d 800 (2016) that a nonprofit corporation lacks standing to pursue a writ of *quo warranto* under O.C.G.A. § 9-6-60. The plaintiff, an advocacy group, sought to challenge the right of the members of the Georgia Code Revision Commission to continue to serve on that body. The Court found that the statute limited standing to persons capable of claiming the public office, which necessarily limited standing to natural persons. The situation therefore presented an exception to the usual rule that corporations are persons capable of suing and being sued.

In *In re Brooks*, 2016 WL 235132 (Bankr. S.D. Ga. Jan. 12, 2016), the Bank-

ruptcy Court for the Southern District of Georgia held that a foreign LLC did not need to obtain a certificate of authority to do business in Georgia in order to pursue its interests as a creditor in a bankruptcy proceeding pending in Georgia. The court held that the LLC's activities with regard to the bankruptcy proceeding fell within exceptions to the definition of "transacting business in the state" under O.C.G.A. § 14-11-702. The court further held that the LLC did not bear the burden of proving that it was exempt from qualifying to do business in the state. In *Davis v. Crescent Holdings & Investments, LLC*, 336 Ga. App. 378, 785 S.E.2d 51 (2016), the Court of Appeals reversed a trial court's modification of an order substituting the law firm that was named in the prior order, which was an LLP, with a newly created firm having the same name and address, which was organized as an LLC. The Court of Appeals found that the trial court's modification was substantive rather than ministerial (and therefore untimely), because the law firm's reorganization was a fundamental change to the firm. In *Occidental Fire and Casualty of North Carolina v. Goodman*, 339 Ga. App. 427, 793 S.E.2d 606 (2016), the Court of Appeals affirmed a trial court decision reforming an insurance contract to correct the name of the insured party to reflect its current owner. The court reasoned that the reference in the policy to the business' former owner rather than to its current owner had to be a mutual mistake, since the policy was obtained by the current owner immediately following the sale.

Secondary Liability

In *Cobra 4 Enterprises v. Powell-Newman*, 336 Ga. App. 609, 785 S.E.2d 556 (2016), the Court of Appeals addressed a novel question, though one that is likely to arise again in the future: whether a party can pierce the corporate veil "horizontally" to hold one corporation liable for the debts and torts of another corporation having the same owner. Here, the trial court had allowed the plaintiff, who was injured in a truck accident, to bring claims against both the

Know Your Bar



Fastcase Free Legal Research

Fastcase is the leading next-generation legal research service that puts a comprehensive national law library and smarter and more powerful searching, sorting and visualization tools at your fingertips.

All members of the State Bar of Georgia have free access to the Fastcase legal research system. This exclusive member benefit provides access to one of the largest law libraries in the world and a variety of Georgia legal materials, including case law, statutes, regulations, court rules and attorney general opinions, as well as a 50-state and federal legal database.

To ensure our members are getting the most out of this valuable member benefit, the State Bar's Law Practice Management (LPM) Program hosts a monthly interactive Fastcase class with three hours of CLE credit. This class bundles all the current courses, Introduction to Fastcase, Boolean (Keyword) Searching and Advanced Tips for Enhanced Legal Research into one hands-on course designed to help you get to the best information faster and smarter.

LPM also offers Introduction to Fastcase live training. This hour-long program is designed to familiarize participants with this valuable member benefit and is presented twice each month at the Bar Center in Atlanta with CLE credit.

Additionally, Fastcase offers three options for webinar training hosted by a Fastcase attorney; Introduction to Fastcase, Boolean (Keyword) Searching and Advanced Tips for Enhanced Legal Research.

Please check the State Bar calendar at www.gabar.org for training dates and registration. If you have any technology questions or want to know more about any of your other benefits as a member of the State Bar of Georgia, check out the Bar website, www.gabar.org, or contact Member Benefits Coordinator Sheila Baldwin at sheilab@gabar.org or 404-526-8618.

NEED HELP?

Let CAP lend you a hand.

WHAT IS THE CONSUMER ASSISTANCE PROGRAM?

The State Bar's Consumer Assistance Program (CAP) helps people with questions or problems with Georgia lawyers. When someone contacts the State Bar with a problem or complaint, a member of the Consumer Assistance Program staff responds to the inquiry and attempts to identify the problem. Most problems can be resolved by providing information or referrals, calling the lawyer, or suggesting various ways of dealing with the dispute. A grievance form is sent out when serious unethical conduct may be involved.

Does CAP assist attorneys as well as consumers?

Yes. CAP helps lawyers by providing courtesy calls, faxes or letters when dissatisfied clients contact the program. Most problems with clients can be prevented by returning calls promptly, keeping clients informed about the status of their cases, explaining billing practices, meeting deadlines, and managing a caseload efficiently.

What doesn't CAP do?

CAP deals with problems that can be solved without resorting to the disciplinary procedures of the State Bar, that is, filing a grievance. CAP does not get involved when someone alleges serious unethical conduct. CAP cannot give legal advice, but can provide referrals that meet the consumer's need utilizing its extensive lists of government agencies, referral services and nonprofit organizations.

Are CAP calls confidential?

Everything CAP deals with is confidential, except:

- Where the information clearly shows that the lawyer has misappropriated funds, engaged in criminal conduct, or intends to engage in criminal conduct in the future;
- Where the caller files a grievance and the lawyer involved wants CAP to share some information with the Office of the General Counsel; or
- A court compels the production of the information.

The purpose of the confidentiality rule is to encourage open communication and resolve conflicts informally.



www.gabar.org/cap

Call the State Bar's Consumer Assistance Program at 404-527-8759 or 800-334-6865

company that operated the truck and a leasing company that was under common ownership with the operator. The Court of Appeals examined decisions from Alabama and Ohio which generally held that horizontal piercing is not permitted absent some showing of ownership or control. But the Court of Appeals stopped short of adopting a categorical rule against horizontal piercing. Instead, it reversed the trial court using a traditional veil piercing analysis, finding that there was a lack of evidence that the two companies commingled funds and were treated interchangeably. A similar situation was presented in *Bryant v. Optima International, Inc.*, 339 Ga. App. 696, 792 S.E.2d 489 (2016), a case involving two separate companies owned by the same person that loaned money to the plaintiff. One of the companies foreclosed on its loan but failed to record the foreclosure sale. When both companies later sought to recover the debts, the plaintiff argued that they were barred from doing so by the first company's failure to record the sale. The Court of Appeals held that under alter ego principles, it was possible that both companies would be barred from recovering against the plaintiff, not just the company that conducted the earlier foreclosure. The court did not indicate that it was piercing the veil horizontally, however. Instead, it reasoned that if the facts supported an alter ego theory, both corporations could be deemed to be the alter ego of the owner, and all of the loans could be deemed to have been made by him.

Two other federal decisions addressed whether an insurance policy holder could assert alter ego claims against the parent company of the insurer, as well as other affiliated companies. In *Brewton v. Liberty Mutual Holding Co., Inc.*, 2006 WL 410009 (M.D. Ga. Feb. 2, 2016), the plaintiff showed evidence that the corporate defendants shared common offices, had common officers and directors, maintained a common website and operated under a common trade name, among other things. The Middle District of Georgia found that this was insufficient to pierce the corporate veil, because there was no evidence that the

primary defendant was insolvent or that the defendants' corporate structure would allow the primary defendant to evade its contractual obligations to policyholders. The court also rejected the plaintiff's theories based on agency and joint venture liability. The same court later reached the same result in a similar lawsuit brought against another insurance carrier and its client, *Ander-son v. American Family Ins. Co.*, 2016 WL 3633349 (M.D. Ga. June 29, 2016).

In *Ashline v. Marinas USA, L.P.*, 336 Ga. App. 503, 784 S.E.2d 856 (2016), the Court of Appeals held that the purchasers of a marina did not assume the marina's pre-closing liabilities, finding that the relevant sale documents contained assumption of liability language that was limited to the marina's post-closing liabilities. Finally, in *Barnes v. Smith*, 339 Ga. App. 607, 794 S.E.2d 262 (2016), the Court of Appeals held that the general rule holding corporate officers personally liable for their personal participation in torts by the corporation does not extend to claims involving negligent training of the corporation's employees. The court held that if the essence of the claim is that the officer failed to properly train an employee, the officer can only be held personally liable to injured third parties under veil-piercing principles.

Jurisdiction, Venue and Service of Process

One of the most far reaching decisions of 2016 involved the application of Georgia's corporate and LLC venue statutes to businesses that are based out of state. In *Pandora Franchising, LLC v. Kingdom Retail Group, LLP*, 299 Ga. 723, 791 S.E.2d 786 (2016), the Supreme Court of Georgia unanimously held that an LLC whose principal place of business is outside of Georgia cannot avail itself of the removal remedy in O.C.G.A. § 14-2-510(b)(4), which allows Georgia-based companies to move certain tort cases from the county in which it is brought to the county in which the company maintains its principal place of business. Since the LLC venue statute at issue in *Pandora Franchising* expressly refers to the corporate code, the same rule will apply to corporations based

out of state. The defendant, an LLC based in Maryland, was registered to do business in Georgia and had a registered office in Gwinnett County which it called its principal office. It successfully removed a tort action brought in Thomas County to Gwinnett, arguing that Gwinnett was the county where it had its most significant presence within the state. On appeal, the Supreme Court found that the text of the statute reflected the General Assembly's intent that only a company whose "principal place of business" is in Georgia can exercise the removal right. It also found that "principal place of business" refers to a corporation's "nerve center," similar to the analysis used by federal courts to determine a corporation's state of citizenship in diversity cases.

Two other decisions addressed corporate venue questions. In *Tanner Medical Center, Inc. v. Vest Newnan, LLC*, 337 Ga. App. 884, 789 S.E.2d 258 (2016), the Court of Appeals held that an LLC planning to build a hospital in Coweta County could file a petition for judicial review under Georgia's Administrative Procedure Act (APA) in that county, even though it had not yet conducted any business (in part because it had been denied the necessary certificate to begin operations). The APA allows an action to be brought in either Fulton County or the county where the petitioner "maintains its principal place of doing business in this state." Here, the Court of Appeals found that the petitioner's preparatory activities, such as entering into a letter of intent and applying for regulatory approvals, satisfied the definition of "doing business" in Coweta County. In *Liberty Capital, LLC v. First Chatham Bank*, 338 Ga. App. 48, 789 S.E.2d 303 (2016), the Court of Appeals affirmed a trial court's decision to retain venue in a tort and contract suit, finding that the defendant abandoned its venue argument by failing to explain how venue was improper under O.C.G.A. § 14-2-510(b).

There were several federal district court decisions dealing with the citizenship of a limited liability company for diversity jurisdiction purposes. The decisions highlight some of the difficulties that can arise when trying to establish

that the court has diversity jurisdiction over a case involving an LLC, which is considered to be a citizen of every state in which one of its members is a citizen. In *Dasan USA, Inc. v. Weapon Enhancement Solutions, LLC*, 2016 WL 3996242 (N.D. Ga. July 26, 2016), the Northern District of Georgia held that a plaintiff failed to demonstrate complete diversity of citizenship because it failed to allege the citizenship of all of the members of the defendant. The plaintiff alleged only the citizenship of the members that were known to the plaintiff, which the court found to be insufficient. In *Alter Vail Ventures, LLC v. Wiles*, 2016 WL 2757746 (N.D. Ga. May 12, 2016), the same court found that a plaintiff alleging that it was a Delaware LLC failed to allege *its own* citizenship, because it did not completely identify all of its members' members. This decision illustrates that when an LLC's members are themselves LLCs, the LLC is deemed to be a citizen of every state in which one of its members' members is a citizen. In *Garraway v. Sa*, 2016 WL 4245358 (N.D. Ga. Aug. 11, 2016), the same court again held that a plaintiff had failed to allege the citizenship of an LLC. The decision also addresses the requirements for alleging the citizenship of a corporation. A final noteworthy decision on diversity of citizenship issues involving LLCs is *Titan Construction Co., LLC v. CBC National*

Bank, 2016 WL 3771249 (S.D. Ga. July 11, 2016), in which the Southern District of Georgia held that an LLC seeking to defeat removal failed to establish that it was a Florida citizen (which would have destroyed diversity) on the basis that one of its members was a Florida citizen. The LLC's problem was that the alleged Florida citizen was its registered agent, and O.C.G.A. § 14-11-209 provides that a Georgia LLC's registered agent must reside in Georgia. The court found that the Georgia LLC's filings with the secretary of state identifying the member as its registered agent served as the most compelling evidence of the member's citizenship.

In *Techjet Innovations Corp. v. Benjeloun*, 2016 WL 4942351 (N.D. Ga. Aug. 17, 2016) the Northern District of Georgia held that a nonresident CEO of a company that contracted with a Georgia resident was subject to personal jurisdiction in a Georgia court due to his close personal involvement in forming the company's contractual relationship with the plaintiff. The court reiterated that Georgia does not recognize the "fiduciary shield" doctrine, under which a nonresident individual's acts undertaken in a corporate capacity could not be used to establish that the defendant had minimum contacts with the forum state. Finally, in *Thomas v. Bank of America, N.A.*, 2016 WL 632522 (N.D. Ga. Feb. 17, 2016), the Northern District held that an LLC was not properly served where the plaintiff failed to show that he delivered the complaint and summons to an officer who was authorized to accept service. The plaintiff sought reconsideration of a prior ruling that service was insufficient, pointing out that the same officer that he tried to serve had signed verifications in documents filed in other litigation involving the defendant. The court denied the motion, explaining that it was not mutually exclusive that the defendant's representative could be authorized to verify pleadings and discovery responses but not be authorized to accept service.

Evidentiary Issues

In *Yugueros v. Robles*, 300 Ga. 58, 793 S.E.2d 42 (2016), the Supreme Court of

Georgia unanimously held that the trial court correctly excluded testimony of a 30(b)(6) representative of one of the parties, a medical practice, because the opposing party had not qualified the witness as an expert. In so holding, the Supreme Court reversed the Court of Appeals, which had ruled that the testimony was admissible as an admission against interest under O.C.G.A. § 9-11-32(a)(2). That statute provides that 30(b)(6) deposition testimony "may be used by an adverse party for any purpose." The Supreme Court held that § 9-11-32 does not supersede the Evidence Code as it concerns the use of deposition testimony at trial.

Insurance Decisions

There were two notable decisions involving insurance questions. In *SavaSeniorCare, LLC v. Beazley Ins. Co.*, 2016 WL 4357521 (N.D. Ga. July 14, 2016), the Northern District of Georgia held, on cross-motions for judgment on the pleadings, that a policy's allocation provision required the insurer to pay the defense costs of two of an LLC's former directors and managers. The court found that the two individuals were sued in an insured capacity, citing allegations of wrongful acts that could only have been committed by the individuals as a result of their official status. In *Sentinel Insurance Co. v. USAA Insurance Co.*, 335 Ga. App. 664, 782 S.E.2d 718 (2016), the Court of Appeals addressed how the priority of uninsured motorist coverage should be resolved as between an employer policy and a family policy when the employer is an LLC. The Court reasoned that LLCs should be treated similarly to corporations in priority disputes, and should be entitled to the same assumption that the business entity is separate from its individual constituents.

Professional Liability

In *Befekadu v. Addis International Money Transfer, LLC*, 339 Ga. App. 806, 795 S.E.2d 76 (2016), the Court of Appeals, voting 8-1 under its new "nine-judge" procedure to decide cases where a judge dissents, affirmed a trial court's decision to disqualify an attorney who was involved in forming an LLC and then represented one of the

Earn up to 6 CLE credits

for authoring legal
articles and having
them published.

Submit articles to:
Tim Colletti
Georgia Bar Journal
104 Marietta St. NW
Suite 100
Atlanta, GA 30303

Contact sarahc@gabar.org



Learn more at
www.gabar.org

LLC's members in a trial against the LLC. The Court of Appeals had reversed a previous disqualification order, holding that the trial court did not apply the correct analysis in disqualifying the attorney. This time, the Court of Appeals was satisfied that the trial court had properly evaluated whether the issues in the litigation were "substantially related" to the attorney's earlier work in forming the LLC. The dissent questioned why disqualification was appropriate, finding that the attorney had discontinued representing the LLC and was unlikely to have learned any special knowledge relevant to the litigation from his work in forming the entity.

Bankruptcy-Related Questions

In *In re McKeever*, 550 B.R. 623 (Bankr. N.D. Ga. 2016), the bankruptcy court addressed the legal effect of reincorporating a business more than 15 years after it was dissolved. The court found that the formation of the new entity did not serve to reinstate the previously dissolved corporation, because § 14-2-1422(a) provides that a dissolved corporation ceases to exist if an application for reinstatement is not made within five years of the dissolution. In this case, the bankruptcy court's ruling meant that the debtor could not treat insurance proceeds as corporate property of the dissolved corporation.

Fulton County Business Court Decisions

There were a number of noteworthy decisions handed down by the Fulton County Business Court in 2016. In *State of Georgia ex rel. Hudgins v. O'dom*, No. 2015-cv-258501 (Ga. Super. June 29, 2016), the court denied a motion to dismiss claims that an insolvent corporation's president and CEO negligently permitted the return of a loan which had been made to an affiliated company. In the same order, the court dismissed claims based on a theory of "deepening insolvency," finding that Georgia had not recognized a cause of action based on that theory. In *Homeland Self Storage Management, LLC v. Pine Mountain Capital Partners, LLC*, No. 2014-cv-246999 (Ga. Super. June 24, 2016), the court held that an LLC employee's significant re-

N D L
Norwich Document Laboratory
Forgeries - Handwriting - Alterations - Typewriting
Ink Exams - Medical Record Examinations - "Xerox" Forgeries

F. Harley Norwich - Government Examiner, Retired
Court Qualified Scientist - 35+ years. Expert testimony given in excess of five hundred times including Federal and Offshore


Offices in West Palm Beach and Augusta
www.QuestionedDocuments.com
Telephone: (561) 333-7804 Facsimile: (561) 795-3692

sponsibilities, which included handling the LLC's finances and preparing its tax returns, raised a question of fact as to whether he owed fiduciary duties to the LLC notwithstanding his lack of an official title. In the same order, the court ruled in favor of the employee as to the LLC's claims that he diverted funds to his own similarly named venture, noting that a special master's review failed to turn up evidence of such conduct. In *Piedmont/Maple, LLC v. Eichenblatt*, No. 2014-cv-253094 (Ga. Super. Oct. 31, 2016), the court ruled that there were issues of fact as to whether an LLC's sole member breached fiduciary duties to an equity interest holder by failing to increase rents it charged to a related company, where the operating agreement specified that rents were to increase annually. In *Souza v. Berberian*, No. 2015-cv-257652 (Ga. Super. Apr. 20, 2016), the court held that an email outlining terms of a potential LLC operating agreement did not create an enforceable contract between the parties, which would have made the plaintiff a member of the LLC. In *Nix v. Carter Brothers Security Services, LLC*, No. 2014-cv-253536 (Ga. Super. Aug. 29, 2016), the court granted summary judgment in favor of a selling shareholder of a business who was alleged to have violated the Georgia RICO statute and breached fiduciary duties to the purchaser in connection with the sale. A critical factor was the fact that the plaintiff conducted months of due diligence into the business prior to consummating the sale, and did not allege that the selling shareholder made any representation or played any role during due diligence. In *Miller v. Lynch*, No. 2015-

cv-256817 (Ga. Super. July 27, 2016), the court evaluated choice of law questions pertaining to tort claims brought against a member of a Delaware LLC that is headquartered in Georgia. The court held that the substance of the claims had to be evaluated under Delaware law, but that the defendant's statute of limitations defense was procedural and had to be evaluated under Georgia law. Finally, in *Fang v. HEI Investments, LLC*, No. 2015-cv-261534 (Ga. Super. Nov. 28, 2016), the court ruled that a plaintiff's claims for the return of investments made pursuant to subscription agreements were excluded from coverage under the defendants' insurance policy, citing the policy's exclusion for losses relating to contract claims. The defendants later cited that ruling in a motion for judgment on the pleadings as to the plaintiff's unjust enrichment claim and other claims that assumed there was no contract. The court denied the motion, finding that its coverage ruling did not foreclose the possibility of a successful tort claim based on a duty arising independently from the subscription agreements. ●



Michael P. Carey practices corporate, securities and other complex litigation at Bryan Cave LLP, with a focus on director and officer liability issues. Carey is co-author of a chapter on director and officer liability in a book published annually by the *Daily Report*, "Georgia Business Litigation" (*Daily Report* 2013). He can be reached at michael.carey@bryancave.com.



Honor Roll of Contributors: 2016 “And Justice for All” State Bar Campaign for Georgia Legal Services Program

The following individuals and law firms contributed \$150 or more to the “And Justice for All” State Bar Campaign for GLSP from 4/1/2016 – 2/23/2017.

VISIONARIES CIRCLE (\$10,000 & Up)

The Legal Division of
The Coca-Cola Company
Sutherland
The Wilson Family
Foundation

PATRON'S CIRCLE (\$5,000 - \$9,999)

John T. Batson
Patrick J. Flinn
Walter E. Jospin and
Hon. Wendy L. Shoob
Weissman, Nowack,
Curry & Wilco, P.C.

BENEFACTOR'S CIRCLE (\$2,500 - \$4,999)

Alston & Bird LLP
James W. Boswell III
John A. Chandler
Georgia Power Company
Hon. Hardy Gregory
Jr. and Toni Gregory
Holland & Knight LLP
John H. and
Sarah A. Irby
King & Spalding LLP
Middle District of
Georgia Bankruptcy
Law Institute, Inc.
Andrew M. Scherffius III
Tonia C. Sellers and
Seth G. Weissman
Darrell L. Sutton
Tate Law Group LLC

Nancy Terrill
and Camp Bacon
Troutman Sanders, LLP

PRESIDENT'S CIRCLE (\$1,500 - \$2,499)

Chief Justice's
Commission on
Professionalism
Hon. Susan S. Cole
Emory Asian-
American Law
Student Association
Allison and Ben Hill
Kenneth B. Hodges III
Stanley S. Jones Jr.
and Barbara T.
(Bobbi) Cleveland
Michael N. Loebel
Richard Mitchell
and Susan Kupferberg
Benet O'Reilly
Savannah Bar Association
Step Up Savannah, Inc.
Strickland Brockington
Lewis LLP
William P. Sullivan III
Weiner, Shearouse,
Weitz, Greenberg
& Shawe, LLP

EXECUTIVE CIRCLE (\$750 - \$1,499)

Anonymous
AT&T Services, Inc.
Hon. Lanier and
Nancy Anderson

Anderson, Walker
& Reichert, LLP
Joel S. Arogeti
Patricia T. Barmeyer
Phil Bond
Jamie M. Brownlee
and David G. Russell
James A. “Jock”
Clark and Mary Jane
Robertson
Clark & Smith Law
Firm, LLC
Charles M. Cork III
Richard H. Deane Jr.
Hon. William S.
Duffey Jr.
David H. Gambrell
M. Ayres Gardner
and William J. Cobb
Karen Geiger
Patricia A. Gorham
Thomas S. Gray Jr.
Daniel P. Griffin
Hall Booth Smith, P.C.
Earline L. Ham
Avarita L. Hanson
Jack Hardin
Michael D. Hobbs Jr.
Camille L. Hope and
Hon. James C. Marshall
Hunter Maclean
Hon. Sallie R. Jocoy
Forrest B. Johnson
& Associates
Jones Cork, LLP
Jodie Kidd
Paul Kilpatrick Jr.
Eleanor A. Lane
Hon. John T. Laney III

Lawler Green Prinz, LLC
 Macon Bar Association
 Martin Snow, LLP
 Jenny K. Mittelman and
 William C. Thompson
 Hon. Margaret H. Murphy
 Gretchen E. Nagy
 Stephanie E. Parker
 Hon. Guy D. Pfeiffer
 Kimberly J. Prior
 Albert and Bebe Reichert Jr.
 Robert B. Remar
 The Savannah Community
 Foundation, Inc.
 Savannah Technical College
 Bonnie Smith
 William A. Trotter III
 Vansant & Corriere, LLC
 David F. Walbert
 Hon. Charles H. Weigle
 Westmoreland, Patterson,
 Moseley & Hinson, LLP

**LEADERSHIP CIRCLE
 (\$500 - \$749)**

Anonymous (2)
 Adams Law Firm
 Hon. William P. Adams
 Adams, Jordan &
 Herrington, P.C.
 Addleton Ltd. Co.
 Akin, Webster
 & Matson, P.C.
 Paul H. Anderson Jr.
 W. David Arnold
 Gina E. Bailey
 Tina G. Battle
 Lamont A. Belk
 Beth Boone
 James J. Breen
 Marquetta J. Bryan
 Sheryl L. Burke
 The Butler Companies
 Leslie L. Cadle
 and Ivy N. Cadle
 Maureen A. Cahill
 Chambless Higdon
 Richardson Katz
 & Griggs LLP
 Sandra G. Chase
 Cohen & Caproni, LLC
 Steven M. Collins
 Community Foundation
 of Central Georgia, Inc.
 LeAnne P. Cooper
 Dick and Elise Creswell
 Delia T. Crouch
 Thomas W. Curvin
 Gregory J. Digel
 William M. Dreyer
 R.M. Edmonds
 Margaret P. Eisenhauer
 Thomas M. Finn
 Daisy H. and
 Timothy W. Floyd
 David L. Forbes

Jarome E. Gautreaux
 Robert L. Goldstucker
 Emmett L. Goodman Jr.
 William S. Goodman
 Kristi Graunke
 Jeanne D. Harrison
 Sally Haskins
 James I. Hay
 Philip C. Henry
 Phyllis J. Holmen
 Ruth A. Hughes
 Hon. Willis B. Hunt Jr.
 R. William Ide III
 Forrest B. Johnson
 Pamela M. Jones
 Patricia M. Killingsworth
 William R. King
 Marjorie F. Knowles
 Lisa J. Krisher
 and John P. Batson
 Sonjui Lal Kumar
 Benjamin A. Land
 Charlie Lester Jr.
 Frank M. Lowrey IV
 Kirsten Lundergan-Linker
 Marie E. Massey
 McArthur Law Firm
 Marci W. McKenna
 Mr. and Mrs. Randy Merrill
 Bernadette Olmos
 Harry A. Osborne
 Parker Law LLC
 Timothy S. Pollock
 Powers Law Group, LLC
 John D. Reeves
 Hon. Robert Reichert
 Brian D. Rogers
 Pamela Forrestall Roper
 Joseph A. Roseborough
 Teresa W. Roseborough
 Alan F. Rothschild Jr.
 Charles L. Ruffin
 Charity Scott
 and Evans Harrell
 Ethelyn N. Simpson
 John I. Spangler III
 Sutton Law Group, LLC
 Evelyn Y. Teague
 Kathryn Ann Terrill
 David A. Webster
 Anna McDanal Wetzel
 Timothy W. Wolfe
 Zipperer, Lorberbaum
 & Beauvais PC
 Jerome A. Zivan
 Norman E. Zoller
 Frances A. Zwenig

**SUSTAINER'S CIRCLE
 (\$250 - \$499)**

Anonymous (2)
 Hon. Gregory A. Adams
 Tara L. Adyanthaya
 Thomas Affleck III
 Melinda P. Agee
 James E. Albertelli

Barbara C. Alexander
 Douglas W. Alexander
 Pinney L. Allen
 Robert L. Allgood
 Donald R. Andersen
 Stephen C. Andrews
 Janet M. Ansoorge
 Thomas J. Anthony
 Margaret L. Argent
 William H. Arroyo
 Athens-Clarke County Courts
 Richard J. Azar
 Ryan W. Babcock
 Bridget B. Bagley
 Hon. Jeffrey S. Bagley
 W. Leon Barfield
 Robin N. Bargerone
 Hon. Patricia D. Barron
 Marshall B. Barton
 William D. Barwick
 Mr. and Mrs. Thomas L. Bass
 William R. Bassett
 Thomas A. Bauer
 Sandra M. Baumwald
 Hon. Dorothy Toth Beasley
 Ryan L. Y. Behndleman
 Jacob Beil
 David B. Bell
 Kevin E. Belle Isle
 Frank J. Beltran
 Trina E. Bergquist
 Brenda J. Bernstein
 Peter M. Blackford
 Hon. James G. Blanchard Jr.
 Charles and Lisa Bliss
 Mary E. Boagni
 Russell S. Bonds
 Emmet J. Bondurant
 John P. Booth
 Thomas A. Bowman
 David G. H. Brackett
 Jeffrey O. Bramlett
 Nancy F. Bramlett
 Brent M. Bremer
 Deborah A. Brian
 John M. Briski
 Alex M. Brown
 Harry W. Brown Jr.
 Callie D. Bryan
 E. Clay Bryant Jr.
 Robert C. Buck
 Christine P. Bump
 Sandra S. Burgess
 Katharine S. Butler
 Denise Caffrey
 Joel R. Callaway
 Manuel S. Campano
 Cards for Causes, LLC
 Robert P. Catlin III
 John P. Cheeley
 Childers & McCain, LLC
 Elsie R. Chisholm
 John D. Christy
 Carol V. Clark
 Naemah Clark
 Wendi L. Clifton

John L. Coalson Jr.
 Phillip G. Cody Jr.
 Katherine M. Cohen
 Peter M. Cohen
 Arlene M. Coleman
 John R. Coleman Jr.
 Almeta E. Cooper
 Steven A. Cornelison
 Arturo Corso
 Kenneth B. Crawford
 Sara Crawford
 Terrence L. Croft
 Eleanor M. Crosby-Lanier
 Raymond L. Crowell
 Neal K. Daniel
 Hon. Marc E. D'Antonio
 Peter S. Dardi
 Dennis A. Davenport
 Hugh M. Davenport
 Randall H. Davis
 George R. Dean
 Peter H. Dean
 Scott D. Delius
 Foy R. Devine
 Carolyn B. Dobbins
 Sally A. Dorn
 Sharon E. Dougherty
 Bertis E. Downs IV
 Dozier Law Firm, LLC
 Clare H. Draper IV
 Willis A. Duvall
 W. Randy Eaddy
 William A. Edmondson
 A. James Elliott
 Glenn P. Elliott
 Anne S. Emanuel
 Hon. Edgar W. Ennis Jr.
 James E. Enoch Jr.
 Benjamin P. Erlitz
 Hon. Philip F. Etheridge
 Stacey G. Evans
 Douglass K. Farrar
 James G. Farris Jr.
 Eric R. Fenichel
 William H. Ferguson
 R. Jeffrey Field
 Hon. Gail C. Flake
 Hon. Norman S. Fletcher
 T. Michael Flinn
 Ira L. Foster
 Joseph H. Fowler
 Patrick J. Fox
 Peter A. Fozzard
 Paula J. Frederick
 Anjanette M. Frias
 Robert A. Fricks
 J. Randall Frost
 Thomas B. Gaines Jr.
 Karen Gainey
 Murray A. Galin
 E. Reid Garrett
 William C. Gentry
 Michael G. Geoffroy
 Cynthia Gibson
 James B. Gilbert Jr.
 Timothy H. Gillis

Neil J. Ginn
 Richard G. Goerss
 Kenneth L. Gordon
 The Gordon Law Firm
 Gina G. Greenwood
 John W. Greer III
 Charles C. Grile
 Rebecca H. Grist
 Stephen H. Hagler
 Stacey A. Haire
 Andrew C. Hall
 J. Edward Hall
 Rebecca A. Hall
 Hall, Bloch, Garland
 & Meyer, LLP
 Wilbur G. Hamlin Jr.
 Ernest V. Harris
 Franklin D. Hayes
 Carlton M. Henson
 Robert E. Herndon
 Wade W. Herring II
 Caroline Whitehead
 Herrington
 Jonathan W. Hewett
 Keith T. Hill
 Megan J. Hillely
 Frederick S. Hitchcock
 Inman G. Hodges
 Hoffman & Associates
 John V. Hogan V
 L. Lynn Hogue
 Melinda C. Holladay
 Philip E. Holladay Jr.
 April L. Hollingsworth
 Catherine A. Hora Anderson
 Melissa R. Hourihan
 J. Marcus E. Howard
 Margaret Carswell Howell
 Daniel J. Huff
 William H. Hughes Jr.
 Howard O. Hunter III
 Charles D. Hurt Jr.
 Jennifer N. Ide
 Louis T. Isaf
 J. Scott and Tanya Jacobson
 Mary B. James
 Robert E. James II
 William D. James
 Christopher B. Jarrard
 Frederick W. Johnson
 Melville Johnson
 Todd M. Johnson
 Weyman T. Johnson Jr.
 Theodore C. Jonas
 James C. Jones III
 Ken Jones
 Richard S. Jones
 William H. Jordan
 Lise S. Kaplan
 Melinda M. Katz
 Robert N. Katz
 Robert J. Kauffman
 Marcus G. Keegan
 Hon. John F. Kennedy
 James Y. Kerr III
 Cada T. Kilgore III

F. Carlton King Jr.
Jason M. King
Kip and Harriet Kirkpatrick
Seth D. Kirschenbaum
Lawrence P. Klamon
Rhonda L. Klein
Paul M. Knott
Ruth A. Knox
Edward B. Krugman
Gilbert B. Laden
John Lamberski
John L. Latham
William C. Lee III
David N. Lefkowitz
Robert N. Leitch
Michael E. Lemon
Keith D. Leshine
Ralph B. Levy
Keith L. Lindsay
Stephanie R. Lindsey
Long & Holder, LLP
John R. Lovell
Linda S. Lowe
J. Rodgers Lunsford III
Charles W. Lykins
Daniel I. MacIntyre IV
Bethany S. Magnus
Leonard T. Marcinko
Hon. Beverly B. Martin
Hope L. Martin
Nina C. Martin
Hon. Johnny W. Mason Jr.
Sally T. Mason
James B. Matthews III
Jon C. Mazzoli
M. Faye McCord
Julian B. McDonnell Jr.
Brad J. McFall
James R. McGibbon
Anne Gray McGlamry
Meadows, Macie
& Sutton, P.C.
Sandra L. Michaels
Rebecca S. Mick
Paul S. Millich
A. Montague Miller
Terry L. Miller
Michael J. Minerva Jr.
Daniel P. Monro
Sidney L. Moore III
Law Offices of Larry K.
Moore, LLC
James H. Morawetz
Neil A. Moskowitz
Kristin W. Murnahan
Lesly G. Murray
Roger E. Murray
Jeffrey D. Nakrin
William D. NeSmith III
Terry L. Nevel
Scott P. Newland
Gwyn P. Newsom
Matthew W. Nichols
Elizabeth J. Norman
R. Wade Norris
David C. Nutter

Kimberly Weiss Nystrom
Patrick T. O'Connor
Mark D. Oldenburg
Catherine Marcene O'Neil
Paul W. Painter III
Robert I. Paller
Jonathan B. Pannell
Dianne P. Parker
Mary L. Parker
W. Henry Parkman
W. Russell Patterson Jr.
Susannah Rogers Pedigo
Lee A. Peifer
Debbie C. Pelerosse
W. Ray Persons
Therese C. Piazza
Frederic H. Pilch III
Erik J. Pirozzi
Geoffrey E. Pope
Nancy C. Prager
Elizabeth A. Price
Alison B. Prout
Hon. Jill A. Pryor
Margaret Ware Sigman
Puccini
Gail S. Pursel
Diane Pye-Tucker
John E. Pytte
Mary F. Radford
J. Lynn Rainey
John H. Rains IV
Mr. and Mrs. Charles
H. Raley Jr.
Marie T. Ransley
Joan S. Redmond
Stephen A. Reichert
Jaimi A. Reisz
Jeffrey P. Richards
Joycia C. Ricks
Gail E. Ronan
Michael D. Rosenbloum
George C. Rosenzweig
Walter P. Rowe
M. Shayla Rumely
Michael C. Russ
Michael J. Rust
Sacred Heart
Catholic Church
J. Thomas Salata
Hon. W. Louis Sands
Robert A. Schapiro
Richard R. Schlueter
Gregory G. Schultz
Jason R. Schultz
David M. Schwartz
Shapiro Pendergast
& Hasty, LLP
H. Burke Sherwood Sr.
Kenneth L. Shigley
Ann A. Shuler
Jack N. Sibley
Arnold B. Sidman
Toronda M. Silas
Hon. Howard Z. Simms
Claude M. Sitton
Hon. Lamar W. Sizemore Jr.

Mark A. Skibieli
Jeffrey M. Smith
John H. Smith
Kimberly J. Smith
Margaret R. Smith
Matthew T. Smith
Cubbedge Snow Jr.
Edward B. Sobel
Alison Roberts Solomon
Barton C. Solomon
Lawrence S. Sorgen
Robert M. Souther
Southern Center
for Human Rights
Rita C. Spalding
Steven L. Sparger
Mr. and Mrs. Charles
T. Staples
E. Dunn Stapleton
J. Douglas Stewart
Mary Jane Stewart
Daniel D. Stier
Kice H. Stone
Stone & Driggers, LLC
Michael A. Sullivan
Charles W. Surasky
Jeri N. Sute
Hon. David R. Sweat
Thomas W. Talbot
Elizabeth V. Tanis
Bernard Taylor
Erica T. Taylor
Harry R. Tear III
Timothy P. Terrell
Michael B. Terry
Elizabeth F. Thompson
R. Wayne Thorpe
David R. Toraya
Thomas W. Tucker
John T. Van Gessel
Rex R. Veal
Willard R. Via Jr.
Rose Marie Wade
Joseph N. Walden III
Homer J. Walker III
Walker, Hulbert, Gray
& Moore, LLP
Tony Waller
Patrick and RoseMarie Walsh
Phillip J. Walsh
Daniel J. Warren
Thomas H. Warren
Hon. Margaret Gettle
Washburn
Janet G. Watts
Joseph D. Weathers
Robbie C. Weaver
John P. Webb
John and Julie Webster
Mark Weinstein
Robert G. Wellon
Ellene Welsh
Stephen B. West II
Sally S. Westmoreland
David S. Wilkin
Charles F. Williams

Henry E. Williams
Connie L. Williford
William R. Willis III
Brent L. Wilson
Frank L. Wilson III
John T. Wilson
Deborah J. Winegard
Bruce A. Wobeck
Joel O. Wooten Jr.
Christopher A. Wray
W. Scott Wright
Helen G. Zalik
Hon. Gordon R. Zeese
Kathryn M. Zickert

**DONOR'S CIRCLE
(\$150 - \$249)**
Anonymous (3)
Judith M. Alembik
Benjamin Allen
Robin B. Allen
Clifford F. Altekruze
Wanda Andrews
E. Alan Armstrong
Angela M. Ballisty
E. Noreen Banks-Ware
Juanita P. Baranco
Hon. William P. Bartles
Rhonda L. Bass
Hon. Thomas H. Baxley
Shannon C. Baxter
John F. Beasley Sr.
Kenneth I. M. Behrman
Hon. Joshua C. Bell
Lilia R. Bell
William G. Bell Jr.
John C. Bennett
Hon. Joyce Bihary
and Jon Lowe
Peter M. Birnbaum
Hon. Paul W. Bonapfel
Thomas C. Bordeaux Jr.
R. David Botts
Catherine M. Bowman
The Bowman Law Office, LLC
Robert G. Brazier
Darryl K. Brown
Stuart L. Brown
William A. Brown
The Partners of
Bryan Cave LLP
Mark G. Burnette
Jeanette Burroughs
Robert W. Bush
Thomas C. Chambers III
Lisa E. Chang
Child Protection and
Advocacy Section of the
State Bar of Georgia
Julie Childs
Martha J. Church
James C. Cifelli
Cynthia Hinrichs Clanton
Jamie F. Clark
Thomas H. Clarke Jr.
David C. Clifton

Thomas M. Clyde
T. Keller Cobb
Diana Rusk Cohen
Robert T. G. Collins
Thomas M. Cook
Roy W. Copeland
Stacey W. Cotton
Daniel M. Covino
Cramer & Peavy
Hon. John D. Crosby
Ruben J. Cruz
Hon. and Mrs. Marion
Cummings
Deryl D. Dantzler
Anthony P. Davenport
Cedric B. Davis
Robert H. Davis Jr.
Christian L. Deichert
Tracey L. Dellacona
Joseph W. Dent
Stephen B. Devereaux
Mary Irene Dickerson
William D. Dillon
Miriam E. Donley
Thomas G. Douglass Jr.
Lester Z. Dozier Jr.
Maria P. Drinkard
David W. Drum
Diane Durgin
Randy J. Ebersbach
Julie I. Edelson
Edenfield, Cox, Bruce
& Classens, P.C.
Donald P. Edwards
Edwards & Bullard, LLP
Rachel A. Elovitz
Laurie-Ann Fallon
Rebecca D. Farber
Betty and Davis Fitzgerald
Foundation, Inc.
James C. Fleming
Benjamin E. Fox
Robert A. Freyre
Joseph A. Fried
Terrica Redfield Ganzy
D. A. Garner
J. Michael Garner
James D. Garner
Evelyn D. Gay
Jerry L. Gentry
Rachele C. Gibson
Alaina M. Gimbert
Shona B. Glink
Michael J. Goldman
Joseph J. Gottlieb
Felix P. Graham Jr.
Christine B. Green
Andrew M. Greene
Divida Gude
Hon. Carolyn C. Hall
Kathleen J. Harris
James K. Hasson Jr.
James W. Head
Jeffrey F. Hetsko
Salome M. Heyward
Daniel F. Hinkel

Ralph M. Hinman III
Walter H. Hinton II
Richard B. Holcomb
Thomas C. Holcomb
David S. Hollingsworth
Keith W. Holman
Richard N. Hubert
David L. Hudgins
Mr. and Mrs. David E. Hudson
Laura S. Huffman
David R. Hughes
Randall L. Hughes
Hon. Carol W. Hunstein
James W. Hurt
Thu Trinh Hong Huynh
John M. Hyatt
Nicole G. Iannarone
Hon. James T. Irvin
Stacey S. Jackson
James-Bates-Brannan-
Groover-LLP
Edward S. Johnson Jr.
Gwendolyn L. Johnson
J. Alexander Johnson
James D. Johnson
John A. Jordak Jr.
Donald W. Jordan
Sarah O'Beirne Jorgensen
Sarah E. Kelsey
James W. Kimmell Jr.
Judy C. King
Tracie L. Klinkke
Lynn S. Koch
Steven J. Labovitz
Patrick L. Lail
Sheri Tomblin Lake
Kipler S. Lamar
Patricia W. Lamar
Lambert, Reitman
and Abney, L.L.C.
Alexander F. Lawhorne
William H. Lawson
Joel I. Liss
Tennell Lockett
L. Joseph Loveland Jr.
David C. Lowance
Peter C. Lown
Todd K. Maziar
Michael T. McClain
Angus N. McFadden
Hon. Christopher
J. McFadden
Steve McFadden
Angela K. McGowan
William T. McKenzie
Hon. Jack M. McLaughlin
Albert S. McManes Jr.
Michael D. McRae
C. Robert Melton
Mark M. Middleton
Lester M. Miller
Wilson B. Mitcham Jr.
John T. Mitchell Jr.
Green B. Moore III
Edye U. Moran
Jessica C. Morris

James B. Muhlbach
Natalia's Restaurant
Michael T. Nations
Sam G. Nicholson
Robert C. Norman Jr.
Mary Ann B. Oakley
Stephen A. Opler
Caitlin R. Pardue
Shalamar J. Parham
R. Dale Perry
Brian D. Pierce
John E. Pirkle
Elizabeth S. Pitts
Keri Nicholas Powell
Nancy K. Ragsdale
Vance O. Rankin III
Thomas E. Ray
Theresa Karem Read
Kimberly A. Reddy
Steven M. Reilly
Tracy L. Rhodes
Thomas S. Richey
Violet T. Ricks
Richard B. Roessel
Hon. William C. Rumer
Cornelia S. Russell
James E. B. Sanders
Mark W. Sanders Jr.
Matthew J. Sandiford
Michael G. Schiavone
Ralph O. Scoccimaro
Claude F. Scott Jr.
Leonard R. Seifter III
Susan M. Sevor
Stanton J. Shapiro
Michael M. Sheldon
Marta S. Shelton
Lois D. Shingler
Jeffrey P. Shiver
S. Andrew Shuping Jr.
Lisa Smith Siegel
Udai V. Singh
Patience R. Singleton
George B. Smith III
George B. Smith IV
Vanita A. Snow
Huey W. Spearman
George B. Spears
R. Gary Spencer
John H. Spillman Jr.
Grant T. Stein
Don E. Stephens
David A. Stockton
Hon. Michael B. Stoddard
Joseph L. Stradley Jr.
John L. Strauss
Jo Anne P. Stubblefield
Lynn H. Sturges
Anne V. Summerlin
Mike Tafelski
Eric A. Tanenbaum
Susan P. Tate
Hon. Coy H. Temples
Jane D. Thompson
Joshua F. Thorpe
Henry G. Thrasher IV

Valerie G. Tobin
Nelson H. Turner
Stanley J. Turner
Christopher P. Twyman
Karen E. Ubell
Richard K. Valdejuli Jr.
Gregory W. Valpey
Ann M. Vaughan
John D. Wales
John R. Walker IV
Hon. Ronit Z. Walker
Susan M. Walls
Carol J. Ward
William F. Ward
Daniel E. Wehrenberg
Neal Weinberg
Holle Weiss-Friedman
Cynthia Y. Welsh
Robert P. Wildau
Mary J. Wilkes
Jeffrey L. Williamson
Chandra L. Wilson
L. Matt Wilson
Carla E. Young

PAST STATE BAR PRESIDENT'S CIRCLE

William D. Barwick
Jeffrey O. Bramlett
Harold T. Daniel Jr.
Benjamin F. Easterlin IV
A. James Elliott
David H. Gambrell
Robert J. "Bob" Kauffman
Paul Kilpatrick Jr.
Charlie Lester Jr.
Charles L. Ruffin
Kenneth L. Shigley
Cubbedge Snow Jr.
J. Douglas Stewart

PAST YLD PRESIDENT'S CIRCLE

William D. Barwick
Hon. Joshua C. Bell
Thomas E. Dennard Jr.
Joseph W. Dent
A. James Elliott
Damon E. Elmore
Michael G. Geoffroy
R. William Ide III
Charlie Lester Jr.
Jonathan B. Pannell
Darrell L. Sutton
W. Terence Walsh

HONORARIUM GIFTS

Anonymous in honor
of Angie Gius
Athens-Clarke County
Courts in honor
of Hon. Patricia Barron
John T. Batson in honor
of Lisa Krisher

Community Foundation of
Central Georgia in honor
of Albert P. Reichert Jr.
Eleanor M. Crosby-Lanier in
honor of Hon. Patricia Barron
Hon. Marc E. D'Antonio
in honor of GLSP's
Columbus Office
Terrica Redfield Ganzy in
honor of Valentine's Day
Avarita L. Hanson in honor
of Phyllis Holmen's lifetime
achievement
Allison and Ben Hill in honor
of Walter Jospin's birthday
Keith T. Hill in honor of
Phyllis Holmen's lifetime
achievement
Mr. and Mrs. David E.
Hudson in honor of
Hon. William M. Fleming Jr.
Kip and Harriet Kirkpatrick in
honor of Rev. John Cromartie
Steven J. Labovitz in honor
of Garrett Fisher
Eleanor A. Lane in honor
of Albert P. Reichert Jr.
Bethany Sauls Magnus in
honor of Wendy Glasbrenner
Mr. and Mrs. Randy Merrill in
honor of Tinsley and Michelle
Hon. William C. Rumer in
honor of Patrick T. O'Connor
Carole R. Seegert in honor
of Nancy Terrill
E. Dunn Stapleton
in honor of Norman Spence
Step Up Savannah
in honor of Bill Broker
Nancy Terrill and Camp
Bacon in honor of
Rev. John Cromartie and
Hon. Hugh Thompson
W. Terence Walsh in honor
of Rev. John Cromartie
Neal Weinberg in honor
of Lin Wood Jr.
Sally S. Westmoreland in
honor of Rev. John Cromartie

MEMORIAL GIFTS

Anonymous in memory
of Jeff Bramlett
Hon. Joyce Bihary and Jon
Lowe in memory of
Jeff Bramlett
Jeffrey B. Bogart in memory
of Jeff Bramlett
Bondurant Mixson and
Elmore Paralegal Team
in memory of Jeff Bramlett
Karin Bourdage in memory
of Lee Callender
Julie Brown in memory
of Jeff Bramlett

The Partners of Bryan Cave
LLP in memory of
Frank Love Jr.
Wright and Alison
Caughman in memory
of Jeff Bramlett
Mr. and Mrs. Joseph D.
Cooley III in memory of
Jeff Bramlett
William Cubbedge in
memory of Antonin Scalia
Robert N. Dokson in
memory of Jeff Bramlett
Deborah S. Ebel in memory
of Jeff Bramlett
Hon. Philip F. Etheridge in
memory of Major Mark S.
Etheridge
John Federovitch in
memory of Frank Love Jr.
David H. Gambrell in
memory of Frank Love Jr.
Jerry L. Gentry in memory
of Garvis L. Sams
Georgia Appleseed, Inc., in
memory of Jeff Bramlett
Harry H. Harkins Jr. in
memory of Jeff Bramlett
Richard A. Hills Jr. in memory
of Margaret Hills Fairleigh
Laurie, Chad, and Mace
Hood in memory of
Frank Love Jr.
Randall L. Hughes in
memory of Frank Love Jr.
J. Scott and Tanya Jacobson
in memory of Jeff Bramlett
and John Mayoue
Mark and Backy Kelley in
memory of Jeff Bramlett
Kathryn R. King in memory
of Frank Love Jr.
Marjorie F. Knowles in
memory of Jeff Bramlett
Sonjui L. Kumar in memory
of her father John Lal
Steve McFadden in memory
of Frank Love Jr.
Mary Margaret Oliver in
memory of Jeff Bramlett
Robert and Donna Pollet
in memory of Andrew
Duncan Lee
Elizabeth A. Price in
memory of Jeff Bramlett
Albert and Bebe Reichert Jr. in
memory of Cubbedge Snow
Hon. Lamar W. Sizemore Jr.
in memory of Jeff Bramlett
Sarah P. Smith in memory
of Jeff Bramlett
Strickland Brockington
Lewis LLP in memory
of Jeff Bramlett
Joe Tafelski in memory
of Mary Jo Johnson

Joshua F. Thorpe in memory of Jeff Bramlett
Thomas H. Vann Jr. in memory of Edward J. Harrell
Mary-Ellen Vian in memory of Jeff Bramlett
Hon. Ronit Z. Walker in memory of Naomi Walker
John and Julie Webster in memory of Jeff Bramlett
Robert G. Wellon in memory of Jeff Bramlett

IN-KIND GIFTS

Thomas J. Anthony
William Ashe
Daily Report
Joseph Mays
Don Morgan
Eric Thomas

2016 ASSOCIATES' CAMPAIGN FOR LEGAL SERVICES

Robert L. Ashe III
Quinn C. Bennett
Bondurant, Mixson & Elmore, LLP
Carlock, Copeland & Stair, LLP
Allison L. Hill
King & Spalding LLP
Mark A. Sentenac

VENDORS

Benchmark Trophy Center
Drummond
Frazier Marketing & Design
PST1
PrintTime

2016 CAMPAIGN COMMITTEE

Patrick T. O'Connor
President, State Bar of Georgia
Robert J. "Bob" Kauffman
Immediate Past President, State Bar of Georgia
Jeff Davis
Executive Director, State Bar of Georgia
Brinda Lovvorn
Director of Membership, State Bar of Georgia
Judy Hill
Asst. Dir. of Membership, State Bar of Georgia
Georgia Legal Services Board of Directors
State Bar of Georgia

Georgia Legal Services Foundation

The Georgia Legal Services Foundation is an independent 501(c)(3) nonprofit organization with a mission to build an endowment to sustain the work of the Georgia Legal Services Program for generations to come.

Building a Foundation for Justice

The following individuals and law firms are contributors to the "Building a Foundation for Justice Campaign" launched in 2001 by the Georgia Legal Services Foundation.

JUSTICE BUILDERS (\$1,000 & Up)

Anonymous (4)
Robert L. Allgood
Joel S. Arogeti
Mr. and Mrs. R. Lawrence Ashe Jr.
Alice H. Ball
Joseph R. Bankoff
Patricia T. Barmeyer
The Barnes Law Group, LLC
Ansley B. Barton
James L. Bentley III
Jean Bergmark
Lynne Borsuk
and Robert Smulian
James W. Boswell III
Bouhan Falligant LLP
Bouhan, Williams & Levy, LLP
Phil Bradley
and Cathy Harper
Jeffrey and Nancy Bramlett
James J. Breen
William A. Brown
Mr. and Mrs. Aaron L. Buchsbaum
Sheryl L. Burke
Business Law Section of the State Bar of Georgia
Thalia and Michael C. Carlos Foundation, Inc.
John A. Chandler
James A. "Jock" Clark
and Mary Jane Robertson
David H. Cofrin
Steven M. Collins
Harold T. Daniel Jr.
Benjamin S. Eichholz, P.C.
J. Melvin England
James C. Fleming
John P. Fry
David H. Gambrell

Ben and Michele Garren Jr.
Jack Hardin
Harris & Liken, LLP
Phyllis J. Holmen
Hunter, Maclean, Exley & Dunn, P.C.
Inglesby, Falligant, Horne, Courington & Chisholm, P.C.
Mary B. James
D. Wesley Jordan
Mary and Rich Katz
Paul Kilpatrick Jr.
Mr. and Mrs. Lawrence P. Klamon
Linda A. Klein
and Michael S. Neuren
Catherine E. Long
Willis L. Miller III
Roger E. Murray
Gretchen E. Nagy
Charles L. Newton II
Kenneth S. Nugent, P.C.
Lynne R. O'Brien
Patrick T. O'Connor
Thomas E. Prior
Hon. Mae C. Reeves
Robbins Geller Rudman & Dowd LLP
Alan F. Rothschild Jr.
Sanford Salzinger
J. Ben Shapiro Jr.
Silver & Archibald, LLP
Ethelyn N. Simpson
Hon. Philip C. Smith
Charles W. Surasky
Darrell L. Sutton
Sutton Law Group, LLC
Michael H. Terry
Randolph W. Thrower
William A. Trotter III
Thomas W. Tucker
Weissman, Nowack, Curry & Wilco, P.C.
William F. Welch
Derek J. White
Diane S. White
Timothy W. Wolfe

JUSTICE PARTNERS (\$500 - \$999)

Anonymous (2)
Renee C. Atkinson
JWP Barnes
Paul R. Bennett
Wendy C. Breinig
Mary Jane Cardwell
Randall A. Constantine
John H. Fleming
Kevin B. Getzendanner
R. William Ide III
Forrest B. Johnson
Paul S. Kish
William H. Kitchens
Leslie and Judy Klemperer
Rita J. Kummer
James H. Lokey Jr.

John F. Lyndon
Celeste McCollough
Jane and Randy Merrill
Caitlin Miller
Jenny K. Mittelman and William C. Thompson
The Oldenburg Law Firm
Carl S. Pedigo Jr.
Hon. George and Anne Peagler
J. Robert Persons
Steven L. Pottle
Jill A. Pryor
Robert B. Remar
Udai V. Singh
Lynn Smith
J. Lindsay Stradley Jr.
UNUM Group
Patrick F. Walsh
David D. and Melody Wilder Wilson

OTHER DONORS

Anonymous (9)
Anthony H. Abbott
Bettye E. Ackerman
Aaron I. and Judith M. Alembik
Evan M. Altman
Peter J. Anderson
Wanda Andrews
Janet M. Ansoorge
Anthony B. Askew
Cathy and Bucky Askew
Bruce and Lisa Aydt
S. C. Baird
Michelle R. Barclay
Kathleen Barksdale
Robert A. Barnes
Charles H. Battle Jr.
Henry R. Bauer Jr.
Hon. T. Jackson Bedford Jr.
Lamont A. Belk
Hubert J. Bell Jr.
William G. Bell Jr.
Kevin E. Belle Isle
William T. Bennett III
Bentley, Bentley & Bentley
Harvey G. Berss
Paula L. Bevington
Terry C. Bird
Evan J. Black
Martin J. Blank
David J. Blevins
Mr. and Mrs. Charles R. Bliss
Marcia W. Borowski
Edward E. Boshears
Ralph T. Bowden Jr.
Rosemary M. Bowen
Thomas A. Bowman
Barbara S. Boyer
John H. Bradley
Daryl Braham
Thomas B. Branch III
Dianne Brannen
Bill Broker
Brooks Law Firm

The Brown Firm, LLC
George E. Butler II
John D. Carey
John R. Carlisle
Thomas D. Carr
Hon. Edward E. Carriere Jr.
Nickolas P. Chilivis
Edward B. Claxton III
T. Kellker Cobb
James H. Coil III
Arlene L. Coleman
Mary C. Cooney
Hon. Lawrence A. Cooper
Phillip B. Cordes
Hon. John D. Crosby
Robert M. Cunningham
John D. Dalbey
Dalton Regional Office of the Georgia Legal Services Program
Dean S. Daskal
and Rebecca J. Miller
Thomas A. David
Hugh M. Davenport
Thomas C. Dempsey
Joseph W. Dent
Mary Irene Dickerson
Gregory J. Digel
Robert N. Dokson
John L. Douglas
J. Michael Dover
Lester Z. Dozier Jr.
Dozier Law Firm, LLC
DuBose Law Group LLC
Terri H. Duda
Kathryn Durham, J.D., P.C.
Randy J. Ebersbach
Robert G. Edge
William A. Erwin
Roslyn S. Falk
J. Daniel Falligant
William H. Ferguson
Karen J. Fillipp
Thomas M. Finn
Daisy H. Floyd
Ira L. Foster
Samuel A. Fowler Jr.
Paula J. Frederick
Christine A. Freeman
Gregory L. Fullerton
Peter B. Glass
Susan H. Glatt
Hon. Martha K. Glaze
Judy Glenn
Yvonne K. Gloster
Morton J. Gold Jr.
Alan B. Gordon
John L. Gornall Jr.
Kevin R. Gough
Mark P. Grant
Thomas S. Gray Jr.
Scott and Allyson Greene
Gary G. Grindler
Divida Gude
Cheryl L. Haas
Stephen H. Hagler
Nedom A. Haley

J. Edward Hall
 Warren R. Hall Jr.
 Christopher Harrigan
 Deborah H. Harris
 Kirk E. Harris, Esq.
 Jeanne D. Harrison
 Alexander H. Hart
 James A. Hatcher
 Karen G. Hazzah
 Gregory K. Hecht
 Philip C. Henry
 Kenneth M. Henson Jr.
 Mr. and Mrs. Andrew
 M. Hepburn Jr.
 Sharon B. Hermann
 Chris Hester
 Jeffrey F. Hetsko
 Charles F. Hicks
 Jon E. Holmen
 Matthew A. Horvath
 Edward M. Hughes
 Hon. Carol W. Hunstein
 Cindy Ingram
 Initial Public Offering
 Securities Litigation
 Hon. James T. Irvin
 Hon. Phillip Jackson
 Cathy Jacobson
 J. Scott and Tanya Jacobson
 Jackson & Schiavone
 Jaurene K. Janik
 Dallas P. Jankowski
 W. Jan Jankowski
 Weyman T. Johnson Jr.
 Howard H. Johnston
 Jones & Swanson
 Jane M. Jordan
 Lise S. Kaplan
 Melinda M. Katz
 Robert N. Katz
 Lisa Kennedy
 Robbman S. Kiker
 Vicky Kimbrell
 Jeff S. Klein
 Jonathan I. Klein
 Simone V. Kraus
 Hon. Phyllis A. Kravitch
 Alex Kritz
 Edward B. Krugman
 Harry S. Kuniansky
 Steven J. Labovitz
 L. Robert Lake
 Kipler S. Lamar
 Clifford S. Lancey
 Eleanor C. Lanier
 Joseph Lannucci
 Allegra J. Lawrence-Hardy
 Gregory G. Lawton
 Hon. Kelly A. Lee

Stanley M. Lefco
 Esther and Kristian Leibfarth
 Zane P. Leiden
 R. O. Lerer
 Lightmas & Delk
 Jack N. Lincoln
 Jeannine Lowery
 J. Rodgers Lunsford III
 Herman O. Lyle
 Dennis J. Manganiello
 Edwin Marger
 Andrew H. Marshall
 H. Fielder Martin
 Raymond S. Martin
 F. P. Maxson
 James McBee
 Elizabeth L. McBrearty
 Hon. and Mrs. Gil McBride III
 Mary F. McCord
 Robert L. McCorkle III
 James T. McDonald Jr.
 Jane S. McElreath
 Hon. Christopher J. McFadden
 James B. McGinnis
 Michael C. McGoff
 McKenney & Jordan
 Hon. Jack M. McLaughlin
 Merrill & Stone, LLC
 Metropolitan Regional
 Information System Inc.
 Michael S. and Peggy
 Meyer Von Bremen
 Garma D. Miller
 Martha A. Miller
 Simon A. Miller
 Terry L. Miller
 C. Wingate Mims
 John T. Minor III
 R. Carlisle Minter
 Mitchell & Shapiro, LLP
 Jay D. Mitchell
 Ann Moceyunas
 H. Bradford Morris Jr.
 William A. Morrison
 Diane M. Mosley
 James B. Muhlbach
 Jerold L. Murray
 The National Association
 of Realtors
 NAR Legal Affairs
 James A. Neuberger
 Amber L. Nickell
 William S. Ortwein
 Linda Ann Pace
 Rakesh N. Parekh, PC
 A. Sidney Parker
 Mr. and Mrs. Dianne P. Parker
 John P. Partin
 G. Cleveland Payne III, PC

Cathy Peterson
 Hon. Albert M. Pickett
 Loretta L. Pinkston
 John L. Plotkin
 Linda L. Holmen Polka
 Jeffrey N. Powers
 Thompson T. Rawls II
 Michael S. Reeves
 Clinton D. Richardson
 Ritter Law Firm, LLC
 Timothy D. Roberts
 Richard B. Roesel
 Carmen Rojas Rafter
 James H. Rollins
 Charles L. Ruffin
 David A. Runion
 Dorothy W. Russell
 Richard B. Russell IV
 Phillip B. Sartain
 Christopher G. Sawyer
 Otis L. Scarbury
 Cathy L. Scarver
 S. Alan Schlact
 Bryan D. Scott
 Claude F. Scott Jr.
 Janet C. Scott
 Martin J. Sendek
 Mark A. Shaffer
 Hon. Marvin H. ShooB
 Ann A. Shuler
 Viveca Sibley
 Silvis, Ambrose
 & Lindquist, P.C.
 Douglas K. Silvis
 John E. Simpson
 George B. Smith
 Rebecca S. Stone Smith
 Jay I. Solomon
 David N. Soloway
 John D. Sours
 Thomas A. Spillman
 State Bar of Georgia
 Mason W. Stephenson
 Michael P. Stevens
 Hon. Michael B. Stoddard
 Joseph F. Strength
 Strickland Brockington
 Lewis LLP
 C. Deen Strickland
 Jay L. Strongwater
 David R. Sweat
 Robert E. Talley
 Jeffrey D. Talmadge
 Susan C. Tarrower
 Jackie Taylor
 William M. Tetrick Jr.
 G. William Thackston
 Dale L. Thompson
 Daniel R. Tompkins III

William L. Tucker
 Leslie W. Uddin
 Frederick D. Underwood
 Joseph M. Ventrone and
 Jeanne Broyhill
 Jennifer B. Victor
 Rose Marie Wade
 Christopher A. Wagner
 Hon. Ronit Z. Walker
 Walker Wilcox Matousek LLP
 Carol J. Ward
 Ellene Welsh
 Brian W. Wertheim
 Brian K. Wilcox
 Mark Wilcox
 Robert J. Wilder
 Frank B. Wilensky
 Paul C. Wilgus
 Kathryn B. Wilson
 Norman D. Wilson
 Bob and Lynda Wilson
 William N. Withrow Jr.
 Leigh M. Wilco
 and Carolyn C. Wood
 Hugh M. Worsham Jr.
 Brian D. Wright
 Hon. Lawrence D. Young
 Daniel D. Zegura
 Norman E. Zoller

Lynn Y. Borsuk
 James W. Boswell III
 Phillip A. Bradley
 Paul T. Carroll III
 James A. "Jock" Clark
 Harold T. "Hal" Daniel Jr.
 C. Ben Garren Jr.
 Jack Hardin
 Kathleen Horne
 Mary Mendel Katz
 Allegra J. Lawrence-Hardy
 John R. B. Long
 Jennifer Campbell Mock
 Evelyn Y. Teague
 Thomas W. "Tommy" Tucker

We appreciate our donors and take great care in compiling the Honor Roll of Contributors. If we have inadvertently omitted your name, or if your name is incorrect in the records, we apologize and encourage you to contact the Development Office at 404-206-5175, so that we can correct our records and acknowledge you properly in the future. Some donors have requested anonymity.

2016 HONORARIUM GIFTS

DuBose Law Group in honor of R. William Ide

2016 MEMORIAL GIFTS

Kathleen Barksdale in memory of Frank Love Jr.
 Dean S. Daskal and Rebecca J. Miller in memory of Frank Love Jr.
 Thomas A. David in memory of Hon. Ralph E. Carlisle Scott and Allyson Greene in memory of Frank Love Jr.
 Dallas P. Jankowski in memory of Dr. Joe Strother Strickland Brockington Lewis LLP in memory of Frank Love Jr.
 Dale L. Thompson in memory of Frank Love Jr.

Georgia Legal Services Foundation Board of Directors

Joseph R. Bankoff
 Patricia T. Barmeyer

The Georgia Legal Services Program is a nonprofit law firm recognized as a 501(c)(3) organization by the IRS. Gifts to GLSP are tax-deductible to the fullest extent allowed by law.

The Georgia Legal Services (GLS) Foundation is recognized as a 501(c)(3) nonprofit organization by the IRS. Gifts to the GLS Foundation are tax-deductible to the fullest extent allowed by law.

To make a contribution Go online at www.glsp.org, or mail your gift to Georgia Legal Services, Development Office, 104 Marietta St. NW, Suite 250, Atlanta, GA, 30303.

Thank you for your support.



Georgia Legal Services Program, Inc.

A Conversation with Justice Leah Ward Sears

In this installment of the Georgia Lawyer Spotlight, Editorial Board Member Jacob Daly interviews former Chief Justice Leah Ward Sears.

BY JACOB E. DALY



PHOTO BY SARAH I. COOLE

Why did you decide to become a lawyer?

As a woman and an African-American, I saw the power of the courts to change the lives of women and African-Americans particularly. During the Earl Warren era, I watched the state courts, particularly the state courts in the South, fail and the federal courts get things right, and so I wanted to be a lawyer. I wanted to be somebody who used the justice system to get things right for all people.

Did you aspire to be a judge?

No. Early on, I aspired to be Thurgood Marshall. (Laugh!) By that I mean I was going to be a civil rights lawyer that would get things done. That would make things right with all the discrimination that was everywhere in this country in the late 50s and early 60s, particularly for women and black people. That's what I wanted to do. The idea about being a judge was not on my radar because women weren't judges and black people weren't judges and black women weren't judges. My problem, if you could call it a problem, was that I came of age after *Brown v. Board of Education* and

Loving v. Virginia, so I couldn't argue those cases because they had been argued and won. By the time I came of age, there were other things that needed to be done. So I took what my goal was, and when Andrew Young, who was the mayor, said we need women and African-Americans on the bench, I said okay, I'll do that.

Why did you leave the Supreme Court?

I could have stayed and done very good work, and there's nothing wrong with that, but I had done what I needed to do. There are plenty of women who are judges now. There are a lot of black people who are judges, so it was time to break through somewhere else. I'm a catalyst for change. I'm not a status quo type person, so as soon as it became more status quo, I was ready to go on. With any job you can get very comfortable and stay there because you know it and you can do it. But I'm an adventurer, and I think once I've done something I should challenge myself to do something else that's going to stretch me a little bit more. One thing that I'm proud of about myself now is not overstaying.

Do you regret leaving the Supreme Court?

I did the first year when I could tell that the practice of law had changed so much. It's more of a business now than a profession, and when I started practicing in 1980 it was a profession. I was groomed under all these older guys, older white guys mostly, and the business was always there. When I came off the bench, it was just mostly all about business, business, get me business! And technology is just rampant. Not so much on the court. So the first year stretched my brain. But then after a while I got it.

What else have you noticed about how the practice of law changed between the time you went on the bench in the 1980s and the time you returned to private practice in 2009?

Professionalism is not the same. For example, one time I had to convince some young lawyers who were analyzing whether to take a case based on the person's guilt or innocence that that's not what lawyers do. They didn't know. They were arguing about their reputations vis-a-vis representing a guilty person. They

just didn't seem to understand that often you take a case because everyone is entitled to a lawyer. Period! That's something a lawyer "back in the day" would have known.

What do you miss about life on the Supreme Court?

I really miss the collegiality, my friends. I spent 17 years with pretty much the same people, and we were really close. We're still close.

Is there anything you don't miss?

The thing I don't miss is that you're kind of cloistered, and your world shrinks because it has to. The air smells very different when you can say what you want and speak your mind without always editing yourself because of politics or because there is a case or because something might become a case. For somebody that is free and likes to talk and likes people as much as I do, it's a heavy burden. I love being able to speak and write and say what I think.

You were on President Obama's short list for an appointment to the U.S. Supreme Court a couple of times. What was that process like?

The vetting process is intense. I had to provide my doctor's records, speeches, photographs, everything. Someone in the White House even told me to tell my children they were going to Facebook them. They assigned two lawyers from Covington & Burling to research my background. I had to hire an accountant because they wanted the last 10 years of tax returns. It was very stressful. But let me say, the president and his team were looking at me. That's something I would have never conceived of. So it was a point of pride.

You and Justice Clarence Thomas have become friends over the years. How did that friendship develop?

He's from Pin Point, Ga., which is a mile outside Savannah, and I'm from Savannah. He's very personable, very nice, and when he found out I was going on the Supreme Court of Georgia a year after he went on the U.S. Supreme Court, there was a natural affinity. He came down to meet with me and the rest of the court,

the philosophical thing notwithstanding. He was very helpful. When I was elected as the chief justice, he attended my investiture.

How do you feel about the court's expansion this year to nine justices?

I can't see why the need for two extra people, but I'm glad they got the jurisdiction of the two courts properly aligned since that was always sort of a mess. The jurisdiction of the Supreme Court and the Court of Appeals was messy. Lawyers didn't know in many cases whether to go to the Supreme Court or the Court of Appeals. They got that straight.

You don't practice family law, but you have developed an interest in it. Where does that come from?

My interest in family law derives from my interest in the family. My degree from Cornell University is in Human Development and Family Studies, and I've always been interested in the family as the cornerstone of a great democracy. It's what makes free and healthy citizens who can function in a democratic society. The family has problems right now with dysfunction and fatherhood becoming more and more optional, and so I've been concerned about that, and I expressed all of that while I was on the court by establishing the Commission on Children, Marriage, and Family Law.

You've been an outspoken critic of the judicial appointments by Governors Perdue and Deal. Why is that?

Lack of diversity. If only 30 percent of the state is white men, yet 70 percent of the judges are white men, that just doesn't make any sense. They're not better trained or more competent, so there's something going on that's not right. They are getting special treatment, and I don't like it when certain groups of people get special treatment for no apparent reason.

Do you object to the way that we choose judges in Georgia?

No, it's just that I think part of leadership or being a good leader requires you to do what the state needs and what is right, not just what's political. I have a very old-

fashioned sense of ethics, and I believe that a democracy can't survive based on just who gets in power. I don't think we should choose judges based on ideology either. I think if they're qualified, they're in. And the modern habit we're in of castigating judges because of political ideology, that never was the way judges were picked until the last 20 or 25 years. When I left the court, I got a few pea-brained letters from folks telling me I needed to stay and just keep my finger in the dike so that Gov. Perdue could not appoint my successor. I think that some even very wrongly thought I had made a deal with the governor. Wrong, wrong, wrong! My thought was, I am ready to go, it is time for me to go, I will leave. There is a process in place and the process has to play itself out. I'm not going to manipulate the process because somebody might get in who I don't like. Now that may sound naïve, but I thought that was what you do.

In an article in the recent Super Lawyers magazine, you described yourself as quirky. What did you mean by that?

Women too often underestimate their abilities (men often overestimate theirs), and when I made that comment about myself, I may have been underestimating myself and I shouldn't do that. The fact of the matter is, I'm very bright, and I see things sometimes that other people do not see. I'm not afraid to look upside down, twirl it around, look around, and so sometimes my solutions can seem to come from left field and can seem different, but it's just because I'm not afraid to look outside of the containment when trying to solve a problem. That's not a quirk. ●



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.

Kudos



CAHOON



TURTON

Kilpatrick Townsend & Stockton announced that partner Susan Cahoon was recently appointed to three leadership positions on the Emory University Board of Trustees. Cahoon will be a member of the executive committee and secretary and chair of the board's Real Estate, Building and Grounds Committee. She was also selected to serve as one of the Emory-nominated directors of the Carter Center effective January 2018.



SIMON

Partner Michael Turton was elected to the board of directors of the Orange Duffel Bag Initiative (ODBI). ODBI, a 501(c)(3) public charity, serves academically and economically at-risk high school and college students, providing them evidence and trauma-informed programs and proven methodology of certified executive-level coaching.

Partner Michael Turton was elected to the board of directors of the Orange Duffel Bag Initiative (ODBI). ODBI, a 501(c)(3) public charity, serves academically and economically at-risk high school and college students, providing them evidence and trauma-informed programs and proven methodology of certified executive-level coaching.

Attorney Lindsey Simon was recently named to two leadership positions. Simon was named to the Board of Culture Connect and also named community service co-chair of the International Women's Insolvency & Restructuring Confederation Georgia Network.



Rockdale County Chief Magistrate Judge Phinia Aten served as judge for the final and semi-finals of the Inaugural Morehouse College Social Justice Debates. This debate competition was developed by Kenneth Newby, the director of Morehouse College Forensics Program, and afforded students the chance to grapple with the topic question of whether the criminal justice reform movement would benefit from a liberal application of critical race theorist Prof. Derrick Bell's minority and majority groups' interest convergence strategy model.



Levine Smith Snider & Wilson, LLC, announced that partner Rachel A. Snider successfully achieved board certification as a family law trial advocate by the National Board of Trial Advocacy. Snider specializes in complex, high-income and large-asset divorces, providing guidance, sound legal advice and support to her clients.



Andersen Tate & Carr, P.C., managing partner Donald L. Swift III has been named co-chair of the 3.0 Initiative with Partnership Gwinnett. Partnership Gwinnett is a public-private initiative dedicated to bringing new jobs and capital investment to Gwinnett County. Since 2006,

Partnership Gwinnett has worked with its local partners to attract and retain jobs, cultivate capital investment, support educational institutions, foster workforce development and contribute to the exceptional quality of life found in Gwinnett.



DICKERT



HALL

Hull Barrett announced Hon. Neal W. Dickert received The Lifetime Achievement Award, the highest recognition given by the State Bar of Georgia and the Chief Justice's Commission on Professionalism, co-sponsors of the Justice Robert Benham Awards for Community Service. This award is reserved for a lawyer or judge who, in addition to meeting the criteria for receiving the Justice Robert Benham Award for Community Service, has demonstrated an extraordinarily long and distinguished commitment to volunteer participation in the community throughout his or her legal career.

The firm also announced George R. Hall became a fellow of the American College of Trial Lawyers, one of the premier legal associations in North America. Hall has an active trial practice with a concentration in personal injury defense and commercial matters and has also served as a mediator and arbitrator in more than 250 cases since 1997.



Katelyn Fredericks, an associate in Nelson Mullins Riley & Scarborough LLP's Atlanta office, was selected as a board member for 21st Century Leaders. The group, a collaboration of business and professional leaders, encourages high school students to take on leadership positions, explore career opportunities and give back to their communities. She also will serve on the executive committee and as secretary for the organization.

On the Move

IN ATLANTA



Baker Donelson announced the addition of Hannah E. Jarrells to their Atlanta office. Jarrells joins as an associate in the firm's labor and employment group, focusing her litigation practice on employment matters, working with companies in the manufacturing, housing, health care, automotive, testing and hospitality industries.

The firm also announced its merger with Ober|Kaler. The combined firm, which maintains the name of Baker Donelson, boasts more than 800 attorneys and advisors across 25 offices in 10

states as well as Washington, D.C. The firm is located at Monarch Plaza, 3414 Peachtree Road NE, Suite 1600, Atlanta, GA 30326; 404-577-6000; Fax 404-221-6501; www.bakerdonelson.com.



BURMAN



MCCRANIE



MITCHELL



ROTHSTEIN



LASHLEY



O'NEIL



LEE

Nelson Mullins Riley & Scarborough, LLP, announced Brad Burman, Christopher J. McCranie, Roger Mitchell and Paul Rothstein were elected partner, Laura Lashley and Greg M. O'Neil were promoted to of counsel and SeungEun April Lee joined as an attorney. Burman practices in the areas of corporate law, mergers and acquisitions, private equity and venture capital, technology law, and mobile payments and digital commerce. McCranie focuses on real estate, real estate finance, title insurance, real estate development, general corporate, financial institutions, and mergers and acquisitions. Mitchell practices in the areas of mergers and acquisitions, corporate

law, finance, private equity and venture capital. Rothstein concentrates his practice in the areas of corporate law, mergers and acquisitions, private equity and venture capital, and technology law. Lashley focuses her practice in education law and policy, focusing on charter schools, special education, student rights and employment matters. O'Neil practices in the areas of securities litigation, products and premises liability, toxic tort and commercial law. Lee focuses her practice on immigration law. The firm is located at Atlantic Station, 201 17th St. NW, Suite 1700, Atlanta, GA 30363; 404-322-6000; Fax 404-322-6050; www.nelsonmullins.com.



Stites & Harbison announced that Amy Baker was elevated to partner. Baker's practice focuses primarily on commercial real estate transactions and secured lending. The firm's Atlanta office is located at 2800 SunTrust Plaza, 303 Peachtree St. NE, Atlanta, GA 30308; 404-739-8800; Fax 404-739-8870; www.stites.com.



Bloom Sugarman announced the addition of J. Nick Phillips as an associate. Phillips litigates business disputes that include breach of contract, real estate conflicts, business torts, fraud and misrepresentation claims, product liability and personal injury actions. The office is located at 977

Ponce de Leon Ave. NE, Atlanta, GA 30306; 404-577-7710; Fax 404-577-7715; www.bloomsugarman.com.



ABHYANKAR



BOONE



DOZIER



EDWARDS



GRIFFITH



HILTON



HOWARD



HOWELL



POPP



THOMPSON

Alston & Bird LLP announced that Siraj Mukund Abhyankar, Brian D. Boone, Martin H. Dozier, Jonathan T. Edwards, George S. "Bo" Griffith IV, Russell A. Hilton, Jason W. Howard, Matthew W. Howell, Jason D. Popp and Allison S. Thompson were named partners. Abhyankar focuses on IP litigation and counseling and represents clients in patent litigation and enforcement throughout the U.S. district courts and before the International Trade Commission. Boone has broad experience in complex commercial litigation, representing clients before the U.S. Supreme Court, federal and state appellate and trial courts, and arbitration panels in cases involving constitutional law, antitrust issues, and health care, securities and state consumer fraud laws. Dozier advises business development companies and other alternative investment vehicles, including public and private companies, on such matters as fund formation, public securities offerings, private placements, mergers and acquisitions, securities regulation and corporate governance. Edwards represents a variety of

clients in complex bankruptcy cases, workouts, debt restructurings, distressed acquisitions and dispositions, and complex commercial litigation, and advises on bankruptcy structuring issues in leveraged finance, securitization and structured finance transactions. Griffith counsels financial institutions, payment systems providers and wealth management companies in mergers and acquisitions and other corporate transactions in addition to advising on securities regulation and reporting, and corporate governance. Hilton represents public, private and not-for-profit health care companies in mergers and acquisitions, corporate financing transactions, and public and private securities offerings, and advises on corporate governance matters and Securities and Exchange Commission compliance and reporting. Howard represents developers, purchasers and sellers in all aspects of real estate transactions

across a variety of asset classes. Howell represents clients before U.S. federal and state courts, the U.S. Patent and Trademark Office, and International Trade Commission, focusing on patent litigation in the chemical, biological and pharmaceutical arts. Popp is a civil litigator with substantial experience representing clients in complex disputes involving the False Claims Act, Foreign Corrupt Practices Act, and other laws and regulations. Thompson represents clients in a broad range of industries—including financial services, real estate, insurance, health care, telecommunications and manufacturing—in complex business litigation related to the Fair Credit Reporting Act, Fair Debt Collection Practices Act and other federal laws. Alston & Bird is located at One Atlantic Center, 1201 W. Peachtree St., Suite 4900, Atlanta, GA 30309; 404-881-7000; Fax 404-881-7777; www.alston.com.



BLANCHARD



COHEN



ELKINS



SHEPARD



YOUNG

Miller & Martin, PLLC, announced the addition of Mitch Blanchard, Jared Cohen, Douglas Elkins, Elisabeth Shepard and Alaina Young as associates. Blanchard practices with a focus on general corporate and securities issues, mergers and acquisitions, private equity transactions and matters involving start-up and emerging companies. Cohen focuses his practice in the areas of labor and employment, and business litigation, with experience and special interest in international law. Elkins focuses

his practice in the area of corporate law, mergers and acquisitions, securities and general business representation. Shepard's broad combination of legal experience allows her to provide strategic counsel to her clients in order to collaboratively build their businesses. Young focuses her practice on

commercial real estate transactions, including the representation of institutional investors, lenders and developers in a wide range of real estate matters including financing, acquisition, disposition, leasing, and contractual drafting and interpretation. The firm is located at 1180 W. Peachtree St. NW, Atlanta, GA 30309; 404-962-6100; Fax 404-962-6300; www.millermartin.com.



Ford Harrison announced that Jeffrey D. Mokotoff rejoined the firm's Atlanta office as partner. Mokotoff has a broad employment law practice and routinely counsels clients on a myriad of employment issues, drafts and reviews employment, arbitration and non-compete agreements, conducts management training, and litigates and tries employment cases, both in court and in arbitration. The firm is located at 271 17th St. NW, Suite 1900, Atlanta, GA 30363; 404-888-3800; Fax 404-888-3863; www.fordharrison.com.



ADAMS



BOUTROS

Krevolin & Horst, LLC, announced the addition of Christopher Adams and Michael Boutros as partners. Adams focuses his practice on commercial litigation and education law. He handles complex litigation involving constitutional law, business torts, contracts, appeals and trade secrets. Boutros handles a wide variety of business and complex litigation in the areas of business torts, appeals, contract, intellectual property (including copyright and trademark protection), corporate governance, restrictive covenants (including non-compete, non-solicit and non-disclosure agreements), securities and trade secrets.

The firm is located at One Atlantic Center, 1201 W. Peachtree St. NW, Suite 3250, Atlanta, GA 30309; 404-888-9700; Fax 404-888-9577; www.khlawfirm.com.



Drew Eckl & Farnham announced the addition of Terry L. Strawser as an associate. Strawser is a seasoned litigator with 26 years of private practice experience handling various types of civil litigation, focusing primarily on insurance defense. He joins the firm after spending 16 years working in-house with Travelers Indemnity Company where he handled both workers' compensation defense and subrogation. The firm is located at 303 Peachtree St. NE, Suite 3500, Atlanta, GA 30308; 404-885-1400; Fax 404-876-0992; www.deflaw.com.



Kilpatrick Townsend & Stockton announced the addition of Melissa Capotosto to the firm's Atlanta office. Capotosto focuses her practice on domestic and international trademark clearance, copyright clearance, trademark and copyright licensing, trademark portfolio management, and trademark and copyright enforcement matters. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-815-6500; Fax 404-815-6555; www.kilpatricktownsend.com.



BYRNSIDE



RIESEN

Baker Hostetler announced Ian K. Byrnside and Michael J. Riesen have been elected to the firm's partnership. Byrnside is a member of the firm's litigation group and an experienced trial lawyer, focusing his practice on complex commercial litigation and health care litigation. Riesen is a member of the firm's intellectual property group, focusing his practice on patent prosecution, including preparing and prosecuting domestic and international patent applications, managing patent portfolios, and providing patentability and freedom-to-operate opinions.

The firm is located at 1170 Peachtree St. NE, Suite 2400, Atlanta, GA 30309; 404-459-0050; Fax 404-459-5734; www.bakerlaw.com.

Lawyers and Law Students Step Up at Military Stand Down Event for Veterans



Keely Youngblood
Attorney
Emory Law Volunteer
Clinic for Veterans

On Oct. 1, members of the State Bar of Georgia Military/Veterans Law Section, chaired by Cary King, partnered with the Emory Law Volunteer Clinic for Veterans to provide a free legal clinic to homeless veterans as part of the Stand Down event at Fort McPherson. Stand Down is an event that provides critical services and supplies to homeless veterans in north and central Georgia. Homeless veterans are provided free cold-weather clothing, medical and dental evaluations, housing assistance, employment assistance and a meal, as well as legal services.

Members of the Emory Law Volunteer Clinic for Veterans Executive Board of Directors, leadership from the Military/Veterans Law Section and volunteer attorneys in the community (including a robust presence from Baker Donelson) partnered with eight volunteer Emory Law students to assist homeless veterans with legal issues that may currently be barring them from gainful employment or stable housing.

Local attorney Madeleine Kvalheim, a litigation associate with Baker Donelson, noted that the legal issues veterans face were “simpler and easier to handle” than she expected. “This is a good and bad thing,” she said, “because while it made my job easy, it also made me sad that veterans might struggle with very simple issues without the resources to address them. I also thought more of the issues would be military-

centric, and they were not. For me, this means that attorneys have the ability to contribute in a meaningful way without any special training and should be doing so.”

Roughly 20 percent of Atlanta’s homeless population are veterans according to a 2014 *Atlanta Journal-Constitution* article, and many of those veterans suffer from mental health issues, caused or aggravated by their service. The legal barriers that homeless veterans face are varied, and range from outstanding warrants for failing to appear in court to issues with rental leases. Emory Law is the first law school in Georgia and one of the first in the South to provide a legal clinic for veterans. Through the clinic, students can work with mentors at the State Bar and with volunteer lawyers at firms that support pro bono veterans work.

“It was great to have a chance to observe the lawyers in action and contrast it with my prior non-legal experience working with homeless veterans,” said Emory Law student Joseph Erkenbrack. “Overall I think that Stand Down is a good event, but the way the veterans are shuffled around and treated by some of the staff is a good reminder that it is a VA function, where there is sometimes an ‘us/them’ mentality. It felt good to have one-on-one interactions with the veterans and a chance to provide service to those most in need.”

Some of the students have continued to work on the cases since the event under the supervision of the clinic, and the VCV expects that the student work will contribute to recent nationwide efforts to end veteran homelessness. ●

PHOTO BY DREW EARLY



(Left to right) Emory Volunteer Clinic Students Tyler Greenwood and Jacob Loken.

PHOTO BY DREW EARLY



Baker Donelson attorneys engaged with veterans. (Background, left to right) Maddie Kvalheim and Justin Daniels; (foreground, left to right) Dan Cohen and Joe Erkenbrack.



Gaslowitz Frankel, LLC, announced the addition of Trevor E. Brice as an associate. Brice will specialize in fiduciary, commercial and business litigation, representing a range of clients from institutions to individuals in multimillion-dollar legal matters such as will contests, trust and estate disputes, partnership and shareholder disputes, and other fiduciary and business litigation matters. The firm is located at 4500 SunTrust Plaza, 303 Peachtree St. NE, Atlanta, GA 30308; 404-892-9797; Fax 404-892-1311; www.gaslowitzfrankel.com.



CROFTON

Smith, Gambrell & Russell, LLP, announced the addition of Peter Crofton and Matthew Warezak as partners. Crofton assists clients with all aspects of the design, construction and renovation of new and existing facilities. Warezak specializes in patent prosecution, patent litigation, including post-grant proceedings and trademarks. He also is an experienced general IP counsel, handling and litigating issues, including patent, copyright, trademark and licensing matters. The firm is located at 1230 Peachtree St. NE, Suite 3100, Atlanta, GA 30309; 404-815-3500; Fax 404-815-3509; www.sgrlaw.com.



WAREZAK



HOLCOMB



O'NEILL



WOOD

Weinberg Wheeler Hudgins Gunn & Dial announced Alan Holcomb, Shane O'Neill and Josh Wood were elevated to partner. Holcomb focuses his litigation practice in the areas of mass torts, product liability and commercial disputes. O'Neill focuses his practice in the areas of commercial, complex tort, product liability, premises liability and transportation litigation. Wood practices in wrongful death, catastrophic injury, mass torts, product liability, premises liability, transportation, commercial and construction litigation. The firm is located at 3344 Peachtree Road NE, Suite 2400, Atlanta, GA 30326; 404-591-9645; Fax 404-875-9433; www.wwhgd.com.

IN HARTWELL



The Van Dora Law Firm announced Jeremiah T. Van Dora was named partner. He focuses his practice in the areas of workers' compensation, personal injury, family law and employment law. The firm is located at 21 Vickery St., Hartwell, GA 30643; 706-377-4044; Fax 678-623-3859; www.vandoralawfirm.com.

IN SAVANNAH



HARVEY



MARTIN

Bouhan Falligant announced that John D. Harvey and Harris G. Martin were named partners and Vandana Murty joined the firm as an associate. Harvey's practice area concentrates on transportation and logistics, real estate litigation and aviation law. Martin focuses his law practice in the areas of commercial and residential real estate and general corporate matters. Murty's practice focuses on malpractice and professional liability defense. The firm is located at 447 Bull St., Savannah, GA 31401; 912-232-7000; Fax 912-233-0811; www.bouhan.com.



MURTY



COX



RODMAN



MIDDLETON

Falen O. Cox, John W. Rodman and Christopher K. Middleton announced the formation of Cox, Rodman & Middleton, LLC (CRM). CRM practices criminal defense, personal injury, family law, contract law, business formation and employment law throughout Georgia. Together, they have more than 20 years of experience and have represented clients in more than 50 jury trials. The firm is located at 5105 Paulsen St., Suite 236-C, Savannah, GA 31405; 912-376-7901; www.crmattorneys.com.

GEORGIA BAR
JOURNAL

Get Published Earn CLE Credit

The Editorial Board of the *Georgia Bar Journal* is in regular need of scholarly legal articles to print in the *Journal*.

Earn CLE credit, see your name in print and help the legal community by submitting an article today!

Submit articles to Sarah I. Coole
Director of Communications
sarahc@gabar.org | 404-527-8791
104 Marietta St. NW, Suite 100, Atlanta 30303

Show and Tell

BY PAULA FREDERICK

You panic when the number for Parkside Elementary flashes on your caller ID. “Is everything OK?” you ask as you pick up the phone.

“Joey’s fine,” your son’s teacher assures you, “but we had a very interesting time at Show and Tell this morning. Joey brought a folder full of photos—mostly banged up cars, but there was one of some poor guy with bandages around his head.”

With a sinking heart you realize what must have happened. “Sounds like photographic evidence from a case I’m working on,” you acknowledge. “The client brought me a stack of pictures from his accident.”

“My home office is in the guest room, right next to Joey’s room,” you explain. “I must have left that file out on my desk last night, but I always shut the door. Joey knows he’s not supposed to touch anything in there!”

“You might want to get a lock for that door,” his teacher suggests.

Today’s lawyer can run a successful practice from a skyscraper downtown, a spare bedroom in the basement or completely from the cloud. The obligation to safeguard client property is the same no matter what the practice setting.

But if you’re working from home or a virtual law office, how and where should you hold client property?

The rules actually provide little guidance beyond the requirement in Rule 1.15(l)(a) that tangible client property “be identified as such and appropriately safeguarded.” Comment 1 adds that “[a]ll property which is the property of clients or third persons should be kept separate from the lawyer’s business and personal property. . . .”

In a home office, that means you will need a separate place—a file cabinet, a closet, a safe or the like—to keep items that you are holding on behalf of clients. It should be locked or otherwise secured, and you will need to be sure that others in the household do not have access to it. You may need to rent a safe deposit box or even a secure storage facility to comply with the “separateness” requirement of the rule.

Lawyers should treat client property with the same care that they bring to holding client money. You would never think of leaving client funds on your office desk overnight; the same should be true for client property. ●



Paula Frederick

General Counsel
State Bar of Georgia

paulaf@gabar.org

PHOTO BY ISTOCK.COM/RUSLANDASHINSKY

Attorney Discipline Summaries

(Jan. 18, 2017 through Feb. 22, 2017)

BY CONNIE P. HENRY

DISBARMENTS

Joanna Temple

P.O. Box 24274
St. Simons Island, GA 31522
Admitted to Bar in 1990

On Jan. 23, 2017, the Supreme Court of Georgia accepted the Petition for Voluntary Surrender of License of attorney Joanna Temple (State Bar No. 701805). On Dec. 17, 2015, Temple was convicted in the Supreme Court of the State of New York of attempted criminal usury in the second degree.

Trent Carl Gaines

Perrie & Associates, LLC
100 Galleria Parkway, Suite 1170
Atlanta, GA 30339
Admitted to Bar in 2000

On Jan. 23, 2017, the Supreme Court of Georgia accepted the Petition for Voluntary Surrender of License of attorney Trent Carl Gaines (State Bar No. 282172). On Oct. 27, 2015, in the U.S. Court for the Northern District of Georgia, Gaines entered into a negotiated plea of guilty to two counts of bid-rigging conspiracy, and two counts of conspiracy to commit mail fraud.

SUSPENSIONS

Shanina Nashae Lank

4615 Riversound Drive
Snellville, GA 30039
Admitted to Bar 2008

On Jan. 23, 2017, the Supreme Court of Georgia suspended attorney Shanina Nashae Lank (State Bar No. 808541) for one year with conditions for reinstatement.

The following facts are deemed admitted by default.

With regard to Case No. S16Y0723, Lank was paid \$212.50 to assist a client in a civil suit. Lank advised the client not to appear at a scheduled hearing, and as a result, the court entered a default judgment against the client. Lank informed the client that she would move to set aside the judgment, but she failed to do so and ceased communicating with the client.

In S16Y0724, Lank agreed to assist a client in a civil suit and instructed the client not to attend hearings. Lank did not reply to the client's calls and emails, the court entered a judgment against the client, and Lank did not inform the client of the judgment.

In S16Y0725, Suntrust Bank notified the State Bar that it paid a \$59.88 item that presented against insufficient funds in Lank's attorney trust account, which caused her account to have a negative balance of \$47.33.

Lank is suspended from the practice of law in Georgia for a period of at least one year. After one year, Lank may seek reinstatement if: (1) she submits a detailed evaluation by a board certified and licensed mental health professional concluding that she is fit to return to the practice of law, and (2) she provides evidence that she has paid restitution to her clients for the judgments entered against them, plus any accruing interest.

INTERIM SUSPENSIONS

Under State Bar Disciplinary Rule 4-204.3(d), a lawyer who receives a No-

tice of Investigation and fails to file an adequate response with the Investigative Panel may be suspended from the practice of law until an adequate response is filed. Since Jan. 18, 2017, one lawyer has been suspended for violating this Rule and one has been reinstated. ●



Connie P. Henry

Clerk, State Disciplinary Board
State Bar of Georgia

connieh@gabar.org

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

Warren R. Hinds, P.C.

"An Attorney's Attorney"

- Bar Complaints
- Malpractice Defense
- Ethics Consultation



1303 Macy Drive
Roswell, Georgia 30076
Call (770) 993-1414
www.warrenhindslaw.com

Legal Tech TIPS

BY NATALIE R. KELLY
AND MICHAEL MONAHAN



PHOTO BY ISTOCK.COM/OMENDRIVE



1 Bloomberg BNA's Quick Tax Reference App

www.bna.com

Bloomberg BNA's Quick Tax Reference App is a free iOS and Android app that provides helpful tax info when you're on the go, need to make a quick reference or are meeting with clients. The app serves up Standard Mileage Rates, Corporate Tax Rate Schedule, Individual Tax Rate Schedules, Standard Deductions/Personal Exemptions, Retirement Plan Limits and more.

2 Concur

www.concur.com

Track and manage your travel, receipts and expense reports for free with this iOS and Android app. Open Concur and take a picture of your receipts, track your mileage or book a flight.

3 Hello Vino

www.hellovino.com

After the taxes are finished, download this app to help you shop for the right wine. Hello Vino is free in both iOS and Android. Overwhelmed in the wine aisle? Looking to pick up a bottle as a gift? The free mobile app provides recommendations for every occasion—from the best wine to pair with food, wine for holidays or gifts, and also suggestions based on your personal taste preferences.

4 MileIQ

www.mileiq.com

MileIQ is a free iOS and Android app that automatically tracks your miles every time you drive your car. Simply start the app and drive off in your vehicle and take advantage of tracking that records every mile, and is accurate down to the fraction of a mile. Create miles logs that are IRS guidelines compliant and that are simple to turn in to your business accounting team. Finish your car ride and you can swipe right to categorize a drive as personal or business related, which makes it simple to keep track of different expenses classifications all within the same app. The app provides a downloadable mileage tracking spreadsheet.

5 Google Fit

www.google.com/fit

You can up your #LawyersLivingWell game with this free app that tracks any activity. As you walk, run or cycle throughout the day, your phone or Android Wear watch automatically logs the activities with Google Fit—and you can integrate info from several other popular fitness apps you use. Fit.Google.com becomes your results page that you can access from any device.



Google Fit



6 FCC Small Business CyberPlanner

www.fcc.gov/cyberplanner

Because the online world is simply not safe, you must think about a plan to make sure you've covered your bases when it comes to cyber security. Look no further than a jump-start guide from the FCC. While focused on small business, the custom cyber security planning guide can help firms of any size with content for privacy and data security, scams and fraud, network security, website security, email, mobile devices, employees, facility security, operational security, payment cards, incident response and reporting, and policy development and management.

7 ABA TECHSHOW

www.techshow.com

Even if you didn't make it to Chicago this March, mark your calendars now to

attend next year's ABA TECHSHOW which brings lawyers and technology together. You can join hundreds of other lawyers and legal professionals as they mix and mingle with the vendors and purveyors of all things legal tech! Check out www.techshow.com for the schedule and information on this must-attend conference for lawyers with an interest in technology.

8 WordRake

www.wordrake.com

Draft an email in Microsoft Outlook or a document in Microsoft Word and you'll want to use this proofreading software to suggest edits for making your writing clear. There is a free seven-day trial version so you can kick the tires, but this is a powerful editing tool you will not want to be without when writing. An annual subscription license bundle for Microsoft Word and Outlook costs \$199.

W O R D R A K E

Testimonial



Sarah Cipperly
Cipperly Law Group LLC



MileIQ

My favorite business-related app is MileIQ. My least favorite part of solo private practice is keeping track of all my business expenses, and if I had to manually track my mileage to and from court, I would lose my mind (and money).

MileIQ automatically records your drives, and then with simple left and right swipes, you categorize the drives as personal or business. You can turn it off if you are on vacation and program it to ignore times of day you are typically not working. It is cheap and absolutely pays for itself. Anything to automate the business of practicing law is a win for me!

9 BackupReview.info

www.backupreview.info

Looking to back up your data online and don't know which service to select? Using www.backupreview.info can help. The website tracks online backup data services and ranks them with providing reviews for the best services each month. The site also provides a chart of top products based on business size and those programs which work best on Macs.

10 GCF LearnFree.org

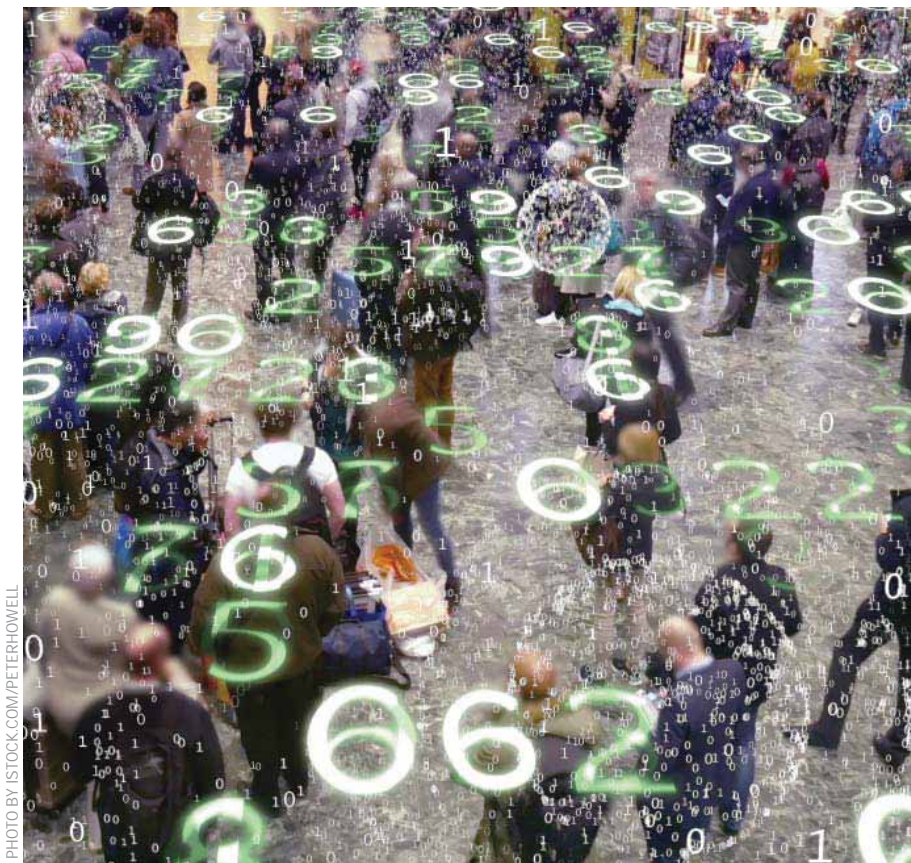
www.gcflearnfree.org

GCF LearnFree.org is a decades-old service provider of free online training resources. The service's learning videos, games and interactive tools teach users how to manage tasks in leading technology. The menu includes training on Microsoft Office, Hardware, Internet and Apps, Operating Systems, Life Skills, Work, Language Learning, Current Topics and Staff Picks for more popular topics.

Eleven Safe Computing Steps for Lawyers: How to Keep Bad Guys and Bad Things at Bay

Today's convenience of being able to communicate and work from wherever you are has created the added burden of trying to secure the information being exchanged from all of those locations.

BY NATALIE R. KELLY



It's harder than ever to ignore the need to keep your office and personal data safe and secure when using computers and devices at work, at home or on the go. Today's convenience of being able to communicate and work from wherever you are has created the added burden of trying to secure the information being exchanged from all of those locations. Below are 11 steps you can take to help keep your computing experience safe and secure.

1 Use a Password Manager

You already use strong passwords—those with eight or more characters, including uppercase letters, numbers and special characters—but remembering those strong passwords can be challenging. Save yourself the time and headache by using password management services like LastPass, Keeper, Dashlane or 1Password to securely store all of your many passwords. These services are updated regularly to ensure they are safely storing your passwords and not vulnerable to attack from outside hackers.

PHOTO BY ISTOCK.COM/PETERHOWELL

2 Turn on 2-Factor Authentication

When logging onto services or accessing accounts online, you can benefit from using more than just the old username and password set up. Add in some other identifying information or security codes to get an extra layer of protection. This two-step process, called two-factor authentication (2FA) or multi-factor authentication, requires you to input several separate pieces of information before you can gain access to an account or service. Check out your services native setup to see if 2FA is offered, or use programs or apps like Authy to help keep your accounts safe.

3 Know Where to Get Help for Ransomware Attacks

It's a sad fact that many law firms are the target of ransomware attacks. Firms have reported such attacks to the State Bar and there is often nothing that can be done except to pay up. Ransomware is an external attack where a user clicking on a link typically delivered in an email inadvertently causes a malicious file to run on your firm's computers or devices, encrypting all your data, making it inaccessible. In order to gain access, the attacker typically demands payment for the encryption key. Without a security software program to counter the attack or a reliable backup from which you can restore data, you are left to the mercy of the attacker. For assistance with security software options, check out www.nomoreransom.org. To keep this threat away from your practice practically, make sure you have both a reliable system and data backup scheme and security software before such an attack.

4 Keep Security Patches Up-to-Date ASAP

Software vendors keep their programs up-to-date by delivering end-to-end user periodic security patches. Unfortunately, these patches are not always applied in time to prevent a computer attack. Take the time to set up your notification and installation steps for security patches. This can be done automatically for some

program's updates, i.e., Windows Security Updates, but some will require vigilant monitoring by you or your IT staff. Keep a log of what's been updated or have your IT staff or vendor maintain update logs for you. You should not be operating on systems where security patches are not up to date. Period.

5 Avoid Phishing Emails

Email users have become savvy but so have those bad guys wanting to get at your personal and business information. The number of lawyers and their staff being scammed by emails that "phish" for information are still quite prevalent. Make sure your IT policy includes provisions requiring users not to click on emails from senders with whom they are not familiar or from whom they are not expecting an email. Some security programs will allow emails to be scanned before opening them. Additionally, keep an eye out for "Scam Alerts" specific to Georgia lawyers under the Latest News section of the State Bar's homepage.

6 Stay Away From .exe or .bat Files That Could Execute Malicious Code

Malware infections are typically caused by users clicking on files that have attachments which are executable, or batch files delivering malware. Malware infections can be prevented if a user knows to stay away from unknown .exe or .bat files. Unless you know for sure what a particular .bat or .exe file does, stay away from it!

7 Configure Your Computer to Show File Extensions for All Files

Computers read files by their extensions (the letters that come after the dot (".").). Extensions will generally identify the file type, e.s., .doc or .docx for Word documents. On Windows machines, you can choose to show the files' extensions by changing the View under Folder Options in Windows Explorer. With Windows 10, you can uncheck the option to "Hide extensions for known file types." On Mac machines under the Finder Preferences,

GEORGIA BAR JOURNAL

THE DIGITAL EDITION

Download today to
enjoy single issues at
[www.gabar.org/
newsandpublications/
georgiabarjournal/](http://www.gabar.org/newsandpublications/georgiabarjournal/)



www.gabar.org

choose to “Show all filename extensions” under the Advanced tab. Knowing what the file type is can help you navigate more safely, by alerting you to .bat and .exe files on your system.

8 Encrypt, Encrypt, Encrypt
Encryption is evolving as a standard in daily computing, and encryption can be managed across file systems, individual files, computer disks and email services, even external devices like USB drives. With so many options, it is easy to find a solution whether on a workstation or mobile device. Select services to encrypt data when it is at rest on your machine, when it is in transit via email or other submission media, and upon arrival on a recipient’s machine. Services for email encryption include programs like PGP, ZixMail, Absio Dispatch and Virtru. If you are looking for a secure SMS (text) messaging system, try Signal. Basic file encryption can be set up directly within Windows and related applications, so keep an eye out for new encryption solutions.

9 Avoid Random or Suspicious Wi-Fi Connections
Road warriors, like lawyers who work in coffee shops, never seem to get away from needing a Wi-Fi connect. If you do not have a personal hotspot, then you will

need to make sure you know what Wi-Fi connection you are selecting. Middle Man attacks are intrusions that often occur over insecure or fake wireless internet connections, and these attacks allow the hackers to see and sometimes retrieve and manipulate data. Keep your connections secure by avoiding random or suspicious wireless Internet connections. Follow the rule of thumb that if it looks too good to be true, it just might be!

10 Invest in Cyber Liability Insurance
Data breaches are unfortunately becoming more commonplace within law firms. One form of protection for lawyers, regardless of firm size, is cyber liability insurance. Some insurers offer this coverage as a policy rider, and others carry full-service policies to deal with data breaches and risks associated with computer hacks and privacy. You can search for policies that can assist a firm before, during or after a cyber-security disaster occurs. With the number of factors affecting coverage, it is sometimes difficult to ascertain the cost of cyber insurance for your firm. With insurance quotes ranging from a few hundred dollars to several thousand for cyber liability coverage, it is worthwhile to take time to learn more about the specific coverage you need.

11 Upgrade Technology Security Policies and Procedures
As with all other policies and procedures, put the information you have gained about your practice in a written document. Focus on policies surrounding the protection of you and your client’s information. Do not forget to include provisions that discuss end user computing actions whether onsite in the law firm or working from any remote location. Include steps for file naming, saving, password usage, encryption and information on safe computing generally.

Today’s legal profession operates in the age of technology advances and to keep up, lawyers must work at security and online safety. If you need help with securing your personal or practice information or have other specific technology concerns, contact the Law Practice Management Program for assistance. ●



Natalie R. Kelly
Director, Law Practice Management
State Bar of Georgia
nataliek@gabar.org

STATE BAR OF GEORGIA
Member Benefits

LAW PRACTICE MANAGEMENT PROGRAM

The State Bar of Georgia provides all of its members with business management assistance; technical and general consultations; software advice and training; sample forms; start up resources and solo small firm discussion board and video resources.

we're here for you.

Learn more at www.gabar.org or contact Natalie Kelly at 404-527-8770

Lawyers on the Front Lines

The column was authored by two members of the statewide public interest immigration law working group who deftly describe the need and how a Georgia lawyer can help.

BY CHERYL NAJA AND JARVARUS GRESHAM

From the Pro Bono Director—Michael Monahan

In this issue of the *Bar Journal*, you'll see a number of articles covering some aspect of family-based immigration law. A little over two years ago, a statewide public interest immigration law working group formed. The group meets on a quarterly basis to address shortcomings in the immigration hearings process and to discuss ways to enhance pro bono and low bono services in immigration representation and enhance the public interest community's capacity to address the need for client education and legal representation in the immigration context. When we began two years ago talking about increasing pro bono services in immigration cases, we had little idea just how hot the immigration topic would be today.

In recent years, record numbers of men, women and children have been fleeing the violence in Central America, while continued war in countries such as Syria has displaced an estimated 7.6 million individuals. As areas around the globe continue to face threats from terrorist groups, gang violence, war and escalating political unrest, the migration of people displaced and seeking refuge continues to increase, further augmenting the need for pro bono lawyers and their understandings of the intricacies of the evolving area of immigration law.

While the need for legal counsel in immigration court is high, the government does not have an obligation to provide an attorney for immigrants. Like



PHOTO BY ISTOCK.COM/THEDESIGN

many Americans, many immigrants do not have access to legal representation because of their low income and limited employment opportunities. Between 2007 and 2012, 86 percent of detained immigrants in the United States attended court hearings unrepresented. In the years following 2012, Atlanta's asylum grant rates have been around a dismal 2 percent, far below the national average. Immigrants seeking relief in the United States without legal representation are almost five times less likely to be granted relief than those immigrants with legal representation. Studies have found that immigrants who are represented by counsel have more success at each stage of the process. Their cases are less likely to be terminated, the immigrants are more likely to seek relief and they are by far more likely to obtain relief.

Ten years ago, providing pro bono legal assistance to individuals facing immigration proceedings was practically unheard of in big law firms in Georgia. On a national scale, pro bono legal assistance for immigration matters was primarily provided by solo practitio-

ners and small firms with 10 or fewer attorneys. In fact, 90 percent of all removal representation was provided by small firms and solo practitioners while the remaining 10 percent was distributed across nonprofit organizations, law school clinics, medium firms and large firms.¹ Most larger law firms had a small immigration practice, if any, and those resources were focused on meeting the needs of business clients. In 2005 a group of lawyers from several large law firms recognized the growing need for pro bono representation for asylum seekers in immigration proceedings in Atlanta's immigration court. This concern ultimately resulted in the formation of GAIN, the Georgia Asylum and Immigration Network. GAIN volunteer lawyers quickly understood some of the many challenges faced by immigrants in need of representation. Many of the clients being served are housed in detention centers as little as two hours away, but often as many as four hours away, and are often relocated several times during the course of that representation.

Taking on immigration cases requires a variety of resources. In almost all immigration cases, an expert of some type is required. For example, asylum cases require experts to corroborate country conditions. Since country conditions can change quickly, attorneys must be prepared to provide reliable and relevant information to ensure immigration judges are well-informed and up-to-date on current conditions. Most cases require additional experts such as medical or mental health experts or subject-matter experts and require authenticated documentation. Quite often, large law firms, through firm networks, are able to obtain top-notch experts and are in the best position to provide other important resources such as foreign language translation services. In some instances, those resources are available in-house and on-demand.

Due to the current backlog of cases in immigration court, it is not uncommon for cases to take several years. The lengthy processes are in part due to inefficiencies within the immigration court system, which is only made worse by a lack of legal

Organizations such as GAIN, the Southern Poverty Law Center, Catholic Charities of Atlanta, Kids in Need of Defense, Latin American Association, Lutheran Services of Georgia Inc., New American Pathways, Tapestri Inc. and many more offer pro bono or "low-bono" assistance to immigrants in need of legal representation and resettlement resources in Georgia.

representation. Many immigrants starting the legal immigration process with pro bono representation from lawyers from large law firms lose the representation thanks in part to the sometimes prolonged lifecycle of immigration proceedings. This loss of representation is due to many reasons, including attorney relocation and workload. To combat a lapse of representation in these instances, many firms taking on asylum work staff cases with multiple lawyers to ensure consistent and seamless representation.

Organizations such as GAIN, the Southern Poverty Law Center, Catholic Charities of Atlanta, Kids in Need of Defense, Latin American Association, Lutheran Services of Georgia Inc., New American Pathways, Tapestry Inc. and many more offer pro bono or "low-bono" assistance to immigrants in need of legal representation and resettlement resources in Georgia. Many of these organizations have developed mentorship and guidance programs for attorneys who are interested in assisting with immigration issues.

Some immigrants' first interaction with immigration court is at a master calendar hearing where they are advised of their rights of counsel and where judges are required to distribute reference materials for low-cost and free legal services. Consider being a resource highlighted on this list to aid those fleeing persecution and in search of new lives as American citizens. ●



Cheryl Naja is the director of Pro Bono and Community Service at Alston & Bird LLP.



Jarvarus Gresham is the Pro Bono & Community Service coordinator at Alston & Bird LLP.

Endnote

1. American Law Register, *A National Study of Access to Counsel in Immigration Court*.

PRO BONO STAR STORY



Byron W. Kirkpatrick
Partner
Troutman Sanders



Dow "Kip" Kirkpatrick II
Emeritus
Alston & Bird LLP
Litigation and Trial
Practice Group

Georgia Asylum and Immigration Network (GAIN) is fortunate to have the support, guidance and wisdom of a wonderful and impactful father and son team, Dow "Kip" Kirkpatrick II and Byron Kirkpatrick.

The Kirkpatricks' involvement with GAIN started in 2007, when Byron, a new associate with Troutman Sanders' Environmental Practice group, accepted an immigration case for representation. Byron quickly became hooked on immigration cases, namely asylum and immigrant trafficking cases. Byron also joined the GAIN Board from 2009-15 and chaired the board for two years. He was a key factor in GAIN's growth on the board level and as an organization.

Byron's passion for connecting GAIN to those in the community who had a desire to do this work has never faltered and has only grown stronger over the years. For example, Byron advocated for Kip to join in GAIN's mission and work and encouraged Kip to take on GAIN cases and be more involved in the plight of the vulnerable immigrant community. Kip jumped in with enthusiasm. He is a retired partner from Alston & Bird where he practiced since 1972 in their litigation and trial practice group. Kip has always been a generous supporter of GAIN's work due to his son's passion and has attended many GAIN events. It was at these events that Kip came to know more about GAIN and the population that GAIN served.

Kip accepted his first GAIN case in 2014 which involved a young lady from Mexico who was victimized by an abusive spouse. As is the case with many of GAIN's clients, Kip's client faced many cultural, financial and linguistic barriers that prevented her from being able to navigate the complex immigration legal system and access certain benefits to which she was entitled. Having been a victim of several years of physical and mental abuse, the client was also traumatized and in need of legal representation that took into account her particular sensitivities. Kip readily accepted these challenges and made every effort to accommodate the client, to explain the nuances of the immigration relief for which they were applying, and most importantly, to treat the client with the compassion and respect she deserved.

One of Byron's most memorable cases was an El Salvadoran journalist asylum seeker who had been beaten, threatened and even arrested based on his investigative coverage of anti-CAFTA protests by labor unions. While the case was a strong one, Byron knew that seeking asylum in Atlanta would be tough because of the jurisdictional challenges. After a loss in immigration court, Byron was able to get a positive outcome while on appeal and the now well-known journalist continues to work at a reputable news medium in Atlanta. ●

Effective Keyword Boolean Searching in Fastcase

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

BY SHEILA BALDWIN

As a State Bar of Georgia member you have access to the entire Fastcase national law library on your desktop, with online access to cases, statutes, regulations, court rules and bar publications. The amount of data contained within Fastcase requires a good understanding of the best approaches to finding relevant and useful information. To give you an idea of how many cases are in Fastcase, a search using the word "court" in all jurisdictions brings 8,707,290 results. This broad search serves to illustrate how many documents could result in an unfocused "needle in a haystack" approach. Hopefully, this article will serve as a guide to finding relevant and useful data in Fastcase.

Identify the issues of law and legal concepts that define your case before you begin your search. In searching unfamiliar areas, a quick search using the "natural language" type may help you see how the

1

1. Develop a research strategy

On what issue or issues am I seeking answers?

What legal principles are involved?

Are there add'l search terms that may be useful?

How do judges talk about these concepts?

2

Syntax	Example (click to run a search)	Result
AND, &	copyright AND trademark	cases with both the words "copyright" and "trademark"
OR	trademark OR liquor	cases with either the word "trademark" or "liquor"
NOT	chemical waste NOT management	cases with the words "chemical" and "waste" but not "management"
()	(security OR pledge) AND assignment	cases with either "security" or "pledge", and also the word "assignment"
++	"felony murder"	cases containing the exact phrase "felony murder"
wild, /2	capital wild punishment	cases in which the word "capital" appears within 2 words of the word "punishment"
-	wildcard	wildcard - cases containing variations of the stem, such as "navigate", "navigated", "navigation"
?	adjuv*	single letter wildcard - cases with the words "adjuva", "adjuver"

3

Calendar	April 2017					
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3	4	5	6 Fastcase Webinar Introduction to Legal Research on Fastcase 2017 10:00 AM - 11:00 AM	7	8
9	10	11	12	13 Fastcase Webinar Advanced Tips for Effective Legal Research on Fastcase 2017 10:00 AM - 11:00 AM	14	15
16	17	18	19	20 Fastcase Webinar Introduction to Boolean (Keyword) Searches 2017 10:00 AM - 11:00 AM	21	22
23	24	25	26	27	28	29
30						

courts discuss the area of law that concerns your case. Searching treaties and law review articles on topic can also help you understand the legal concepts better. Lastly, do a search in your jurisdiction for statutes and regulations that define applicable law. Make a list of some of the concepts and key words that come from your research. Brainstorm keywords that would likely be included in a judicial decision (see fig. 1). In searching for cases where police officers search a car at a traffic stop, consider legal doctrines like "search and seiz*" or "fourth" or "4th amendment" and terms of art such as "reasonable expectation of privacy." Add specific words like "car," "auto*" or "vehicle." It helps to keep in mind ambiguity where your terms may express more than one concept.

The Advanced Caselaw Search page is the best place to begin a comprehensive search (see fig. 2). The query box is at the top of this page with a description of three types of searching and examples. Below the query box you will choose the jurisdiction with a choice of one or multiple courts. Lastly, you will find a few other filters such as a date range, preferences of how the results are listed in terms of relevance, date and how cited. The default for all filters is set broadly but can easily be changed from within the results screen so I recommend leaving them as they are. If you are not finding suitable results you might want to expand the jurisdiction selections.

In my previous brainstorming example, you notice that I used an asterisk referred to as a wildcard operator after the root word "seiz*" which causes all forms of a word to be included in the search results. This is an example of a Boolean operator used in a Keyword Search, the default search type. Boolean logic is a system of showing relationships between sets by using the words "and," "or" and "not," which allow you to determine whether multiple search terms will appear in a document. The proximity operator "w/n" where "n" represents a number between 2 and 50 determines how far apart terms appear. Putting Search terms in quotation

marks " " allows you to search for a precise phrase. And using parentheses () to specify the order of operations. The Fastcase search protocol also uses various punctuation markings to further define the relationships between the words. Using search logic allows you to combine multiple search terms together in ways that can help you more precisely express the concept or the topic you wish to research. You will find a guide with these terms and connectors defined with examples on the Advanced Search screen (see fig. 2).

Full text searches are based on words, not concepts. As a result, it takes some practice—trial and error is best—to translate concepts into effective search terms. Think about synonyms, antonyms and using the wild card operator to include all forms of keywords. Try adding more search terms to eliminate false positives or irrelevant search results or using the Boolean Not before a term or terms. Begin with a few terms and see what results you get and then modify to narrow your search.

Two other ways to search are by Citation Lookup and Natural Language. A guide is also included under your query box for these types of searching too.

These tips should get you started if you are a first-time user. If you are not getting the greatest advantage from this member benefit, consider one of our training options. Dates and registration information can be found on the Bar's calendar (see fig 3). Sign up for a webinar by Fastcase experts or choose to attend a live training here at the Bar. CLE credit is available for either option. Please feel free to contact me at sheilab@gabar.org or call 404-526-8618. ●



Sheila Baldwin

Member Benefits Coordinator
State Bar of Georgia
sheilab@gabar.org



FASTCASE LEGAL RESEARCH

The State Bar of Georgia offers all of its members a comprehensive national law library on your computer/tablet/smartphone, with online access to cases, statutes, regulations, court rules, and bar publications. Apps and mobile sync aid mobility in regard to legal research.

we're here for you.



Learn more at www.gabar.org or
contact Sheila Baldwin at 404-526-8618

Two Key Stages of Writing: Revising and Editing

While all five steps of the writing process are important, this article focuses on revising and editing.

BY KAREN J. SNEDDON
AND DAVID HRICK

During our 10 years of “Writing Matters,” we’ve tackled a variety of topics relating to writing and to the writing process. As you know, writing is a recursive—not linear—process. Even so, the writing process is typically described as having five distinct stages: prewriting, writing, revising, editing and publishing.

In this installment, we’ll focus on revising and editing. We’ll distinguish between revising and editing and share strategies to refine those skills. To remind you of the stages and their function, we’ll describe all five stages of the writing process, but focus in on revising and editing.

1 Prewriting

Prewriting is not writing, but instead is preparing to write. Prewriting includes brainstorming what could be included

in the text and outlining initial thoughts about what to include. A lot of what is “created” during this stage never makes it to finished text.

2 Writing

Writing means getting text on the page in some rough format. Again, the process is not linear and so, for example, the writer may return to the prewriting stage. It is important not to “jump ahead” to the revision and editing stage, however. Doing so can result in inefficiency and lost creativity. Keep in mind that sometimes getting the words on the page in an awkward state is better than “perfecting” them as you go. Ever had a great idea while writing, but lose it when you focus instead on shortening a sentence? Let the words flow, for now.



PHOTO BY ISTOCK.COM/DMARK

3 Revising

The mnemonic device “ARMS” helps focus on the purpose of revising and to ensure you revise in an intentional, structured manner:

Add
Remove
Move, and
Substitute.

Revising text is improving the written text. Revising includes ensuring that the draft is complete, clear and credible. It requires a critical review of the draft. Revising also requires adding authorities and facts, re-ordering text to improve organization, deleting text that is no longer necessary or redundant, and replacing weak constructions with strong ones. Here are some particular strategies to use when revising:

- Forget you’re involved. The key and most difficult aspect of this stage is to remove yourself from the process: read your text from the perspective of the reader. Is the information presented in a way that allows the reader to absorb it effectively? Will the reader get bogged down in a particular line of reasoning or policy consideration? Will the reader get lost in poorly constructed paragraphs? Can the text be re-arranged to improve clarity or produce a desired effect? Are the sentences structured in an understandable, but varied manner? Are the phrases vivid?
- Approach the initial draft with fresh eyes. Don’t immediately move from writing to revising. If it isn’t possible to put the initial draft away overnight, at least do something else for at least 10 minutes.
- Read the text aloud. This helps to spot omissions and isolate difficult passages or awkward constructions.
- Don’t get bogged down in the details. Proper punctuation use is important, but during the revision

stage, take a broader view and focus on the meaning and organization of the text. Try not to combine the revising and editing stages of the writing process.

4 Editing

The mnemonic “CUPS” lays out the steps in editing to ensure you edit deliberately. The purpose of editing is to check:

Citation format,
Usage,¹
Punctuation, and
Spelling.

Thus, editing is more detail-focused than revising. Think of it as proofreading. Editing focuses on polishing the text. Typos happen. Editing aims to minimize the distraction of typos and other mechanical errors. Good editing requires focusing closely on, literally, every letter in the text. Find a quiet place to do so, and consider these editing strategies:

- Let the text rest and use fresh eyes. As with revising, take a break. The longer, the better, but even 10 minutes will help.
- Edit with a checklist in mind. Editing can be overwhelming because of the number of details to be checked. Create a list of what to check. Then, go through the text, not checking for each potential problem, but for just a few at a time. For example, begin by reviewing citation format. Then focus on punctuation. Continue editing until you have proofread the draft for citation format, usage, punctuation and spelling.
- Edit in reverse order. Repeatedly editing a text from beginning to end can lead to unnecessary revision. Although revising is important, so is editing. To avoid this, edit the last paragraph first. Then move forward.
- Activate spell check and grammar check. Word processing programs don’t perform the editing process for us. But you should leverage their

capacity to help the editing process by activating your program’s spell checking and grammar checking functions.

- Edit on a hard copy. Computers are great. The ability to cut and paste is a great aid to the revising process. But working on a hard copy often brings mistakes to light that may not be as obvious on computer screen. Use a hard copy and a red pen!

5 Publishing

The final stage of the writing process is publishing. Publishing refers to the sharing of the finished text with the intended audience.

Conclusion

You might be tempted, but don’t skip the revising and editing stages. They are critical stages in the writing process. Even the best first draft can be improved. To create a polished, professional text, don’t forget to revise and edit! ●



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.

Endnote

1. Usage refers to the conventional way in which language is written within a particular discourse community. Usage includes grammar, capitalization and style conventions.

State Bar of Georgia Members Honored for Outstanding Service

The Chief Justice's Commission on Professionalism and the State Bar of Georgia honored 10 Bar members with awards for community and public service.

BY AVARITA L. HANSON



The Chief Justice's Commission on Professionalism (CJCP) and the State Bar of Georgia honored 10 Bar members with awards for community and public service at the Bar Center on Feb. 28. More than 300 well-wishers from across Georgia came out that evening to laud these outstanding community servants.

The program began with a procession of the award recipients and program participants. Supreme Court of Georgia Presiding Justice Harold Melton brought greetings on behalf of new CJCP Chair Chief Justice P. Harris Hines, followed by State Bar President Patrick T. O'Connor and Nicole Leet, president-elect of the Young Lawyers Division.

Cindy Wang, general counsel, Georgia Department of Juvenile Justice, introduced the award's namesake, Justice Robert Benham, who shared stories of professionalism and emphasized the

Supreme Court of Georgia Justice Robert Benham.

PHOTO BY DON MORGAN PHOTOGRAPHY



PHOTO BY DON MORGAN PHOTOGRAPHY

(Front row, left to right) Dawn M. Jones, Denise M. Cooper, Karen B. Baynes-Dunning, Hon. J. Virgil Costley Jr. and Sen. Leroy R. Johnson. (Back row, left to right) W. Scott Sorrels, Hon. Neal W. Dickert, Justice Robert Benham, Avarita L. Hanson, Jeffrey Y. Lewis, Erikka B. Williams and Hon. Horace J. Johnson Jr.

importance of community and public service. Avarita L. Hanson, executive director, CJCP, served as emcee of the program.

For the 18th year, the Justice Robert Benham Awards for Community Service were presented to Georgia attorneys who go beyond their usual legal work or judicial duties to serve their communities. Broadly defined, service may be rendered individually or through organizations, including fraternities, sororities, bar associations, religious institutions, public entities, educational institutions and groups, and organizations serving children, youths and families, to name a few. Most of this year's honorees spent much of their time and effort on activities that uplift children.

The Lifetime Achievement Award for Community Service recognizes a lawyer who, in addition to meeting the criteria for the Justice Robert Benham Community Service Award, has demonstrated an extraordinarily long and distinguished commitment to volunteer participation

in the community throughout his or her legal career. This year's recipients were: Hon. Neal W. Dickert, former superior court judge, Augusta Judicial Circuit, partner, Hull Barrett, PC, Augusta; Hon. Horace J. Johnson Jr., superior court judge, Alcovy Circuit, Covington; and former Sen. Leroy R. Johnson, Atlanta.

The Justice Benham Community Service Awards were presented to: Karen B. Baynes-Dunning, attorney, Albany; Denise M. Cooper, assistant attorney, city of Savannah, Savannah; Hon. J. Virgil Costley Jr., judge (ret.), Newton County Juvenile Court, Covington; Dawn M. Jones, attorney, Atlanta; Jeffrey Y. Lewis, partner, Arnall Golden & Gregory LLP, Atlanta; W. Scott Sorrels, partner, Eversheds Sutherland LLP, Atlanta; and Erikka B. Williams, chief assistant district attorney, Houston County, Bonaire. These honorees served a wide range of community organizations, government-sponsored activities, and humanitarian efforts outside of their professional practices and judicial duties.

These awards recognize the commitment of Georgia lawyers to volunteerism, encourage all lawyers to become involved in community service, improve the quality of lawyers' lives through the satisfaction they derive from helping others and raise the public image of lawyers.

Kudos and Appreciation

The program was a success due to the efforts of so many individuals. We'd like to begin by thanking members of the award selection committee for their time in the review and selection process: Janet G. Watts, attorney, Chapter 7 Trustee, U.S. Bankruptcy Court, Jonesboro; Mawuli Davis, The Davis Bozeman Law Firm, Decatur; Elizabeth L. Fite, DeKalb County Attorney's Office, Decatur; Joy Lampley-Fortson, U.S. Department of Homeland Security, Atlanta; Laverne Lewis Gaskins, Augusta University, Augusta; Michael Hobbs Jr., Troutman Sanders LLP, Atlanta; W. Seaborn Jones,



Karen B. Baynes-Dunning

Delta Sigma Theta Sorority; Georgia Association of Black Women Attorneys; board member, Leadership Albany, Albany Museum of Art, Georgia Community Foundation, Truancy Intervention Project; Forever Family Advisory Board.



Denise M. Cooper

Board member, Court Appointed Special Advocates (CASA); Georgia Association of Black Women Attorneys; Junior League of Savannah; St. Paul C.M.E. Church; King-Tisdell Cottage Foundation; Savannah Chapter of the Links; Alpha Kappa Alpha Sorority, Inc.



Hon. J. Virgil Costley Jr.

Board member, Emory Oxford Alumni Board; member, Newton County Historical Society; volunteer fireman; Georgia CASA Board; Judicial Council of Georgia; Morehouse School of Medicine Advisory Committee; Georgia Council of Juvenile and Family Court Judges.



Hon. Neal W. Dickert

Active church, Bar and community leader in Augusta; former president and board member, Tuttle-Newton Home; secretary, Augusta Partnership for Children; co-founder, Augusta Bar Foundation; senior warden, Church of the Good Shepherd; past board member, ICJE; past member, State Bar Board of Governors; past president, Augusta Bar Association.



Hon. Horace J. Johnson Jr.

Leadership Georgia, program chair, board member, vice president and president; Board of Directors, United Bank, Community Foundation of Newton County, Covington Kiwanis Club; Lay Leader, Columbia Drive United Methodist Church; Emory Alumni Board of Governors; Alpha Phi Alpha Fraternity.



Sen. Leroy R. Johnson

Kappa Boule of Sigma Pi Phi Fraternity; chairman, Ebenezer Baptist Church; chairman, Butler Street YMCA; co-counsel, Fulton County Development Authority.



Dawn M. Jones

Atlanta Legal Aid Society; Georgia State University Board of Visitors; Atlanta Bar Foundation; Georgia Association of Black Women Attorneys; Alpha Kappa Alpha Sorority, Inc.; Election Protection; Emory Healthcare Advisory Board.



Jeffrey Y. Lewis

Vincent J. Dooley Library Endowment Fund Committee; National Multiple Sclerosis Society; co-chair, The Cottage School; Atlanta Bar Foundation; Georgia Chapter of the Alzheimer's Association; Alumni Board, Westminster Schools; First Presbyterian Church.



W. Scott Sorrels

Metro-Atlanta Chamber of Commerce and Midtown Alliance board member; member, Georgia Bankers Association; co-chair, 24th World Scout Jamboree; member, National Executive Board of the Boy Scouts of America;

Northeast Georgia Boy Scout Council, past president, chair of trustees.



Erikka B. Williams

Houston County Truancy Intervention Program and Houston County Gang Task Force; Alpha Kappa Alpha Sorority, Inc.; secretary and president, Houston County Bar Association; frequent speaker on child abuse prevention, truancy prevention and Internet safety.

**partial list of honoree accomplishments*

Owen, Gleaton, Egan, Jones & Sweeney LLP, Atlanta; Hon. Chung Lee, associate judge, Duluth Municipal Court, Duluth; William "Bill" Liss, legal & financial advisor, WXIA-TV News, Atlanta; and Brenda C. Youmas, Edwards & Youmas, Macon.

The evening could not run smoothly without the assistance of our volunteers: Damon Elmore; Dwayne Brown; Andrew Thompson, YLD Community Service Projects Committee; Ashuana Gbye, Aisha Hill, Latonya Izzard, Latanya McKnight, Tiffany Williams, Atlanta's John Marshall Law School students;

and community volunteers Yyokkia Lawson and Bezaya Tadesse.

We also are appreciative of our presentation program team members: Don Morgan, photographer; Vince Bailey; videographer; and Eric Thomas, musician. Thanks also to the staff of the CJCP: Terie Latala, assistant director; and Nneka Harris-Daniel, administrative assistant.

The State Bar of Georgia is a strong and highly respected organization, not just for serving lawyers, but for its service to the public. Those who were honored have not only done us proud, but have inspired and

uplifted many with their meaningful voluntary work.

As I always say, "Ultimately, what counts is not what we do for a living; it's what we do for the living." Let us all strive to do well and good. ●



Avarita L. Hanson, Atlanta attorney, has served as the executive director of the Chief Justice's Commission on Professionalism since May of 2006. She can be reached at professionalism@cjcpga.org or 404-225-5040.

THE VIRTUAL MUSEUM OF LAW



MEET PROFESSOR MCGEE AND STRIKER

of the Law-Related Education Program of the State Bar of Georgia. They are part of the Virtual Museum of Law, our online educational resource.

The site is complete with animated videos of famous cases, quizzes for students and lesson plans for teachers. For more information, email LRE@gabar.org or call Director of LRE Deborah Craytor at 404-527-8785.

www.thelawmuseum.org



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.

HUGH THOMAS ARTHUR II
Camden, S.C.
Mercer University Walter F. George School of Law (1982)
Admitted 1982
Died February 2017

FRED MITCHELL BELL
Madison, Ga.
Woodrow Wilson College of Law (1945)
Admitted 1987
Died March 2017

ROBERT E. BORN
Duluth, Ga.
Woodrow Wilson College of Law (1959)
Admitted 1959
Died February 2017

BILL WILSON CARTER
Lilburn, Ga.
Atlanta's John Marshall Law School (1997)
Admitted 2000
Died January 2017

W. ANTHONY COLLINS JR.
Atlanta, Ga.
University of Alabama School of Law (2004)
Admitted 2004
Died February 2017

E. SCOTT COULTER
Athens, Ga.
University of Georgia School of Law (1978)
Admitted 1978
Died October 2016

TOM W. DANIEL
Hiawassee, Ga.
University of Georgia School of Law (1964)
Admitted 1965
Died January 2017

ALBERT ELDON FABIAN
Jacksonville, Fla.
Woodrow Wilson College of Law (1941)
Admitted 1949
Died October 2016

ROBERT L. FOREMAN JR.
Lawrenceville, Ga.
Harvard Law School (1949)
Admitted 1949
Died January 2017

FRED EUGENE GODWIN JR.
Warner Robins, Ga.
Mercer University Walter F. George School of Law (1972)
Admitted 1973
Died February 2017

HENRY W. GRADY
Atlanta, Ga.
Woodrow Wilson College of Law (1958)
Admitted 1958
Died February 2017

JAMES V. JOHNSTONE
Blue Ridge, Ga.
University of Miami School of Law (1967)
Admitted 1975
Died March 2017

FRANK LOVE JR.
Atlanta, Ga.
Washington & Lee University School of Law (1951)
Admitted 1952
Died January 2017

WILLIE JAKE LOVETT JR.
Atlanta, Ga.
Harvard Law School (1991)
Admitted 1991
Died January 2017

JAMES W. MAHER
Marietta, Ga.
Woodrow Wilson College of Law (1976)
Admitted 1976
Died December 2016

THOMAS J. MAHONEY JR.
Savannah, Ga.
University of South Carolina School of Law (1960)
Admitted 1963
Died January 2017

MICHAEL LEE MARSH
Marietta, Ga.
Atlanta Law School (1981)
Admitted 1981
Died September 2016

JOHN C. MCGINN
Peachtree City, Ga.
Woodrow Wilson College of Law (1970)
Admitted 1972
Died September 2016

THOMAS TREVOR MCNEELY
Athens, Ga.
Woodrow Wilson College of Law (1981)
Admitted 1982
Died March 2017

CARLTON JAMES MULDROW
Stone Mountain, Ga.
Rutgers School of Law (1994)
Admitted 1995
Died December 2016

BRENDAN ROBERT O'MARRA
Dallas, Ga.
Atlanta's John Marshall Law School (1994)
Admitted 1995
Died February 2017

NOEL GLENN PERRY
Cordele, Ga.
Atlanta's John Marshall Law School (1980)
Admitted 1980
Died February 2017

DAVID B. POYTHRESS
Atlanta, Ga.
Emory University School of Law (1967)
Admitted 1967
Died January 2017

SUSAN D. ROFF
Atlanta, Ga.
University of Georgia School of Law (1984)
Admitted 1984
Died January 2017

BARRY L. ROSEMAN
Marietta, Ga.
Emory University School of Law (1977)
Admitted 1977
Died January 2017

EDMUND HUNT SKORUPSKI
Folkston, Ga.
University of Georgia School of Law (1999)
Admitted 1999
Died March 2017

THOMAS L. SMITH JR.
Atlanta, Ga.
Atlanta Law School (1977)
Admitted 1977
Died February 2017

GEORGE W. K. SNYDER JR.
Decatur, Ga.
Harvard Law School (1966)
Admitted 1995
Died February 2017

OBITUARIES

THOMAS M. SPENCE
Commerce, Ga.
Woodrow Wilson College
of Law (1951)
Admitted 1960
Died January 2017

WILLIAM P. TYSON JR.
Springfield, Va.
Mercer University Walter
F. George School of Law
(1950)
Admitted 1950
Died December 2016

**PAULA SILVERMAN
WEBERMAN**
Farmington Hills, Mich.
University of Detroit
Mercy Law School (1985)
Admitted 2009
Died February 2017

RICHARD A. WHITE
Fairfax, Va.
Emory University School
of Law (1949)
Admitted 1949
Died September 2016

GARY D. ZWEIFEL
Atlanta, Ga.
University of Virginia
School of Law (1971)
Admitted 1971
Died January 2017



Frank Love Jr. of Atlanta, who served as the 20th president of the State Bar of Georgia in 1982-83, died Jan. 24, 2017. He was 89.

Love earned his law degree from Washington & Lee University and was admitted to the State Bar of Georgia in 1952. He spent his entire career with the Atlanta law firm of Powell, Goldstein, Frazer & Murphy, retiring in 1998. He served on the firm's governing board, chairing the litigation department and various committees.

Prior to his election as president, he served for 10 years as a member of the Board of Governors of the State Bar of Georgia. During his presidential year, the State Bar enacted mandatory continuing education for lawyers and established and created a funding source for the Georgia Bar Foundation through a program of interest on lawyers' trust accounts. He later served as the first president of the Georgia Bar Foundation.

An active trial lawyer, Love further served the legal profession as president of the Georgia Defense Lawyers Association in 1974-75 and was admitted in 1972 as a Fellow of the American College of Trial Lawyers. In 2006, he was honored by the Lawyers Foundation of Georgia as the first recipient of its Distinguished Fellows Award.

Outside of his profession, Love served as a state committee member of the Republican Party of Georgia and two terms as its chairman for the 5th Congressional District. He was founder and first president of the Sandy Springs Community Association. Love and his wife Libby served as co-presidents of two Parent Teacher Associations and the Board of Visitors of the Rabun Gap Nacoochee School. An avid golfer, he was a member of Cherokee Country Club and Peachtree Golf Club.

A native of Montgomery, W.Va., Love graduated from Greenbriar Military School in Lewisburg, W.Va. He served in the Navy in 1945-46 prior to entering Washington & Lee University. He and the former Elizabeth "Libby" Drum were married for 58 years until her death in 2012.

Love is survived by his daughter, Cynthia "Cindy" Love Jernigan and her husband Dr. Ben W. Jernigan Jr. of Atlanta, and son, Frank "Chip" Love III and his wife Amrita of Fairfax, Va.; two sisters-in-law, four grandchildren, a niece and six nephews; and his companion later in life, Ellen Southworth.



Fulton County Juvenile Court Judge Willie J. Lovett Jr. died in January 2017. He was 53.

Lovett was born in Savannah and graduated from Alfred Ely Beach High School in 1981. He earned his law degree from Harvard Law School in 1988, where he served as a comments editor on the *Harvard Civil Rights-Civil Liberties Law Review*. Lovett received his Master of Laws in Litigation from Emory University School of Law in 1991.

He was admitted to practice in the U.S. Supreme Court, the Eleventh Circuit Court of Appeals, the U.S. District Courts for the Northern and Middle Districts of Georgia, the Supreme Court of Georgia and the Court of Appeals of Georgia. A longtime advocate for children and youth, he was appointed as the presiding judge of the Fulton County Juvenile Court in the Atlanta Judicial Circuit in 2013.

Prior to becoming a presiding judge of the Fulton County Juvenile Court, Lovett clerked for Hon. Joseph W. Hatchett, former chief judge of the Eleventh Circuit Court of Appeals; served as an assistant city attorney for the City of Atlanta's Law Department; and worked as an associate at Morris, Manning & Martin, LLP, Ford & Harrison, LLP, and Troutman Sanders, LLP. He was the deputy county attorney for the Fulton County Office of the County Attorney (1999-2009); director of the Fulton County Office of the Child Attorney (2009-13); and served as an adjunct professor of law at Atlanta's John Marshall Law School (2013-15).

Lovett was a member of the Gate City Bar Association, serving as president in 2009 and on the Judicial Section Board in 2015. He most recently served as a member of the Board of Directors for the National Association of Counsel for Children (2016-17).

Lovett is survived by his wife, Seletha R. Butler of Atlanta; his mother, Velma Bradley Russell of Savannah; an uncle, two aunts, five siblings; and a host of cousins, nieces, nephews, godchildren and other relatives.

OBITUARIES



Lt. Gen. (Ret.) David Bryan Poythress, of Atlanta, passed away on Jan. 15. Poythress served our nation with distinction in many capacities including serving as Georgia secretary of state, labor commissioner and adjutant general, the commander of the Georgia Army and Air National Guard.

Born in Macon on Oct. 24, 1943, Poythress attended Bibb County public schools and played football at Lanier High for Boys. He attended Emory at Oxford, and earned his degree and his commission as a U.S. Air Force officer at Emory University, where he earned his law degree. A life-long servant leader, his career has included public service, military service and private law practice. Poythress served four years on active duty in the U.S. Air Force as a judge advocate officer. He volunteered for duty in Vietnam and continued his military service in the Air Force Reserve, attaining the rank of brigadier general before retiring in 1998. He returned to active duty during operations Desert Shield and Desert Storm.

Poythress practiced law in Atlanta and held several positions in Georgia state government, including assistant attorney general, deputy state revenue commissioner and secretary of state. In 1992 he was elected statewide to the office of state labor commissioner and was re-elected in 1994. He was a candidate for governor of Georgia in 1998 and 2010. In 1999, Poythress was appointed the

adjutant general of the Georgia National Guard and promoted to major general. He was reappointed in 2002 and promoted to lieutenant general—the first adjutant general in Georgia history to wear three stars.

Poythress had overall responsibility for two brigade level deployments to Bosnia (2000) and Iraq (2005). In addition to leading Guard members in first response to Hurricane Katrina, he also served on the Georgia Homeland Security Task Force from 2001 until his second military retirement in 2007. Poythress served as vice chairman of the Board of the National Guard Association of the United States and was a member of the Board of Directors of Jobs for America's Graduates. He served two terms as chairman of the Board of the State YMCA of Georgia and served on the boards of Common Cause Georgia, Wesley Homes and the Atlanta Day Shelter for Women. He was a Rotarian, a Mason and member of the American Legion, Veterans of Foreign Wars, USO, Sigma Chi Fraternity and Peachtree Road United Methodist Church. Poythress was predeceased by his father John Maynor Poythress, mother Dorothy Bayne Poythress and brother John Maynard Poythress Jr., and is survived by wife Elizabeth, sister Eva Higgins, son Cullen Gray Poythress, stepdaughters Candace Pinnisi (John), Kristin Placito (Frank), eight grandchildren and one great-grandchild. ●

Memorial Gifts

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

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

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 800-422-0893. For ICLE seminar locations, please visit www.iclega.org.

APRIL

- 11 ICLE: **Annual Sports Law Seminar**
Atlanta, Ga. | 6 CLE
- 12 ICLE: **Advanced Topics in Franchising and Distribution**
Atlanta, Ga. | 3 CLE
- 21 ICLE: **Walton County Bar Association**
Monroe, Ga. | 3 CLE
- 28 ICLE: **Workers' Compensation for the General Practitioner**
Atlanta, Ga. | 6 CLE

MAY

- 4 ICLE: **Finance for Lawyers**
Atlanta, Ga. | 6 CLE
- 4-6 ICLE: **39th Annual Real Property Law Institute**
Miramar Beach, Fla. | 12 CLE
- 5 ICLE: **8th Annual Dispute Resolution for Trial and Non-Trial Lawyers**
Martinez, Ga. | 6 CLE
- 5 ICLE: **Entertainment Law Basics Boot Camp**
Atlanta, Ga. | 3 CLE
- 9 ICLE: **May Group Mentoring**
Atlanta, Ga.
- 12 ICLE: **Georgia DUI Update**
Atlanta, Ga. | 6 CLE
- 18-20 ICLE: **35th Annual Family Law Institute**
Amelia Island, Fla. | 12 CLE

JUNE

- 8 ICLE: **Seal the Deal with Improv**
Annual Meeting
Jekyll Island, Ga. | CLE TBD
- 8 ICLE: **War Stories**
Annual Meeting
Jekyll Island, Ga. | CLE TBD
- 9 ICLE: **Nuts & Bolts of Labor and Employment Law**
Annual Meeting
Jekyll Island, Ga. | CLE TBD
- 9 ICLE: **Creating Criminality: Historical Perspectives / Present and Future Concerns**
Annual Meeting
Jekyll Island, Ga. | CLE TBD
- 9 ICLE: **Wellness**
Annual Meeting
Jekyll Island, Ga. | CLE TBD
- 23-24 ICLE: **Environmental Law Section Summer Seminar**
St. Simons Island, Fla. | 8 CLE

JULY

- 13-15 ICLE: **Fiduciary Law Institute**
St. Simons Island, Ga. | 12 CLE
- 14-15 ICLE: **Solo & Small Firm Institute**
Atlanta, Ga. | 12 CLE

Notice of and Opportunity for Comment on Amendments to the Rules of the U.S. Court of Appeals for the Eleventh Circuit

Pursuant to 28 U.S.C. § 2071(b), notice and opportunity for comment is hereby given of proposed amendments to the Rules of the U.S. Court of Appeals for the Eleventh Circuit. The public comment period is from April 5 to May 5, 2017.

A copy of the proposed amendments may be obtained on and after April 5, 2017, from the court's website at <http://www.ca11.uscourts.gov/rules/proposed-revisions>. A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St. NW, Atlanta, Georgia 30303 (phone: 404-335-6100). Comments on the proposed amendments may be submitted in writing to the Clerk at the above address, or electronically at <http://www.ca11.uscourts.gov/rules/proposed-revisions>, by May 5, 2017.

Proposed Amendments to the Uniform Rules for Superior Court

At its business meeting on Jan. 19, 2017, the Council of Superior Court Judges approved proposed amendments to Uniform Superior Court Rules 22 and 45. A copy of the proposed amendments may be found at the Council's website at <http://georgiasuperiorcourts.org>.

Should you have any comments on the proposed changes, please submit them in writing to the Council of Superior Court Judges at 18 Capitol Square, Suite 104, Atlanta, Georgia 30334, or fax them to 404-651-8626. To be considered, comments must be received by Monday, July 3, 2017.



Stress, life challenges or substance abuse?

The Lawyer Assistance Program is a free program providing confidential assistance to Bar members whose personal problems may be interfering with their ability to practice law.

LAP Confidential Hotline | 800-327-9631

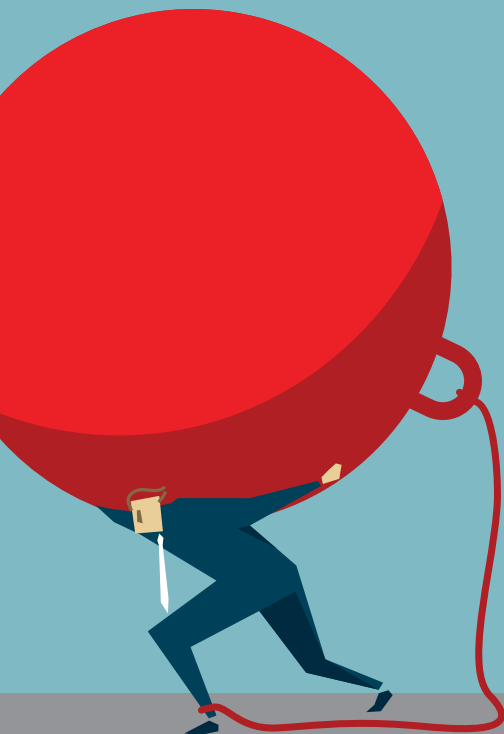


ILLUSTRATION BY ISTOCK.COM/COMERHUI1979

Property/Rentals/Office Space

Sandy Springs Law Building for Sale. Beautifully furnished 6579 square foot law building for sale including: two beautiful and spacious conference rooms; law library; two private entrances and reception areas; abundant free parking; two file/work rooms; storage room; break room adjacent to kitchen; security system. This brick law building overlooks a pond and is in a great location directly across the street from the North Springs MARTA Station; easy access to I-285 and GA 400; and close to Perimeter Mall, hotels, restaurants, hospitals, etc. Call 770-396-3200 x24 for more information.

Hamilton, Ga., Office Space for Rent—Historic home converted to law office in Hamilton, seat of Harris County, directly across from courthouse—space for lawyer and assistant to share with other tenant practicing real estate/probate. Richard Bunn, recently deceased P.I./criminal defense attorney, practiced here for 37 years, building extensive client base. Ideal opportunity for criminal defense and/or P.I. attorney in rapidly growing community just north of Columbus. Contact Gwyn Newsom, 706-324-4900, gnewsomlaw@aol.com.

Atlanta law firm has three offices available for shared workspace in a quiet, decorated space in Buckhead. Space includes large windows, internet, covered parking, 24-hour security, and access to kitchen and conference rooms. Conveniently located near interstates 85, 75 and 400. Contact David at 404-323-4211 or david@kimandassociates.net.

Practice Assistance

Harmon Law, LLC and Sayers Law, LLC, are boutique firms available for contract work with law firms throughout Georgia. Based in Savannah, we conduct legal research; draft pleadings; manage discovery; and draft simple transactional matters. Contact Heather Harmon at 912-224-1374 or heatherslamenick@yahoo.com and Maria Sayers at 912-844-7279 or mariadsayers@gmail.com.

Position Wanted

PI Litigation Attorney (Jacksonville, Fla.)—Law firm is seeking trial attorney for Jacksonville area with minimum 5 years of PI litigation and trial experience. Salary commensurate with experience. Please send cover letter and resume with references to jaxtriallawyer9@gmail.com.

Managing Attorney—In-town firm seeks experienced attorney to assist in overseeing the management of cases in litigation. Ideal candidate will have significant experience in civil litigation. Collegial work environment, stable firm, benefits. All replies confidential. Please send resume to: spshns@me.com.

The Georgia High School Mock Trial Program would like to express our sincerest gratitude to the Georgia legal community for their support during the 2017 season.

More than 500 Georgia attorneys and judges gave a tremendous amount of their time serving local schools as attorney coaches for one of the 125 teams who registered for the season.

Twenty-one attorneys and judges (and their staffs) spent numerous hours preparing for and conducting the regional and district competitions this past spring. We thank not only them for their time, but their firms (and families) as well, for giving them this time to make these competitions happen.

Lastly, we thank the hundreds of attorneys and judges across the state that served as evaluators or presiding judges for our competitions. During the season, we had to find enough volunteers from the legal community to fill 336 courtrooms for all levels of the competition.

The result is that more than 1,630 high school students had the opportunity to compete in one of the most public programs of the State Bar of Georgia. Without your support, they would not have had this opportunity.

The 2017 State Champion Team is from Grady High School in Atlanta.

The State Champion Team will represent Georgia at the National High School Mock Trial Championship in Hartford, Conn., May 12-13.

For more information about the program or to make a donation to the state champion team to support their participation at nationals, please contact the mock trial office:
404-527-8779 or toll free 800-334-6865 ext. 779;
Email: mocktrial@gabar.org



Kitchens New Cleghorn, LLC, located in a partner-owned office building in Buckhead, seeks a business, corporate or employment attorney having an established book of business to lease space or preferably to become "of counsel" to the firm. The available suite is a private office and an adjoining office suitable for a secretary or paralegal. The building is located on Hardman Court which is a quiet, dead end street of former residences that have all been converted to businesses. The building has two conference rooms, private entrance and parking, excellent telecommunications, copying and similar facilities, some storage relationships with all vendors necessary to practice law, and support staff. If interested, email randy.new@knclawfirm.com and/or call 678-244-2880 and choose 1 for our administrative assistant, Wanda Melton.

Perimeter area business law firm seeks experienced attorney for of-counsel position. Candidate must have portable business of at least \$200K. Firm's plug and play operation supports entrepreneurial skills, provides class A office space, malpractice insurance, cloud computing, furniture, receptionist, conference rooms, office supplies and a collegial and collaborative team. Competitive financial arrangement including cross-referral opportunities with origination fee paid for collected fees for work performed by other attorneys. Current practice areas include lending, bankruptcy, collections, commercial loan workout, finance, contracts, corporate governance, hotels, landlord/tenant, business litigation, mergers, securities, technology and tax). Email ofcounsel@gmail.com.

Advertiser's Index

- 49 Gilsbar, LLC
- 1 Member Benefits, Inc.
- 31 Mitchell Kaye Valuation
- 65 Norwich Document Laboratory
- 57 The University of Alabama
- 81 Warren R. Hinds, P.C.



Are You Attracting the Right Audience for Your Services?

Advertisers are discovering a fact well known to Georgia lawyers. If you have something to communicate to the lawyers in the state, be sure that it is published in the *Georgia Bar Journal*.

Contact Jennifer Mason at 404-527-8761
or jenniferm@gabar.org.

ILLUSTRATION BY ISTOCK.COM/ALEXANDRAGLI

Access next-generation legal research as a free benefit of your membership with the State Bar of Georgia.

Login at gabar.org



Your Member Benefit Includes:

- U.S. Supreme Court
- All Federal Circuit Courts
- U.S. District Courts
- Appellate Decisions for all 50 States
- Nationwide Statutes



Plus Access to Innovative Tools:

- Forecite
- Interactive Timeline
- Authority Check
- Advanced sorting
- Bad Law Bot



Mobile Legal Research

According to the ABA, Fastcase is the most popular legal research app among lawyers. The mobile app is free to download for iOS and Android.

Use Mobile-Sync to easily share documents between your desktop and mobile accounts.

For more information about Fastcase and smarter legal research, visit us at fastcase.com.

Featuring
Bad Law Bot



2017 State Bar of Georgia
ANNUAL MEETING

◀◀◀ June 8-10, 2017 • Jekyll Island, Ga. ▶▶▶



State Bar
of Georgia

- ▶ Opening Night Festival
- ▶ CLE Opportunities
- ▶ Social Events
- ▶ Family Activities
- ▶ Exhibits
- ▶ Presidential Inaugural Gala
- ▶ + More

Early Bird & Hotel Cut-off Date: May 5
Final Cut-off Date: May 26

register at www.gabar.org