

GEORGIA BAR

JOURNAL

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Stress? Chillax!

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The August Issue

Welcome to the August issue of the Georgia Bar Journal, and a warm welcome to our incoming State Bar President Kenneth B. Hodges III. Please take the time to read the remarks of both Hodges and outgoing Bar President Brian D. “Buck” Rogers from this year’s Annual Meeting. These remarks encapsulate the “steady course” of the previous year under 2017-18 President Rogers and the plan for the coming year under 2018-19 President Hodges.

Rogers spoke of progress in many programs that are part of the Bar’s long-term plan, including the various legislative successes, the ICLE integration into the Bar, the PSA Campaign and the Lawyers Helping Lawyers program, among many others. Rogers also spoke of the longstanding contributions of two members of the Board of Governors who passed away this year: Greg Pope and Alvin Leaphart. Hodges spoke in detail about the new initiatives he will work to implement this year and about ongoing initiatives that the Bar will continue, including monitoring the effects of the recent changes to the lawyer discipline rules; encouraging the Aging Lawyers initiative to assist lawyers in succession planning; and facilitating the work of the Wellness Committee. He also emphasized the resources available through the Lawyer Assistance Program (LAP). The long-term goal of the LAP is “to create an open community where lawyers can discuss well-being issues such as stress management, work-life balance, mental health and addiction.” In Hodges’ remarks, you can read about wellness CLEs, law school initiatives and the #UseYourSix

campaign to encourage Bar members to use the six prepaid counseling sessions per issue per year that are included in your Bar membership. Please read their full remarks so that you can learn about these and other initiatives that your Bar will be addressing in the coming year.

This issue also highlights the service of individual members of the Bar. Phyllis J. Holmen is this year’s recipient of the Distinguished Service Award for her 28 years of service as the executive director of the Georgia Legal Services Program, as well as her numerous other service-related committee memberships and awards. The Pro Bono Star, Steven N. Cayton, has worked closely with the DeKalb Volunteer Lawyers Foundation in revamping its Temporary Protective Order Project. State Representative Chuck Efstration (R-Dacula) gave an interview about his work in the 2018 legislative session, speaking about how his background as a lawyer helps him serve the needs of Georgia citizens. Finally, feature article “Drum Majors for Justice” shows the impact that two of Georgia’s civil rights leaders—C. B. King and Donald Lee Hollowell—had on Georgia civil rights laws.

There is not enough room in this column to outline all of the wonderful content we have for members of the State Bar of Georgia, but YLD President and Toombs County Magistrate Court Chief Judge Rizza P. O’Connor sums it up best when she says that lawyers are the “helpers” in times of crisis. I am proud to say that there is an example of this in nearly every article this month. ●

BRIDGETTE E. ECKERSON
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ON THE COVER

Pictured on the cover is 2018-19 President Kenneth B. Hodges III and his family. (Back row) Ken, Melissa, (front row) Margaret and Jack.

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Best Way to Deal With Stress? Chillax!

There are many benefits to having young children. One of them is learning new words. As you might infer, “chillax” is a modern blend of the commonly used words “chill” (as a verb, meaning to calm down) and “relax.”

I had not heard this particular word before my 7-year-old son Jack introduced me to it. He used it recently after the Annual Meeting of the State Bar of Georgia in June at Amelia Island. The morning after I was installed as the 56th president of the Bar, and following a fun evening of dancing and fellowship, Jack pronounced we all needed to “chillax.”

It was great advice on a number of levels. Ordinarily, I would have been packing the car early Sunday for our quick return, so I could hit the ground running Monday morning. But after recently completing a more than yearlong, statewide campaign, and then presiding over a busy weekend of Annual Meeting activities, quality time with my family was just what the doctor ordered. I packed up the beach bag, boogie boards, grabbed some towels and headed down to the beach with Melissa, Margaret and Jack. Chillaxing was the order of business for the day and the day that followed.

We lawyers tend to run hard and fast. In order to better serve our clients, our families and ourselves, we should take time to recharge our batteries. Indeed, this is a high priority of the Bar’s wellness initiative, and we should all be paying more attention to the need for rest and relaxation. The consequences of unchecked stress are very real.

The week of the Annual Meeting brought the shocking news of fashion designer Kate Spade taking her life, followed only days later by the suicide of TV chef and CNN personality Anthony Bourdain—two people who seemingly “had it all” in terms of success and popularity. Their deaths reveal there are underlying battles—for famous celebrities and everyday people alike—that we all have to fight. A growing number are unable to overcome those challenges.

Suicide is now recognized as one of the leading causes of death in the United States, according to the Centers for Disease Control (CDC). The rate of suicide increased in nearly every state from 1999 through 2016. The CDC’s website states, “Mental health conditions are often seen as the cause of suicide, but suicide is rarely caused by any

OFFICERS' BLOCK

The State Bar of Georgia's eight officers are elected to a one-year term by the membership and serve as members of the Executive Committee. Three of the officer positions are held by the president, president-elect and immediate past president of the YLD, shown on page 11.

single factor. In fact, many people who die by suicide are not known to have a diagnosed mental health condition at the time of death. Other problems often contribute to suicide, such as those related to relationships, substance use, physical health, and job, money, legal, or housing stress."

As we are all too aware, lawyers are not immune to suicide. I personally know two Georgia lawyers who tragically took their lives in recent months, and the pain of their sudden deaths has certainly been felt outside their stunned and heartbroken families. Research suggests that lawyers experience depression and substance abuse at higher rates than the general population, and lawyers may be at a greater risk for suicide.

Recent data shows high rates of mental illness among legal professionals. A 2016 survey of roughly 11,500 attorneys, published in the *Journal of Addiction Medicine*, showed that 61.1 percent of lawyers had encountered anxiety during their careers. Other mental health concerns included were depression (45.7 percent), social anxiety (16.1 percent), attention deficit and hyperactivity disorder (12.5 percent), and suicidal thoughts (11.5 percent).

Because more lawyers are experiencing high levels of stress and find themselves both unhealthy and unhappy in their professional and personal lives, the State Bar is continuously striving to promote health and wellness among our members and staff, including the development of work/life balance CLE programs, and through an increased awareness of the Bar programs that deal with such issues.

Any Bar member dealing with stress and/or other mental wellness issues can utilize several avenues of help. Our free confidential Lawyer Assistance Program (LAP) hotline at 800-327-9631 is staffed by trained counselors 24 hours a day, seven days a week. The hotline is available for lawyers and judges who are



KENNETH B. HODGES III

President

Hodges, of Ken Hodges Law, focuses his law practice on criminal defense and civil litigation, including but not limited to personal injury, wrongful death, commercial litigation and civil rights cases. Ken Hodges Law has offices in Atlanta and Albany. He will be sworn in to the Court of Appeals of Georgia in January 2019.



DARRELL L. SUTTON

President-Elect

Sutton, of the Sutton Law Group LLC in Marietta, practices insurance defense litigation, primarily representing employers, insurers, self-insured companies and servicing agents in workers' compensation claims throughout Georgia.



DAWN M. JONES

Treasurer

Jones, of The Firm of Dawn M. Jones, LLC, is a former ICU nurse representing clients and their families for death or severe injuries resulting from medical negligence, nursing home neglect/abuse, collisions and other tort-related matters throughout Georgia. She also serves as a litigation and expert witness consultant, as well as experienced co-counsel to fellow plaintiffs' trial attorneys.



ELIZABETH L. FITE

Secretary

Fite is an assistant county attorney in the DeKalb County Law Department and is a member of the Law Department's Public Safety Group. While she represents the county on a variety of matters, Fite's practice is primarily focused on representing the Police Department and Sheriff's Department in civil litigation.



BRIAN D. "BUCK" ROGERS

Immediate Past President

A partner with Fried Rogers Goldberg LLC, Rogers is a civil attorney representing victims of catastrophic claims primarily in commercial motor vehicle collisions, and holds a Class "A" Commercial Driver's license. He is a P.O.S.T. (Peace Officer's Safety Training) Certified guest lecturer on Commercial Motor Vehicle Collisions and Law.

Ultimately, finding balance is a life-long effort. I believe my son's simple advice to "chillax" is as good a first step as any. The practice of law is demanding and consuming, but discovering the art of living well should be our real goal. We will become better lawyers, and better people, along the way.

experiencing personal problems causing significant concerns. LAP also offers up to six prepaid in-person counseling sessions with a licensed counselor per year. To help meet the needs of its members and ensure confidentiality, the Bar contracts the services of CorpCare Associates, Inc., Employee Assistance Program, a Georgia-headquartered national counseling agency. LAP is separate and apart from the Office of the General Counsel (OGC) and Bar members voluntarily seeking counseling will not be referred to OGC for discipline.

Georgia Lawyers Helping Lawyers is a new, confidential, peer-to-peer program that connects colleagues suffering from stress, depression, addiction or other personal issues with a fellow Bar member who will listen and help. You can visit www.GeorgiaLHL.org for more information.

Our Suicide Awareness Campaign has a dual purpose. It is first directed toward lawyers and judges suffering from anxiety and depression, who may be at risk for suicide. But this campaign is equally vital for all Bar members to become more aware of the severity of this problem. This is so they can reach out to a friend and colleague before another life is lost and it is too late.

I hope that you all are now aware of the State Bar's umbrella initiative for attorney wellness, Georgia Lawyers Living Well.

I was honored to help spearhead this initiative as chairman three years ago, beginning as a task force and growing into a standing committee. Its aim is promoting the value of total wellness—mind, body and soul. The LawyersLivingWell.com website is a clearinghouse of resources devoted to the wellness initiative's approach to mental, physical and social well-being.

Which brings us back to the concept of "chillaxing."

After the Annual Meeting, Melissa, the kids and I visited Civana Carefree, a wellness resort in Arizona offering multiple classes focused on wellness. There was yoga, nutrition education, mindfulness training and fitness classes for all levels. I actually participated in my first-ever yoga class and guided meditation. We learned how to juice vegetables and fruits, and even create tasty meals with the pulp. There were guided hikes outdoors, where we also learned about Arizona's unusual plants and animals, focusing on physical well-being. And, there was an emphasis on the restorative benefits of getting a full night's rest. We walked away refreshed, with some new relaxation skills in our toolkit that we are incorporating into our daily lives.

These days, a growing consensus within the wellness community is preaching the value of relaxing and recharging for

busy lawyers and other professionals. Paula Davis-Laack, writing for the ABA's Law Practice Today blog, contends that "daily recovery from work is crucial to maintain high levels of well-being, performance and resilience. Recovery from work is defined as the process by which a person's functioning returns to pre-stressor levels and work-related strain is reduced. It's not enough to go home and take a break. Optimal recovery is a combination of both internal recovery—the short breaks you take while you're at work every day and external recovery—how you spend your time after work, on the weekends, and on vacation."

If you can't take a significant amount of time to focus on wellness, there are many small things you can do within your day that can have an impact on improving your total health. Mayo Clinic experts conclude that whether your stress is spiraling out of control or you've already got it tamed, you can benefit from learning a variety of relaxation techniques. They can be easy to learn, are often free or low cost, pose little risk and can be done nearly anywhere. And, practicing relaxation techniques can have many benefits, including slowing heart and breathing rates, lowering blood pressure, reducing muscle tension, improving concentration and mood, lowering fatigue, reducing frustration and boosting confidence to handle problems.

According to the Mayo Clinic, these "relaxation techniques involve refocusing your attention on something calming and increasing awareness of your body. It doesn't matter which relaxation technique you choose. What matters is that you try to practice relaxation regularly to reap its benefits."

The clinic's recommendations for relaxation techniques include:

- **Autogenic relaxation.** Autogenic means something that comes from within you. In this relaxation technique, you use both visual imagery and body awareness to

reduce stress. You repeat words or suggestions in your mind that may help you relax and reduce muscle tension. For example, you may imagine a peaceful setting and then focus on controlled, relaxing breathing, slowing your heart rate, or feeling different physical sensations, such as relaxing each arm or leg one by one.

- **Progressive muscle relaxation.** In this relaxation technique, you focus on slowly tensing and then relaxing each muscle group. This can help you focus on the difference between muscle tension and relaxation. In one method you start by tensing and relaxing the muscles in your toes and progressively working your way up to your neck and head. Contract your muscles for about five seconds and then relax for 30 seconds, and repeat.
- **Visualization.** Try forming a mental image of a peaceful, calming place or situation. Incorporate as many senses as you can, including smell, sight, sound and touch. If you imagine relaxing at the ocean, for instance, think about the smell of salt water, the sound of crashing waves and the warmth of the sun on your body.

As with any skill, practice makes perfect. That's why I am planning a wellness CLE for early next year to give everyone in the Bar an opportunity to pursue good health and work/life balance. I hope you will consider joining Melissa and me for this unique wellness education, and carve out time to take care of yourself.

Ultimately, finding balance is a life-long effort. I believe my son's simple advice to "chillax" is as good a first step as any. The practice of law is demanding and consuming, but discovering the art of living well should be our real goal. We will become better lawyers, and better people, along the way. ●

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The State Bar's Lawyer Assistance Program (LAP) is a confidential service provided to help our members with life's difficulties. In order to help meet the needs of our members and ensure confidentiality, the Bar contracts the services of CorpCare Associates, Inc., a Georgia-headquartered national counseling agency.

Contacting the LAP is never reported to the Bar or the LAP Committee. CorpCare Associates is a private company who has assisted thousands of professionals attempting to resolve personal problems that affect their success, health and relationships.

Through this program, you are entitled to six prepaid in-person counseling sessions per presenting issue per 12-month period, no questions asked, 100 percent confidential. The LAP is designed with the convenience of counselors in every community throughout Georgia. In addition, the LAP also provides counseling via secure video. If you prefer the privacy of your home

or office and don't have time for the additional travel, this option is for you. You will receive the same qualified, professional counselors and the same private and confidential assistance.

There is no problem too great or too small for the LAP. Many think of the LAP for substance abuse problems, and they do that. But the LAP can also help with communication—with your spouse, your children and your colleagues. They can provide guidance when it comes to the challenges of balancing your work and personal life. Are you struggling with an irritable mood or generally feeling unfulfilled? Let the caring professionals of the LAP help. Do you ever feel overwhelmed, burned-out or hopeless? They are there for you.

You're not alone. The LAP is a phone call away, 24 hours a day and seven days a week. **Call 800-327-9631.**

YLD Offers Programs for Young Lawyers to Grow While Serving



RIZZA P. O'CONNOR

YLD President
State Bar of Georgia
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When I was 18 years old, one event completely changed the trajectory of my life. I had just graduated high school and was set to go to Mercer University with the hope of becoming a doctor. That summer, 15 years ago, I was summoned for jury duty in Chatham County Superior Court and was selected to be a juror in an aggravated assault case. This experience of being on the jury would leave a lasting impression on me for the rest of my life. For three days, I listened and observed both the state and the defense present their cases. I enjoyed watching both sides, but it was the female prosecutor, Isabel Pauley, that inspired me. She was sharp, decisive and assertive, and I wanted to be just like her. I later volunteered to be foreperson, and at the end of the trial, I knew that being a lawyer was what I wanted to do.

I tell that story to illustrate that we as lawyers never know who we are going to touch, who we are going to influence, and whose lives we are going to change just by practicing our profession. Growing up, I loved watching Mister Rogers' Neighborhood. I remember Mr. Rogers once quoted his mother as saying that in times of crisis, "look for the helpers." While lawyers do not generally tackle natural disasters or save people from burning buildings, they greatly assist individuals with personal crises. I regularly see the need for helpers like lawyers in my job.

I serve as the chief magistrate judge in Toombs County. As a magistrate judge for the past four years, I have learned that no matter how big or small someone's case may appear to be, it is their present crisis and is a big deal to them. As lawyers, we are those helpers that people need in times of crisis. We help our clients navigate through the nuances of the law, we counsel them on the best avenue to take and we are their advocates. We can also make a difference beyond assisting our typical clients by giving back to our larger communities and to our profession. As my 4-year-old son would understand it, lawyers are "superheroes in business suits."

This ability of lawyers, particularly young lawyers, to be such a positive influence in our state is why the YLD is so special. We are a strong, effective platform to promote the personal and professional growth of young lawyers so that they are better equipped to help people. For this reason, my vision for this new Bar year is for our section of the Bar to live out the YLD's motto of "working for the profession and the public." For 72 years, the YLD has followed this motto and has created successful lasting programming such as the rewrite of the Georgia Juvenile Code, the creation of the Georgia Legal Services Program and the Public Interest Internship Program. There is more to come.

This year, my challenge is for the YLD to carry out its mission and motto

OFFICERS' BLOCK

The Young Lawyers Division officers consist of a president, president-elect, treasurer, secretary, immediate past president and two newsletter editors, who are responsible for carrying out the purposes of the Young Lawyers Division.

by leading, serving and loving. First, we lead by commitment. This year, we are committed to growing the YLD and making it better. We want to reach more lawyers by taking initiative to find ways to attract more people to take part in the YLD. One of our ideas is the creation of a new Government Law Committee. This committee will focus on providing educational and networking opportunities for government lawyers such as prosecutors and public defenders. I became involved with the YLD as a prosecutor and found my experience in the YLD to be valuable even then. My hope is that through this committee more government lawyers will see the benefits of the YLD and be encouraged to become more active in the Bar.

Second, we serve by making our events and meetings accessible to all parts of Georgia. This is something that is important to me as a resident of a county located about three hours south of Atlanta. This past year as president-elect, I traveled to some of our YLD affiliates, including West Georgia, Houston County, Glynn County and Albany. Speaking to young lawyers, it was evident that the YLD's reach needed to be expanded. This year, each one of our 20 committees will have one event outside the metro-Atlanta area. All of our general session YLD meetings will be outside of Atlanta and the majority of all Leadership



RIZZA O'CONNOR | YLD President

O'Connor is the chief magistrate judge of Toombs County. She presides over small civil claims, dispossessories, criminal warrant application hearings and the issuance of arrest and search warrants.



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

Davis, of Holland Roddenbery LLC, in Atlanta, practices primarily in all areas of family law including divorce, custody, child support, adoption and LGBT family law issues.



BERT HUMMEL | YLD Treasurer

Hummel is a senior associate with Lewis Brisbois Bisgaard & Smith in Atlanta. He has extensive litigation experience and practices insurance defense primarily in the areas of general liability, premises liability and workers' compensation.



ELISSA B. HAYNES | YLD Secretary

Haynes is a senior associate at Goodman McGuffey, LLP, in Atlanta. Her insurance defense practice focuses primarily on religious institution liability, negligent security, personal injury and premises liability.



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Leet is a partner with Gray, Rust, St. Amand, Moffett & Brieske, LLP, in Atlanta. She specializes in civil tort litigation, primarily in the areas of product, construction and premises liability.



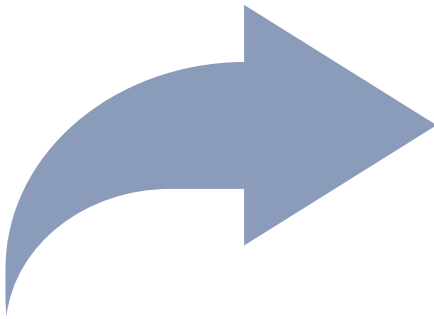
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2018-19 YLD MEETINGS

**SUMMER 2018 | AUG. 24-26
SAVANNAH, GA.**

HILTON SAVANNAH DESOTO

Join us in my hometown of Savannah for the Summer Meeting. We are excited to offer a fantastic CLE program featuring attorney, actor, writer and director Dep Kirkland. Kirkland was one of the prosecutors of the famous Savannah trial of Jim Williams from where the events inspired the book and later the movie of “Midnight in the Garden of Good and Evil.” He has written a book, “Lawyer Games: After Midnight in the Garden of Good and Evil.” His CLE presentation, “The American Criminal Jury Trial: A Playground for Legal Delinquents,” will cover famous trials such as the O.J. Simpson trial, the Phil Spector trial and of course the events in “Midnight in the Garden of Good and Evil.” Other activities include a group dinner at the private Chatham Club and a ghost tour.

**FALL 2018 | NOV. 9-11
GREENSBORO, GA.**

THE RITZ-CARLTON REYNOLDS, LAKE OCONEE

Held the weekend of the Deep South’s Oldest Rivalry, we will be chartering a bus to transport us to Athens for a tailgate before the Georgia-Auburn football game (BYOT—bring your own game ticket). For those not going to the game, there will be recreational and social activities planned for the group at the resort. Before the fun on Saturday, Friday consists of a CLE, the YLD General Session Meeting, group dinner and a reunion planned for YLD Leadership Academy Alumni.

**MIDYEAR 2019 | JAN. 10-12
MACON, GA.**

MACON MARRIOTT CITY CENTER

Held in conjunction with the State Bar of Georgia’s Board of Governors Meeting, this is typically the YLD’s largest meeting and we are excited that it will be in middle Georgia. The YLD will be hosting a Wills Clinic where we will provide free legal services to first responders by assisting in preparing and executing basic estate planning documents.

**SPRING 2019 | APRIL 26-29
WASHINGTON, D.C.**

HAMILTON HOTEL

Join us as we head north to our nation’s capital. Highlights of this meeting include the opportunity for our group to be sworn in to the U.S. Supreme Court in addition to spending time with Georgia native Justice Clarence Thomas. This session will be one of the meetings for the Leadership Academy and will include a tour of the Capitol. The weekend will also consist of a progressive dinner downtown, a nighttime bus tour of the DC Monuments and a government-related CLE.

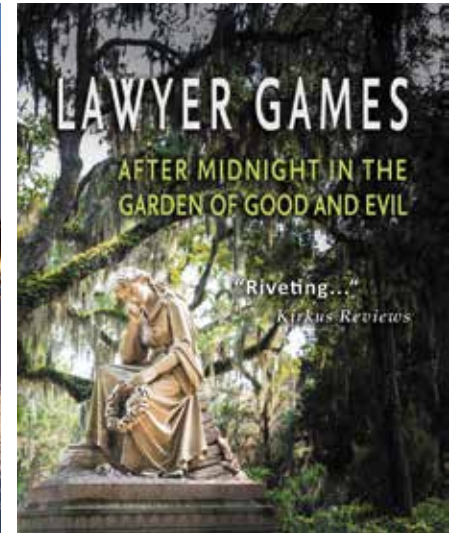
**ANNUAL 2019 | JUNE 6-9
ORLANDO, FLA.**

THE RITZ-CARLTON ORLANDO, GRANDE LAKES

We will close out the 2018-19 Bar year in style in Orlando with the annual YLD Dinner and Swearing-In Ceremony where Will Davis will be sworn-in as 2019-20 YLD president.



The YLD's 2018 Summer Meeting will be held in Savannah on Aug. 24-26. For more information, visit www.georgiaYLD.org or contact stephaniew@gabar.org.



The CLE at the Summer Meeting will feature the author of "Lawyer Games: After Midnight in the Garden of Good and Evil," Dep Kirkland.

Academy sessions will be outside Atlanta. We are also studying ways to make our programs and committee meetings more accessible to our members who cannot be there in person through the use of video conferencing and Facebook Live.

Lastly, we love by using our professional abilities and resources to help those who are poor, elderly or disadvantaged. We will continue the programs that have made such an impact on the community such as Wills Clinics where young lawyers volunteer to create will and estate documents for first responders. For the second year, we will be active in Build a Better Georgia Day, where young lawyers build a Habitat for Humanity house in each federal judicial district. We will also bring back the Signature Fundraiser to benefit an organization that will advance the administration of justice.

In keeping with the theme of helping the disadvantaged, my signature project is a Remote Representation Program. This program will use technology to close the access to justice gap. As a rural magistrate judge, I know what it is like to work in a forum where there are few lawyers. Of the 1,700 cases that are filed in the Toombs County Magistrate Court, 90 percent of those cases have at least one party that is pro se. There is a real need for affordable legal services, especially in rural Georgia.

For this project, the YLD will partner with Lawyers for Equal Justice (LEJ). LEJ is an incubator program where typically young lawyers receive practical

legal training and mentoring so they can develop socially conscious and economically sustainable law practices. As part of LEJ, participating attorneys provide pro bono and "low bono" services to low- and moderate-income Georgians.

The first test case will be in Toombs County Magistrate Court. Litigants, plaintiff or defendant, will have access to the attorneys in the LEJ program. If an attorney/client relationship is formed, all communication between the lawyer and client can be facilitated by phone and email. The LEJ lawyer will then be able to file all pleadings to the court electronically. If a hearing is needed, the LEJ lawyer will be able to represent the litigant through videoconferencing at their office in Atlanta or elsewhere. All persons in the courtroom will be able to see and hear the LEJ lawyer, and the LEJ lawyer will also be able to see and hear everything occurring in the courtroom.

This program is intended to accomplish a dual purpose:

- It should allow LEJ lawyers, who are typically young lawyers, to gain a variety of legal experience from the start of a case to a judgment. Young lawyers can gain real experience in the fundamental skill areas of interviewing, counseling and supporting clients through their legal issues. The program will give young lawyers the opportunity to draft pleadings and submit those documents to the

court. LEJ also helps young lawyers receive training in making presentations, objections and arguments in a courtroom setting.

- LEJ offers a real solution to closing the justice gap, especially in rural Georgia. It benefits the public because it provides opportunities for people to obtain legal counsel that otherwise could not afford a lawyer or find a lawyer in an area where lawyers are scarce. With the use of technology, lawyers through this program can deliver adequate representation in an effective and efficient matter at a lower cost. We hope to grow this program to other courts and other areas around Georgia.

The YLD has an exciting and eventful year planned, highlighted by our five YLD meetings (see page 12). Of course, all young lawyers are welcome and encouraged to attend these general meetings. The YLD also has many other activities and exciting programming planned this Bar year. YLD committees and local affiliate chapters have several events planned just about every week of the year and we encourage you to join in. As lawyers, we can make a difference on so many levels. Time with the YLD will yield unexpected dividends, professionally and socially. You never know the difference you will make in a colleague's life or in the life of a stranger. I hope that this year, you will discover the wonderful opportunities the YLD brings. ●

Charles L. Weltner: A Profile in Courage— and Sacrifice



JEFF DAVIS

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This is the first in a series of articles highlighting the heroic and vital contribution lawyers and judges made to the American civil rights movement.

Fifty-five years ago, Charles Weltner took office as a member of the U.S. House of Representatives from Georgia’s 5th Congressional District. Although he served only four years in Congress, that period (1963 to 1967) turned out to be one of the most tumultuous and consequential periods in American history—especially in the South.

Weltner first made a name for himself by voting in favor of landmark civil rights legislation, defying his Georgia colleagues and becoming an original voice for the “New South.” He was, as it turned out, a man ahead of his time. Ultimately, it was Weltner’s principled decision to leave Congress and thus give up a promising political career that solidified this Georgia lawyer’s place in history.

According to his New Georgia Encyclopedia biography, Charles Longstreet Weltner was born in Atlanta in December 1927, a descendant of two of Georgia’s most prominent figures in the history of the state’s legal profession. He was a great-great-grandson of Joseph Henry Lumpkin, the first chief justice of the Supreme Court of Georgia and a great-grandson of Thomas R.R. Cobb, who was the principal author of the first Georgia Code and, later a Confederate general who was killed in the battle of Fredericksburg. His father was Philip Weltner, chancellor of the University System of Georgia and later president of Oglethorpe University.

Weltner graduated from Oglethorpe in 1948 and earned his law degree from Columbia University in New York in

1950. He served as a first lieutenant in the Army for two years and practiced law in Atlanta for 10 years before entering politics. During the 1950s, Weltner had been an outspoken advocate for racial equality, railing against the violence and repression caused by segregation.¹

He won his first campaign for Congress in 1962, defeating eight-term incumbent James C. Davis, and took office as representative of Georgia’s 5th District in January 1963. During that first term, Weltner became the first southern politician to condemn his colleagues for their silence after four young African-American girls were killed in a Birmingham, Ala., church bombing. He also chaired the House Committee on Un-American Activities’ investigation of the Ku Klux Klan in 1964-65.

In July 1964, Weltner voted in favor of the Civil Rights Act, thus standing against a Georgia congressional delegation led by Sen. Richard B. Russell, who was the legislation’s chief opponent. He was the only House member from the Deep South to vote for the bill.

“We in the South face some difficult decisions,” Weltner said on the House floor. “We can offer resistance and defiance, with their harvest of strife and tumult. We can suffer continued demonstrations, with their wake of violence and disorder. Or we can acknowledge this measure as the law of the land.”

Weltner also supported the Voting Rights Act of 1965 and was hailed by

Newsweek magazine as a “prototype of the articulate young congressman—the ‘new breed’ on who so many Southern moderates stake their hopes for the future.”

But in October 1966, a month before what would have been his re-election to a third term in the House, Weltner voluntarily cut short his promising future as a member of Congress. His refusal to comply with a newly implemented Georgia Democratic Party loyalty oath that would have forced him to support segregationist restaurant owner Lester Maddox for governor meant he had to drop out of the campaign, effectively handing the seat to Republican Fletcher Thompson.

“As all Democratic candidates, I signed a pledge to support on November 8 the nominees of the Democratic primary,” Weltner explained. “And though I have always opposed Mr. Maddox in the past, I cannot violate my oath. Today the one man in our state who exists as the very symbol of violence and oppression is the Democratic nominee for the highest office in Georgia. His entire public career is decidedly contrary to my deepest convictions and beliefs. And while I cannot violate my oath, neither can I violate my principles. I cannot compromise with hate. I cannot vote for Lester Maddox. Therefore I am withdrawing as the Democratic nominee for the House of Representatives. I do so with abiding gratitude for the many friends who have sustained me—and with deep regret. I love the Congress. But I will give up my office before I give up my principles.”



Charles L. Weltner, 1927-1992.

PHOTO COURTESY OF THE SUPREME COURT OF GEORGIA

“The nation needs to promote and support the high calling of public service; and young people need to know that. I hope that communities across the country will begin to acknowledge and applaud faithful, steadfast men and women. Let public officers know that the people expect from them nothing less than the best they have to give; and let the people demand just that.” —Charles L. Weltner

It was the end of Weltner’s career in the legislative and executive branches of government. He lost to Thompson in a bid to return to Congress in 1968 and a race for mayor of Atlanta to Maynard Jackson in 1973.

But the judicial branch offered Weltner a new avenue of public service, and in 1976 he was appointed by Gov. George Busbee as a Fulton County Superior Court judge. He served there until 1981, when he became a justice on the Supreme Court of Georgia. He was serving as chief justice on Aug. 31, 1992, when he died of esophageal cancer at the age of 64.²

The previous year, in May 1991, Weltner had appeared at the John F. Kennedy Presidential Library and Museum in Boston to accept that year’s Profile in Courage Award—recognizing Weltner’s having sacrificed his own political career for his principles. The award takes its name from “Profiles in Courage,” the Pulitzer Prize-winning book written by Kennedy in 1957, which “describes events from U.S. history in which courageous elected officials took principled stands on difficult positions and risked the wrath of their constituents. In the book, President Kennedy described such individuals as persons ‘whose abiding loyalty to their nation triumphed over all personal and political considerations . . . who showed the real meaning of courage and a real faith in democracy.’”

Weltner was presented with a \$25,000 stipend and a silver lantern crafted by Tiffany & Co., in the shape of a ship’s

lantern as a symbol of truth and hope that reflects the values and ideals of the award. Jacqueline Kennedy Onassis, Caroline B. Kennedy, John F. Kennedy Jr. and Sen. Edward M. Kennedy also participated in the ceremony.

In making the presentation, Sen. Kennedy said, “Charles Weltner had then—and still has today as a Justice on the Supreme Court of Georgia—both the wit and the will to advance us toward that ideal. And if more leaders had Charles Weltner’s qualities today, we would be closer to achieving it. As President Kennedy often urged, each of us can make a difference. In the South, in the Congress and in the country as a whole, Charles Weltner’s example inspired us to stay the course on civil rights in the 1960s. More than ever, we need the inspiration of his example to stay that course today. If President Kennedy were here, he would be particularly proud of this year’s honoree. Charles Weltner is a profile in courage for his time, for our time, and for all time.”

Weltner, who was a freshman member of Congress when John F. Kennedy was assassinated in November 1963, said in his speech accepting the award, “. . . I take comfort in your remembrance of things that happened long years ago, and I accept this wonderful award with deep gratitude. President Kennedy knew, with Plutarch, that human beings are moved, not so much by abstraction and theory, as by the acts and lives of other human beings. He believed that public officers

are trustees and servants of the people. He believed that public life must be lived for the public good. His book ‘Profiles in Courage’ is powerful evidence that the acts of a public person can be faithful—faithful to self, and to the public interest.

“The nation needs to promote and support the high calling of public service; and young people need to know that. I hope that communities across the country will begin to acknowledge and applaud faithful, steadfast men and women. Let public officers know that the people expect from them nothing less than the best they have to give; and let the people demand just that.”³

Charles Weltner gave our profession the best he had. He would undoubtedly ask the same of each of us. ●

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

Endnotes

1. Catherine M. Lewis, Atlanta History Center, New Georgia Encyclopedia, Sept. 1, 2005.
2. Wolfgang Saxon, “Charles L. Weltner, 64, Chief Justice of Georgia,” New York Times obituary, Sept. 2, 1992.
3. John F. Kennedy Presidential Library and Museum, Profile in Courage Award, Charles Weltner, May 29, 1991.

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Before You Accept that Friend Request or Publish that Post: Ethical Issues for Consideration in Social Media Interaction

Before you add or delete anyone from your profile, before you advise your client to revise their social media and before you hit the “post” button, there are some things to consider.

BY ANDREA JEWETT

These days, most of us are using social media in some form. But are there ethical concerns about whom we add to our list of “friends”? Are you Facebook friends with a judge, for example? Or maybe a staff member of a court in which you practice? Have you ever appeared before a judge who had a social media connection with a juror or a party to a case being handled in his or her court? What could happen if you post about a case while it is pending? Before you add or delete anyone from your profile, before you advise your client to revise their social media and before you hit the “post” button, there are some things to consider.

Does having a judge as a friend on social media create an appearance of impropriety?

It is well known that judges are required to avoid even the appearance of improp-

riety.¹ In 2013, the American Bar Association’s Standing Committee on Ethics and Professional Responsibility’s Formal Opinion 462 forbade judges from forming relationships with individuals or groups that could give the impression that the individual or group is in a position to influence the judge’s opinions.² Furthermore, under Model Code of Judicial Conduct Rule 2.4(C), “[a] judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.”³ Also, Rule 2.11 states that a judge “shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned,” including where the judge “has a personal bias or prejudice concerning . . . a party’s lawyer.”⁴

A 2012 survey by the Conference of Court Public Information Officers found that more than 46 percent of judges were on social media at that time, while almost

the same percentage believed that the use of social media sites like Facebook compromised their judicial ethics.⁵ It is safe to assume that, six years later, the number of judges on social media has increased. But does the use of social media by the judiciary compromise their ethics?

Staying connected with constituents is important for the judiciary, especially because most judges are elected. “[J]udges do not ‘forfeit [their] right to associate with their friends and acquaintances nor [are they] condemned to live the life of a hermit. In fact, such a regime would . . . lessen the effectiveness of the judicial officer.’”⁶ Use of social media is one way for judges to stay actively involved in their communities. In fact, the American Bar Association has stated that all types of social interactions, including the use of social media sites, can help judges avoid appearing “isolated or out of touch” with their constituents.⁷ Indeed, “the proper performance of judicial duties does not require a judge to withdraw from society and live an ascetic, antiseptic and socially sterile life.”⁸

However, some states take a strict approach when it comes to the judicial use of social media. In those states, such as Oklahoma and Massachusetts, judges are forbidden from connecting with an attorney on social media if the attorney might appear in their courtroom. Whether this ban applies only to an attorney-judge connection varies from state to state. In some states, the ban applies to anyone who could appear in that judge’s courtroom in an adversarial role, including social workers and law enforcement officers.⁹

The Massachusetts Committee on Judicial Ethics has established a “bright-line test” requiring judges to recuse themselves in any case in which an attorney they are “friends” with on social media appears.¹⁰ In Arizona, a judge cannot make a recommendation for an attorney on LinkedIn if the attorney “regularly appears” in his or her court.¹¹ In Oklahoma, judges cannot “friend” or “link” attorneys, social workers, law enforcement officers or anyone else who could appear in their courtroom “in an adversarial role.”¹²

Several other states, including California, Utah and Florida, take a more

moderate approach to judicial social media interaction.¹³ Although California does not necessarily disallow social media relationships between judges and individuals who have cases pending in their courts, the California Judges Association Judicial Ethics Committee has advised that “it is important to stress that a judge’s interaction with attorneys who may appear before the judge will very often create appearances that would violate the Canons [of Judicial Ethics].”¹⁴ The Committee listed several factors to consider, such as: the nature of the social media site; how many “friends” are listed on the site—the inclusion of more friends making it less likely that a connection would seem improper; and the regularity with which a particular attorney appears in the judge’s court.¹⁵

In Utah, an ethics advisory committee opinion stated, “[d]isqualification is not automatically required simply because a judge and a lawyer are ‘friends’ on Facebook. Being a ‘friend’ of a judge on Facebook does not automatically create the appearance that the lawyer is in a special position to influence the judge.”¹⁶ The opinion further indicated that additional inquiry would be necessary before recusal would be warranted.¹⁷

Florida initially followed a strict approach to the judicial use of social media, and in one case, the court found it unethical for a judge to befriend an attorney on social media if there was even a chance that the attorney could appear in that judge’s court.¹⁸ Specifically, in *Domville v. State*, Florida’s Fourth District Court of Appeal held that a judge and a prosecutor having a social media friendship created a “well-founded fear” that the defendant would not receive a fair and impartial trial.¹⁹ However, approximately two years later, in *Chace v. Loisel*, Florida’s Fifth District Court of Appeal opined that *Domville* was overly broad in requiring a judge to be disqualified from hearing a case when he was only a known acquaintance of the prosecutor.²⁰ The court stated that, in more rural areas, the standard applied in *Domville* created an insurmountable obstacle because everyone in the legal community would inevitably have some sort of relationship with one another.²¹ Still,

the court followed *Domville*, as it was “binding upon the trial judge” in *Chace*.²²

The judge at issue in *Chace* sent a friend request to a litigant in a divorce case. The litigant refused to respond to the request, based on advice from her attorney. As a result, the litigant felt that the judge retaliated against her when the judge entered a judgment saddling the litigant with the majority of marital debt and awarding her spouse a “disproportionately excessive alimony award.”²³

From an outside perspective, a friend request sent by a judge to a known litigant seems questionable, at best. As the *Chace* court stated, the judge’s request left the litigant with no proper choice to make; she could either accept the request, opening the door to improper communications, or deny or ignore it, taking the chance of offending the judge.²⁴

Most of the states that have addressed the use of social media by the judiciary have taken a more liberal approach. These states include Kentucky, New York, Ohio and South Carolina, where an online friendship with a judge is not necessarily deemed to be inappropriate because it does not automatically indicate an elevated degree of association.²⁵ According to authorities in these states, there is no impropriety in a judge having social media connections with anyone who may practice in his or her court, as long as the judge does not indicate that such a connection would create an ability to exert any special influence over the judge’s actions or opinions.²⁶

Thus far, Georgia appears to fall into the latter category, taking a more relaxed approach to social media interaction between attorneys and the judiciary.²⁷ The Preamble to the Georgia Code of Judicial Conduct states, “[e]very judge should strive to maintain the dignity appropriate to the judicial office.” In addition, Rule 2.4 states that “[j]udges shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment.” Nor shall they “convey or enable others to convey the impression that any person or organization is in a position to influence the judge.” Furthermore, the code states that judges should

not conduct an independent investigation of a pending or impending matter from sources including “social network communications.”²⁸ However, Georgia authorities have not issued any advisory opinions specifically relating to a judge’s use of social media sites.²⁹

Still, one cannot throw caution to the wind when making social media connections in this state, as one particular judge learned when he was publicly reprimanded and temporarily suspended by the Judicial Qualifications Commission. Included among the judge’s various purported “ethical violations” were *ex parte* communications on social media with a woman who contacted him about her brother’s pending trial for driving under the influence. The judge reportedly used Facebook correspondence to advise the woman on how to get the matter before his court, so he could handle the case.³⁰ Another judge, in North Carolina, was publicly reprimanded due to his social media “friendship” with an attorney appearing before his court because they had

“exchanged a few brief online comments” about a pending case.³¹

In other words, if you are a judge who uses social media, you must take considerable care in adding “friends” in order to avoid the appearance of impropriety, or you could very well find yourself in need of recusal or, worse, facing a suspension or reprimand. Still, according to at least one American Bar Association opinion, a simple connection with someone on social media “does not, in and of itself, indicate the degree or intensity of a judge’s relationship with a person.”³² For example, a social media “friendship” can exist between two individuals who have never even met one another in person. Or the two individuals may be only casual acquaintances. Further context is required to determine the specific nature of a relationship.³³

Practicing attorneys must also exercise care in making connections with a judge on social media. It is not only the judge who could face repercussions from a seemingly improper social media relationship; the attorney could also

face ethics charges. That is true, at least in part, because American Bar Association Model Rule of Professional Conduct 8.4(f) prohibits an attorney from “knowingly assist[ing] a judge or judicial officer in conduct” that violates the rules of judicial conduct.³⁴

The same rules likely apply to social media connections between an attorney and a member of the judge’s staff or a staff member of the court. A judge has a duty to “make reasonable efforts” to ensure that court staff, officials and others under his or her direction do not violate any of the aforementioned rules of judicial conduct.³⁵ Would it then be improper for an attorney to have an online “friendship” with the clerk of court, the judge’s personal secretary, law clerks, staff attorneys and other judicial personnel? The answer is that it might not be—but it certainly could be—improper, depending on the circumstances and context of the “friendship.” Perhaps the best approach would be to use the classic perspective of the “reasonable person” to decide whether an un-



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The establishment of any new social media connection between a judge or a member of the court staff and anyone appearing before the court while litigation is pending would likely appear improper.

interested party could view the connection as inappropriate or indicative of bias.

What concerns are raised when a judge is “friends” with a juror or a party to the case?

As previously mentioned, one judge’s online “friendship request” to a litigant in a divorce case certainly—and not very surprisingly—created a problem in *Chace*. The prospect of social media relationships between judges and litigants caused that court to have substantial concerns over the possibility of improper *ex parte* communications between a judge and a litigant.³⁶

In *Youkers v. State*, one of the issues raised in a criminal appeal was the trial judge’s social media interaction with the crime victim’s father. There, the judge was a Facebook friend of the victim’s father, and the father sent the judge an *ex parte* communication in the form of a Facebook message. The appellate court ultimately determined that the communication and social media relationship did not reach the level of improper bias. This was, however, because the communication in question had been favorable to Youkers, in that the victim’s father had asked that Youkers be given leniency. Additionally, the trial judge placed the communication on the record and warned the victim’s father that such communications were not allowed.³⁷

Therefore, in a situation in which a judge has a social media connection with a juror or a party to a case in his or her court, it seems that balance and timing are key. Proper disclosure of any known, pre-existing relationships would be im-

perative in any pending litigation. The establishment of any new social media connection between a judge or a member of the court staff and anyone appearing before the court while litigation is pending would likely appear improper.

In the event that a judge already has an established social media connection with a juror, litigant, attorney, social worker or law enforcement officer appearing in his or her courtroom, it would be advisable to disclose the connection to all parties involved and, possibly, to go a step further and eliminate the social media connection or “un-friend” the person at issue, at least while the case is pending. If the connection remains while the litigation is pending, any communication regarding the case must be properly disclosed, and if the connection also extends beyond social media, it is essential to consider whether recusal would be appropriate.

How do social media posts and commentary affect pending cases, and what can be done to avoid potential pitfalls in the use of social media?

Online profiles can provide a wealth of information about people involved in litigation, including parties, witnesses, experts, attorneys and judges. Information found on social media can be extremely helpful in terms of locating individuals, screening them, conducting cross-examination and compiling evidence. Some would even say that searching for social media pertaining to clients, witnesses and opposing parties is essential to conducting due diligence as a litigator and that the failure to do so could

even lead to a claim of malpractice. In some instances, social media posts and commentary can become evidence in a case.³⁸

However, the use of social media has also “exponentially increased the risk of prejudicial communication amongst jurors and opportunities to exercise persuasion and influence upon jurors.”³⁹ Jurors are generally instructed to avoid looking for information that could influence their opinions, including information found on social media. Online posts and commentary can also influence the ultimate outcome of a trial.

In a 2011 Arkansas case that is notorious for a juror’s misconduct through the use of social media, a death row inmate’s murder conviction was overturned, at least in part, because a juror improperly tweeted about the trial. In that case, a juror repeatedly posted about the case on Twitter, even after being reprimanded by the judge.⁴⁰

Even when a pending case does not involve something as serious as murder, a juror posting about the case on social media can cause a problem. For example, in 2010, a Michigan juror was removed from a trial after referring to the defendant as “guilty” in a Facebook comment while the trial was still ongoing.⁴¹ As a result, attorneys should consider carefully monitoring the public posts jurors make throughout a trial, without engaging in any behavior that could be deemed an ethical violation, such as sending a friend request.

It is important to note that posting about a pending trial on social media is not just a concern for jurors. A judge or attorney posting about a pending case can also be highly problematic. In New

Mexico, for example, a judge posted on a social media site pertaining to his reelection campaign about presiding over his first murder trial. While that, in itself, was not a problem, an issue arose when he subsequently posted about the verdict in the trial with the comment, “[j]ustice was served.” The defendant then appealed the verdict, arguing that the judge’s posts “demonstrate[d] judicial bias.”⁴²

Although the New Mexico Supreme Court reversed the case on other grounds, the court noted its “concerns over the use of social media by members of [the] judiciary.” The court advised that caution should be exercised in online friendships, postings and other online activity. The court further issued a reminder that “any statement posted online” is a “public statement.”⁴³

Even the judge himself later stated, “judges should never make any comments on Facebook.”⁴⁴ While that is a bit of an extreme stance, one must undeniably take great care to avoid making comments that are inappropriate, especially while litigation is ongoing. Restraint in expressing an opinion on the outcome of a case is advisable.

Perhaps it is obvious that an attorney commenting about the judiciary online is a bad idea. Maybe it should have been obvious for one Florida attorney who posted negative comments about a judge who had ruled against him. As a result of his online expression, that attorney was later deemed to have made “false or reckless statements regarding the qualifications or integrity of a judge.”⁴⁵

Attorneys and judges must always remember that their online statements could easily be shared outside of their peer group. One approach would be to view communications on social media in the same way that one views communications with the press. If you would not want to see your commentary in the newspaper, do not post it online. Even

with the strictest privacy settings in place, information can be copied and distributed elsewhere. No one—attorneys and judges included—should express their opinions via social media about a currently pending case in which they are involved. Doing so could create an appearance of partiality.

In attorney-client relationships, it is certainly arguable that attorneys have a duty to advise their clients about the potential risks involved in the use of social media. “Clients can jeopardize privilege and, in some cases, have been held to have waived it by tweeting, blogging, or posting information about their cases.”⁴⁶ For that reason, many attorneys have now made a discussion about the use of social media an essential part of the client intake process. When talking to your clients about their use of social media, be sure to also advise them about the possible downsides of deleting any past activity, as doing so “carries with it the very real risk of a spoliation allegation.”⁴⁷

When it comes to juries, “litigators should properly screen jurors during jury selection; request certain jury instructions both before and after presentation of the trial to ensure that jurors understand the admonition against social media use; and, finally, request electronic device bans, fines, or contempt charges in appropriate instances.”⁴⁸ Doing so will help to abate the risks inherent in the use of social media by jurors during trial and avoid the risk of having a favorable verdict overturned.

Before your next court appearance, consider taking the following steps. First, review your social media connections, taking the view of a disinterested third party; consider removing any connections that could be deemed inappropriate and disclosing the matter to all potentially affected parties in pending litigation. For judges, also consider whether recusal would be necessary. Second, refrain from making

new social media connections with a member of the judiciary, the bar, a juror, a litigant or anyone else appearing before the court in a pending case. Third, refrain from commenting, posting or sharing information about a pending or recently decided case. Avoid expressing an opinion on the case’s outcome, particularly if you are a member of the judiciary. If you are an attorney, avoid expressing your opinion of the judge and/or the way he or she handled the case. Fourth, take care to properly instruct and monitor jurors and their use of social media throughout a trial. Fifth, instruct your client on the risks associated with use of social media and the importance of maintaining evidence while a case is pending. Taking these steps will help to avoid any potential ethical pitfalls one may encounter through the use of social media. ●



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2018 Annual Meeting: Amelia Island Continues to Shine

BY JENNIFER R. MASON



The State Bar of Georgia returned to Amelia Island for its 2018 Annual Meeting. The world-class Omni Amelia Island Resort again provided a relaxing backdrop to the business at hand. The resort delivered exceptional service in every detail—from food and accommodations to the meetings, events and everything in between—enhancing the experience of all the attendees. It’s always a pleasure to celebrate success and make plans for the future in a venue that shines, and this one does.

Opening Night Festival

Thursday evening’s Opening Night Festival took place outside on the Magnolia Terrace. Live music filled the air in the softening light as Bar members, their families and guests arrived at this casual event meant to provide a fun and lighthearted open to the weekend’s business. Those who came enjoyed the time spent with friends old and new; watched the kids and like-minded individuals tackle the various games, try their hand at crafts and create their own snow cones straight from the source; and enjoyed the live music in a perfect start to the weekend. The weather was gorgeous, and people lingered over dinner, drinks and conversation long after the sun went down.

The Opening Night Festival on the Magnolia Terrace.

PHOTO BY JENNIFER R. MASON

Business of the Bar

The main objective of the weekend was the business of the Bar. A number of sections and committees scheduled meetings in which they reviewed the business of the Bar year while they looked forward to the work and challenges of the next. CLE seminars on Thursday and Friday afforded all present the opportunity to fulfill educational requirements on topics such as wellness; social media and technology; legacy and lessons from Georgia's iconic civil rights lawyers; and the annual installment of the war stories series.

Balancing out the business of the day were the evening events that seamlessly incorporated networking and socializing in a casual and relaxed atmosphere. Beginning with the Opening Night Festival on Thursday, members and their guests could choose to attend one, two or all of the events depending on their interest and affiliation. Receptions hosted by law school alumni groups, sections and other organizations afforded attendees the opportunity to enjoy time with friends and colleagues that they may not have seen in quite some time (or at least since the previous year's meeting). More formal events included the YLD Dinner and Swearing-In Ceremony on Friday and the Presidential Inaugural Gala on Saturday.

Board Meeting Highlights

The June 8 plenary session began with special recognition by President Brian D. "Buck" Rogers of members of the judiciary, past presidents of the Bar and other special guests, in addition to recognizing and honoring retiring Executive Committee members and Board of Governors members.

President Rogers then took time to present several special awards and resolutions. The first was the presentation of the Distinguished Service Award, the highest accolade bestowed by the State Bar of Georgia, to Phyllis Holmen (see page 56). Holmen was honored for her "conspicuous service to the cause of jurisprudence and to the advancement of the legal profession in the state of Georgia."



PHOTO BY SARAH I. COOLE

(Left to right) Board Member Joyce Gist Lewis, Presiding Justice Harold Melton and Hon. Susan Edlein during the Opening Night Festival.

Following the presentation of the Distinguished Service Award, President Rogers and Supreme Court of Georgia Justice Carol Hunstein presented a resolution to Bar member Emory Schwall honoring his exceptional 68-year legal career. A resolution was also presented by President Rogers to Roy M. Sobelson, professor emeritus at Georgia State University College of Law, for a career of devoted service to legal education and the justice system in the state of Georgia. Following the presentation of the resolutions, President Rogers invited Justice David Nahmias, Nicki Vaughan, chair, Child Protection & Advocacy Section, to the podium to present the Juvenile Law and Child Advocacy Awards. The Judge Willie Lovett Award for Advancing the Field of Juvenile Law was presented to Hon. C. Gregory Price, Juvenile Court of Floyd County. Joining Justice Nahmias and Vaughan for this presentation were Seletha Butler, wife of Hon. Willie Lovett and Ira Foster, GLSP interim director. The Chief Justice Harris Hines Award for Outstanding Advocacy for Children in Dependency Proceedings was presented by Justice Nahmias and

Chief Justice P. Harris Hines to Christopher Hempfling, Rockdale County special assistant attorney general and Demetria Campbell, Colquitt County case manager.

President Rogers then presented a replica check to GLSP Interim Director Ira Foster in the amount of \$571,925 representing the voluntary contributions made by Bar members to GLSP's 2017 "And Justice For All Campaign."

Following the presentation of the annual awards, President Rogers presented a resolution to Chief Justice P. Harris Hines for his 50 years of devoted service to the community, the legal profession and the justice system of Georgia. Chief Justice Hines will have served on the Supreme Court for 23 years, including the past two-and-a-half years as chief justice, at the time of his retirement in August. At the conclusion of this presentation, the State of the Court of Appeals address was delivered by Chief Judge Stephen Dillard; the State of the Supreme Court address by Chief Justice P. Harris Hines; and the State of the Georgia Law Department by Attorney General Chris Carr. At the conclusion of his address, Carr pre-



(Left to right) Past YLD Presidents Elena Kaplan (2007-08) Amy V. Howell (2009-10) and Tina Shadix Roddenbery (1994-95) at the Opening Night Festival.



Rita M. Treadwell, president, Georgia Association of Black Women Attorneys (GABWA), accepts the President's Cup Award on behalf of GABWA from 2017-18 President Brian D. "Buck" Rogers.

sented awards to the winners of the 2018 Legal Food Frenzy with the assistance of President Rogers, YLD President Nicole Leet and Danah Craft, executive director of the Georgia Food Bank Association: Sole Proprietor, Attorney Justin Oliverio, LLC; Small Firm, Jenkins & Roberts, LLC; Medium Firm, Whelchel, Dunlap, Jarrard & Walker, LLP; Large Firm, Moore Ingram Johnson & Steele LLP and King & Spalding; Corporate, In-House Counsel, Serta Simmons Bedding, LLC; Legal Organizations, Georgia Institute of Technology Office of Legal Affairs; Judicial, Augusta Judges; Attorney General's Cup—Law School Division, Mercer University Walter F. George School of Law; Attorney General's Cup, Attorney Joe S. Habachy; and Bar President's Award, Coleman Talley LLP.

Following the presentation of the Legal Food Frenzy Awards, the State of the Georgia House Judiciary Committee was given by Rep. Wendell Willard (chair) and the State of the Georgia Senate Judiciary Committee was given by Sen. Jesse Stone (chair). The memorials report was given by President Rogers.

Outgoing YLD President Nicole C. Leet reported on the activities of the Young Lawyers Division. This year's major focus was on pro bono service. Through the Signature Service Project's Pro Bono Challenge, she announced that more than 10,000 hours of pro bono service were pledged. In continuing the work of service, she reported that the Community Service Project Committee conducted a statewide day of service in conjunction with Habitat for Humanity and participated in building three homes, and the YLD hopes to make this an annual event. While President Leet referred the Board members to the YLD Report in the Board book to learn more about the work of the YLD, she reported that in addition to annual projects, there are more than 20 YLD committees working on projects every year. The Law School Outreach Committee conducted outreach early in the year at all of Georgia's law schools and hopes to include feeder law schools in Tennessee and Alabama next year. The YLD participated in an ABA program, What Do Lawyers Do?, that educates undergraduate students about legal careers and how to become a lawyer.

Other continuing programs include the Public Interest Internship Program, the Leadership Academy and the Legal Food Frenzy. She announced that the YLD was recognized by the ABA as an Affiliate Star of the Quarter for the Pro Bono Challenge, and that YLD member Jana Edmondson-Cooper was honored with the ABA YLD William Reece Smith Jr. National Outstanding Young Lawyer Award. In keeping with her theme of pro bono service, Leet reminded members about the virtual help-a-thon available during the Annual Meeting where lawyers can sign up to provide free legal answers. Lastly, she announced that sponsorship money was raised to help subsidize young lawyers attending Friday night's dinner and swearing-in ceremony. She thanked the YLD Officers and Board members, the Bar's officers, Executive Committee and the Board of Governors for their support.

Reports were given on the Investigative Panel by Sherry Boston, the Review Panel by Tony Askew, the Formal Advisory Opinion Board by Jeff Schneider, and the Clients' Security Fund and Receiverships by Deputy General Counsel Bill NeSmith.



Matthew Gettinger receives the YLD Award of Achievement for Service to the Bar from 2017-18 YLD President Nicole C. Leet during the YLD Dinner and Swearing-In Ceremony.



(Left to right) 2018-19 President Kenneth B. Hodges III, Joe and Shondeana Morris, 2016-17 President Patrick T. O'Connor and Carol O'Connor during the Presidential Inaugural Gala.

During the plenary session, President Rogers delivered his outgoing remarks as required by the bylaws of the State Bar. A copy of these remarks can be found on page 38.

Kenneth B. Hodges III presided over the 274th Board of Governors meeting on Saturday, June 9.

Highlights of the meeting included:

- President Hodges addressed the Board of Governors and presented an overview of his proposed program of activities for the 2018-19 Bar year (see page 42).
- The Board approved the following presidential appointments:
 - State Disciplinary Board:**
Margaret Ware Sigman Puccini, Savannah (2021)
Jeffrey R. Harris, Savannah (2021)
 - Formal Advisory Opinion Board:**
Georgia Association of Criminal Defense Lawyers: Amanda Clark Palmer, Atlanta (2020)
Young Lawyers Division: Nicole C. Leet, Atlanta (2019)
Emory University: Melissa D. Carter, Atlanta (2020)
Georgia State University: Megan Elizabeth Boyd, Atlanta (2020)

At Large: Letitia A. McDonald, Atlanta (2020), Mary Anita Prebula, Atlanta (2020), Jeffrey Hobart Schneider, Atlanta (2020)

- The Board approved the following presidential appointments to the ICLE Board:
Buddy M. Mears (2021), Laverne Lewis Gaskins (2021) and C. James Callar Jr. (2021)
- The Board approved President Hodges' 2018-19 appointments to standing, special, program and board committees.
- Treasurer Dawn M. Jones reported on the Bar's finances and investments, and the Board, by unanimous voice vote, approved the 2018-19 State Bar budget.
- As required by Article V, Section 8 of the Bylaws, the Board:
 - authorized the president to secure a blanket fidelity bond to cover all officers, employees and other persons handling State Bar funds
- As required by Article V, Section 6 of the bylaws, the Board:
 - directed the State Bar and related entities open appropriate accounts

with such banks in Georgia, but excluding any bank that does not participate in the IOLTA Program, and other such depositories as may be recommended by the Finance Committee and designated by the Executive Committee of the Board of Governors of the State Bar of Georgia; and that the persons whose titles are listed below are authorized to sign an agreement to be provided by such banks and customary signature cards; and that the said banks are hereby authorized to pay or otherwise honor any check drafts or other orders issued from time to time for debit to said accounts when signed by two of the following: the treasurer, the secretary, the president, the immediate past president, the president-elect, the executive director, the office manager and the general counsel, provided either the president, the secretary or the treasurer shall sign all checks or vouchers and that said accounts can be reconciled from time to time by



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Photos from the ANNUAL MEETING



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- 2017-18 YLD President Nicole C. Leet and President Brian D. "Buck" Rogers are all smiles at the Opening Night Festival.
- Lanette and Derrick Pope enjoy themselves at one of the Friday night alumni receptions.
- State Bar of Georgia's 2018-19 Executive Committee: (back row, left to right) Executive Committee Member Sarah B. "Sally" Akins, YLD Immediate Past President Nicole C. Leet, YLD President-Elect William T. "Will" Davis, Secretary Elizabeth L. Fite, Executive Committee Member Amy V. Howell, Executive Committee Member Hon. J. Antonio DelCampo, Executive Committee Member David S. Lipscomb; (front row, left to right) Treasurer Dawn M. Jones, Immediate Past President Brian D. "Buck" Rogers; President-Elect Darrell L. Sutton, President Kenneth B. Hodges III, YLD President Rizza O'Connor and Executive Committee Member Nicki N. Vaughan.
- (Left to right) Keith Gammage, Solicitor General Fulton County, 2018-19 President Kenneth B. Hodges III and Donna Coleman-Stribling, Solicitor General DeKalb County.
- Attorney General Chris Carr delivers the State of the Georgia Law Department address during the plenary session of the Annual Meeting.
- Supreme Court of Georgia Justice Keith Blackwell swears in the 2018-19 Young Lawyers Division officers. (Left to right) President Rizza O'Connor, President-Elect William T. "Will" Davis, Treasurer Bert Hummel, Secretary Elyssa B. Haynes, Immediate Past President Nicole C. Leet and Newsletter Co-Editors Baylie M. Fry and Audrey B. Bergeson.
- (Left to right) Past President J. Douglas Stewart (1981-82) receives the Chief Justice Thomas O. Marshall Professionalism Award from 2017-18 President Brian D. "Buck" Rogers.
- 2018-19 President Kenneth B. Hodges III (center) and Carl Varnedoe (right) engage in a dance-off during the Presidential Inaugural Gala.
- Sandra Kate and Presiding Judge John J. Ellington, Court of Appeals of Georgia.
- Incoming Board Member Sutton Connelly and his family enjoy the Opening Night Festival. (Left to right) Lily, Susan, Sutton and Branch.
- The Kinchafoonee Cowboys play the Presidential Inaugural Gala.
- Child Protection & Advocacy Section Chair Nicki Vaughan accepts the Section Award of Achievement from 2017-18 President Brian D. "Buck" Rogers.



(Left to right) 2017-18 President Brian D. "Buck" Rogers presents a special resolution to Chief Justice P. Harris Hines honoring his 50 years of devoted service to the public and the justice system.



Incoming Board Member Donna Coleman-Stribling and her family enjoy the Opening Night Festival. (Left to right) David, Donna, Daniel and Dylan.

said persons or their designees. The authority herein given is to remain irrevocable so far as said banks are concerned until they are notified in writing of such revocation of authority and in writing, acknowledge receipt thereof.

- designated Mauldin & Jenkins as the independent auditing firm to audit

the financial records of the State Bar for the fiscal year 2017-18.

- The Board of Governors, by unanimous voice vote, elected Jeff Davis as executive director for the 2018-19 Bar year.
- The Board approved the proposed 2018-19 election schedule.
- Executive Committee elections were held with the following results: Sarah B. "Sally" Akins, Hon. J. Antonio Del-

Campo, Amy V. Howell and Nicki N. Vaughan.

- The Board approved the appointments of Marquette Bryan, Partick H. Flinn and Keishan J. Davis to the Georgia Legal Services Board of Trustees for two-year terms.
- The Board approved the reappointment of Gerald Edenfield to the Chief Justice's Commission on Professionalism for a three year term.
- YLD President Rizza O'Connor stated that she is excited to serve as the 72nd president of YLD. She is a first generation Asian-American so this position is extremely meaningful to her. She pursued the position of YLD president for the opportunity to give back on a greater scale. Her motivation this year is to live out the YLD's motto of working for the profession and the public. She is a chief magistrate judge in rural South Georgia, specifically in Toombs County, and her projects will reflect that interesting perspective. As a magistrate judge, she finds that in 90 percent of the cases one of the parties is a pro se litigant so her signature service project this year is a remote representation program. She can attest for the need for affordable legal services, especially in rural Georgia, so the YLD is partnering with the Lawyers for Equal Justice program and its Director Sarah Babcock. The idea is to use technology to bridge the access to justice gap. In Toombs County, which will be the test case, litigants will have the opportunity to hire lawyers from the Lawyers for Equal Justice Program. Those are typically young lawyers who want to set up their own practices, but need some training. If a lawyer-client relationship is formed, the lawyers can file their pleadings electronically. If there is a hearing, it will be done in Toombs County and lawyers in Atlanta or other places in the state will be able to remotely represent that client wherever they are. This will accomplish two things. It will give the young lawyer who is filing the pleading more courtroom experience and provide the litigants with an opportunity to have a lawyer. She also

reported that the heart of the YLD is in its committees and she looks forward to presenting the Board of Governors with the highlights the YLD will accomplish this year. She announced the YLD remaining meetings at which she will be bringing CLEs that focus on strong professional development. The Summer Meeting in Savannah will feature a CLE on the iconic case of the Jim William trials. The Fall Meeting will take place in Greensboro at Lake Oconee. The Spring Meeting is in Washington, D.C., where the YLD has a reservation for the group to be sworn in to the U.S. Supreme Court and a commitment from Justice Clarence Thomas. To close, she highlighted a program that was important to her as a working mom. With the help of Executive Director Jeff Davis and Communications Director Sarah Coole, the State Bar now has a lactation room located on the third floor Conference Center at the Bar. Lastly, she reported that she has designed the internal structure of the YLD to work with and support other organizations like GABWA, GAPABA, GAWL, Gate City and Stonewall, and she extended that invitation for the YLD to partner with those organizations on programs and events in the future, and knows that so much more can be accomplished by working together.

- Lawyers for Equal Justice Executive Director Sarah Babcock reported on the activities of the Lawyers for Equal Justice Program.
- Georgia Bar Foundation Executive Director Len Horton reported on the activities of the Georgia Bar Foundation, IOLTA and the Fellows Program, as well as the foundation's philanthropic endeavors.
- Director of Governmental Affairs Christine Butcher Hayes reported on the Bar's legislative session and the five bills that the Bar was able to get passed this year. Both the Victims of Domestic Violence and Appellate Practice Center funding requests were approved. She reported that there will be two new judiciary

committee chairs next year. She announced that the Advisory Committee on Legislation will be chaired by Thomas Worthy. She thanked Immediate Past President Buck Rogers for his leadership and work this year, and the lobbying team of Rusty Sewell, Mark Middleton and Roy Robinson. Lastly, she reported that the submission deadlines for this year's legislative proposals will be early September and early December.

- Executive Counsel Carey Miller, Office of the Governor, reported on the Business Courts constitutional amendment, House Resolution 993. HR 993 establishes a constitutional authority for business courts divisions and provides for the creation of a new statewide business court that is a limited jurisdiction court. President Hodges reported that the State Bar's Business Court Committee will help work on the enabling legislation.
- The Board received copies of the minutes of Executive Committee meetings held on Feb. 8, Feb. 14 and March 5.
- The Board received written reports from the following: the Office of the General Counsel, the Insurance

Committee, the Consumer Assistance Program, the Committee to Promote Inclusion in the Profession, the Fee Arbitration Program, the Law Practice Management Program, the Military Legal Assistance Program, the Transition into Law Practice Program, the Unlicensed Practice of Law Program and the Georgia Legal Services Program.

- The Board received a copy of the 2017-18 media report.
- The Board received written reports from the following sections: Child Protection & Advocacy, Creditors' Rights & Commercial Litigation, Eminent Domain, Family Law, Fiduciary Law, Franchise & Distribution Law, General Practice & Trial Law, Health Law, Intellectual Property Law, Local Government Law, Nonprofit Law, Privacy & Technology Law, School & College Law and Workers' Compensation Law.

Annual Awards

During the plenary session, outgoing President Rogers recognized specific Bar members and organizations for the work they have done over the past year.



2017-18 President Brian D. "Buck" Rogers presents the Employee of the Year Award to Barbara Dailey, State Bar of Georgia Consumer Assistance Program Administrator, on Saturday, June 9.

PHOTO BY SARAH I. COOLE

Chief Justice Thomas O. Marshall Professionalism Awards

The 17th Annual Chief Justice Thomas O. Marshall Professionalism Awards, sponsored by the Bench and Bar Committee of the State Bar of Georgia, honors one lawyer and one judge who have and continue to demonstrate the highest professional conduct and paramount reputation for professionalism. This year's recipients were Hon. Steve C. Jones, U.S. District Court, Northern District of Georgia, Atlanta; and J. Douglas Stewart, Stewart Melvin & Frost, LLP, 1981-82 president, State Bar of Georgia, Gainesville.

Local and Voluntary Bar Awards

The Thomas R. Burnside Excellence in Bar Leadership Award, presented annually, honors an individual for a lifetime of commitment to the legal profession and the justice system in Georgia, through dedicated service to a voluntary bar, practice bar, specialty bar or area of practice section. This year's recipient was Hon. Christopher C. Edwards, as nominated by the Fayette County Bar Association.

The Law Day Award of Achievement is presented to voluntary bar associations that best plan Law Day activities in their respective communities to commemorate this occasion.

- 101 to 250 members: Gwinnett County Bar Association
- 501 members or more: Cobb County Bar Association

The Best New Entry Award is presented to recognize the excellent efforts of those voluntary bar associations that have entered the Law Day or Award of Merit competitions for the first time in four years. This year's recipient was the Fayette County Bar Association.

The Best Newsletter Award is presented to voluntary bars that provide the best informational source to their membership.

- 101 to 250 members: Gwinnett County Bar Association
- 501 members or more: Savannah Bar Association

The Best Website Award is given to local and voluntary bar associations with websites that exemplify excellence in usefulness, ease of use, content and design in meeting the needs of the website's targeted audience.

- Under 50 members: Paulding County Bar Association
- 101 to 250 members: Gwinnett County Bar Association

- 251 to 500 members: Georgia Association of Black Women Attorneys
- 501 members or more: Georgia Association for Women Lawyers

The President's Cup Award is presented annually to the voluntary bar association with the best overall program. This year's recipient was the Georgia Association of Black Women Attorneys.

Section Awards

Sections awards are presented to outstanding sections for their dedication and service to their areas of practice, and for devoting endless hours of volunteer effort to the profession:

- *Section of the Year*
Family Law—Gary Graham, chair
- *Awards of Achievement*
Child Protection & Advocacy—Nicki Vaughan, chair
Health Law—Lynn Adam, chair
Intellectual Property Law—Jim Johnson, chair
Privacy & Technology Law—Fred Schuchman, chair

Tradition of Excellence Awards

The Tradition of Excellence Awards are presented annually at the General

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Animal Law
Appellate Practice
Child Protection & Advocacy
Creditors' Rights &
Commercial Litigation

Employee Benefits Law
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General Practice & Trial Law
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PHOTO BY SARAH L. COOLE

Former Court of Appeals of Georgia Judge Herbert E. Phipps swears in Kenneth B. Hodges III as the 56th president of the State Bar of Georgia while Hodges' family looks on. (Left to right) Phipps, Hodges, Melissa, Margaret and Jack.

Practice & Trial Law Section Breakfast to select Bar members in recognition of their commitment to service to the public, the Bar and to civic organizations. The 2018 recipients were: Sarah B. "Sally" Akins, Savannah (defense), James L. Pannell, Savannah (general practice), Hon. W. Louis Sands, Albany (judicial), and J. Christopher Clark, Macon (plaintiff).

Young Lawyers Division Awards

Young Lawyers Division Awards are presented during the YLD Dinner and Swearing-In Ceremony.

The Distinguished Judicial Service Award was presented to Hon. Catherine M. Salinas.

The Ross Adams Award was presented to Stephanie Kirijan Cooper.

The Award of Achievement for Service to the Bar was presented to Matthew Gettinger, Amanda Moyer and Mark Weaver.

The Award of Achievement for Service to the Public was presented to Brittanie Browning, Robert "Bert" Noble and Justin Wolfe.

The Award of Achievement for Service to the Profession was presented to

Ashley Akins, Audrey Bergeson, Zachary Howard and Sarah Yaeger.

The Award of Achievement for Service to the YLD was presented to Janene Browder, Edwin Cook, Damon Elmore, Sarah Kjellin and John O'Neal.

The YLD Ethics & Professionalism Award was presented to Kevin Patrick.

The Outstanding YLD Affiliate Award was presented to the West Georgia Young Lawyers Association.

Passing of the Gavel

Saturday evening began with the annual reception honoring the justices and judges of the Supreme Court of Georgia and the Court of Appeals of Georgia, followed by the business portion of the evening. Prior to the swearing-in ceremony, President Rogers presented the Employee of the Year Award, which honors a staff member of the State Bar of Georgia who distinguished himself or herself by being dedicated to carrying out the ideals of the Bar, to Barbara Dailey, Consumer Assistance Program Administrator. She is commended for her exemplary work, conscientious manner and positive attitude.

Following the award presentation, Hon. Herbert E. Phipps swore in Kenneth B. Hodges III as the 56th president of the State Bar. With his hand on the Bible, Hodges repeated the following:

I, Kenneth B. Hodges III, do solemnly swear that I will execute the office of president of the State Bar of Georgia, and perform all the duties incumbent upon me, faithfully, to the best of my ability and understanding, and agreeable to the policies, bylaws, and rules and regulations of the State Bar of Georgia and constitution of the United States, so help me God.

The evening continued with dinner, drinks, dancing and entertainment, including a bourbon, cigar and scotch lounge out on the Magnolia Terrace and the dance club featuring the Kinchafoonee Cowboys. ●



Jennifer R. Mason

Assistant Director of Communications
State Bar of Georgia

jenniferm@gabar.org

2018-19 State Bar Officers, Executive Committee and Board of Governors Members

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New Board of Governors Members

Atlanta Circuit, Post 6
Tracee Ready Benzo, Atlanta

Atlanta Circuit, Post 9
Keith Elliott Gammage, Atlanta

Atlanta Circuit, Post 12
Joyce Gist Lewis, Atlanta

Atlanta Circuit, Post 19
Zahra S. Karinshak, Atlanta

Augusta Circuit, Post 4
John Ryd Bush Long, Augusta

Cobb Circuit, Post 1
Katie Kiihnl Leonard, Atlanta

Coweta Circuit, Post 1
Nina Markette Baker, LaGrange

Lookout Mountain Circuit, Post 3
Christopher Sutton Connelly, Summerville

Member-at-Large, Post 3
Ana Maria Martinez, Decatur

Middle Circuit, Post 1
Hon. Kathy Stephens Palmer, Swainsboro

Rockdale Circuit
Daniel Shelton Digby, Conyers

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Alcovy Circuit, Post 1
Michael G. Geoffroy, Covington

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Appalachian Circuit
Will H. Pickett Jr., Jasper

Atlanta Circuit, Post 1
Hon. Diane E. Bessen, Atlanta

Atlanta Circuit, Post 2
Kent Edward Altom, Alpharetta

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Kathleen M. Womack, Atlanta

Atlanta Circuit, Post 4
Jeffrey Ray Kuester, Atlanta

Atlanta Circuit, Post 5
Catherine Koura, Atlanta

Atlanta Circuit, Post 6
Tracee Ready Benzo, Atlanta

Atlanta Circuit, Post 7
William M. Ragland Jr., Atlanta

Atlanta Circuit, Post 8
Hon. Paige Reese Whitaker, Atlanta

Atlanta Circuit, Post 9
Keith Elliott Gammage, Atlanta

Atlanta Circuit, Post 10
Scott Dewitt Delius, Atlanta

Atlanta Circuit, Post 11
Hon. Jill Pryor, Atlanta

Atlanta Circuit, Post 12
Joyce Gist Lewis, Atlanta

Atlanta Circuit, Post 13
R. Gary Spencer, Atlanta

Atlanta Circuit, Post 14
Edward B. Krugman, Atlanta

Atlanta Circuit, Post 15
Letitia A. McDonald, Atlanta

Atlanta Circuit, Post 16
James Daniel Blich IV, Atlanta

Atlanta Circuit, Post 17
Hon. JaDawnnya C. Butler, Atlanta

Atlanta Circuit, Post 18
Foy R. Devine, Atlanta

Atlanta Circuit, Post 19
Zahra S. Karinshak, Atlanta

Atlanta Circuit, Post 20
Jennifer Auer Jordan, Atlanta

Atlanta Circuit, Post 21
Patricia Anne Gorham, Atlanta

Atlanta Circuit, Post 22
Frank B. Strickland, Atlanta

Atlanta Circuit, Post 23
Donna G. Barwick, Atlanta

Atlanta Circuit, Post 24
Joseph Anthony Roseborough, Atlanta

Atlanta Circuit, Post 25
Phyllis J. Holmen, Atlanta

Atlanta Circuit, Post 26
Anthony B. Askew, Atlanta

Atlanta Circuit, Post 27
Nancy Jean Whaley, Atlanta

Atlanta Circuit, Post 28
J. Henry Walker IV, Atlanta

Atlanta Circuit, Post 29
Tina Shadix Roddenbery, Atlanta

Atlanta Circuit, Post 30
Shiriki Lean Cavitt, Atlanta

Atlanta Circuit, Post 31
Michael Brian Terry, Atlanta

Atlanta Circuit, Post 32
Seth David Kirschenbaum, Atlanta

Atlanta Circuit, Post 33
Hon. Susan Eichler Edlein, Atlanta

Atlanta Circuit, Post 34
Allegra J. Lawrence, Atlanta

Atlanta Circuit, Post 35
Terrence Lee Croft, Atlanta

Atlanta Circuit, Post 36
J. Marcus Edward Howard, Atlanta

Atlanta Circuit, Post 37
Samuel M. Matchett, Atlanta

Atlanta Circuit, Post 38
Michael Dickinson Hobbs Jr., Atlanta

Atlanta Circuit, Post 39
Anita Wallace Thomas, Atlanta

Atlanta Circuit, Post 40
Carol V. Clark, Atlanta

Atlantic Circuit, Post 1
H. Craig Stafford, Hinesville

Atlantic Circuit, Post 2
Carl Robert Varnedoe, Hinesville

Augusta Circuit, Post 1
Sam G. Nicholson, Augusta

Augusta Circuit, Post 2
William James Keogh III, Augusta

Augusta Circuit, Post 3
Thomas Reuben Burnside III, Augusta

Augusta Circuit, Post 4
John Ryd Bush Long, Augusta

Bell Forsyth Circuit
Hon. Philip C. Smith, Cumming

Blue Ridge Circuit, Post 1
Hon. David Lee Cannon Jr., Canton

Blue Ridge Circuit, Post 2
Eric Alvin Ballinger, Canton

Brunswick Circuit, Post 1 <i>James L. Roberts IV, Saint Simons Island</i>	Douglas Circuit <i>Ryan Reese Leonard, Douglasville</i>	Member-at-Large, Post 3 <i>Ana Maria Martinez, Decatur</i>	South Georgia Circuit, Post 2 <i>Hon. Joshua Clark Bell, Whigham</i>
Brunswick Circuit, Post 2 <i>Jeffrey S. Ward, Brunswick</i>	Dublin Circuit <i>Joseph Carl Sumner Jr., Dublin</i>	Middle Circuit, Post 1 <i>Hon. Kathy Stephens Palmer, Swainsboro</i>	Southern Circuit, Post 1 <i>Christopher Frank West, Thomasville</i>
Chattahoochee Circuit, Post 1 <i>Amy Carol Walters, Columbus</i>	Eastern Circuit, Post 1 <i>Sarah Brown Akins, Savannah</i>	Middle Circuit, Post 2 <i>Thomas Alexander Peterson IV, Vidalia</i>	Southern Circuit, Post 2 <i>Robert Allen Plumb Jr., Valdosta</i>
Chattahoochee Circuit, Post 2 <i>Hon. William C. Rumer, Columbus</i>	Eastern Circuit, Post 2 <i>Lester B. Johnson III, Savannah</i>	Mountain Circuit <i>Hon. James T. Irvin, Toccoa</i>	Southern Circuit, Post 3 <i>H. Burke Sherwood, Valdosta</i>
Chattahoochee Circuit, Post 3 <i>Thomas Frederick Gristina, Columbus</i>	Eastern Circuit, Post 3 <i>Jonathan B. Pannell, Savannah</i>	Northeastern Circuit, Post 1 <i>Mark William Alexander, Gainesville</i>	Southwestern Circuit <i>Hon. R. Rucker Smith, Americus</i>
Chattahoochee Circuit, Post 4 <i>Donna Stanaland Hix, Columbus</i>	Eastern Circuit, Post 4 <i>John Bell Manly, Savannah</i>	Northeastern Circuit, Post 2 <i>Nicki Noel Vaughan, Gainesville</i>	Stone Mountain Circuit, Post 1 <i>Hon. Stacey K. Hydrick, Decatur</i>
Cherokee Circuit, Post 1 <i>Randall H. Davis, Cartersville</i>	Enotah Circuit <i>Hon. Joy Renea Parks, Cleveland</i>	Northern Circuit, Post 1 <i>Walter James Gordon Sr., Hartwell</i>	Stone Mountain Circuit, Post 2 <i>William Dixon James, Decatur</i>
Cherokee Circuit, Post 2 <i>John Thomas Mroczko, Cartersville</i>	Flint Circuit, Post 1 <i>Gregory A. Futch, Jackson</i>	Northern Circuit, Post 2 <i>Hon. Richard Dale Campbell, Elberton</i>	Stone Mountain Circuit, Post 3 <i>Hon. J. Antonio DelCampo, Atlanta</i>
Clayton Circuit, Post 1 <i>H. Emily George, Forest Park</i>	Flint Circuit, Post 2 <i>John Philip Webb, Stockbridge</i>	Ocmulgee Circuit, Post 1 <i>Carl Santos Cansino, Milledgeville</i>	Stone Mountain Circuit, Post 4 <i>Donna Coleman Stribling, Decatur</i>
Clayton Circuit, Post 2 <i>Harold B. Watts, Jonesboro</i>	Griffin Circuit, Post 1 <i>Janice Marie Wallace, Griffin</i>	Ocmulgee Circuit, Post 2 <i>Wilson B. Mitcham Jr., Gray</i>	Stone Mountain Circuit, Post 5 <i>Amy Viera Howell, Atlanta</i>
Clayton Circuit, Post 3 <i>Hon. Martin L. Cowen III, Jonesboro</i>	Griffin Circuit, Post 2 <i>Roy B. Huff Jr., Peachtree City</i>	Ocmulgee Circuit, Post 3 <i>Christopher Donald Huskins, Eatonton</i>	Stone Mountain Circuit, Post 6 <i>Claudia Susan Saari, Decatur</i>
Cobb Circuit, Post 1 <i>Katie Kiihnl Leonard, Atlanta</i>	Gwinnett Circuit, Post 1 <i>David S. Lipscomb, Lawrenceville</i>	Oconee Circuit, Post 1 <i>Ashley Wedrell McLaughlin, Eastman</i>	Stone Mountain Circuit, Post 7 <i>John G. Haubenreich, Atlanta</i>
Cobb Circuit, Post 2 <i>Ronald Arthur Lowry, Marietta</i>	Gwinnett Circuit, Post 2 <i>Judy C. King, Lawrenceville</i>	Oconee Circuit, Post 2 <i>Hon. Stephanie Diane Burton, Hawkinsville</i>	Stone Mountain Circuit, Post 8 <i>R. Javoyne Hicks, Stone Mountain</i>
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Cobb Circuit, Post 4 <i>Patrick H. Head, Marietta</i>	Gwinnett Circuit, Post 4 <i>Gerald Davidson Jr., Lawrenceville</i>	Ogeechee Circuit, Post 2 <i>Susan Warren Cox, Statesboro</i>	Stone Mountain Circuit, Post 10 <i>Hon. Dax Eric Lopez, Decatur</i>
Cobb Circuit, Post 5 <i>Dawn Renee Levine, Marietta</i>	Houston Circuit <i>Carl A. Veline Jr., Warner Robins</i>	Out-of-State, Post 1 <i>Stephanie Kirijan Cooper, Birmingham, Ala.</i>	Tallapoosa Circuit, Post 1 <i>Michael Douglas McRae, Cedartown</i>
Cobb Circuit, Post 6 <i>Laura Joan Murphree, Marietta</i>	Lookout Mountain Circuit, Post 1 <i>Archibald A. Farrar Jr., Summerville</i>	Out-of-State, Post 2 <i>William J. Monahan, Washington, D.C.</i>	Tallapoosa Circuit, Post 2 <i>Brad Joseph McFall, Cedartown</i>
Cobb Circuit, Post 7 <i>William C. Gentry, Marietta</i>	Lookout Mountain Circuit, Post 2 <i>Douglas Ray Woodruff, Ringgold</i>	Pataula Circuit <i>Edward R. Collier, Dawson</i>	Tifton Circuit <i>Hon. Render Max Heard Jr., Tifton</i>
Conasau Circuit, Post 1 <i>Terry Leighton Miller, Dalton</i>	Lookout Mountain Circuit, Post 3 <i>Christopher Sutton Connelly, Summerville</i>	Paulding Circuit <i>Martin Enrique Valbuena, Dallas</i>	Toombs Circuit <i>Dennis C. Sanders, Thomson</i>
Conasau Circuit, Post 2 <i>Robert Harris Smalley III, Dalton</i>	Macon Circuit, Post 1 <i>John Flanders Kennedy, Macon</i>	Piedmont Circuit <i>Barry E. King, Jefferson</i>	Towaliga Circuit <i>Curtis Stephen Jenkins, Forsyth</i>
Cordele Circuit <i>James W. Hurt, Cordele</i>	Macon Circuit, Post 2 <i>Thomas W. Herman, Macon</i>	Rockdale Circuit <i>Daniel Shelton Digby, Conyers</i>	Waycross Circuit, Post 1 <i>Douglass Kirk Farrar, Douglas</i>
Coweta Circuit, Post 1 <i>Nina Markette Baker, LaGrange</i>	Macon Circuit, Post 3 <i>Ivy Neal Cadle, Macon</i>	Rome Circuit, Post 1 <i>Christopher Paul Twyman, Rome</i>	Waycross Circuit, Post 2 <i>C. Deen Strickland, Waycross</i>
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Dougherty Circuit, Post 2 <i>William Fleming Underwood III, Albany</i>			

Rogers' Final Remarks to the Board of Governors

The bylaws of the State Bar of Georgia specify the duties of the president. One of the responsibilities is to “deliver a report at the Annual Meeting of the members of the activities of the State Bar during his or her term of office and furnish a copy of the report to the Supreme Court of Georgia.” Following is the report from 2017-18 President Brian D. “Buck” Rogers on his year, delivered June 8 at the State Bar’s Annual Meeting.

BY BRIAN D. “BUCK” ROGERS



PHOTO BY SARAH L. COOLE

Thank you, Pat, for that introduction, and thank you for your continued service to the Bar this year as immediate past president and Executive Committee member. We continue to benefit from your wise counsel and dedicated service.

When we met in Jekyll Island one year ago this weekend, I told you, “This might sound strange, but as I enter this year as Bar president, I actually hope I have no personal impact on the Bar. In other words, if no one remembers who I was or what I did as president 10 years from now, then I will have done a good job.”

What I have found, 12 months later, is that one year is indeed too short for a president to make too much of a lasting impact on the Bar . . . or, looking at it another way, maybe one year is just short enough to *prevent* a president from making too much of an impact. Either way, I think that’s a good thing.

2017-18 President Brian D. “Buck” Rogers presents his final remarks to the Board of Governors during the plenary session of the Annual Meeting.



(Left to right) 2017-18 President Brian D. "Buck" Rogers passes the gavel to 2018-19 President Kenneth B. Hodges III on Saturday, June 9.

By that, I mean there will be no great "legacy project" from 2017-18 that future Bar leaders can point to and say was a significant turning point in how the State Bar of Georgia serves the legal profession, the justice system and the citizens of our state.

Instead, I hope they can look back and say this was a year that the Bar kept its focus on fulfilling our daily responsibilities and maintained steady progress on the priorities of our multi-year strategic plan:

- Regulation of practice;
- Access to justice;
- Lawyer wellness;
- Integration of new delivery methods; and
- The importance of the Bar's role to our members and the public.

Ten years from now, no one will remember that I was president of the State Bar of Georgia unless they Google it or use whatever new online search tool is available in 2028. And that's just fine with me.

But that doesn't mean I am not proud of the work that my fellow officers, the

Executive Committee, this Board of Governors, our committee chairs and members, and Bar staff have done this year. Instead of one grand legacy project, we have a long list of lower-profile accomplishments that respond effectively to the priorities of our strategic plan. I'd like to highlight just a few of those this morning.

Legislative Successes

During the 2018 session of the Georgia General Assembly, a number of legislative measures supported by the State Bar won approval in both houses and were signed by the governor—including trust code updates, clarifications in power of attorney laws and the Uniform Access to Digital Assets Act, which allows a fiduciary to manage digital property files like they would tangible property.

The General Assembly also passed an annual state budget that includes State Bar funding requests for grants to civil legal services providers for victims of domestic violence and continued funding of the Georgia Appellate Resource Center. I want to thank Christine Butcher Hayes,

Rusty Sewell, Roy Robinson, Mark Middleton and all of our team at the Capitol for their hard work in the success of our legislative package this year.

PSA Campaign

This year, we produced and broadcast our second series of public service announcements aimed at presenting the true stories of everyday Georgians whose lives have been made better by the work of their lawyer. Titled "Who Needs Lawyers? We Do.," the PSAs were produced by the Dalton Agency, working closely with our Communications Department and the Communications/Cornerstones of Freedom Committee. They ran in Georgia's major TV markets and on radio and social media statewide.

Through May 8, the campaign had delivered more than 4 million digital impressions, resulting in just less than 19,000 clicks, for a 0.44 percent click-through rate, which is significantly above industry benchmarks. The video completion rate was 65 percent, which is right at the industry benchmark.

Also, between January and April, our website traffic had increased by 4 percent over last year. So people are seeing the ads and responding by clicking through to our website to learn more.

Website/Member Directory

Our completely redesigned website and enhanced member directory were launched at the end of April. The new website features a modernized, mobile-friendly and more appealing design, along with some additional and easier-to-use features—providing a more useful experience for Bar members and the public.

In the new enhanced directory, potential clients can contact a member or book an appointment directly through the CloudLawyers site. Members can add additional practice information, a full biography, awards, influential cases, payment options and articles.

For the large number of our members who now have no online presence, the CloudLawyers directory provides one. We will keep the “classic” version of the directory because that’s what our members and courts depend on, and we need to maintain a complete listing of our members.

Disciplinary Rules

The primary reason the unified State Bar of Georgia was established in 1964 was the fact that the old Georgia Bar Association, as a voluntary organization, lacked the authority to regulate the legal profession or enforce the educational, professional and ethical standards for lawyers necessary to protect the public.

Over the past two years, the Disciplinary Rules & Procedures Committee worked tirelessly to conduct a comprehensive review of the Bar’s entire disciplinary process. The review resulted in recommended rules changes that were approved by the Board of Governors and subsequently approved by the Supreme Court of Georgia.

These changes will help modernize, streamline and improve the process for investigating and recommending to the Supreme Court disciplinary measures for

reported violations of the Georgia Rules of Professional Conduct on the part of Bar members.

ICLE Transition

As you know, ICLE completed its transfer of assets into our State Bar of Georgia Foundation last year. This year, ICLE moved its operations to the Bar Center to consolidate services. ICLE staff and services are now in the location where most ICLE seminars take place—our conference center.

We also worked together with the UGA Law School Alumni Association, which co-owned the Athens property with the State Bar of Georgia Foundation, to market the Athens property for sale. It sold for 1.1 million dollars, which was just slightly under the appraised value, and the proceeds from the sale were divided equally between the UGA Law School Alumni Association and the State Bar of Georgia Foundation.

Aging Lawyers/Succession Planning

In an effort to avoid what could happen to your law practice if you were to suddenly become an “absent attorney,” we implemented a voluntary program in which you can select a fellow Bar member to take over the responsibility of returning files and other property to your clients in such a situation.

Beginning with the dues notice you received in May for the 2018-19 Bar year, we have added an area for you to designate an attorney to coordinate the return of client files in the event that, sometime in the future, you become an absent attorney.

We are encouraging all lawyers to participate in this voluntary program. All you have to do is speak with another lawyer and obtain his or her willingness to work with the State Bar to return your files and other property to your clients in the event you become an absent attorney through death, disability or otherwise.

The designated attorney program is a simple step toward developing a succession plan for your law practice.

With the legal profession populated by a larger percentage of “retirement age” members, it can also be a critical step. I appreciate the work of the Senior Lawyers Committee on this initiative.

Two new member benefits were also implemented this year.

Lawyers Helping Lawyers

Our new Georgia Lawyers Helping Lawyers program is an additional tool for the State Bar to help our members who are going through rough times. This peer-to-peer program provides our colleagues who need assistance with a fellow Bar member to be there, listen and help.

The result of months of hard work by our Lawyer Assistance Program Committee, this initiative is a continuation of the Bar’s effort to assist our members with life’s difficulties—including but not limited to depression, stress, alcohol or drug abuse, family problems, workplace conflicts and mental health issues.

The program utilizes not only peer volunteers who have experienced particular mental health or substance use issues, but also those who have experience helping others or just have an interest in extending a helping hand.

Lawyers Helping Lawyers is the first attorney peer program of its kind in the country, simultaneously guaranteeing anonymity while also leveraging the benefits of online technology. Lawyers who want to request peer support or volunteer to provide peer support can do so through the program’s website at GeorgiaLHL.org.

Cyber Liability Insurance

The fact that many of the nation’s most prominent financial institutions, retail companies and governmental agencies have fallen victim to cyber security failures has been well publicized. What lawyers need to know is that 1 in 4 law firms with at least 100 lawyers have also experienced data breaches, according to a 2015 ABA legal technology survey. Our profession is as vulnerable to a cyber attack as the rest of the business world. To address this need, the State Bar of Georgia

Ten years from now, no one will remember who the president of the State Bar was. But I will remember all of you . . . I will always be thankful for the opportunity to serve alongside you.

is now offering cyber liability insurance policy options as a new member benefit.

This is another reminder of the tremendous benefits available to Bar members—from the most popular, such as free parking in downtown Atlanta . . . even for Falcons games and concerts at Mercedes Benz Stadium . . . to the benefits we don't want to think about until we need them, such as the Lawyer Assistance Program.

And we enjoy all these member benefits while paying the second-lowest Bar dues for mandatory bars in the country.

* * * * *

Earlier this morning, we paused to remember the Bar members who passed away since our last Annual Meeting. I would like to take a moment now to specifically mention two valued members of this Board of Governors we lost this year.

Greg Pope of Covington had earned a stellar reputation for representing disabled and injured clients in workers' compensation cases. He also served eight years as a Newton County Magistrate Court judge.

And then there was Alvin Leaphart of Jesup. Alvin started his legal career 55 years ago—at about the same time the unified State Bar of Georgia was being established. During those 55 years, Alvin served on this board for 40 years. Always a champion for the interests of his fellow members of the legal profession, especially his “country lawyer” colleagues in Georgia's small towns and rural areas, Alvin was undoubtedly one of the most influential leaders in the 55-year history of the State Bar of Georgia. As the last State Bar president to serve alongside Alvin over the past four decades, I

had the honor to speak at his memorial service and can personally attest to his presence and his diligence in making sure the voices of all of the legal community's diverse interests were heard by the Bar's governing body.

Not only does Alvin Leaphart live on in our memories, he left behind his words as well. Alvin was an accomplished author, and his final publication—“How to Practice Law in a Small Town and Make Money Doing It”—was published just over a year before his death. When I spoke at Alvin's memorial service, I used a few quotes from his book, although I couldn't use all of the quotes I wanted to use—because we were in a church. I will, however, share with you these thoughts from Alvin about our profession and why we do what we do:

“I am always amazed, and amused,” Alvin wrote, “at the constant and continuous concerns voiced by members of the Bar, that the legal profession is under attack. Hell, it has always been under attack. There is a line in one of Shakespeare's plays written over 400 years ago, ‘The first thing we need to do is kill all the lawyers.’ I might remind you that after all that time, we ain't even on the endangered species list.”

“Let's face it. We as a profession are never going to win any popularity contests. We are always in the thick of things. We champion unpopular causes because of what we believe. And generally, we are the only ones with the guts to do it. . . . If one wants to be popular, be a doctor, a preacher, or the village idiot. If one wants to make a

difference, and walk a long lonely road, be a good lawyer in a small town.”

Alvin Leaphart was a great lawyer in a small town. And for the past year, while having the honor of serving as president of the State Bar of Georgia, I have been surrounded by and had the opportunity to work with countless other great lawyers and leaders in this profession, including all of you in this room today.

Every year, the president gets his or her 15 minutes of fame and the credit for what the Bar has achieved, but I can tell you that in my case, I really didn't do it. The credit should go to the Supreme Court for its guidance, our 160 board members, 14 fellow officers and executive committee members, the committee chairs, hundreds of committee members and our incredibly talented and dedicated members of the best Bar staff in the country.

Ten years from now, no one will remember who the president of the State Bar was. But I will remember all of you.

You are the people who are accomplishing great things, keeping us on a steady course and making sure we serve our fellow members, the justice system and the citizens of this state.

And after I have handed the gavel to Ken tomorrow evening, I will always be thankful for the opportunity to serve alongside you. ●



Brian D. “Buck” Rogers

Immediate Past President
State Bar of Georgia
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Hodges' Remarks to the Board of Governors

The following is excerpted from Kenneth B. Hodges III's remarks to the Board of Governors on June 9, during the 2018 Annual Meeting on Amelia Island.

BY KENNETH B. HODGES III

Buck, thank you for those kind words and, especially, for your service and leadership this past year. You have steered the Bar on a steady course of progress, while implementing a number of improvements that will benefit our profession and all of our members for many years to come. I am honored to follow you as president of the State Bar of Georgia for 2018-19.

The State Bar of Georgia does many things very well. And as we embark on this year, I want you to know that first and



PHOTO BY SARAH H. COOLE

2018-19 President Kenneth B. Hodges III addresses Board of Governors members on Saturday, June 9.

foremost, I believe the Bar should and will continue doing the things that we're doing well. I'd like to share with you this morning a few thoughts on doing those things well and finding ways to do them even better.

Disciplinary System

We will be monitoring the performance of the changes that were made to our disciplinary rules and procedures and continue working to ensure that lawyer discipline is being handled efficiently and effectively. The only way we can remain a self-governing body is to govern ourselves appropriately.

The State Bar is here to serve the legal profession, but our paramount duty is to protect clients and protect the public and to make sure we don't have lawyers out there who are doing things to the detriment of the public and to their own clients.

Aging Lawyers

Aligned with that, we will proceed with the work that Bill Gentry and Darrell Sutton are doing with the aging lawyers initiative. We need to be able to identify our colleagues who are ready to transition out of the practice of law even when they might not realize that they are not representing their clients effectively.

As Buck reported yesterday, we have for the first time, included on our annual dues statement the ability to designate a successor lawyer. In the midst of the "gray wave" in the legal profession is that we have a lot of folks, sole practitioners and others, who are working longer than they need to be, cognitive impairment becomes an issue and they have not identified a successor for their practice and their clients.

We are trying to encourage lawyers to do so because the Bar is receiving a lot of these appointments from the courts when no one else in the community is available to take over a lawyer's practice when he or she becomes incapacitated or dies. If there's no available lawyer to do that, then the court appoints the Bar to take over.

We've had a huge increase in the number of receiverships, which means the Bar has these entire law offices—files and everything associated with them—stored in

our basement. We're going through them and trying to get the files back to the clients, and it's a very tedious process. Think about literally pulling a U-Haul trailer into a lawyer's office and just loading up all the files.

Some of them are organized, and some of them are not so organized. We pack everything up, and we bring it here and we sort through it in the basement. You've got original wills, estate documents, trust documents, etc., that the lawyer's clients will need. That is becoming a bigger problem because lawyers have not been designating successors.

The good news is that since the dues statement went out, we're getting a pretty healthy response—much more than we thought we were going to get. These designations do not *require* the successor lawyer to take over the operation of the firm, but it certainly gives us a lead. We have a name, so that when a lawyer dies, we immediately have someone we can reach out to and say you were designated the successor, and ask whether they would be willing to serve.

Attorney Wellness

We certainly want to continue the great initiative that Bob Kauffman started when he was president, which is our attorney wellness initiative. I've been chairing the committee until now, and Javoyne Hicks will take over this year.

Since becoming a standing committee one year ago, the Wellness Committee has worked to normalize the conversation about attorney well-being and encourage all Bar members to take care of ourselves for the sake of our professional competence, clients and families.

We want to create an open community where lawyers can discuss well-being issues such as stress management, work-life balance, mental health and addiction that sadly affect so many.

Under the Lawyer Assistance Program, membership in the State Bar of Georgia includes six prepaid counseling sessions per issue per year for every lawyer. We are developing a campaign, with the hash tag #UseYourSix to encourage our members to utilize this valuable benefit. We

want people to know we are here to help, so anyone should feel free to reach out to Javoyne or any member of the Wellness Committee or its four subcommittees to find out more about attorney wellness resources and initiatives.

In addition to just making people aware of the issue, we want to continue to create wellness CLEs and expand it into the law schools. I have appointed a representative from each of the law schools to the committee, and we want to take the message of attorney wellness to first-year law students so that they develop healthy habits in law school. This is a high-stress job, and law school is certainly high stress as well, because everyone is competing, whether for a spot on law review or for one of the few internships out there, or simply to make progress toward graduation.

Legislative Program

Buck also reported on the successes the State Bar had during this year's legislative session, thanks in large part to our outstanding lobbying team and our members who are involved through the Advisory Committee on Legislation or through the various sections that make us aware of issues within their areas of the law that need to be addressed.

Our legislative package for the 2019 session is still in development, but one thing I can tell you I will be working to address is the ever-declining number of lawyers who serve in our General Assembly. I do want to thank fellow Board members Sen. Jen Jordan and Sen. John Kennedy for all they do to fight the good fight, but unfortunately as lawyer-legislators, they are in a minority that seems to get smaller every election cycle.

Currently in office are 26 lawyers among the 180 members of the House of Representatives. That's 14.4 percent. There are 10 lawyers out of 56 state senators. That's 17.9 percent. Those numbers have already declined since the end of the legislative session as two of those lawyer-legislators, one in the House and one in the Senate, were unseated in last month's primary.

There are attorneys in contested races in July's runoffs and in November's

general election, which could shift the numbers either way. But the point is, the decline in the number of lawyers in the General Assembly has been a problem for several years, and we have been unable to do much to stop it.

Later this month, I am going to hold a meeting with current and past lawyer-legislators to discuss how to encourage more attorneys to run for the House and Senate. I also intend to solicit advice from these public servants, past and present, on how to support our lawyers who are already serving in the Legislature. And I would ask for your advice and help as well. For the betterment of our laws, the legislative process and our justice system, we need more Bar members serving at the State Capitol.

E-Filing

The Bar is working with Presiding (and soon to be Chief) Justice Harold Melton, the Administrative Office of the Courts, the Clerks Authority and the judicial councils to help facilitate a seamless roll-out of the new court technology and e-filing requirement. The new law approved by the Legislature this year requires all jurisdictions in the state—from the largest to the smallest—to convert to an e-filing system, whether they like it or not.

The metro-area counties already have it down, but we want to help with the integration and rollout of e-filing, particularly in the smaller counties. What is most important to the Bar is for any lawyer in the state to be able to access any document through a single portal, regardless of which for-profit, commercial provider—PeachCourt or Tyler—serves a particular jurisdiction. This is something we need to oversee as a Bar because it affects every lawyer in the state.

There is also an access to justice element to the implementation of statewide e-filing. We want to ensure that pro se parties and others who are not represented by counsel can have their pleadings filed through an affordable process in every county.

Along with Justice Melton, we will continue to work with the Judicial Council Standing Committee on Technology,

which the Supreme Court established and is heavily involved in all issues regarding e-filing. The State Bar appoints two members to that committee, and there will be an important role for Bar members to play moving forward.

During the development of the new portal, we'll need volunteers for focus groups to critique the portal when it goes into beta testing. We will also help organize a process for providing feedback to the Legislature, especially regarding the fee structure. We will keep you informed as this process unfolds.

Efficiency of the Bar

During this past year, under Buck's leadership, we completed a review of all Bar programs, something that hadn't been done in a while. This year, we will continue to look at the programs to make sure that the Bar is funding the items it needs to fund and is in the interest of the entire Bar.

I want to continue to look at areas where there might be inefficiencies, and where we're doing it a certain way now because that's the way it's always been done—instead of doing it the smartest or most efficient way.

I want to say to you today, if you've got an idea, let me hear it. If you want to serve on a committee, let me know it. I've already made all the committee assignments, but I will make more and can put you on a committee right now. If you know of someone with a particular expertise that we need to utilize, now is the time to let me know.

The Bar's Role

I'd like to close this morning with a few comments about the strength of the Bar and what I believe is one of our most important roles in service to our 50,000 members.

From our Executive Director Jeff Davis on down, we are blessed with what I believe is the best State Bar staff in the nation. We can say the same about our Bar Center. This past year, we were able to complete a successful assimilation of the ICLE into the Bar. It's now completely integrated. Everyone has moved over from Athens. It's

because of the hard work of our staff and the facilities available in our Bar Center that we were able to do that. We have a brand new chief financial officer, Ron Turner, with us today. Welcome aboard, Ron, we look forward to working with you.

As leaders of the State Bar of Georgia, one of the most important ways we can serve is to continue to promote professionalism and civility among our members. We need to help each other, because it's the right thing to do.

I am also looking to address the issues that have the potential to divide us. I want to bring folks together to find common ground and consensus solutions. In that regard, I'm putting together a lunch meeting with representatives of the Georgia Chamber of Commerce and the Georgia Trial Lawyers Association. I'm going to have them meet at the Bar Center for a conversation, less about the issues on which they are opposed, but to see if we can find some common ground on issues like e-discovery and advancing the civil practice act in Georgia.

This is an example of the approach I want to take to discuss ideas and initiatives we should be exploring, and to solicit opinions and ideas from our fellow members.

We always need to remember that the unified State Bar of Georgia represents every lawyer in this state. As a unified Bar, we are in a position to help mediate and facilitate discussions between various factions of the Bar. We don't represent any one group. But we can bring groups together that naturally represent opposing interests. And because we represent all lawyers, we can reach solutions that will benefit every member across this state.

Starting today, it is my duty to help make that happen. I thank each of you for this opportunity. I ask for your feedback, your prayers and your continued support of the State Bar of Georgia. ●



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New President Ready for Dual Service as Bench and Bar Leader

BY LINTON JOHNSON

In the 80-year history (1884-1964) of the Georgia Bar Association, only once did a sitting, statewide appellate court judge serve as its president. During his final year as chief justice of the Supreme Court of Georgia, in 1894, Logan E. Bleckley also presided over the voluntary organization of the state's lawyers.

A number of Georgia Bar Association presidents later served as justices on the Supreme Court or judges on the Court of Appeals of Georgia, including Joseph Rucker Lamar (the 1900 president, who also later served on the U.S. Supreme Court), H. Warner Hill (1901), Andrew Cobb (1913), Warren Grice (1927), William Atkinson (1941), William Vance Custer (1948) and Homer C. Eberhardt (1961). And Samuel Adams, the 1908 president, had previously served on the Supreme Court of Georgia, albeit for less than one year, in 1902.

Since the establishment of the unified State Bar of Georgia in 1964, two of its presidents later served on one of the state appellate courts. Irwin W. Stolz Jr., the 1970-71 president, served on the Court of Appeals (1972-77). Harold Clarke, the 1976-77 president, was a Supreme Court justice (1979-94) and

served separate two-year stints as chief justice. Additionally, Duross Fitzpatrick, the 1984-85 president, was appointed to the U.S. District Court within months of his State Bar term expiring and served for 16 years as a federal judge.

But no judge has ever simultaneously served as president of the unified State Bar of Georgia. That will change in January 2019 when Kenneth B. Hodges III is sworn in as a judge on the Court of Appeals. In May, Hodges won a landslide victory in the statewide judicial election and less than three weeks later was installed as the 56th president of the State Bar of Georgia.

The historic nature of Hodges' upcoming dual service has raised questions about whether a judge can effectively serve as Bar president, and vice versa, and it briefly became an issue in the judicial campaign. But Hodges says the duties of the Bar president that a judge cannot perform due to judicial ethics rules are few, and he will be diligent to avoid any conflicts during the five months he will serve in both capacities.

"The short answer to that is I have sought advice and counsel and vetted the idea," he said. "The Executive



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The Hodges' family: Ken, Melissa, Jack and Margaret.

Committee has studied it. We looked it up in other states. There is no prohibition against it in Georgia.” Furthermore, if and when an issue does arise between Bar and court duties, he will do what previous Bar presidents have done about scheduling conflicts: call on a fellow officer—most likely President-Elect Darrell L. Sutton or Immediate Past President Brian D. “Buck” Rogers—to stand in for him.

“There are only a few things that are prohibited,” Hodges said. “I can’t solicit monetary contributions. Because we are a mandatory Bar, the only thing the president does to raise money is to sign a letter advocating for members to support the Georgia Legal Services Program (GLSP). While I fully support GLSP and their mission and personally contribute annually to them, Buck or Darrell can sign the letter to the Bar. I don’t have to sign the letter. And there may be some constraints on lobbying, but we’ve got professional lobbyists, very competent in-house staff and outside lobbyists, and if we need non-lobbyist lawyers to go talk about particular issues that might be inappropriate for me to comment on as a judge, there are 50,000 lawyers, any of whom I can call and ask them to do that.”

Hodges added he is “going to be very mindful of the conflicts as well as any appearances of conflict that are created, and I’m going to make sure that I act in conformity with Supreme Court, Judicial Qualifications Commission and Bar guidelines that are out there, and I’m going to make sure I do it right. And, if at any time I feel or there is a consensus that serving in the dual role is a detriment to the Court or Bar, I’ll step down from the Bar role. Remember too, I’ve got seven months before I am sworn in as judge to handle the work of the Bar, and I’m going to get the bulk of it done before then.”

In both his ascent to the State Bar presidency and his successful campaign for the Court of Appeals, Hodges benefited from a well-rounded, 27-year career in the legal profession and public service. His interest in the law started when he was in elementary school and his father, at age 35, decided to enter law school.

“My father was my inspiration. His story is interesting in that Dad went back to law school at age 35 and as a second career,” he recalled. “He was not a traditional student in that sense, and because he only had a two-year degree from college. Because he didn’t have a four-year degree, he couldn’t attend an accredited law school, so he chose John Marshall Law School, which is accredited now but wasn’t back then. We were living in Albany, and Dad would drive up to Atlanta for school Monday through Friday during his first year and turn around and drive back home on the weekends.”

Hodges said his mother took care of him and his sister during that time and helped support the family financially by selling real estate.

“Dad was at the top of his class at John Marshall, but he moved to Athens and began auditing classes at the University of Georgia so that he would have the best legal education he could have. He couldn’t graduate from Georgia because he didn’t have a four-year degree to get in, but that didn’t stop him from attending classes there so he could expand his education while traveling back to Atlanta for additional classes and exams. During his second and third year of law school my sister Margie and I, ages 10 and 11 at the time, actually moved up to Athens with him while Mom stayed in Albany to work and support the family financially. I vividly recall Dad studying all the time but always making the time also to care for two young children. I honestly don’t know how he did it. And when we came back to Albany after he graduated, I watched him open up his own law firm literally from our dining room table.”

Kenneth B. Hodges Jr., known to all as Buddy, was also the public defender for the Recorder’s Court in Albany, and watching those proceedings helped solidify his son’s career path.

“I would go with him to court and watch him,” Hodges said. “I would sit in the jury box, because there was never a jury in Recorder’s Court, and I’d watch them try cases, and then we would all go to the Quickie, which was the little Greek-owned restaurant across the street, and the judge, the prosecutor and Dad

would all be telling stories, and I would just sit there listening. I was in middle school at the time and it led me to the debate team in high school and pre-law classes in college.”

His decision was made at that point before he even knew it. “Dad always wanted me to go to law school. He never said, ‘you’ve got to,’ but it’s just what I was around. He gently and subtly encouraged it because of his love for the law. And without really considering other careers, I wound up going to law school.”

So did his sister, Margie Hodges Shaw, who graduated from Cornell University Law School, and who served as the university’s judicial administrator and co-founded its Institute for Internet Culture, Policy and Law. She is now an assistant professor and director of the Law and Bioethics Theme at the University of Rochester School of Medicine and Dentistry. Using his gift of persuasion, Ken was able to convince his sister to leave overcast and dreary Ithaca, NY, and join him for a fall semester at UGA law school and their third year, when he took her to every home football game that season.

Hodges earned his undergraduate degree from Emory University and his law degree from the University of Georgia School of Law. He was admitted to the State Bar of Georgia in 1991. His professional career started in Atlanta with the firm of Fortson & White, a general litigation firm.

“I enjoyed the people and the work at the firm and have remained close with many who were there when I started. I stayed there a little less than two years before returning to Albany, where I was an assistant DA for a couple of years, and I joined my dad’s practice in 1994,” Hodges said. “It was a general practice, mostly defense, but he did do some plaintiff’s work and had some other specialties. I joined Dad’s firm because he had unfortunately been diagnosed with an illness that he ultimately did not survive. The illness was debilitating such that he had to withdraw from the practice of law, and I took over his practice.”

At the same time, Hodges kept his eye on the Dougherty Judicial Circuit District Attorney’s Office. “The DA was

doing things that I couldn't sit back and watch," he said. "We had eight pending death penalty cases, which was more death penalty cases than anywhere in the state at the time, and the defendants were sitting in jail four, five, six and in one case seven and half years without going to trial, which was not fair to the defendant, not fair to the victims and not fair to the community who was paying for it. It was ridiculous. We had one death penalty defendant get out on bond because he was not indicted on time, and he promptly left town and went into hiding. We recaptured him, and I ultimately tried him. But the day that guy left town was the day I said 'I've got to run for DA. I can't just watch this happen anymore.'"

In a conversation at the hospital, Hodges' father advised him not to run, telling him they had a great practice that would be his to take over. "He was right," Hodges said, "if you're only thinking about personal financial reasons. But I was committed to going back and changing that office. I was passionate about making sure the victims of crime in Albany had a voice."

So Hodges ran for district attorney in 1996 and defeated the incumbent in the Democratic Primary runoff with 62 percent of the vote. When he took office, he implemented procedures to reduce and prevent the case backlog he inherited.

"The first thing I did was try all the death penalty cases," he said. "I offered every one of them a plea to life without parole, and no one took it. So, I started prepping the cases. It took about a year to get them ready to try, and I divided them between my chief assistant and me. I would try one in one month, and he would try one the next month. So that second year, we tried them all and got rid of the backlog." With the Gulley case, the defendant who got the bond and attempted to go into hiding, Hodges obtained the first death sentence a Dougherty County jury had returned in more than 50 years.

Hodges also established a policy that all cases had to be indicted within 90 days so that no other defendant in a serious case would get bond as a matter of law and he formed trial teams within the office so

that the same prosecutors handled all cases in a certain judge's courtroom, which increased efficiency. And he worked to improve the conviction rate on crimes against children, which was below 50 percent when he took office.

"There were several reasons that factored in to this. First, the evidence collection was not very good, and secondly the law enforcement investigation wasn't very thorough," he said. "So I established a sexual assault nurse examiner's program (S.A.N.E.) and actually hired a nurse to work exclusively for the DA's office. She went out on all sexual crime calls. She would literally go to the scene. She would meet with the victim. She would go to the hospital. She would collect the evidence, she was forensically trained to do that, and then she would come in and testify, and the conviction rate on crimes against children went from below 50 to near 100 percent.

"I wanted to do more with that program, so I took the Sexual Assault Nurse Examiner's program and established a 501(c)(3) called the Lily Pad, which has grown and now covers more than 30 counties in southwest Georgia. We have multiple nurses and multiple forensic interviewers. It's a stand-alone operation. That has been my greatest accomplishment because it's ongoing today, serving victims all over Southwest Georgia, and I've been out of office for a decade."

Hodges served three terms as district attorney, during which time he chaired the statewide Prosecuting Attorneys

Council, was president of the District Attorneys Association and was president of the Dougherty Circuit Bar Association. In 2002, he was honored as Georgia's District Attorney of the Year and is a past recipient of the Justice Robert Benham Award for Community Service and the Commitment to Equality Award, both presented by the State Bar, and the Eagle Award, presented by the Criminal Justice Coordinating Council of Georgia, for his work championing victims' rights.

After not seeking re-election in 2008, Hodges returned to private practice in the Atlanta office of a Des Moines, Iowa-based hospital transactional firm, the Baudino Law Group. He had become friends with the principal owner through quail and pheasant hunting. He and his wife Melissa, who was newly pregnant with their first child, made the move to Atlanta. Just as his private professional life was getting settled, he had a chance conversation with then-Georgia Attorney General Thurbert Baker, and his career path took another sharp turn.

"I had worked closely with Thurbert while I was DA so I stopped by his office to say hello when I was in the neighborhood one day. He said, 'I'm going to run for governor. I'm going to announce it next week. You need to run for attorney general.' I laughed and said no thanks, I am happy where I am. I went home that night and told Melissa what he had said and she looked right at me and said, 'You are thinking about it, aren't you?' Of course not, I said with a smile." Hodges

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did run for attorney general, where he handily won the Democratic primary but lost to Sam Olens in the 2010 general election. He finished better than all other Democrats in statewide races that year; however, 2010 had a Republican sweep that could not be stopped. Something else noteworthy about that election: both of the Hodges' children were born between the time he announced his candidacy and the general election.

"Which tells you two things," he said. "First, that the election season lasts far too long, when you can have two children 15 months apart while campaigning, and the second, I didn't campaign hard enough!"

During the campaign and time away from his law practice, Hodges said he realized that transactional law was not the right fit for him. After the election, he joined the Atlanta litigation firm of Ashe, Rafuse & Hill, which about a year later became Rafuse, Hill & Hodges when Lawrence Ashe left and joined another firm. A year after that, the firm was acquired by Polsinelli, which was the fastest-growing firm in the country at the time, with about 750 lawyers.

"But again, kind of like the transactional work, the big law firm spread out over multiple states really didn't fit my practice," Hodges said. "I'm still, to this day, a generalist, and I do everything. I do plaintiff's work, I do defense work, I do criminal work, I do civil work. I'm just not a specialty lawyer. Never have been. I've always just been a general trial lawyer and general fix-it person."

So three years ago he started Ken Hodges Law, focusing his practice on civil litigation, including but not limited to personal injury, commercial litigation and civil rights cases, and criminal defense. At the same time, Melissa had an opportunity to return to WALB-TV in Albany as the 6 p.m. news anchor. Hodges once again familiarized himself with a regular Albany-to-Atlanta commute.

"My practice is probably 80 percent Atlanta and 20 percent Albany, but with technology, you can do it from anywhere," he said. "So I try to be home in Albany more, but with everything I've got going on, when I've got to be in court, I've

got to be in Atlanta, when I've got to be at the Bar Center, I've got to be in Atlanta."

As a result of his successful return to statewide politics, a contest with 2011-12 State Bar President Kenneth L. Shigley for the Court of Appeals seat vacated by Judge John J. Ellington (who ran unopposed and will succeed retiring Justice Carol W. Hunstein on the Supreme Court of Georgia), Hodges will shut down his law practice at the end of the year and settle into life as a judge.

Ken and Melissa, who recently left TV news and started a media consulting firm, and their children, Margaret, 9, and Jack, 7, enjoy activities together, traveling, visiting with friends and family, and participating in youth sports. They are parishioners at St. Teresa's Catholic Church in Albany. Hodges says the long commute will continue, but he intends to work from Albany whenever possible.

Hodges has had conversations with current judges on the Court of Appeals who live in other parts of the state, "and they say you can do that. I will do some work from Albany. My kids are young, and I want to coach their sports teams. I want to be there for them. I want to take them to school. When I'm in Albany, I take them to school most of the time and I want to do that in the years to come, as long as they will let me."

Hodges became active in State Bar leadership upon his return to private practice after the 2010 attorney general's campaign and soon won a seat on the Board of Governors. He was later elected to the Executive Committee, then as treasurer and president-elect.

"I must confess that when I was district attorney, I had little to no use for the State Bar," Hodges said on the night of his inauguration as president. "Prosecutors obtained all of their continuing legal education credits they needed and all of the practice support they needed from the Prosecuting Attorney's Council. It wasn't until I left prosecution, re-joined private practice and was elected to the Board of Governors that I realized all that the Bar can do for Georgia lawyers. I miss the close interaction I had with my brothers and sisters in the prosecution

world after leaving, but like them, the State Bar of Georgia has become another family in my life."

Hodges said his diverse professional background is a plus for his leadership of the State Bar this year. "I've done almost every aspect," he said. "I've been a prosecutor, and I've been a criminal defense lawyer. I've been a plaintiff's lawyer, but I've also been a defense lawyer. I've been a court-appointed receiver. I practice in Albany and Atlanta. I've represented individuals, and I've represented businesses and multinational corporations. I've been in a solo firm, and I've been in the fastest growing firm in the country. I've been in every court in the state of Georgia, from Magistrate Court to Probate Court to State Court to Superior Court to Court of Appeals to Supreme Court. I've done it all.

"Because of that, I think I'm better equipped to understand the issues of all Georgia lawyers. I also believe that my nature is that of working well with others to build bridges and get consensus and solutions. I'm not coming in here saying 'this is what we're going to do.' I'm going to be flexible and adaptable. You never know what is going to happen, and to be a good trial lawyer you have to be all of those things. That's what I have been doing for 27 years. I love the profession. I love helping people. I want us, all lawyers, to continue to do that."

And as for when he dons the judge's robe while serving as State Bar president, "I don't see it as an issue right now. Actually, I see it as a plus, a good thing. I think it's going to bring the Bar and the Bench closer together. I will be mindful of conflicts, potential conflicts, and appearances of both and I will work hard to ensure that there are none. In the end, I want to serve both to the best of my ability. And, if serving in both capacities becomes an issue, I will address it at that time." ●



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Drum Majors for Justice: The Legacy of and Lessons from Georgia's Iconic Civil Rights Lawyers—C. B. King and Donald Lee Hollowell

The Georgia Association of Black Women Attorneys, Gate City Bar Association and Georgia Association for Women Lawyers, along with the Committee to Promote Inclusion in the Profession, presented a historical legal CLE during the State Bar of Georgia Annual Meeting.

BY M. ALEXIS SCOTT AND AVARITA L. HANSON



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A collaboration of specialty bar associations presented a historic CLE during the Annual Meeting of the State Bar of Georgia on Friday, June 8. The Georgia Association of Black Women Attorneys, Gate City Bar Association and Georgia Association for Women Lawyers, along with the Committee to Promote Inclusion in the Profession, presented “Drum Majors for Justice: The Legacy of and Lessons from Georgia’s Iconic Civil Rights Lawyers—C. B. King and Donald Lee Hollowell.” The seminar committee included Jacqueline Bunn, Jana J. Edmondson-Cooper, Laverne Lewis Gaskins, Avarita L. Hanson, R. Javoyne Hicks, Joyce Gist Lewis, Derrick Alexander Pope and Rita M. Treadwell. The historical legal CLE provided perspectives on the lives and legacies of two iconic Georgia Civil Rights lawyers: Donald Lee Hollowell of Atlanta and C. B. King of Albany. The three-part seminar explored their lives, landmark cases and their impact, and concluded with a discussion of implications for action today.

Moderated by M. Alexis Scott, publisher emerita, *Atlanta Daily World*, community leader and commentator with The Georgia



(Left to right) C. B. King panelists Chevene B. King Jr., Hon. Herbert E. Phipps and Gregory Edwards.

Gang from Fox 5 Atlanta, and coordinated by Avarita L. Hanson, attorney, legal consultant and former executive director of the Chief Justice's Commission on Professionalism, the CLE introduced to some and reinforced with others the impact that Hollowell and King had on Georgia civil and human rights and laws for all people. They were contemporaries. Hollowell, based in Atlanta, was admitted to the Georgia Bar on Jan. 1, 1952. King, based in Albany, was admitted on Oct. 4, 1954. Their experiences in segregated Georgia as lawyers are both similar and unique, worthy of studying and following. To that end, the first two panels included lawyers and scholars who knew them, practiced with them, were mentored by them or penned their biographies, and studied their lives and landmark cases. The final panel looked at what civil and human rights challenges of today would call Hollowell and King into action and advocacy and explored ways they would handle today's challenges, particularly those facing African-Americans.

Donald Lee Hollowell Panel

The panel addressing the life and work of Donald Lee Hollowell included Hollowell documentarian Prof. Emeritus Maurice C. Daniels, University of Georgia, Athens; Hon. Warren P. Davis, Gwinnett County Superior Court, Lawrenceville;

and Stanley E. Foster, Hollowell, Foster & Herring PC, Atlanta.

Prof. Daniels led his presentation with a clip from his 2010 documentary: "Donald Lee Hollowell: Foot Soldier for Equal Justice." Highlighting the fact that Hollowell was not born in the South but in Kansas, Daniels shared that he changed his career aspiration from dentistry to law following his exposure to Jim Crow as a soldier in World War II. Hollowell served in the segregated Tenth Cavalry Regiment, better known as the Buffalo Soldiers.

Davis added more facts about Hollowell's life, landmark cases and professionalism. He opined that "courage is about perseverance, not bravery" and is a key factor of professionalism, often overlooked, exhibited by Hollowell.

Foster addressed working with Hollowell as his associate and mentee. Foster first met Hollowell in 1978 when interviewing with his firm in Atlanta, but Foster did not join Hollowell's firm until 1989. Foster recalled that Hollowell was never angry or lost patience with himself or clients and that Hollowell's practice focused on voting rights, education and public accommodations.

C. B. King Panel

The panel exploring the life and work of C. B. King included his son Chevene

B. King Jr., The C. B. King Law Firm, Albany; Hon. Herbert E. Phipps, Court of Appeals of Georgia (Ret.), Albany; and Gregory Edwards, district attorney, Dougherty Judicial Circuit, Albany.

King noted that his father and Hollowell were great friends, as well as colleagues, and visited often. Best known for their work together in the Albany Movement, King was a son of the South, unlike Hollowell. King came to his work to fight the disparate treatment that blacks received in the segregated South. King said his father had "two kinds of clients: black folks and white folks who were treated like black folks." C. B. King truly believed that the courthouse words "all men stand the same before the majesty of the law" were true and wanted to practice where there were few black lawyers.

Phipps met King as a teenager at a high school career day. After graduating from the same law school King attended, Case Western Reserve, he practiced with King for several years. He said King was born to be a lawyer and he used the law to fight racial injustice. "He was 100 percent committed to racial justice." Phipps added that King always made personal sacrifices and took cases, even if he didn't know how he was going to get paid.

Edwards met King in his later years when interviewing for a job and was fortunate to become a mentee of King. Edwards, a past president of the A.T. Walden Guild, noted that this African-American Albany minority bar changed its name to the C. B. King Bar Association in 1993. The new federal courthouse built in Albany in 2002 was also named for C. B. King.

Call to Advocacy and Action

In the final panel, a group of lawyers shared their views on issues that the iconic civil rights lawyers—Hollowell and King—would be anxious to address, as well as lessons learned and opportu-

nities for advocacy and action. Panelists included: Christopher L. Johnson, senior attorney, The Hatchett Firm, PC, Atlanta; Francys Johnson Jr., The Johnson Firm PC, Statesboro; Clyde E. Mize Jr., president, Gate City Bar Association, partner, Morris Manning & Martin LLP, Atlanta; Derrick Alexander Pope, president and managing director, The Arc of Justice Institute, Decatur; and Tiffany Williams Roberts, community engagement and movement building, counsel, Southern Center for Civil Rights, Atlanta.

Two younger lawyers brought their views on what issues would resonate today with Hollowell and King. Christopher Johnson shared his views about the issues that should get the attention of lawyers of conscience. Roberts focused on the disparities in the ways that justice is applied along racial lines, including traffic stops, detention and imprisonment.

Mize and Pope spoke about preserving the history of African-Americans in the law and lawyers in the Civil Rights movement. Mize said the Gate City Bar has an obligation “to speak out on race-based issues” and focus on “black folks and black folks’ issues.” He urged lawyers to volunteer their time to help those in need. “If you don’t have the time, then write a check.”

Pope addressed the importance of educating young lawyers and others about the legacy of heroic lawyers like King and Hollowell. “We must elevate the work of lawyers,” he said, “and bring into view the hidden figures, including new drum majors for justice. . . . We must honor their work, under the color of law.”

Francys Johnson, former president of the Georgia National Association for the Advancement of Colored People, said it is important for lawyers of conscience to be involved in the community. “You can have racism without being racist because racism is systemic and the system is at work.” Johnson said, “We have to restore



PHOTO BY JOYCE GIST LEWIS

(Left to right) Clyde E. Mize Jr., Francys Johnson Jr., Tiffany Williams Roberts, M. Alexis Scott, Avarita L. Hanson, Christopher L. Johnson and Derrick Alexander Pope.

humanity and deconstruct the systems. . . . We have to maintain hope, remember our history of resistance and civil rights heroes like Sojourner Truth, Ruby Hurley and Raymond Pace Alexander.”

There were several points of agreement in the discussion of current issues that need advocacy and action. First, some of today’s issues are a continuation or evolution from the Jim Crow era, including voting rights, fair elections, education, employment opportunities and advancement. Second, today’s issues include public safety, community policing and prosecution, immigration, public benefits, health care disparities, racial profiling, gender equality, and equal and fair pay. Third, all agreed that race and poverty are the driving factors that continue to require vigilance and courage from the legal community to protect the most vulnerable in the population. Finally, technology and the use of social media can have a strong impact on the social justice agenda.

It was clear from the presentations and discussions of the life and work of attorneys Donald Lee Hollowell and C. B. King that today’s lawyers and others of conscience have two giant role models to emulate. Advocates and activists can look to these legal legends to see how to be engaged and how to maintain the rule of law through fair and equal opportunity, application of and treatment under the law. This CLE helps us remember

Hollowell’s and King’s stories, their names, lives and legacies. If they have not done enough and there is more to be done, let us be inspired by their stories of professionalism, advocacy and activism. ●



M. Alexis Scott is publisher emerita of *Atlanta Daily World*, a community leader and commentator with The Georgia Gang from Fox 5 Atlanta.



Avarita L. Hanson is an Atlanta attorney, legal consultant and executive director (emerita) of the Chief Justice’s Commission on Professionalism.

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President-Elect Darrell L. Sutton interviews State Representative Chuck Efstration about his work as a lawyer-legislator and the importance of attorneys serving in public office.

BY DARRELL L. SUTTON



PHOTO PROVIDED BY CHUCK EFSTRATION

State Representative Chuck Efstration (R-Dacula).

Chuck, can you give the readers a brief understanding about who you are and how you got to where you are?

I am an attorney with McGarity & Efstration, LLC, in Gwinnett County, and a State Representative serving Georgia House District 104. I grew up in Gwinnett County, attended the University of Georgia for my undergraduate degree and graduated from Mercer Law School in 2008. After law school, I returned to my hometown to work as a Gwinnett County assistant district attorney. After four years as a prosecutor, I transitioned to private practice. I was elected to the Georgia House of Representatives in 2013, and I currently serve as a floor leader for Gov. Nathan Deal. I am also a member of the Judicial Nominating Commission and of the Council on Criminal Justice Reform.

Tell us about your work during the 2018 legislative session.

This was a busy year! I carried the constitutional amendment to establish statewide business courts in Georgia, the cash bail criminal justice reform provisions and the civil e-filing legislation. In addition, I worked in partnership with the State Bar to modernize the trust code and update Georgia's Power of Attorney Act. As a floor leader for Gov. Deal, I also carried the largest income tax cut bill in Georgia history. This was the first reduction in the individual income tax rate since the 1930s!

What is the statewide business court?

The General Assembly works each year to maintain Georgia's status as a top state for business growth and job creation. Seeing

the successes of the business courts in both Fulton and Gwinnett Counties and in other states, the General Assembly passed a resolution proposing a constitutional amendment to establish a statewide business court in Georgia. Georgians will have the opportunity to vote on the measure this November. If the proposed constitutional amendment is approved by the voters, parties in complex business litigation will have the option to utilize the business court, providing them greater predictability for the length and expense of litigation.

The readers may not know it, but for the past several legislative sessions you have “carried” many of the State Bar’s bills. What was your experience doing so during this session?

It has been a pleasure to work with the State Bar’s government affairs team, which is led by Christine Butcher Hayes, and so many of the Bar’s section leaders and Bar members from around the state. Over the past few years, I have been excited to carry bills modernizing Georgia’s trust code, the Georgia Power of Attorney Act, and the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act of 2016. I am grateful for the time and dedication State Bar members give each year, volunteering their time to follow legislative proposals and provide comment throughout the process.

Do you have any “unfinished legislative business” from 2018?

Although we did a lot this year, time ran out before two bills I was carrying could reach a vote in the State Senate: one bill was the waiver of sovereign immunity and the other was for expanded judicial discretion in third-party child custody matters. Unfortunately, sovereign immunity bars Georgians from bringing many otherwise valid claims against the government, and a bill to waive sovereign immunity in certain cases is a priority of mine for 2019. I have also carried legislation over the past two years to broaden judges’ options in child custody cases, when the child’s parents are unable to care for the child. This legislation, modeled on law from other states, would allow judges to consider granting custody to individuals who have previously served in a parent-like role for the child, as long as it is in the best interest of the child.

How would you describe serving as a lawyer-legislator?

As a practicing attorney in my community, there are daily opportunities to see the ways the law and the judicial system impact the lives of Georgians. I bring this perspective with me to the State Capitol each year, and it gives me great satisfaction to know how a bill I’m carrying will help residents of this state. Although it can be difficult to balance both a law practice and part-time legislative work, I have found it to be a worthwhile and meaningful way of serving my community and state.

How do you split your time between the Legislature and your law practice?

As a part-time legislator, I love the opportunity for public service in the General Assembly while also practicing law; however, having understanding and considerate legal colleagues and staff, particularly during the legislative session, is absolutely critical. The Georgia General Assembly convenes each year in January for 40 legislative days, generally wrapping up in March. During session, I’m at the State Capitol almost every day. For the remainder of the year, I practice law full-time; although there are legislative obligations that must be met, including meeting with constituents, attending study committees and the preparation of bills for the upcoming session.

How do you feel about the current political climate under the Gold Dome?

This is a special time in Georgia. As a member of the House of Representatives, I have watched Gov. Nathan Deal and Speaker of the House David Ralston take on major policy issues to shape the future of Georgia in positive ways for decades to come. This visionary leadership has fostered meaningful policies and a productive political environment at the State Capitol. There is also a generally collegial working relationship between members, which is evident in the number of bills passed with overwhelming and bipartisan support each session.

Who has had an impact on your service at the Capitol?

There are simply too many to name. The retiring chairmen of the House Ju-

diciary Committee, Rep. Wendell Willard, and House Judiciary Non-Civil Committee, Rep. Rich Golick, have each been incredibly influential for me; Supreme Court of Georgia Justice Michael Boggs and Gov. Deal’s Executive Counsel Carey Miller, co-chairmen of the Georgia Council on Criminal Justice Reform, have provided exceptional leadership in an important policy area; and from my home judicial circuit, Gwinnett County District Attorney Danny Porter has been a role model for effective advocacy and leadership.

Do you agree that it is important for more attorneys to consider serving in public office?

The number of lawyers serving in the General Assembly is at a historic low. This is unfortunate because attorneys have a great deal to offer to the legislative process. Many legislative responsibilities, such as reviewing legislative language and listening to testimony in committee, come naturally to many attorneys. Georgia lawmakers bring a wide variety of professional backgrounds to the Capitol each year, and a legal perspective is as important as any other. Any attorney with an interest in service to others should certainly consider seeking elected office.

What advice do you have for an attorney thinking about a run for office?

A political campaign can be an amazing experience, affording a unique opportunity to meet other Georgians and articulate your opinions about the issues. Behind every candidate there are dozens of family members, work colleagues, neighbors and friends. Campaigns are successful only when there is a support network of such individuals. The first step is to build that team. Next, you need to formulate and implement a plan to get your message to voters. It really is that simple! ●



Darrell L. Sutton, of the Sutton Law Group LLC in Marietta, practices insurance defense litigation. He is the 2018-19 president-elect of the State Bar of Georgia.

Former Long-Time Director of the Georgia Legal Services Program Receives Distinguished Service Award

The 2018 Distinguished Service Award was presented to Phyllis J. Holmen at the State Bar's Annual Meeting for her extensive service to the legal profession, the justice system and the public.

BY MIKE MONAHAN



PHOTO BY SARAH L. COOLE

The Distinguished Service Award is the highest honor bestowed by the State Bar of Georgia for conspicuous service to the cause of jurisprudence and to the advancement of the legal profession in the state of Georgia.

During the plenary session of the State Bar's Annual Meeting on Amelia Island, Fla., Phyllis J. Holmen, former long-time director of the Georgia Legal Services Program, was presented with this prestigious award by 2017-18 President Brian D. "Buck" Rogers.

Holmen was honored for her extensive service to the legal profession, the justice system and the public during her four-decade career as an attorney. She has served as a member of the State Bar of Georgia Board of Governors, representing the Atlanta Judicial Circuit since 1992 and the State Bar of Georgia Executive Committee since 1998.

A native Chicagoan, Holmen earned her undergraduate and law degrees from the University of Illinois and was admitted to the State Bar of Georgia in 1974 when she began her public interest law

Phyllis J. Holmen and 2017-18 President Brian D. "Buck" Rogers.

career with the fledgling Georgia Legal Services Program. In 1989, Holmen assumed leadership of GLSP, serving as its executive director for 28 years. Under her leadership, the Georgia Legal Services Program has grown to a staff of 135, including 60 attorneys, and now takes on thousands of cases each year in 154 Georgia counties outside metro-Atlanta for low-income people who cannot afford an attorney but need representation in a wide variety of civil matters.

Holmen has also served as a member of the Supreme Court of Georgia Indigent Defense Commission, the Georgia Judicial Nominating Commission, the American Bar Association Standing Committee on Legal Aid and Indigent Defendants, and

in leadership positions with the National Legal Aid and Defender Association, the National Senior Citizens Law Center, the Poverty and Race Research Action Council, the American Bar Association President's Task Force on Access to Civil Justice and the Judicial Council of Georgia's Pro Se Litigants Committee.

Holmen was appropriately honored by the Georgia Legal Services Program as one of its biennial Champions of Justice in January 2018. She received a Lifetime Achievement Award from the *Daily Report* in 2016, the Elbert P. Tuttle Jurisprudence Award from the Anti-Defamation League (2008), the EPIC Inspiration Lifetime Commitment to Public Service Award from the Emory

University School of Law (2007), the Distinguished Alumna Award from the University of Illinois College of Law (2006), the Lifetime Achievement Award from the Atlanta Bar Association (2005), the Tradition of Excellence Award from the General Practice & Trial Law Section of the State Bar of Georgia (2005) and the Kathleen Kessler Award from the Georgia Association for Women Lawyers (2002), among many other honors. ●



Mike Monahan

Director
Pro Bono Resource Center
State Bar of Georgia

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A list of teams statewide who are in need of coaching assistance may be found on the Volunteer for the Program page of the mock trial website.



Kudos



Kirk and Caldwell announced that partner Richard A. Greenberg was sworn in as president of the Florida Association of Criminal Defense Lawyers at their annual meeting in Miami Beach, Fla.



Adams and Reese announced that special counsel Amy L. Hanna Keeney is now certified as an ANSI-Accredited Certified Information Privacy Professional/United States (CIPP/US). The CIPP designation is a global industry standard for professionals entering and working in the field of privacy. Backed by American National Standards Institute/International Organization for Standardization accreditation, a CIPP/US credential demonstrates a strong understanding of a principles-based framework and knowledgeable base in information privacy within the United States context.

Fish and Richardson was awarded the 2018 Gold Standard Certification by the Women in Law Empowerment Forum (WILEF). WILEF grants gold standard status to a select group of law firms that meet stringent objective criteria demonstrating the firms' commitment to retaining and advancing women attorneys. To receive gold standard certification, a firm must satisfy both the mandatory criterion that 20 percent of equity partners or, alternatively, 33 percent of the attorneys becoming equity partners during the past 12 months, are women.



Attorney Careshia Moore was named interim president and CEO of Usher's New Look, a non-profit organization that transforms the lives of underserved youth through a 10-year comprehensive program that develops passion-driven, global leaders.



The American Bar Association (ABA) Senior Lawyers Division announced that attorney Savannah Potter-Miller was appointed to the ABA Senior Lawyers Division Council for 2018-21. Additionally, The ABA GPSolo, Small Firm and General Practice Division announced the reappointment of Potter-Miller to the *GPSolo Magazine* Editorial Board for 2018-19.



Monarch Private Capital announced that attorney Alice Nolen joined the company as director of sales and special projects. Nolen will assist in the development of initiatives for corporate and individual investors who can benefit from various state and federal tax credit programs that positively impact communities.



Eversheds Sutherland (US) LLP announced that partner Scott Sorrels was awarded the Distinguished Eagle Scout Award by the Northeast Georgia Council and the Boy Scouts of America. This recognition is the National Eagle Scout Association's highest honor given to Eagle Scouts who have demonstrated an unsurpassed level of service within their professions and communities.

The firm also announced it has partnered with Turner to co-host its Atlanta Scholars program, an intensive three-week summer program for recent college graduates headed to law school or rising college seniors from a variety of personal and cultural backgrounds. The program will now be known as Turner Eversheds Sutherland Scholars. The award-winning program is offered at no cost and is designed to introduce students to the rigors of law school.



Goodman McGuffey LLP announced that Elissa Haynes, senior associate, was elected secretary of the State Bar of Georgia Young Lawyers Division following a run-off election in May. Haynes was sworn in during the State Bar's Annual Meeting on Amelia Island in June.



Fulcher Hagler LLP announced that Steve Sanders, partner, was selected to the University of Georgia Board of Visitors for the 2018-20 term. The Board of Visitors serves to establish new relationships and strengthen longstanding ties between the University of Georgia and elected officials, business leaders and community organizations.



Spencer Preis was appointed ethics and compliance officer and chief litigation counsel of Southwire Company, the largest manufacturer of wire and cable products in North America. Preis's primary responsibilities will be growing and managing the company's global ethics and compliance program and managing the company's litigation portfolio.



Connell Cummings announced that partner Kathleen B. Connell was named a fellow of the American Academy of Matrimonial Lawyers (AAML). AAML fellows are regarded by judges and respected by peer attorneys as leading family law practitioners who possess a high level of knowledge, skill and integrity. Fellowship in AAML is based on reputation, experience and expertise as well as successful completion of comprehensive examinations and certifications on all facets of family law.



Taylor English Duma LLP announced that Matthew Robert Rosenkoff was sworn in as president of the North Fulton Bar Association (NFBA) for 2018-19. Formed in 1981, the NFBA provides lawyers and judges who work, live and/or have an interest in the north Fulton area with an opportunity to network and develop professionally.



John Lewis Jr., partner, Lawrence and Bundy, LLC, was appointed by the Office of the U.S. Trustee, a component of the U.S. Department of Justice, to serve on the panel of private Chapter 7 bankruptcy trustees for the U.S. Bankruptcy Court, Northern District of Georgia, Atlanta Division. Lewis is one of 17 trustees appointed to administer assets in business and consumer bankruptcy cases filed in Atlanta.

On the Move

IN ATLANTA



Miller and Martin, PLLC, announced that Laura DiBiase joined the firm as an associate. DiBiase focuses her practice on helping clients navigate a variety of creditors' rights and insolvency matters, including workouts, bankruptcies, enforcement actions and other related business concerns. The firm is located at Regions Plaza, Suite 2100, 1180 W. Peachtree St. NW, Atlanta, GA 30309; 404-962-6100; Fax 404-962-6300; www.millermartin.com.



Marple Law Firm, LLC, announced that Kevin J. Rubin joined the firm as a partner. Rubin's practice focuses on family law, where he has successfully represented clients in simple and complex actions for divorce, child custody, support and alimony, modification of previous orders, paternity and legitimation, prenuptial and postnuptial agreements, and contempt actions. The firm is located at One Atlantic Center, Suite 2329, 1201 W. Peachtree St. NW, Atlanta, GA 30309; 404-795-5021; Fax 404-953-7040; www.marplelawfirm.com.



Squire Patton Boggs announced the addition of Dara Mann as partner. Mann focuses her practice on class action, product liability and environmental disputes. Her experience includes product liability litigation involving automobiles, airplanes and machinery, as well as mass tort and consumer fraud actions involving pesticides, asbestos, pharmaceuticals, medical devices and tobacco products. The firm is located at 1372 Peachtree St. NW, Suite 1700, Atlanta, GA 30309; 678-272-3200; www.squirepattonboggs.com.



Penn Law Group announced that Laura Hinson Penn joined the firm. She specializes in complex civil litigation, focusing on cases involving personal injury, wrongful death and trucking collision. The firm is located at 4200 Northside Parkway NW, Building One, Suite 100, Atlanta, GA 30327; 404-961-7655; www.pennlawgroup.com.



The Linley Jones Firm, PC, announced that Angela Forstie was promoted to junior partner. Forstie focuses her practice on complex legal malpractice and professional liability claims as well as catastrophic personal injury cases. The firm is located at 3334 Peachtree Road NE, Suite CU-2, Atlanta, GA 30326; 404-418-0000; Fax 404-418-0044; www.linleyjones.com.



EMERSON



CAIAFA



STONE



HINSON



GORMAN



LARIMER

Morris, Manning and Martin, LLP, announced the addition of Ed Emerson as partner and chair, Meredith Caiafa and Ellenor Stone as of counsel, Elizabeth "Bess" Hinson as a senior associate, and Ryan Gorman and Abby Larimer as associates. Emerson counsels clients, including tax-exempt organizations and governmental entities, with respect to employee benefits, retirement plans and executive compensation. Caiafa works closely with corporate clients to provide counseling and representation with respect to employment, executive compensation and restrictive covenants matters. Stone focuses her practice on counseling employers with respect to various

employment matters, including employment and restrictive covenant agreements, internal investigations, terminations and reductions-in-force, personnel policies and compliance with federal, state and local employment laws. Hinson chairs the cybersecurity and privacy practice and represents clients at all stages of incident response from investigation, notification, remediation and managing privacy class action risks as well as defense of litigation and regulatory inquiry. Gorman

specializes in employee benefits and executive compensation. Larimer focuses on representing and counseling public and private companies with regard to employment laws, executive compensation and restrictive covenants. The firm is located at 3343 Peachtree Road NE #1600, Atlanta, GA 30326, 404-233-7000; Fax 404-365-9532; www.mmmlaw.com.



HENSEL



O'BRIEN

Buckley Christopher, P.C., announced that Taylor W. Hensel was named partner and Eric J. O'Brien joined as an associate. Hensel devotes his practice to litigation and focuses on general

liability, transportation/trucking and municipal liability as well as employment/workers' compensation. O'Brien focuses his practice on civil litigation, governmental/municipal liability and workers' compensation matters. The firm is located at 2970 Clairmont Road NE, Suite 650, Atlanta, GA 30329; 404-633-9230; Fax 404-633-9640; www.bchlawpc.com.



DORSEY



FARRELL

Swift, Currie, McGhee and Hiers, LLP, announced the addition of Kevan G. Dorsey, Sean P. Farrell, Jordan M. Mahoney, Benjamin D. McClure, Alexander McDonald, Victoria L. Shaw and Winter N. Wheeler as associates. Dorsey focuses his practice in the areas of transportation and automobile liability, premises liability and products liability. Farrell handles a variety of matters, including arson and fraud, commercial litigation and insurance coverage matters. Mahoney focuses on general civil litigation, particularly matters of premises liability, catastrophic injury and wrongful death. McClure focuses his practice in workers' compensation defense. McDonald focuses on insurance defense and civil matters, including automobile accident, construction, premises liability, insurance coverage, first-party claims, medical malpractice, product liability and commercial litigation. Shaw focuses on automotive



MAHONEY



MCCLURE



MCDONALD



SHAW



WHEELER

litigation, premises liability, first party claims and general tort litigation. Wheeler focuses her practice on transportation law, premises liability and professional liability. The firm is located at 1355 Peachtree St. NE, Suite 300, Atlanta, GA 30309; 404-874-8800; Fax 404-888-6199; www.swiftcurrie.com.



Nelson Mullins Riley and Scarborough LLP announced that Jeffrey H. Perry has joined as of counsel. His practice areas include corporate and securities, emerging growth and venture capital, securities offerings, FinTech, general counsel services, mergers and acquisitions, private equity and blockchain and digital currency.

The firm also announced that they have combined with Broad and Cassel LLP. The firm will continue to be known as Nelson Mullins Riley and Scarborough LLP. The office is located at 201 17th St. NW, Suite 1700, Atlanta, GA 30363; 404-322-6000; Fax 404-322-6050; www.nelsonmullins.com.



JAMS, the largest private provider of mediation and arbitration services worldwide, announced the addition of L. Joseph Loveland Jr. to its panel. Loveland will serve as a mediator, arbitrator and special master in disputes involving business contracts, accountant liability, antitrust, false claims/government investigations, financial fraud and fraudulent conveyance, health care, intellectual property, product distribution agreements and securities fraud. The firm is located at One Atlantic Center, 1201 W. Peachtree NW, Suite 2650, Atlanta, GA 30309, 404-588-0900; Fax 404-588-0905; www.jamsadr.com.



Davis, Matthews and Quigley, P.C., announced the addition of Jasmin N. Severino as an associate. Severino will practice in the firm's estate planning and probate, corporate law and taxation sections. The firm is located at 3400 Peachtree Road NE, Suite 1400, Atlanta, GA 30326; 404-261-3900; Fax 678-904-3169; www.dmqlaw.com.



Taylor English Duma LLP announced the addition of Philip A. Theodore as a partner in the firm's corporate and business practice groups. Theodore brings more than 40 years of experience assisting public companies in navigating the intricacies of federal securities laws and the requirements of sound corporate governance. He counsels clients on corporate governance matters, including credit agreement negotiations and corporate disclosure, and general contract matters. Additionally, he advises on all aspects of merger and acquisition matters, and '33 and '34 Act compliance. The firm is located at 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339; 770-434-6868; Fax 770-434-7376; www.taylorenglish.com.



McAngus Goudelock and Courie announced the addition of Jordan Raymond to the firm. Raymond focuses her practice on general litigation, transportation and trucking law. The firm is located at 3399 Peachtree Road NE, Suite 1625, Atlanta, GA 30326; 678-500-7300; Fax 678-669-3546; www.mgclaw.com.



COYLE



ECKERSON

Mozley Finlayson Loggins LLP announced that James G. Coyle joined the firm as managing partner and Bridgette E. Eckerson and Arthur J. Park were named partners. Coyle's practice focuses on the representation of banks, lenders, developers,



PARK

builders, owners and brokers. His experience includes structuring and closing real estate transactions involving acquisitions, refinances, construction loans, permanent loans and development loans. Eckerson's practice focuses in the areas of trucking, premises liability, products liability, insurance defense and insurance coverage litigation. She also specializes in products liability in the defense of firearms manufacturers, distributors and retailers. Park's practice focuses in the areas of aviation litigation, subrogation, civil litigation and insurance coverage. The firm is located at One Premier Plaza, Suite 900, 5605 Glenridge Drive NE, Atlanta, GA 30342; 404-256-0700; Fax 404-250-9355; www.mflaw.com.



DURDALLER



LEVY

Burr and Forman LLP announced the addition of Paul G. Durdaller, Brian J. Levy and Christine S. Tenley as partners, Valerie K. Richmond as counsel and Nina Maja Bergmar as an associate. Durdaller's practice focuses on creditors' rights, loan workouts and restructuring, troubled asset management and dispositions, bankruptcy proceedings and related commercial litigation. Levy focuses on representing financial institutions, mortgage servicers



TENLEY



RICHMOND



BERGMAR

and other creditors in state and federal courts throughout Georgia and has experience litigating and arbitrating complex business disputes across a range of industries, including financial institutions, real estate, insurance, manufacturing and technology. Tenley focuses on employment litigation, with experience in employment discrimination, traditional labor, wage and hour, and restrictive covenants/trade secrets litigation. Richmond focuses her practice on representing institutional lenders, including national and regional banks, as well as other creditors, trustees, committees and receivers in all aspects of creditors' rights and workouts, both inside and out of bankruptcy court. Bergmar counsels and defends clients in employment discrimination, wage and hour compliance, family and medical leave compliance, restrictive covenants, and related tort and contract claims. In addition, she counsels

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employers on immigration matters. The firm is located at 171 17th St. NW, Suite 1100, Atlanta, GA 30363; 404-815-3000; Fax 404-817-3244; www.burr.com.



Kilpatrick Townsend and Stockton LLP announced the addition of Farah Cook as counsel. A member of the technology transactions and global data protection team in the corporate, finance and real estate department, Cook focuses her practice on marketing, advertising and technology-focused commercial agreements, as well as vendor agreements and supply chain transactions. The firm is located at 1100 Peachtree St. NE, Suite 2800, Atlanta, GA 30309; 404-815-6500; Fax 404-815-6555; www.kilpatricktownsend.com.

IN PEACHTREE CORNERS



Rubin Lublin, LLC, announced that Bret J. Chaness was elected partner. Chaness focuses his practice on real estate, bankruptcy and mortgage default litigation. The firm is located at 3145 Avalon Ridge Place, Suite 100, Peachtree Corners, GA 30071; 770-246-3300; Fax 404-681-4056; www.rubinelublin.com.

IN STATESBORO



EDENFIELD



LAVOIE

Edenfield, Cox, Bruce and Edenfield announced that the firm's name has been changed to reflect V. Sharon "Sharri" Edenfield's addition as a name partner and the addition of Andrew Lavoie as an attorney. Edenfield represents clients on a

wide variety of civil litigation matters. Lavoie represents individual and corporate clients in all stages of civil litigation. The firm is located at 115 Savannah Ave., Statesboro, GA 30458; 912-764-8600; www.edenfieldlaw.com.

IN WOODSTOCK



The Law Firm of Caryn S. Fennell announced that Rhonda S. Smith joined the firm as an associate. Smith focuses her practice in family law, criminal law and probate, including wills, trusts and estates, as well as guardianships and conservatorships. The firm is located at 2230 Towne

Lake Parkway, Building 600, Suite 140, Woodstock, GA 30189; 770-479-0248; www.fennellatlaw.com.

IN BIRMINGHAM, ALA.



Burr and Forman LLP announced that partner India Vincent was named the firm's first chief privacy officer. In this new role, Vincent will oversee cybersecurity programs on behalf of clients as well as the firm's internal data security practices. The firm is located at 420 N. 20th St., Suite 3400, Birmingham, AL 35203; 205-251-3000; Fax 205-458-5100; www.burr.com.

IN KNOXVILLE, TENN.



Merchant and Gould announced that managing partner Christopher J. Leonard was named CEO. Leonard's practice focuses on counseling clients on matters relating to software, electronic commerce, health care data management systems, telecommunications, and traditional electrical and mechanical technologies. His practice includes U.S. and international patent prosecution, patent infringement and validity analysis, and licensing counseling. Leonard also has extensive litigation experience in all areas of intellectual property law, including patent, trademark, copyright, trade secrets and unfair competition. The firm is located at 9717 Cogdill Road, Suite 101, Knoxville, TN 37932; 865-380-5960; Fax 612-332-9081; www.merchantgould.com.

IN WASHINGTON, D.C.



Kobre and Kim's Disputes and Investigations announced that G. Scott Hulsey, former U.S. Department of Justice prosecutor in the U.S. Attorney's Office for the Northern District of Georgia, joined the firm's government enforcement defense and investigations practice. Hulsey focuses on international investigations, including those related to sanctions, antitrust, bribery, corruption, money laundering and whistleblower complaints, as well as monitorships. The firm is located at 1919 M St. NW, Washington, DC 20036; 202-664-1904; www.kobrekim.com.

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

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PHOTO PROVIDED BY THE HOME DEPOT



A Conversation with Teresa Wynn Roseborough

In this installment of the Georgia Lawyer Spotlight, Editorial Board Member Jacob E. Daly interviews Teresa Wynn Roseborough, executive vice president, general counsel and corporate secretary at The Home Depot.

BY JACOB E. DALY

You wanted to be a lawyer from early on in life, but between college and law school you got a master's degree in education. What prompted you to do that?

My husband and I got married and moved to his army station in West Germany. Both of us were interested in going to graduate school when we got back to the United States. Boston University offered an overseas program in education counseling that we thought would help us keep our academic skills sharp and progress our careers. At the time, I was a drug and alcohol abuse counselor for the Department of Defense, and Joseph was interested in counseling because he was thinking about going to graduate school in psychology. It was a program that we could do together because it was done on weekends, and it was

nice that we were able to continue to work and study together.

Do you use your education degree in your law life?

All the time. My degree was in education counseling, so the focus was on human interaction and human relationships—how to talk to people, how to get information about people and how to help people to successfully retrieve information and process it. All those skills came in handy in practicing law.

Tell us about your experience as a law clerk for Justice John Paul Stevens.

It was amazing. He lives by a strong code of ethics and has a stalwart devotion to the United States and the Constitution. He

was an incredible person to work for. He did not approach cases with any particular judicial philosophy. His goal was to get to the right answer and to process every case on its own facts and apply the law as fairly and as evenly as he could. He did not have an agenda toward those facts, and he was not trying to move the law in a particularly liberal or conservative direction. He was always willing to teach and to guide, and I learned a lot both personally and professionally in working for him. I always tell people if you have a chance to work for the United States of America in any capacity, do it. It is a both a humbling and inspiring opportunity.

What were your responsibilities as deputy assistant attorney general in the Office of Legal Counsel in the Clinton Administration?

The Office of Legal Counsel, called “OLC,” acts as counsel to the Department of Justice and in that capacity, resolves legal disputes between agencies of the United States. For example, if there is a dispute between the Department of State and the Department of Treasury about how to execute their responsibilities or if there is an issue with respect to the president’s exercise of his core of constitutional powers, the OLC writes opinions that govern the outcome. OLC also provides advice about the obligations of the United States under treaties and supports the Office of the Solicitor General, who is responsible for determining the position of the United States in appellate litigation.

What makes The Home Depot a special place to work?

The thing I love the most about The Home Depot is that it’s a values-driven company. When you walk in from the parking lot as an associate, the first thing you do every day is walk past flags that have the values of the company on them. When you look at other associates, you see the values wheel on their aprons. Time and time again, I’ve seen this company turn to its values for guidance during a crisis or to

determine what its conduct should be in a particular situation. I find that is pretty unique. All of the associates in our stores know that the values apply to them, and we call it living orange, bleeding orange or living the values. We give awards for it, we support it and we have a heroes' book published every year. It cites stories of associates living the values, doing everyday things that are consistent with the values. The second thing is that The Home Depot is a constant learning journey for me. I thought I understood retail because I'm such a good shopper, but it turns out I did not understand the business of retail at all, so I find it a really fascinating business to learn and to be a part of. I also love that we have 400,000 associates, and that helping those associates grow their careers is an important part of why the company exists. The fact the company's founders are still living and are out there in the world doing good things and being philanthropists helps cement the values-based culture they created.

What type of legal work do you keep in-house here, and what do you use outside counsel for?

Our in-house lawyers are intimately involved in every case that we have. We use outside counsel in almost all of our litigation matters and in all of our employment matters, but less so in internal commercial matters or in vendor relationship matters, contracts and procurement.

How do you decide who to hire as outside counsel?

I make very few decisions because I think it is important that the lawyers who work with those counsel day in and day out make the retentions decisions. We have several retainer counsel programs for general liability, employment and class actions, and we have an RFP process through which firms are invited to submit proposals for how they would handle cases either across the country, in

a particular geography or of a particular type. A committee of attorneys goes through the proposals, makes selections, does interviews and then ultimately selects the retainer counsel program participants for that cycle. When there are cases that do not fall within one of the retainer programs, we look at the facts and circumstances of the case, the geography of the case and the court that it's going to be in and try to make the best choice of counsel based on experience and expertise.

What are some of the biggest challenges you've confronted since taking over as executive vice president, general counsel and corporate secretary for The Home Depot?

My biggest responsibility is to make sure that the professionals within the law department have the chance to develop their skills and talents and to make sure they have the resources they need to be effective. I want all associates within our legal team to feel appropriately challenged and empowered and to feel supported as they are growing in their careers. Another major challenge is making sure the company is proactive—sees what is coming at us from a regulatory perspective and prepares for it. We are regulated by all 50 states, every county in those states and every municipality in those states where we have stores, so we face a daunting regulatory web. Lastly, there is just figuring out where retail needs to go, to make sure we are doing the things now to prepare for the future. Retail is a world that can change really, really fast, so you have to do your best to see what you need to do today to make sure you are going to be relevant to your customers down the road.

In 1997, you were a finalist for an appointment to the Eleventh Circuit. How does that personal experience affect your view of how the confirmation process works today?

I think the participants in the process, from the president to the Department of

Justice to the senators, felt a responsibility to select the most qualified person that they could for the role. While I was honored to be considered, I believe the most qualified person was selected. The judicial selection and confirmation processes seem to be more politicized today than they were back in that time. I think there would be value in working to make the process less political and less partisan.

You've been quoted before as saying that you have it all in life. How have you been able to achieve that?

I've had the good fortune of having such a supportive family, and that has made a lot of things possible. I've also had a career where I've been able to work for and with incredible people, and I've had the benefit of mentors who taught me great lessons, both about being a good professional and also about being a good person and participant in the community. Back when I was at my former law firm, I was working one Saturday when I was pregnant, and one of my partners asked me if I was going to continue to work on Saturdays after the baby was born. I said I would, and he said, "Well, if you plan to be here on Saturdays, you will always be here on Saturdays. Why don't you start planning not to be here on Saturdays? It may change the shape of your week a little bit, and you'll make a few different choices, but you'll be able to do it." That was good advice. ●



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.

Aren't You Special?

BY PAULA J. FREDERICK

“Now that I’ve retired I’m busier than ever,” your former partner boasts. “I just signed on as patent counsel in a new case; the folks at TheBigFirm didn’t have the horsepower to handle it.”

“Aren’t you still of counsel to this firm?” you ask.

“Yes, I still have an office but I’m not really working on much firm business,” your former partner replies. “Turns out I enjoy associating with other lawyers who want my help now and then. Right now I have three cases where I’m serving as special counsel, with three different firms!”

“So you’re special counsel for three different law firms, and of counsel to this one?” you ask. “Are you sure that’s OK?”

“I figure it’s just like being in more than one firm, and the rules allow that,” your former partner rationalizes.

Of counsel? Special counsel? What’s the difference? And why does the Bar care?

Two Georgia Formal Advisory Opinions, 98-4 and 05-13, provide the answer.

Opinion 98-4 describes the term “of counsel” as “a close, regular, personal relationship” by a lawyer who is neither a partner nor an associate of the firm. The relationship should be ongoing and not limited to one case.

On the other hand, a lawyer may be “special counsel” for just one matter, or for one type of matter. The purpose of special counsel is to provide a firm or lawyer with the expertise needed to handle a particular type of case.

The Bar regulates the use of these designations to ensure that the public is not misled about a lawyer’s status or relationship to a particular firm.

The big problem with entering multiple relationships with other firms or lawyers is imputation of conflicts. Rule 1.10 applies to both of counsel and special counsel designations. As Opinion 05-13 puts it, “the clients of the associating firm become, for the purposes of Rule 1.10, the clients of the associated firm or lawyer and vice versa.”

While there is nothing wrong with these relationships, the conflicts they create can be real business killers. Be sure to conduct a thorough conflicts check before associating with another lawyer or law firm. ●



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Attorney Discipline Summaries

May 8, 2018 through July 5, 2018

BY JESSICA OGLESBY

Disbarments

Raymond Juiwen Ho

1701 Pennsylvania Ave. NW
Washington, DC 20006

On May 21, 2018, the Supreme Court of Georgia accepted the petition for Voluntary Surrender of License of attorney Raymond Juiwen Ho (State Bar No. 358112). In his petition, Ho admitted that he was a participant in a money laundering conspiracy that began in March 2013 and ended in February 2017, and that in October 2017, he pled guilty to felony money laundering, 18 U.S.C. § 1956 (a) (3), and money laundering conspiracy, 18 U.S.C. § 1956 (h), and was sentenced to 84 months of confinement, three years supervised release, \$2,046,518.48 in restitution and a \$200 special assessment. Ho admitted that he deposited certain funds in and disbursed funds from his IOLTA accounts, and that the funds were not client funds or funds he held in a fiduciary capacity, but funds laundered using the IOLTA accounts as part of the criminal conspiracy. Ho's conduct violated Rules 1.15 (I) (a), 1.15 (II) (b), and 8.4 (a) (4) of the Georgia Rules of Professional Conduct. The maximum penalty for a single violation of any of these rules is disbarment.

Jerry Ricardo Caldwell

235 Peachtree St. NE, Suite 400
Atlanta, GA 30303

On May 21, 2018, the Supreme Court of Georgia disbarred Jerry Ricardo Caldwell (State Bar No. 125403). The State Bar filed a Notice of Discipline and Caldwell failed to file a Notice of Rejection; therefore, the State Bar filed a Motion for Default.

By default, Caldwell admitted he represented a friend from law school, along with her mother, in connection with a car accident. The driver of the other car in the accident was at fault; therefore, Caldwell filed a lawsuit. Without authorization from his clients, Caldwell voluntarily dismissed the lawsuit on the eve of trial. After filing a timely renewal action, Caldwell settled the case with GEICO, the liability carrier for the other driver, for the policy limit of \$25,000. In the renewal action, Caldwell named State Farm, the mother's underinsured motorist carrier, as a defendant; however, he failed to serve the renewal action on State Farm. As a result of the failed service of process, State Farm filed a motion to dismiss, and the trial court dismissed the renewal action with prejudice. Caldwell did not tell his clients about the voluntary dismissal, the filed renewal action, State Farm's motion

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has a fool for a client."*

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to dismiss or the order dismissing the renewal action with prejudice. Caldwell failed to respond when his clients inquired about the status of their case.

After discovering their case was dismissed, Caldwell's clients sent a certified letter complaining of his lack of communication regarding the status of their case. In response, Caldwell pledged to file a claim with his professional liability carrier for \$25,000, the amount of the underinsured motorist coverage. The clients later learned Caldwell did not carry malpractice insurance. Upon being confronted, Caldwell entered into a written settlement agreement promising to pay his clients \$25,000 with interest. Caldwell also gave his clients \$2,500 in cash and a promissory note for the remaining \$22,500; he failed to make the payments on the unsecured promissory note.

Caldwell responded to a grievance filed with the State Bar by his clients and admitted he owed his clients \$22,500. Caldwell attributed his mishandling of the case to "inexperience as an attorney and based upon a personal relationship." The Investigative Panel offered to resolve the matter with confidential discipline if Caldwell would pay his clients \$22,500 with interest by Dec. 15, 2017. Caldwell memorialized his agreement with the proposed resolution; however, he failed to make the required payment. The Investigative Panel found Caldwell's conduct violated Georgia Rules of Professional Conduct 1.2, 1.3, 1.4, 1.8 (h), 8.1, and 8.4 (a) (4). The maximum sanction for a single violation of Rule 1.2, 1.3, 8.1, or 8.4 (a) (4) is disbarment, and the maximum sanction for a single violation of Rule 1.4 or 1.8 (h) is a public reprimand.

In aggravation of discipline, the Investigative Panel considered Caldwell's dishonesty with his clients and with the Panel, along with his intentional effort to delay resolution of this disciplinary matter. In mitigation of discipline, the Investigative Panel noted the absence of a prior disciplinary record.

George W. Snipes

1300 Wynnton Road
Columbus, GA 31906

On June 4, 2018, the Supreme Court of Georgia disbarred George W. Snipes

(State Bar No. 665775). The State Bar filed a Notice of Discipline and Snipes failed to file a Notice of Rejection; therefore, the State Bar filed a Motion for Default.

The facts were admitted by virtue of the default. Snipes admitted he was retained to represent a client in connection with an automobile accident on a contingency fee basis. In March 2016, without his client's authorization or knowledge, Snipes settled the case with the other driver's insurance company for \$300,000. The insurance company sent the client two settlement checks, payable to the client and Snipes. Unaware that Snipes settled their case, the clients accepted the two checks that were in the amount of \$250,000 and \$50,000, respectively. After being confronted by his clients, Snipes admitted to settling the case without authorization. Snipes reminded his clients that his fee and the outstanding medical costs needed to be distributed from the settlement funds. After endorsing and surrendering the settlement checks, Snipes gave his clients \$170,000 from his attorney trust account, and in a letter dated March 11, 2016, he promised to pay the outstanding medical costs and his fees from the remainder of the settlement funds. Snipes never paid the medical providers, but instead converted the remaining settlement funds to his own personal use.

The Investigative Panel found Snipes' conduct violated Georgia Rules of Professional Conduct 1.2, 1.3, 1.5, 1.15 (I), 8.4 (a) (4), and 9.3. The maximum sanction for a single violation of Rule 1.2, 1.3, 1.15 (I), or 8.4 (a) (4) is disbarment, and the maximum sanction for a single violation of the other rules is a public reprimand.

In aggravation of discipline, the Investigative Panel considered the unauthorized settlement of the automobile accident case and the conversion of settlement funds by Snipes.

Prince A. Brumfield Jr.

P.O. Box 764
Clewiston, FL 33440-0764

On June 4, 2018, the Supreme Court of Georgia accepted a petition for the Voluntary Surrender of License from attorney Prince A. Brumfield (State Bar

No. 090667). In the petition, Brumfield acknowledged that he filed a quit claim deed in the clerk's office of the superior court; the deed purported to, but did not in fact, contain the signature of another individual; and, at the time of filing, Brumfield knew the individual who purportedly signed the deed, in fact, had not signed the deed. Brumfield acknowledged his conduct violated Rule 8.4 (a) (4) of the Georgia Rules of Professional Conduct.

Gary Lanier Coulter

P.O. Box 834
Bogart, GA 30622

On May 21, 2018, the Supreme Court of Georgia disbarred Gary Lanier Coulter (State Bar No. 190100) after a second appearance of this disciplinary matter before the Court. In a petition for voluntary discipline, Coulter sought to receive a two-year suspension for admitting to violations of Rules 1.5, 1.7, 1.8 (a), 1.15 (I) and 1.15 (II) of the Georgia Rules of Professional Conduct.

In 2003, Coulter began a romantic relationship with a client that spanned years. Initially, Coulter represented his client on personal tax matters and a landlord-tenant dispute that included several personal and business issues. In 2010, Coulter assumed more responsibility over his client's business affairs by becoming involved in the receipt, deposit, transfer and disbursement of the business funds his client collected. Coulter opened several bank accounts on behalf of the client. It appeared the client knew of some of the accounts Coulter opened on behalf of his client; however, the client did not know of all accounts that were opened in their name. In fact, on some bank accounts opened in the client's name, Coulter was the sole authorized signer. Coulter concedes these accounts were not approved lawyer-trust accounts and that they held only funds related to the client and the client's businesses, yet Coulter transferred funds, intended to be his attorney's fee, from or through the client's accounts to his operating account. In the final 10 months of Coulter's representation of his client, he administered more than \$1 million through the client's accounts

and paid himself \$400,000 in fees from the client's accounts. Coulter did not provide any billing invoices to the client after 2008, but two then-associates in his law firm printed a set of invoices from the firm's billing system in 2011 and provided them to the client. The invoices contained substantial discrepancies that Coulter could not explain. Coulter concedes he did not keep and maintain complete and accurate records of this client's funds and did not promptly notify the client of his receipt of funds in which the client possessed an interest. Coulter also, as security for substantial sums he asserted the client owed for professional services, obtained art from his client the value of which exceeded the amounts claimed to be owed.

In aggravation, the special master found: Coulter received prior discipline in the form of a formal letter of admonition in 2003 and a public reprimand in 2017, that he had a dishonest or selfish motive, that the facts demonstrated a pattern of misconduct, that Coulter's misconduct encompassed multiple offenses and that

he had substantial experience in the practice of law, having being admitted to the State Bar in 1971.

Shannon Briley-Holmes

352 Avian Forest Drive
Stockbridge, GA 30281

On June 4, 2018, the Supreme Court of Georgia construed the petition for Voluntary Discipline of attorney Shannon Briley-Holmes (State Bar No. 447679) as a Petition for Voluntary Surrender of her license, and accepted the surrender. After a first petition for voluntary discipline was rejected by the Supreme Court, the State Bar then filed formal complaints, and Briley-Holmes filed a second petition for voluntary discipline, which she later amended. In her amended second petition, she admitted violating various disciplinary rules while representing 11 clients in unrelated matters over a period of almost three years. Briley-Holmes requested a suspension of her license ranging from two to five years with conditions on reinstatement; however, she made it clear at the hearing on her

petition that she would accept disbarment.

With the first client, Briley-Holmes agreed to represent the client pro bono in a civil service appeal challenging his dismissal from the Atlanta Police Department. After losing the appeal she agreed to file a petition for certiorari with the Superior Court. However, the petition was dismissed with prejudice because Briley-Holmes miscalendared the filing deadline and filed the petition late. To pursue an appeal of the dismissed petition, the client paid Briley-Holmes \$2,000. After filing a notice of appeal, the representation ended prior to the appellate brief being filed. In the interim, Briley-Holmes agreed to represent the client for \$750 plus filing fees in an attempt to restore his revoked POST certification. The client paid approximately \$600 and Briley-Holmes filed the paperwork necessary to obtain a hearing, including an additional \$150 for the filing fee. For the remaining balance on the certification case, the client requested Briley-Holmes accept payment from the \$2,000 he previously

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paid on the civil service appeal that was not filed; the request was denied. Despite receiving her fee, Briley-Holmes missed the hearing and the POST certification case was dismissed.

With the second client, Briley-Holmes was hired to represent a client in a child custody case. She initially communicated with the client, but after the client hired an investigator at Briley-Holmes' request, she failed to respond to the client's communications. For two months, Briley-Holmes failed to respond to more than one email, text or telephone call from the client. Eventually she emailed the client to let him know the formal complaint was mailed overnight to a process service company in Florida; however, the case was later dismissed due to her abandonment of the case.

With the third client, Briley-Holmes represented a client in divorce proceedings. Briley-Holmes had to complete a qualified domestic relations order (QDRO) within 60 days of the divorce judgment in order for her client to receive her ex-husband's 401 (k) funds. Briley-Holmes did not know how to prepare a QDRO and received assistance from opposing counsel. Though the QDRO was drafted, Briley-Holmes failed to timely forward the document to her client or to opposing counsel. The client did not receive the 401 (k) proceeds and Briley-Holmes failed to respond to her client for two years.

With the fourth client, a family hired Briley-Holmes and her law partner, Jennifer Wright, to represent the client in a criminal case. Briley-Holmes promptly visited the client in prison in South Carolina for several hours and then filed an entry of appearance and preliminary motions. She never visited the client again and had great difficulty communicating with his family as they did not speak English. Briley-Holmes appeared at the first calendar call of the case. Wright was supposed to attend the second calendar call but failed to do so and did not inform Briley-Holmes or the court in advance. Briley-Holmes immediately notified the judge that she was sick on that day and was unaware that Wright was not going to attend the calendar call.

For the next two calendar calls, neither Briley-Holmes nor Wright appeared in court. Consequently, the client's family terminated the representation.

With the fifth client, Briley-Holmes was hired to represent the client in a criminal case in certain pre-warrant matters and to appear at a pre-warrant hearing. Briley-Holmes later discovered the hearing would not occur because an assigned detective had taken over the case. Briley-Holmes advised the client of his Fifth Amendment right to remain silent and asked him not to make any statements to law enforcement without her being present. She attempted to contact the assigned detective to set up an interview but was unsuccessful. Briley-Holmes failed to follow through and arrange an interview with law enforcement; her client was eventually arrested.

With the sixth client, Briley-Holmes received a \$1,500 retainer to represent the client in obtaining a temporary protective order (TPO) and a divorce. Briley-Holmes obtained the TPO, and a hearing was set on whether to convert the TPO to a 12-month order. Shortly before the hearing date, Briley-Holmes and opposing counsel reached an oral agreement whereby opposing counsel's client would consent to a 12-month order. Although the agreement was not reduced to writing and executed, Briley-Holmes told her client on the day before the hearing that an agreement was reached and it was not necessary for the client to attend the hearing. Briley-Holmes failed to notify the court that an agreement was reached. The opposing party refused to consummate the agreement, asserting a material change in circumstances involving the behavior of the parties' son; therefore, opposing counsel never submitted the agreement to the court. Neither Briley-Holmes nor her client appeared at the hearing, and the court dismissed the TPO. The client terminated the representation.

With the seventh client, the client contacted Briley-Holmes about contesting disciplinary action proposed against her son by his high school. No representation agreement was signed at that time. The client contacted Briley-Holmes again, said

that the school was imposing a 10-day suspension, and said that she wanted to appeal. The following month, the client paid Briley-Holmes a flat fee of \$3,000, which Briley-Holmes said would make her "available at every single step . . . , including all meetings, warrant issuance hearings, suspension appeals, etc." Briley-Holmes made two unsuccessful attempts to obtain information about the case and arrange a meeting with the school. The school's legal counsel contacted Briley-Holmes more than a month after the client retained her and explained that the school could not release the information requested without an executed release of information form under the federal Family Educational Rights and Privacy Act. Briley-Holmes promptly forwarded the executed form to the school's legal counsel. A week later, the client terminated the representation. Briley-Holmes had not performed all of the work for which she was paid, and she failed to refund any of the fees.

With the eighth client, Briley-Holmes was retained to represent a client in a civil case, and was paid a \$3,000 retainer to be billed at \$200 per hour until exhausted. When the initial retainer was depleted Briley-Holmes requested an additional \$1,800 to continue work on the case. The client thought the case would be settled for a total of \$4,000, including the initial \$3,000 retainer. Though the client disagreed, he paid Briley-Holmes an additional \$1,000. After receiving the additional payment, Briley-Holmes missed a court date and failed to present documents confirming she was absent due to jury duty. Two months later, she missed a second court date, and the court issued an incarceration order for the client. Throughout the representation Briley-Holmes failed to answer several texts and telephone calls from her client. After terminating Briley-Holmes, the client requested the client file and Briley-Holmes failed to forward the file.

With the ninth client, Briley-Holmes was retained to obtain a child custody modification order and was paid a flat fee of \$4,200. Briley-Holmes planned to attend a scheduled hearing, but reported that she was in an auto accident on her way to court.

Briley-Holmes had her assistant notify the court of the reason for her absence, and court personnel said opposing counsel had continued the matter. Briley-Holmes sent the client a draft modification petition two days later, but the client sent an email and a text terminating the representation. Briley-Holmes refused to refund any of the fees to the client.

With the tenth client, Briley-Holmes was paid a flat fee of \$2,500 to seek emergency temporary custody of her client's son. Briley-Holmes communicated extensively with the client by telephone and email. The client accompanied Briley-Holmes to the courthouse to file the documents, but a judge was not available to hear the emergency petition. Over the weekend the client decided not to proceed with the case, and sent Briley-Holmes a text message to that effect the following Monday morning. Briley-Holmes refused to refund any of the fees paid by the client.

Finally, with the eleventh client, Briley-Holmes was paid a \$5,000 retainer by credit card to represent a client in a contempt and custody modification matter. Late the next month, the client terminated the representation and initiated a challenge to the retainer payment with the credit card company, resulting in the reversal of the payment into Briley-Holmes's account. Briley-Holmes believed that the reversal was unjustified, and a month later filed a pro se civil action against the client without confirming the status of the credit card payment. The credit card company reinstated the full \$5,000 into Briley-Holmes's account by the time she filed her lawsuit against the client.

In aggravation, the special master found that Briley-Holmes has a prior disciplinary offense, having received a letter of formal admonition in 2014; that she engaged in a pattern of misconduct in these 11 cases, committing multiple violations of Rules 1.3, 1.4, and 1.16; that her misconduct encompassed multiple offenses; and that most of the victims of Briley-Holmes's misconduct were in a vulnerable position, as they were not affluent and had difficulty speaking English or were involved in domestic relations or criminal cases.

The special master also found that Briley-Holmes displayed indifference to making restitution, noting that she had effectively blocked the fee arbitration process in several cases by failing to provide necessary information, and failed to make any payment toward any of the seven existing arbitration awards against her, most of which had been referred to outside counsel to pursue collection actions. In connection with this last aggravating circumstance, the special master noted that this Court "nearly always responds harshly to failure to make full restitution before the imposition of disciplinary sanctions."

In mitigation, the special master found that Briley-Holmes lacked a selfish or dishonest motive in several cases; that she was suffering from personal or emotional problems during all of the cases, including trouble in her marriage that led to divorce and, in one case, her law partner's drug and alcohol problems which as a practical matter impaired her ability to practice; that she made a timely good faith effort to make restitution and to rectify the consequences of her misconduct in one case; that she made full and free disclosure to the State Bar and was cooperative in the disciplinary proceedings in six cases; that as to at least some of her misconduct, she was relatively inexperienced in the practice of law, having been admitted to practice in 2010; and that she feels remorse. The special master further found that Briley-Holmes voluntarily terminated practicing law around mid-September 2016.

Suspensions

Shannon DeWayne Patterson

P. O. Box 20754
Winston-Salem, NC 27120

On May 21, 2018, the Supreme Court of Georgia accepted the petition for Voluntary Discipline and suspended the law license of attorney Shannon DeWayne Patterson (State Bar No. 173418) pending sentencing for a guilty plea. In November 2017, Patterson pled guilty in federal district court to one count of willfully aiding and assisting in the preparation and presentation of a

false tax return, in violation of 26 U.S.C. § 7206 (2). Although he has not yet been sentenced, Patterson admits that he is in violation of Rule 8.4 (a) (2) of the Georgia Rules of Professional Conduct.

Patterson is suspended from the practice of law until his sentencing by the federal district court and until further order of the Supreme Court of Georgia.

Claud L. McIver III

1075 Peachtree St.
Atlanta, GA 30309

On June 4, 2018, the Supreme Court of Georgia accepted the petition for Voluntary Surrender of License of attorney Claud L. McIver III (State Bar No. 494125) pending the outcome of an appeal of his criminal convictions.

On April 23, 2018, McIver was found guilty in the Superior Court of Fulton County of felony murder, aggravated assault, possession of a firearm during the commission of a crime and influencing a witness. It is a violation of the Georgia Rules of Professional Conduct Rule 8.4 (a) (2) for a lawyer to be convicted of a felony; the maximum penalty for such a violation is disbarment. McIver was sentenced to life in prison on May 23, 2018, and has filed a motion for new trial. McIver intends to file a notice of appeal if the motion for new trial is denied, and he agreed to notify the State Bar's Office of the General Counsel regarding the outcome of his appeal within 10 days of the final appellate court order.

S. Quinn Johnson

1640 Powers Ferry Road
Marietta, GA 30067

On June 4, 2018, the Supreme Court of Georgia accepted the petition for Voluntary Discipline and suspended the license of attorney S. Quinn Johnson (State Bar No. 120573), for six months.

After an initial rejection of a proposed 90-day suspension in six underlying cases, Johnson amended his petition for voluntary discipline, including an additional matter.

In State Disciplinary Board (SDB) Docket No. 6518, Johnson acknowledged that he was hired by a client in October 2010 to represent that client in a suit



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State Bar
of Georgia

alleging copyright infringement, and accepted \$1,000 from the client as an advance for costs and expenses. Johnson admitted that he failed to adequately communicate with his client during the period preceding the expiration of the granted extension of time, failed to communicate his decision to withdraw from the representation of the client and failed to withdraw from his representation before the client hired new counsel to handle the matter.

In SDB Docket No. 6519, Johnson was hired to represent clients in preparing and filing copyright registrations before the U. S. Patent and Trademark Office. Johnson acknowledged that he did not perform the services for which he was hired and failed to adequately communicate with his clients.

In SDB Docket No. 6520, Johnson was hired to represent clients' in general intellectual property matters. Johnson admitted that he did not perform the services for which he was retained and that he did not adequately communicate with his clients.

In SDB Docket No. 6599, Johnson acknowledged that he received a Notice of Investigation in June 2013, but did not recall having received the Bar's motion for an interim suspension or the Court's order granting that motion and suspending Johnson. During the pendency of that suspension, Johnson filed a notice of appearance and pleadings on behalf of a client in magistrate court, before being informed by the chief judge of that court that the documents could not be filed because of his suspension. Johnson then informed his client that he could not represent her.

In SDB Docket No. 6600, Johnson was hired by another client seeking representation in a copyright infringement matter, and was paid \$5,000 for that representation. Johnson admitted that he did not adequately communicate with the client and that the case languished for an inordinate amount of time before he withdrew from the representation.

In SDB Docket No. 6626, Johnson was hired to represent a client in a personal injury action, prepared and filed a complaint in the action and eventually accepted the settlement offer of the defendant in that case. Johnson acknowledged that the action remained pending for some time prior to the settlement of the client's claims, that he negotiated costs of third-party medical providers prior to obtaining the client's consent to do so, and that, in his communications with the client, he failed to ensure that he included all of the claims that the client intended to be included in the settlement.

In SDB Docket No. 6925, Johnson admitted that a client retained him to take over representation in a personal injury matter where the complaint already had been filed. At the time Johnson was hired, a motion to dismiss was pending for the client's failure to respond to discovery. Johnson responded to the discovery and the motion to dismiss on the client's behalf and attempted to depose the defendant but was unable to obtain a court order compelling the defendant to participate in discovery. Johnson admitted that he did not adequately communicate with his client during the course of his representation and failed to respond to her numerous requests for an update on the status of her case.

Johnson admitted in the underlying seven matters he violated Rule 1.3 in four cases; Rule 1.4 in six cases; Rule 1.5 in three cases; Rule 1.15 (I) in one case; Rule 1.16 (d) in one case; and Rule 5.5 (a) in one case. The maximum sanction for a single violation of Rules 1.3, 1.15 (I), and 5.5 is disbarment, while the maximum sanction for a single violation of Rules 1.4, 1.5, and 1.16 (d) is a public reprimand.

In mitigation, Johnson amended his petition to include information surrounding experiencing personal and emotional problems during the occurrence of the underlying offenses. Johnson indicated the problems impacted his ability to function effectively as a

lawyer; that he lacked a dishonest or selfish motive; that he made a timely and good faith effort to make restitution (by refunding all unearned attorney fees and costs to former clients); that he has exhibited a cooperative attitude toward these disciplinary proceedings; that he has a good reputation in the legal community; that he has expressed remorse; that he has completed an In-Office Consultation and Assessment with the Law Practice Management Program of the State Bar; that he has completed continuing legal education focusing on attorney-client relations, office procedures, and attorney-client communication; and that he has obtained professional counseling regarding his prior personal and emotional problems.

Reinstatement Granted

Jennifer Dawn LeDoux

2604 Charleston Oaks Court
Mobile, AL 36695

On June 15, 2018, the Supreme Court of Georgia determined that attorney Jennifer Dawn LeDoux (State Bar No. 443103) had complied with all of the conditions for reinstatement following her suspension, and reinstated her to the practice of law.

Bonnie Monique Youn

6480 Indian Acres Trail
Tucker, GA 30084

On June 22, 2018, the Supreme Court of Georgia determined that attorney Bonnie Monique Youn (State Bar No. 781445) had complied with all of the conditions for reinstatement following her suspension, and reinstated her to the practice of law. ●



Jessica Oglesby

Clerk, State Disciplinary Board
State Bar of Georgia

jessicaog@gabar.org

Legal Tech TIPS

BY NATALIE R. KELLY
AND MIKE MONAHAN



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1 Use Document Inspector to Detect and Scrub Invisible Content

Microsoft Word has a built-in feature called Document Inspector that checks for and cleans document metadata such as comments, embedded revisions, document information such as authorship, and other hidden content and text. In the document you'd like to scrub before publishing or sharing, open Document Inspector from the File tab in 2010, 2013 and 2016 versions of Microsoft Word, then click Check for Issues and Inspect Document. The dialog box allows you to pick which metadata elements you want to inspect and potentially remove.

2 Check Internet Speeds

fast.com, speedtest.net
Check your home or office internet service download and upload speeds using fast.com or speedtest.net.

3 Worry Less. Stress Less. Live Better!

www.mypossibleself.com

After you've checked your internet speed and called your ISP to complain, you may want to head over to www.mypossibleself.com, download the app and work on your propensity to worry and stress levels. #LawyersLivingWell

4 AARP Caregiving App

www.AARP.com
Balancing a career and caring for an ailing or aging family member is a challenge. Check out the AARP Caregiving app. The AARP Caregiving app empowers caregivers with information on how to effectively care for an aging loved one. The app helps users monitor symptoms, coordinate care with other family or caregivers, and keep track of appointments and medications. It also features a help center, where caregivers can find answers to urgent or com-



monly asked questions. Visit www.AARP.com to request a download. Go to “Take Action” then “Tools” in the website footer navigation area.

5 Hear Any Muted TV

www.tunity.com

The free app you never knew you needed: Tunity. In a restaurant with multiple sports channels all muted? At an airport gate with a muted TV? The video looks interesting, but what is being said? Tunity will give you the audio feed! The app is available in iTunes or the Playstore.

6 Delete Alexa Recordings

Sometimes you just don’t want to be heard. If you are an Alexa user and need to delete what you said, then you can go to Settings, and under the General/History area select Delete Voice Recordings to remove individual recordings. If you want to delete all recordings, go to Your Amazon Account and from the Manage Content and Devices menu, choose Device/Manage Voice Recordings and select Delete. Remember, all data preservation rules apply!

7 Search and Capture Social Media Evidence

www.smiaware.com

Check out SMIAware at www.smiaware.com to discover and preserve social media evidence. The service starts at \$25 for your first search and offers plans for doing deep web and social searching as well as exporting.

8 Something Other than Bing for Searching with Cortana

The Google Chrome extension Chrometana allows users of Cortana to redirect Bing, Cortana’s default, to other search engines. Just log into Chrome for browsing and choose to add Chrometana as a new Chrome extension under the More tools/Extensions menu.

9 Tali—Voice-enabled Time Tracking

www.telltali.com

Use Alexa, Cortana or Google Assistant to record time entries using Tali. If you use Clio, RocketMatter or Practice Pan-

ther, the program will integrate your voice-generated time entries directly into your practice management program under your client matters.

10 Zipwhip

www.zipwhip.com

Zipwhip provides two-way business texting across existing landline phone numbers so you can send and receive texts on your computer from your business number. Starting at \$35 per month, the service allows users to set up reusable text messages, set scheduled messages for future delivery and to send automatic reply texts from certain keywords.

Testimonial

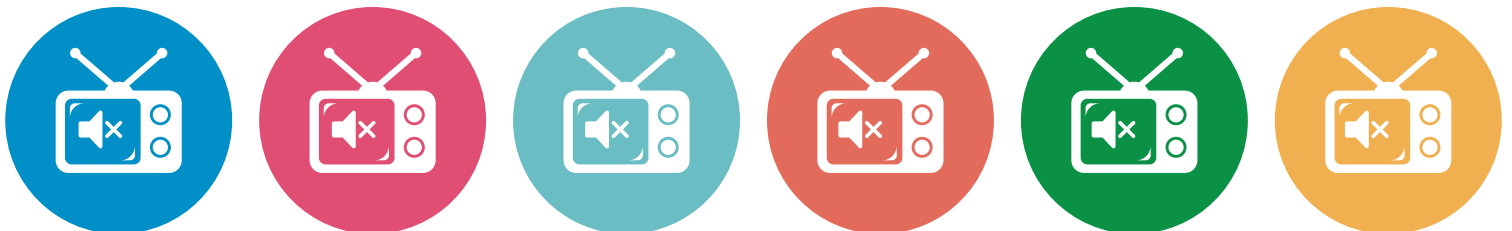


Marshall Cohen
Antonini & Cohen
Immigration Law Group

Zipwhip

www.zipwhip.com

We use Zipwhip to confirm consultations, communicate office directions and share other information with our clients. Since we started texting our meeting confirmation messages, we’ve seen a measurable improvement in client response and meeting attendance.



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Sections Excel and Earn State Bar Awards

BY DERRICK W. STANLEY



PHOTOS BY SARAH I. COOLE

During the plenary session of the State Bar Annual Meeting, section awards were presented to outstanding sections for their dedication and service to their areas of practice, and for devoting endless hours of volunteer effort to the profession. This year's Section of the Year recipient is the Family Law Section, chaired by Gary Graham.

The Family Law Section set itself apart by creating programming that benefited its member and practitioners of family law. The Family Law Institute and Nuts and Bolts of Family Law delivered timely and pertinent information to attorneys across the state. Other programs included:

- John Mayoue Family and Trial Law Convocation on Professionalism
- Family Law Issues For the Modern Family
- Jury Trials in Divorce: A Lost Art?

The section excelled in assisting the public by holding events and workshops,

2017-18 State Bar President Brian D. "Buck" Rogers presents the Section of the Year award to Family Law Section Past Chair Tina Roddenbery.

and provided important help to those in need. The Child Support Worksheet Helpline continued to function this year, helping more than 115 individuals complete these important documents. This program runs in conjunction with assistance from the Georgia Legal Services Program. This represents only one way the section encouraged its members to give back through pro bono service.

Members of the section also came together to donate sporting goods and books to the Andrew and Walter Young Family YMCA, the Joseph B. Whitehead Boys & Girls Club and the M. Agnes Jones Elementary Boys & Girls Club.

In addition to the Section of the Year, awards of achievement were presented to the Child Protection & Advocacy Section, the Health Law Section, the Intellectual Property Law Section and the Privacy & Technology Law Section.

These sections also advanced their involvement in the community and within the Bar. Below are highlights of their accomplishments:

Child Protection & Advocacy

- Sponsored annual CLEs and offered scholarships for deserving attendees
- Supported the Office of the Child Advocate in its planning and hosting of its inaugural Child Welfare Summit
- Produced and delivered *Kids Matter*, a quarterly publication for its members

Health Law

- Sponsored the annual Health Care Law Seminar
- Disseminated new information to its members through its scholarly newsletter

- Revitalized the section to become more active by implementing a Mentorship Program for those interested in the practice of health care law

Intellectual Property Law

- Created the largest number of section-sponsored CLE programming for Lunch and Learn seminars
- Assisted in providing attorneys for Georgia Lawyers for the Arts pro bono clinics
- Created original content about copyright law for its members and those who may have the need for basic information

Privacy & Technology Law

- Sponsored the Privacy & Technology Law Institute with two tracks for its members
- Created a three-part program on General Data Protection Regulation that was rolled out before the May 25, 2018, deadline
- Offered programming to section members at no cost to enhance the value of section membership

These are only examples of great things being done by the sections of the State Bar. The leadership of each section relies heavily upon the participation of each member. If you would like to assist or become involved in section leadership, you may contact the chairs, which are listed at www.gabar.org, to express interest. ●



Derrick W. Stanley

Director of Sections
State Bar of Georgia
derricksg@gabar.org



The State Bar of Georgia continues to make lawyer wellness a priority. Visit lawyerslivingwell.org to view articles and resources related to wellness, and learn more about State Bar programs that help lawyers in their lives and practices. Be sure to check out the wellness partners and get discounts on gym memberships, fitness classes and more.

Take Charge 2018: Georgia's Solo and Small Firm Institute

The goal of the Solo and Small Firm Institute is to provide attendees with the confidence, skills and information to implement positive changes in their practices which can affect and improve business.

BY NATALIE R. KELLY

The Solo and Small Firm conference, developed by the Law Practice Management Program and held annually at the Bar Center in Atlanta, is moving from July to September and expanding with new programming and events for its attendees. The 2018 program dates are Sept. 28-29, and the full-day Friday and half-day Saturday event provides 12 hours of CLE credit including hours for professionalism, ethics and trial practice. The new additions include:



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⚡ TakeCharge! ⚡

Georgia's Solo & Small Firm Institute

- A “Recharge” Wellness Retreat arranged by the State Bar’s Attorney Wellness Committee.
- Dedicated wellness activities to coincide with conference educational tracks.
- An “All Hands-On Tech” track for live learning opportunities.
- A Solo and Small Success track featuring war stories from leading Georgia lawyers.

As in the past, the conference CLE breakouts provide attendees an opportunity to learn across an array of topics. The educational tracks planned for this year will cover practice management, technology, how to, substantive law and office operations; new Solo and Small Success and “All Hands-On Tech” tracks will also be added. The Vendor Showcase presentations track is also back with exhibiting vendors providing a general CLE hour during the attendees’ lunch break and other program breakouts. We will be recording several of the sessions, and as in past years, the Coastal and South Georgia State Bar offices will offer access to one conference track via video conference.

While the conference is designed for solo and small firm practitioners, the programming is also suitable for legal staff. The office operations, technology and

practice management sessions will provide legal staffers up-to-date information on topics related to working in a modern law office. ICLE is providing discounted registration for law office staff, so sign them up today.

Special guest speakers Brett Burney, Andrea Cannavina and Rochelle Washington will headline the conference’s CLE programs. Burney is an e-discovery expert and Mac and iPad enthusiast; Cannavina is the CEO of LegalTypist and the executive director of the Virtual Bar Association; and Washington is the practice management advisor for the DC Bar Association. Each presenter will deliver a plenary session: Practice Everywhere: Mobile Lawyering Techniques, Burney; Solo and Small Firm Magic, Washington; and Getting It Done: Productivity for the Entire Firm, Cannavina. They will then join forces on the first-day closing session for a presentation of 60 Tips, Apps, Sites and Gadgets in 60 Minutes, to share even more of their expertise.

In addition to the conference’s educational sessions, attendees can experience an exhibit hall of vendors and service providers with wares suitable for solos and small firms in the Bar Center’s auditorium; more than 20 exhibitors will be participating. The exhibit hall has been popular with past attendees because lawyers and their staff can often speak direct-

ly with a service provider they might not otherwise be able to engage.

At the end of the first day, attendees have the opportunity to participate in a networking reception sponsored by conference exhibitor ARAG. The other conference breaks will be sponsored by Omni Software Systems, Inc., CaseFleet and MyCase. Support for prizes and other offerings will come from vendors like Fujitsu, WordRake and PerfectIt.

The conference is sponsored by the Law Practice Management Program with additional sponsorship from the State Bar’s General Practice & Trial Law Section, the Transition into Law Practice Program, and various local and specialty bar associations that provide suggestions to the planners for presenters and topics.

Registration for Take Charge 2018 is \$250. You can keep up with all the details of the event on the conference website, www.gabarsolo.org.

Plan to attend the Solo and Small Firm Institute in September and take charge of your solo or small firm practice. ●



Natalie R. Kelly

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nataliek@gabar.org

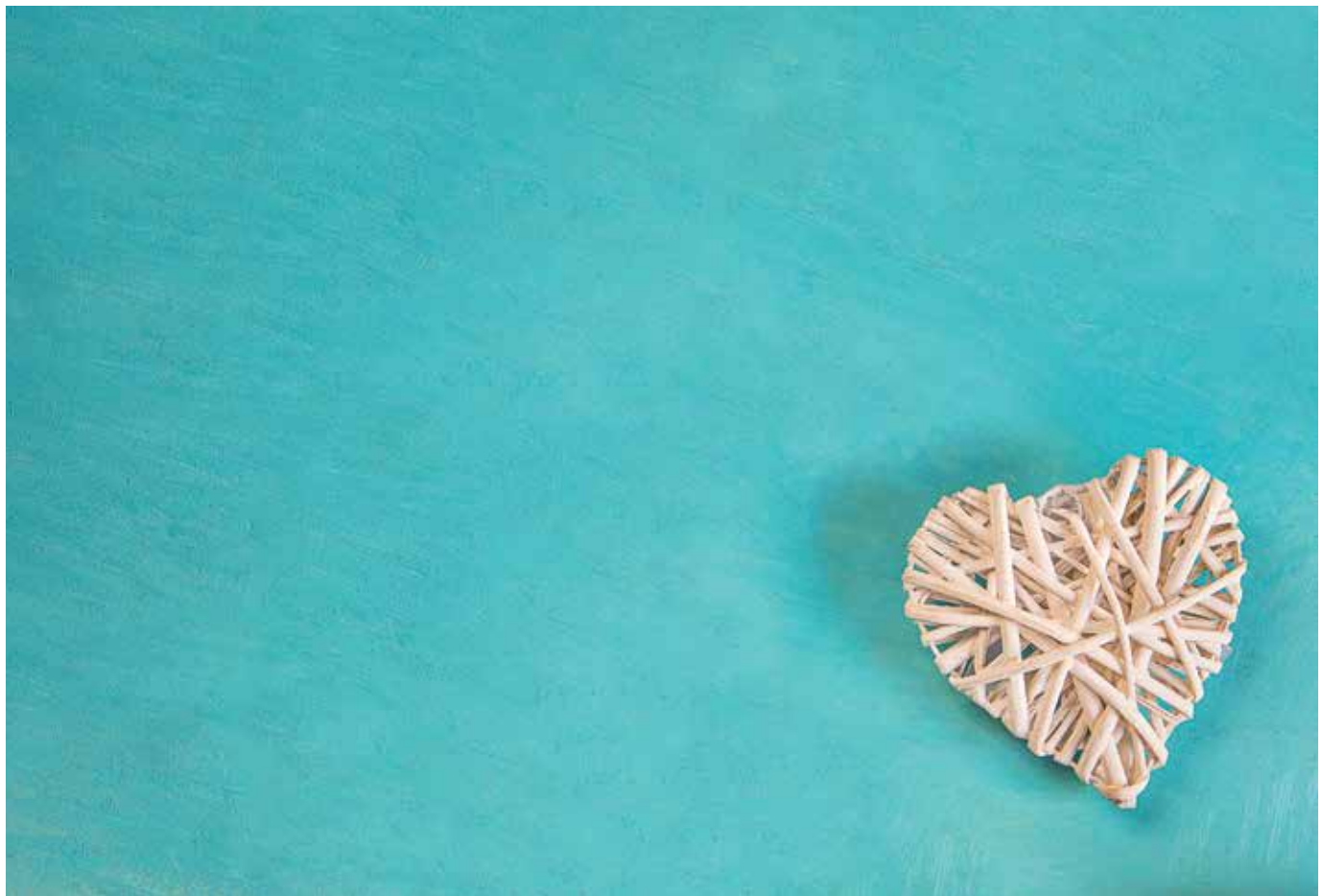
For the Public Good

You get more than you give in pro bono publico service.

BY MIKE MONAHAN

Pro bono means free, right? I hear that all the time and I'm sure you do too. Those two words have become a catch-all for free services or a good deed from carpenters, electricians, tax preparers and practitioners of a number of other trades.

A free service or a one-off gift is an act of kindness or a hook for future business. That's not so objectionable. But thinking about pro bono publico



services only—or mainly—in terms of its no or low-cost nature rather than its potential for goodness strips the service of its greatest meaning.

We as lawyers do work that can bring profound and lasting change to the lives of the people we serve. We don't perform "free" services; we perform services for the good of the public that happen to be free or low cost. We shortchange ourselves when we focus on the cost rather than the benefit. Here's how.

In working for the public good, a lawyer develops a singular habit for choosing what's right over what's easy, of what is permanent over what is fleeting. Some might see it in terms of work/life balance, others simply as answering a call they just can't ignore.

Pro bono publico service is a learning experience. You may not be well acquainted with a particular area of law, but you learn it. You may not be knowledgeable about the client's culture or community, but you become familiar with it. You may not have initially seen how the client's case would affect you personally, but through the process you discover something about yourself. Pro bono publico service is an integral part of uncovering who you are as a lawyer and professional. What price do you put on that work?

Many lawyers take on pro bono publico work because they have a clear vision of a change they would like to see in the world. The case allows them to address a wrong, fix a systemic, stubborn problem or highlight an area of needed change in the community.

Seeing your case work as free vs. billable is a shortcut that leads nowhere. Your pro bono publico work should be a matter of pride, a body of work that sets you apart from other lawyers—service that defines you and brings you satisfaction. Put some thought into how you engage in pro bono service and build it into your business plan each year.

The public sees pro bono as an expectation. After all, we do claim pro bono

PRO BONO STAR STORY

STEVEN N. CAYTON

BY TONI ROBERTS



Steven N. Cayton
Attorney
Cayton Legal

Steven N. Cayton is a family law attorney and founder of Cayton Legal. While the majority of his practice is focused on guardian ad litem work, his passion for advocating for victims of domestic violence, stalking and sexual assault has guided much of his pro bono efforts for nearly a decade. He has been a strong voice for petitioners in pursuit of a civil Temporary Protective Order (TPO) in more than 150 cases across the metro-Atlanta area.

Earlier this year, when DeKalb Volunteer Lawyers Foundation (DVLV) sought to revamp its TPO Project to engage more volunteer attorneys in the process, Cayton didn't hesitate to offer his assistance. In fact, he volunteered to be

in court for every calendar to provide brief services and representation, as needed, and to supervise interns and new attorneys. Since February 2018, Cayton has assisted 35 petitioners in TPO cases in DeKalb County, and donated more than 100 hours in doing so. He has also worked closely with Toni Roberts, DVLV's executive director, to evaluate how survivors may gain access to more pro bono legal services.

Cayton has been a phenomenal champion for survivors of violence in DeKalb County and is an extraordinary example of the difference that pro bono attorneys can make. We are proud to salute him as a Pro Bono Star.

publico as our professional responsibility. Your response to client expectation is your plan—when you say yes and when you say no. A crafted approach helps you manage your business. Think about sending a final bill to your pro bono client with the total amount you would have billed zeroed out. You both need to see the bottom line. The client's expectation of pro bono to which you responded "yes" should also be met with a complete description of how you met the expectation.

Put some meaning and feeling back into your pro bono work. You're not go-

ing to accept a fee because it just doesn't feel right in this particular case with this particular client. But we all know it's not free. It's our job and privilege to fight the good fight, pay it forward, go where you haven't gone before.

You get more than you give in pro bono publico service. ●



Mike Monahan

Director, Pro Bono Resource Center
State Bar of Georgia

probono@gabar.org

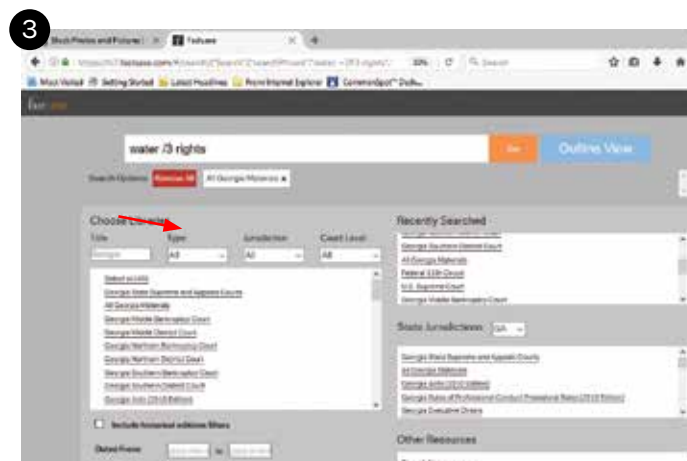
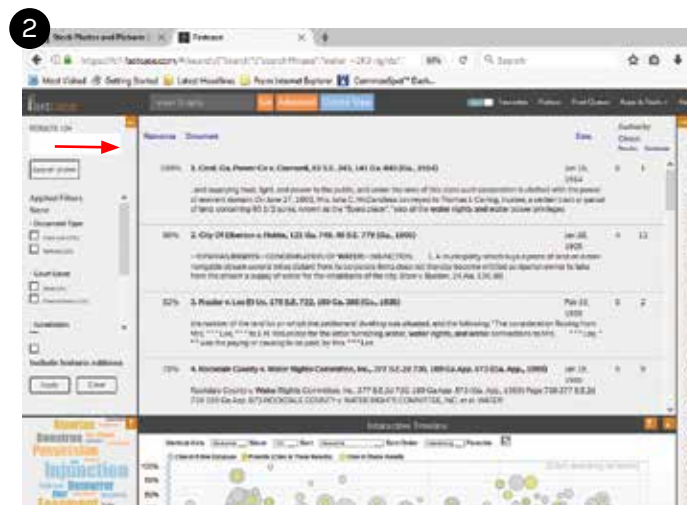
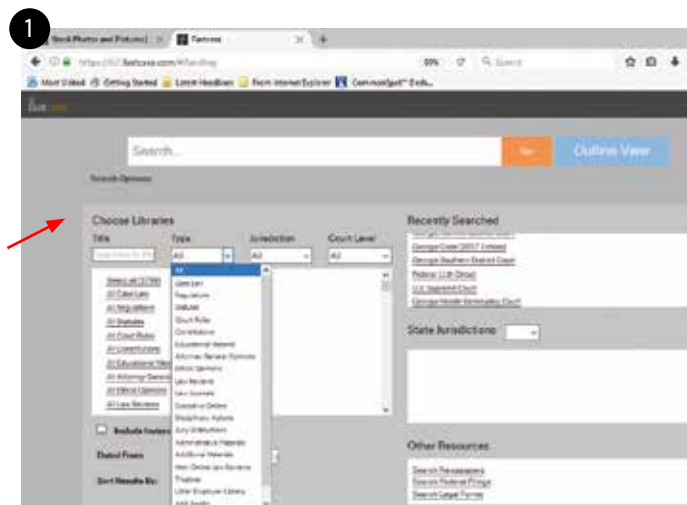
Fastcase 7: Advanced Search, Step-by-Step

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

BY SHEILA BALDWIN

Fastcase 7 is designed to help the members of the State Bar of Georgia find legal materials quickly and accurately. Members mainly search in case law or statutes, but the Advanced Search function allows searching across multiple jurisdictions simultaneously with no added time or effort and may yield better results.

The unique algorithms in Fastcase 7 make it easy to find comprehensive information that can then be refined to bring the best results. Not surprisingly the bulk of searching takes place in case law or statutes and in Fastcase 6 this required individual searching in each library. Now our members can use Fastcase 7 to perform this task in one easy search by using the Advanced Search function which combs across multiple jurisdictions simultaneously to find relevant data quickly and then organizes it for you using your chosen criteria all in a matter of seconds. In order to maximize the benefits of this particular article, I hope you will log in to Fastcase through your member account and follow along step-by-step. (If you need login assistance, contact the Membership Department at 404-527-8777.)



Keep in mind that when you log in to Fastcase, you automatically default to Fastcase 6. Switch the orange toggle button at the top right of the screen from FC to FC7 to gain access to Fastcase 7. Once you have done so, I encourage you to follow along as you read to gain hands-on learning experience on how to make the most out of the Advanced Search page.

The opening display in Fastcase 7, though colorful and rich in content, may not be the best place to begin constructing your advanced query. Click on the orange Advanced tab at the top of the screen to open a more basic gray screen offering a wide array of choices. On the left, the Choose Libraries section provides four options from which you can select types of materials and jurisdictions (see fig. 1). To get started, type "Georgia" into the title text box to see all 49 Georgia specific materials, or type "law review" to see the collection of those materials. Use the drop down menu under type, jurisdiction or court level to narrow your search. The select all option at the top of the displayed title list includes the number 5,789 (as of July 9, 2018), indicating the far-reaching scope of coverage available to members in Fastcase. Other filters on the Advanced Search page include Recently Searched, State Jurisdictions, Other Resources, Date Range and Sort Options. It appears that every possible search filter is available in FC7 to enable

attorneys to find the most relevant, timely and precedential results.

Using this information, let's look for data that relates to water rights and the environment. Type "Georgia" in the box under Title and select "Case Law" from the Type drop down list. At this point, all the Georgia courts will populate the field below. Select specific courts by clicking to add; they will populate right below the query box with an X to the right that allows for easy removal. For the purposes of this exercise, choose: State Supreme and Appeals Courts and the three Georgia District Courts. Go back to the type list and change Case Law back to All and use the drop down function to choose Statutes, then Georgia Code, which will populate under the query box with the court types. Type "water /3 rights" in the query box and click Go to bring up the 124 cases and statutes that address water rights in Georgia (see fig. 2). The sidebar on the left breaks down the information based on what type and court. You can filter jurisdictions or add terms directly from the sidebar; alternately you can click on the orange tab labeled Advanced at the top of the page to return to the Advanced screen to add terms or modify jurisdiction or types of materials.

To make full use of the multi-search function, return to the Advanced Search main screen and choose All under type, Georgia under jurisdiction and All under court level. Look at the list of options and choose All Georgia Materials to view

documents found in any and all possible libraries in Georgia (see fig. 3). Results populate based on relevancy, determined by these factors: frequency of terms, how closely search terms appear to each other and density, which indicates how widely the terms appear within the bulk of the document. You can easily examine the most relevant paragraph in these documents by scrolling down the list. It's easy to modify to a particular type of document from the left sidebar by checking your preference. To close out of the Advanced Search page, click the X in the upper right corner to return to the opening page where you can recreate your exact search at a later date by clicking on your last search.

Fastcase is a great member benefit. If you are not getting the maximum advantage from using it for your research, you may want to sign up for Fastcase training. Choose either a webinar by Fastcase experts or attend a live training here at the Bar; CLE credit is available for either option. All options are listed on the calendar at www.gabar.org. For all other questions, 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

Strength to Deliver

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Investors Title
INNOVATIVE BY INSTINCT

What Tin Foil Can Teach You About Legal Writing

This installment of Writing Matters acknowledges that most of the time, past writing experiences taught you well. But if you are getting frustrated in a new project, you may need to see if the solution is at your fingertips by considering the following suggestions.

BY KAREN J. SNEDDON AND DAVID HRICIK

Humans learn by doing, but sometimes we initially learn to do something the wrong way, and, though frustrated and inefficient, continue to do it the way we have done, not wondering if we're missing something. For example, do you get frustrated when you're pulling out a sheet of tin foil and the roll pops out of the box? It doesn't happen very often—usually the way you learned works and sometimes you want to pull the roll out of the box. But when it doesn't work and the roll pops out when you're using your elbow, not your other hand, to hold the box down because that hand is holding a recently buttered crescent bound for the hot oven open beside you, you say to yourself, "Why can't anyone make this stupid thing so the roll doesn't come out of the box? We put men on the moon but can't do that?"

You're doing it wrong. Push in the tab on each end of the box and the roll won't pop out.¹ (You can thank us later.)

Legal writing is no different. Legal writers approach a new writing task by applying lessons learned from their past

experiences. The lessons work most of the time. But when they don't, we can't think outside the box (pun intended) for alternatives. This happens to even the best legal writers.

This installment of Writing Matters acknowledges that most of the time, past writing experiences taught you well. But if you are getting frustrated in a new project, you may need to see if the solution is at your fingertips by considering the following suggestions.

1 Don't Bore the Reader by Invariably Writing Actively and Concisely

Good legal writing is concise, direct and professional. This means the text is streamlined, and unnecessary adverbs and adjectives are eliminated. Elegant variation (i.e., using different words to refer to the same thing, such as referring to an appellant in a brief as "Mr. Smith," "Plaintiff" and "Appellant") is kept to a minimum. Active voice is fa-

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vored, and so many sentences follow the same structure of subject, verb and direct object. Legal writers follow all of these “rules” because they were learned in earlier writing tasks.

And those are good lessons. Eliminating unnecessary adverbs and adjectives forces the writer to use descriptive nouns and vivid verbs. Avoiding elegant variation reinforces the importance of finding the best word for the particular writing project. And prioritizing active voice avoids creating ambiguity.

But, always following those lessons can lead to legal writing with a boring, dull or robotic voice. So, vary sentence constructions and transitions to create a sense of rhythm and movement to the text. Use an occasional passive construction when effective: for example, compare “Plaintiff ran the red light” with “The light was red when Plaintiff’s car entered the intersection.” There’s a difference between professional, strong text and dull, monotonous text.

2 Don’t Bore the Reader by Being Too Formulaic

All genres have conventions. Legal writing is no different. Many conventions relate to the expected structure of the text and repeating organizational patterns. The patterns are based on a tradition learned from the past. In literature, for example, they can be seen in the pattern of the typical plot (i.e., introduction, rising action, climax, falling action and resolution). In legal writing, a number of documents have their own patterns, including letters, briefs and memos. The most famous legal writing pattern is the organizational paradigm known as IRAC (i.e., issue, rule, analysis, conclusion). Ordinarily, a writing adhering to these patterns aids the reader because the writing will follow the expected conventions, and not distract the reader.

But a novice legal writer can take these patterns and think they are mandatory formulas. The pattern expected for a particular type of legal document should always be the initial starting point, but must be varied as appropriate. For instance, the reader may expect IRAC,

but IRAC may be ineffective in a brief that compares one state’s statute to similar statutes from other states. Instead, a brief with a two-column chart may be much more effective. An experienced legal writer recognizes when to follow the conventions learned from the past, when to modify them, and, sometimes, when to ignore them.

3 Be Creative

We may learn from the past that legal writing does not prize creativity. While following past lessons is typically effective, the best legal writing is creative. Given the number of constraints in legal writing from substantive restrictions about content to stylistic conventions, writers must be creative to advance their client’s particular goals so the particular circumstances are clear to the reader. Creativity is working within conventions in innovative ways to effectively prepare legal documents.

4 Shorter Doesn’t Mean Easier

The legal writing process cannot be measured by counting words and sentences alone. The writing process has the following five stages: (1) prewriting, (2) writing, (3) revising, (4) proofreading and (5) publishing. As a result, a critical one-paragraph email may take as long as a 50-page contract, mostly of accepted boilerplate, to create. A motion may require creating two drafts while the supporting affidavit requires five. An experienced legal writer approaches each project, regardless of length, as opportunity to connect with particular audiences for a particular purpose. This requires attention to each of the five stages of writing.

5 Keep Working on Writing Better

Passing the bar should not mark the apex of legal writing ability. Writing is a skill that should be honed over time. You should continue to develop and refine your skills, and also recognize that skills can also be lost. Legal writing requires practice and an openness to new approaches. An ex-

perienced legal writer knows that there’s always room for improvement.

Similarly, an experienced legal writer doesn’t confuse increased comfort with the process of legal writing and the variety of texts produced with “easiness.” But writing is never “easy.” That’s, at least in part, because good legal writing requires considering how to approach a particular new task, because there’s no one way to approach even a routine writing project. There’s also no “perfect” text, and so although it may feel more comfortable over time, good legal writers also leave sufficient time to complete each document, which includes reviewing examples, writing multiple drafts and seeking feedback from another reader.

* * * * *

Whether you would think of yourself as a novice legal writer, a developing legal writer or an experienced legal writer, approach each writing project with intention and deliberation. Don’t use a process that gets you frustrated because what you did in the past does not work for the current project. You may want the tin foil roll to come out of the box because you need a large sheet; so pull the tabs out before you’re holding that hot baked potato and can’t get enough tin foil out to do the job. ●



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David Hricik is a professor of law at Mercer University School of Law who has written several books and more than a dozen articles.

The Legal Writing Program at Mercer continues to be recognized as one of the nation’s top legal writing programs.

Endnote

1. http://www.slate.com/blogs/browbeat/2013/05/20/end_locks_aluminum_foil_and_saran_wrap_box_tabs_are_a_great_invention_photo.html.

Promoting a Professional Culture of Respect and Safety #MeToo

In keeping with our professionalism aspirations, I challenge you to take a proactive, preventative approach to sexual harassment and to start the discussions . . . about things we as lawyers can do to promote a professional culture of respect and safety to prevent #MeToo.

BY KARLISE Y. GRIER

“There is no doubt that Marley was dead. This must be distinctly understood, or nothing wonderful can come of the story I am going to relate.”—Excerpt from: “A Christmas Carol” by Charles Dickens.

To borrow an idea from an iconic writer: There is no doubt that #MeToo testimonials are real. This must be distinctly understood, or nothing wonderful can come of the ideas I am going to share.

I start with this statement because when I co-presented on behalf of the Chief Justice’s Commission on Professionalism at a two-hour seminar on Ethics, Professionalism and Sexual



Harassment at the University of Georgia (UGA) in March 2018, it was clear to me that men and women, young and old, question some of the testimonials of sexual harassment that have recently come to light. For the purposes of starting a discussion about preventing future #MeToo incidents in the Georgia legal profession, I ask you to assume, *arguendo*, that sexual harassment does occur and to further assume, *arguendo*, that it occurs in Georgia among lawyers and judges.¹ Our attention and discussion must therefore turn to “How do we prevent it?” We won’t expend needless energy on “Is he telling the truth?” We won’t lament, “Why did she wait so long to come forward?”

First, I want to explain why I believe that sexual harassment in the legal profession is, in part, a professionalism issue. As Georgia lawyers, we have A Lawyer’s Creed and an Aspirational Statement on Professionalism that was approved by the Supreme Court of Georgia in 1990.² One tenet of A Lawyer’s Creed states: “To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.”

Frankly, it is only a concern for the welfare of others that in many cases will prevent sexual harassment in the legal profession because of “gaps” in the law and in our ethics rules. For example, under federal law, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees.³ According to a 2016 article on lawyer demographics, three out of four lawyers are working in a law firm that has two to five lawyers working for it.⁴ In Georgia, there are no state laws similar to Title VII’s statutory scheme.

There is currently nothing in Georgia’s Rules of Professional Conduct that explicitly prohibits sexual harassment of a lawyer by another lawyer.⁵ Moreover, it is my understanding that generally the Office of the General Counsel will not

prosecute a lawyer for alleged lawyer-on-lawyer sexual harassment absent a misdemeanor or felony criminal conviction, involving rape, sexual assault, battery, moral turpitude and other similar criminal behavior.⁶ Other circumstances in which laws or ethics rules may not apply include sexual harassment of lawyers by clients or sexual harassment that occurs during professional events, such as bar association meetings or continuing education seminars.⁷

Former Georgia Chief Justice Harold Clarke described the distinction between ethics and professionalism as . . . the idea that ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers. Therefore, in the absence of laws and ethical rules to guide our behavior, professionalism aspirations call on Georgia lawyers to consider and implement a professional culture of respect and safety that ensures zero tolerance for behavior that gives rise to #MeToo testimonials.⁸

The American Bar Association Commission on Women in the Profession recently published a book titled “Zero Tolerance: Best Practices for Combating Sex-Based Harassment in the Legal Profession.” The book provides some

Former Georgia Chief Justice Harold Clarke described the distinction between ethics and professionalism as . . . the idea that ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers.

practical advice for legal employers to address or to prevent sexual harassment.⁹ Some of the suggestions included: establishing easy and inexpensive ways to detect sexual harassment, such as asking about it in anonymous employee surveys and/or exit interviews; not waiting for formal complaints before responding to known misconduct; and discussing the existence of sexual harassment openly.¹⁰ The federal judiciary's working group on sexual harassment has many reforms that are currently underway, such as conducting a session on sexual harassment during the ethics training for newly appointed judges; reviewing the confidentiality provisions in several employee/law clerk handbooks to clarify that nothing in the provisions prevents the filing of a complaint; and clarifying the data that the judiciary collects about judicial misconduct complaints to add a category for any complaints filed relating to sexual misconduct.¹¹ For those planning CLE or bar events, the American Bar Association Commission on Women in the Profession cautions lawyers to "be extremely careful about excessive use of alcohol in work/social settings."¹²

During our continuing legal education seminar at UGA, one of the presenters, Erica Mason, who serves as president of the Hispanic National Bar Association (HNBA), shared that HNBA has developed a "HNBA Conference Code of Conduct" that states in part: "The HNBA is committed to providing a friendly, safe, supportive and harassment-free environment for all conference attendees and participants . . . Anyone violating these rules may be sanctioned or expelled from the conference without a registration refund, at the discretion of HNBA Leadership."¹³ Mason also shared that the HNBA has signs at all of its conferences that reiterate the policy and that provide clear instructions on how anyone who has been subjected to the harassment may report it. In short, you don't have to track down a procedure or figure out what do to if you feel you have been harassed.

Overall, some of the takeaways from our sexual harassment seminar at UGA provide a good starting point for discussion about how we as lawyers should aspire

to behave. Generally, our group agreed that women and men enjoy appropriate compliments on their new haircut or color, a nice dress or tie, or a general "You look nice today." Admittedly, however, an employment lawyer might say that even this is not considered best practice.

Many of the seminar participants agreed on some practical tips, however. Think twice about running your fingers through someone's hair or kissing a person on the cheek. Learn from others' past mistakes and do not intentionally pat or "flick" someone on the buttocks even if you mean it as a joke and don't intend for it to be offensive or inappropriate.¹⁴

In our professional friendships, we want to leave room for the true fairytale happily ever after endings, like that of Barack and Michelle, who met at work when she was an associate at a law firm and he was a summer associate at the same firm.¹⁵ We also need to ensure that our attempts to prevent sexual harassment do not become excuses for failing to mentor attorneys of the opposite sex.

Finally, just because certain behaviors may have been tolerated when you were a young associate, law clerk, etc., does not mean the behavior is tolerated or accepted today. Professionalism demands that we constantly consider and re-evaluate the rules that should govern our behavior in the absence of legal or ethical mandates. Our small group at UGA did not always agree on what was inappropriate conduct or on the best way to handle a situation. We did all agree that the conversation on sexual harassment was valuable and necessary.

So in keeping with our professionalism aspirations, I challenge you to take a proactive, preventative approach to sexual harassment and to start the discussions in your law firm, corporate legal department, court system and/or bar association about things we as lawyers can do to promote a professional culture of respect and safety to prevent #MeToo. ●



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Endnotes

1. See, e.g., In the Matter of James L. Brooks, S94Y1159 (Ga. 1994) and The Washington Post, *Wet T-Shirt Lawyers* (December 23, 1983), The Washington Post, https://www.washingtonpost.com/archive/politics/1983/12/23/wet-t-shirt-lawyers/c46ac2e6-2827-49a7-9041-f00ac5f21753/?utm_term=.bf1ec57a8b95 (Last visited May 31, 2018). For a more recent articles on sexual harassment in the legal profession, see generally, Vanessa Romo, *Federal Judge Retires in the Wake of Sexual Harassment Allegations* (December 18, 2017), NPR, The Two-Way Breaking News, <https://www.npr.org/sections/thetwo-way/2017/12/18/571677955/federal-judge-retires-in-the-wake-of-sexual-harassment-allegations> (Last visited May 31, 2018) and The Young Lawyer Editorial Board of The American Lawyer, *YL Board: This is What Sexual Harassment in the Legal Industry Looks Like* (February 28, 2018), The American Lawyer, Commentary, <https://www.law.com/americanlawyer/2018/02/28/yl-board-this-is-what-sexual-harassment-in-the-legal-industry-looks-like/> (Last visited May 31, 2018).
2. See State Bar of Georgia, *Lawyer's Creed and Aspirational Statement on Professionalism*, <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm> (Last visited May 31, 2018).
3. U.S. Equal Employment Opportunity Commission, About EEOC, Publications, *Facts About Sexual Harassment*, <https://www.eeoc.gov/eeoc/publications/fs-sex.cfm> (Last visited May 31, 2018).
4. Brandon Gaille, *30 Mind-Boggling Lawyer Demographics*, BrandonGaille.com, <https://brandongaille.com/30-mind-boggling-lawyer-demographics/>, February 8, 2016 (viewed on April 26, 2018). See also American Bar Association 2013 Lawyer Demographics Data, https://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2013.authcheckdam.pdf (viewed on April 26, 2018).
5. The Georgia Code of Judicial Conduct differs from the Georgia Rules of Professional Conduct in that Rule 2.3 (b) of the Code of Judicial Conduct specifically prohibits discrimination by a judge in the performance of his or her judicial duties. See <https://>

www.gasupreme.us/wp-content/uploads/2016/09/Code_of_Judicial_Conduct_09_22_16.pdf

6. See Brooks, *supra*. A sexual relationship with a client may, however, be an offense for which a lawyer might be disciplined. See, e.g., In the Matter of James Woodrow Lewis, 262 Ga. 37, 415 S.E.2d 173 (1992).
7. It is my understanding that an employment lawyer would carefully review the facts of an individual case and discuss with a client a variety of legal theories based on federal and state law. This article therefore is not intended to be a treatise on sex discrimination law.
8. Several tenets of the *Aspirational Statement on Professionalism* apply including the challenge to 1) to avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me; and 2) to preserve the dignity and the integrity of our profession by my conduct. See

- State Bar of Georgia, *Lawyer's Creed and Aspirational Statement on Professionalism*, <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm> (Last visited May 31, 2018).
9. See https://www.americanbar.org/news/abanews/aba-news-archives/2018/03/aba_releases_sexual.html (viewed on April 26, 2018).
 10. Zero Tolerance: Best Practices for Combating Sex-Based Harassment in the Legal Profession, American Bar Association Commission on Women in the Profession, pp. 43-44 (2018).
 11. Tony Mauro, *Federal Judiciary Unveils Reforms From Harassment Working Group*, Originally published on National Law Journal (March 13, 2018), Law.com, News, <https://www.law.com/2018/03/13/federal-judiciary-unveils-first-reforms-from-harassment-working-group/> (Last visited May 31, 2018).
 12. *Zero Tolerance*, at 44 (Emphasis supplied).
 13. You may find the entire NHBA Conference Code of Conduct at their website. Hispanic National Bar Association, 2018 Corporate Counsel

- Conference, *Policies: HNBA Code of Conduct*, <https://hnba.com/2018-corporate-counsel-conference/> (viewed May 31, 2018).
14. See Debra Cassens Weiss, *A Chief Judge Resigns After Admitting Inappropriate Touching*, ABA, Judiciary, http://www.abajournal.com/news/article/a-chief-judge-resigns_after_admitting_inappropriate_bottom_flicks (viewed June 12, 2018). See also Kristine Phillips and Eli Rosenberg, George H.W. Bush 'has patted women's rears' but never meant to offend, spokesman says, Washington Post, Arts and Entertainment, https://www.washingtonpost.com/news/arts-and-entertainment/wp/2017/10/25/george-h-w-bush-apologizes-for-attempt-at-humor-after-actress-accused-him-of-groping/?utm_term=.ecf1262418b1
 15. See Kristin Salaky, *Everything you need to know about Barack and Michelle Obama's Love Story—from the Law Office to the Oval Office*, Insider, Health, <http://www.thisinsider.com/how-did-barack-and-michelle-obama-meet-2017-10> (viewed May 31, 2018).



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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.

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Died 4/1/2018

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Died 10/1/2017

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Admitted 1976
Died 6/1/2018

OBITUARY



Antonio Benjamin Mari, founder of the Law Office of Antonio Mari in Cartersville, died tragically in a shooting at his office on June 20, 2018. He was 41.

A native of Atlanta, he earned a Bachelor's degree in education from the University of Georgia, a Master's degree in public administration from Kennesaw State University and his J.D. degree from Atlanta's John Marshall Law School. He was admitted to the State Bar of Georgia in 2009.

Prior to entering the legal profession, he taught history and advanced placement European history for 10 years at Cass High School in Bartow County, where he also served as head of the Social Studies Department.

In 2011, he opened his law firm in Cartersville, where he practiced family law. Fellow Cartersville

attorney Anthony N. Perrotta told the *Daily Report* that Mari "was just the kindest, most gentle soul. Of all the aggressive litigators we have in town, myself included, he would have been the last person that would have made anybody angry. He was always a complete and polite gentleman in court, whether it was to his opposing parties or his opposing counsel. I have never in the 10 years known him to raise his voice or get upset. He was just as calm as he could be."

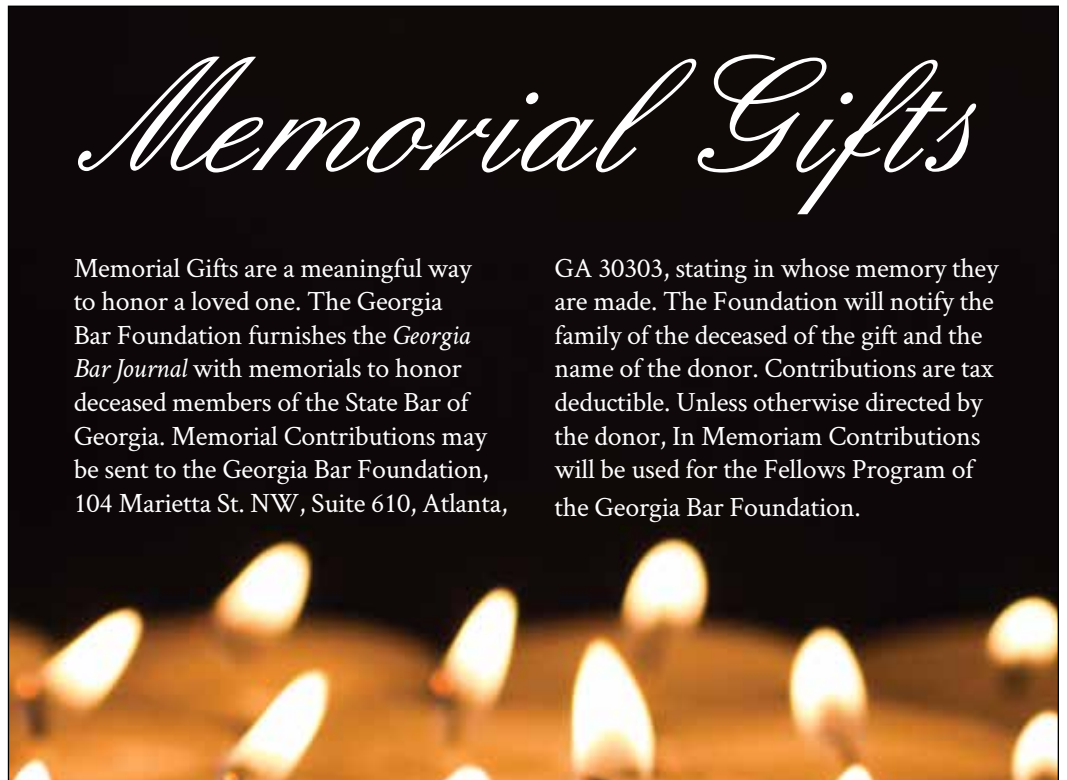
Survivors include his wife, Stephanie Crumbley Mari; his father, Umberto Mari and his wife Kathi; his mother, Charlotte Driskell; a brother, Nicholas Mari and his wife Karen Kaiser; a sister-in-law and several brothers-in-law and nieces and nephews.

The funeral was June 24 in the chapel of Owen Funeral Home in Cartersville, with the Rev. Kenny Jacobs officiating. Memorial contributions may be made to the Wounded Warrior Project. ●

Memorial Gifts

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

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



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- 9** ICLE: **Federal False Claims Act**
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- 16** ICLE: **Child Welfare Attorney Training**
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- 17** ICLE: **Nuts and Bolts of Family Law**
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- 17** ICLE: **Contract Litigation**
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- 17** ICLE: **School and College Law**
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- 21** ICLE: **Group Mentoring**
Atlanta, Ga., and via satellite in Savannah
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- 24** ICLE: **Adoption Law and Practice in Georgia**
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- 24** ICLE: **Divorce and Jury Trials**
Atlanta, Ga. | 7 CLE
- 30** ICLE: **Trial of Leo Frank**
Atlanta, Ga. | 3 CLE
- 31** ICLE: **29th Annual Urgent Legal Matters**
St. Simons Island, Ga. | 12 CLE

SEPTEMBER

- 6** ICLE: **Nursing Home Litigation**
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- 6** ICLE: **Nuts and Bolts of Appellate Practice**
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- 7** ICLE: **Growth Companies: Legal and
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- 7** ICLE: **Secrets to a Successful Plaintiff's
Personal Injury Practice**
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- 13** ICLE: **Anatomy for Lawyers**
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- 13** ICLE: **Punitive Damages**
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- 13-14** ICLE: **65th Institute for City and County
Attorneys**
Athens, Ga. | 12 CLE
- 13-15** ICLE: **37th Annual Insurance Law Institute**
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- 14** ICLE: **Social Media and the Law**
Atlanta, Ga. | 6 CLE
- 20-22** ICLE: **24th Annual Intellectual Property
Law Institute**
Amelia Island, Fla. | 10 CLE
- 20** ICLE: **Advanced Persuasion Skills
for Lawyers**
Atlanta, Ga. | 6 CLE
- 20** ICLE: **RICO**
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- 21** ICLE: **Fighting the Good Fight**
Atlanta, Ga. | 6 CLE
- 21** ICLE: **Medical Malpractice Bootcamp**
Atlanta, Ga. | 6 CLE
- 27** ICLE: **Nuts and Bolts of Family Law**
Atlanta, Ga. | 6 CLE
- 28-29** ICLE: **Solo and Small Firm Institute**
Atlanta, Ga. | 12 CLE

OCTOBER

- 4** ICLE: **Zoning Law**
Atlanta, Ga. | 6 CLE
- 4-6** ICLE: **Workers' Compensation Law
Institute**
Jekyll Island, Ga. | 12 CLE
- 5** ICLE: **Premises Liability**
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- 6-15** ICLE: **CLE at Sea—Mediterranean**
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Note: To verify a course that you do not see listed, please call the CLE Department at 404-527-8710. Also, ICLE seminars only list total CLE hours. For a breakdown, call 678-529-6688. For ICLE seminar locations, please visit www.gabar.org.

- 11 ICLE: **Advanced Custody Litigation**
Atlanta, Ga. | 6 CLE
- 11 ICLE: **VA Accreditation**
Atlanta, Ga. | 7 CLE
- 12 ICLE: **Advanced Health Care Law**
Atlanta, Ga. | 6 CLE
- 12 ICLE: **14th Annual Family Law Seminar**
Martinez, Ga. | 6 CLE
- 12 ICLE: **Georgia Auto Insurance Claims**
Atlanta, Ga. | 6 CLE
- 12 ICLE: **Title Standards**
Atlanta, Ga. | 6 CLE
- 16 ICLE: **Beginning Lawyers Program Replay**
Atlanta, Ga., and via satellite in Savannah
and Tifton, Ga. | 6 CLE
- 18 ICLE: **U.S. Supreme Court Update**
Atlanta, Ga. | 6 CLE
- 18 ICLE: **Succeeding in Family Law Hearings
and Trials**
Atlanta, Ga. | 6 CLE
- 19 ICLE: **Basic Fiduciary Practice**
Macon, Ga. | 6 CLE
- 24-25 ICLE: **37th Business Law Institute**
Atlanta, Ga. | 10 CLE
- 25 ICLE: **Civil Prosecutions of DUI
and Dram Shop Cases in Georgia**
Atlanta, Ga. | 6 CLE
- 25 ICLE: **26th Annual Securities Litigation**
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- 25 ICLE: **Expert Testimony in Georgia**
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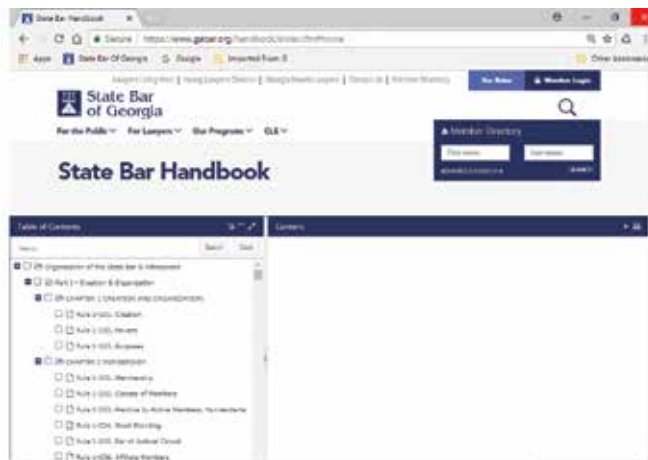
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Supreme Court of Georgia Approves Amendments to the Rules and Regulations for the Organization and Government of the State Bar of Georgia

The Supreme Court of Georgia having considered the 2018-1 Motion to Amend the Rules and Regulations for the Organization and Government of the State Bar of Georgia, it is ordered that Part I – Creation and Organization, Chapter 2, Rule 1-202 (Classes of Members); Rule 1-208 (Resignation from Membership); Chapter 5, Rule 1-506 (Clients' Security Fund Assessment); Rule 1-507 (Bar Facility Assessment); Chapter 6, Rule 1-602 (Proposed Bylaws and Amendments); Part V – Amendment and Effective Date, Chapter 1, Rule 5-101 (Filing, Notice); Part X – Clients' Security Fund; Preamble; Rule 10-101 (Fund Established); Rule 10-102 (Definitions); Rule 10-103 (Funding); Rule 10-104 (Board of Trustees); Rule 10-105 (Investigations); Rule 10-106 (Eligible Claims); Rule 10-107 (Payments); Rule 10-108 (Right to Payment and Right of Appeal); Rule 10-109 (Restitution and Subrogation); Rule 10-110 (Immunity); Rule 10-111 (Confidentiality); Rule 10-112 (Repeal of Resolution); and Part XII – Consumer Assistance Program; Preamble; Rule 12-101 (Consumer Assistance Committee); Rule 12-102 (Consumer Assistance Committee; Membership and Terms); Rule 12-103 (Committee Purpose and Responsibility); Rule 12-104 (Staff and Funding); Rule 12-105 (Supervision); Rule 12-106 (Procedures); Rule 12-107 (Confidentiality of Proceedings); Rule 12-108 (Disclosure); Rule 12-109 (Immunity); be amended, effective June 14, 2018.

The exact text of the Order can be found on the Supreme Court's website at https://www.gasupreme.us/wp-content/uploads/2018/06/State_Bar_ORDER_2018_1.pdf.

The new rules can also be found on the State Bar of Georgia website at <https://www.gabar.org/handbook/index.cfm#home>.



Notice of and Opportunity for Comment on Amendments to the Rules of the United States 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 United States Court of Appeals for the Eleventh Circuit. The public comment period is from Aug. 7 to Sept. 7, 2018.

A copy of the proposed amendments may be obtained on and after Aug. 7, 2018, 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 5 p.m. Eastern Time on Sept. 7, 2018.

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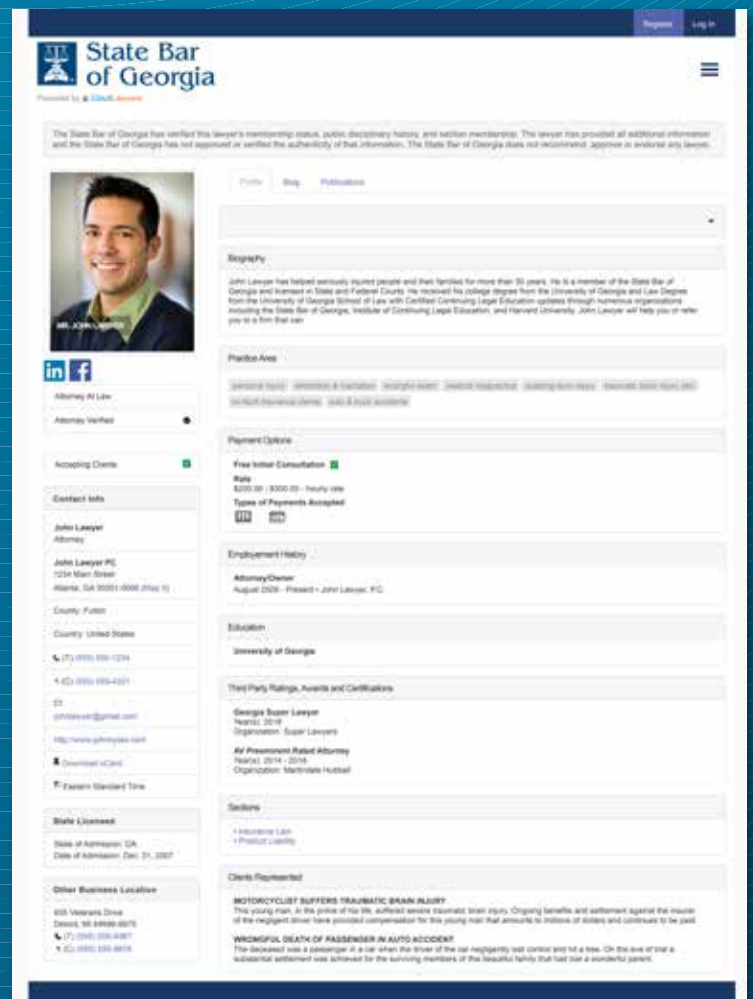
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Accepting Clients

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Date of Admission: Dec 31, 2007

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Biography
John Lawyer has helped seriously injured people and their families for more than 30 years. He is a member of the State Bar of Georgia and Section of Sales and Federal Courts. He received his college degree from the University of Georgia and Law Degree from the University of Georgia School of Law with Certified Continuing Legal Education options through numerous organizations including the State Bar of Georgia, Institute of Continuing Legal Education, and Harvard University. John Lawyer will help you or refer you to a firm that can.

Practice Areas
PERSONAL INJURY • CONTRACT • CONTRACT BREACH • CONTRACT DISPUTE RESOLUTION • CONTRACT REVIEW • CONTRACT ENFORCEMENT • CONTRACT REFORMATION • CONTRACT REFORMATION • CONTRACT REFORMATION

Payment Options
Free Initial Consultation
Rate
\$200.00 - \$300.00 - hourly rate
Types of Payments Accepted
Credit Card

Employment History
Attorney/Owner
August 2008 - Present - John Lawyer, P.C.

Education
University of Georgia

Third Party Ratings, Awards and Certifications
Georgia Super Lawyer
Year(s): 2016
Designation: Super Lawyers
AV Preeminent Rated Attorney
Year(s): 2014 - 2016
Organization: Martindale Hubbell

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Clients Represented
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