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GEORGIA BAR
JOURNAL

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2020 State Bar Annual Meeting Coverage

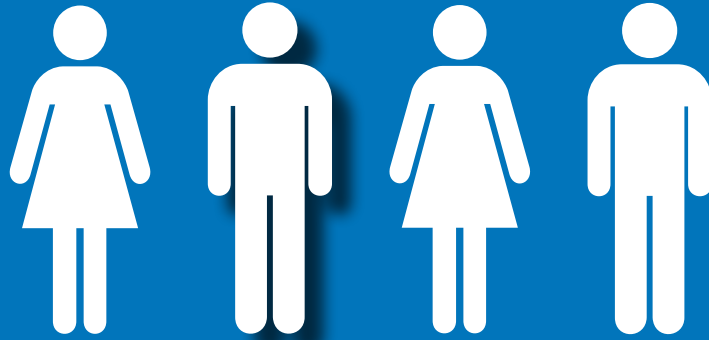
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The *Georgia Bar Journal* welcomes the submission of unsolicited legal manuscripts on topics of interest to the State Bar of Georgia or written by members of the State Bar of Georgia. Submissions should be 10 to 12 pages, double-spaced (including endnotes)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

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

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Gregory G. Schultz
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Karlise Y. Grier

The August Issue

I wouldn't blame anyone for not having noticed the change in Bar year this summer, considering everything else that is and has been impacting our daily lives in 2020. The beginning of this new Bar year has looked very different from those we were used to seeing. The Bar's Annual Meeting was held by video conference for the first time in history. Our new officers were sworn in remotely. For those finishing their terms and others beginning theirs, speeches were given, not in person, but by video or email. But, despite the challenges and lack of usual ceremony and celebration, the work of the Bar must go on. I can't think of a better group of leaders to guide our organization through these tough times than those who have been sworn in for the 2020-21 Bar year, and I am very happy to be able to introduce some of them to our readers in this edition of the *Georgia Bar Journal*.

Our newest president, Dawn M. Jones, was sworn in to office on June 13, as the second African American and the fourth woman to lead our organization. Dawn boasts an impressive resume of not only legal accomplishments, but of service to her community and to the people of Georgia. Her commitment to equality and justice are sure to benefit us all. Prior to becoming a lawyer, Dawn had a career as a critical care nurse. Her professional background and strengths couldn't come at a better time in the leadership of our organization, and I look forward to Dawn's vision of going far, together.

In his first YLD President's column, YLD President Bert Hummel discusses his vision for the YLD in the coming year. The YLD has long been known for its community service, and in no time in recent memory has the need for such service been greater. I hope that we can all rise to Bert's challenge to "step up and serve our communities as the problem-solvers, administrators of justice and protectors of the law we strive to be."

In addition to an introduction to our newest officers and their initiatives for the upcoming year, this edition has other great and timely content. Assistant Director of Communications Jennifer Mason gives a recap of the virtual Annual Meeting held on June 13, including the Board of Governors approval of the new standing committee on Seeking Equal Justice and Addressing Racism & Racial Bias. Our legal article, written by Gregory G. Schultz and Donald P. Boyle Jr., addresses questions surrounding insurance claims for business interruption related to COVID-19. General Counsel Paula Frederick cautions attorneys to remain vigilant against scams related to COVID-19 so as not to open ourselves and our clients to fraud or run afoul of the Rules of Professional Conduct. We also have a comprehensive review of the delayed 2020 legislative session and the important bills passed this year.

As always, I hope you enjoy this edition of the *Georgia Bar Journal*, and thank you for reading. ●



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ON THE COVER

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Allies: A Cure for What Ails Us



DAWN M. JONES

President
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In working for all Bar members and by protecting the public, the State Bar of Georgia holds as its central mission three tenets: 1) fostering of duty and service to the public; 2) improving the administration of justice; and 3) advancing the science of law. These tenets stand as the foundation of what we as a bar association strive to achieve and upon which we build through our collective effort.

As we enter this new Bar year and face numerous unique and extraordinary challenges, I am especially reminded of our foundational principles and how they apply particularly to what we face today. I view these challenges as two public health crises: one a pandemic caused by widespread coronavirus infection, and the other brought about by a justice system fraught with racism, racial bias and resulting disparities. As a Bar, to succeed in our efforts to support all Bar members and to protect the public, we must work together; we must support each other; we must become and remain allies.

Allies are intentional. They actively participate in the work of the Bar. They are goal-oriented in each task to which they have been assigned. Through committees, sections and boards, allies are purposeful in the Bar work they do, the roles to which they were appointed and the actions they take. Allies seek knowledge and information to improve not only their understanding of the challenges

to be faced and goals to be met, but also how to best address those challenges and goals. Allies remain focused on the proposed outcomes being sought on behalf of the Bar, its members and the public.

We must be intentional in minimizing the spread and impact of coronavirus in the state of Georgia, to protect ourselves, our families, our clients and our fellow Georgia citizens. We must be intentional in addressing a justice system that does not treat everyone fairly and equally, to also protect ourselves, our families, our clients and our fellow Georgia citizens.

Allies are advocates, too. Although it is impossible to walk in the shoes of another, allies empathize. They do not discount the experiences of others. Allies tackle myths, misstatements and jokes that can undermine the collective efforts of the Bar. They are vocal and speak up for those who do not have a voice, who are not seated at the table, or who are not in a position of power or decision-making that is often required to create widespread, lasting change.

We must be advocates for those most at risk for coronavirus infection and its complications, including death. We must be advocates for those most at risk of being unfairly and disproportionately impacted by our justice system, especially those who have lost their lives.

We must be vocal. We must speak up. We must not be silent.

Allies are risk-takers as well. They take positions that better society as a whole but may be unpopular in some communities. Allies work to understand and recognize that flaws exist in the justice system, in society and in every one of us. They have uncomfortable conversations that may expose their individual flaws and may run counter to their self-interests. Allies bravely welcome such conversations to the extent said exposure furthers the work that must be done. We must be risk-takers to protect others against coronavirus and against injustice, no matter how unpopular we may be as a result.

Allies are committed. They believe they are obligated to do something, to take some action and help in some way. Whether working within our Bar, in community groups, as activists, as demonstrators, through law firm diversity and inclusion efforts, or as court employees or judges, allies seek opportunities to positively impact our Bar and our state. They are committed to acting beyond the boundaries of their personal or professional lives.

Allies see the bigger picture—that we are all bound to each other and are, accordingly, each other’s keeper. We are responsible for each other’s well-being. In response to the global, national and statewide calls for action we have heard, as echoed by our members and by our fellow citizens, we must be committed to curbing the spread of coronavirus and systemic injustice, and also finding a remedy for both.

Now, more than ever before, the crises we face as a bar association are indistinguishable from those we face as individual citizens. Never before has the intersection of our lives and our livelihoods been so visible and pronounced. To address these two diseases that currently infect our country and state—coronavirus and racial injustice—we must work together. Together we can address the root causes of the infection and its spread. Together we can establish an environment where these diseases no longer flourish or thrive. Together we can find a cure.

Together, as allies, we can obtain and sustain a healthy and sound community, Bar and state. Will you be an ally? ●

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.



DAWN M. JONES

President

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. She also serves as a litigation and expert witness consultant.



ELIZABETH L. FITE

President-Elect

Fite, of Rogers & Fite, LLC, in Atlanta, focuses her law practice in civil litigation related to wrongful death and catastrophic injuries, tractor-trailer collisions, automobile collisions, negligent security claims, hazing claims and sexual assault.



SARAH B. "SALLY" AKINS

Treasurer

Akins is with Ellis, Painter, Ratterree & Adams LLP and Miles Mediation & Arbitration. Her practice focuses on mediating civil cases, including premises liability, professional negligence and products liability, amongst others.



HON. J. ANTONIO "TONY" DELCAMPO

Secretary

DelCampo, of DelCampo & Grayson LLC in Atlanta, focuses his law practice in the areas of personal injury, medical malpractice, trucking accidents, premises liability and business disputes. He is also a mediator/arbitrator with Henning Mediation and Arbitration.



DARRELL SUTTON

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Sutton and his firm, Sutton Law Group LLC in Marietta, represent individuals, businesses, insurers, self-insured companies and third-party administrators throughout Georgia, defending workers' compensation and commercial general liability claims.

A Time for Purpose Through Service: The Chance to Direct This Generation's Legacy Has Arrived



BERT HUMMEL

YLD President
State Bar of Georgia
bert.hummel@lewisbrisbois.com

For nearly all of us, 2020 has not been a banner year thus far. The impact of the COVID-19 pandemic on our physical and mental health, our economy and our daily lives has been more disruptive and, in many cases, more devastating than anything this generation has experienced. On top of that, the past several months have brought about numerous reminders that our profession, society and institutions continue to be plagued by injustice, inequality and systemic racism.

We find ourselves standing in a unique position from which we have the opportunity to determine how future generations look back on 2020. There is no way to change the events that have already transpired. However, the most important determination of how future generations will look back at this moment in time is how we step up as leaders of our state and respond to the ongoing crises.

Will we look back at these times with disdain, resentment or emptiness? Or, will we choose to roll up our sleeves and confront these challenges, so that we and future generations look back at this time with admiration, gratitude and esteem for how we responded?

I am extending a challenge and an invitation to all of the young lawyers in Georgia: to step up and serve our communities as the problem-solvers, administrators of justice and protectors of the law we strive to be in our "Lawyer's Creed." Make no mistake: it is not as though these issues of

inequality and injustice are new problems. Unfortunately, they are problems that have long-plagued our communities, our justice system and our profession, and our awareness of them has once again crept into the forefront of the American conscience.

Now, in a time that cries out for leadership, how best can the YLD—long known as the "service arm" of the State Bar—best serve our communities, our justice system and our profession?

First, we will address systemic racism in our communities, our justice system and our profession in order to promote necessary changes to end the instruments of inequality and injustice. Our new State Bar President Dawn M. Jones is providing a framework for change through the establishment and appointment of a committee on racial bias and injustice. The YLD has similarly made changes to meet these challenges with an expansion of the Board of Directors. The expanded YLD Board of Directors will have a specific focus to bring about discussions on the realism of inequality and the instruments of injustice that present themselves in our local communities. YLD officers and directors will work with President Jones and the committee to seek out the places where inequality exists and take action to confront them. The YLD officers, directors, representative council and chairpersons will all participate in implicit bias training to assist in identifying prejudices and bias within our profession.

Further, I am issuing a personal challenge to the young lawyers of Georgia to stand up and lead our communities during these difficult times. Several members of the YLD have been identified as directors who will serve to collaborate with our many local affiliates across Georgia and our YLD committees to implement programming geared toward combatting the instruments of inequality that we identify. We will take on the role of facilitating these discussions around the state to push forward real changes to the racial and social injustices in our profession and society.

Second, we will work to expand and strengthen the YLD's already substantial community service activities—including our nationally recognized legal clinics in all corners of our state—for the benefit of our members and the public. We will work with YLD affiliates at the local level, soliciting program applications with proposals on community service projects and identifying grants to encourage maximum young lawyer involvement. These efforts will be promoted under the social media hashtag #PurposeThroughService.

The YLD's commitment to civic involvement and community service will be at the forefront of our programming. To that end, the YLD is working with local and state election leaders to volunteer as poll workers. The pandemic has created a need for poll workers throughout the state, and young lawyers need to step into the void created by aging poll workers who do not feel comfortable volunteering during these uncertain times. The YLD will also engage local schools who may have a need for virtual programming for their students who are not able to attend classes in-person.

In addition to the work they are already doing in various areas of professional service, every YLD committee will be challenged to host or co-host at least one community service event in the Fall and Spring of the 2020-21 Bar year.

Third, as part of our programming, we will expand content for our award-winning newsletter, *The YLD Review*, which will be produced this year by Ashley Akins and LaKeisha Randall. Ashley and LaKeisha have already come up with new and fresh ideas to keep the content of

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.



BERT HUMMEL | YLD President

Hummel is a partner 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 President-Elect

Haynes is a partner at Drew Eckl & Farnham, LLP, in Atlanta where she specializes in trial and appellate practice on the civil defense side. Her trial practice is focused primarily on defending claims involving negligent security, premises liability, personal injury and religious institution liability.



RON DANIELS | YLD Treasurer

Daniels is the owner of Daniels Law LLC in Eastman, Georgia. The firm focuses on claims under the Fair Debt Collection Practices Act and the Fair Credit Reporting Act. He also serves as special assistant attorney general representing the Division of Child Support Services and the Department of Corrections.



BRITTANIE D. BROWNING | YLD Secretary

Browning is an associate at Hall Booth Smith, P.C. She focuses her practice on governmental liability, general liability and appellate matters.



WILL DAVIS | YLD Immediate Past President

Davis, partner at Naggiar & Sarif LLC, in Atlanta, practices primarily in all areas of family law, including divorce, custody, child support, adoption and LGBT family law issues.



ASHLEY AKINS | YLD Newsletter Co-Editor

Akins is an associate at Nelson Mullins Riley & Scarborough. She practices in the areas of K-12 and higher education law and workers' compensation defense.



LAKEISHA R. RANDALL | YLD Newsletter Co-Editor

Randall is an Atlanta trial attorney. A former civil defense litigator, she now operates The Randall Firm, LLC. The firm represents individuals across Georgia in the areas of personal injury, car accidents, divorce, family law and estate planning. She also owns Atlanta Life Coaching & Consulting, a wellness consulting firm for professionals.

The opportunity to lead the fight against injustice is in front of us. I call on my fellow YLD members to decide where we stand and take this opportunity to ensure that when we look back on 2020, we look back with admiration, gratitude and esteem for how we confronted our current challenges.

The YLD Review on the cutting edge of bar newsletters across the country. This year, *The YLD Review* will work with the Multi-Bar Leadership Council to collaborate on articles, content and happenings within each of the volunteer bar associations across Georgia to ensure a more diverse newsletter. *The YLD Review* will also spotlight young lawyers who have brought about positive impacts in the community and profession each quarter. These individuals will be recognized and celebrated at our YLD general session meetings and at the Annual Meeting Awards Ceremony. *The YLD Review* will continue to be published online and on *The YLD Review* website—www.theyldreview.org. In an effort to save on costs, we will no longer send the newsletter out in print form.

Fourth, the YLD will advance the mission of the State Bar's attorney wellness program among the young lawyers of Georgia. Our goal is to remove the stigma surrounding mental health by addressing it at each of our YLD meetings. This is particularly important amid the increased stress brought on by the tolls of COVID-19 and division over racial inequality and injustice. We will also encourage wellness initiatives to be implemented within each YLD committee and reward our local affiliates who put on wellness programming.

Fifth, I plan to create a database of lawyers who will serve as mentors for the young lawyers in our state. My predecessor Will Davis provided a blueprint for future leaders of the YLD on how to navigate these difficult times. In the June 2020 issue of the *Georgia Bar Journal*, he specifically highlighted the importance of the Transition Into Law Practice Program as the vehicle on which we seek volunteer mentors. I would be thrilled if our more experienced Bar members would contin-

ue their leadership efforts by serving as mentors for new attorneys.

Our goal is to match each young lawyer who requests a mentor with a practicing attorney in his or her area of practice and geographic area. I benefited greatly from having a mentor in law school and in my first year of practice, but in touring the state and speaking with young lawyers I find that not everyone has that benefit. My alma mater, Mercer Law School, worked hard to ensure that every 1L had a mentor if they requested, and I want to continue that practice in the State Bar of Georgia. As such, I would encourage all lawyers who have been practicing for more than seven years to volunteer to serve as a mentor to a young lawyer. Our profession will benefit greatly from these efforts of leadership.

Finally, I want every member of the State Bar to know you are invited to attend our YLD meetings and participate in our activities throughout the year whether we proceed virtually or in-person. In order to make our meetings more impactful, I have identified several attorneys who will serve on the YLD Board of Directors with a mission to implement programming that encourages involvement virtually and increases our impact and reach by having the meetings conducted virtually. While we know that in-person meetings provide certain nonreplicable benefits such as lengthy discussions and networking, we can implement virtual programming to meet our members needs, and we will implement those in time for our Summer Meeting.

Several of our meetings coincide with regular meetings of the Board of Governors, and it is important for YLD members to spend time observing the work done by the Bar's governing body. Our YLD meeting schedule for 2020-21 is as follows:

- Summer Meeting—virtually via Zoom, Aug. 21-22.
- Fall Meeting—virtually via Zoom, Oct. 30-Nov. 1.
- Midyear Meeting with the Board of Governors in Atlanta, Jan. 7-9, at the Georgia State University College of Law and The Candler Hotel, subject to change.
- Spring Meeting with the Board of Governors in Young Harris, March 20-23, at Brasstown Valley Resort, subject to change.
- Annual Meeting with the Board of Governors at Isle of Palms, South Carolina, June 10-13, at Wild Dunes Resort, subject to change.

You can find updated information for each meeting on the Bar's website at www.gabar.org/yld.

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

Howard Moore Jr.: A ‘Go-To Lawyer’ for Civil Rights

Alongside the global COVID-19 pandemic, America’s attention in the year 2020 has been focused on issues of racial inequality in law enforcement and our criminal justice system. As we look back on the career of another civil rights hero from Georgia’s legal community, it is difficult to reconcile that the same battles were being fought more than a half-century ago.

During the 1960s, Howard Moore Jr. was an Atlanta civil rights attorney who handled several precedent-setting cases related to freedom of speech and other constitutional rights issues. A native of Atlanta, Moore had attended law school at Boston University. But feeling an obligation to use his legal skills to assist the Civil Rights Movement in the South, he returned to his hometown and became a protégé of Donald L. Hollowell, one of the most prominent civil rights lawyers.

According to his biography written by W. Michael Camp for the New Georgia Encyclopedia, Moore was born on Feb. 28, 1932, to Bessie Sims and Howard Moore Sr. and was raised on Fort Street, which was in the center of the Black busi-

ness district in Atlanta. As a youngster, Moore delivered newspapers for *The Atlanta Journal*. His route sent him down Auburn Avenue, where he encountered African American leaders like attorney Austin T. Walden. He graduated from David T. Howard High School in 1950 and wanted to become a journalist.

But in the summer of 1951, Moore attended the NAACP convention in Atlanta, keynoted by civil rights lawyer and future U.S. Supreme Court Justice Thurgood Marshall. That is when Moore became interested in practicing law. Moore graduated from Morehouse College and served in the Army for two years before entering law school. Because Georgia’s law schools refused to admit African American applicants at the time, Moore set off for Boston University School of Law, earning his degree in 1960. He served as a clerk for U.S. District Court Judge Charles E. Wyzanski and was admitted to practice law in Massachusetts in 1961.

Upon his return to Atlanta in 1962, Moore worked for Donald Hollowell before helping found the firm of Moore,

Alexander & Rindskopf, where he was a full partner. In the years that followed, Moore worked closely with the Student Nonviolent Coordinating Committee (SNCC), frequently traveling to Mississippi and southwest Georgia to join the committee's organizing projects. "Moore advised the group on legal strategies related to school desegregation and worked to free activists arrested and jailed during voter registration drives," Camp wrote.

Moore was corresponding with Congress of Racial Equality (CORE) field volunteer Michael Schwerner, who was working on school desegregation in Meridian, Mississippi, in 1964, shortly before Schwerner, James Chaney and Andrew Goodman were murdered by members of the Ku Klux Klan. Later that year, Moore represented civil rights activists in *Heart of Atlanta Motel v. United States*, which resulted in the U.S. Supreme Court upholding the criminalization of discrimination in privately owned spaces, part of the 1964 Civil Rights Act.

According to Camp, "Moore soon earned a reputation as the go-to lawyer for activists punished for political speech." Moore had in 1962 married Jane Bond, whose brother Julian Bond was, at the time, communications director of the SNCC. In 1965, Julian Bond was elected to the Georgia House of Representatives. But he was barred from taking his seat in the Legislature on the grounds he had spoken in support of an SNCC statement condemning the Vietnam War and encouraging antiwar protests. Moore represented his brother-in-law in the matter, and the case ended up in front of the U.S. Supreme Court, which found the Georgia House had violated Bond's First Amendment rights.

"Around the same time," according to Camp, "Moore successfully defended prominent SNCC leader Stokely Carmichael against charges of insurrection resulting from a riot in Atlanta's Sum-



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Howard Moore Jr. when he practiced law in Atlanta, circa the 1960s.

As we look back on the career of another civil rights hero from Georgia's legal community, it is difficult to reconcile that the same battles were being fought more than a half-century ago.



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merhill neighborhood.” In such cases, Camp wrote, “Moore viewed himself as his clients’ defender against the excesses of state power.”

During his years of legal practice in Atlanta, Moore also defended several objectors to the Vietnam War draft and traveled to Zambia in 1967 with SNCC organizers James Forman for a United Nations seminar on discrimination in South Africa.

According to Camp, the materials in Moore’s papers, held by Emory University’s Rose Library, record the inside stories of the civil rights era in Atlanta. “For example,” Camp writes, “Moore maintained close personal correspondence with his client Mardon Walker, a white student from Connecticut College who was arrested during the January 1964 Krystal sit-in. Walker was an exchange student at Spelman College when the protest occurred, and Moore got her out on bail while her case made its way through the legal system Despite her appeals, it seemed that Judge Durwood T. Pye was determined to force her to return to Atlanta and serve her jail sentence for trespassing at the Krystal months earlier. Walker confessed that she was developing a ‘cynical view on the whole grotesque situation—the trial, the appeals . . . a trapped feeling, where I know I can’t win.’ It would eventually take a trip to the U.S. Supreme Court for her to see her conviction overturned, but that was not before the powerful proponents of segregation in Atlanta forced her to endure their ugly intensity. The letters from Walker to Moore document her changing personal feelings as this very public process unfolded, enhancing our understanding of this important moment in the city’s history.”

Moore left Atlanta in April 1971 when he relocated to California to serve as lead defense counsel for UCLA philosophy instructor and political activist Angela Davis, who was in jail on murder charges. Davis was a member of the Communist Party who had become involved in the

second-wave feminist movement, the Black Panther Party and the campaign against the Vietnam War. In August 1970, as related by Camp, “When an associate of Davis used guns she owned in a Marin County courtroom takeover that resulted in the deaths of three inmates and a hostage, the state of California charged her with conspiracy, kidnapping and murder, even though she denied advance knowledge of the plan.”

Davis, who argued that she was facing the death penalty because of her political speech, not any actual criminal activity, wanted Moore on her defense team because of his reputation for working with political dissidents. She was charged in October 1970, and that December, Haywood Burns, national director of the National Conference of Black Lawyers, contacted Moore about representing Davis.

Moore took the lead role on Davis’ defense team, and he assisted her with the publication of political writings while she was incarcerated. In June 1972, the jury acquitted Davis of all charges. Moore changed his original plan to return to Atlanta after the Davis trial when he became involved in the defense of other high-profile California prisoners. He decided to stay in the Bay Area permanently and has spent the following decades working on cases related to employment discrimination and other civil rights issues.

Now 88 years old, Moore maintains the law firm of Moore and Moore in Berkeley, California, and remains an emeritus member of the State Bar of Georgia. His wife, Jane Bond Moore, earned a law degree from the University of California at Berkeley in 1975 and, after working with the Federal Trade Commission and Oakland Unified School District, joined her husband’s law practice in 2001. ●

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



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Business Interruption Insurance Claims Arising Out of Coronavirus/COVID-19

This article serves as an introduction to first-party coverage for business interruption losses, including (1) sources of business interruption coverage; (2) how losses arising out of coronavirus/COVID-19 potentially are covered; (3) expected arguments against coverage by insurers. . . ; and (4) policyholder responses to insurers' arguments, with an emphasis on Georgia law.

BY GREGORY G. SCHULTZ AND DONALD P. BOYLE JR.

Business owners who have had to cease operations and suffered a loss of income due to public concerns over coronavirus/COVID-19 understandably have inquired about the availability of insurance coverage, particularly business interruption coverage. These questions remain largely unanswered, although we know that several significant contractual impediments to coverage are likely to exist. Additionally, insurers are likely to scrutinize claims carefully because of the high volume of such claims and the magnitude of potential claims. A spate of recent cases filed against insurers seeking business interruption coverage for coronavirus/COVID-19 losses suggests that insurers intend to aggressively defend against those claims. For example, one publication has suggested that business interruption losses could cost the insurance industry up to \$383 billion per month.¹ As of this writing, at least eight U.S. states have introduced bills that would require insurance companies to pay business interruption claims (irrespective of policy language), primarily to

small businesses. Most of such legislation allows insurers to pursue reimbursement from the respective states.²

Apart from legislative proposals, judicial battles over business interruption coverage began soon after the initial closures of businesses in March 2020. Examples of complaints recently filed are:

- *Oceana Grill v. Certain Underwriters at Lloyd's, London*³: New Orleans restaurant alleges coronavirus/COVID-19 damaged property;
- *French Laundry Partners, LP v. Hartford Fire Insurance Co.*⁴: Upscale California restaurant filed declaratory judgment action for coverage due to losses caused by Napa County "stay at home" order to fight the spread of coronavirus;
- *Indiana Repertory Theatre, Inc. v. Cincinnati Casualty Co.*⁵: Complaint for declaratory judgment that "all risks" coverage applies to forced closure resulting from stay-at-home order by governor, requiring business interruption coverage;

- *Mace Marine Inc., v. Toki Marine Specialty Insurance Co.*⁶: Scuba diving shop argues potential contamination of shop should be a “direct physical loss” that triggers business interruption coverage;
- *Choctaw Nation of Oklahoma v. Lexington Insurance Co.*⁷ and *Chickasaw Nation Department of Commerce v. Lexington Insurance Co.*⁸: Petitions for declaratory judgment under “all risk” policies, including business interruption coverage, based on damage to “the Nation’s Property”; and
- *In-N-Out Burgers v. Zurich American Insurance Co.*⁹: Suit to recover on business interruption coverage after chain of restaurants was forced to close by city and county orders; policy removed “virus and disease-causing illness or agent” from the exclusion.

This article serves as an introduction to first-party coverage for business interruption losses, including (1) sources of business interruption coverage; (2) how losses arising out of coronavirus/COVID-19 potentially are covered; (3) expected arguments against coverage by insurers (chiefly, lack of “direct physical loss,” the 2006 Insurance Services Office (ISO) Virus Exclusion and/or the Pollution Exclusion); and (4) policyholder responses to insurers’ arguments, with an emphasis on Georgia law.

Business interruption insurance is a type of “time element” coverage; i.e., it provides coverage for the period of time that the insured is unable to use the covered property.

Business Interruption Insurance Generally

Business interruption insurance can provide the insured compensation for losses while the business is unable to operate because of a covered loss. For example, if a hurricane causes flooding damage to a restaurant, which has to close for a week to clean up the damage, the lost revenue during the cleanup period may be covered.

Business interruption insurance is a type of “time element” coverage; i.e., it provides coverage for the period of time that the insured is unable to use the covered property.¹⁰ Business interruption insurance (like event cancellation insurance) can be stand-alone insurance, or more often is a coverage offered under a typical property and casualty insurance policy. Sometimes it is bundled with property, casualty and commercial liability insurance under a “business owner’s policy.”

Every policy is different, but one example of the insuring clause of a business-interruption policy is as follows: “We will pay up to the Business Income Limit of Insurance stated in the Declarations for the actual loss of Business Income you sustain and actual and necessary Extra Expense you incur due to *direct physical loss of or damage* caused by or resulting from a Covered Cause of loss to Property”¹¹

Assuming that the insuring clause has been triggered, there are other policy requirements and exclusions to be navigated as conditions of obtaining coverage.

Direct Physical Loss Requirement

Business interruption coverage almost always requires the insured to show that the business interruption resulted from “direct physical loss or damage covered by [the] Policy,” as in the quotations from the previous section. An insured may argue that coronavirus/COVID-19 has resulted in a direct physical loss or damage to property based on prior case law relating to the presence of other substances, such as asbestos, *E. coli* contamination and odors.

In *Yale University v. Cigna Insurance Co.*,¹² the university successfully made a

claim under an “all risk” policy for asbestos and lead in its buildings. The policy did not contain an asbestos exclusion.¹³ Relying on cases from around the country, the U.S. District Court for the District of Connecticut held that the presence of asbestos and lead contamination constituted “physical loss of or damage to property” sufficient to trigger coverage under the all risk policy.¹⁴

In *Motorists Mutual Insurance Co. v. Hardinger*,¹⁵ the U.S. Court of Appeals for the Third Circuit reversed the district court’s holding that *E. coli* contamination did not constitute “direct physical loss or risk of a direct physical loss” under a homeowner’s insurance policy.¹⁶ Applying Pennsylvania law, the court held that loss of use of the property would constitute a physical loss, and found that there was a genuine issue of fact on “whether the functionality of the [insureds’] property was nearly eliminated or destroyed, or whether their property was made useless or uninhabitable.”¹⁷

In *TRAVCO Insurance Co. v. Ward*,¹⁸ the insured’s home had been rendered uninhabitable by defective drywall that released sulfide gases.¹⁹ Relying on precedent from multiple jurisdictions, the U.S. District Court for the Eastern District of Virginia held that “physical damage to the property is not necessary, at least where the building in question has been rendered unusable by physical forces.”²⁰ Underlining the importance of the actual policy language, the court concluded:

The Court’s conclusion that Defendant has suffered a direct physical loss is strengthened by the fact that the Policy specifically defines “Property Damage” to include “loss of use of tangible property.” When read in the context of the precedent discussed above, this definition suggests that the parties intended to define “direct physical loss” to include total loss of use. If Plaintiff intended to define covered losses more narrowly, it should have done so more clearly. “Having failed to do so, [Plaintiff] cannot now rewrite a policy it issued in hopes of avoiding the terms of an instrument it drafted.”²¹

The insured needs to be careful, however, to show that the direct physical loss or damage occurred to covered property under the policy. This showing may require that the coronavirus has been physically detected on the surface (or in the air space) of the insured property. If the coronavirus caused direct physical loss or damage to other property, such as property owned by other policyholders in the vicinity of the insured’s business or property, that probably will not be a sufficient basis for the business interruption claim. As with commercial general liability coverage and property and casualty coverage, purely “economic losses” caused by a shutdown due to COVID-19 concerns alone will likely not meet the “physical loss or damage” requirement. Notwithstanding the plain language of most policies, some insureds seeking coverage under the “all risks” language in the insuring clause have argued otherwise.²²

Policyholders may also argue that the presence (or potential presence) of the coronavirus alone triggers coverage because the insured property is unsafe and the property cannot be used for the purposes intended (i.e., to conduct business). However, the courts tend to evaluate closely the connection between the claimed triggering event (i.e., coronavirus/COVID-19) and the loss itself.

For example, in *Paradies Shops, Inc. v. Hartford Fire Insurance Co.*,²³ the plaintiff operated gift shops, newsstands and retail stores located in airport terminals around the country. Plaintiff alleged that the FAA Order grounding planes after the Sept. 11, 2001, attacks prohibited access to plaintiff’s premises. Plaintiff’s business interruption coverage included “Civil Authority” coverage “when access to insured premises is specifically prohibited by order of a civil authority as the direct result of a Covered Cause of Loss to property away from your premises.”²⁴ There was evidence that the FAA ordered flights grounded, but not of any specific order closing the airports. The U.S. District Court for the Northern District of Georgia found that there was no order of civil authority that specifically prohibited access to plaintiff’s premises. Therefore, the court held that there was no business interruption coverage, despite the FAA’s decision to ground aircraft.²⁵

In contrast, in *Assurance Co. of America v. BBB Service Co.*,²⁶ the owner of Wendy’s restaurant locations in Florida and Georgia was forced to shut down because of emergency orders after Hurricane Floyd and made a claim for loss of business income. The policy’s “Civil Authority” coverage required “action of civil authority that prohibits access to your premises due to direct physical loss of or damage to property, other than at the ‘covered premises,’ caused by or resulting from any Covered Cause of Loss.”²⁷ The issue at trial was whether the emergency order was based on actual damage to property, rather than the mere threat of damage to property.²⁸ The Court of Appeals of Georgia affirmed the judgment for the insured.²⁹

In *Fresh Express Inc. v. Beazley Syndicate 2623/623 at Lloyd’s*,³⁰ the California Court of Appeals held that there was no coverage for business interruption loss from the U.S. Food and Drug Administration consumer advisory regarding potential *E. coli* bacteria in spinach. The policy covered losses from contamination caused by the insured, but not contamination caused by others in “the *E. coli* outbreak.”³¹

In *Source Food Technology, Inc. v. U.S. Fidelity & Guaranty Co.*,³² the plaintiff sought to recover loss of income arising out of the closing of the U.S.-Canada border due to risk of beef being contaminated with mad cow disease. The U.S. Court of Appeals for the Eighth Circuit held that this did not qualify as direct physical loss or damage to beef. The insured’s product was not actually contaminated, but only treated as such by border authorities, and so there was no direct physical loss and no coverage.³³

Policy Exclusions

Even if the insured can show that the insuring clause and the “direct physical loss” requirements have been satisfied as conditions of coverage for business interruption, a policy exclusion may take that coverage away. The two chief exclusions that an insured needs to be aware of are (1) the Virus Exclusion and (2) the Pollution Exclusion.

Virus Exclusion

In 2006, ISO developed Form CP 01 40 07 06 with the following exclusion: “We will not

pay for loss or damage caused by or resulting from any virus, bacterium or other microorganism that induces or is capable of inducing physical distress, illness or disease.”³⁴ A business that has to cease operations for cleanup and sterilization because an employee contracted COVID-19, for example, may find that its business interruption claim is barred by the Virus Exclusion.

On its face, the Virus Exclusion, or a modification of it, appears to exclude coverage. In *Sentinel Insurance Co. v. Monarch Med Spa, Inc.*,³⁵ for example, the policy contained an exclusion for damage “arising out of or related to the presence of, suspected presence of, or exposure to” fungi, bacteria and viruses.³⁶ The U.S. District Court for the Eastern District of Pennsylvania applied the exclusion to bar the claim for losses arising out of a patient’s bacterial infection during a liposuction procedure.³⁷

The claims for business interruption arising out of coronavirus/COVID-19 events, however, may be more attenuated than those in *Sentinel Insurance*, where the bacterium caused the injury to the insured’s patient. In the case of a business that suffered business interruption due to a shutdown order, the damage arguably was not directly “caused by or resulting from” coronavirus/COVID-19 itself, but rather from government action, as in the *Paradies Shops* and *Assurance Co.* cases discussed previously. Not all business interruption policies include the Virus Exclusion. Always read the policy carefully.

Absolute Pollution Exclusion

The Absolute Pollution Exclusion (the “Pollution Exclusion”) commonly excludes coverage for bodily injury or property damage “arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release or escape of ‘pollutants’ . . . [a]t or from any premises, site or location which is or was at any time owned or occupied by, or rented or loaned to, any insured.”³⁸ “Pollutant” is defined as “any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste.”³⁹ The Georgia

courts have broadly interpreted the Pollution Exclusion, applying it to include carbon monoxide, asbestos, smoke and lead-based paint in the definition of “pollution” and denying coverage in those cases.⁴⁰

The Pollution Exclusion may be modified so that it explicitly includes viruses.⁴¹ Also, the facts of the case may allow the insurer to argue that another substance was a “pollutant” and caused the damage, even if the virus is not a “pollutant.”⁴² Still, other cases have held that “microbes” are “contaminants” under the Pollution Exclusion, even when not specified in the definition.⁴³

Rules of Construction

If policy language is ambiguous, an insured in Georgia that is seeking business interruption coverage arising out of coronavirus/COVID-19 should be able to argue for coverage under Georgia’s well-established principles of contract interpretation as applied to insurance contracts. For example, if the Pollution Exclusion in the insurance policy does not specify a “virus” as a “pollutant” or a “contaminant,” then the insured has a good-faith argument that the Pollution Exclusion does not apply.

“Under Georgia law, contracts of insurance are interpreted by ordinary rules of contract construction.”⁴⁴ The Court of Appeals of Georgia explained Georgia law as follows:

The construction of contracts involves three steps. At least initially, construction is a matter of law for the court. First, the trial court must decide whether the language is clear and unambiguous. If it is, the court simply enforces the contract according to its clear terms; the contract alone is looked to for its meaning. Next, if the contract is ambiguous in some respect, the court must apply the rules of contract construction to resolve the ambiguity. Finally, if the ambiguity remains after applying the rules of construction, the issue of what the ambiguous language means and what the parties intended must be resolved by a jury.⁴⁵

It is well settled that “[c]ourts generally construe insurance contracts in accordance with the reasonable expectations of the insured.”⁴⁶ Any ambiguity in an insurance policy is construed in favor of the insured.⁴⁷

The insurer bears the burden to prove that an exclusion, exception or limitation to coverage applies, and the exclusion, exception or limitation is strictly construed against the insurer.⁴⁸ Further, “a court must not interpret a policy to allow an insurer to provide largely illusory coverage.”⁴⁹ Thus, where the definition of “pollutant” or “contaminant” in the Pollution Exclusion does not explicitly include “virus,” the insured has a good-faith argument under Georgia law that the Pollution Exclusion should not be construed to exclude coverage for business interruption arising from coronavirus/COVID-19.

Conclusion

Policyholders will be (and are) seeking coverage for business interruption arising out of coronavirus/COVID-19. Although every policy should be reviewed carefully, insurers will seek to enforce typical business interruption policy requirements and exclusions, such as the requirement of a “direct physical loss,” the 2006 ISO exclusion for viruses and the Absolute Pollution Exclusion. The result of these requirements and exclusions may come down to one court’s decision on the cause and effect of the present virus, like the decision on “grounded airplanes” versus actually shutting down the airport. Nonetheless, the issues around such claims are also governed by rules of contract construction, particularly the rule that ambiguities in insurance policies are construed against the drafter, which counsel for the insured must use to maximum effect. As with any coverage dispute, when and if a Georgia court is asked to decide on business interruption coverage for the effects of diminished business activity due to the coronavirus/COVID-19, the precise policy language at issue will be key to determining the outcome. ●



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Endnotes

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12. 224 F. Supp. 2d 402 (D. Conn. 2002).
13. *Id.* at 410. Other policies on which the university originally sued did contain such exclusions. See *id.* at 410 n.5.
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42. See *Markel Int'l Ins. Co. v. Fla. W. Covered RV & Boat Storage, LLC*, No. 11-11511, 437 F. App'x 803, 805 (11th Cir. 2011) (claim for bodily injury from bacterial poisoning and infection from road millings in flood water was barred under pollution exclusion; millings were an "irritant" and therefore within the pollution exclusion).
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45. *Record Town, Inc. v. Sugarloaf Mills L.P.*, 301 Ga. App. 367, 368, 687 S.E.2d 640, 642 (2009) (quoting *Schwartz v. Harris Waste Mgmt. Grp.*, 237 Ga. App. 656, 660, 516 S.E.2d 371, 375 (1999)).
46. *Zook v. Arch Specialty Ins. Co.*, 336 Ga. App. 669, 674, 784 S.E.2d 119, 123 (2016).
47. *Sherman & Hemstreet, Inc. v. Cincinnati Ins. Co.*, 277 Ga. 734, 736, 594 S.E.2d 648, 650 (2004).
48. *E.g., Am. Strategic Ins. Corp. v. Helm*, 327 Ga. App. 482, 486, 759 S.E.2d 563, 566 (2014).
49. *St. Paul Mercury Ins. Co. v. F.D.I.C.*, 774 F.3d 702, 709 (11th Cir. 2014) (applying Georgia law); see also *Barrett v. Nat'l Union Fire Ins. Co.*, 304 Ga. App. 314, 319, 696 S.E.2d 326, 330 (2010) ("Georgia public policy disfavors insurance provisions that 'permit[] the insurer, at the expense of the insured, to avoid the risk for which the insurer has been paid' and for which the insured reasonably expects it is covered") (alteration in original) (quoting *Davis v. Kaiser Found. Health Plan of Ga., Inc.*, 271 Ga. 508, 510, 521 S.E.2d 815, 818 (1999)).

2020 Annual Meeting: The One That Was Different

BY JENNIFER R. MASON



STATE BAR OF GEORGIA 2020 ANNUAL MEETING

The 2020 State Bar of Georgia Annual Meeting was scheduled for June 11-14 at the Sandestin Golf & Beach Resort in Miramar Beach, Florida. There should have been an Opening Night Festival; meetings and dinners; receptions and events, but there wasn't. It didn't take place in person over a weekend in June. It couldn't because of COVID-19. It took place on Saturday morning, June 13, in offices, dining rooms, living rooms, kitchens and sun porches. It took place on laptops, desktops, smartphones and tablets. It wasn't what was planned, nor what was expected, but with a little work, the gift of technology and some on-the-fly adjustments, we closed the book on one Bar year and ushered in the next.

Board Meeting Highlights

Due to the rather unusual nature, circumstances and setting, the meeting combined portions of the usual Friday plenary session with the Saturday Board Meeting, giving outgoing President Darrell Sutton an opportunity to address Board members prior to the swearing in of the new of-

ficers and the reports, elections and Bar business led by 2020-21 President Dawn M. Jones.

After 2019-20 President Darrell Sutton opened the meeting, Past President Patrise Perkins-Hooker delivered the invocation, followed by Past President Robin Frazer Clark, who recognized the members of the judiciary, the past presidents of the State Bar and other special guests in attendance. Sutton followed with his address to the Board. A copy of his remarks can be found on page 32.

Following Sutton's remarks, Chief Justice Harold D. Melton gave the State of the Supreme Court of Georgia before swearing in the 2020-21 officers: Elizabeth Louise Fite, president-elect; Sarah B. "Sally" Akins, treasurer; and Hon. J. Antonio "Tony" DelCampo, secretary. He then yielded the floor to Hon. Patsy Y. Porter, Fulton County State Court, who swore in Dawn M. Jones as the 58th president of the State Bar of Georgia. Holding her Bible, Jones repeated the following:

I, Dawn M. Jones, 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.

She was then introduced to the Board by Past President Linda A. Klein.

Dawn M. Jones presided over the 283rd meeting of the Board of Governors on Saturday, June 13. Highlights of the meeting included:

- President Jones addressed the Board of Governors and outlined her 2020-21 proposed program of activities. A copy of these remarks can be found on page 34.
- After reviewing the future meetings schedule, Jones indicated that all meetings were going to be held as scheduled, but that at the appropriate time, the Executive Committee and staff will review the terms of the contracts, and



State Bar of Georgia 2020-21 officers are sworn in by Chief Justice Harold D. Melton during the Annual Meeting on June 13. (Clockwise, left to right) Chief Justice Melton, Sarah B. "Sally" Akins, treasurer; Hon. J. Antonio "Tony" DelCampo, secretary; and Elizabeth Louise Fite, president-elect.



(Top) Hon. Patsy Y. Porter, Fulton County State Court virtually swears in Dawn M. Jones as the 58th president of the State Bar of Georgia on June 13.

PHOTO BY ASHLEY STOLLAR

PHOTO BY SARAH I. COOLE



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look to ensure each venue's safety plan. Board members will have to decide if and when we start meeting together whether or not to attend in person.

- Treasurer Sally Akins reported on the Bar's finances and investments, and the Board, by unanimous poll vote, approved the 2019-20 proposed consolidated budget.
- As required by Article V, Section 8 of the Bylaws, the Board of Governors unanimously approved the following financial resolutions by a poll vote:
 - That the president be authorized to secure a blanket fidelity bond to cover all officers, employees and other persons handling State Bar funds as is required by Article V, Section 8 of the Bylaws.
- As required by Article V, Section 6 of the Bylaws, the Board:
 - directed the State Bar of Georgia 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/or Investment 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 president, the immediate past president, the executive director, the office manager and the general counsel, provided either the president or the treasurer shall sign all checks or vouchers and that said accounts can be reconciled from time to time by said persons or their designees. The authority herein given is to remain irrevocable so 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 of Georgia for the fiscal year 2019-20.
- By unanimous poll vote, the Board of Governors approved the minutes of Board of Governors meetings held Jan. 11, 2020, in Atlanta at the Fox Theater, and April 3, 2020, via a Zoom webinar.
- By unanimous poll vote, the Board of Governors approved the following presidential appointments:
 - State Disciplinary Board**
Member: Jennifer Elizabeth Dunlap, Columbus (2023)
Member: Tomieka Ra'Shone Daniel, Macon (2023)
Lay Member: Connie S. Cooper, Pooler (2023)
 - Formal Advisory Opinion Board**
Member-at-Large: Letitia A. McDonald, Atlanta (2022)

Member: Mary A. Prebula, Atlanta (2022)

Member: Jeffrey Hobart Schneider (2022)

District Attorney Association of Georgia: Sherry Boston, Decatur (2022)

Emory University School of Law: Jennifer Murphy Romig, Atlanta (2022)

- By a unanimous poll vote, the Board approved the appointment of Anna Maria Martinez for a three-year term to the ICLE Board of Trustees.
- By a unanimous poll vote, the Board approved the following appointments for two-year terms to the Georgia Legal Services Program Board of Trustees: Seth Bruckner, Marquette Bryan, Keishan Davis, Lavern Lewis Gaskins, Matthew Howell and Meghan Magruder.
- Prior to voting to approve the proposed 2020-21 standing, special, program committees and boards, President Jones reported that a new proposed standing committee was on the list and called the Board to take a Keller vote before voting on the inclusion of the committee.
 - By a majority poll vote, the Board of Governors found the new standing committee on Seeking Equal Justice and Addressing Racism & Racial Bias to be germane to the legitimate purposes of the State Bar, and
 - By a majority poll vote, the Board of Governors approved the new standing committee on Seeking Equal Justice and Addressing Racism & Racial Bias as proposed.
- Thereafter, by unanimous poll vote, the Board of Governors approved the proposed 2020-21 standing, special, program committees and boards.
- By majority poll vote, the Board of Governors elected Jeff Davis as executive director for the 2020-21 Bar year until such time that his replacement is approved.
- Immediate Past President Darrell Sutton reported that the Senior Staff Search Committee met and ultimately decided that a search firm be retained to ensure objectivity and conduct a search with the most efficiency and effectiveness. After reviewing several proposals from search firms, the com-

mittee decided to engage the firm of Young Mayden, LLC, based on cost benefits and having by far the most experience in vetting bar executives across the country. The committee will meet to develop the timeline and approve the job announcement to post for the executive director position.

- The Board of Governors approved the proposed 2020-21 Elections Schedule by a unanimous poll vote.
- Executive Committee elections were held with the following results: Ivy N. Cadle, Martin Valbuena and Nicki N. Vaughan.
- Immediate Past President Darrell Sutton presented the Memorials report.
- Outgoing YLD President Will Davis reported on the activities of the YLD over the past year, stating at the outset that he was honored to have served as YLD president. He reported that the YLD swearing in ceremony and awards presentation was held Friday, June 12, via Zoom, and is available for viewing on Facebook, as are his remarks. He congratulated Elizabeth Fite and John Bosin who received the YLD Award of Achievement for their dedication to the YLD. He reported that Tina Roddenbery received the Ross Adams Award, and Court of Appeals Presiding Judge Sara Doyle and Presiding Judge Stephen Louis A. Dillard received the Outstanding Judicial Services Award. Davis also recognized the law firm of Goodman McGuffey LLP that allows and supports its young lawyers to run for office and serve as committee chairs. A complete list of award winners may be found on page 29. Davis reported that while not knowing this time last year what would be happening now, the YLD was able to achieve many of its goals. Attendance at meetings had increased. The Build a Better Georgia Day, typically a habitat build, became a blood and plasma drive. The Legal Food Frenzy raised \$852,000, which is a 102 percent increase from last year, and generated 3.3 million meals. Davis reported that another of his goals was to increase diversity in the YLD, and he thanked everyone who helped with that. As the first openly gay YLD officer, he believes the YLD has al-

ready been at the forefront of diversity, and thinks right now it is well-suited to create open spaces and welcome needed conversations.

- 2020-21 YLD President Bert Hummel addressed the Board and gave his remarks. He thanked Will Davis for his leadership, and stated that he looks forward to serving as president for the 2020-21 Bar year. He reported that the YLD stands in a unique position now and can change the way future generations can look back on 2020. Hummel said that we as a Bar have responded when confronted with justice inequality and racism in our society. We have taken an oath to administer justice and serve the public, and can advocate for equality. Hummel reported that he has four initiatives this year. The first is to address systemic racism. He will work with the new standing committee and has already challenged the members of the YLD to stand up and lead their communities. He has identified and expanded the number of YLD directors who can help promote these real and hard discussions in order to address these injustices where they surface. The second is to increase public service efforts across the state and expand on clinics that help the public. The third is to further wellness initiatives for young lawyers and remove the stigma around mental health issues. The fourth is to create a database where lawyers can sign up to serve as mentors to young lawyers. Hummel said he benefited greatly from having a mentor through the Transition into Law Practice Program, and who continues to act as his mentor, and believes other lawyers should have the same. Hummel also announced his upcoming YLD meeting dates and invited all to attend: the Summer Meeting will be held virtually via Zoom, Aug. 21-22; the Fall Meeting will be held virtually via Zoom, Oct. 30-Nov 1; the Midyear Meeting with the Board of Governors will be Jan. 7-9 at the Georgia State University College of Law and The Candler Hotel, subject to change; the Spring Meeting with the Board of Governors will be March 20-23 at the Brasstown Valley Resort, sub-



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ject to change; and the Annual Meeting with the Board of Governors will be June 10-13 at the Wild Dunes Resort in Isle of Palms, South Carolina, subject to change. He then commended Sutton for his leadership, and said he looks forward to Jones' leadership and serving as needed.

- Director of Governmental Affairs Christine Butcher Hayes thanked Sutton for his leadership this past year. She stated that the Bar has to work with many different stakeholders, governmental entities and legal organizations, and many don't realize how closely the president is involved in that. She reported that the Legislature would reconvene on June 15, and the budget will be the one issue at the forefront of everyone's mind. In terms of the Bar's legislative priorities, Hayes reported that she is not sure how or what bills will be going to the floor because of social distancing rules that will need to be followed, but hopes HB 865 (changes to Title 52) will be one. SB 464 (Uniform Mediation Act) passed the Senate and made its way over to the House. HB 785 (online notarizations) did not pass in the House on crossover day, but a lot of the research that went into the bill helped the governor formulate his Executive Order regarding notarizations and witnessing. Hayes also reported that remote notarization in real estate transactions, and remote notarization in general, will continue as long as there is a public health emergency issued by the governor. Hayes stated that money for Kinship Care, Victims of Domestic Violence and The Resource Center will more than likely be cut, although we will continue to advocate for the same monies appropriated last year. She reported that the Bar's three contract legislative lobbyists, Rusty Sewell, Mark Middleton and Roy Robinson, are integral parts of what the Bar does due to their rela-

tionships with many of the legislators at the capitol and a great help to her.

- Committee Chair Chris Twyman reported that the Professional Liability Insurance (PLI) Committee developed four options, which can be accessed on the Bar's website. They range from polling members to determine if they carry insurance to requiring all members to carry some form of insurance. The committee had a few more meetings set up around the state before COVID-19, but he believes the committee has crafted viable options. He reported his intention is to have the committee vote on those options to see if any can garner committee support, which will then be recommended to the Board. Twyman would like to allow time for Board members to take the committee's recommendation to their constituents for feedback. He hopes to be ready to present a recommendation at the Fall Board Meeting.
- Committee Chair Paul Painter reported that the Committee on the Delivery of Legal Services in Response to the COVID-19 Pandemic was asked to identify issues resulting from the pandemic that were impacting the legal system, the legal profession and the delivery of legal services, to coordinate solutions to those issues and identify resources to carry out those solutions. The committee is also serving as the State Bar's representative to the joint task force on the delivery of legal services in response to the pandemic and to carry out the mission of that task force. The task force consists of Painter, Immediate Past President Sutton, Georgia Legal Services Program Director Rick Rufolo and Atlanta Legal Aid Director Steve Gottlieb. Painter reported that the committee's first phase was to deal with impediments for providing legal services. With help from Law Practice Management Director Natalie Kelly, a form was sent

out for identifying the issues, which the task force triaged. There were about 50 issues reported, but eventually those died down as the issues were being dealt with and when states began reopening. Now in the second phase, the committee is looking at what issues will be flooding the courts when the courts are fully reopened. The underserved population will be dealing with a number of issues, and the committee is looking at ways to help GLSP and ALA with the volume of work they will have. Painter further reported that the committee's work will be adapting as issues change.

- The Board received a copy of the minutes of the Executive Committee meetings held on April 2 and April 20.
- The Board received a memorandum from the Office of the General Counsel stating the office will provide the annual report at the Fall Board of Governors meeting.
- The Board received written reports from the following: the Office of the Attorney General, the Coastal Georgia Office, the South Georgia Office, the Fee Arbitration Program, the Law Practice Management Program, the Communications Department, the Military Legal Assistance Program, the Unlicensed Practice of Law Program, the Chief Justice's Commission on Professionalism and the Georgia Legal Services Program.
- The Board received written annual reports from the following sections: Administrative Law, Animal Law, Aviation Law, Child Protection & Advocacy Law, Construction Law, Family Law, Franchise & Distribution Law, General Practice & Trial Law, Intellectual Property Law, Military Law and Nonprofit Law.

Annual Awards

Due to the nature of this year's Annual Meeting, the announcement and presen-

tation of the majority of awards traditionally presented during the plenary session and the Presidential Gala have been postponed to a later date. A few awards were announced prior to the Annual Meeting and are listed below.

Section Awards

Section 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 Section—Ivory T. Brown, chair
- *Awards of Achievement*
Child Protection & Advocacy Section—Nicki Vaughan, chair
Intellectual Property Law—Rivka Monheit, chair

Young Lawyers Division Awards

Young Lawyers Division Awards were announced during the YLD meeting, held June 12 via Zoom.

The Distinguished Judicial Service Award was presented to Hon. Stephen Louis A. Dillard and Hon. Sara L. Doyle.

The Ross Adams Award was presented to Tina Shadix Roddenbery.

The Signature Service Award was presented to Autumn Turner Cole.

The Joe Dent Hospitality Award was presented to Zachary S. Howard.

The 16th Annual YLD Ethics & Professionalism Award was presented to Jana N. Dixon.

The Award of Achievement for Service to the YLD was presented to Henry J. Brewer III, Morgan P. Carrin, Jana J. Edmondson-Cooper, Lauren C. Greer, Abbey B. Morrow, Jared Parrish, Persephone K. Shelton and Sarah Jean Yaeger.

The Award of Achievement for Service to the Profession was presented to Jena G.

Emory, Donna-Marie P. Hayle, David W. Bobo Mullens III, Samantha M. Mullis, Nicole L. Pope and Erica T. Taylor.

The Award of Achievement for Service to the Public was presented to Jack H. Grote, Sarah R. Jett, Morgan E. Lyndall, Veronica N. Rogusky, Jenna B. Rubin and Kayla Winters Strozier.

The Award of Achievement for Service to the Bar was presented to Christina L. Gualtieri, Andrew J. Navratil, LaKeisha R. Randall and Danielle E. Russell.

The Award of Excellence for Dedication to the YLD was presented to Joshua I. Bosin, Elizabeth L. Fite and Goodman McGuffey LLP.

The Outstanding YLD Affiliate Award was presented to the Young Lawyers of Augusta.

Thoughts and Reflections

This year was different. It put forth challenges that have caused each of us to adjust our way of doing, our way of thinking and, for the time being, our way of life. The challenges will remain; the changes in how we do, think and live will likely be lasting ones. But on one Saturday morning in June, a group of people who would have been together over that weekend in Florida came together virtually, technological snafus and all. They reviewed and reflected on the setting of one year; they talked about how to move forward, respecting and listening as they prepared for the work to come as the next Bar year begins. It was new and it was different. But sometimes, different can make a difference. ●



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Atlanta

President-Elect

Elizabeth L. Fite
Atlanta

Treasurer

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Savannah

Secretary

Hon. J. Antonio “Tony” DelCampo
Atlanta

Immediate Past President

Darrell Sutton
Marietta

YLD President

Norbert Daniel “Bert” Hummel IV
Atlanta

YLD President-Elect

Elissa B. Haynes
Atlanta

YLD Immediate Past President

William T. “Will” Davis
Atlanta

Executive Committee

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Macon

R. Javoynne Hicks
Stone Mountain

Amy V. Howell
Atlanta

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Lawrenceville

Martin Enrique Valbuena
Dallas

Nicki Noel Vaughan
Gainesville

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Augusta Circuit, Post 2
Danny L. Durham, Evans

Chattahoochee Circuit, Post 3
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Douglas Circuit
Kenneth Brown Crawford, Douglasville

Member-at-Large, Post 3
Joshua I. Bosin, Atlanta

Middle Circuit, Post 1
Mitchell McKinley Shook, Vidalia

Stone Mountain Circuit, Post 3
Shondeana Crews Morris, Decatur

Waycross Circuit, Post 1
Matthew Jackson Hennesy, Douglas

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Alapaha Circuit, Post 2
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Alcovy Circuit, Post 2
Austin O. Jones, Loganville

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Atlanta Circuit, Post 4
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Catherine Koura, Atlanta

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Atlanta Circuit, Post 10
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R. Gary Spencer, Atlanta

Atlanta Circuit, Post 14
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Atlanta Circuit, Post 15
Letitia A. McDonald, Atlanta

Atlanta Circuit, Post 16
James Daniel Blich IV, Atlanta

Atlanta Circuit, Post 17
Hon. JaDawnya Cintelle Baker, 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
Amanda Rourk Clark-Palmer, 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 Cavitt Jones, 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
Graham Elliott McDonald, Atlanta

Atlanta Circuit, Post 37
Harold Eugene Franklin Jr., 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
Hugh J. McCullough, Glennville

Augusta Circuit, Post 1
Sam G. Nicholson, Augusta

Augusta Circuit, Post 2
Danny L. Durham, Evans

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
James L. Roberts IV, Saint Simons Island

Brunswick Circuit, Post 2
Martha Wilson Williams, Brunswick

Chattahoochee Circuit, Post 1
Amy Carol Walters, Columbus

Chattahoochee Circuit, Post 2
Brandon Lee Peak, Columbus

Chattahoochee Circuit, Post 3
Alex Musole Shalishali, Columbus

Chattahoochee Circuit, Post 4
Donna Stanaland Hix, Columbus

Cherokee Circuit, Post 1
Randall H. Davis, Cartersville

Cherokee Circuit, Post 2
John Thomas Mroczko, Cartersville

Clayton Circuit, Post 1
Hon. Kathryn Lauranne Powers, Jonesboro

Clayton Circuit, Post 2
Harold B. Watts, Jonesboro

Clayton Circuit, Post 3
Hon. Martin L. Cowen III, Jonesboro

Cobb Circuit, Post 1
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Cobb Circuit, Post 2
Ronald Arthur Lowry, Marietta

Cobb Circuit, Post 3
C. Lee Davis, Atlanta

Cobb Circuit, Post 4
Patrick H. Head, Marietta

Cobb Circuit, Post 5
Dawn Renee Levine, Marietta

Cobb Circuit, Post 6
Laura Joan Murphree, Marietta

Cobb Circuit, Post 7
William C. Gentry, Marietta

Conasauga Circuit, Post 1
Terry Leighton Miller, Dalton

Conasauga Circuit, Post 2
Robert Harris Smalley III, Dalton

Cordele Circuit
James W. Hurt, Cordele

Coweta Circuit, Post 1
Nina Markette Baker, LaGrange

Coweta Circuit, Post 2
Jason W. Swindle Sr., Carrollton

Dougherty Circuit, Post 1
Joseph West Dent, Albany

Dougherty Circuit, Post 2
William Fleming Underwood III, Albany

Douglas Circuit
Kenneth Brown Crawford, Douglasville

Dublin Circuit
Joseph Carl Sumner Jr., Dublin

Eastern Circuit, Post 1
Paul Wain Painter II, Savannah

Eastern Circuit, Post 2
Lester B. Johnson III, Savannah

Eastern Circuit, Post 3
Jonathan B. Pannell, Savannah

Eastern Circuit, Post 4
John Bell Manly, Savannah

Enotah Circuit
Hon. Joy Renea Parks, Dahlonega

Flint Circuit, Post 1
Gregory A. Futch, Cleveland

Flint Circuit, Post 2
John Philip Webb, Stockbridge

Griffin Circuit, Post 1
Janice Marie Wallace, Griffin

Griffin Circuit, Post 2
Hon. Christopher Charles Edwards, Fayetteville

Gwinnett Circuit, Post 1
David S. Lipscomb, Lawrenceville

Gwinnett Circuit, Post 2
Judy C. King, Lawrenceville

Gwinnett Circuit, Post 3
Wesley Charles Ross, Lawrenceville

Gwinnett Circuit, Post 4
Gerald Davidson Jr., Lawrenceville

Houston Circuit
Carl A. Veline Jr., Warner Robins

Lookout Mountain Circuit, Post 1
Archibald A. Farrar Jr., Summerville

Lookout Mountain Circuit, Post 2
Douglas Ray Woodruff, Ringgold

Lookout Mountain Circuit, Post 3
Christopher Sutton Connelly, Summerville

Macon Circuit, Post 1
John Flanders Kennedy, Macon

Macon Circuit, Post 2
Thomas W. Herman, Macon

Macon Circuit, Post 3
Ivy Neal Cadle, Macon

Member-at-Large, Post 1
Ira L. Foster, Atlanta

Member-at-Large, Post 2
Francys Johnson Jr., Statesboro

Member-at-Large, Post 3
Joshua I. Bosin, Atlanta

Middle Circuit, Post 1
Mitchell McKinley Shook, Vidalia

Middle Circuit, Post 2
Thomas Alexander Peterson IV, Vidalia

Mountain Circuit
Hon. James T. Irvin, Toccoa

Northeastern Circuit, Post 1
Mark William Alexander, Gainesville

Northeastern Circuit, Post 2
Nicki Noel Vaughan, Gainesville

Northern Circuit, Post 1
Walter James Gordon Sr., Hartwell

Northern Circuit, Post 2
Hon. Richard Dale Campbell, Elberton

Ocmulgee Circuit, Post 1
Carl Santos Cansino, Milledgeville

Ocmulgee Circuit, Post 2
Ashley Mackin Brodie, Gray

Ocmulgee Circuit, Post 3
Christopher Donald Huskins, Eatonton

Oconee Circuit, Post 1
Hon. Charles Michael Johnson, Eastman

Oconee Circuit, Post 2
Hon. Stephanie Diane Burton, Hawkinsville

Ogeechee Circuit, Post 1
Daniel Brent Snipes, Statesboro

Ogeechee Circuit, Post 2
Susan Warren Cox, Statesboro

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Rome Circuit, Post 2
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South Georgia Circuit, Post 2
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Southern Circuit, Post 1
Christopher Frank West, Thomasville

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William Dixon James, Decatur

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Stone Mountain Circuit, Post 4
Donna Coleman Stribling, Decatur

Stone Mountain Circuit, Post 5
Amy Viera Howell, Atlanta

Stone Mountain Circuit, Post 6
Claudia Susan Saari, Decatur

Stone Mountain Circuit, Post 7
John G. Haubenreich, Atlanta

Stone Mountain Circuit, Post 8
R. Javoyne Hicks, Decatur

Stone Mountain Circuit, Post 9
Sherry Boston, Decatur

Stone Mountain Circuit, Post 10
Hon. Dax Eric Lopez, Decatur

Tallapoosa Circuit, Post 1
Michael Douglas McRae, Cedartown

Tallapoosa Circuit, Post 2
Brad Joseph McFall, Cedartown

Tifton Circuit
Hon. Render Max Heard Jr., Tifton

Toombs Circuit
Dennis C. Sanders, Thomson

Towaliga Circuit
Curtis Stephen Jenkins, Forsyth

Waycross Circuit, Post 1
Matthew Jackson Hennesy, Douglas

Waycross Circuit, Post 2
C. Deen Strickland, Waycross

Western Circuit, Post 1
Hon. Lawton E. Stephens, Athens

Western Circuit, Post 2
Edward Donald Tolley, Athens

Sutton's Final Remarks to the Board of Governors

The following is excerpted from 2019–20 President Darrell L. Sutton's final remarks to the Board of Governors, delivered June 13 during the 2020 Annual Meeting, held virtually via Zoom.

BY DARRELL SUTTON

Historically, the outgoing president does not have an opportunity to address the Board of Governors during this meeting.

But these are unprecedented times.

Unprecedented because they are times marked by insecurity, which has borne sadness; uncertainty, which has borne fear; frustration, which has borne anger; death, which has borne grief.

Unprecedented because we have endured nearly a half year of being constantly faced with the overwhelming reality and horror of death.

First at the hands of the pandemic, then, at times, at the hands of gunmen, and at other times, at the hands of brutality disguising itself as justice.

We have endured these times hiding rage, anger, fear and grief—all in favor of keeping things moving. Because for most of us, that is all we know how to do.

These are times that have left us confused and scared, in part because we simply don't know when all this will end.

This is no doubt at least in part true for all of us, but the burden of it has fallen disproportionately upon our Black friends and colleagues. This is not okay.

Meanwhile, many of us have for the most part stayed silent. Silent and saving our shame or frustration for later. Silent

for fear of speaking up and looking sensitive, or worse, insensitive, angry, tone deaf or clueless. This is not okay either.

So what now? What do we do now that issues always present but seemingly bubbling below the surface stare us squarely in the face?

What we do is rise. These issues have risen, so we rise to meet them. But we don't rise alone.

See, in my eyes, we are a family. A family of 52,000.

And like any family, our family has members who need an embrace; to know they are loved, cared about and important.

There are members of our family who need to be heard.

There are members of our family who simply need our unwavering and unconditional support.

Also like any other family, whether we like one another or not, we must all live together. And to live together, we must communicate.

So let's talk to each other. Let's share a dialogue.

As we venture into that dialogue though, let's acknowledge a few things.

Let's acknowledge where we've been, where we are and where we go from here.

Let's acknowledge racism, inequality, injustice—that they are real and that they are ubiquitous.

Let's acknowledge what we don't understand—about ourselves and each other—while at the same time admitting what we truly want to know.

Let's acknowledge there are things we can each do every day to narrow the gap existing between any two of us.

Let's also acknowledge that we cannot expect any member of this family to truly hear what we say until we have proven ourselves trustworthy, consistent and accountable.

And let's acknowledge that we must first hold ourselves accountable before we can be accountable to others. That we must grow and learn about ourselves in order for others to have confidence in us.

And let us please—please—be willing to apologize when we fall short; and be willing to rework our approach so that we can meet our family members' expectations.

The issues we face—the times we find ourselves in—are bigger than any one of us. It may be hard to see, and even harder to admit, but these times have presented us a gift. The gift of a bigger opportunity: an opportunity to meet this moment in history by listening, expressing and engaging.

An opportunity to think about others and how we relate to them.

An opportunity to unravel what we cannot even see or know because it is not our unique experience and we have not

taken the time or made the effort to know one another's experience.

To get beyond these times—to truly be a unified family—we must listen. Listen without judgment or preconceived notions. Listen to everyone, but especially those with perspectives and experiences different than our own.

The words we speak can fall short of conveying everything that is in our hearts and minds. I learned this difficult lesson two weeks ago.

So let's stop just speaking.

Let's ask.

Let's invite a perspective different than our own.

Let's hear each other. Even when—if not especially when—what we hear is critical, feels uncomfortable or hurts.

That is how we can be better. That is how we can do better. And that is how we can deliver hope in the face of hopelessness; change in the face of adversity; life in the face of death.

Thank you for this opportunity to break my silence. Now it is time for me to listen. And as I pass the gavel to another member of our family, that is what I will do. ●



Darrell Sutton

Immediate Past President
State Bar of Georgia

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2019-20 President Darrell Sutton

PHOTO BY LEAH VETTER

To get beyond these times—to truly be a unified family—we must listen. Listen without judgment or preconceived notions. Listen to everyone, but especially those with perspectives and experiences different than our own.

Remarks of Dawn M. Jones to the Board of Governors

The following is excerpted from Dawn M. Jones' remarks to the Board of Governors on June 13 during the 2020 Annual Meeting, held virtually via Zoom.

BY DAWN M. JONES



As many of you know, I was a registered nurse who worked in critical care settings for almost 15 years in several large, teaching hospitals. And I was a great nurse. I was usually in charge, supervising all of the other nurses and staff during the course of a 12-hour shift. I was a great nurse because I believed that my goal for every patient was to ensure that their health status at the end of my shift was much improved compared to their health status at the beginning of my shift. I understood the science of nursing and how to use and apply it to improve someone's health and physical status.

When I became a lawyer, I was grateful for every opportunity presented by my legal career to draw from, use, and regularly apply my nursing background and experience to the clients I served and the cases I oversaw and litigated. I understand health. And what is health? What does it really mean, exactly?

The Merriam-Webster Dictionary defines health as the "condition of being

PHOTO BY MALCOLM DAVIE PHOTOGRAPHY

2020-21 State Bar President Dawn M. Jones

sound in body, mind or spirit,” “freedom from physical disease or pain,” “the general condition of the body,” or “a condition in which someone or something is thriving or doing well.” I was a great nurse. I understood health. When the news coverage of coronavirus as this new, deadly, highly infectious disease began to grow, I paid attention. By early March, I think we all began to realize that our lives were being impacted by this disease, but we weren’t quite clear, beyond the initial anxiety, as to how and to what extent. Well, as coronavirus grew into a pandemic, killing close to 100,000 Americans today, we know this is a crisis. This is a health crisis.

Not surprisingly, COVID-19 scrapped every plan I had made in anticipation of my Bar year. And I am okay with that. I accept that. I understand that. I understand that because I understand the value of health. We are not going to gather as a Bar association, putting members and guests at risk unnecessarily, until we can make those gatherings as safe as possible per the applicable science. Maintaining good health is important. We all understand and know this. So as the coronavirus spread, I began to look at revising my plans for this Bar year. Remember, I am a nurse. I am a nurse who knows about health. Then, as I began planning a Bar year under the cautions and restrictions of COVID-19, another crisis developed. Although the seeds of this “new” crisis had been planted 400 years ago, over the last few months we have witnessed the brutal killings of George Floyd and Ahmaud Arbery, in addition to the tragic deaths of so many other Black people. These images, these stories, these lives are being recorded and televised, and people are now paying more attention than ever before. And not just Black people. Everyone is paying attention. As we have seen over the last several weeks, there are millions of people of varying ages, races, ethnicities, sexual orientations, religions, socioeconomic statuses, geographic locations,

When I became a lawyer, I was grateful for every opportunity presented by my legal career to draw from, use, and regularly apply my nursing background and experience to the clients I served and the cases I oversaw and litigated.

all throughout this country and the world, protesting racism and demanding justice for all. This is happening because so many Americans now realize that we have not come as far as we thought we had as a country over the last 400 years. So many Americans now realize that many still hold bigotry and racist ideals of white supremacy in their hearts.

This crisis, too, is a pandemic. A pandemic is an outbreak of a disease that occurs over a wide geographic area and affects an exceptionally high proportion of the population. Racism, racial bias, bigotry: they are the antithesis of health. Remember, the definition of health is the condition of being sound in body, mind or spirit, freedom from physical disease or pain, the general condition of the body or a condition in which someone or something is thriving or doing well. In comparison, racism, racial bias, bigotry and an unequal justice system are the antithesis of health.

From my perspective, as a former critical care nurse, today we are facing two health crises, two pandemics. One pandemic was brought about by COVID-19, and the other by systemic racism. Both pandemics are equally deadly. So today, I stand here as a Black woman, as a lawyer and as a former ICU nurse facing these two pandemics on the first day of my presidency as your Bar leader. And I stand

ready. I stand ready with plans to continue the work that our Bar has done, building on the foundation of access to justice, and ensuring that those who are underserved and not otherwise served by legal representation have the opportunity for advocates to work on their behalf. I stand ready with plans to expand opportunities for hundreds of law student members who are part of this Bar to better connect them with opportunities to learn and grow their skill sets for better employment opportunities in the future. I stand ready to support new lawyers, younger lawyers and other members of this Bar who are seeking employment, or who are underemployed, to connect them with mentors, to provide them with the support and hands-on experience needed to succeed. I also stand ready to directly address bigotry, racism, racial bias and the inequalities in our current justice system, as we at the State Bar of Georgia have set as our purpose the assurance of the administration of justice. That is what we do.

I realize these conversations are not easy. I realize that we may not be best equipped right now to engage in such conversations, to make them as productive as possible so that people can share and listen and learn in a comfortable and protected environment. But we can learn to do so. I believe that a dialogue, a conversation, a way for us to garner a better and more comprehensive understanding of where we are today, must happen if we are to effect change. I believe we, as a Bar association, can and will do more to ensure that our justice system treats *everyone* equally and fairly, regardless of the color of their skin. I believe there is space for us to help improve the health of our Bar association.

To help me start that work today, to improve and sustain the health of our Bar, I'm asking the Board of Governors to approve a new standing committee.

This proposed committee, named Seeking Equal Justice and Addressing Racism and Racial Bias Committee, was included in the committee assignments you received last evening. In fact, I asked that it be placed at the top of the packet of committee materials you received to guarantee your review.

I hope, when later during this meeting we discuss and vote on the committee assignments for this coming Bar year, I have your support and your help to approve this particular new standing committee. I believe this committee is necessary to help us formulate action plans after assisting us in communicating, listening, analyzing and planning the means to address systemic inequities, racism, bias and bigotry present in our justice system and our state today. We are not going to take the vote now, but when we do vote later on per our agenda, I ask that you consider what I have said. If you support sustaining a sound and healthy Bar this new Bar year, I hope you will vote for this new standing committee to be added to the standing committees of the State Bar of Georgia. I also hope that you will work together with me, because I cannot do this work alone.

Since we are unable to come together for our Annual Meeting, I want to take a few moments to thank the people and organizations that have supported me over my legal career and aided me in getting to this point in time. First, I would like to thank my family, including my father, Elwood L. Jones Sr., who has been the consistent guiding force in my life. I would also like to thank my stepmother, Erna Jones, my siblings, Elwood Jones Jr. and Tiffany V. Mason, my uncles Warren Jones, Robert Curry and Johnny Gordon and my aunts Barbara Jones, Edith M. Grier, and Dolores "Giggy" Gordon, for their constant support and love as well.

The Georgia Association of Black Women Attorneys (GABWA) has been a part of my life, both professionally and personally, since my second year of law school, and provided a permanent extended family that I have been able to lean on for more than two decades. I am grateful for her and for the many big sisters, brothers, mentors and lifelong friends she has provided me. Similarly, the Gate City Bar Association has given me an extended family to which I also turn for support and guidance. I would especially like to thank the three first women presidents of the State Bar of Georgia, each a trailblazer in her own right. These women paved the way for me and the other diverse officers being sworn in today to lead this Bar, and it means the world to me that they accepted my invitation to participate in this, my first meeting and installation. And my heartfelt thanks goes to Judge Patsy Porter as well, who I have looked up to from the moment I first met her at a GABWA law student event. It is truly an honor to have been sworn in by her. I am grateful to Chief Justice Melton, too, whom I had the privilege of meeting in 2005 while I was GABWA president when he was appointed to the Supreme Court of Georgia.

I have big shoes to fill, thanks to Darrell and each of the past presidents before him. And we have a lot of work to do, as I mentioned before. There is an African proverb that says, "You want to go fast, go alone; if you want to go far, go together." Together, we will sustain a sound Bar this coming year. I thank you for the privilege and honor of serving as your president, and I stand ready to work with you. Here's to our good health! #SustainASoundBar ●



Dawn M. Jones

President
State Bar of Georgia

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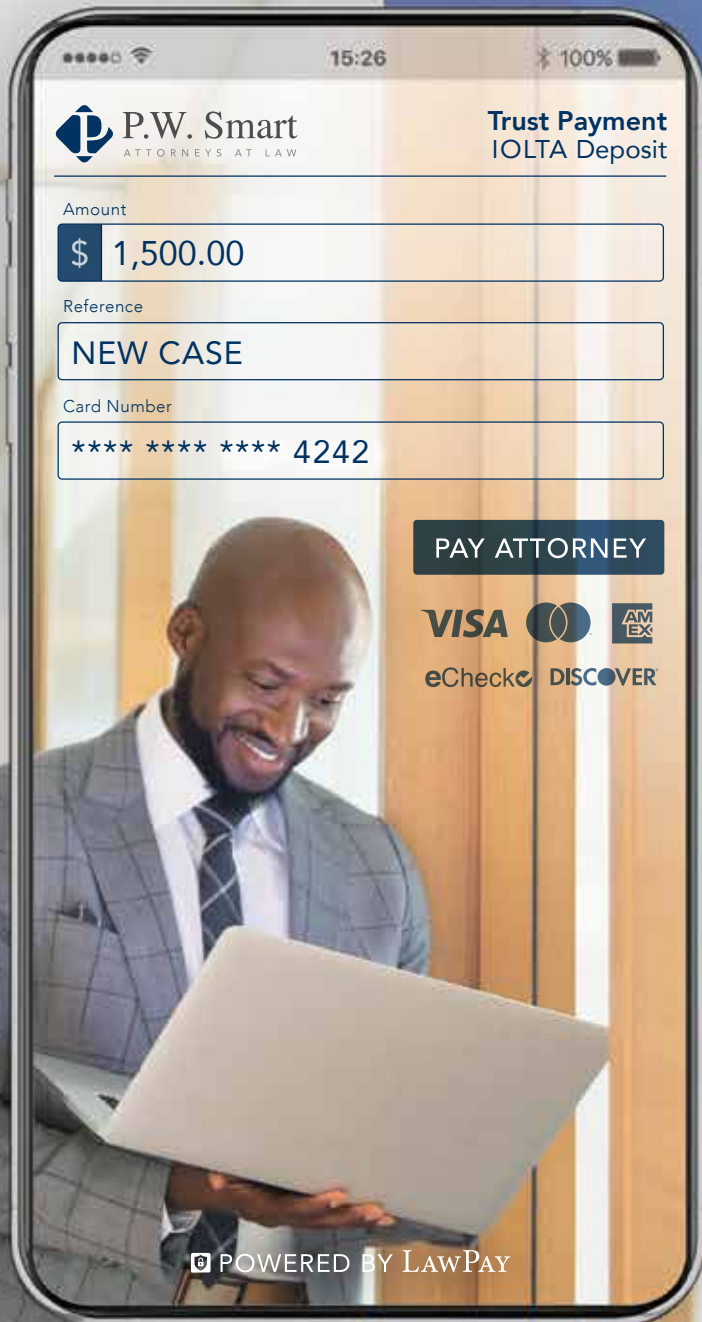
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Dawn M. Jones: An Uncommon Path to Lead the Bar in Uncommon Times

BY LINTON JOHNSON

The first 57 individuals who served as president of the State Bar of Georgia each have different background stories, but there are a number of commonly recurring themes:

- For the most part, they are lifelong Georgians.
- Many were inspired at a young age to become lawyers.
- Some followed their fathers or other close relatives into the legal profession.
- A majority attended law school at one of three places: Emory University, Mercer University or the University of Georgia.
- Almost all went directly from their undergraduate studies into law school and directly from law school into their first law practice.

Dawn M. Jones, the 58th president, checks off not a single one of those boxes. Jones, the second African American and the fourth female to lead the State Bar, hails from the Washington, D.C., area, is the daughter of a mechanic and executive secretary, never considered becoming a lawyer until she was working on her master's in another field, worked 14 years in another profession and proudly earned her law degree by taking mostly night classes at Georgia State University College of Law—certainly the most unique

path to the top elected position among Georgia lawyers.

Jones was born in Baltimore, Maryland. Her parents had married young, and her father, Elwood L. Jones Sr., was serving in the Army in Vietnam at the time of her birth. “He was one of only two Black men in an otherwise all-white company,” Jones said in a recent interview, “and he worked as an apprentice mechanic even though he had been formally trained as a mechanic before entering the military.” After his Army service, Jones’ father owned and operated an auto repair shop in the nation’s capital for more than 40 years before he sold the business and retired. E & E Auto Repair (named for Jones’ father and grandfather, who was also a mechanic) was originally located next to the campus of Howard University.

Her mother, Bonner Curry Jones, worked as an executive secretary in Baltimore and, later, in Alexandria, Virginia, where the family moved before she started school. Next, Jones’ mother worked for the first African American judge in Alexandria, and then as a teacher’s assistant working with children with disabilities for the Alexandria school system. Attending Mount Vernon Elementary School in Alexandria, Jones learned how to play the clarinet and spent recess and many after-school hours playing on the actual little red

caboose that sat on school property. “I read all the time, even when I was supposed to be asleep,” Jones recalls, “and I loved Nancy Drew Mysteries.”

Growing up, Jones and her younger brother Elwood L. Jones Jr. would spend their summers with grandparents Robert and Valencia Curry, and Hortense and Ellis Jones in rural Virginia’s Northumberland County, where their parents had been raised and met while attending the county’s segregated high school. More than two hours away from Alexandria, they would go to nearby Kilmarnock for movies, dining and shopping. “I still remember a number of places we avoided because it was well known that ‘we’ were not welcome in certain restaurants and stores,” Jones said.

Otherwise, her summer days were spent going to the local corner store for penny candy or in Double Dutch jump rope competitions, playing jacks, softball and, yes, tackle football. “I broke a lot of eyeglasses most summers,” Jones said. For at least a week or two each summer, Dawn and Elwood Jr. would also travel with their uncle Warren Jones to Philadelphia to visit with aunts Barbara Jones and Delores Jones Gordon and another uncle, Johnny Gordon.

Jones’ parents divorced while she was in elementary school, and they both eventually remarried, giving her a stepmoth-

er, Erna Savoy Jones, a stepfather, Jackie Mason, and two sisters, Andrea Jones and Tiffany Mason.

As a senior at Thomas Edison High School, Jones applied to a number of colleges—"as many as we could afford"—and was accepted to all of them. Her first choice was Penn State, because it was not close to home but was, she thought, close to her relatives in Philadelphia. When she found out the main campus for nursing studies was several hours from Philadelphia, she looked elsewhere. "I had a full scholarship offer to attend Hampton Institute, a historically Black college now known as Hampton University," Jones said. "However, since half of my fellow church members at Alfred Street Baptist Church, where I was baptized, were there, I was not particularly keen on going there either. My father was understandably frustrated by that decision."

Jones wound up selecting the University of Virginia, "largely because someone told me I wouldn't get in." It was a high school guidance counselor who told her not to bother. "Now, I had been in 'talented and gifted' programs since elementary school, was taking advanced placement classes in high school and did very well on standardized tests," Jones said. "Add to that the fact that I remained academically successful in spite of having changed schools every year since the seventh grade. I was very confused when the guidance counselor, who was a white male, discouraged me from applying. In fact, he refused to give me the application materials when I asked for them, but I did not give up." Jones pulled an end-around on the counselor by asking his assistant for help. She not only was admitted to UVA, she also received a partial scholarship and work/study support, which enabled her to attend.

As soon as she started taking nursing classes at UVA, Jones knew she wanted to be an advanced practice nurse, specifically a clinical nurse specialist who works in a hospital setting, as opposed to a nurse practitioner who works in an office setting. After earning her bachelor's degree, Jones remained in Charlottesville to begin her nursing career. Within a year, she began to pursue her master's at UVA, but,



PHOTO BY MALCOLM DAVIE PHOTOGRAPHY

missing the fast-paced setting of Northern Virginia, she moved to Crystal City and transferred to Georgetown University, where she completed her master's in nursing.

"I chose Georgetown because it had a highly respected teaching hospital and it offered free tuition to nurses who agreed to work at Georgetown Hospital for a period of time," she said.

"I always wanted to become a nurse," Jones said. "I cannot explain why, but I never considered another profession growing up." So what inspired her to switch gears and become a lawyer? It began, she said, when some nurses who had law degrees and worked for the U.S. Department of Health and Human Services were invited to speak to her class at Georgetown.

"Nurses are taught to improve patient outcomes at every opportunity," she said. "So when these nurse lawyers spoke to us about how their jobs entailed ensuring that hospitals, doctors' offices and related healthcare entities followed federal rules and guidelines to protect patient safety, I thought, 'Wow, I am improving patient outcomes two patients per shift at a time, and they are improving millions!' That was the first time I even considered doing something other than providing critical care to patients in the intensive care unit."

Jones moved to Atlanta to take a new position as a critical care clinical nurse specialist (CNS) at Grady Memorial Hospital. Upon arrival, she learned that Grady had just fired seven individual CNS and had hired her to cover all of the hospital's ICUs. Not wanting to fail at this very first opportunity, she renegotiated her employment terms. She worked full time in Grady's Trauma Surgical ICU and, like most nurses who work three 12-hour shifts per week, she also had a part-time job in one of the small Medical ICUs at Emory University Hospital.

"A few years in, both hospitals—like most across the country—were cutting nurses and staff, especially on the night shifts, to save money," Jones said. "The problem was the care and treatment of an ICU patient in a hospital does not wane when the sun goes down. But after months of complaining to the appropriate higher-ups, with no changes in sight,

I realized that although I no longer enjoyed nursing, it was all I knew. That situation, combined with the influx of new nurses who were entering the profession not because of their interest in caring for others, but for the money, caused me to seek a career change."

Jones decided to take the Medical College Admission Test and the Law School Admission Test. Continuing her lifelong prowess on standardized tests, she did well on both. Never actually wanting to become a doctor, she did not apply to any medical schools. After some research, she applied to the Georgia State University College of Law, which had two advantages: part-time evening classes were available, and the school happened to be across the street from Grady Memorial Hospital.

She was accepted by Georgia State after clearing one unexpected hurdle. Jones sought a written recommendation from one of the most senior trauma surgeons at Grady, with whom she had been working closely, on a volunteer basis after hours, to coordinate a ventilator weaning study. "Like most surgeons," Jones said, "she did not have a warm bedside manner, but she was very smart and I very much enjoyed working with her. I also had heard that she had written a letter of recommendation to a nurse colleague for a graduate nursing program. When I called her office to ask for the letter, her assistant, whom I had gotten to know well, immediately and enthusiastically agreed to my request and instructed me to stop by the office in a few days to pick up the letter. When I stopped by days later, however, the assistant told me that the attending surgeon, a white female, would not give me a letter of recommendation. She told me the attending said she did not give out such letters. Knowing that was untrue, I did not press the assistant further. She looked miserable enough. Thankfully, I found someone else who agreed to provide a recommendation."

At Georgia State, Jones said she "immediately fit right in with the other part-time students, the majority of whom were older and working full time like me. The school was not huge, and I enjoyed the camaraderie of my evening classmates. I often showed up in scrubs because I worked night shifts through the first two years of

law school and usually headed into work before 11 p.m. When I switched to day shifts, sometimes I had to stay late because we were short a nurse, or a patient had crashed and required more nurses on hand than were scheduled to come in. On the few occasions that happened, when I sat down in class I always had a classmate sliding me his or her notes to catch me up. That's my law school! Georgia State University College of Law taught me not only how to prepare to become a lawyer, but it prepared me to become a lawyer with a conscience, with a purpose and with a drive for community service and advocacy."

Jones' law school experience also resulted in her first opportunity for leadership in the legal community. "Because of a bunch of pizza boxes that we saw as we arrived in class each evening, I became interested in law school governance during my second year in law school," she said. When she found out that, although she and her part-time classmates contributed to law school events through tuition payments, those events were never planned with part-time students in mind. "Eventually, as a third-year, part-time student, I ran for president of the Student Bar Association and beat two full-time students." Jones is now the first Georgia State Law alumnus to become president of the State Bar of Georgia. In the 20 years since her admission to the Bar, Jones has served as president of the Georgia Association of Black Women Attorneys and Atlanta Legal Aid Society, and as chair of the State Bar's Advisory Committee on Legislation and Unauthorized Practice of Law Committee for District Five, among other leadership roles in local voluntary bar associations and organizations throughout the state.

"I have always believed that my participation in an organization meant my active participation," Jones said. "In my experience, those who are active participants and volunteers are asked to serve in other capacities. Hard work is often rewarded with more hard work. I was curious about the State Bar and, as a result, began attending Annual Meetings in 2001. The more active I became, the more I learned about the Bar. The more I learned about the Bar, the more my interest in it grew."

“I am proud of the work this Bar has done and will continue to do to support each of us in all aspects of our lives. Better human beings make better lawyers, don’t you think? And to be better, we must be healthy, skilled and informed.”

Watching other Bar leaders serve piqued my interest as well, because I saw the time they were giving and the work they were doing in and for the Bar. It was important work, and they cared. I am active because I believe this is important work and I care as well. I should also mention that my active participation sometimes started with others inviting me to participate, not because I sought out those opportunities. I appreciated each of those invites. Sometimes that is all any of us need to get involved—an invitation to do so!”

Jones has received numerous honors and awards, including the State Bar of Georgia Commitment to Equality Award (2017), the Chief Justice’s Commission on Professionalism Justice Robert Benham Award for Community Service (2017), the Thomas R. Burnside Jr. Excellence in Bar Leadership Award (2014-15), the Atlanta Bar Association Leadership Award (2012), the Georgia Association of Black Women Attorneys Barbara A. Harris Award for Service to the Community (2010), and the Gate City Bar Association R. Pruden Herndon Service Award (2010).

In her civil rights and plaintiff-focused personal injury litigation practice, Jones specializes in medical negligence and wrongful death cases, serious motor vehicle collisions, and nursing home abuse and negligence matters. Before starting her own firm, Jones worked as a senior product liability defense attorney at an international law firm based in Atlanta, as an associate general counsel for the Grady Health System and as an insurance defense associate with the Atlanta office of a national law firm based in Philadelphia.

She has also worked with non-partisan election protection and voter education efforts in Georgia since 2004.

Jones embarked on her year as State Bar president with an understanding of the unprecedented challenges facing Georgia, the nation and the world—and the legal profession’s duty to help meet those challenges. In her Zoom teleconference-delivered remarks to the Board of Governors upon taking office in June (see page 34), Jones announced the formation of a special committee on racism and injustice.

“When the Executive Committee readily agreed to draft a statement addressing what was happening globally and locally, a question that was repeatedly posed during that discussion was ‘What are we going to do?’” Jones said. “I knew we were working on what we would say as a Bar, but I realized that, even two weeks out from my installation, I needed to take action, not just plan to discuss the actions I planned to take. And I wanted buy-in from our governing body, the Board of Governors, to determine their willingness to take action with me. These are unique times, dealing with longstanding issues that are not easily addressed or likely to change over a short period of time. This will take hard work and collective effort, and I wanted to both memorialize the work to be done and engage Bar members to help do the work. I developed and presented this committee to do just that. In addition to supporting and strengthening the work of the Bar through committees and sections, I also want to ensure that we capitalize on the complaints, concerns and discussions happening

right now. In light of the recent deaths of Ahmaud Arbery and George Floyd, I think our Bar and our profession are ready and willing to do the work to address bigotry, racial bias and systemic racism that affect the lives of minorities in particular and thwarts a system of equal justice for all. And that is what every lawyer, every judge, every member of this Bar desires—a justice system that sees and treats each of us exactly the same.”

Jones is also aware and working to address the challenge of conducting the Bar’s business to the fullest extent possible in the midst of the global COVID-19 pandemic. “We are being challenged this Bar year to consider new and creative ways to stay connected, to continue the work that needs to be done and to do so safely,” she said. “This ‘new reality’ involves challenges we could not conceive, impacting and intersecting our personal and our professional lives in ways we never imagined. I am proud of the work this Bar has done and will continue to do to support each of us in all aspects of our lives. Better human beings make better lawyers, don’t you think? And to be better, we must be healthy, skilled and informed.” With her background and experience, it is not surprising that the theme of Jones’ year as Bar president is “Sustain a Sound Bar.” ●



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2020 Legislative Review

It's been a legislative session like no other. Without the help of our lawyer-legislators and our members who volunteered their time to propose these bills, none of the successes would have been possible.

BY CHRISTINE BUTCHER HAYES

Call it the Franken-session. When the Georgia General Assembly commenced on Jan. 13, 2020, there was no telling that the 40-day session—which typically wraps-up just in time for Master's week—would be put on pause by a global health pandemic that would upend day-to-day life throughout America. After pausing the session on March 16 with 11 legislative days left, the General Assembly reconvened on June 15 to finish its obligations for the year. Over the course of that 12-week hiatus, legislative priorities significantly shifted to address a new set of issues facing the state. Legislators grappled with budget cuts resulting from a significant revenue shortfall during the pandemic, new legal challenges in the wake of the current COVID-19 crisis, and a societal reckoning on race and law enforcement procedures following the deaths of Ahmaud Arbery, George Floyd, Rayshard Brooks and others.

Budget

After news that state revenues had declined by \$1 billion in April, legislators were prepared to return to Atlanta and cut state spending by 14 percent in order to meet Georgia's constitutional balanced budget requirement ahead of a new fiscal year on July 1. Ultimately appropriators were required to make diffi-

cult reductions to the state's operational expenses in order to make ends meet, but spared state employees from taking unpaid furlough days. We are grateful to the General Assembly for considering the obligations of the judiciary as courts statewide begin to reopen and for recognizing the toll that furloughs and layoffs would take on attorneys and judges across our state.

In addition to grappling with painful revenue shortfalls, longtime Senate Appropriations Chairman Sen. Jack Hill (R-Reidsville) passed away unexpectedly in April. Sen. Blake Tillery, a lawyer-legislator from Vidalia, was named the new senate appropriations chairman and worked tirelessly to lead the budget process through its conclusion in the Senate when the Legislature resumed in June.

Ultimately, the Legislature approved a \$52.5 billion state budget for FY2021, which includes approximately \$25.9 billion in state funding and approximately \$14.2 billion in federal funds. The annual grants appropriated to the Judicial Council to fund civil legal services for victims of domestic violence and legal aid for kinship care families were both reduced due to state budget constraints at the end of the session. We hope to work with House and Senate appropriators next year to restore both grants to their original funding levels.



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Remote Online Notarization

Remote notarization was a hot topic among certain legal practice groups even before the COVID-19 pandemic. During the early part of the 2020 legislative session, Rep. Joseph Gullett (R-Dallas) filed HB 785 to create a statutory structure permitting remote online notarization in Georgia. Unfortunately, the bill failed to get out of committee before the Cross-over Day deadline in early March.

As the state began to shut down in mid-March due to the pandemic, there was a clear demand from Georgia lawyers to permit electronic notarization to encourage social distancing. The State Bar worked closely with the Governor's Office, the Fiduciary Law Section, the Real Property Law Section and the Family Law Section on both Executive Order 03.31.20.01 and Executive Order 04.09.20.01, which suspend the purported requirement that notarization must be in the physical presence of the notary. Both of those executive orders are still valid so long as Gov. Kemp continues to extend his declared Public Health State of Emergency, which at the time of this writing will extend through Aug. 11, 2020. Stakeholders are planning to meet in August to discuss mutually agreeable language for legislation that would be filed in January.

Historic Hate Crimes Bill

On June 23, the Legislature passed a historic hate crimes bill, HB 426, a multi-year, bipartisan effort sponsored by Georgia attorney Rep. Chuck Efstrotation (R-Dacula) and 45-year House veteran Rep. Calvin Smyre (D-Columbus). The bill creates a sentencing enhancement for anyone found guilty of intentionally targeting a victim because of race, color, religion, national origin, sex, sexual orientation, gender, mental disability or physical disability. A person found guilty under the hate crimes statute would face an additional sentence of six months to a year and a fine of up to \$5,000 for one of five misdemeanor offenses and a mini-

mum of two additional years for a felony offense. Gov. Kemp signed HB 426 into law on Friday, June 26, and the bill took effect on July 1.

State Bar Legislation

A bill originating from the State Bar's Fiduciary Law Section, HB 865, passed in the Senate on March 12 and received a final "agree" vote in the House on June 25. HB 865 was sponsored by Rep. Mitchell Scoggins (R-Cartersville) and revises Title 53 of the Georgia Code dealing with wills, trusts and administration of estates.

SB 464, which originated from the State Bar's Dispute Resolution Section, would have created the Georgia Uniform Mediation Act and applied many of the same protections and rules that apply to court-ordered mediation to private mediations. Although the bill passed in the Senate, it failed to get out of the House Judiciary Committee by the end of the legislative session in late June. We appreciate the hard work of Sen. John Kennedy (R-Macon) who sponsored the bill and hope to see this bill through to the finish line next year.

In addition to the State Bar's legislative package, the legislative team was busy tracking a variety of issues that affect lawyers in Georgia. Bar members can check out a more comprehensive final legislative update on the State Bar website under the Legislative Program page.

Looking Ahead to 2021

The 2020 session marks the second year of the two-year legislative cycle. As a result, any legislation that did not pass this year will have to be re-filed at the start of the 2021 General Assembly.

With the conclusion of this two-year cycle, we will say farewell to a few dedicated lawyer-legislators who have decided to retire from office at the end of the year. The State Bar will most certainly miss the shrewd deliberation and thoughtful leadership of Senate Judiciary Chairman

Jesse Stone (R-Waynesboro), who plans to retire from the General Assembly after 10 years of service. Rep. Andy Welch (R-McDonough), who has been a fierce defender of the judiciary budget as the head of the subcommittee overseeing public safety appropriations, has also chosen not to seek reelection this year. Additionally, Sen. William Ligon (R-Brunswick) will retire at the end of the year, concluding his 10-year tenure in the Legislature. It is imperative that we have bright, thoughtful lawyers from all over the state representing our profession in the General Assembly. The State Bar is grateful for the tireless and often thankless work by not only Sen. Stone, Rep. Welch and Sen. Ligon, but all of our lawyer-legislators serving in the General Assembly.

Our 2020 successes are attributable to leadership of the sections, who are the brain trust of the Bar during the legislative session. The objective input by members of the Family Law Section, Real Property Law Section and Fiduciary Law Section proved once again to be invaluable to the lawmaking process in Georgia. Without the help of our lawyer-legislators and our members who volunteered their time to propose these bills, none of this success would have been possible.

Finally, I would like to thank the other members of the State Bar's legislative team—Rusty Sewell, Mark Middleton and Roy Robinson—whose sage advice and zealous advocacy are indispensable to the State Bar during the legislative session. The Advisory Committee on Legislation will meet to discuss the State Bar's 2021 legislative package in September and December 2020. We look forward to working with you during the 2020-21 Bar year. ●



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The Litwin Law Firm, P.C., announced that Richard C. Litwin was named a 2019 Pro Bono Partnership of Atlanta (PBPA) Volunteer of the Year. Litwin was one of six attorneys recognized for outstanding volunteer pro bono efforts at PBPA's reception at King & Spalding in March.

PBPA matches attorneys based on their particular expertise with local nonprofits in need of free legal counsel. Through PBPA, Litwin helps nonprofits facing state and local tax issues, represents individuals and businesses in state and local tax matters, and deals with a variety of issues that arise during audit and during protest and appeal to the Georgia Tax Tribunal and to local governments.

Taylor A. Samuels announced her commission as a first lieutenant in the U.S. Army Judge Advocate General's Corps, and graduation from the 210th Judge Advocate Officer Basic Course at The Judge Advocate General's Legal Center and School in Charlottesville, Virginia. Samuels was placed on the Commandant's List for her academic achievements and received the American Bar Association's Outstanding Legal Assistance Student Award.



Lueder, Larkin & Hunter LLC announced that partner Thua G. Barlay was elected to serve a three-year term on the Real Property Law Section Executive Committee of the State Bar of Georgia. The Real Property Law Section provides resources for both commercial and residential practitioners.

The Mabra Law Firm, headed by Ronald E. "Ronnie" Mabra Jr., donated \$15,000 and more than 100 masks to King of Pops in support of its Unexpected Moments of Happiness Campaign, an effort to deliver 10,000 King of Pops popsicles to workers on the frontlines of the COVID-19 pandemic.



Carlton Fields, P.A., announced that its chair-emeritus, Benjamin Reid, was recognized with a Life Achievement Award by the *Daily Business Review* in its annual awards in the Miami-Dade County Bar Association.

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, was named a winner in the second annual USA Middle Market Atlas Awards. The awards, presented by the Global M&A Network, recognize the achievements of influential dealmakers and leaders, outstanding firms and the best growth-delivering

transactions. Baker Donelson was honored in the "Deal of the Year" category for its work in the acquisition of STR, Inc. by CoStar Group, Inc., the leading provider of commercial real estate information, analytics and online marketplaces.



STORY



PARDUE

Parker Poe Adams & Bernstein LLP announced that Elizabeth Story was elected president of the Georgia Association for Women Lawyers (GAWL) Foundation. In that position, Story will play a leading role in encouraging philanthropy by women lawyers for the benefit of the greater Georgia community. She has served on the board of directors for the GAWL Foundation since 2016, and has also co-chaired its Grants Committee and its Art Auction Committee, which spearheads the foundation's largest fundraiser each year. The GAWL Foundation helps link women lawyers with community service opportunities and provides grants to 501(c)(3) organizations serving women and children. It also awards scholarships to women at Georgia law schools who are interested in pursuing careers in public interest law.

Additionally, the firm announced that partner David Pardue was elected to the board of directors for EarthShare Georgia. In that position, Pardue will play a leading role in connecting corporations with nonprofits focused on environmental causes. EarthShare Georgia connects people to trusted nonprofits dedicated to conserving and protecting the air, land and water. These connections provide opportunities to volunteer, learn and donate to help support more than 30 of the state's top environmental nonprofits, including the Georgia Wildlife Federation, Trees Atlanta, Chattahoochee Riverkeeper and the Georgia Conservancy.



The Linley Jones Firm, P.C., announced that founder Linley Jones was chosen for membership in the *Atlanta Business Chronicle* Leadership Trust, a community for business leaders, executives and entrepreneurs in the Atlanta area. Jones was chosen by the selection committee due to her experience, leadership and influence in the local business landscape and beyond.



Joe Habachy of Habachy Law won the Attorney General's Cup for the Legal Food Frenzy for the sixth time out of the past seven years, raising more than \$42,000 in donations in 12 days. This year's Legal Food Frenzy raised more than \$852,000 in total for food banks in Georgia, which equates to more than 3.3 million meals for families in need.



WARD



HALL



MEADOWS



LEE



LEVINSON



ARNOLD



SCRANTOM



DALY

The Georgia Defense Lawyers Association (GDLA) announced that Jeffrey S. Ward of Drew Eckl & Farnham, Brunswick, was installed as its 53rd president. Other officers elected include President-Elect George R. Hall of Hull Barrett, Augusta; Treasurer James D. “Dart” Meadows of Balch & Bingham, Atlanta; and Secretary Pamela N. Lee of Swift Currie McGhee & Hiers, Atlanta. Martin A. “Marty” Levinson of Hawkins Parnell & Young, Atlanta, was promoted to vice president, and Brannon J. Arnold of Weinberg Wheeler, Atlanta, was elected to the board of directors. Founding member and past president William G. “Bill” Scrantom Jr., of Page, Scrantom, Sprouse, Tucker & Ford (retired), Columbus, was honored with the Distinguished Service Award. Jacob E. “Jake” Daly of Freeman Mathis & Gary, Atlanta, received the President’s Award for his dedicated leadership of the group’s legislative committee. GDLA is committed to advancing the civil defense bar by providing training and resources, facilitating communication and offering networking to more than 960 members.



Barrett & Farahany announced that managing partner Amanda Farahany was elected as a fellow in the College of Labor and Employment Lawyers. Election as a fellow is the highest recognition by an attorney’s colleagues of sustained outstanding performance in the profession, exemplifying integrity, dedication and excellence. The college was established in 1995 through an initiative of the Council of the Section of Labor and Employment Law of the American Bar Association and operates as a free-standing organization, recognizing those who, by long and outstanding service, have distinguished themselves as leaders in the field.



Merchant & Gould P.C. announced that partner Loretta L. Freeman was selected by the Leadership Council on Legal Diversity (LCLD) to serve as city lead for the 2020-21 term, helping to advance diversity and inclusion in the legal industry. In her new role, Freeman will plan and create programs for local LCLD alumni in Atlanta to drive change and to continue the important dialog on diversity and inclusion across the legal profession. The LCLD is an organization of hundreds of corporate legal officers and law firm attorneys who have dedicated themselves to creating a truly diverse U.S. legal profession.

Veterans Legal Clinic Receives Funding to Create Georgia Veterans Outreach Program

BY LONA PANTER

The University of Georgia School of Law’s Veterans Legal Clinic, in partnership with the Georgia Legal Services Program, has received funding from the American Bar Association to extend its work for veterans throughout the state of Georgia.

Titled the Georgia Veterans Outreach Program (GVOP), this partnership will deliver virtual legal clinics to veterans in underserved parts of the state. Six clinic events will connect veterans with volunteer lawyers for brief service and referrals using videoconferencing software. Veterans without phone or reliable internet can participate using GVOP-provided program computers at venues near where they live. The virtual clinics will be hosted in parts of Georgia that lack veteran-specific legal assistance and will prioritize veterans in rural areas who often lack access to lawyers and legal advice.

The GVOP will allow both the Veterans Legal Clinic and the Georgia Legal Services Program to fully realize a remote clinic system, which will improve outreach efforts to veterans statewide. The events will eliminate barriers faced with purely in-person clinics, including the health and safety concerns brought to light by the COVID-19 pandemic. ●



HOWELL



MAGRUDER



NICHOLSON



SEEKIE



SULLIVAN



MILLER

The Georgia Legal Services Program (GLSP) announced the addition of five lawyers to its board of directors: Matthew Howell of Alston & Bird, Atlanta; Meghan Magruder of King & Spalding, Atlanta; Sam Nicholson of Nicholson Revell, Augusta; Nyonnohweah Seekie of The Seekie Law Firm, Macon; and Julia Sullivan of The Sullivan Law Firm, Savannah. GLSP also elected Terry Miller of Mitchell & Mitchell, Dalton, as its new board president. Miller, a member of the State Bar of Georgia Board of Governors, replaces Terrica Ganzy, deputy director of Southern Center for Human Rights.

On the Move

IN ATLANTA



Freeman Mathis & Gary, LLP, announced the addition of William "Shawn" Bingham as a partner. Bingham's practice focuses on counseling insurance companies on coverage issues, prosecuting declaratory judgment actions on behalf of insurance companies and defending insurance companies in bad faith actions filed by insureds. The firm is located at 100 Galleria Parkway, Suite 1600, Atlanta, GA 30339; 770-818-0000; www.fmglaw.com.



Troutman Pepper Hamilton Sanders LLP announced the addition of Gary W. Marsh as a partner. Marsh's practice focuses on representing creditors and debtors in and out of bankruptcy court and representing a variety of other parties in insolvency-related matters. The firm is located at 600 Peachtree St. NE, Suite 3000, Atlanta, GA 30308; 404-885-2752; www.troutman.com.



MILLER



BRADLEY

Barrett & Farahany announced the addition of Adian Miller and Nikki Bradley as attorneys. Miller's practice focuses on helping employees who have been denied wages or had their rights violated under federal law, representing employees under Title VII of the Civil Rights Act, the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), and the Occupational Safety and Health Administration. Bradley focuses her practice on litigation brought under Title VII, FLSA, FMLA and ADA, as well as other federal and state employment statutes. The firm is located at 1100 Peachtree St. NE, Suite 500, Atlanta, GA 30309; 404-214-0120; www.justiceatwork.com.



HAWK



MOYE

Barnes & Thornburg LLP announced the addition of Sarah J. Hawk and John M. Moye as partners. Hawk's practice focuses on helping organizations obtain visas and permanent residence status for executives, managers and other critical employees; advising clients on immigration petitions, consular processing, outbound placement and waiver cases, as well as complex I-9 and E-Verify compliance, audits, investigations and trainings; and overseeing the preparation of virtually every kind of employment-based immigration petition. Moye focuses his practice in the areas of technology and software litigation, trade secrets and restrictive covenants, complex commercial litigation and telecommunications law. The firm is located at 3475 Piedmont Road NE, Suite 1700, Atlanta, GA 30305; 404-846-1693; Fax 404-264-4033; www.btlaw.com.



Sam L. Brannen Jr. announced the launch of Brannen Legal, LLC. Brannen's practice focuses on state and local tax controversies; property tax issues, such as valuation appeals, exemptions and refunds relating to commercial, multifamily (market and affordable/LIHTC), industrial, retail and high-end residential properties; and select general civil litigation and appeals in a variety of areas, including class actions. The firm is located at 1080 Peachtree St. NE, Suite 1411, Atlanta, GA 30309; www.brannenlegal.com.



BARRE



GREEN



MATTHEWS



TOLSON



WHEELER



WRIGHT

Miles Mediation & Arbitration announced the addition of Marc Barre, Shuli Green, David Matthews and Audrey Tolson as mediators, and Winter Wheeler and Nigel Wright as mediators and arbitrators. Barre specializes in complex auto, insurance issues, insurance coverage, construction, trucking, premises liability and business disputes. Green specializes in employment, products liability, premises liability, construction, business litigation, professional liability, medical negligence, insurance bad faith claims, consumer class actions, civil rights claims, contract disputes, personal injury, wrongful death, dog bites, trucking and catastrophic injury. Matthews specializes in complex

commercial, business, construction, contracts, high-exposure premises liability and real estate disputes. Tolson specializes in medical malpractice, premises liability, trucking, and wrongful death and catastrophic injury cases. Wheeler specializes in personal injury, wrongful death, catastrophic injury, premises liability, nursing home, legal malpractice, medical malpractice, products liability, toxic torts, automotive and trucking liability, as well as municipal liability. Wright specializes in complex disputes in areas of casualty, commercial property, construction, crisis management, cybersecurity, D&O, E&O, energy and marine, environmental, financial lines, insurance coverage, IP, pharmaceutical, product defect, professional liability, personal injury, political risk and surety disputes. The firm is located at 115 Perimeter Center Place, Suite 1100; Atlanta, GA 30346; 678-320-9118; www.milesmediation.com.



FisherBroyles LLP announced the addition of Cynthia L. Counts as a partner. Counts' practice focuses on litigation for television stations and broadcast networks, entertainment production companies, newspapers, authors, artists and web publishers, in addition to defending individuals on free speech matters. The firm is located at 945 E. Paces Ferry Road NE, Suite 2000, Atlanta, GA 30326; 866-211-5914; www.fisherbroyles.com.



CORREA



LIVINGSTON

Hall Booth Smith, P.C., announced the addition of Caitlin Correa and Leanne Livingston as associates. Correa's practice focuses on insurance coverage, medical malpractice and intellectual property matters. Livingston focuses her practice on a wide

range of health care services, ranging from litigation and transactional work to regulatory and compliance matters. The firm is located at 191 Peachtree St. NE, Suite 2900, Atlanta, GA 30303; 404-954-5000; Fax 404-954-5020; www.hallboothsmith.com.



COPPEDGE

Krevolin & Horst, LLC, announced the addition of Susan P. Coppedge as of counsel and Allison K. Bazinet as an associate. Coppedge's practice focuses on white collar criminal matters, human trafficking prosecutions, grand jury investigations, government enforcement actions, internal investigations and environmental litigation. Bazinet focuses her practice on representing buyers and sellers of businesses, companies seeking venture capital investment, venture capital and private equity funds, and licensors and licensees of technology and software, and also general business law, including entity formation, general

corporate governance and regulatory compliance. The firm is located at 1201 W. Peachtree St. NW, Suite 3250, Atlanta, GA 30309; 404-888-9700; www.khlawfirm.com.

IN AUGUSTA



Attorney Neal Dickert announced the launch of Dickert Mediation LLC. Dickert's practice focuses on arbitration, mediation and other ADR endeavors. He can be reached at P.O. Box 3070, Augusta, GA 30914; 706-394-2557; www.dickertmediation.com.

IN BRUNSWICK



MCHUGH



MATTHEWS

Hall Booth Smith, P.C., announced the addition of Stefanie T. McHugh as of counsel and Mary L. Matthews as an associate. McHugh's practice focuses on wills, trusts, estate planning, fiduciary law, corporate formation and strategic planning.

Matthews focuses her practice on aging services, medical malpractice and correctional health care matters. The firm is located at 3528 Darien Highway, Suite 300, Brunswick, GA 31525; 912-554-0093; Fax 912-554-1973; www.hallboothsmith.com.



QUINTAIROS, PRIETO, WOOD & BOYER, P.A., a growing multi-office national law firm, is seeking **LITIGATION ATTORNEYS** for its Roswell, Atlanta office with experience in the following practice areas: Professional Liability Defense, General Liability Defense, Insurance Defense, Commercial Litigation and Workers' Compensation Defense. We will consider Attorneys located in other areas of Georgia as we continue to expand our Georgia footprint and Attorneys licensed in Georgia who live and are licensed in Georgia neighboring states. Portable book of business a plus.

Also seeking 1-3 year Associates
Email resume to RESUME@QPWBLAW.COM

IN ROCKMART



Patrick J. Wheale announced the launch of Wheale Law Firm. Wheale's practice focuses on catastrophic personal injury and wrongful death cases. The firm is located at 500 E. Elm St., Suite 200, Rockmart, GA 30153; 678-580-8936; Fax 678-541-7206; www.whealelaw.com.

IN SAVANNAH



Boyd & Jenerette, P.A., announced the addition of Andrew M. Ruberti as an associate. Ruberti's practice focuses on the defense of insurance companies and their insureds, ranging from property and casualty claims to professional liability claims, and also represents businesses in managing all legal issues, including contract drafting and negotiation, employment-related matters, formation of legal entities and all aspects of litigation that may arise from such issues. The firm is located at 33 Bull St., Suite 100, Savannah, GA 31401; 912-921-8820; www.boydjen.com.

IN TUCKER



SMITH



FILES

Attorneys Dawn Smith and Kristen Files announced the launch of Smith & Files LLC. Smith's practice focuses on family and education law. Files focuses her practice on family law. The firm is located at 3554 Habersham at Northlake, Building H, Tucker, GA 30084; 404-909-8300; www.smithfileslaw.com.

Red Flags, COVID Style

BY PAULA FREDERICK

“This is a message from the Department of Public Health COVID Contact Tracing hotline,” the caller says. “We have confirmed that an employee in the Jones County Courthouse tested positive for COVID-19, and we are contacting everyone who may have been at the courthouse in the last 10 days.”

With a sinking heart, you realize that the hearing you attended last week falls within the 10-day window. “I can confirm that I was at the courthouse during that time period,” you respond. “What do I need to do?”

“Just give me your email address. I’ll send you a link with a form that you’ll need to complete. We’ll also need whatever information you can give us about your clients and whoever else attended court with you,” the caller explains.

You receive the email and click on the link. You find that it requests names, birthdates, contact information and social security numbers for yourself and your clients who were in the courthouse. It also offers to provide you with expedited COVID-19 testing if you submit your credit card and insurance information.

Do you provide the information?

No!

I hope you recognize the red flags in the above scenario. While contact tracers are doing outreach by telephone or text, they



FRAUD & SCAM
BEWARE OF PANDEMIC SCAMMER

GETTYIMAGES.COM/RAUNIA MAXTOR

Lawyers and law firms are subject to a daily barrage of phishing and hacking attempts. Be careful out there!

will never ask for social security numbers or insurance information. Check with the Georgia Department of Public Health, the FCC or the Centers for Disease Control for up-to-date information on how the contact tracing process works in your area.

Unfortunately, the pandemic has spawned a new breed of COVID-related scams. As usual, scammers know that lawyers are worthwhile targets because we have information about clients that a scammer can use to facilitate theft.

But lawyers aren't just victims in the latest scams. They sometimes play an essential role in aiding a scheme by providing the scammer with legal representation and a helpful aura of "legitimacy by association."

We have been talking about lawyer involvement in scams and money-laundering schemes for years, but we continue to see lawyers falling for them. The cases can be hard to prove because the relevant rule, 1.2 (d), only prohibits "knowingly" assisting a client in criminal or fraudulent conduct. On April 29, 2020, the American Bar Association upped the ante with Formal Opinion 491, "*Obligations Under Rule 1.2 (d) to Avoid Counseling or Assisting in a Crime or Fraud in Non-Litigation Settings.*" The opinion reminds lawyers of the obligation to conduct a due-diligence inquiry if a prospective client presents "facts . . .

[that] indicate a high probability that a client seeks to use the lawyer's services for criminal or fraudulent activity." It goes a step further than previous opinions by finding that under highly suspicious circumstances the "knowledge" required under rule 1.2 does not have to be actual knowledge—"The lawyer's conscious, deliberate failure to inquire amounts to knowing assistance of criminal or fraudulent conduct." [emphasis added]

In Georgia, the Bar's committee on International Trade in Legal Services has proposed a similar interpretation of the 1.2 (d) knowledge requirement. The committee drafted an addition to Comment 9 of Rule 1.2 to clarify that "knowledge" may be shown by "actual knowledge or deliberate ignorance," which can be inferred from the circumstances. The change is not yet final, but the Board of Governors has approved it, and the Bar's website will show its current status.

Lawyers and law firms are subject to a daily barrage of phishing and hacking attempts. Be careful out there! ●



Paula Frederick

General Counsel
State Bar of Georgia

paulaf@gabar.org

Ethics dilemma?

Lawyers who would like to discuss an ethics dilemma with a member of the Office of the General Counsel staff should contact the Ethics Helpline at 404-527-8741 or toll free at 800-682-9806, or log in to www.gabar.org and submit your question by email.

State Bar of Georgia

Attorney Discipline Summaries

April 7, 2020 – July 15, 2020

BY JESSICA OGLESBY

Disbarments

Timothy Paul Healy

211 N. Broad St.
Toccoa, GA 30577

On May 4, 2020, the Supreme Court of Georgia accepted the petition for voluntary surrender of license for attorney Timothy Paul Healy (State Bar No. 342175). Healy requested that the Court allow him to surrender his license pursuant to Bar Rule 4-104, in lieu of accepting discipline for numerous alleged violations of the Georgia Rules of Professional Conduct. The State Bar consented to this request. Healy admitted that there was a factual basis to support a finding that he has committed numerous ethical violations in the grievances which are part of the sealed record. A health care provider also opined that Healy's health condition would impair his ability to practice law and place the public at risk or in peril. As part of his request to the Court, Healy agreed that he would not seek reinstatement to the practice of law even if he recovers from his diagnosed conditions. He further agreed that if he reneges on his promise not to seek reinstatement, he could

be prosecuted for the violations of the Georgia Rules of Professional Conduct alleged in the grievances that were pending at the time of surrender, as well as be charged with a new violation of the Rules based on taking action toward reinstatement in violation of his promise.

Don Smart

P.O. Box 10206
Savannah, GA 31412

On June 29, 2020, the Supreme Court of Georgia accepted the petition for voluntary surrender of license for attorney Don Smart (State Bar No. 653525) following his entry of a guilty plea in Chatham County Superior Court to one count of theft by conversion. The State Bar filed a response asking the Court to accept the petition. The theft charge arose from his conduct in the administration of an estate in which he converted the funds from the sale of real property on the estate's behalf to his own use. Smart admitted that he violated Rules 1.15 (I) (c), 1.15 (II) (b) and 8.4 (a) (2) of the Georgia Rules of Professional Conduct. The maximum penalty for a violation of each of these Rules is disbarment.

Neil Richard Flit

1000 McLynn Ave.
Atlanta, GA 30306

On July 15, 2020, the Supreme Court of Georgia accepted the petition for voluntary surrender of license for attorney Neil Richard Flit (State Bar No. 091307). In his petition, Flit requested that he be allowed to voluntarily surrender his license for his admitted violation of Rule 1.15 (I) of the Georgia Rules of Professional Conduct in two separate matters. The State Bar requested that Flit's petition be granted. The maximum penalty for a violation of Rule 1.15 (I) is disbarment.

Following the filing of a formal complaint by the State Bar of Georgia, a special master found that with regard to State Disciplinary Board (SDB) Docket No. 7215, Flit settled a personal injury case in 2013 and deposited the funds into his trust account. The client subsequently died in 2014, and Flit did not promptly give the administrator of the client's estate an accounting of the settlement proceeds or deliver to the administrator any of the funds the estate was entitled to receive until 2018.

In SDB Docket No. 7231, the special master found that Flit settled a personal injury matter and deposited the funds into his trust account in June 2016, but did not promptly give his client an accounting of the settlement proceeds and did not deliver to his client the funds she was entitled to receive until January 2019.

Suspension

Howard L. Sosnik

Moritt Hock and Hamroff
400 Garden City Plaza
Garden City, NY 11530

On May 18, 2020, the Supreme Court of Georgia accepted the petition for voluntary discipline for attorney Howard L. Sosnik (State Bar No. 667258). In his petition, Sosnik sought a six-month suspension as reciprocal discipline for a six-month suspension imposed in New York effective June 28, 2019. Per the New York order of suspension, Sosnik, along with two partners (collectively “the Firm”) handled estate planning and estate administration work for clients that sometimes involved ancillary real estate work. The Firm entrusted the banking and bookkeeping responsibilities to a non-lawyer office manager, but did not carefully supervise her or provide appropriate oversight of the Firm’s escrow account. Shortly after the office manager left her employment in 2013, the firm learned that two checks issued from the Firm’s escrow account had been dishonored for insufficient funds. The Firm reviewed the account, deposited sufficient funds to cover the checks and self-reported the matter to the appropriate New York

Grievance Committee. The Firm also engaged an auditor who determined the office manager had been transferring money among the Firm’s escrow, operating and payroll accounts, that the office manager had misappropriated client funds and that the Firm’s escrow balance remained deficient. The Firm then made additional deposits to correct the deficiency.

The order identified numerous mitigating circumstances including Sosnik’s acceptance of responsibility and candor, the absence of selfish intent, the Firm’s replenishment of the misappropriated client funds, the Firm’s cooperation with the disciplinary investigation, the remedial actions taken to institute proper bank and bookkeeping practices, and Sosnik’s remorse, good character and lack of prior disciplinary history. The order identified no aggravating circumstances, but noted that at the time of the underlying events, Sosnik and his law partners were experienced lawyers who each had a background in accounting and that the record showed there were “early warning signs” of the problem with the escrow account that Sosnik and his partners did not detect due to their failure to provide proper oversight of the account.

In his petition, Sosnik admitted that he failed to review, audit and reconcile his firm’s escrow account properly, and that he failed to supervise the work of a non-lawyer employee of the firm properly, specifically with respect to the firm’s escrow account, and that his conduct violated Rules 1.15 (l) and 5.3 (b), both of which are punishable by disbarment as a maximum sanction. The State Bar filed a response recommending that the Court accept the petition. As there

are no conditions on Sosnik’s reinstatement in Georgia other than the passage of time, he does not have to take any action through the State Bar or the Supreme Court to effectuate his return to the practice of law. ●



Jessica Oglesby

Clerk, State Disciplinary Boards
State Bar of Georgia

jessicao@gabar.org

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

Warren R. Hinds, P.C.

“An Attorney’s Attorney”

- Bar Complaints
- Malpractice Defense
- Ethics Consultation



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

Legal Tech TIPS

BY NATALIE R. KELLY

1 Krisp

www.krisp.ai

The Krisp app provides noise cancellation for background noise reduction. Eliminate the sounds of crying babies, barking dogs and flushing toilets while on phone or videoconference calls when utilizing this service. The app is free for those working remotely on occasion and is priced at \$3.33 per user per month, billed annually, for those requiring a Pro or Teams version.

2 Google Drive + Slack

www.google.com/drive
www.slack.com

Collaboration can be tricky sometimes, but by integrating Google Drive as your document repository and using Slack as your communications platform, you can create a highly effective remote working scheme. Users can easily track projects with related conversations (Slack) and documents (Google Drive). The two services working in tandem can provide multiple users with simultaneous access, allowing teams to work together easily. Simply share a Google Drive link in Slack or add your Google Drive account via the Slack App Directory.



3 Legal Talk Network

www.legaltalknetwork.com

Legal Talk Network (LTN) is a podcast network offering top legal news and information from nationally-recognized speakers and thought leaders. More than 20 legal podcasts showcased on LTN help listeners keep up with the latest news and trends in the legal world. Currently, the network features podcast episodes focused on COVID-19. Founded in 2005, the network is now owned by Lawgical, and continues to be the first place users should go for podcasts focused on the legal profession.

4 Magnifiers on iPhones and Android Phones

Tiny print (or tiny anything) getting you down? Use your phone as a magnifying glass. For iPhones, turn on the Magnifier under Settings > Accessibility, then triple-tap the Home button to use your camera to magnify what you want to see larger. On Android phones, turn on the Magnification under Settings > Accessibility > Vision > Magnification. This mode allows for magnifying text on the phone's screen, but the magnification of external items requires certain other apps on the phone to be turned off.

5 CDC Resuming Business Toolkit

<https://bit.ly/3eexYLk>

The CDC has produced a free toolkit for resuming business in light of the COVID-19 pandemic. Available on the CDC's website at the link above, the tool-



kit includes an employer sheet that introduces employers to the toolkit's contents and how to use the materials in non-health care workplaces; a restart readiness checklist to help make resuming business operations as safe and healthy as possible for employers, employees and the public; a worker protection tool for employers to identify protective measures for workers when interacting with each other and the public; a returning to work infographic to remind employees how to protect themselves and others from COVID-19 and address their potential concerns about returning to the workplace; and additional resources accessible via links and QR codes. Be sure to visit this site and consider utilizing these resources as you make plans to reopen.



6 Lex Machina's COVID-19 Impact Analyzer App

www.lexmachina.com

If you're wondering how COVID-19 is impacting federal court filings, you'll want to take a look at Lex Machina's COVID-19 Impact Analyzer App, which shows trends in case filings, case dispositions and practice area breakouts for filings in the U.S. federal court system since the start of the pandemic. The free demo mode provides good general data on federal case filings, and you can see more detail when you sign up for additional Lex Machina services.



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GETTYIMAGES.COM/THE BEST PHOTO IS EARNED

7 AllTrails App www.alltrails.com

If you are taking leading doctors' advice about getting outdoors and social distancing during the pandemic, this app can help you find just the right trail for hiking, biking and running. More than 1,000 trails in Georgia are featured, and the AllTrails website reviews the top trails in the state. Fine tune your selections by using filters for nearby attractions, nature features, pet-friendliness, plus trail elevation, distance and more. Check out the list of trails at the link above, and download the app from Google Play or Apple's App Store.

8 Lunch Hour Legal Marketing, a Podcast

<https://legaltalknetwork.com/podcasts/lunch-hour-legal-marketing>
This top-tier legal marketing podcast is the brainchild of legal marketing gurus Gyi Tsakalakis and Conrad Saam. The series features monthly interviews with



legal marketing experts who share timely business development tips, trends and tricks. Current recordings include information on help with navigating the legal marketing space during the pandemic. Subscribe to the podcast, part of the Legal Talk Network, using the platforms featured via the website above.

9 OmmWriter www.ommwriter.com

OmmWriter is an app that creates a focused workspace for writers by eliminating distractions and providing natural background sounds, inspiring audio tracks and soothing typing sounds for your keyboard. The OmmWriter costs \$7 at a minimum, but users get to pay what they feel the program is worth for the service. The app also offers a more instantaneous service for writing short pieces called OmmBits.

10 M-Lab's Speed Test speed.measurementlab.net

For an open source solution and quick way to check your internet broadband speed, check out M-Lab's free Internet Speed Checker. M-Lab will collect data (for public research purposes) and display how fast your internet connection manages data upload and download. Look for speeds adequate to handle your internet traffic needs (streaming, VPN usage, etc.). Generally, homes with multiple users of streaming services should look for consistent internet speeds of 18 Mbps or more.

New Resources Now Available: Closing a Law Practice

The Law Practice Management Program has created a series of online guides, checklists and forms for a variety of law office closing situations.

BY NATALIE R. KELLY

Despite years of offering general information on closing a law practice, the Law Practice Management Program, with assistance from the State Bar's Office of the General Counsel and Communications Department, has expanded its resource offerings in the area of law office closings. The program has created a series of online guides, checklists and forms for a variety of law office closing situations. Located at www.gabar.org/closingalawpractice, the new addition to the Law Practice Management Program webpage features information for situations where users are



Closing A Law Practice



Voluntary Closing



www.gabar.org/closingalawpractice



Involuntary Closing



Law Practice Management Program



closing practices voluntarily and involuntarily. With the focus on making sure clients' interests are protected, information included on the website is easily accessible and downloadable for adaptation by those responsible for closing the law office.

Voluntary Closing Information

Voluntary closing information includes a downloadable retirement planning guide and closing forms for when a lawyer is transitioning to another job, taking personal leave or selling the practice. The guide organizes the information by sections and includes the sample forms and information below.

Retirement Planning Resources

- “Wrap Up Your Practice Before Retirement” article
- Retirement planning materials from the LPM Resource Library
- Additional retirement planning resources

Closing a Law Practice Forms

- Closing a Law Practice Checklist
- Timeline for Closing Your Law Practice
- Law Firm Master List of Contacts Form
- Ethics Rules Relevant to Closing a Law Practice

Client Notification and File Retention Forms

- Letter Advising that Lawyer is Closing His/Her Law Office
- Notice that File Should Not Be Closed
- Request for File Form
- Acknowledgement of Receipt of File
- Authorization for Transfer of Client File
- Authorization to Return/Destroy Files Contact Letter
- Notice Regarding File Destruction

Counsel Withdrawal and Substitution Forms

- Motion to Withdraw as Counsel
- Notice of Substitute Counsel

- Notification Certificate
- Order Permitting Withdrawal of Attorney

Involuntary Closing Information

For lawyers who find themselves needing to close their office due to unexpected events like an absence or disability; or for others needing to close the office of a lawyer who is now deceased, the following forms and information are available under the Involuntary Closing portal. The main resource is the guide, “Planning for the Unexpected: Closing Your Law Practice in the Event of Your Absence, Disability or Death,” which is downloadable for adaptation. Additional forms that address this particular situation are listed below.

Designating a Successor

- Establishing an Advance Exit Plan: Steps to Take When Leaving Due to Personal Reasons, Disability or Death
- Checklist to Protect Clients' Interest in the Event of the Lawyers' Disability, Incapacity or Death
- Limited Power of Attorney
- Specimen Signature of Attorney-in-Fact
- Notice of Designated Successor
- Letter of Understanding
- State Bar of Georgia Succession Planning Form
- Sample Will Provisions
- Agreement to Close Law Practice in the Future
- Authorization and Consent to Close Law Office Agreement to Close Law Practice
- Limited Power of Attorney to Manage Law Practice at a Future Date
- Special Provisions for Attorney's Will: Instructions Regarding My Law Practice
- Sample Fee Agreements and Engagement Letter with Provisions to Close Practice
- Letter from Absent Attorney Advising That Lawyer is Closing Law Office

- LPM Succession Planning Materials List

Successor Attorney Responsibilities

- Information for the Attorney Who Has Been Designated as a Successor, Caretaker or Closer of a Law Practice
- Checklist for the Fiduciary of a Sole Practitioner
- Checklist Closing Another Attorney's Office
- Letter from Closing or Successor Attorney Advising That Lawyer is Unable to Continue Law Practice
- Letter from Firm Offering to Continue Representation

Frequently Asked Questions

- What If? Answers to Frequently Asked Questions About Closing a Law Practice on a Temporary or Permanent Basis
- Additional Law Practice Management Services

Law Practice Management Program staff are continuing to provide consultation services via videoconference while working remotely during the pandemic. The service includes a written feedback report, technology assessment and action plan for participating firms; the cost of the confidential service is based on the number of lawyers in the firm.

The staff also continue to research issues and discuss closing plans with lawyers on an individual basis. This service is confidential and free of charge to members. Contact the program's director, Natalie Kelly, via email at nataliek@gabar.org for more information or to receive services. ●



Natalie R. Kelly

Director, Law Practice Management
State Bar of Georgia

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GLSP Strong: Working Remotely During COVID-19

GLSP Executive Director Rick Rufolo provides a glimpse into how the attorneys and staff of the Georgia Legal Services Program are working remotely to make a difference in the lives of Georgians who need it the most.

BY RICK RUFOLO



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On Wednesday, March 11, I was driving from South Georgia to Atlanta, returning home from a visit with GLSP colleagues in Savannah and Brunswick. The solitude of the four-hour drive was calming; yet, I had a lot on my mind. I could not stop thinking about the uncertainty of the global pandemic and its impact on my family, friends, colleagues and our communities. Of particular concern was how the leadership team and I would lead GLSP through these uncharted waters.

Our initial decision was made swiftly: by Wednesday, March 18, all 150 GLSP employees were working remotely. While there were many obstacles, we procured the necessary technology equipment to help our team transition from their work offices to their home offices. I learned more about virtual private networks, hotspots and Splashtop than I ever expected! Zoom became our new communication platform. But those early challenges did not dissuade GLSP from meeting our clients' needs.

While our physical offices are closed, GLSP remains open. What's changed is the manner in which we interact with our clients. In-person interactions are limited, and, therefore, we have developed new methods to conduct outreach with

our clients and community partners. For example, no longer able to meet with elder clients at senior centers, several GLSP attorneys created our Elder Action Team and developed a solution. The team prepared client alerts addressing topics on Economic Impact Payments, public benefits deadlines, tenants' rights and how to recognize COVID-19-related scams. Using emails culled from our case management system, the Elder Action Team sent the new client alerts to more than 1,000 seniors, and 180 senior centers and other elder care providers.

Managing remotely is also not without challenges. It's quite an adjustment to leave our office routine and convert to teleworking, particularly as we manage through myriad COVID-19-related issues. We have had to acknowledge that it takes time to figure out what works best and what works best is different for each person. The spontaneous discussion with team members that naturally occurs in the office is not easily replicated when managing remotely. Motivating the team to press on through uncertainty requires trust, patience and encouragement . . . and lots of Zoom meetings!

Four months into our teleworking journey, the waters are still choppy, but we have weathered the storm. We have remained open for business and developed creative ways in which to meet our clients' needs. We have faced many challenges, but have turned threats into opportunities. And, through it all, we have supported one another to make a difference in the lives of Georgians who need our help the most.

We are GLSP strong! ●



Rick Rufolo

Executive Director
Georgia Legal Services Program

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Fastcase—Past, Present and Future: An Interview with CEO Ed Walters

Member Benefits Coordinator Sheila Baldwin interviews Fastcase CEO Ed Walters, law professor and self-proclaimed robotics geek.

BY SHEILA BALDWIN



PHOTO BY THOMAS PHOTOGRAPHIC SERVICES

Ed Walters, CEO, Fastcase.

In 2009, the first assignment I was given in my new position at the State Bar of Georgia was to vet Fastcase to help our leadership decide if it was the best legal research product in its market. Now, a little more than a decade later, I am excited to bring you my conversation with Ed Walters as we talk about all things Fastcase—past, present and future.

In 1999, you left a perfectly good job as a big firm lawyer in Washington to start Fastcase, a legal research startup in a market dominated by bigger companies. What was it about the legal industry that made you wake up one morning and say, “I’m going to take on the world of legal tech”?

I was complaining late one night to the lawyer in the office next to mine about the tools we were using. They were insanely expensive, miserable to use and our clients were always mad when we did. We were paying judges, legislators and regulators our tax money so they could make the law and give it away to foreign-owned publishing conglomerates, who would sell the law back to us at insane markups. The lawyer in the next office was Phil Rosenthal, my co-founder (who, in addition to

his law degree, has a Ph.D. in physics from CalTech). We knew that business model was unsustainable, and there was no reason why we couldn't be the ones to build a better way to access the law.

Fastcase is easily one of our Bar's most popular member benefits. More than 50 percent of our 52,000-plus members use Fastcase at least occasionally, which speaks highly of what you have created in terms of access to the law with the aid of creative analytics tools. What made you decide to partner with bar associations to provide access in this way?

Our dual mission from the very start was to democratize the law and to make legal research smarter. So bar associations were a natural partner. When we work with a state bar association, every lawyer in the state gets free access to our service, which really democratizes the law. And although we don't get paid like a duopolist, Fastcase makes enough money to invest in continuous improvement, which makes our tools smarter all the time. Today, 34 state bar associations offer Fastcase to their members as a free benefit.

I often hear about Fastcase and the new things you are working on from the acquisition of Docket Alarm two years ago, and NextChapter last year. What's next for Fastcase? Are there any clues that you can give us?

Later this summer, we're opening Docket Alarm's library of more than 400 million state and federal briefs, motions and pleadings for research in Fastcase. That means that nobody starts with a blank page anymore—you can always find a form template for a motion or a pleading before a court. We're also rolling out more than 400 expert treatises in Fastcase, and our NextChapter team is rolling out a new tool to help you easily automate repetitive documents that you file. People love Fastcase now, but they're going to love it even more later this year.

In my opinion, Bad Law Bot is one of the most amazing features of Fastcase, a citator with zero human editorial that relies on well-built analytics technology. Is it possible to improve or expand its capabilities?

We're working right now on making Bad Law Bot the best citator in the business.



We'll have some more to announce about that later in the summer, but for now, we're working on a new mix of algorithmic and human work that will make Bad Law Bot the most accurate and useful citator in the world. Software and bots are great at some work, but for something as important as a citator, we think it's important to add human judgment too. A world-class citator is one of the last remaining reasons that people use legacy legal research services, so if you feel stuck because of your citator, we're about to post your bail.

Fastcase has changed in a big way over the past six months with Fastcase 7. What can we expect to put in front of Georgia attorneys over the next year?

People love Fastcase 7—it's easy to read, you can search all libraries at the same time and it's easy to understand. We're pioneering some new analytics products from Docket Alarm that have been called the most powerful in the business.

Fastcase has launched a legal news service this called Law Street Media (www.lawstreetmedia.com), focused on the business of law. We're publishing original books like Joshua Walker's "On Legal AI," and "The Global #MeToo Movement" from Berkeley Center for Comparative Equality and Anti-Discrimination Law. And now, with our recently announced acquisition of bankruptcy

forms tool NextChapter, we're looking forward to expanding into more forms and workflow tools. We're growing all the time, and there's a lot more to Fastcase than just legal research.

If you had to leave our members with just one thing, tell them why Fastcase. Why should they use your service over another provider?

I don't think Fastcase is all things to all people, but one thing that's unique is that people can try Fastcase for free through the State Bar of Georgia anytime they like, for as long as they like. You just go to the Bar's website at www.gabar.org and click the Fastcase logo on the bottom left. Then log in with your State Bar of Georgia username and password, and you're off and searching. The free benefit also includes unlimited free reference attorney support by phone or live chat, so if you're ever stuck on research, the Bar has put a team of reference attorneys on call to help you. It's one of the reasons Fastcase has added 100,000 subscribers a year for each of the last six years—it's a great legal research tool that is constantly getting even better, and at a price that works for everyone—free with your Bar membership. ●



Sheila Baldwin

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Why Work-Life Balance is Impossible to Achieve and What We Can Do Instead

The next time you find yourself in a hopeless attempt to balance work and life, reframe your situation using the “integrated life” model instead, and see how that can give you a new perspective, alleviate some stress or perhaps even set you on a path to long-term happiness and well-being.

BY PLAMEN RUSSEV

By now we have all heard about the importance of maintaining work-life balance for our health and well-being. This is a major improvement from the times when there was no meaningful recognition of this thing called “life outside of work.” As more employers are openly talking about work-life balance, and some are actually taking specific measures in this regard, we are increasingly aware of how difficult it is to achieve such balance.

Work-Life Balance: Ideal vs. Reality

If you ask lawyers whether they are able to balance their work and life, most just shake their heads and sigh heavily. When it seems like our work is taking over our life, we usually feel stress, anxiety, anger, perhaps resentment. And if life claims more of our time, energy and attention than work, we typically experience guilt, fear, sadness or maybe even depression. When we are in either type of imbalance, we may start criticizing ourselves for being disorganized, not working hard enough, dropping the ball, being a loser . . . or blaming others for tak-

ing advantage of us, being insensitive to our needs or not caring about our life or health. Unfortunately, these negative judgments do nothing other than intensify the difficult emotions we already experience when we feel out of balance. What about you? How balanced are your work and life? If unbalanced, how does that make you feel?¹ Are you tempted to blame yourself or others for that? Are you already feeling stress just thinking about it all?

Now, take a long slow breath, relax your tense muscles and consider another possibility. What if there is nothing wrong with you and there is no need to blame anyone? What if all this stress, anxiety and depression result from thinking about work and life in the wrong way? What if “work-life balance” is just a bad thought model, an inadequate conceptual framework?

Shortcomings of the Work-Life Balance Model

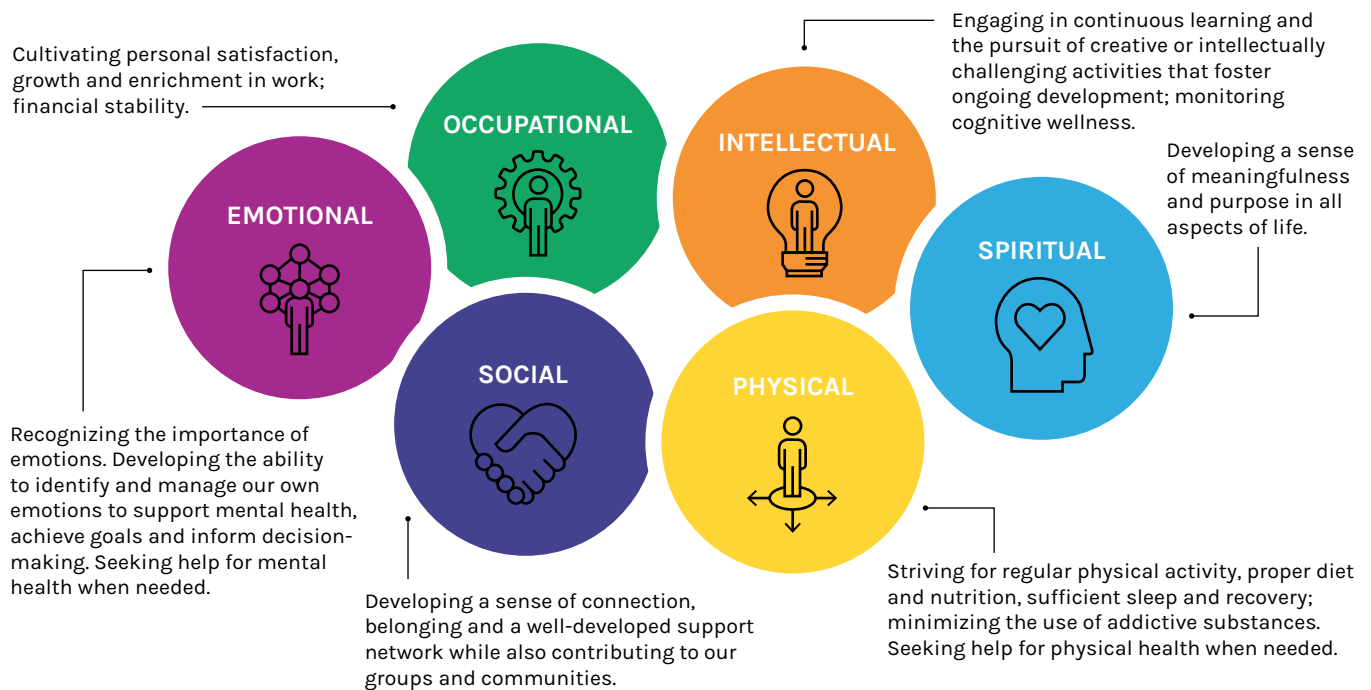
The idea of work-life balance is built on a simplistic two-dimensional perspective of the world in which the two dimensions are presented as opposites of each other in a

zero-sum way. The more we work, the less we can experience life, and vice versa. So, in order to be happy, work and life must be in perfect equilibrium. Unfortunately, that makes no sense, because work is part of life, together with health, family, friends, hobbies, fun and a lot more. The “work-life balance” model is fundamentally flawed in juxtaposing a fraction of the whole against the whole with the expectation of balance, thus creating a logical impossibility. It is also biased toward work by giving it equal weight with all of “life”—in doing so, it actually sets us up for failure because we try to balance two things that cannot be weighed equally or against each other on a scale in a meaningful or sustainable way.

This binary concept also distorts reality by pitching one part of our lives (“work”) against all others (lumped into “life”) and creates an antagonistic relationship between the two. We play many different roles in our lives (e.g., friend, child, spouse, parent, sibling, neighbor, lawyer, volunteer, professional, citizen) but only a few of them relate directly to the work we do. Yet, we don’t drop all those other roles at work and, in fact, the more we ignore

Defining Lawyer Well-Being

A continuous process in which lawyers strive for thriving in each dimension of their lives:



Adapted from “Defining Lawyer Well-Being” chart on p. 9 of “The Path to Lawyer Well-Being,” National Task Force on Lawyer Well-Being (2017), available at <https://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>.

them, the greater stress we may experience. Most of us can barely wait to finish a meeting to return an unexpected call from a spouse, child or parent. The work-life model commands that, to be successful, we must allocate not only our time and energy but also all our different identities, commitments, roles, talents, interests and values to the work or life bucket in a way that makes the two balance. In reality, such compartmentalization is difficult to maintain, sometimes impossible and often painful, as it can rupture our relationships with ourselves and others.

Also, the “absolutism” of this model (i.e., no balance equals failure) creates further distortions. Think about a family event or situation that required the majority of your time and attention over a few days, a week, perhaps even a month—e.g., relocation, wedding, graduation, health emergency or prolonged illness. Or recall a major work commitment—e.g., a challenging case, complex transaction or major client development effort—that produced a result you are proud of, even though you worked long hours and spent little time with your loved ones during that time. In both cases, you

gave your all to the person, project or situation, and you feel great about that, even if the experience may have been emotionally challenging, because what you did aligned with your values, your relationships and how you perceive yourself. Unfortunately, in both cases, the “work-life balance” model would tell you that you failed because there was nothing balanced about your allocation of time, attention and energy.² And that assessment may cast a negative shadow over your otherwise positive experience, perhaps even triggering some guilt, self-criticism, anxiety or sadness. What good is a model that is biased toward such negative self-assessments? This point is especially relevant for us as lawyers.

Unintended Negative Consequences of the Work-Life Balance Model

If you think this analysis is pure semantics or too intellectual, let’s remember how meticulously we choose our words in contracts and court filings, because we know they matter. Our mental models and images influence how we see, under-

stand and organize the world. The words and concepts we use to convey that understanding not only affirm that worldview but also indicate, directly or implicitly, what is possible and what is not. An inadequate or misleading thought model creates cognitive distortion and confusion, which can lead to emotional unease or turmoil. This is one of the unfortunate side effects of the work-life model.

In this model, the definition of success is extremely limited and static, and there is no subtlety or nuance. You are either in balance (achieving success) or not (experiencing failure). When we combine this rigidity with our tendency as lawyers to be perfectionists with hyperactive inner critics, we readily assume that anything other than achieving 100 percent balance is a failure. This default conclusion gives the inner critic tons of ammunition for an inner bloodbath that the perfectionist superbly executes. The result is more stress, anxiety, depression and substance abuse, perpetuating the vicious cycle that is depleting our profession. That is definitely not the desired outcome of applying the work-life balance model.

Perhaps we should take another deep breath and recognize that our professional conditioning and training may have led us straight into the trap of using an impossible (and inappropriate) standard to judge not only our performance but also our self-worth. Unfortunately, the work-life balance model plays off of our most dangerous tendencies and mental habits of perfectionism and self-criticism to deepen our suffering rather than help us integrate meaningfully and effectively our personal and professional lives. Moreover, such integration is not even possible in this model because of its inherently flat, dualistic, static and oppositional perspective of the world.³

If Not Work-Life Balance, Then What?

The American Bar Association introduced a very different model for attorney well-being in its 2017 report, “The Path to Lawyer Well-Being.”⁴

It shifts from the dualistic antagonism of work-life balance to a dynamic, multi-dimensional system that envisions and supports “a *continuous process* toward *thriving* across all life *dimensions*” (emphasis added in italics). It recognizes and brings to our attention the different aspects of life we must attend to for long-term health and well-being—for thriving, not merely surviving. Significantly, because those aspects apply to both our personal and professional lives, this model effectively erases the artificial separation of the two and instead invites us to create a truly “integrated life.”⁵

The dynamic nature of this model enables us to direct different amounts of energy and attention to different aspects of life at different times, as appropriate and necessary, without the unreasonable expectation of having to attend equally to all. It also allows for a much more nuanced and individual approach to designing our lives with flexibility and creativity. Each one of us gets to determine what exactly goes into each category and then can update it as time passes and our lives and needs change. In addition, because everyone’s integrated life is a unique and dynamic creation, it becomes unnecessary and irrelevant to engage in the doomed comparison against

the impossible standard the “work-life balance” model perpetuated.

In fact, due to COVID-19, those of us able to work from home have already been living a version of the integrated life model, even if we may not have used those words to describe it. Reflect on how inadequate the idea of work-life balance is to a reality in which all aspects of life interact and jostle with each other in a much more dynamic way than we usually experience in the distance and separation of our work spaces. Even in the midst of very challenging times, many have shared that the intertwining of different parts of life can have positive results—sleeping longer because we don’t need to commute to work, taking a walk or going for a run in the middle of the day, having regular meals with everyone at home, reviewing documents on the back porch. Even though this is only one limited form of life integration, it gives us a taste of its potential to change our lives for the better.

Indeed, shifting from a model in which we feel like we are constantly falling short of an impossible ideal to one that encourages us to explore, experiment, assess and adjust our goals in different areas of life, creates a much more positive and empowering emotional experience. And even if we still get overwhelmed every now and then by taking on too much in too many areas of life at once, by gradually attending to the different dimensions of life, we are much more likely to develop the capacity, resilience and flexibility to recognize and accept what is possible and what is not at any given moment, and respond appropriately.

So, the next time you find yourself in a hopeless attempt to balance work and life, reframe your situation using the “integrated life” model instead, and see how that can give you a new perspective, alleviate some stress or perhaps even set you on a path to long-term happiness and well-being. ●

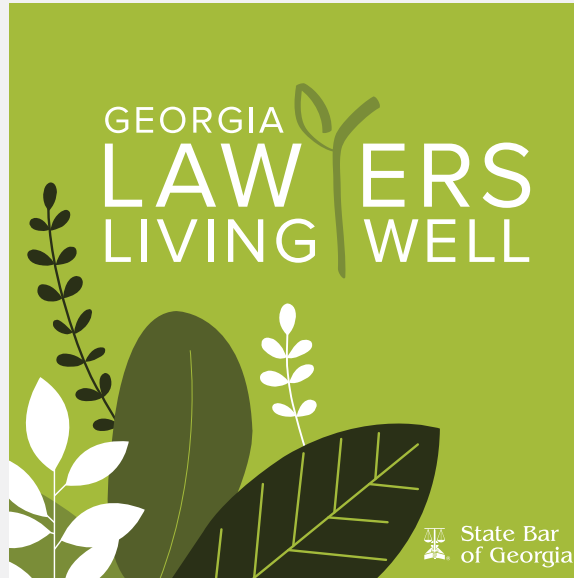


Plamen Russev is a technology and commercial transactions attorney at Bryan Cave Leighton Paisner LLP, certified Integral Coach and breathwork practitioner, and

co-chair of the Mental Well-Being Subcommittee of the State Bar of Georgia’s Attorney Wellness Committee.

Endnotes

1. If you are in the minority and actually feel your work and life balance well, congratulations! What did it take to achieve that balance? How long has it lasted? How much effort does it take to sustain it?
2. Ironically, if you had tried to even things out, most likely you would have felt that you either did poorly or failed at both by not giving your full attention where it was most needed. Some have tried to reconcile this absurd result by developing a long-term perspective of work-life balance, so that they can still feel happy and successful if, in the long run, they have an overall sense of balance between the two.
3. Poet and philosopher David Whyte eloquently describes the insufficiency of this concept: “The current understanding of work-life balance is too simplistic. People find it hard to balance work with family, family with self, because *it might not be a question of balance*. Some other dynamic is in play, something to do with a *very human attempt at happiness* that does not quantify different parts of life and then set them against one another. We are collectively exhausted because of our inability to *hold competing parts of ourselves together in a more integrated way*. These hidden human dynamics of integration are more of a *conversation*, more of a *synthesis* and more of an almost religious and sometimes almost delirious quest for meaning than a simple attempt at daily ease and contentment.” David Whyte, *The Three Marriages: Reimagining Work, Self and Relationship*, p. 9 (Riverhead Books, 2009) (emphasis added in italics).
4. ABA et al., National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (2017), p. 9, <http://lawyerwellbeing.net>.
5. The term “work-life integration” has also been used recently, but it inherits the dualistic set-up from before, even though it seeks to change the relationship between work and life from balance to integration. “Integrated life” reflects more truthfully our actual experience.



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SPOTIFY

Avoiding the Very Obvious (Almost Glaring) Problem of Intensifiers

We hope that this installment of “Writing Matters” will help you avoid unintentionally undermining the purpose of your document or annoying your audience by relying upon vague, meaningless intensifiers.

BY DAVID HRICIK AND KAREN J. SNEDDON



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Every word counts. The documents we create may literally be subject to limits, whether in the form of limits on characters, words, lines or pages—or just the need to get the job done and move on. Beyond that, the words we select count because they shape the meaning of a document. Using different words alters the meaning of a text and may frustrate clear communication. This installment highlights intensifiers—words that not only lengthen documents, but also may undermine the writer’s goal. After defining intensifiers and highlighting the problems their use creates, this installment of “Writing Matters” shares three strategies to strengthen your writing by avoiding them.

A Really Clear Definition of Intensifiers

The term “intensifier” refers to a word, typically an adverb, that emphasizes a noun or verb. The most commonly used intensifiers in legal writing are “very,” “clearly” and “obviously.” Now, not every use of these words should be avoided. For example, when an intensifier is part of a legal standard, like “clearly erroneous,” that phrase should be used. What should be avoided is every empty, meaningless intensifier.

The Super Obvious Problems Intensifiers Cause

Intensifiers appear in all forms of legal writing but are most overused in persuasive writing. No doubt, that is because they're used with the belief that they increase the strength or the force of an argument. Yet, the overuse of intensifiers can signal weak or incomplete arguments; so, instead of strengthening the argument, they weaken it. In fact, a study of 800 federal and state appellate briefs concluded that "the traditional overuse of intensifiers actually renders them suspect and subject to increased skepticism by appellate court judges."¹ In addition, the study validated "the conventional wisdom" that "intensifiers are associated with losing arguments."² In other words, when judges see too many intensifiers, they view a brief skeptically and associate their use with losing arguments—not exactly what the writer intended.

Although the conventional wisdom is to avoid intensifiers, we continue to use them for various reasons. Writers pick up habits, both good and bad. Intensifiers are used in casual conversations and by casual writers, and we might be unintentionally importing them into formal legal writing. That explains it in part. But we also may edit a document and in doing so compress the text too much and turn to intensifiers to serve as shortcuts. An intensifier "may reassure the writer but not the reader. If something is clearly or obviously true, prove it to the reader without resorting to the conclusory use of intensifiers."³

Three Very Good Strategies to Avoid Unnecessary Intensifiers

Definitely Deleting the Intensifier

An easy way to avoid an intensifier is to delete it during editing. Intensifiers are often used as an unconscious space-filler in an initial draft, like saying "um" or "uh" in conversing. Those sounds are used to fill space as the speaker thinks of the next word to say. Removing "um" or "ah" does not affect meaning.

Intensifiers can be space-fillers, but they can also interfere with the purpose of the text. Consider the following sentence: *The Articles of Incorporation were absolutely filed on Feb. 4, 2020.* The word "absolutely" may invite the reader to think there is a disagreement about the filing date, perhaps even causing the reader to actively construct arguments to refute that assertion. Assuming that no factual dispute surrounds the filing date and the sentence was meant to recite an undisputed fact, omitting "absolutely" avoids distracting the reader.

In addition, omitting intensifiers can eliminate other problems, including creating a sarcastic, snarky or dismissive tone. "Plaintiff's position is obviously without legal support" can sound harsh. And, if conventional wisdom is right, that sentence instead obviously signals a weak argument to a judge.

These common intensifiers can be deleted without altering the meaning of the sentence. Delete them when you can: absolutely, blatantly, certainly, clearly, extremely, obviously, patently, quite, really, simply, very, undoubtedly.

Really Replacing the Intensifier

Because the meaning of intensifiers is often vague, replacing an intensifier with more descriptive words or more specific facts can bring clarity. For example, if describing a data breach, which conveys meaning more clearly: stating the loss was "very large," "enormous" or was of "one million records"?

To help further, consider the following sentences:

Original version: *The defendant's car accelerated very quickly through the intersection on the really rainy afternoon of June 1.*

Revised version: *The defendant's car accelerated from 30 mph to 50 mph as the car crossed through the intersection at 2 p.m. on June 1, when it was raining at over one inch per hour.*

Replacing intensifiers with more specific facts can clarify meaning and render a text more vivid.

Actually Omitting the Intensifier and Expanding the Argument

Omitting an intensifier may, however, only solve part of a problem. Consider the following sentence: *The trustee obviously engaged in a self-dealing transaction.* The reader wants to know why the conclusion is "obvious." The writer may believe that the assertion is self-evident, but the reader wants to know more. The writer needs to unpack the "obvious" assertion by providing the relevant facts and authorities. An argument will resonate with a reader by showing with reasoning or facts, not telling with intensifiers.

The broader point from that example is that intensifiers should not be used as a shortcut for developing an argument. If an argument is obviously wrong, asserting it is so is far less effective than, in a few words, demonstrating it is so.

A Closing Conclusion

We hope that this installment of "Writing Matters" will help you avoid unintentionally undermining the purpose of your document or annoying your audience by relying upon vague, meaningless intensifiers. We clearly think it's helpful! ●



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.



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

Endnotes

1. Lance N. Long & William F. Christensen, *Clearly, Using Intensifiers Is Very Bad—Or Is It?*, 45 IDAHO L. REV. 171, 173, 184-85 (2008).
2. *Id.* at 185.
3. BRYAN GARNER, *THE REDBOOK: A MANUAL ON LEGAL STYLE* 224 (2d ed. 2006).

The Necessity of Unparalleled Unity

At this pivotal time in U.S. history, there is the necessity of unparalleled unity by each one of us as legal professionals—because achieving justice for all is the duty of all.

BY KARLISE Y. GRIER

Several years ago, I attended an event at the State Bar of Georgia during which an official from the Republic of Georgia spoke. The official talked of the challenges of luring foreign companies to do business in his country. He said one of the main reasons was because no one had confidence in the integrity of his country's judicial system—not the foreign companies and not the people of the Republic of Georgia. I remembered his words because it was the first time that I had contemplated how much our way of life in the United States rests on the public's confidence in the legitimacy of our legal system. If our system of "justice" fails, our way of life can also easily fail.¹ The foregoing statement is one reason why I believe every lawyer should support efforts to ensure that all people in the United States—regardless of race—have trust and confidence in our legal system.

In a statement released on June 2, 2020, in response to the protests surrounding the death of George Floyd, former U.S. President George W. Bush said:

Many doubt the justice of our country, and with good reason. Black people see

the repeated violation of their rights without an urgent and adequate response from American institutions. We know that lasting justice will only come by peaceful means. Looting is not liberation, and destruction is not progress. But we also know that lasting peace in our communities requires truly equal justice. The rule of law ultimately depends on the fairness and legitimacy of the legal system. *And achieving justice for all is the duty of all.*²

"People who do not believe that we have a racial injustice problem are entitled to their own opinions, but they are not entitled to their own facts," Hon. Richard A. Robinson, chief justice of the Supreme Court of Connecticut, recently wrote.³ Consider, therefore, the facts regarding two distinct police encounters with two disparate outcomes as reported in two news articles.

Police Encounter One

The 21-year-old white man suspected of having gunned down nine people at a historic Black church in South Carolina, was back in Charleston Thursday

after a sweeping manhunt that spanned two states.

Dylann Roof was caught after 11 a.m. following Wednesday night's massacre at Emanuel African Methodist Episcopal Church. He was arrested about 245 miles north in Shelby, North Carolina, during a traffic stop, Charleston Police Chief Gregory Mullen said at a news conference.

Shelby police received a tip about a suspicious car in the area and arrested Roof without incident, Mullen added.^{4,5}

Police Encounter Two

On May 25, Minneapolis police officers arrested George Floyd, a 46-year-old Black man, after a convenience store employee called 911 and told the police that Mr. Floyd had bought cigarettes with a counterfeit \$20 bill. Seventeen minutes after the first squad car arrived at the scene, Mr. Floyd was unconscious and pinned beneath three police officers, showing no signs of life.⁶

As you reviewed the facts from the above news articles, did you ask yourself which outcome would you want for yourself, your family and your friends?



Would you want the outcome that permits you to have a trial where you have the presumption of innocence, the right to a jury of your peers, the right to representation, and the right to confront and cross-examine witnesses against you? Or would you want the outcome that condemns you to death in 17 minutes? Which outcome do you believe inspires the most confidence in the fairness and legitimacy of the legal system?

In “A Lawyer’s Creed” and the “Aspirational Statement on Professionalism” adopted by the Supreme Court of Georgia in 1990, the Court at that time stated: “It is the Court’s hope that Georgia’s lawyers, judges and legal educators will use the following aspirational ideals to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct.”⁷⁷ Thereafter, in one of the aspirational ideals the Court challenged Georgia lawyers and judges to commit that the “social goals of equality and fairness will be personal goals for me.”⁷⁸ The Court also called upon lawyers and judges in the “Aspirational Statement on Professionalism” to “preserve and improve the

law, the legal system and other dispute resolution processes as instruments for the common good.”⁷⁹

During these pivotal times, I hope all Georgia lawyers and judges will reflect on the aspirational ideals set forth in “A Lawyer’s Creed” and the “Aspirational Statement on Professionalism.” I hope all Georgia lawyers and judges will also consider the observations of the chief justice of the Supreme Court of Georgia, Hon. Harold D. Melton, who has said:

“The prominence and horror of the George Floyd murder does point to continued divisiveness. But, at the same time, it also points to unparal-

During these pivotal times, I hope all Georgia lawyers and judges will reflect on the aspirational ideals set forth in “A Lawyer’s Creed” and the “Aspirational Statement on Professionalism.”

leled unity as exhibited by unprecedented numbers of people of all ages, races, and walks of life who are: (1) expressing outrage at the continued unnecessary violence by some police officers against African Americans; and (2) asking ‘What can we do to make things better going forward?’¹⁰

I cannot and do not speak for the Supreme Court of Georgia or for any justice on the Court. I do, however, serve as the current steward of an organization with the stated mission of encouraging “lawyers [and judges] to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system.”¹¹ As a steward of the Chief Justice’s Commission on Professionalism, I believe professionalism should compel each of us to ask: “What can I personally do as a Georgia lawyer or a Georgia judge to make things better going forward?”

At this pivotal time in U.S. history, there is the necessity of unparalleled unity by each one of us as legal professionals—because achieving justice for all is the duty of all. ●



Karlise Y. Grier

Executive Director
Chief Justice’s Commission
on Professionalism
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Endnotes

1. See generally George W. Dougherty, Stefanie A. Lindquist and Mark D. Bradbury, *Evaluating Performance in State Judicial Institutions: Trust and Confidence in the Georgia Judiciary*, 38 St. & Loc. Gov’t Rev., 176-190 (2006), www.jstor.org/stable/4355433 (Last visited June 26, 2020)
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4. Erik Ortiz and F. Brinley Bruton, *Charleston Church Shooting: Suspect Dylann Roof Captured in North Carolina*, NBC News (June 18, 2015, 8:12 AM EDT / Updated June 18, 2015, 8:25 PM EDT), <https://www.nbcnews.com/storyline/charleston-church-shooting/charleston-church-shooting-suspect-dylann-roof-captured-north-carolina-n377546> (Last visited June 26, 2020).
5. See Glenn Smith, *Emanuel AME shooter Dylann Roof Claims He Has Been Targeted for Abuse in Federal Prison*, The Post and Courier (April 23, 2020), https://www.postandcourier.com/news/emanuel-ame-shooter-dylann-roof-claims-he-has-been-targeted-for-abuse-in-federal-prison/article_846e04ac-84be-11ea-ac75-dba4446ab87.html (as of April 23, 2020, Roof was still alive in a federal prison and appealing his death sentence) (Last visited June 26, 2020).
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8. Chief Justice’s Commission on Professionalism, *A Lawyer’s Creed and Aspirational Statement on Professionalism* at Lines 56-57, <http://jcpga.org/wp-content/uploads/2019/07/2-Lawyers-CreedAspStatement-v-2013-Line-Number-with-new-logo-and-seal-v07-25-19.pdf> (Last visited June 26, 2020).
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10. Mike Scarella and Jonathan Ringel, *Georgia Chief Justice Sees ‘Unparalleled Unity’ in Diverse Protesters Expressing ‘Outrage’*, Law.com, Daily Report (June 05, 2020, 08:28 PM), <https://www.law.com/dailyreportonline/2020/06/05/our-moral-imperative-washington-state-justices-issue-open-letter-confronting-racial-injustice-404-47952/> (The original version of this story was published on The National Law Journal) (Last visited June 26, 2020).
11. Chief Justice’s Commission on Professionalism, *Mission of the Chief Justice’s Commission on Professionalism*, <http://jcpga.org/mission/> (Last visited June 26, 2020).

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.

GARY B. ANDREWS

Chickamauga, Georgia
University of Georgia
School of Law (1971)
Admitted 1971
Died April 2020

CHARLES MCLEOD BAIRD

Atlanta, Georgia
University of Georgia
School of Law (1972)
Admitted 1972
Died June 2020

**REBECCA GILMER
BENEFIELD**

Moreland, Georgia
University of Georgia
School of Law (1992)
Admitted 1992
Died May 2020

BARRY E. BILLINGTON

Tucker, Georgia
Emory University School
of Law (1971)
Admitted 1971
Died April 2020

EDWARD A. CRUDUP JR.

Covington, Georgia
Emory University School
of Law (1968)
Admitted 1968
Died April 2020

CHARLES W. EMERSON

Atlanta, Georgia
Woodrow Wilson College
of Law (1954)
Admitted 1954
Died May 2020

DOUGLAS J. FLANAGAN

Martinez, Georgia
Augusta Law School (1977)
Admitted 1977
Died May 2020

JOHN FLEMING

Augusta, Georgia
University of Georgia
School of Law (1957)
Admitted 1958
Died May 2020

NEAL H. GOLDBERG

Oviedo, Florida
University of Tulsa
College of Law (2001)
Admitted 2001
Died February 2020

SAMUEL D. HALE JR.

Powder Springs, Georgia
University of San Francisco
School of Law (1961)
Admitted 2006
Died February 2020

JUSTIN TROY HALL

Lawrenceville, Georgia
Atlanta's John Marshall
Law School (1979)
Admitted 1979
Died December 2019

MARTHA HENSON

Nokesville, Virginia
Emory University School
of Law (1974)
Admitted 1974
Died October 2019

NANCY BECKER HEWES

Atlanta, Georgia
Emory University School
of Law (1976)
Admitted 1977
Died June 2020

**HORACE JEROME
JOHNSON JR.**

Covington, Georgia
University of Georgia
School of Law (1982)
Admitted 1982
Died July 2020

ROGER M. JOHNSON

Canton, Georgia
Atlanta's John Marshall
Law School (1972)
Admitted 1972
Died May 2020

JOSEPH W. JONES JR.

Greenville, Georgia
Atlanta Law School (1982)
Admitted 1984
Died May 2020

MICHAEL R. JONES SR.

Loganville, Georgia
Woodrow Wilson College
of Law (1973)
Admitted 1973
Died June 2020

**FREDERICK WILLIAM
KRAMER III**

Savannah, Georgia
University of Georgia
School of Law (1976)
Admitted 1976
Died June 2020

DAVIS KINGSLEY LOFTIN

Atlanta, Georgia
Emory University School
of Law (1996)
Admitted 1997
Died June 2020

RAJESH MEHTA

Atlanta, Georgia
University of Georgia
School of Law (2001)
Admitted 2001
Died May 2020

JOHN R. MYER

Atlanta, Georgia
University of Michigan
Law School (1969)
Admitted 1971
Died June 2020

AARON MICHAEL O'BRIEN

Norcross, Georgia
California Western School
of Law (2003)
Admitted 2013
Died June 2020

RICHARD LEE ORMAND

Atlanta, Georgia
University of Georgia
School of Law (1972)
Admitted 1973
Died June 2020

JAY L. PALMER

Decatur, Georgia
University of Georgia
School of Law (1985)
Admitted 1985
Died February 2020

CHARLES DONALD PEDIGO

Chickamauga, Georgia
Atlanta's John Marshall
Law School (1966)
Admitted 1973
Died May 2020

ALBERT N. REMLER

Falls Church, Virginia
University of Georgia
School of Law (1960)
Admitted 1959
Died May 2020

FRED G. ROBERTSON

Marietta, Georgia
University of Alabama
School of Law (1985)
Admitted 1986
Died May 2020

RALPH M. SNOW JR.

Athens, Georgia
University of Georgia
School of Law (1961)
Admitted 1965
Died March 2020

LORI A. STIEGEL

Washington, D.C.
George Washington
University Law School
(1981)
Admitted 1987
Died March 2020

JOHN F. SWEET

Atlanta, Georgia
Atlanta Law School (1974)
Admitted 1974
Died May 2020

OBITUARIES



Retired Judge Gary Blaylock Andrews, 73, of Chickamauga, Georgia, passed away in April.

Andrews was born in Chattanooga, Tennessee, to the late Jones Garnett and Nancy Blaylock Andrews. He was a lifelong resident of Walker County and a member of the First Baptist Church of Chickamauga. He graduated from Gordon Lee Memorial High School in 1964. He received a bachelor's degree in business administration in accounting from the University of Georgia in 1968 and his J.D. from the University of Georgia School of Law in 1971.

Andrews began his legal career in 1971 as an assistant attorney general with the Office of the Attorney General for the state of Georgia. From 1976-80, he served as a special assistant attorney general while maintaining a private law practice. In 1980, he was elected as a Superior Court judge for the Lookout Mountain Judicial Circuit, and then re-elected in 1984. In 1985, Gov. Joe Frank Harris appointed Andrews as a commissioner on the Georgia Public Service Commission, a position he held until he was elected to the Court of Appeals of Georgia in 1990, 1996, 2002, 2008 and 2014, serving as chief judge of the court from 1997-98. Andrews retired from the court in July 2018. He was a member of the State Bar of Georgia and the Lookout Mountain Bar Association. In his free time, he enjoyed playing golf and cheering on his Georgia Bulldogs. ●



Hon. Horace Jerome Johnson Jr., 61, passed away in Newton County, Georgia, in July.

Johnson graduated in 1975 from Newton High School, part of the first integrated class to go through the local schools in Newton County. He earned an Associate of Arts from Oxford College of Emory University, and then transferred to the Goizueta Business School at Emory, where he earned a bachelor's degree in business administration. In 1982, Johnson earned his J.D. from the University of Georgia School of Law, at which point he entered private practice. In 2002, then-Gov. Roy Barnes appointed him to the Superior Court bench for the Alcovy Judicial Circuit. Johnson became the first African American Superior Court judge in the circuit and, at the time of his passing, was the only African American to have served as a Superior Court judge in the circuit covering Newton and Walton counties.

Johnson received the 2011 Clarence Cooper Legacy Award from the Gate City Bar Association and was appointed to the Accountability Court Funding Committee by the state Supreme Court Justice in 2012. He was a past president of the Council of Superior Court Judges of Georgia (2016-17) and served on

the Judicial Council of Georgia. He was also a member of the Access, Fairness, Public Trust and Confidence Committee and the Judicial Council Domestic Violence Committee.

Johnson was a graduate of Leadership Newton County, Leadership DeKalb County and Leadership Georgia. He was an active leader in his community and served in several capacities, including as past president of the Arts Association of Newton County. He also served on the board of counselors of Oxford College of Emory University; the board of trustees of the Leadership Georgia Foundation; the board of directors of United Bank (Covington Division); and the board of directors of the Washington Street Community Center. He was a founding board member of Newton Mentoring, Inc., and was also a member of the Alpha Phi Alpha Fraternity, Inc., and the Covington Kiwanis Club. ●



Rajesh "Raj" Mehta of Marietta, senior staff attorney with the Cobb County Magistrate Court, died in May, at the age of 45.

Admitted to the State Bar of Georgia in 2001, Mehta's career included service as a staff attorney with the Cobb Judicial Circuit Superior Court and in private practice before joining the Magistrate Court staff 12 years ago. He was a graduate of the University of Georgia School of Law.

Cobb Chief Magistrate Judge Brendan Murphy told the *Marietta Daily Journal* that Mehta was "a helper . . . if someone needed help, he would stop to help them. And he would routinely contact people for birthdays, holidays, things like that."

Terrence Bradley, a close friend and fellow Cobb County attorney, said Mehta would "give you the shirt off his back. You couldn't find a better guy." ●

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*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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ICLE is Celebrating You

BY MICHELLE E. WEST

There is so much going on in our world today, it's nice to find things to celebrate. The Institute of Continuing Legal Education of the State Bar of Georgia (ICLE) is celebrating you this 2020-21 Bar year by offering a \$25 discount on one ICLE 6-credit-hour webcast program. The promotion is based on your Bar admission anniversary. What month were you admitted? If you don't remember, don't worry. ICLE will send you a reminder during your Bar anniversary month, congratulating you for your years of service and commitment to the legal profession.

ICLE kicked off the 2020-21 Bar year by sending emails to members barred in July. If you don't have an email on file with the State Bar, we will snail mail the promotion to the mailing address reflected in our records. However, for faster delivery we encourage you to update or add your email address to your State Bar of Georgia member account.

You can access the discount during your Bar admittance month by logging into your member account, registering for one 6-credit-hour webcast program

of your choice and selecting the Bar Anniversary ticket.

For those members that were barred during the summer months, I hope you have taken or plan to take advantage of your Bar anniversary ticket. You are able to obtain a discount on webcast topics that would have normally been scheduled for July and August. These summer topics and others are available in ICLE's online library. For members admitted in upcoming months, I hope you will take advantage of your Bar anniversary ticket when it becomes available during your Bar admittance month. Simply visit www.gabar.org/webcasts to view the full list of available webcasts.

ICLE plans to begin new programming via livestream in September. Please visit www.gabar.org/livestream to see our currently scheduled September programs and to register. ●



Michelle E. West

Director, Institute of Continuing
Legal Education
State Bar of Georgia

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ICLE WEBCASTS

Below is a list of July and August programs. You can view corresponding webcasts online now, along with all available webcasts at www.gabar.org/webcasts.

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- ▶ Basic Fiduciary Law 101
- ▶ Basic Fiduciary Law 201
- ▶ Defense of a Personal Injury Case
- ▶ Family Law Seminar
- ▶ Fundamentals of Health Care Law
- ▶ Georgia Auto Insurance Claims Law
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- ▶ Jury Trial
- ▶ Jury Trials in Divorce
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- ▶ Negotiated Corporate Acquisitions
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- ▶ Recent Developments
- ▶ Restrictive Covenants and Trade Secrets in Georgia
- ▶ Secrets to a Successful Plaintiff's Personal Injury Practice
- ▶ Social Media and the Law
- ▶ Trial Advocacy
- ▶ Trial and Error
- ▶ Trial of Leo Frank
- ▶ U.S. Supreme Court Update
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- ▶ War Stories XVIII

#STAYWELL

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. 5 to Sept. 4, 2020.

A copy of the proposed amendments may be obtained on and after Aug. 5, 2020, 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, GA 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. 4, 2020.



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GLSP Proceeded With Final Adoption Hearing Remotely During Covid-19



Three-year-old Bre’Shona Mitchell had been living with her paternal grandparents, Mr. and Ms. Bobby and Sabrina Mitchell since she was four months old. Her mother left her with her grandparents and moved away. Mr. Mitchell had terminal cancer, but he felt strongly about providing a stable home for Bre’Shona and providing for her financially. It was his wish to adopt Bre’Shona, but Mr. Mitchell passed away on October 13, 2019, leaving his wife to carry out Bre’Shona’s adoption. The adoption petition that Ms. Mitchell filed had so many gaps, the judge was

unable to complete the adoption. The Superior Court clerk in the small town knew about the Mitchell family’s loss and about Georgia Legal Services. The clerk reached out, and GLSP’s Kinship Care Program agreed to represent Ms. Mitchell in her adoption. Ms. Mitchell obtained a final adoption order, but the final adoption hearing could not be held in the courtroom under Chief Justice Melton’s emergency order during the COVID-19 pandemic. However, the courtroom judge was willing to hold Bre’Shona’s adoption hearing via Zoom. The Superior Court clerk expressed, “It is not often that people come to court and leave with such joy as Ms. Mitchell. It was especially rewarding considering the difficult times that are upon us.” Bre’Shona has a permanent home with her loving grandmother, and she will be able to obtain social security survivor’s benefits from her late grandfather, whose wish for Bre’Shona was fulfilled.

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