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State Bar of Georgia Young Lawyers Division

THE YLD REVIEW

Volume 62, Issue 1, November 2020

Working for the Profession and the Public



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From the President

The YLD: A Year for #PurposeThroughService



Bert Hummel

This Bar year has presented numerous challenges that have forced us to confront uncomfortable issues, step out of our comfort zones and change. While we, as lawyers, find ways to navigate the COVID-19 pandemic, ongoing confrontation with social issues and reminders of racial injustice throughout our country, we must not sacrifice our duty to the public in administering justice to the communities we serve. While these stressful times have disrupted our physical and mental health, our professional associations and our daily lives, we have to remain steadfast in our professional oaths.

As the 74th president of the State Bar of Georgia's Young Lawyers Division, I am proud to serve in a time that presents a unique opportunity to meet these challenges head on and create enduring change for the future of our communities, profession, and organization. The year 2020 began with high expectations and lofty goals for my year as president guided by recent successes: my wife and I expected our second child; I was promoted to partner at my law firm Lewis Brisbois Bisgaard & Smith; Will Davis, the 73rd president of the YLD put the YLD in a very promising position; the State Bar of Georgia under the leadership of Darrell Sutton and a very dedicated Executive Committee made great strides to improve our member services and benefits; and, I was crowned league champion in my Mercer Law Fantasy Football league. However, COVID-19 thrust our country, state and communities into a time of uncertainty, presented with new and old challenges. We were destined to confront these challenges and the need to promote effective change has never been more clear.

I am encouraged by the number of leaders in the YLD who have already risen to the chal-

lenge by providing innovative programming to address the current environment. The uncertainties presented by 2020 could easily result in apathy and indifference, but our committee chairs, directors and local affiliate leadership have stepped up to meet the challenges of the day and produced great results.

The response to the challenge I issued when I was sworn in as president has been admirable, swift, innovative and encouraging. All of which cannot be overstated.

As you will recall, my first challenge to the young lawyers of our state, was to 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. State Bar President Dawn 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 to include directors who will have a specific focus to bring about discussions on the realism of inequality that presents itself in our local communities.

The second challenge to expand and strengthen the YLD's community service activities has already been answered with a chorus of activity and new programming. While most organizations are finding it difficult—if not impossible—to continue their normal activities, programs and services, somehow the YLD has managed to expand our contributions to the public during these fragile times. With the aid of pioneering leadership from our Board of Directors, including Chris Bruce, Donovan Eason, Jena Emory, Lindsey Macon, Jamie McDowell, Samantha Mullis, Andy Navratil and Pamela Peynado Stewart, the YLD has witnessed an impressive expansion of our programming both in the quality of our services, the number of people reached and added new-innovative measures. These efforts will be

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From the Editors

Meet the Editors



**Ashley
Akins**

We are thrilled to be the co-editors of *The YLD Review* this year! We have both spent many years of active service in the YLD and look forward to another exciting year.

We have several goals for *The YLD Review* for our new Bar year. As you may notice with this issue, we have increased the number of articles within each issue. We are also collaborating with various YLD affiliates and specialty bar associations across the state. Understanding that we are stronger together, these partnerships will increase our readership and the breadth of legal issues, and forge stronger statewide relationships. And finally, we will cultivate a theme for each new issue. For this issue, we have highlighted civility and professionalism. We encourage you to check out our interview with Chief Justice Melton on page 8 about why civility is so important to our profession, especially in light of the changes wrought by the COVID-19 pandemic.

The YLD Review will continue to be a robust resource for lawyers to find insightful and engaging content on a variety of topics. In order to accomplish our goals this year, we are counting on *you*. We encourage young lawyers from all practice areas and all corners of Georgia to submit an article for our newsletter. If you are interested in



**LaKeisha R.
Randall**

writing an article, please do not hesitate to contact us. We look forward to your submissions, and we hope to see you at a YLD event soon!

About Us

Ashley Akins

Ashley is an associate in the School & Colleges Law Practice at Nelson Mullins in Atlanta. She practices in the areas of K-12 and higher education law and workers' compensation defense. Ashley considers the booming metropolis of Brooklet, Georgia, as her hometown.

She completed her undergraduate work at Georgia Southern University and earned her law degree from Mercer University. Ashley has been a member of the State Bar of Georgia since 2013. Ashley is a 2014 YLD Leadership Academy graduate and has twice served as a co-chair for the both the YLD Signature Fundraiser and YLD Leadership Academy.

LaKeisha R. Randall

LaKeisha is the managing partner of The Randall Firm, LLC, an Atlanta-based law firm that specializes in personal injury, divorce, family law and estate planning.

Before launching The Randall Firm, LaKeisha was the senior advisor to the judge

of the City of Atlanta, served as in-house trial counsel at a Fortune 50 insurance company and subsequently specialized in personal injury, trucking litigation and medical malpractice while in private practice.

LaKeisha is a native of Atlanta, Georgia, and attended Georgia State University and North Carolina Central University School of Law. She joined the State Bar of Georgia in 2012 and The District of Columbia Bar in 2016.

LaKeisha is a graduate of the 2015 YLD Leadership Academy. She has served as a district representative for the Northern District on the YLD Representative Council, as well as multiple terms on the Board of Directors and as a Georgia delegate for the American Bar Association. She was also the inaugural chair of the YLD for the Georgia Association of Black Women Attorneys.

LaKeisha regularly teaches CLEs regarding litigation, leadership, attorney wellness and trial practice across the country. She's been honored as Top 40 Under 40 by the National Trial Lawyers and the National Black Lawyers Association. LaKeisha was also selected to author and edit a book entitled *Her Story: Lessons in Success From Lawyers Who Live It*, a collection of essays written by prominent women litigators from across the United States. YLD

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Finding Your Happiness During a Pandemic, Social Unrest and Elections



**Randi M.
Warren**

2020 is an unprecedented year that has forced us to revise ordinary routines, tossed us reluctantly into a new normal and offered an onslaught of negative news. We are mourning loved ones who fought and lost their battle with COVID-19, and suffered profound trauma because of the senseless killings of individuals like George Floyd, Ahmaud Arbery and Breonna Taylor.

These deaths have reignited a long-standing movement in response to institutionalized and systemic racism that has targeted people of color. If that was not enough, a further numbing effect came with the worldwide grief felt from the deaths of legends like Kobe Bryant, the “good trouble” trailblazer Congressman John Lewis, our WaKanda forever Black Panther Chadwick Boseman and U.S. Supreme Court Justice Ruth Bader Ginsburg or “Notorious RBG,” among others. Lastly, we have endured a polarizing election with a runoff still to come.

How can you move past a paralyzing reality? That was my exact question when my world forever changed two years ago. My mother and best friend, Linda Warren, unexpectedly passed away. My brother and I suffered a traumatic blow that resulted in tremendous grief as we navigated our new normal. We joined a club that no one contemplates joining and whose membership cannot be revoked. This was the hardest thing I have ever experienced. So what did I do? I got quiet, unplugged from social media and purposefully began to reset. My mother equipped her children with a toolbox of faith, grace, resilience and purpose. Nine months later, I pulled out all of my tools and pivoted to begin my healing. I left my position as an associate at a prominent Atlanta law firm and moved to Columbus, Georgia, to begin my career as in-house counsel for a large corporation.



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This new journey was filled with trepidation, joy and fulfillment as I entered into the supplemental insurance world with a company that values its customers and employees. I joined a new church home, which satisfied and soothed my soul that yearned for connectedness. For the first time in many years, I reclaimed my ballet shoes as an adjunct faculty member at a youth dance conservatory. And lastly, I joined a tennis league.

Even with this renewed peace, my grief still overtakes me at times, and when that happens, I go with my emotions. When I am quiet, I intuitively hear my mother as she reminds me to be still and to stand in my authentic self. For me, my angel mother, faith, family and friends remind me daily that I have so much to live for and in spite of astronomical loss, social unrest and global pandemic that are swirling around, I have found my happy again.

I recognize the tools I used to navigate my new normal are invaluable, and I want to share these tools in time of uncertainty. To find your happy:

Give Yourself Grace

Everyone faces trauma and major setbacks. It is through these moments that you recognize you are doing the best you can, so be gracious and recognize the beauty of being human.

Acceptance

Grief is no fun. Accept the pain you feel is part of the birthing stage to your next level. You will always remember the pain because it is a part of your story. As you get stronger, you will learn how to cope, and hopefully, you will share your experience with others as a testimony of overcoming.

Meditate

Moments of stillness allow you to recalibrate and release. Finding these moments of quiet resolve gives you mental fortitude to manifest your destiny.

Unplug from Social Media

Social media can be enjoyable as you journey in the lives that people choose to show you.

However, reality is not picture perfect. At times, social media can invoke feelings of a romanticized lifestyle and popularity based on the number of followers and “likes”. Taking this time away allows undivided attention to yourself, and it protects your peace.

Journal

Write through your pain. This is a good release and a constant reminder of how far you have come.

Exercise

Take care of your temple. Working out gets your endorphins flowing and keeps you healthy.

Remember to Laugh

Laughter is really medicine as it heals the brokenhearted. Watch a funny movie, tell jokes and share funny stories.

Connect With Family and Friends

In this time of solitude, remain connected to your loved ones. As you might be “all zoomed out”, try writing a letter or sending a package of goodies to family and friends.

Be Thankful

In all you do, wake up each morning with a spirit of gratitude. In your pain, you still have so much for which to be thankful.

Seek Therapy

Professional help is beneficial in helping to identify coping skills. Also, having an unbiased listener with professional expertise to help you find acceptance, healing, and a push to the next level of your journey to happiness.

Live Your Life

You have one life, so you dictate each next chapter of your life. Live your life well! YLD

Randi Warren is the corporate transactions associate counsel with Aflac in Columbus and a 2017 graduate of the YLD Leadership Academy. She has also served on the YLD Board of Directors.



LAWYER ASSISTANCE PROGRAM

800-327-9631

24-hour hotline
assistance and crisis
counseling

Six prepaid clinical
sessions per calendar year

Lawyers Helping Lawyers
peer-to-peer program –
visit www.georgialHL.org
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Referral to a wide
range of public and private
resources and community
programs

Confidentiality under
Part VII, Lawyer Assistance
Program, Rule 7-303

Work Life Program for
assistance with child care,
elder care and financial
advice

There is no cost for a State Bar of Georgia member to use this program, which provides six clinical sessions per calendar year with an independent, fully licensed counselor near your office or home. All sessions are strictly confidential.

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

The LAP provides a broad range of helping services to members seeking assistance with depression, stress, alcohol/drug abuse, family problems, workplace conflicts, psychological and other issues.

Contact the LAP confidential hotline at 800-327-9631, or email Lisa Hardy, Vice President, CorpCare Associates, Inc., at lisa@corpcareap.com.

► PRESIDENT, FROM PAGE 2

promoted under the social media hashtag #PurposeThroughService.

As an example, the YLD worked with county election boards and the secretary of state to sign up lawyers across Georgia to volunteer as poll workers in the General Election. The State Bar of Georgia is one of the first bar associations in our country to initiate a program of this caliber, and the program has received praise from local, state and national organizations. The pandemic created a need for poll workers throughout the state, and young lawyers answered the call with more than 80 attorneys seeking to volunteer to serve their communities as poll workers in the first two weeks of the program.

Additionally, the YLD has identified a number of ways to assist in the challenges presented by COVID-19 in the operation of our state schools and the issues faced by teachers, parents and students. YLD members have started to volunteer to read to students to relieve both parents and teachers from the monotony of online and virtual programming. Lawyers interested in volunteering time to read to students are invited to reach out to YLD Director Stephanie Wilson at stephaniew@gabar.org for more details.

The YLD's Women in the Profession Committee led by Jena Emory and Lindsey Macon has expanded the estate planning services already offered by the YLD's Wills Clinic to offer similar services to nurses and teachers. Given the added responsibilities thrust upon nurses, medical personnel and teachers in aiding our society's battle with COVID-19, the YLD has dedicated the entire month of November to creating wills for those on the front lines in the battle against COVID-19. We will team with Atlanta Legal Aid to provide these services to a database of heroes who have taken on new challenges to ensure our state continues to operate under the current pandemic. I could not be more proud of our Women in the Profession Committee's leadership during these times and their innovative programming to meet the current demands of our communities.

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. I have spoken with several committee leaders and local affiliate leaders who are working to bring similar programs to their members and local communities.

The co-chairs of our award-winning YLD Leadership Academy have realized the changing environment and worked to transform our program to excel in the midst of a global pandemic. Autumn Cole, Sara Fish, Taylor Hanks and Nicole McArthur have dedicated countless hours to ensuring our program will continue in 2021 with a new class of lawyer-leaders across our state and have guaranteed that our impressive class of 2020 will be able to finalize their requirements for graduating this upcoming Bar year. Make no mistake, this was not an easy task and required creative thinking to determine the best course of action. We are confident that our YLD Leadership Academy class of 2020 will fully realize their potential and benefit from the reach of our program by combining with our upcoming 2021 class.

YLD Newsletter Co-Editors Ashley Akins and LaKeisha Randall have worked tirelessly to expand our award-winning publication, *The YLD Review*. As you peruse this edition, I know you will find that the content has been diversified and expanded to the benefit of our members. 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. In an effort to save on costs, we will no longer send the newsletter out in print form. *The YLD Review* will continue to be published online.

One of the most important ventures this year is that 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 have already hosted one successful virtual wellness program and we will work with the State Bar's Wellness Committee to continue to offer our members nationally recognized services to aid with mental and physical wellbeing.

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 edition 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 continue their leadership efforts by serving as mentors for new attorneys. My alma mater, Mercer Law School, worked hard to ensure that every 1L had a mentor if they requested; I want to continue that practice in the State Bar of Georgia. If you have practiced law for more than seven years, I encourage you to volunteer to serve as a mentor to a young lawyer. Our profession will benefit greatly from these efforts of leadership.

We are entering a time of great opportunity and expansion for the services we provide to the public and the needs for leadership. I am honored to be your President during these tumultuous and demanding times. We must not miss this moment. To ignore the calling before us and not rise to the occasion would be a travesty of epic proportion. I am asking you, the young lawyers of our state, to roll up your sleeves, adhere to your oath and to meet the needs of the public we serve. To remain on the sidelines during this difficult time in our country's journey would be a great disservice to the laws we have dedicated ourselves to serve. For the men and women of the legal profession in Georgia, our time to determine our legacy has arrived.

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. We do that with renewed commitment to our communities and profession by finding #PurposeThroughService. The opportunity to lead not only our own generation, but the generations before us and after us is here. How will you respond? YLD

Bert Hummel is a partner at Lewis Brisbois in Atlanta and president of the Young Lawyers Division of the State Bar of Georgia.

Wellness Resources From the State Bar



Brittanie Browning

2020. Enough said. This year has been a major challenge on many levels for everyone. Between handling a global pandemic, social change, home schooling and billable hours, 2020 has taken our stress levels to an all-time high. It is important to take the time to step back and re-evaluate how we cope with and handle stress, especially now. The State Bar of Georgia has resources available for lawyers to get any support necessary to overcome the stress and struggles. It is paramount to focus on our mental, social and physical well-being right now.

Mental Well-Being

Use Your 6

Georgia Lawyers Living Well focuses on resources to support lawyers with programming such as the Lawyer Assistance Program (LAP), which provides six prepaid counseling sessions per year for every Bar member. This program is confidential and runs through an outside affiliate. When you call CorpCare Associates, Inc., a trained counselor will screen the call to provide appropriate resources near you. It is a free resource (including the counseling sessions for up to six visits). Talking to someone outside of your family or friend circle can help to give clarity and insight into your situation. This season is challenging, but you do not have to go through it alone. LAP also offers referrals for work-life balance resources. Find out more online at <https://www.gabar.org/wellness/index.cfm>. #useyour6 #lawyerslivingwell

Social Well-Being

As lawyers, we have a skillset that can help our communities, which is both a privilege and responsibility. Let's support

one another. Volunteering makes a positive impact during this time as we band together as a community. It is a mood booster to help someone else, and it reminds us we are not alone. Many volunteer organizations have been hit with a lack of manpower due to social distancing requirements. See how you can help support your local nonprofits during this difficult season. The YLD sponsored the Poll Worker Program to volunteer and support the importance of voting as a poll worker. Not only is it a way to support the voting process, you are eligible for up to six hours of CLE credit.

Besides volunteering, social health requires a social connection. Make time to visit friends and family. This year has affected everyone in different ways, and it is important to check on each other's well-being. Zoom and FaceTime are great for "seeing" people but try to also make time to actually see friends and family in person. Parks and patios are great options to be physically near one another while remaining socially distanced. Connection is something we all need.

Physical Well-Being

Beyond wearing a mask and washing our hands, keep stress in check with a walk, run or even an exercise class. Check on YouTube for free online exercise classes or see if there are outdoor exercise classes being offered near you.

Given the limited ability to travel right now, it is the perfect time to see all that

Georgia has to offer. Get outside and away from the computer screen by exploring some of Georgia's state parks for a hike. Close to metro-Atlanta are Sweetwater Creek and Panola Mountain, which offer trails for all levels of hiking experience. A couple hours outside the city are a number of other parks to explore. Whether you visit Cloudland Canyon in North Georgia or Providence Canyon in southwest Georgia, our state offers awesome staycation opportunities to explore the beautiful landscapes offered here. Cloudland Canyon provides amazing vista views in the north Georgia mountains, while Providence Canyon is a mini Grand Canyon right in our own state. Beyond hiking, some of our state parks also have golf and disc golf courses.

Join a running club or practice yoga in the park. These activities are better together, so make sure to invite friends and family. As Bar members, we get discounts at a number of fitness centers around the state. Check out https://www.gabar.org/wellness/physical/wellness_resources.cfm to find out more and see what's near you.

Remember, you are not alone in this trying time. Everyone is battling something right now and it is a sign of strength to get support when it is needed. We are in this together and we will make it through this together. #YLDStrong ^{YLD}

Brittanie Browning is an attorney with Hall Booth Smith, P.C., in Atlanta and is the secretary of the Young Lawyers Division of the State Bar of Georgia.



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Judicial Spotlight

An Interview With Chief Justice Harold Melton, Supreme Court of Georgia



**Ashley
Akins**



**LaKeisha R.
Randall**

We noticed that you joined the bench of the Georgia Supreme Court when you were only 38 years old. Did you always aspire to be a jurist?

No. I didn't even decide to go to law school until my senior year in college, and at that point, I was interested in criminal prosecution and international law. After I took my first course in international law, I lost interest pretty quickly. When I got my first legal job at the Attorney General's Office, they stuck me in property tax law; it was clear that I was not in control of my fate.

I knew that after working in the Attorney General's Office, I would have a number of options, if and when it came time to leave. I next went to the Governor's Office. I never thought a judicial appointment to the Supreme Court would be next.

I took one of those personality tests when I was in college, and the counselor explained that my results showed that I was going to be a lawyer, a minister or a counselor. I recently realized that I pretty much do all three now.

As a young lawyer, I was told that working at the AG's office could improve your writing skills. Was that true for you? Do you attribute any other experiences there to your success?

Yes, I agree that writing skills are developed working in the AG's office. My boss there told me that if I ever had a legal question, don't go to the books—go walk down the halls. The people involved in litigating the cases in the books were right down the hall. You could get their perspective and any other help you needed.

Did you receive any pivotal advice as a young lawyer that has carried you throughout your career?

I've been fortunate to have a good number of mentors and people who just looked out for me, bosses that were just very caring.

One boss at the AG's office, Dan, was a great, great man. For every career question that I've ever had, I would go to a number of people and seek advice, but Dan's advice was always spot on. When I considered joining the Governor's Office, I went to see Dan. He sat there a while and said, "Well, it's hard to turn down a seat at the table." I talked to a lot of people about that job, but it all came down to that one point—it was hard to turn down a seat at the table. When you walk into the state Capitol, and you're sitting around the table and the governor asks what you think, you realize this is a big deal. It was a real honor to be at the table.

That kind of advice is important. We have to value what it means to sit at tables and have frank conversations about the issues that surround us. Take advantage of the access that we have to local officials or local leaders and ask "[w]hat do you think about this? What can we do differently?"

And another point about the mentors: they don't have to look like you. Dan was an older, white male from the suburbs of Rome, Georgia, and we have nothing in common demographically. But, it was a great relationship. If an older attorney asks if you want to go to a deposition, your answer needs to be yes. When they start asking personal questions about your life and what you want to do, that's an indicator that



Chief Justice Harold Melton, Supreme Court of Georgia

the relationship is starting to form. I hope young lawyers are wise enough to take advantage of those opportunities.

Any other advice?

Don't get so bogged down into the work that you don't walk around the office and get to know people—say hi to people and be seen. Be open to opportunities to work on projects that don't fit in your particular pigeonhole.

We have a new crop of young lawyers who have graduated law school since the pandemic began, or are in their first year or two of practice. How we practice has shifted tremendously over the past few months. Do you have any advice to those young lawyers who are feeling a little nervous about the future of their career?

We all like certainty. We love certainty. And there is a lot of comfort that comes with certainty. But the reality is that this is not

Knowing what you can control and resolving to not worry about that which you can't control is a life skill.

a space where certainty is as available as we would like. One of the tricks of life is making peace with those moments where you just don't have certainty.

Knowing what you can control and resolving to not worry about that which you can't control is a life skill.

Thanks to the pandemic, there has been a shift in terms of technology use in our practice. Young lawyers seem very excited about these changes and are thrilled to see remote depositions, calendar calls and things of that nature. Do you think these technology changes are here to stay? Do you think this is a good change, or do you have concerns?

The greatest barrier before was the intimidation factor that some of us older lawyers had. But we have no choice now but to get up to speed and overcome those barriers. So that threshold has been passed. And I absolutely think, and hope, that for things like status conferences, we continue to use virtual technology. There is no reason for a lawyer to get in his or her car to drive downtown or even across the state for a 20-minute status conference with a judge and bill a client for that. I hope that we continue to use that technology for things that make practical, common sense.

One of the concerns that we've had as a bar organization has been the lack of lawyers in certain areas of the state. The idea that we might be able to bridge that gap by use of technology is another positive development potential.

As we have shifted to remote work, there is less water cooler conversation within the office and between opposing attorneys before depositions or court. Do you think this shift to remote work will have a negative impact on attorney relationships or civility in the profession?

I do hope that we don't go completely remote. The ability to telecommute is going to be more appreciated, but we do not want

that to be to the detriment of good, positive working relationships.

The Judicial Council has issued guidelines for the judiciary to follow on wellness. Are there any particular wellness activities that you incorporate into your life?

I was doing great [before COVID], playing basketball once a week. Recently, I've begun playing pickle-ball.

With oral advocacy opportunities being far fewer, how do you recommend young lawyers cut their chops or learn effective oral advocacy skills?

That is a tough situation. One of the things that I enjoyed in the AG's office was the notice that if I had a case, it was my case all the way, even if it went to the U.S. Supreme Court. But with lawyers becoming much more specialized, and now they have the solicitor-general and appellate lawyers, things are different. Working in the public sector is probably a good format for having a lot of practical experience or maybe working for a nonprofit for quick experience, though there is a compromise because you don't make near the same money as in private practice. The hours tend to be good, and the experience tends to be good.

Do you have any tips or strategies for young lawyers when they encounter an opposing attorney that is unprofessional or uncivil? Particularly those opposing attorneys that are doing a little more than advocating for their client because they are crossing a line and have been practicing for decades longer than us?

The first thing I would say is trust your instincts. If you think an attorney is acting inappropriately or overly aggressively, chances are, they are. So don't question yourself constantly. Assume it's them and then your focus can be on how to handle this difficult person. The best way to handle this situation, especially in a litigation context, is to

keep wearing the "white hat." You cannot be the one who is playing fast and loose with discovery responses just because they are playing fast and loose with discovery responses. You're going to need to go to the court and ask the judge to compel or issue sanctions, and you don't want your opposing counsel to say, "Well let me tell you what they're doing, too." You want to be the person who says that you've given everything they want. Always be above the fray, as it will make your situation easier to handle. Make sure that you have done everything that is legally required, and maybe even a little bit more, and then you can show that their side is creating problems. The beauty of Zoom or video platforms is that it's probably easier to have an immediate record that you can take to judges as proof. The good judges will tell you, "Please don't hesitate to let me know if there's a problem," because they realize that the sooner they get on top of it, the sooner the case can get moving in the right way, as opposed to being distracted by all the sides or issues.

There have been a lot of recent studies, particularly with the American Bar Association, that indicate that the legal community is far behind other industries with retention of diverse attorneys and women lawyers of color. What do you think the profession can do to improve those relationships within the Bar?

I think there would be some assumptions about life circumstances and the extra rigor of practicing law that would be a barrier for folks who are dealing with social issues that are out there, but if we are behind the medical profession with regards to retention, then that's very telling. I don't really know the answer.

I know to find out the answer to those types of dynamics, you really have to probe, ask lots of questions and do some critical surveys. It takes time, training, some restructuring, some accommodating to read-

just and find ways to accept those groups.

We need diversity on the bench as long as we offer up the court process as a way to resolve disputes and answer social issues. We have to give some type of assurance that the process is race-neutral, general-neutral, economically-neutral, and that we're making decisions based upon factors that matter. And one of the ways that we provide that type of confidence is by sheer optics. It does not mean that an African-American must litigate on behalf of an African-American, but there needs to be a fair chance of representation from diverse backgrounds. We need to give the picture that the judicial system is inclusive and sensitive to the needs of all.

Do you have any advice for young lawyers that are suffering from imposter syndrome?

When you go to law school, you first walk around thinking, "How did I get here?" And then by the time you leave, you look around at everyone else, thinking "How did they get here?" It takes a while to develop confidence.

If you have a background that doesn't match everyone else's, you do wonder how you fit in. I think there is a lot to be said for relaxing and not being intimidated by people. Just learn to enjoy people. If someone is from a different background, and they say "Hey, let's go fly fishing," and I've never done it before, then let's go fly-fishing. Learn about other people. Learn about cultures. People like talking about themselves, so listen. Relax and assume the best of people.

As I'm sure you're aware, social media can be a scary place these days. We have an upcoming election that seems to be creating drama and lots of negative rhetoric. Many young lawyers are feeling unsure and confused about our future as a country and as a profession. Do you have any thoughts that you would like to share about what appears to be a difficult period in American history?

We shouldn't call it anything less than that—a difficult period. But we should put it in perspective. We have had difficult periods before, and every time, the people living in the midst of those periods are absolutely convinced that the nation is falling apart. If you go back to the Vietnam War, the Civil

Rights era, World War I, World War II—they all thought the world was falling apart. And that's just in the history of our country, but there have been difficult periods in the history of man.

In the terms of rhetoric and political animosity, we think this is new, but it's not. It's not new if you read the history of our country. You can read about how Alexander Hamilton and Thomas Jefferson couldn't stand each other. We actually had a sitting vice president of the United States kill one of our founding fathers. That is a pretty severe rivalry in politics, so consider that we are not there right now. We can overcome this period, and we can survive this. We are not irretrievably broken, but we do have to rise above.

We need to learn how to have conversations about what's going on and have differences without demonizing those who disagree with us. We need to work together on things where we can find common ground. We also need to recognize that there's not one solution to every problem.

Another thing is somewhat encouraging here. We are having broader conversations about how to improve some of the social dynamics that are out there. I've never seen such a broad conversation, probably in the history of our country, about how to improve these dynamics.

Is there anything that you miss about practicing law that you don't get to do as a justice on the Supreme Court of Georgia?

I did enjoy representing clients. I liked building that relationship and building that trust. But I don't miss arguing in front of a judge or just arguing, period. I like making decisions. It's not as isolated here as working on the federal bench. In the administrative part of my job, I work with all aspects of the State Bar and have formed more relationships than I ever thought I would in this workplace. I have really enjoyed it. YLD

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Professional Development

Don't Be *That* Attorney: Maintaining Professionalism in Depositions



**Tyler R.
Watkins**

I've been through a lot of depositions. Just how many you ask? A lot.

When I first started practice, my mentor, Camille Godwin, knew that throwing me into the deep end was the most efficient way for me to learn to swim—either I would learn quickly or I would drown. Because of this, some of my earliest depositions were those that would ordinarily be taken or defended by an attorney many years my senior. This gave me the practical benefit of gaining experience quickly—not just with the substantive and procedural intricacies of depositions, but also by exposing me to a vast variety of opposing counsel, both taking and defending. While my experience has taught me a great many things, one is the important realization that all young attorneys will ultimately understand:

There is *that* attorney. We all know *that* attorney. We have all been in a deposition with *that* attorney. And if you don't know who *that* attorney is, then you *are* that attorney.

Don't be *that* attorney.

Zealous Advocacy Does Not Mean Unprofessional Advocacy

The preamble to the Georgia Rules of Professional Conduct states that as an “advocate, a lawyer zealously asserts the client’s position under the rules of the adversary system.”

A distinguishing feature of *that* attorney is that he or she reads only the former part of that sentence and ignores the latter. A zealous lawyer is not an unprofessional one and the goal of advocating for your client’s position must be taken in tandem with the rules of professionalism that govern the adversarial system. Two that are commonly implicated in the context of a deposition are:

Rule 3.1(a)

A lawyer shall not “file a suit, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.”

Rule 3.4(a)

A lawyer shall not “unlawfully obstruct another party’s access to evidence.”

Obstruction of the discovery process is universally held by courts to violate these rules. In fact, comment to Rule 3.4 expressly provides that its purpose is to protect the fairness of the adversarial system from the damage that these tactics cause:

The procedure of the adversary system contemplates that the evidence in a case is to be marshaled competitively by the contending parties. Fair competition in the adversary system is secured by prohibitions against destruction or concealment of evidence, improperly influencing witnesses, *obstructive tactics in discovery procedure*, and the like (italics added).

In the context of a deposition, *that* attorney most commonly violates these rules through the use of abusive behavior or improper objections.

Abusive Behavior: The Overt Obstructionist

A professional lawyer does not berate, yell at, belittle, curse at, or threaten the deponent or opposing counsel. *That* attorney does.

There are, unfortunately, plenty of court orders and disciplinary opinions *that* involve *that* attorney.¹

The first time a professional attorney experiences this will be jarring. There is one, and only one, appropriate response when you are stuck in a room with *that* attorney who insists on utilizing abusive behavior:

Do. Not. Engage.

That attorney thrives off the reaction he or she earns from their unprofessional behavior. Your responses, however justified, will do nothing but antagonize and exacerbate the behavior. Furthermore, from a practical standpoint, it is in your client’s best interests for you not to engage. While you *may* win the battle, you will not win the war. Remember that the judge is not present with you in that room. Without accompanying video, deposition transcripts understandably do a poor job of relaying inflection. When the court reviews the transcript of a deposition in which you chose to shout back at *that* attorney, you risk the court being unable to distinguish who was the professional attorney and who is *that* attorney.

In such situations, it is better to respectfully ask *that* attorney to refrain from such behavior. Give them several chances. If they insist on continuing, adjourn the deposition and seek an order from the court. The judge will respect your professionalism and will rule accordingly.

Usually (thankfully) a young attorney’s first experience with abusive behavior from *that* attorney is not in the context of a yelling, cursing maniac. Instead, most often *that* attorney comes in the form of a condescending senior attorney. The appropriate response to such an attorney is to be respectful, but do not yield if you are right.

I’ll pause here to say that I wholeheartedly believe in giving respect to those older than us. With age can come knowledge, experience, and wisdom that are unattainable by any other means. However, in the practice of law, this is a rebuttable presumption. And just because someone has seen more than you, does not mean they understand it better. One of the *most* dangerous phrases in our profession is “that’s the way I’ve always done it.” Do not allow yourself to be shaken or dissuaded from a course of action you know to be right merely by the assurances from *that* attorney saying you’re wrong.

► SEE PROFESSIONALISM, PAGE 22

Georgia Businesses Should Take Advantage of the Georgia COVID-19 Pandemic Business Safety Act



Chinazo "Chi Chi" Anachebe

Most businesses have had to drastically modify their operations in the new COVID era. These unprecedented challenges prompted a push for liability protection from the potential flood of civil lawsuits for certain COVID-19 related claims. In response to this groundswell of concern, on Aug. 4, 2020, Gov. Brian Kemp signed SB 359, the Georgia COVID-19 Pandemic Business Safety Act (GCPBSA) into law. The GCPBSA shields health care providers, health care facilities and non-health care entities and individuals from certain COVID-19 claims accruing before July 14, 2021.

Under the GCPBSA, health care providers, health care facilities, individuals and entities (as defined in the GCPBSA) cannot be held liable for damages involving a COVID-19 liability claim, unless the claimant proves that the actions of the health care provider, health care facility, individual or entity showed "gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm."

Under certain circumstances, the law also provides protection for individuals and entities against COVID-19 liability claims for transmission, infection, exposure or potential exposure of a claimant on the premises (other than health care facilities) of such individual or entity (other than health care providers). The protection is in the form of a rebuttable presumption of the claimant's "assumption of the risk," which means that the plaintiff will generally be presumed to have assumed the risk of possible transmission, infection, exposure or potential exposure of COVID-19.



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To qualify for this rebuttal presumption of the claimant's assumption of the risk, individuals and entities must do one of the following:

1 For premises with ticketed entry, include the following warning on receipts or proof of purchase for entry (e.g. tickets, wristbands or businesses receipts) in at least 10-point Arial font, placed apart from any other text:

"Any person entering the premises waives all civil liability against this premises owner and operator for any injuries caused by the inherent risk associated with contracting COVID-19 at public gatherings, except for gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm, by the individual or entity of the premises."

2 For all premises (even those with ticketed entry), post a sign at the point of entry to the premises in large letters of at least

one-inch in Arial font, placed apart from any other text, stating the following warning:

"Warning: Under Georgia law, there is no liability for an injury or death of an individual entering these premises if such injury or death results from the inherent risks of contracting COVID-19. You are assuming this risk by entering these premises."

Although such warnings shift the burden of proof with regard to a claimant's assumption of the risk, businesses must continue to use sound judgment to protect themselves from liability and prevent unnecessary risk and exposure to patrons. All businesses are strongly encouraged to continue practicing CDC guidelines and following Gov. Kemp's executive orders. *YLD*

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Building Community in the Midst of COVID



Riane N. Sharp

It's no secret that COVID has presented numerous challenges that permeate life in every way. One professional challenge is diminished opportunities for building relationships within the legal community. With most events and meetings either cancelled or virtual, there are few opportunities to see anyone outside of family, and even fewer opportunities to meet new people. Yet, it is important to continue connecting in this current environment.



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Nurture Current Relationships

Before meeting new people, take time to cultivate your existing relationships. Touch base with those you already know, including your coworkers. With many of us working remotely, we hardly see our colleagues and the occasional office Zoom is not the best way to catch up. Some key ways to check in include calling, sending a text or sending a handwritten note. While checking on them, don't forget to share any updates you may have.

The best relationship building is organic. Nothing is more natural than reaching out to a person when you think about them. If you read an article or hear a song that reminds you of someone, tell them. Just finished a book that you think they would really enjoy? Recommend it! Create a new self-care routine they should try? Share it! People appreciate knowing they are thought of.

Start With Existing Connections

After you catch up with those you know, ask them to introduce you to someone they think you should connect with. If you have someone in mind, don't wait for their suggestion, let them know. It's easier to meet people through friends and acquaintances. Once you get recommendations for new

people to connect with, just do it. Reach out without wanting anything other than to introduce yourself and get to know them. Note: while some people will be really receptive, others may never respond. That's OK. Don't be discouraged; keep reaching out.

Create Opportunities Through Shared Interests

While we may prefer to meet new people in person or through a mutual colleague, there are still opportunities to connect with those we don't yet know on our own. Think about what you want to learn and how you want to grow throughout this extended period of social distancing. Listen to podcasts, read articles and attend webinars that align with these goals. As you expose yourself to a new topic, note featured speakers, authors or hosts that inspire you the most. Often podcast guests and webinar presenters provide their contact information and welcome outreach from listeners or attendees. In other cases, people are easy to find on LinkedIn. Start a conversation with them by discussing your shared interests. Ask them a follow up question or provide your perspective on an issue. This first interaction may lay the foundation for a new relationship.

Don't Be Limited by Geography

We live in an interconnected world. Yes, we're attorneys in Georgia, but that does not mean we cannot benefit from developing relationships with someone in Houston or Washington, D.C. If your shared interest or existing connection leads you to expand your community out of state, embrace it.

It's Relationship Building, Not Networking

The use of the terms relationship building or connecting, instead of networking is intentional. Relationship building is not a one-time activity. It is done over time and without an immediate need or ask. The best analogy I've heard for relationship building is that it's like a savings account, you have to put something in it before you take anything out. Right now is a great time to invest in your relationships.

COVID has altered our way of life, but it does not have to stop us from connecting.

If you enjoyed this article and would like to connect, send me a message on LinkedIn. [YLD](#)

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Georgia, Beware: COVID-19 & Liability Waivers



**Earl R.
King Jr.**

COVID-19 has changed many aspects of life, creating new risks and uncertainties. A major uncertainty for businesses is whether third parties will sue, alleging they contracted COVID-19 due to the business' failure to implement reasonable precautions to prevent its spread on its premises. Because it is impossible to eliminate the possibility that third parties may fall ill after visiting a business (*regardless of the actual source of their infection*), businesses need a strategy to mitigate this potential liability.

On Aug. 5, 2020, Gov. Brian Kemp signed into law, the Georgia COVID-19 Pandemic Business Safety Act (the Act), effective immediately. The Act amends the Georgia tort claims law to provide new definitions, exceptions and a presumption against liability. There is a general shield against liability so long as the businesses did not act with gross negligence, willful and wanton misconduct, or reckless or intentional disregard in relation to someone being exposed and/or contracting COVID-19. Although the law appears to focus on healthcare, it applies to any "healthcare facility, healthcare provider, entity, or individual." The term "entity" is defined extremely broadly to encompass most any business.¹

In addition to the general shield against liability, businesses that provide a written warning are further protected by a rebuttable presumption that the person trying to sue assumed the risk of being exposed or contracting COVID-19 by entering the facility or engaging with the business. To be eligible to assert the presumption, businesses must post the warnings at a point of entry to the premises, and for special events, can print the warning on tickets or wristbands.

The Act only provides a defense to lawsuits—plaintiffs can still file suits, and businesses will incur defense costs to defend against the lawsuit. Businesses also are

potentially liable for damages if the plaintiff can prove the exceptions (gross negligence, willful and wanton misconduct, etc.) to the shield the statute provides. Moreover, the law only protects Georgia businesses and their owners for potential or actual exposures to COVID-19 that occur through July 14, 2021. Georgia joined 21 other attorneys general urging Congress for a similar national law.

While in Georgia this provides some protections for businesses, other jurisdictions have yet to weigh in on the matter. Certain industries that expose customers to unavoidable risk, such as recreational sports, have historically used waivers to manage liability. In light of the unavoidable risks posed by the COVID-19 pandemic, other businesses may now be wondering whether COVID-19-specific waivers in which patrons assume the risk of contracting the disease can provide them with protection. While certain considerations and limitations may constrain the benefits of such waivers including varying jurisdictions, and the substance of the waiver, such liability waivers can provide greater certain-

ty and stability during the difficult process of reopening.

While state law on the enforceability of liability waivers in which patrons expressly assume certain risk varies by jurisdiction, where waivers can be enforced, courts generally consider the following factors in determining whether a waiver will be upheld:

Clearly Defined Risks

The terms of the agreement must clearly state the conduct that caused the harm in order to protect the business from liability.² If the language of the waiver is overbroad (so that it attempts to insulate the business from every form of potential liability), it may be deemed unenforceable.

Clear Acceptance

It must be clear that the third party not only agreed to (i.e., signed) the waiver, but also that she was in fact aware of and understood what she was agreeing to in order for the court to find that she expressly assumed the risk contemplated in the waiver.³



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Disparity in Bargaining Power

An express assumption of risk will not be enforceable where there is such disparity in bargaining power between the parties that the agreement does not represent a free choice on the part of the signatory.

Public Policy

Courts are unlikely to give effect to a waiver where the assumption of risk is contrary to public policy.⁴ This inquiry generally turns on how important the business' services are to the public and how many alternatives are available.

In conclusion, courts may enforce a properly drafted liability waiver. A waiver, no matter how well drafted, however, may not protect the business absent its reasonable compliance with applicable regulations. Georgia, beware! ^{YLD}

Earl King is associate vice president and associate general counsel at Lendmark Financial Services in Lawrenceville and a member of the 2020 YLD Leadership Academy.

Endnotes

1. The Act defines Entity as "any association, institution, corporation, company, trust, limited liability company, partnership, religious or educational organization, political subdivision, county, municipality, other governmental office or governmental body, department, division, bureau, volunteer organization; including trustees, partners, limited partners, managers, officers, directors, employees, contractors, independent contractors, vendors, officials, and agents thereof, as well as any other organization other than a healthcare facility."
2. *Flood v. Young Woman's Christian Ass'n of Brunswick, Georgia, Inc.*, 398 F.3d 1261, 1264 (11th Cir. 2005).
3. *My Fair Lady of Georgia, Inc. v. Harris*, 364 S.E.2d 580, 581 (Ga. App. 1987).
4. *Lovelace, et al. v. Figure Salon, Inc.*, 179 Ga. App. 51, 52, 345 S.E.2d 139 (1986).



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Sticking Points: An Analysis of Georgia Federal Courts' Recent *Daubert* Rulings in First-Party Property and Subrogation Cases



**Mary Alice
Jasperse**

Rulings on *Daubert* motions should not be underestimated. A favorable ruling can provide confidence and credibility while an unfavorable ruling can undermine any possibility of success at trial. By taking note of recent rulings on motions to exclude, we as advocates can prepare more effective motions to exclude and advise our experts on issues that may arise.

Federal Rule of Evidence 702 governs the admissibility of expert testimony, which provides that “a witness qualified as an expert by knowledge, skill, experience, training, or education” may testify in the form of an opinion “if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.”¹ In applying this rule, trial judges have the “special obligation” to act as “gatekeepers” to ensure only expert testimony that is both relevant and reliable is admitted.² “District courts are charged with this gatekeeping function to ensure that speculative, unreliable expert testimony does not reach the jury under the mantle of reliability that accompanies the appellation ‘expert testimony.’”³ Under this unique obligation, the court must make an independent inquiry into the reliability and relevance of all proffered expert testimony.⁴

Unless a district court’s decision to admit or exclude an expert is “manifestly erroneous,” the ruling will be upheld on appeal.⁵ This wide breadth of discretion yields results that vary from case to case and judge to judge. The following will discuss recent rulings on motions to exclude in Georgia federal courts and the Eleventh Circuit and

will specifically focus on experts tendered and challenged in first-party property or subrogation cases involving fire losses, wind damage and mold damage.

Fire Losses

Origin and cause experts who opine that a fire was caused by an intentional act should not take it personally when their opinions become the subject of a *Daubert* challenge. Indeed, in *Dobbs v. Allstate Indemnity Co.*, the policyholder alleged the insurer wrongfully denied the underlying fire claim in relying in part upon material misrepresentation and concealment made by the policyholder.⁶ Allstate sought to exclude the policyholder’s origin and cause expert Ricky Turner, who opined that there was not conclusive evidence that the fire was intentionally set; and therefore, the fire was accidental.⁷ This “accidental” loss classification was based upon the theory that a cat knocked over a lamp, which sparked and resulted in the ensuing fire.⁸ Judge Tilman E. Self III denied the defendant insurer’s motion to exclude Turner’s testimony, finding that he applied reliable methodology in reaching his opinion “including review of documentary and photographic evidence; independent testing of samples collected from the scene; and visit to the scene (albeit years later . . .).”⁹ Notably, in his opinion regarding the admissibility of Turner’s origin and cause opinion, Judge Self did not discuss NFPA 921 or whether Turner should be permitted to opine that the fire was “accidental” or merely “undetermined” based upon the evidence gathered.

Judge Story recently used a finer comb when analyzing origin and cause testimony in a subrogation dispute.¹⁰ In *National Surety Corp. v. Georgia Power Co.*, National Surety Corporation issued payments to its insured for fire damage to a horse arena and then sought to recoup those payments from

Georgia Power, alleging negligent work on the barn’s electrical system caused the fire.¹¹ While various motions to exclude were argued, the most notable discussion related to the origin and cause opinion of National Surety’s expert Edward Brill. Brill opined that “the probable cause of the fire is due to an electrical malfunction at the Georgia Power electric meter that was damaged when the meter was removed and reinstalled multiple times by Georgia Power prior to the fire.”¹² Brill’s “electrical malfunction” theory as to causation rested on his finding of arcing near the electrical meter.¹³ Georgia Power challenged the reliability of Brill’s opinion on the grounds that “(1) Brill did not rely on sufficient facts and data; (2) Brill could not rule out alternative causes; and (3) Brill’s theory of causation rests on critical assumptions he did not support with data.”¹⁴ Judge Story agreed, finding that Brill’s opinion was speculative and unreliable and excluding Brill’s opinion on the grounds that it took too large a leap between the physical evidence and the conclusion reached.¹⁵ Specifically, the court pointed out (and Brill conceded) that “arcing in the meter does not rule out the possibility that the arcing was the result of the meter being attacked by the fire.”¹⁶ Also, because certain electrical components were not recovered in the fire debris, the court noted that Brill could not opine with certainty as to whether the arcing resulted from fire attack (as opposed to a fault or malfunction from the arc site).

Judge Michael Brown took a similarly discerning look at the opinion proffered by origin and cause expert Jeff Morrill in the *Trias v. State Farm Fire & Cas. Co.* decision.¹⁷ In that case, State Farm denied the plaintiff/insured’s homeowner’s insurance claim arising from a fire on the grounds that the insured concealed or misrepresented material facts and violated the “intentional acts” pol-



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icy provision, prohibiting recovery.¹⁸ State Farm based this denial, in part, on their expert Jeff Morrill's opinion that the fire was intentionally set. During litigation, the plaintiff/insured sought to exclude Morrill's opinion on the grounds that it was based upon a "negative corpus" methodology condemned by NFPA 921.¹⁹ "Negative corpus" methodology implies that a conclusion has been reached by eliminating other alternatives but without affirmative proof supporting the conclusion.²⁰ Morrill attempted to defend his opinion by pointing out the lack of fuel load and irregular fire patterns observed, which were consistent with an ignitable liquid being poured in the area of origin.²¹ Also, Morrill eliminated certain accidental causes of fire, as the electricity was disconnected from the property at the time of the loss, the home was unoccupied and secured, and no evidence of smoking activities at the property existed.²² Judge Brown found that while Morrill did not enter the speculative realm of negative corpus, "Morrill merely opined that the lack of accidental causes suggests that the fire was incendiary."²³ Judge Brown allowed Morrill to testify about his investigation and observations and permitted Morrill to testify as to how accidental causes were eliminated; however, Morrill could not testify that the fire

was "incendiary."²⁴ In the court's opinion, this information would arm the jury with sufficient information to determine if the plaintiff was entitled to recover.²⁵ In reaching this opinion, Judge Brown downplays Morrill's testimony regarding irregular burn patterns, fuel loads and fire dynamics as building blocks of his conclusion that the fire was "incendiary."

Judge Eleanor Ross in the Northern District of Georgia took a more permissive approach when evaluating motion to exclude an origin and cause expert in *Ali v. Travelers Home and Marine Ins. Co.*²⁶ In that case, the defendant insurer denied coverage for a house fire loss on the basis of "intentional loss" and material misrepresentations and concealment made by the insured. The plaintiff/insureds filed suit. In a motion to exclude that Drew Eckl & Farnham's Karen Karabinos and the author argued late last year, the defendant insurer sought to exclude the plaintiffs' origin and cause expert Gary Farge on three (3) methodology challenges: (1) that Farge failed to identify a competent ignition source; (2) that his conclusions concerning the first fuel ignited are not supported by scientific testing or facts in the record; and (3) that Farge fails to identify what evidence or technical note supports his opinions regarding cross

contamination.²⁷ Specifically, the defendant insurer argued that Farge classified the fire as an "accidental" electrical cause without identifying the specific arc site that led to the fire's ignition.²⁸ Because numerous arc sites existed in the area of origin, the specific arc site that allegedly resulted in the fire was a threshold determination in identifying the first fuel ignited and eliminating fire attack as a cause (as opposed to fault or malfunction from the circuit itself).²⁹ The court rejected this challenge, finding it sufficient that Farge narrow the cause to one of six arc sites (without identifying which of the six was the ultimate cause).³⁰ The defendant insurer also took issue with Farge's dismissal of debris samples that tested positive for ignitable liquid on the grounds that the "false positive" samples were derived from firefighters tracking debris around the property after the fire.³¹ Even though Farge did not interview these firefighters or identify the arc site that allegedly caused the fire, the court found that Farge's utilization of "cognitive testing" or using his own experience as a sounding board for his opinions, sufficient to support his opinions and denied the defendant/insurer's motion to exclude.³² Thus, Judge Ross gave greater deference to the role of an expert's experience in reaching a fire classification conclusion than

either Judge Story or Judge Brown in the opinions discussed above.

Wind Damage

Opening our eyes to the world beyond fire damage claims, the Eleventh Circuit recently upheld Judge Lisa Godbey Wood's order excluding causation opinions proffered by wind damage experts.³³ The coverage dispute at issue centered on whether certain roof damage was caused by winds from Hurricane Matthew. Greater Hall offered John Kern, Shawn Brown and Alfred Teston as experts and Southern Mutual moved to exclude all three in the district court action. Kern inspected the property six months after the loss and opined that the "majority" of the damage was due to winds causing uplift pressure on the roof. However, he had no idea how to test his theory, did not have any scientific or objective basis for his opinion and did not know what rate of error should be applied. Judge Wood excluded this opinion as unreliable and the Eleventh Circuit upheld this exclusion. Shawn Brown opined that the roof damage "was caused by high winds and rain which occurred in October, 2016." However, Brown admitted he was "not an expert in wind or wind velocity," that he did not base his opinion on science, but merely used "common sense." The Eleventh Circuit similarly upheld the district court's exclusion of Brown's opinion under the "manifestly erroneous" standard of review. Lastly, expert Alfred Teston was not timely disclosed by counsel for Greater Hall. Because Teston sought to offer an opinion as to a central issue of causation without having personally observed the wind event, coupled with counsel's failure to disclose his identity or provide a copy of Teston's report within the district court's deadlines, the Eleventh Circuit upheld the lower court's exclusion of Teston. Thus, even when experts are identified based upon experience as opposed to training, requirements that opinions be rooted in scientific principles remains vital.

Mold Damage

In the final opinion up for discussion, Judge Eleanor Ross found the methodology lacking in a mold growth expert's opinion in *Scheinfeld v. LM General Ins. Co.*³⁴ There, the plaintiff insured sought to exclude the opinion of Jared Powell, P.E., about the cause and duration of mold growth in a coverage dispute regarding coverage under a homeowners' policy.³⁵ Specifically, Powell found that "(1) water overflowing one or more master bathroom fixtures caused water damage; (2) the lack of climate control caused conditions favorable for fungal growth; and (3) the fungal growth had been ongoing for at least six months."³⁶ Although Powell's qualifications were challenged, the court found that Powell's industry experience, including 200 claim investigations involving water intrusion issues and 30 investigations focused on mold analysis sufficient to pass muster.³⁷ However, in discussing the reliability of Powell's testimony and the methodology utilized, the court found Powell's report lacking in "analysis and application" and noted that Powell did not present how or why his experience and relied-upon articles led him to his proffered conclusions.³⁸ Therefore, the court excluded Powell's "conclusory" opinion on the grounds that it lacked analytical support.³⁹ It is unclear if the concept of "cognitive testing" was argued or considered as a component of Powell's methodology.

In summary, experts can only draw opinions based upon the evidence available and their own experience and training. As advocates, we can assist our clients and experts to gather as much evidence as possible and draw conclusions that leave no analytical holes. YLD

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Endnotes

1. Fed. R. Evid. 702.
2. *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993).
3. *Rink v. Cheminova, Inc.*, 400 F.3d 1286,

- 1291 (11th Cir. 2005) (citations omitted).
4. *U.S. v. Frazier*, 387 F.3d 1244 (11th Cir. 2004).
5. *Greater Hall Temple Church of God v. Southern Mut. Church Ins. Co.*, 820 Fed. Appx. 915 (11th Cir. July 15, 2020) (applying an abuse of discretion standard of review).
6. *Dobbs v. Allstate Indemnity Co.*, 2020 WL 930491 (M.D. Ga. Feb. 26, 2020).
7. *Id.* at *4.
8. *Id.* at *5.
9. *Id.* at *6.
10. *National Surety Corp. v. Georgia Power Co.*, 2019 WL 4394403 (N.D. Ga. Sept. 12, 2019).
11. *Id.* at *1.
12. *Id.* at *5.
13. *Id.* at *5.
14. *Id.* at *6.
15. *Id.* at *5.
16. *Id.* at *6.
17. *Trias v. State Farm Fire & Cas. Co.*, 2020 WL 3399915 (N.D. Ga. March 16, 2020).
18. *Id.* at *6-7.
19. *Id.* at *13.
20. *Id.*
21. *Id.*
22. *Id.*
23. *Id.* at *14.
24. *Id.* at *14.
25. *Id.* at 14.
26. *Ali v. Travelers Home and Marine Ins. Co.*, 2019 WL 5106278 (N.D. Ga. Sept. 4, 2019).
27. *Id.* at *3.
28. *Id.*
29. *Id.*
30. *Id.* at *3-4.
31. *Id.*
32. *Id.* at *4.
33. *Greater Hall Temple Church of God v. Southern Mut. Church Ins. Co.*, 820 Fed. Appx. 915 (11th Cir. July 15, 2020).
34. *Scheinfeld v. LM General Ins. Co.*, 2020 WL 4724295 (N.D. Ga. July 9, 2020).
35. *Id.* at *2.
36. *Id.*
37. *Id.* at *6.
38. *Id.* at *8.
39. *Id.*

Family Violence Awareness



**Jamie
Rush**

The Twin Plagues

It may be years before we know the full impact the COVID-19 pandemic has had on our lives. As an attorney with Georgia Legal Services Program (GLSP), I talk to family violence survivors who say that the stress of their new normal has made their volatile situations much worse.

Losing a job, finding childcare and helping a child with distance learning have added obstacles to the already often complicated process of leaving an unstable and dangerous situation. Survivors like Ms. Appleton are forced to navigate complicated systems, now plagued with uncertainty due to COVID-19. Less than 10 weeks after a difficult labor and delivery of her newborn, Ms. Appleton was hit and pushed by the father of her child. He screamed at her and her children and threw lit cigarettes at her. Ms. Appleton and her children lived in the home that her abuser owned. She lost her income because of her pregnancy and the COVID-19 pandemic. Escaping the violence and finding another place to live during the height of the COVID-19 pandemic was scary and challenging.

Ms. Appleton's local domestic violence shelter referred her to GLSP for representation in her family violence protective order case. A GLSP attorney helped Ms. Appleton get a protective order, which studies have shown will stop or reduce violence in 75 percent of these types of cases. The order allowed Ms. Appleton to stay in the home while she searched for housing to become independent of her abuser.

Holistic Resources to Help Victims Escape

When Ms. Appleton's abuser violated the order and continued to harass her by filing a dispossessory action to remove her and



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her four children from the home, GLSP defended the dispossessory and got it dismissed. GLSP's Victim of Crime Navigator Program provided funding for rent and utilities for a new apartment and referred her for victim compensation for medical treatment, loss of support, and counseling for herself and her children.

In addition to the housing funds, survivors like Ms. Appleton can get help enrolling in Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Program (SNAP or food stamps) and Victims Compensation. As sheltering in place and social distancing orders are changing, many survivors want a divorce to permanently separate from their abusive spouse. Divorces can be complex, and it is always best to hire an attorney if possible. However, a lack of income has led many survivors to turn to self-help divorce information available on many court websites across Georgia. The GLSP Family Violence Hotline provides free legal advice to family violence survivors who qualify on topics including divorce, custody and child support.

Get Involved

As a result of GLSP's attorney and navigator, Ms. Appleton was able to enforce the protective order, escape her dangerous situation, and maintain safe, stable housing for her and her four children during the pandemic. GLSP is a nonprofit corporation whose mission is to provide civil legal services for persons with low incomes, creating equal access to justice and opportunities out of poverty. The need for legal assistance has increased as the pandemic continues and help from pro bono attorneys is critical. If you would like to help survivors like Ms. Appleton, visit www.glsp.org and click on "Get Involved." GLSP has family violence and other pro bono opportunities across the state, and you can choose how you want to help from legal representation to financial contributions.

For more information about Georgia Legal Services Program or to apply for services, visit www.glsp.org or call 1-833-GLSP-LAW (1-833-457-7529). ^{YLD}

Jamie Rush is the Domestic Violence Hotline coordinating attorney with the Georgia Legal Services Program and co-chair of the YLD Public Interest Internship Program Committee.

COVID-19 and the Lawyer as a Healer of the Community



**Mitchell B.
Snyder**

Living with the impacts of COVID-19 may remind us of the old maxim that the first professions in society were the clergy, who healed the spirit; the doctor, who healed the body; and the lawyer, who healed the community. Today, our society needs healing, and the lawyer must properly assume the role.

This role involves advising clients and resolving disputes between individuals, businesses and others which result from a once-in-a-lifetime global pandemic. Certain disputes are inevitable. What happens when the furniture a hotel owner in Columbus ordered, which was to be manufactured in China, fails to arrive? Does your client have to pay for the Saint Simons beach cottage they booked and can no longer use? Who bears the risk in the contract between the graduate and photographer, who was hired to take photographs at Georgia Tech's now altered graduation?

Having a basic background on applicable legal principles will assist the lawyer in effectively and efficiently representing clients and moving toward a healed community.¹ Here are some basic principles, rules and law which may prove helpful in analyzing contracts impacted by COVID-19.

Intent

As with any question of contract interpretation, the cardinal rule is to ascertain the intention of the parties.² Here, the analysis is no different. If the contract specifically addresses what happens, or who is to bear the risk, then the contract governs. The contract could do so in a number of ways including in a force majeure or an Act of God clause. A force majeure, French for greater force, clause describes any event



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that is unexpected by all parties, not caused by any party and affects the relationship between them, limits the ability of either to perform a duty or requires one to intrude on a privilege of the other, and is in essence an affirmative defense to an alleged breach of contract.³ An Act of God clause typically refers to natural events and will excuse performance if the contract then becomes impossible to perform.⁴

The language of the contract and any force majeure or Act of God clause should be evaluated closely. Look to see whether a pandemic is covered, or whether COVID-19 applies. It may also be important to look at the timing of the alleged breach or duty to perform. COVID-19 was declared a pandemic by the World Health Organization at least as early as March 11, 2020; President Trump declared a national emergency on March 13, 2020; and Gov. Kemp declared a public health emergency on March 14, 2020. Stay-at-home orders were issued in most states. When the contract was signed, when

performance was required and whether a pandemic falls under the clause's language, are likely important.

Potential Defenses⁵

If COVID-19 makes the performance of the contract impossible, then impossibility of performance may be a valid contractual defense.⁶ If travel bans, labor shortages or stay-at-home orders prevented performance, then you may be able to use this defense.⁷ However, impossibility that is personal to the promisor does not excuse performance.⁸ Therefore, if something unique about the promisor made it impossible to perform then this defense may not apply. Furthermore, this defense does not address situations where the benefit is impossible to receive. For instance, if you no longer need or desire the goods or services because of COVID-19, but the other party supplies them, then this defense would likely not apply to a demand or suit for payment.

Today, our society needs healing, and the lawyer must properly assume the role.

Furthermore, contract theory goes one step further and recognizes that impracticability of performance may excuse performance.^{9, 10} As explained in the Restatement of Contracts, a party's performance is made impracticable by the occurrence of an event the non-occurrence of which was a basic assumption on which the contract was made, and the duty to render that performance is discharged, unless the language or the circumstances indicate the contrary. However, "under general principles of contract law . . . difficulty, inconvenience, or unusual cost in performing, even though it may make performance of the contract a hardship, does not excuse a party from performance of an absolute, unqualified undertaking to do a thing that is possible and lawful."¹¹

Another option is to seek equitable rescission or reformation from the court. Rescission is an equitable remedy which allows a party to an agreement to undo the contract in certain instances.¹² When a contract is rescinded, the parties are not to be left where rescission finds them, but rather the original status must be restored.¹³ Reformation is appropriate when the contract does not express the true intention of the parties due to an accident or mutual mistake.¹⁴ As in all cases, courts have wide discretion to fashion relief in cases of equity and may exercise discretion upon consideration of all the circumstances of a particular case.¹⁵

Damages

Georgia provides damages "for a breach of contract are such as arise naturally and according to the usual course of things from such breach and such as the parties contemplated, when the contract was made, as the probable result of its breach."¹⁶ Of course, if certain defenses referenced above

apply, then this may excuse a party's performance. However, it may not absolve a party who has received some benefit from compensating the other party, particularly when a party has already partially performed the contract.¹⁷

These tenets of contract law will assist in guiding analysis and dispute resolution in some cases involving contracts impacted by COVID-19. Trying times necessitate the reminder that both parties and counsel alike may be struggling. As Chief Justice Melton's orders declaring and extending a declaration of judicial emergency remind us, we all should act with "sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others."¹⁸ Now, as much as ever, it is important to remember the lawyer's role as a counselor, and even a "healer." ^{YLD}

Mitchell Snyder is an attorney at The Minor Firm in Dalton and serves as a Northern District representative on the YLD Representative Council.

Endnotes

1. This article seeks only to provide a basic framework for possible contract disputes involving COVID-19. There are a plethora of other areas of law which will be impacted by COVID-19.
2. O.C.G.A. § 13-2-3.
3. Bouvier Law Dictionary.
4. O.C.G.A. § 13-4-21.
5. Remember that for the affirmative defenses, the defendant will bear the burden of proving the requisite elements of the defense. In Georgia, these defenses may assist in negotiation of claims and argument before a jury, but nuances and disputes of fact may make it difficult to succeed in obtaining a dispositive mo-

tion relieving a litigant of liability based on these defenses.

6. O.C.G.A. § 13-3-5.
7. However, it is difficult to establish an impossibility defense and courts have found that few events render the performance of a contract impossible. *See, Felder v. Oldham*, 199 Ga. 820 (1945) (WWII was a foreseeable event that did not support an impossibility defense); *Elavon, Inc. v. Wachovia Bank, NA*, 841 F. Supp.2d 1298 (N.D. Ga. 2011) (after the 2008 financial crisis a contract defense based on impossibility failed as a matter of law).
8. *Scott v. Hussmann Refrigeration*, 183 Ga. App. 39, 40 (1987).
9. Restatement (Second) of Contracts § 261 and for UCC cases O.C.G.A. § 11-2-615.
10. Closely related to impracticability is the defense of frustration of purpose where a party defends an alleged breach of contract on the grounds that the essential benefit expected under the contract when it was formed is no longer available to the party, and thus performance should be excused.
11. *EZ Green Assocs., LLC v. Georgia-Pacific Corp.*, 318 Ga. App. 655 (Ct. App. 2012) (quotation omitted).
12. *Thor Gallery at S. Dekalb, LLC v. Moninger*, 338 Ga. App. 235 (2016).
13. *Lytle v. Scottish Am. Mortg. Co.*, 122 Ga. 458 (1905).
14. O.C.G.A. § 23-2-25.
15. *Willard v. Tayloe*, 75 U.S. 557 (1870).
16. O.C.G.A. § 13-6-2.
17. Restatement (Second) of Contracts § 377.
18. Chief Justice Melton's Third Order Extending Declaration of Statewide Judicial Emergency in response to COVID-19 filed June 12, 2020.

► PROFESSIONALISM, FROM PAGE 11

I have had plenty of instances where an attorney many years my senior insisted on procedure and behavior I knew to be against the rules. As before, being respectful is key. State your position succinctly and concisely, allow them to state their objection and then *move on*. Professional attorneys understand that a deposition is *not* the place to argue with opposing counsel. *That* attorney either does not understand this or does not care. If faced with *that* attorney, give them several opportunities to stop, then adjourn the deposition.

If you do, then the court will easily be able to ascertain who was professional and who was *that* attorney.

Improper Objections: The Insidious Obstructionist

A professional attorney rarely objects in a deposition, if at all.

This isn't because they're bad advocates; it's because they understand they don't have to and aren't supposed to. O.C.G.A. § 9-11-32(d)(3)(A) provides that "objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition." This broad sweeping provision means that any objection other than those that cannot be cured at a later date (i.e., form or privilege objections), are preserved. The professional attorney need not object.

The reasoning behind this is obvious—excessive objections interfere with a deposition and obstruct the discovery process. Now that is not to say there aren't many professional attorneys who have fallen prey to the "that's the way I've always done it" phenomenon, and make unnecessary objections to relevancy, hearsay, or foundation because that's how they were taught. These attorneys need only be respectfully reminded that such objections are preserved and need not be made.

On the other hand, *that* attorney knows that these objections do not need to be made and yet makes them anyway, even after repeated reminders not to. But not all such attorneys are so explicit in their obstruction. In my experience, the most common form

of obstructionist tactic in a deposition is the *speaking form objection*.

Ordinarily, an objection to form should be two words: "Objection, form." Done. Your record is preserved. The *only* reason you should continue talking is if opposing counsel asks you to expand on your objection.

In contrast, a speaking objection is an *unsolicited* explanation for an objection that interrupts a question in an attempt to suggest an answer to the deponent. Here is an example:

Q: What did the defendant say to you?

That attorney: Objection to form. That's vague and doesn't indicate at what point after the crash you're talking about. And it's been asked and answered so I think it's an unfair question at this point.

A: I don't know what point after the crash you're referring to. And you've already asked me that so I don't think it's fair.

You'll notice that the deponent somehow, incredibly, *miraculously* provides an answer that mirrors the objection. Oftentimes however, the speaking objection is not so obvious. The classic, and in my experience most often used, is the "if you know" objection:

Q: Would you agree that the nursing standard of care requires a nurse to accurately document a resident's condition?

That attorney: Objection, form. If you know, you can answer.

A (An expert nurse with 20 years' experience): I uh, I don't really know what you mean. Can you rephrase?

The "if you know" objection is merely a form of coaching a witness by surreptitiously telling them to take issue with a question they would have likely answered without difficulty. The variety of these speaking objections have no limit—including "asked and answered," "don't guess" and "beyond the scope of her expertise."

When faced with an insidious obstructionist who persists on making unnecessary objections, the one and only response that a professional attorney should provide is: "Please refrain from making speaking objections as they unfairly coach the witness."

A professional attorney does not argue in a deposition. If *that* attorney persists in their conduct—which they will—you have only two choices: 1) continue with the deposition; or 2) if the obstruction is so pervasive,

adjourn the deposition and seek an order from the court. The record will reflect who was professional and who was *that* attorney.

Finally, it is important to mention that the rules of professionalism apply equally to an attorney's *inaction* as they do an attorney's acts. A professional attorney understands that they must take affirmative steps to encourage their client to comply with the rules of discovery, including instructing their client to answer questions when asked and remain respectful. *That* attorney, on the other hand, will sit by and allow their client to engage in the obstructive tactics he or she knows are impermissible. The courts view such inaction equally unfavorably.

Professionalism is Easy

It is. It really is. While the old adage "treat others how you want to be treated" should be enough, attorneys have more than that: we share a profession—a profession that even has rules solely to promote and protect professionalism. A 2012 Gallup survey rated the honesty and ethical standards of different professions. Attorneys came in lower than car salespeople and insurance salespeople. Our public perception is directly proportional to how we treat each other. There is never an excuse to be unprofessional. The beauty of our profession is that we can come from different walks of life, cultures, or backgrounds and still share a common bond.

Every one of us can be whatever attorney we want to be.

Just please, don't be *that* attorney. YLD

Tyler Watkins is a trial and litigation attorney at Watkins Law Firm, LLC, in Roswell. He specializes in civil litigation.

Endnote

1. See Debra Cassens Weiss, *Lawyer Denies Brandishing His Gun During a Deposition; Court Reporter Kept Typing in Tense Situation*, ABA JOURNAL, October 6, 2016, https://www.abajournal.com/news/article/motion_claims_lawyer_pulled_out_a_gun_during_deposition_court_reporter_cont.

A Young Lawyer's Role in Fighting Voter Suppression



**Ashley M.
Lee**

As members of the State Bar of Georgia, each one of us recited the Attorney's Oath during the swearing-in ceremony. We swore, among other things, to support and defend the U.S. Constitution and the constitution of the state of Georgia. I will never forget the excitement that I felt on that morning! As supporters and defenders of both of these constitutions, we effectively accepted the charge to uphold our constitutional democracy. The pulse of our democracy is the right to vote. The denial or abridgment of such right through voter suppression severely undermines our democracy.

Voter suppression is generally defined as strategic attempts to influence the outcome of an election by discouraging or preventing targeted groups from voting. Voter suppression tactics include, without limitation, extreme voter purging, defective voting machines, voter intimidation, excessive long lines, felony disenfranchisement laws, and digital disinformation (i.e., online posts regarding false information about deadlines, requirements and polling locations). While some of these tactics are not new, voter suppression has no place in our democracy. These examples make it clear that young lawyers can play a critical role in fighting voter suppression. Here are four practical ways young lawyers can get involved:

1 Vote

Please take the time to make sure you vote *in every election*—whether by absentee ballot, early in-person voting or on election day. It is no secret that the General Election is a very important election, but all elections are important. No matter who you vote for, please just vote!



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2 Opportunity to Use Your Skills

Because of our training, professional skills and societal status, young lawyers are uniquely positioned to fight voter suppression through litigating cases, drafting laws and regulations that protect voting rights, engaging in advocacy efforts, lobbying legislatures to enact voting rights laws, and volunteering with organizations such as the national, nonpartisan Election Protection coalition.

3 Teach Others About Their Voting Rights

Voter education is a material element in the fight against voter suppression. Voters must understand critical deadlines and applicable voting requirements. I recently completed an exercise where I reviewed the state election officials' websites for all 50 states and the District of Columbia. I was incredibly surprised at how difficult it was to find basic voter information, such as voter registration deadlines and early voting start dates. As young lawyers, we can learn Georgia's voting laws and then use our expertise to educate fellow Georgians.

4 Engage and Mobilize Others to Vote

One easy way to engage and mobilize others to vote is to remind all of your eligible family, friends, neighbors, colleagues, church

members, and other contacts to create a voting plan, provide them with critical voting information, discuss ballot measures with them, answer their questions about voting, and most importantly, encouraging them to vote! If you are able to do so, consider donating money to reputable organizations fighting voter suppression.

Protecting the right to vote for all eligible American citizens will help to ensure that our democracy survives. It is my hope that you will join me in the fight to end voter suppression so that every eligible American citizen can have the ability to fully exercise and enjoy the right to vote. YLD

Ashley Lee is corporate counsel with The Coca-Cola Company in Atlanta.

IMPORTANT VOTING INFORMATION

- The voter registration deadline is Dec. 7.
- Early voting begins on Dec. 14.
- For more information about runoff elections, contact your County Registrar's Office.

Affiliate Spotlight

Savannah YLD Supports America's Second Harvest of Coastal Georgia



**Alec
Chappell**

The Savannah Bar Association's Young Lawyers Division raised \$529 for America's Second Harvest of Coastal Georgia as part of Georgia's ninth annual Legal Food Frenzy. The annual fundraising drive was established by the Georgia attorney general, the Young Lawyers Division of the State Bar of Georgia and the Georgia Food Bank

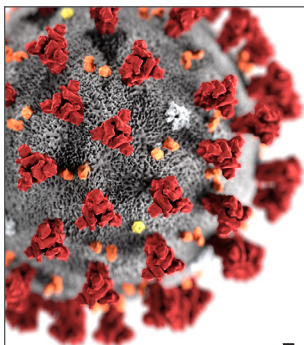
Association. The 2020 competition used an online fundraising platform due to the coronavirus pandemic.

Statewide, the Savannah YLD ranked 22nd in the Legal Organization Category for Total Points with 2,118 total points and 20th in the Legal Organization Category for Points Per Person with 52 points per person. Under the scoring system, each dollar raised represents 4 points, with opportunities for bonus points. The Savannah YLD's point total was equivalent to 2,118 meals.

Additionally, on June 13, 2020, seven YLD members volunteered at Second Har-

vest's Savannah Volunteer Center. The volunteers prepared bags of breakfast food, with each bag containing a carton of milk, a juice box and a packet of cereal. The Savannah YLD looks forward to next year's Legal Food Frenzy and to future opportunities to support America's Second Harvest of Coastal Georgia. *YLD*

Alec Chappell is the career law clerk for Chief Judge Edward J. Coleman III at the U.S. Bankruptcy Court for the Southern District of Georgia in Savannah and is the communications co-chair for the Savannah YLD.



COVID-19 UPDATES

The State Bar of Georgia and the YLD have resources available to you during the pandemic. Please visit www.gabar.org for more information or email any of the YLD officers.

We're here for you!



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Do you miss court?

Volunteer to serve in the all-virtual 2021 Mock Trial Season!

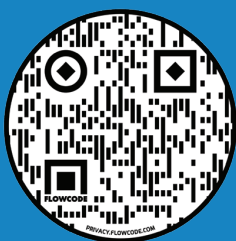
While your local State and Superior courts are still working through their reopening plans for jury trials, the State Court of Milton County in Miltonville is open for business virtually! We need volunteers to serve in our judging panels from **Jan. 30 – March 21**.

Trials will be held at the time slots below, and each slot will have eight to 11 trials at one time. Help with one or 10; we'll take 'em all!

- Saturday: 9:30 a.m. and 1:30 p.m.
- Sunday: 1:30 p.m.
- Monday – Thursday: 6:30 p.m.

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The Midyear Meeting is going virtual!



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and registration information.