



The YLD Review

THE STATE BAR OF GEORGIA | LAWYERS SERVING THE PUBLIC AND THE JUSTICE SYSTEM

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Inside this Issue

Still Growing at 65 Years Young.....	2
YLD Past Presidents.....	3
And the YLD Presidents	
Boardroom is Born.....	3
Words of Advice From YLD Past Presidents....	4
Judge's Chambers.....	6
Past President's Pointers.....	6
Affiliate YLD Updates.....	7
YLD Committee Updates.....	8
Call to Service.....	10
YLD Attorneys Shine.....	11
How to Deal With Difficult Clients.....	11
Editors' Block.....	12



YLD Gets Supreme

by Darrell Sutton

Young lawyers from all across Georgia—elephants and donkeys alike—convened in the nation's capital May 11-14. The weekend of bipartisan camaraderie began on Friday afternoon with a tour of the U.S. Capitol given by members of Sen. Johnny Isakson's staff. Attendees traveled from Sen. Isakson's office in the Russell Senate Office Building to the Capitol via the underground passageway connecting the two and spent their time within the confines of the Capitol taking in sites such as National Statutory Hall and the Rotunda before ending the tour in the gallery of the House of Representatives chamber.

After working up an appetite touring the grounds of the U.S. Capitol, Georgia's young lawyers crossed 15th Street to enjoy a group dinner at Bobby Van's Steakhouse. A reception atop the W Hotel followed dinner, where young lawyers and others in attendance enjoyed each other's company amidst a bird's eye view of Washington D.C.'s most impressive nighttime sights, including the White House and the Washington Monument.

On Saturday morning, Marietta native and former clerk to U.S. Supreme Court Justice Samuel Alito, **Winn Allen**, and his colleague and former clerk to U.S. Supreme Court Justice Antonin Scalia, **Steven Lehotsky**, treated attendees to a CLE. Although the CLE focused upon a Supreme Court insider's tips for how to obtain a Writ of Certiorari, Allen and Lehotsky shared with those attending the CLE war stories from their time working at the Supreme Court.



YLD officers enjoy a reception with Chief Justice Hunstein and other participants of the U.S. Supreme Court Swearing-In Ceremony. (L-R) Darrell Sutton, Shiriki Cavitt, Sharri Edenfield, Chief Justice Carol Hunstein, Stephanie Joy Kirijan and Jon Pannell.

Whether by foot or atop a bus, YLD members spent Saturday afternoon sightseeing. The Lincoln and Jefferson Memorials, the World War II, Vietnam and Korean War Memorials, Union Station, Ford's Theatre, the Smithsonian museums and government buildings were all seen by members of the YLD before they



Forty-four members of the Young Lawyers Division were sworn in to the U.S. Supreme Court during the YLD Spring Meeting.

reconvened Saturday night for a group dinner at Charlie Palmer Steak, just steps away from the U.S. Capitol.

YLD President **Stephanie Kirijan** presided over her final YLD business meeting Sunday morning at the Sofitel. The accomplishments of the 2011-12 Bar year were reviewed and President-Elect **Jon Pannell** announced plans for the upcoming Bar year. Among the other business items tackled by members in attendance at the meeting was a report on the comprehensive review of the YLD's bylaws undertaken by the YLD Rules and Bylaws Committee and the committee's suggestions for revisions to the bylaws.

More sightseeing Sunday afternoon was followed by a reception on the Sofitel's patio off Lafayette Square where young lawyers were joined by Supreme Court of Georgia Chief Justice **Carol Hunstein**, State Bar of Georgia President **Ken Shigley** and State Bar of Georgia Past Presidents **Gerald Edenfield** (2008-09) and **Lester Tate** (2010-11).

The 2012 YLD Spring Meeting concluded on Monday, May 14, with a group swearing-in to the U.S. Supreme Court. Forty-four YLD members and their guests were treated to a reception at the Court before traveling as a group into the courtroom where Chief Justice Carol Hunstein moved for their admission before the U.S. Supreme Court justices. After taking the oath of admission to practice before the Court, the 44 newest members of the U.S. Supreme Court bar received an in-person welcome by Chief Justice **John Roberts** and Associate Justice and Georgia native **Clarence Thomas**. After receiving words of advice and encouragement from both, each participant was greeted and photographed with Justice Thomas.

The YLD would like to thank Discovery Litigation Services, SEA Limited, Law Offices of Betty Davis, Esquire Solutions and BAY Mediation for their kind support of another successful and enjoyable YLD meeting.



From the President

Still Growing at 65 Years Young

by *Stephanie Joy Kirijan*

It has been a great honor to serve as the State Bar of Georgia Young Lawyers Division (YLD) president and a rewarding experience to work with so many dedicated young attorneys around the state.

YLD leadership set specific goals to advance the organization and exceeded expectations for a successful year. This was a milestone year as the YLD observed its 65th anniversary. Initiatives focused on advancing inclusive leadership within the State Bar through statewide outreach and improving the public perception of lawyers with community service. These goals are consistent with the mission of the YLD. When the YLD (formerly the Younger Lawyers Section) was created in 1947, its purpose was to further the goals of the State Bar, increase interest and participation of young lawyers and foster the principles of duty and service to the public.

Inclusive Leadership

For its 65th anniversary, the YLD selected the theme of inclusive leadership. Seeing diversity and inclusion through the eyes of its members helps sustain a professional association where all feel welcomed, valued and engaged—allowing the YLD to better respond to the needs of young lawyers throughout the state. The YLD has been at the forefront of inclusiveness in the State Bar, and its leadership reflects the unique characteristics of its more than 10,000 members. I am proud that this year, the YLD has its most inclusive board of directors in the organization's history.

Statewide Outreach

To achieve its goal of greater inclusion, the YLD successfully worked to increase its statewide outreach. This focus resulted in a 30 percent average increase in meeting attendance. The YLD also hosted two statewide affiliates' conferences this year in order to assist in the engagement of young lawyers from every corner of the state. These conferences allowed young lawyer leaders to come together and share ideas for strengthening and improving the organizations that they represent and the YLD as a whole. As a result of these conferences, young lawyers have created the Western Circuit Bar Association YLD and the Glynn County YLD.

The YLD continued to groom leaders across Georgia through its Leadership Academy. This year, the Leadership Academy mentored 46 young lawyers interested in developing their leadership skills as well as learning more about their profession, their communities and their state.

Community Service

The YLD had great success in leveraging its statewide network of young lawyers to improve the public perception of lawyers through community service. This year, the YLD partnered with the Office of the Attorney General and the Georgia Food Bank Association in the statewide inaugural Legal Food Frenzy. Attorney General **Sam Olens** encouraged the legal community to rise to the challenge and help reduce hunger in Georgia. Across the state, members of the YLD participated as city representatives to help make this event a success. More than 220 Georgia law firms and legal organizations and more than 15,500 people in cities across the state took part in the Food Frenzy. Through the Georgia Food Bank Association's system of seven regional food banks encompassing every county in the state, all donations benefitted local communities. The Food Frenzy united the legal community and helped the 1.6 million Georgians who are in need of food assistance.

The YLD focused its fundraising efforts on the Georgia Legal Services Program (GLSP), a nonprofit organization providing free legal services to low-income people in civil matters in the 154 Georgia counties outside the five-county Atlanta metro area. Forty years ago, the YLD played a critical role in the creation of GLSP, and its commitment to the program continues to be important. Support from State Bar leadership and the legal community has allowed GLSP to become the program it is today. This year, YLD officers, directors and representatives took a GLSP Call to Service challenge, resulting in more than 50 percent of its leadership participating to raise money or take a pro bono case on behalf of GLSP. The YLD also hosted two of its most successful fundraisers to date, the Signature Fundraiser and the Supreme Cork, raising a combined total of nearly \$95,000 to benefit GLSP. Finally, the YLD's Public Interest Internship Program provided legal services worth \$500,000 to partner organizations; \$143,000 of that was directed to GLSP. During challenging financial times, the generosity of the legal community has allowed GLSP to continue to serve low-income Georgians. In its role as the public service arm of the State Bar, the YLD has assisted GLSP to serve the state's most vulnerable populations, helping them rebuild their lives through access to justice and opportunities out of poverty.

Through its statewide service efforts, the YLD continued to work with its partners to support substantial reform for Georgia's juvenile code as part of the State Bar's legislative initiatives. Seven years ago, the YLD Juvenile Law Committee undertook an ambitious project, funded in large part by grants from the Georgia Bar Foundation, to create a model juvenile code that could provide a framework, based on proven best practices and scientific research, for revising Georgia's juvenile code. The Proposed Model Code developed a new organizational structure, created and maintained stylistic consistency and incorporated proposals for substantive revisions that reflect best practices. The legislation was approved by the House of Representatives and the Senate Judiciary Committee but did not achieve final passage due to budget considerations. The YLD will continue to support its partners in the efforts to pass this legislation next session.

In further celebration of the 65th anniversary, the YLD paid tribute to individuals who have served as the foundation of the organization. The YLD honored its past presidents with the creation of the YLD Presidents Boardroom at the Bar Center. Each past president's photo is displayed in the boardroom, which includes 10 women and three African-Americans. The boardroom enhances the prestige of the YLD brand and advances the anniversary theme of inclusive leadership by adding diversity to the walls of the Bar Center.

The YLD also paid tribute to another pillar of the organization, Chief Justice **George Carley** of the Supreme Court of Georgia, for his many years of dedicated service to the bench and bar. Chief Justice Carley, who is retiring this year, epitomizes inclusive leadership through his involvement in the YLD over the past three decades. Chief Justice Carley has encouraged statewide outreach of the YLD through the High School Mock Trial program since its inception in 1988. He has also encouraged and mentored YLD officers who he has sworn in for 20 years. Because of Chief Justice Carley's dedication to generations of young lawyers, the YLD celebrated his service at the Annual Meeting with a memorable roast delivered by Hon. **Lawton Stephens**.

The YLD concluded another successful year by continuing to get stronger and advancing its mission through valuable programs and projects. The organization has earned generous support from the State Bar and its leadership that enables the YLD to continue its service to the profession and the public. Again, I have been privileged to serve with YLD members in every corner of the state and share in the success of this year.

YLD Past Presidents

1947-1948:	<i>Harry S. Baxter</i>
1948-1949:	<i>B. C. Gardner Jr.</i>
1949-1950:	<i>Griffin B. Bell</i>
1950-1951:	<i>James D. Maddox</i>
1951-1952:	<i>Trammell F. Shi</i>
1952-1953:	<i>Marcus B. Calhoun</i>
1953-1954:	Kirk M. McAlpin
1954-1955:	<i>Robert R. Richardson</i>
1955-1956:	Kenneth M. Henson
1956-1957:	Frank C. Jones
1957-1958:	Gould B. Hagler
1958-1959:	<i>Robert T. Thompson</i>
1959-1960:	<i>Willis J. Richardson Jr.</i>
1960-1961:	<i>J. T. Pope Jr.</i>
1961-1962:	Harry C. Howard
1962-1963:	Erwin A. Friedman
1963-1964:	<i>Charles J. Driebe</i>
1964-1965:	W. G. Elliott
1965-1966:	Theodore G. Frankel
1966-1967:	B. Carl Buice
1967-1968:	Robert L. Steed
1968-1969:	Lloyd T. Whitaker
1969-1970:	<i>L. Martelle Layfield</i>
1970-1971:	Matthew H. Patton
1971-1972:	Thomas E. Dennard Jr.
1972-1973:	<i>A. Felton Jenkins Jr.</i>
1973-1974:	Robert M. Brinson
1974-1975:	R. William Ide III
1975-1976:	James A. Bishop
1976-1977:	A. James Elliott
1977-1978:	Charles T. Lester Jr.
1978-1979:	Theodore M. Hester
1979-1980:	James L. Pannell
1980-1981:	W. Terence Walsh
1981-1982:	Richard A. Childs
1982-1983:	Richard T. de Mayo
1983-1984:	Walter H. Bush Jr.
1984-1985:	William D. Barwick
1985-1986:	S. David Smith Jr.
1986-1987:	James H. Cox
1987-1988:	John C. Sammon
1988-1989:	Donna G. Barwick
1989-1990:	Dana B. Miles
1990-1991:	Stanley G. Brading Jr.
1991-1992:	Leland M. Malchow
1992-1993:	Elizabeth B. Hodges
1993-1994:	Rachel K. Iverson
1994-1995:	Tina Shadix Roddenbery
1995-1996:	Nolie J. Motes
1996-1997:	J. Henry Walker
1997-1998:	James D. Hyder Jr.
1998-1999:	<i>Ross J. Adams</i>
1999-2000:	Joseph W. Dent
2000-2001:	S. Kendall Butterworth
2001-2002:	Peter J. Daughtery
2002-2003:	Derek J. White
2003-2004:	Andrew W. Jones
2004-2005:	Laurel Payne Landon
2005-2006:	Damon E. Elmore
2006-2007:	Jonathan A. Pope
2007-2008:	Elena Kaplan
2008-2009:	Joshua C. Bell
2009-2010:	Amy V. Howell
2010-2011:	Michael G. Geoffroy

Italics denotes deceased

And the YLD Presidents Boardroom is Born

by Shiriki Cavitt



On May 3, the new Young Lawyers Division Presidents Boardroom was unveiled at the Bar Center. Those in attendance of the event included justices and judges from the Supreme Court and Court of Appeals of Georgia, State Bar Executive Committee members, YLD Executive Committee members and YLD past presidents. YLD President **Stephanie Kirijan** and a committee of dedicated members have worked tirelessly during the 2011-12 Bar year to raise money that would turn the idea of a dedicated room in the State Bar to honor YLD past presidents to reality.

During the unveiling ceremony, the room was dedicated as Kirijan highlighted the great and groundbreaking significance of having a room in the State Bar Building to showcase the great diversity of leadership and talent the YLD has championed and celebrated throughout its 65 years of existence. Such diversity includes 10 female YLD presidents and three African-American YLD presidents. The attendees enjoyed food, beverages, great company and a tour of the YLD Presidents Boardroom. The event concluded with a champagne toast and the presentation of a beautiful lapel pin featuring the YLD's 65th anniversary logo. Special thanks to **Meredith Wilson** for assisting in fundraising efforts and **Jen Blackburn** for helping to organize the design and the layout of the room.



(L-R) Elena Kaplan, Joe Dent, Damon Elmore, Theodore Frankel, Matthew Patton, Immediate Past President Michael Geoffroy, President Stephanie Joy Kirijan, Donna Barwick, Bill Barwick, Betsy Hodges, Leland Malchow, Amy Howell, Kendall Butterworth and Stan Brading gather for a group photo in the new YLD Presidents Boardroom.

In grateful appreciation to the following Presidents of the Younger Lawyers Section and later the Young Lawyers Division and other members of the State Bar of Georgia for their generous financial support of the YLD Presidents Boardroom:

Ross J. Adams
(*In memoriam*)
Donna G. Barwick
William D. Barwick
Joshua C. Bell
Stanley G. Brading Jr.
Robert M. Brinson
Walter H. Bush Jr.
S. Kendall Butterworth
Peter J. Daughtery
Joseph W. Dent
Charles J. Driebe
(*In memoriam*)

A. James Elliott
Damon E. Elmore
Theodore G. Frankel
Michael G. Geoffroy
Gould B. Hagler
Theodore M. Hester
Harry C. Howard
Amy V. Howell
R. William Ide III
Andrew W. Jones
Frank C. Jones
Elena Kaplan
Stephanie Joy Kirijan

Charles T. Lester Jr.
Leland M. Malchow
Kirk M. McAlpin
Dana B. Miles
James L. Pannell
Jonathan B. Pannell
Jonathan A. Pope
Tina Shadix Roddenbery
John C. Sammon
Robert L. Steed
Darrell L. Sutton
J. Henry Walker IV
Derek J. White

Words of Advice from YLD Past Presidents

Involvement in the YLD is one of the most professionally and personally rewarding things you can do as a lawyer. If you aren't involved yet, what are you waiting for?!—*Laurel Landon*

Work to live, don't live to work. Make time for family and friends. Heed the sage advice from country songs, like making sure that "your best view is the one on your front porch lookin' in"; "happiness ain't just for high achievers"; and that broken roads can lead you to something better than you thought. And finally, remember that life isn't a destination, it's a journey. Enjoy the trip.—*Stan Brading*

Be honest (always). Be brave, progressive and open minded. Go home to your family. Make the Bar better. It really is that simple.—*Damon Elmore*

"Don't try to teach a pig how to sing. It will annoy the pig and frustrate you." Following this advice will avoid disaster in trial.—*Matt Patton*

The cleanest bathrooms at a courthouse are in the jury deliberation rooms. But don't do what I did years ago, and use one, only to find that the jury had returned and were deliberating the case when I emerged. I had some 'splainin to do when the bailiff dragged me in front of Judge Osgood Williams.—*Bill Barwick*

Continue to work hard, play hard and use your imagination, energy and enthusiasm to do good work. Stay hungry and have fun while providing a great service to the profession and to the citizens of Georgia.—*John Sammon*

It is clear from the pictures on the boardroom wall that there has been tremendous change over the last 65 years. As the rate of change is accelerating exponentially, younger lawyers will have to adapt and learn new skills—while remaining true to themselves and the profession.—*Donna Barwick*

Return phone calls and emails; don't ever lie to a client or your law partner; don't ever borrow money from your trust account; try to keep your personal life straight; show up for work; and don't worry about which lawyers are making more money than you are or are getting ahead of you. Keep representing your clients to the best of your ability and it will work out.—*Jim Pannell*

My participation in the multiple activities of the then Young Lawyers Section of the State Bar of Georgia was an extremely valuable tool and experience in my growth and development as a young lawyer. I encourage all eligible young lawyers to enhance their careers by becoming active participants in YLD activities—time and effort that will pay heavy dividends over the years.—*Lloyd Whitaker*

The friends you make in the YLD will be your friends for the rest of your legal career. The rewards you reap from your work in the YLD will be just as satisfying, if not more satisfying, than the work for your clients.—*Pete Daughtery*



YLS members at the State Bar of Georgia Midyear Meeting in 1969. (Back row, L-R) Theodore G. Frankel, B. Carl Buice, YLS President L. Martelle Jr. and Charles J. Driebe. (Front row, L-R) Harry S. Baxter, Robert L. Steed and Lloyd T. Whitaker.



YLD Past Presidents Stan Brading (middle) and Henry Walker (far right) and other young lawyers enjoy an afternoon on the Legal Holiday.

Work hard but don't forget to have fun! If you're not having fun, you may be in the wrong profession. Make time to spend with family and friends; they are important to your sanity. Never underestimate your opponent/adversary—doing so will lead to failure.—*Joe Dent*

My work with the YLS, now YLD, helped me form some of the most valuable relationships in my career. I am close friends with many different lawyers and judges around the state. The best advice I can give younger lawyers is never to take yourself too seriously, but to always enjoy life and enjoy your family.—*Betsy Hodges*

Be a better lawyer tomorrow than you were today. Be a better person tomorrow than you were today.—*Josh Bell*

In every significant decision you make, consider the impact of faith, family, integrity and professionalism.—*Dana Miles*

I urge you to become involved in the YLD, what our kids called the OLD, and your local bar. The only error you can make is to be dispassionate and/or disinterested. Be true to the reason you were drawn to law school and enjoy law practice!—*Terry Walsh*

My advice to the lawyers is that they should learn to float serenely in the sea of obloquy and should not take themselves or Dan Quayle too seriously.—*Bob Steed*

Get involved in the YLD. You will make connections and friends that are priceless—both professionally and personally. The practice of law is like a marathon—don't start out at a sprinter's pace.—*Kendall Butterworth*

The secret to a successful career is to work 50 hours a week for about 50 weeks a year at something you enjoy more than 50% of the time. At the same time, all work and no play makes you tired, old and boring so find a way to have some fun and don't apologize for it.—*Henry Walker*

Remember, preparation is the ultimate equalizer; be proud of your profession; life is 10% what happens to you and 90% how you react to it.—*Jon Pope*

Treat everyone with respect, whether they deserve it or not. Develop a reputation for integrity because to be a good lawyer you must have the trust of everyone. Give something back to your community and the legal profession. Both deserve your support.—*Charlie Lester*

Listen. Think. Dissent. Carry on. Never apologize. The right people do not want apologies, and the wrong sort take advantage of them. Remember who you are.—*James Hyder*

Have a sense of humor.—*Richard de Mayo*

Don't ever take anything from a client that comes in a clear plastic baggy. And yes, that includes cash.—*Michael Geoffroy*

I will long remember and cherish the August 1953 ABA Annual meeting in Boston. My late Sarah and I (with several other Georgians) came to Boston to support our fellow Georgian, the late Baxter Jones Jr. of Atlanta, (brother of Frank Jones of Macon) for his election as the incoming chairman of the then Junior Bar Conference, to succeed Dick Bowerman of Boston. I was captured by the professionalism of the group, their dedication to fostering the enhancement of the relationships among the lawyers of America and the friendships we enjoyed.—*Kirk McAlpin*

I would strongly encourage young lawyers to be civil and courteous—to be “professional”—in their dealings with other practitioners. I say this for a variety of reasons, including the following: first, we have an obligation as lawyers to conduct ourselves in accordance with the highest standards of professional conduct; second, a good relationship with another lawyer usually makes it easier to obtain cooperation with respect to some (any) matter not involving the merits of his or her client's position in litigation or negotiations; and third, it is so much more enjoyable to practice law this way.—*Frank Jones*

When you are wondering what you are supposed to be doing with a project you have been assigned, remember that you are a lawyer. Be the lawyer: (i) determine what your client needs, (ii) educate yourself on the applicable law to find out how to achieve what your client needs, and (iii) diligently work towards meeting those needs. This is not about skating by or doing the minimum; this is about fully immersing yourself in your client's problem and navigating a path to solve it.—*Elena Kaplan*

“All persons have the same amount of time—24 hours a day, 7 days a week, 52 weeks a year. To tell someone you have no time, or had no time to do what they wished you to do, is not an excuse. It simply means that you gave the things you wanted to do a higher priority.” (Benjamin Franklin)—*Walter Bush*

My advice is to work hard at maintaining the balance that is right for you in your lives. In my first job out of law school, I was told law is a jealous mistress. I can't imagine any profession more satisfying than practicing law, but it can be unceasingly jealous of time spent with family, friends, community, pro bono and bar activities, sports, exercise, reading, relaxation and reflection. Try to comprehend whom you want to be, and work hard to be it.—*Ted Hester*



Georgia Delegation to ABA/YLD Assembly in Chicago (back row, l-r) S. David Smith, president-elect, YLS; John Sammon, director, YLS; Dan Bowling; and C. Edwards Dobbs, YLD Delegate to ABA House of Representatives; (Center row, l-r) Barbara Mendel, chairman-elect, YLD; Walter H. Bush, immediate past president, YLS; Mel Westmoreland; Lynn Schubert; and Henry L. Bowden Jr., president, ACYL. (Front row, l-r) Bill Barwick, president, YLS; Donna Barwick, Georgia Younger Lawyer Delegate to ABA House of Delegates; Jeanne Bowden; and Debra Segal.



1994-95 YLS President Tina Roddenbery and the executive committee at Amicalola Falls.

Young Lawyers Division

Summer Meeting

Greensboro, Ga.

Aug. 10-12

The Ritz at Lake Oconee

Judge's Chambers

Thoughts on Judicial Temperament

by *Herbert E. Phipps*

Presiding Judge, Court of Appeals of Georgia



Many criteria govern the conduct of judges. I think none is more important than temperament. Three principles are essential components of proper judicial temperament—humility, fairness and courage.

Humility

When I took the bench many years ago, a seasoned lawyer pulled me aside and said: “Herb, I think you will make a fine judge. But I want you to always remember: Judges get their ‘butts’ kissed a lot. Never mistake ‘butt-kissing’ for respect.” He went on to say that he had seen many individuals who had become intoxicated by flattery, were then full

of themselves, and consequently never amounted to much as judges. Since that day, I have not forgotten that veteran lawyer’s warning.

The old story about the death of the judge’s dog should keep us all humble. When the judge’s dog died, there was standing room only at the funeral. When the judge died, however, the funeral was poorly attended because everyone was elsewhere applauding the new judge. The temptation to succumb to judicial narcissism should be resisted.

No judge should think that merely donning a robe or pompously displaying the trappings of judicial office is sufficient to earn genuine respect. A judge becomes worthy of sincere respect by performing the duties of the office as commanded by the oath of office—faithfully and impartially and without respect to person.

Fairness

As a judge presides over the conduct of others, he should remember that his conduct is being observed, too. Just as all who appear before the court must treat the judge respectfully, the judge has a reciprocal duty to treat the lawyers, parties and others with respect. All who appear before a judge should feel confident that their claims or defenses will succeed or fail based on procedural or substantive merits, and not because of the judge’s inappropriate temperament.

A judge can be vigilant, efficient, and vigorous without being abusive, unfair or contemptuous in speech, gestures or other conduct. Every judge should be ever mindful that only a thin line lies between the one who sits on the bench and those who appear before it. The judge must be the embodiment of justice, and her temperament should proclaim that: No one is mistreated, no one receives special treatment, and everyone is treated fairly.

Early in my judicial career, I read that Viscount Kilmuir, a former Lord Chancellor of Great Britain, advised: “There is much to be said for the view that a kindly and patient man, who is not a profound lawyer, will make a better judge than an ill-tempered genius.” When people inquire about a lawyer, they generally ask: “Will this lawyer fight for me?” When they ask about a judge, however, the question is usually: “Is the judge fair?”

It is difficult for an unkind, impatient judge to be fair. Many lawyers and parties can recall an encounter with an impatient, ill-tempered judge which resulted in the denial of the right to fully and fairly present a claim or defense. An ill temper can manifest itself not only in the judge’s words and tone, but also in rash rulings. Even a ruling that is legally sound may be viewed by the parties as unfair if the judge behaved in a manner that was impatient, unkind or partial. The perception of the judiciary is at stake, and it is important for a judge to avoid behavior that may reasonably be perceived as impatient, discourteous, or biased. A judge with the proper temperament listens attentively and exercises judicial authority firmly but fairly.

Courage

A judge’s courage is tested daily. A judge with the proper judicial temperament will have the courage to do the right thing when the whole world is watching and the character to do the right thing when no one is watching.

As judges, we often see people at their worst, among them many accused of heinous crimes. At times, some participants in judicial proceedings may be tempted to treat other individuals, such as the poor and habitual offenders, with contempt or condescension. Nevertheless, regardless of the circumstances that brought the parties before the court, a critical function of judicial courage is to ensure that each individual involved in our civil or criminal justice system is treated with respect and fairness. For a party, the judge who hears his case represents the entire judicial system; if he perceives that the judge is fair, he will believe that the system is fair.

On the other hand, if the judge seems unfair, he will believe the system is unfair.

When a judge performs her duties faithfully and impartially and without respect to person, neither she nor her decisions will always be popular. Some of our greatest judges have been unpopular because they had the courage to make the right decision when the wrong decision would have been popular. A judge with the proper temperament overcomes any urge for popularity at the expense of fairness and justice, and makes decisions agreeable to the law and the evidence, as the oath of judicial office requires.

When guided by these essential components of proper judicial temperament—humility, fairness and courage—judges earn public confidence in and respect for the judiciary.

Past President's Pointers

by *Joshua C. Bell*



I am always humbled when I have the opportunity to speak to the State Bar. I am especially grateful when I get the chance to speak to my favorite division of the State Bar, which is of course, the YLD. When asked to submit some “words of wisdom” to impart to fellow YLD members, I jumped at the chance to write this article.

The three past presidents that have written articles in previous editions of this newsletter are simply giants in the legal field and the State Bar. I can promise you that Bill, Damon and Amy’s articles are much better written than this one. With that said, my first piece of advice to you is to go back and re-read those articles . . . you won’t regret it.

I’ve learned a few things during my time as a lawyer. One thing that took me a long time to grasp is something that I wish all lawyers would do more of. . . listen. It’s amazing how much you can learn by simply listening to the people and world around you. Silence is golden and we all would be much better lawyers if we would be better listeners. Lawyers generally talk too much and fail to listen enough. (You are now shaking your heads in disagreement, but think about it. If you are honest, you will agree.)

When lawyers oppose one another they would do themselves well to first listen to what the other side is saying. Really listen. It will make settling the dispute a whole lot easier. Often attorneys get so immersed in their clients’ positions that they lose sight of the fact that the other side might actually have a good case or argument. I see this all the time. I call it “blinker syndrome.” (This is my one horse racing reference as I write this article during Kentucky Derby week.) Listen to the opposing side and you will do a better job for your client.

Another great place to listen is at State Bar meetings. I can’t tell you how much I’ve learned by simply listening to all the unique perspectives you hear. I am, without a doubt, a better lawyer due to my involvement with the State Bar. You will be, too.

In closing, as I am writing this article, I have been thinking about one of the best people I have ever listened to, Chief Justice **George Carley**. He is, by far, one of the finest people I have ever met. The Court, the Bar and the entire state of Georgia are losing a great justice of the Supreme Court. I wish him well in his retirement and I know all of us will wish him well in all of his future endeavors.

Affiliate YLD Updates

Augusta

by **Alex Brown**

The Young Lawyers of Augusta (YLA) participated in the Augusta Bar Association's annual Law Day "Ask-a-Lawyer" advice clinic on April 28. Thirteen attorneys volunteered their time Saturday morning providing free legal advice to the community on a variety of issues. The YLA also held its annual Thirsty Thursday at the Augusta Greenjackets baseball game for our April event. On May 23, the YLA teamed up with the YLD Ethics and Professionalism committee to host the Augusta Riverboat Cruise CLE. It was an honor to have Chief Judge **John J. Ellington** of the Court of Appeals of Georgia as the speaker for the event as the group sailed down the Savannah River. If you are interested in finding out more information about the Young Lawyers of Augusta or to join our organization, please email yla.augusta@yahoo.com.



Augusta lawyers participate in Ask-a-Lawyer Advice Clinic. (L-R) Mike Loeb, P.J. Campanaro, Adam King, Jenna Matson, Joan Smith, Alex Brown (Participants not pictured: Sam Nicholson, John Taylor, August Murdock, Lucy Dodd, Pierce Blitch, Joyce Sims, and Kenneth Jones).

The YLD welcomes the following new affiliates:

Western Circuit Bar Association YLD

President: Kevin Epps

kee@fbglaw.com

Glynn County YLD

President: Patrick Powell

ppowell@durhamfirm.com

Look for more information on these affiliates in our next edition.

YLD Affiliate Chapters Unite for Second Annual Affiliates' Conference

by **Jen Blackburn**

On May 18, representatives from YLD affiliate chapters across Georgia arrived at the Bar Center to attend the Second Annual Affiliates' Conference. This new addition to the YLD calendar was started last year under then YLD President **Michael Geoffroy** as a way to bring together affiliate chapters throughout Georgia and allow them an opportunity to network, brainstorm new ideas and receive training specifically geared to affiliate chapters. YLD members from as far away as Albany and Augusta, and as close as Cobb, DeKalb and Gwinnett, all attended this much-anticipated conference.

Organized by **Nicole Marchand**, **Graham McDonald** and **Khurram Baig**, the day included a wide array of speakers, break-out sessions and networking opportunities. **Darrell Sutton**, YLD treasurer, got the morning started with a lively discussion on membership, communication, pro bono and sponsorship. **Andrew Jones**, YLD past president (2003-04), generously volunteered to give the keynote address and educated attendees on "Leading a Successful YLD Chapter." Lunch was held in the newly dedicated YLD Presidents Boardroom, which allowed the affiliates to be one of the first groups to utilize this exciting new addition to the Bar Center. Following lunch, **Jen Blackburn**, YLD Newsletter co-editor, gave an overview of the YLD year and discussed the successful use of the newsletter by affiliate chapters. The afternoon wrapped up with programming and brainstorming sessions that will most certainly result in some exciting new affiliate chapter events in the upcoming YLD year. Thank you to Nicole and Graham, YLD Affiliates Conference co-chairs, and Khurram, for their hard work putting together such a great event.



Representatives from YLD Affiliates across the state gathered for a conference on May 18. (L-R) Jen Blackburn, Nicole Marchand, Jack Long, Alex Brown, Diana Kovach, Khurram Baig, Nicole Iannarone, Collier McKenzie, Chase Swanson, Will Davis and Michael Coker.

Motion to Amend YLD Bylaws

The Rules and Bylaws Committee of the Young Lawyers Division (YLD) of the State Bar of Georgia hereby presents this motion to the president of the YLD to amend the bylaws of the YLD. A complete copy of the revisions amending the bylaws in their entirety can be found at www.georgiayld.org and are expressly incorporated herein by reference. The committee requests that this motion be published in the summer issue of the YLD Newsletter and that

a vote on the proposed amendments be taken at the Summer Meeting of the members of the YLD, scheduled for Aug. 10-12, 2012, in Greensboro, or the first meeting thereafter at which a quorum is present. Any questions, comments or requests for a copy of the proposed revisions should be addressed to Jack Long (jlongattorney@aol.com) or Anne Kaufold-Wiggins (awiggins@balch.com).

YLD Committee Updates

Community Service Projects Committee

by *Ana Maria Martinez & Jonathan Poole*

The Community Service Projects Committee has had a busy spring and is looking forward to a great summer.

In April, committee members participated in a Sandwich Making Party at Crossroad Ministries organized by **Shiriki Cavitt**. Crossroads is a nonprofit organization that serves more than 73,000 meals to more than 3,800 homeless men, women and children in Atlanta each year. Volunteers met at Crossroads' facilities to prepare more than 1000 sandwiches for the homeless and to learn more about the organization. The same weekend, under the leadership of **Kristi Wilson**, committee members hosted an Easter Egg Hunt at the Nicholas House. To end the busy month, the committee, along with the Georgia Hispanic Bar Association, held a happy hour to raise funds for the Atlanta Humane Society (AHS). In conjunction with the happy hour, the committee participated in the AHS Pet Parade. At the parade, members and their pets proudly represented the YLD around the Atlantic Station route. These great events are quickly becoming an anticipated annual tradition.

In April and May, the committee teamed up with the State Attorney General's Office to kick-off Georgia's Inaugural Legal Food Frenzy. The event was an enormous success. More than 220 firms, legal departments, law schools and governmental agencies throughout the state participated and collected more than 612,497 pounds of food for families and organizations served by Georgia's seven regional food banks. Kristi Wilson and **Deepa Subramanian**, along with dozens of city representatives throughout the state, did a fantastic job at coordinating and executing this new tradition.

To wrap up the year, the committee will be participating in the Special Olympics and planning an outing at the Georgia Aquarium with DFACS children during the month of June. Special thanks to **Jessica Nix** and **Margaret Greer** for coordinating and leading these events.

Special thanks also goes out to our generous April happy hour sponsor, Discovery Litigation Services.

High School Mock Trial Committee

by *Jon Setzer*

The Georgia High School Mock Trial Committee (GHSMT) continues to make a name for itself on the national stage. This year, the mock trial team from Henry W. Grady High School in Atlanta was the national finalist team at the National High School Mock Trial Championship in Albuquerque, N.M., in May. The Grady team's 2nd place finish enhanced Georgia's already strong reputation for quality team preparation and presentation at the national level. Before the Grady team boarded the plane for Albuquerque, however, they had to earn their fourth consecutive championship at the state level. There were 19 teams involved at the State Finals Competition in Lawrenceville in March, our largest number ever, and teams from Grady, Atlanta International School (Atlanta), Jonesboro High School (Jonesboro) and Middle Georgia Christian Homeschool Association (Macon) earned the top four slots in the tournament after a highly competitive weekend. A team of dedicated regional coordinators organized 17 regional competitions around the state in February and in the fall had 54 student team leaders from many different teams participate at the annual Law Academy in Athens. So while the accolades and recognition at the national level are essential in building the reputation of this academic program, its true strength lies at the grassroots level, with the high standards of dedication, preparation, presentation and deportment which individual teams, coaches and volunteers participating in this program display each season. It is the involvement and support of so many self-proclaimed "mock trial junkies" around the state that truly make this program great.

Arguably the strongest and most vocal supporter of GHSMT over the last 25 years has been Justice **George Carley** of the Supreme Court of Georgia. This year, as Justice Carley becomes chief justice of the Supreme Court and looks toward retirement, lawyers are reminded of his lifelong, dedicated service to this great state and his strong involvement with and support of the Young Lawyers Division and the mock trial program. This year the High School Mock Trial Committee renamed and rededicated the State Champion gavel, which has traveled around the state with each state champion team for the last 24 years, in honor of Justice Carley. This rededication recognizes Justice Carley's unsurpassed contributions to the mock trial program and to the students, attorneys, judges, teachers, committee volunteers and parents who've been involved with it throughout the years.

Georgia has one of the larger state competitions in the country, and this year a record number of 138 public and private schools (including two homeschool groups and one Youth Development Campus) registered to field a team in the competition. This program served

more than 2,000 students in 2012 and counted more than 150 teachers and close to 800 attorneys and judges statewide as volunteers. However, when considering that there are 179 total public school systems (159 county systems and 20 city systems) including more than 330 public high schools and more than 250 private high schools in this state, the number of schools involved in the GHSMT is just a drop in the bucket. While the committee is proud of the growth over the past few years, the goal is to expand the program offerings to more schools and students. Schools throughout the state who don't yet field a team in the competition would benefit greatly from participation in the program. The geographic area around our newest region in Augusta is a strong candidate for potential growth, but there are also opportunities to grow the program near Albany, Brunswick, Columbus, Tifton and Valdosta.

Each year during the State Bar's Annual Meeting, Justice Carley administers the Oath of Office to the newest class of YLD leaders and in that oath, he asks the leadership to promise to "continue to fully support the Georgia High School Mock Trial Competition, a major project of the YLD, and . . . volunteer to personally participate in the state competition as a judge, evaluator, bailiff or general flunky." As the mock trial committee looks back on a job well done in 2012 and looks ahead to the 2013 season, there is an opportunity to make this exceptional educational opportunity available to more students in Georgia. The YLD leadership continues to offer substantive assistance in promoting and supporting this program and the general membership can expand its participation, especially outside of the metro-Atlanta area, by volunteering to establish and coach a new team during the 2013 season, by serving on a judging panel at the regional, state or national levels, by volunteering to coordinate a regional competition or by getting involved with the work of the committee through subcommittee service.



(L-R) YLD President Stephanie Joy Kirijan, Justice George Carley and GHSMT Chair Jon Setzer after the gavel rededication on March 18.

The mission of schools throughout Georgia is to strengthen academic achievement while promoting civic engagement and through these efforts, build stronger communities and participation in the Georgia High School Mock Trial Competition helps schools achieve these goals. Using a collaborative approach, the educational and legal communities work together to offer high school students a unique and challenging learning experience. Whether students are interested in pursuing a career in law or not, whether they plan to go on to college or pursue other post-secondary options, participation in this program will provide them with academic and life skills that will stand them in good stead in the classroom and beyond.

Members of the Young Lawyers Division, this is a call for help, time, knowledge, enthusiasm and support. As a lawyer, you have so many different community service options available, but please put involvement in the YLD's High School Mock

Trial Competition at the top of the list next school year. As the GHSMTC looks forward to the 2013 season and welcomes the program’s third State Coordinator, Michael Nixon, former teacher coach at Walton High School in Marietta, consider carving a little time to make a positive difference in the lives of students across Georgia through mock trial. Make a commitment to helping GHSMTC grow and expand the mock trial program in this state.

Intellectual Property Committee

by *Laura Ashby*

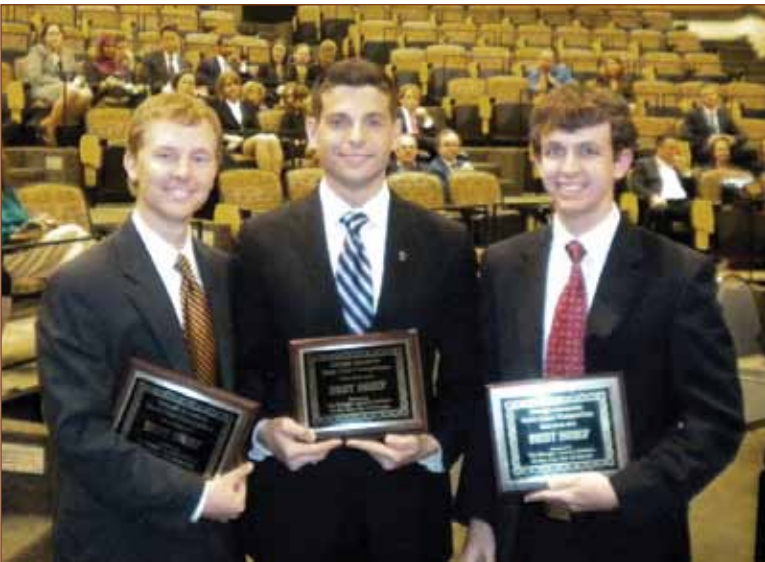
The widespread prevalence of the use of social media poses new and interesting legal challenges for individuals and businesses. Becoming and staying proficient in the ever-changing world of technology and social media is only half of the challenge; attorneys must also be aware of and understand how this new way of communicating impacts their clients.

On Feb. 13, the Intellectual Property Committee sponsored a lunch and learn on the intersection of intellectual property and social media. The panel discussion was well attended by YLD and big Bar members alike. **Merillat Frost**, trademark counsel for the Coca-Cola Company; **Amy Loggins**, corporate counsel for Crawford & Company; and **Clark Wilson**, patent and trademark attorney with Gardner Groff Greenwald and Villanueva, comprised this experienced panel and presented varying perspectives on the legal issues implicated by the use of social media. The panel discussed numerous examples of how social media is changing the way clients must police and protect their patents, trademarks, copyrights and trade secrets, including the importance of developing policies to address potential issues with employees and the mechanisms for responding to infringement on third-party websites. The panel provided all attendees with helpful practice pointers and great food for thought.

Intrastate Moot Court Committee

by *Emilia Walker*

Congratulations to the YLD Intrastate Moot Court Committee for another successful competition year. The competition took place on March 23-24 at Georgia State College of Law, where law students across the state argued on a multitude of issues concerning the Georgia Apportionment Statute. The University of Georgia School of Law captured the awards for Best Team and Best Brief, while Georgia State College of Law was awarded runner-up. The Best Oralist Award went to a student from Emory University School of Law. Each year, the intrastate competition remains a great symbol of academic prestige in Georgia due to the tireless efforts of the YLD and support received from the surrounding legal community. This year’s sponsors included Bondurant, Mixson & Elmore, LLP; Fincher



University of Georgia School of Law was awarded Best Team and Best Brief. (L-R) UGA law students Tyler Dillard, Nicolas Howell and Emir Schic.

Denmark & Williams LLC; Freeman Mathis & Gary, LLP; TrialGraphix; and Troutman Sanders LLP. The competition was judged by a multitude of practicing attorneys and judges from across the state, including Hon. **Sara L. Doyle** and Hon. **Keith R. Blackwell** of the Court of Appeals of Georgia.

Creation of YLD Labor and Employment Committee

by *Joseph Sullivan*

The Young Lawyers Division of the State Bar of Georgia is pleased to announce the creation of a new committee focused on the practice of labor and employment law. The committee seeks to provide educational and networking opportunities to young lawyers in Georgia whose practice involves labor and employment by:

- Enhancing the role and skill of young lawyers engaged in the practice of labor and employment through the development and dissemination of materials and discussion on topics of interest to young labor and employment law practitioners;
- Assisting in the formation, administration and implementation of programs, forums and other activities for the education of members in matters pertaining to labor and employment; and
- Recognizing and discussing means of improving the practice of law in the field of labor and employment through meetings and social events.

As the committee is just getting started, members have a unique opportunity to initiate and foster the direction and growth of what we hope will be one of the most informative, active and enjoyable committees in the YLD. Proposed events/activities the committee could offer include:

- “Lunch and Learn” events;
- A quarterly electronic newsletter with updates as to legal developments, updates on committee events, and articles of interest submitted by members;
- Creation of a CLE program specifically tailored to young lawyers engaged in the practice of labor and employment;
- An “Outstanding Student Paper” competition in which the committee engages law school students within Georgia to examine and analyze a specified topic of labor and employment law;
- The creation of a pro bono subcommittee to refer potential labor and employment pro bono opportunities to members;
- Establishment of a working relationship/mentoring partnership with the existing Labor and Employment Law Section of the big Bar; and
- A “Lunch with Adversary” program in which members who normally represent employers and members who normally represent employees attend lunch so as to establish relationships and a sense of community.

Young lawyers interested in joining the new Labor and Employment Committee are invited to refer to www.georgiayld.org to join, or contact committee Chair **Joe Sullivan** (jsullivan@taylorenglish.com) for further information. The committee’s success will largely depend on the interest and involvement of members. Accordingly, please encourage anyone interested to join and to share talent, ideas and enthusiasm.

Minorities in the Profession Committee

by *Tiffany Yamini*

After a busy event-filled January and February, the members of MIPC took time in March and April to slow down and build relationships with other practice areas of the State Bar. On March 21, MIPC hosted a luncheon for members interested in entertainment law. Event speakers **Adamma McKinnon** and **Benjamin Walden** offered advice on building an entertainment law practice, finding good clients and delighted members with stories about the unique legal problems facing entertainment lawyers each day.

On April 11, MIPC partnered with the YLD Solo and Small Firm Committee to host a lively mixer at Hudson Grille in Midtown Atlanta. Thanks to the generosity of meeting sponsor **Jamar Bates**, a representative of Mass Mutual Financial, attendees were able to put their cares away for an evening of snacking, mingling and relaxation.

In May, MIPC turned its attention toward diversity in the work place by offering a one-hour CLE seminar focused on building relationships with diverse clients, peers and managers, as well as ways to handle diversity concerns. The CLE was a great way to conclude MIPC’s highly successful and busy year of activities.

Call to Service

Lawyers as Problem-Solvers



by **Michael Lucas**

At our best, lawyers are highly-skilled problem solvers. We are fortunate to have some great law schools in Georgia—including right here in Atlanta—but no school can teach all the things that go into successfully solving real problems for clients.

At the Atlanta Volunteer Lawyers Foundation, Inc. (AVLF), problem solving is precisely what we and our low-income clients expect volunteers to do. Thousands of people call AVLF every year with a problem, looking for help with landlord-tenant disputes, unpaid wages and debt disputes, among others. Getting help with these problems is critical for those trying to pay bills, take care of a family and maintain a home. Through the Saturday Lawyer Program, volunteer attorneys spend Saturday mornings with me at the downtown office of the Atlanta Legal Aid Society to meet—and possibly take on—prescreened clients. Instead of asking our volunteers simply to show up and receive cases, AVLF asks volunteer attorneys to partner with us from the outset in assessing the problem the client is facing and determining whether a case is a strong candidate for referral for full representation and whether the volunteers want to be—with our support—the lawyer and problem-solver on the case.

For our clients, the efficiency of our programs and the responsiveness of our volunteers is critical, as the problems can really start to add up if not addressed. Even one missed paycheck can be the difference between a roof over their children's heads and an eviction. Overzealous and sometimes fraudulent debt-collectors can wreak havoc on the lives of seniors on fixed incomes and other low-income individuals trying to get back on their feet. Low-income tenants too often face illegal evictions, unlawful withholding of security deposits or abhorrent conditions that go unaddressed by their landlords, all leading to extreme hardship for them and their families. AVLF's Saturday Lawyer Program provides volunteer attorneys to pursue these unpaid wage claims, defend individuals being pursued for debts they do not owe or by people they do not owe them too, and to help thousands of low-income tenants obtain justice in these types of landlord-tenant disputes. The Saturday Lawyer Program is an incredible resource for low-income clients.

And while it is the good feelings that come from helping someone in her or his time of need that motivates our volunteers to step up and keep coming back, the program has other direct benefits for our volunteers as well—especially for our younger volunteers. AVLF is an excellent avenue for attorneys who are interested in learning new areas of law or for those who would like the opportunity to interview a client, practice other core lawyering skills and potentially to appear in court. There is an opportunity to gain experience in nearly every aspect of the actual practice of law, all while being thoroughly supported by experienced attorneys and AVLF's extensive litigation resources—from investigative resources and process servers, to pro bono mediators and assistance with judgment collection.

But beyond experience drafting demand letters and complaints and—in some of our cases—discovery and even taking a case to trial, perhaps the most valuable skill set you have a chance to develop is one that is rarely taught in law school or even early in any lawyer's career—if it can be taught at all. With our cases, volunteers manage their own case(s)—with support, from start

to finish—and while working these cases, they get invaluable experience in problem solving. The volunteers are responsible for helping their clients navigate a crisis and come out on the other side as close to reaching the clients' goals as possible. This type of client service requires that young attorneys really learn to listen, develop and test their instincts, make judgment calls, develop and change their strategy as needed, discern the truth—from clients and opponents alike—and deal with all sorts of opposing counsel. In formulating a plan of action and revisiting it throughout the representation of the client as new facts develop, a good attorney must fully understand her client's goals and be adept at calculating and articulating to her client the relative risks and benefits of any decision or action. That is as true in any attorney-client relationship as it is with AVLF landlord-tenant disputes where just the initial decision of whether to pick that fight with one's landlord is wrought with myriad calculations and hard decisions about whether to stay or leave, sue or try yet again to work cooperatively, and whether to risk eviction or not.

Through these experiences a young attorney begins to develop “a gut” for the many assessments and judgment calls that being a real counselor and advocate—whether for a low-income tenant or Fortune 500 Company—requires. Again, at our best and most evolved state, lawyers are problem solvers for our clients. Many of our cases at AVLF aren't so much about an application of law to facts—something many lawyers can do just fine—but rather require truly discerning and understanding where our clients want to go from here—even when they may not be so sure themselves—and helping them make the right decisions to get there. That is also what paying clients, corporate or otherwise, pay for. That is what all clients need in their time of crisis, and to a large extent, this ultimately applies to transactional work—negotiating a contract or a merger or acquisition—just as much as it does to litigation, to negotiating the settlement of a personal injury claim or to brokering a deal.

The most important reason AVLF runs the programs we do—and the most important reason our amazing volunteers give so generously of their time and considerable expertise—is to help the single mothers whose landlords illegally withhold the security deposit, the hardworking truck driver or painter whose employer repeatedly treats paying wages due as optional, the shocking number of victims of illegal evictions who lose all of their family's belongings or the disabled senior whose slumlord gets her social security disability check sent to them in return for deplorable conditions and no repairs. Every Saturday, our volunteers meet individuals with these types of issues and begin the process of problem solving and hopefully making the individual whole. It is a powerful thing to watch. But we know that we are also helping Atlanta attorneys develop, hone and refine those skills that they don't teach in law school, but which are at the very heart of being an effective counselor and advocate.



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YLD Attorneys Shine as Part of a Military Immigration Assistance Program at Fort Stewart

by **Nadia A. Deans**

YLD attorneys have played an integral role in a new partnership between the Fort Stewart Army Base and the Atlanta Chapter of the American Immigration Lawyers Association (AILA). Fort Stewart, like other military bases, provides basic legal assistance services to soldiers, veterans and their family members through their Legal Assistance Office (the Office). Soldiers and their families go to the Office for help with legal matters such as wills, divorce/custody issues and immigration. Upon entry into the military, new JAG attorneys are placed in the Office where they are charged with a high volume caseload and getting up to speed on all areas of the law, including immigration. The military legal staff routinely faces tough immigration issues and questions. The AILA Atlanta Chapter responded to a call for help from **Cameron R. Edlefsen**, the Chief of Legal Assistance at Fort Stewart, and the local military assistance program and partnership was born.

Spearheading the event was local immigration attorney, **Elizabeth Garvish**, armed with a committee of seasoned AILA immigration attorneys, which included many YLD members. Garvish worked with JAG attorney Lt. **Nick Hurd** to coordinate a three-part program. The goal was to provide

training on site, establish a mentoring program and provide pro bono assistance on difficult immigration cases. AILA attorneys **Jean Padberg**, **Beryl Farris**, and YLD members **Dara Berger** and **Audra Doyle** also took leadership roles by volunteering time and services as members of the planning committee.

The project included an immigration training session, which was attended by JAG attorneys and legal staff from Fort Stewart, Fort Benning and other local bases; a warm welcome and opening remarks by Col. **Jonathan Guden**; and presentations on various immigration areas including USCIS Community Relations Officer **Joseph Kernan's** presentation on military naturalization, discussing the process by which members of the U.S. Armed Forces, as well as their family members, could obtain U.S. citizenship. YLD member **Tracie Klinke** joined two other AILA attorneys, Beryl Farris and **Dale Schwartz**, to provide an overview of family immigration issues and YLD members **Eli Echols** and **Luis Alemany** ended the session with a discussion of the immigration consequences of criminal activity. Additional AILA attorneys, including **Romy Kapoor**, **Anne Koch** and **Jeffrey Williamson** also attended the event.

The most rewarding aspect of this experience consisted of an immigration fair where volunteers had the opportunity to sit down with soldiers and their families and assist them with their immigration issues. The Military Immigration Assistance Program was an amazing opportunity to provide immigration services to soldiers who make sacrifices every day on behalf of American and its citizens.

How To Deal With Difficult Clients

by **Shalamar J. Parham**

The reality is that most clients come to an attorney because they have a problem that they need to resolve. For many clients it is one of the worst times of their lives. Emotions are running high and stress levels are rising. Not all clients handle the emotional strain and stress well and can be difficult. Here are some methods to help deal with difficult clients.

1. *Set Realistic Expectations at the Initial Consultation.* Clients want their attorney to right the wrong that has been done to them. Unfortunately, not all of their expectations are realistic or even possible. Inform clients about the process from the beginning so that they understand and can better accept that their expectations are not reasonable and that the process may take longer than expected.
2. *Notify Clients of the Best Ways to Communicate During the Initial Consultation.* There are so many means of communication these days that a phone call may not be the most expeditious form of communication. Clients know that many attorneys carry smartphones and check email and voicemail messages regularly. Set clients' expectations from the beginning so that they know how best to communicate, and respond to messages within 24-48 hours. Informing clients from the initial consultation of the best means to communicate and the time frame that they should expect a response will help keep clients from being upset when they do not receive an instantaneous response.
3. *Be Proactive: Notify Clients of the Status of Their Case Before They Ask.* Clients expect to know what is going on with their case; they deserve to know. Notify clients of the status of their case and they will be pleased and feel that their case is being taken seriously. Also, when clients are notified of the status of their case before they ask, clients tend to ask fewer questions because they have had less time to dwell on their legal issues and think of random scenarios and "what ifs."

4. *Actively Listen to Clients and Mirror Back What They Say.* Clients want to be heard and know that their attorney is listening. How many times have clients tried to tell their entire life stories so that their attorney will "truly understand" their problem? Actively listening to clients and repeating what they are saying or asking open-ended questions ensures clients feel respected and understood. Once an attorney builds this respect and rapport, it is easier to manage the attorney-client relationship.

These are just a few methods to deal with difficult clients. Everyone has their own style and personality when dealing with clients. Whatever the style, communication and setting realistic expectations will go a long way in the attorney-client relationship.

Thanks to the State Bar Corporate Sponsors

5 Gavel



3 Gavel



1 Gavel





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Editor's Block

Jennifer A. Blackburn

"We make a living by what we get; we make a lifetime by what we give."—Winston Churchill

As we conclude the YLD's 65th anniversary and reflect on the many accomplishments of the past year, the constant that stands out as the key to these successes is the incredible support the YLD receives from members of the big Bar. There is no better example of such support than Chief Justice **George Carley**, who for more than 30 years has been one of the YLD's biggest supporters and most spirited fans. From officiating the swearing-in of new officers to conducting the successful High School Mock Trial Program, Justice Carley is always willing to take time out of his already overburdened schedule to mentor, support and befriend young lawyers. To me, Justice Carley and his wonderful wife Sandy are fixtures on the YLD circuit that I always look forward to seeing at each event. As Justice Carley transitions to retirement, I want to thank both him and Sandy for the enormous impact their

support has had on the YLD and me personally.

While Justice Carley most certainly set the bar high, many other members of the judiciary have followed suit in support of and involvement with the YLD. Presiding Justice **Carol Hunstein** always makes time to speak at a meeting, write an article or attend an event. Chief Judge **John Ellington**, a favorite speaker among the YLD set, has been an avid supporter of the YLD over the years. Often at his side, Presiding Judge **Herbert Phipps**, regularly mentors young lawyers at YLD events and contributed a motivating article on judicial temperament to this edition of the newsletter. Presiding Judge **Anne Elizabeth Barnes** never declines a request to help out the YLD and is one of our most dedicated supporters. Since being elected, Judge **Sara Doyle** has spoken at multiple events and serves as a mentor to many young lawyers (myself included). One of the court's newest members, Judge **Stephen Dillard**, readily agreed to write an article for this year's newsletter and also attends many YLD events. While many other members of the judiciary actively support the YLD, I would like to sincerely thank these members for going above and beyond to support and mentor young lawyers through service to the YLD.

In addition to the judiciary, the YLD also relies heavily on the continued support of the big Bar. Many of this year's accomplishments were made possible because of support received from 2011-12 President **Ken Shigley**, as well as Immediate Past President **Lester Tate** and President-Elect **Robin Frazer Clark**. Such projects include both the Public Interest Internship Program and the recently dedicated YLD Presidents Boardroom. Many members of the board of governors and YLD past presidents continue to help out beyond their YLD years of service. Specifically, I would like to thank **Bill Barwick**, **Amy Howell**, **Damon Elmore** and **Josh Bell** who despite very demanding schedules, each authored an article for this year's newsletter. The YLD is privileged to have such an impressive group of friends and supporters throughout the legal community. Thank you. Your support is key to the continued success and longevity of the YLD.

As I sit here contemplating the conclusion of my 2011-12 year as co-editor of this newsletter, I am just so very humbled and amazed at all of the wonderful young lawyers that I have come in contact with over the last year who are truly championing the legal banners of justice and equality for all, service to the profession and tireless dedication and service to the surrounding community. In this 65th year of the Young Lawyers Division of the State Bar of Georgia (YLD), I would like to take a moment of personal privilege to thank all of the YLD past presidents, the YLD Executive Council, all committee chairs, committee members and dedicated supporters of the YLD, like Chief Justice **George Carley**, for the infinite positive influence they have been on my professional and personal life and the lives of so many other members of the YLD. I have really been blessed and I am so thankful for the friendships and professional relationships that I have formed while being involved with the YLD these many years. I have also grown immensely in my professional life through the countless interactions, CLEs and mentoring that I have received by more seasoned attorneys of the Bar who saw the great need to remain active and engaged with the YLD.

My spirit has also been filled to the brim, to the point of overflowing, with the ability to serve the community through the many community service events that have been organized by the YLD Community Service Committee. These volunteers, who are not paid a dime for their time, continue to selflessly provide their time, expertise, sweat and dedication through these service projects because they truly understand one of the principles I strive to live by, "For everyone to whom much is given, of him shall much be required."—Luke 12:48. I am honored to be a member of such a group of individuals who are hardworking, upstanding, champions of fairness and diversity, dedicated and persevering, all while showing that lawyers can be a ton of fun at the same time (that's quite a feat).

So, at the conclusion of this 65th anniversary year, I want to congratulate the YLD and also issue the charge for the YLD to continue to be a force to be reckoned with as each member continues to move upward and onward in its mission to touch the lives of others . . . one lawyer, one judge, one legislature, one community and one individual at a time. You make me so proud and thank you for allowing me to be a part of the movement!



Editor's Block

Shiriki L. Cavitt