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State Bar of Georgia Young Lawyers Division

THE YLD REVIEW

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Working for the Profession and the Public



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From the President

Summertime Success: The YLD is Here to Help



Bert Hummel

Summer is upon us, which means hot weather, long days, Atlanta Braves baseball and the return of summer clerkships in firms, courthouses and agencies across the state. While there is no surefire blueprint for success as an attorney, hard work, seizing opportunities presented, and utilizing the knowledge and lessons from law school can set you apart from other candidates. Another source to help in your career development? The State Bar of Georgia's Young Lawyers Division (YLD).

There is no single piece of advice that guarantees success in the practice of law, but showing up and working hard are two traits that require no degree of skill or prior experience. Showing up is so simple that it is often overlooked as a key to success, but in my experience, showing up is perhaps the most integral, so long as the time is well spent.

The same is true for advancement in organizations and associations. The more you show up, the more you become a part of that organization or association. After a while, if you keep showing up you become an institution of that organization or association; someone that others associate with the entity and look toward for guidance. That type of expertise is invaluable for the operation, continuity and success of the organization, so when it's time to elect the next leaders, those who show up will be the natural selection and fit. The YLD offers the opportunity for young lawyers to gain experience in leadership through programming, committees or director positions.

A mentor is also vital to the development of any professional. The YLD offers a unique opportunity for young lawyers to find a mentor in diverse practice and geographical areas outside of the firm or current place of

employment. While having a mentor inside a firm is important to successfully navigate firm politics, cranky partners, tips on billing and capturing time, and the day-to-day grind, having a mentor *outside* of the firm is just as important. A mentor outside of the firm may provide a more long-term approach to professional development as an attorney. Additionally, mentors can help with future opportunities, involvement in meaningful extracurricular involvement and an introduction to a wider audience than those inside your firm.

A wider audience or wider networks of peers is a beneficial way to gain new business, new referrals and new opportunities. When speaking to new attorneys, I always ask, "Who here is married to their high school sweetheart?" The reaction is usually a combination of awkward laughs, a few blank stares, and one or two raised hands. The point of that exercise is to show that most people do not find their spouse in high school because people change, grow and develop over time. I know that I have grown and matured exponentially since my time roaming the hallowed halls of Milton High School, and the things most important to me at that time changed dramatically. In fact, 18-year-old Bert was on a crash course for professional wrestling with my main goal to headline *Wrestlemania*, which is a drastic contrast to my current career as an insurance defense attorney. Although the dream of dancing in the squared-circle may live on, my career aspirations and goals changed even within law school and my first few years of practice. That type of change is typical as you navigate the practice of law and determine what best suits your strengths and interest.

Growing a network of peers will help provide future opportunities to change practice areas, go from prosecution to defense, or move in-house. The YLD is a perfect opportunity for young lawyers to grow their network since there are so many opportuni-

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From the Editors

Why Is the YLD a Great Investment?



**Ashley
Akins**



**LaKeisha R.
Randall**

Over the years, lawyers have asked us why we are involved in the Young Lawyers Division and why we continue to serve the YLD. Starting with the most obvious, service to the profession is necessary.

We all have a responsibility to invest in the future of the legal profession by supporting young lawyers through mentorship and training. The YLD provides numerous opportunities for CLEs and committee meeting topics on a range of legal issues. There are also countless networking opportunities to meet and mingle with fellow lawyers and establish professional relationships with judges outside of the courtroom.

The YLD is colloquially known as the “service arm” of the Bar. Service to our state and local communities is a foundational element of the YLD’s mission. Each year, the YLD president outlines several service-oriented programs, such as Bert Hummel’s Poll Worker Program and the annual YLD Wills Clinic. These programs provide young lawyers with new legal skills and provide direct services to those in-need.

“Without community service, we would not have a strong quality of life. It’s important to the person who serves as well as the recipient. It’s the way in which we ourselves grow and develop.” —Dorothy Height

Five Reasons to Get Involved With the YLD

1. Exposure and experience—Unique opportunity to build personal and professional relationships with lawyers from all disciplines across the state;
2. Find your passion or niche in the law through committee work and pro bono opportunities;
3. Establish your professional reputation;
4. Build your book of business and referrals;
5. YLD events are fun!

We have both attended countless committee meetings, service activities and YLD meetings over the years. And, in doing so, we have developed wonderful friendships, life-long professional relationships with other young lawyers, and danced the night away at the YLD Signature Fundraiser.

Do you want to get involved, but you don’t know how? We suggest joining YLD committees of interest, registering to attend the next YLD meeting, or applying for YLD Leadership Academy to learn about the organization and get involved. Please do not hesitate to contact either of us—we’d love to answer your questions or help you get involved! YLD

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JOIN A YLD COMMITTEE

The YLD has more than 25 committees working to support our motto of service to the community and profession. Each committee works diligently to provide substantive programming in their respective focus areas.

Advocates for Students with Disabilities
Business Law
Community Service Projects
Corporate Counsel
Criminal Law
Disaster Legal Assistance
Estate and Elder Law
Ethics and Professionalism
Family Law
Government Law

Health Law
High School Mock Trial Competition
Inclusion in the Profession
Intellectual Property Law
Intrastate Moot Court Competition
Judicial Law Clerk
Labor and Employment Law
Law School Outreach Program
Leadership Academy Alumni
Legal Food Frenzy

Legislative Affairs
Litigation
National Moot Court Competition
Public Interest Internship Program
Real Estate Law
Solo Practice/Small Firm
William W. Daniel National Invitational Mock Trial Competition
Women in the Profession
Workers’ Compensation

Unsecured Judicial Release and Own Recognizance: Changes to O.C.G.A. § 17-6-12



Katie Rose Martin

When a person is arrested, they have three options: they are released without requiring a bond, they are given a bond in order to be released or they are denied a bond. O.C.G.A. § 17-6-12 permits the release of a person from jail without requiring a bond of monetary value. The new version, titled “Unsecured judicial release; arrest where person fails to appear for trial,” became effective on Jan. 1, 2021. The old version, titled “Release of person charged with crime on his own recognizance only; arrest where person fails to appear for trial,” was effective from July 1, 2018, to Dec. 31, 2020. There seems to be three differences between the old version and the new version: defining what a bail restricted offense is, changing the words used when someone is released from jail without requiring a bond of monetary value and limiting a judge’s authority to release a person from jail without requiring a bond of monetary value.

The first part of O.C.G.A. § 17-6-12 defines what a bail restricted offense is. A bail restricted offense is a serious violent felony or one of a number of other felonies. In the old version, in order to figure out which felonies were considered “serious violent felonies,” one had to refer to O.C.G.A. § 17-10-6.1. The new version enumerates the seven felonies found in that code section. They are: murder or felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy and aggravated sexual battery. The other felonies that are considered bail restricted offenses were listed in the old version, and remain listed in the new version. They are: aggravated assault, aggravated battery, hijacking a motor vehicle in the first degree, aggravated stalking, child molestation,



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enticing a child for indecent purposes, pimping, robbery, bail jumping, escape, possession of a firearm or knife during the commission of or attempt to commit certain crimes, possession of firearms by convicted felons and first offender probationers, trafficking in cocaine, illegal drugs, marijuana, or methamphetamine, participating in criminal street gang activity, habitual violator and driving under the influence.

The old version called the release of a person from jail without requiring a bond of monetary value a release “upon his or her own recognizance.” The new version calls this type of release “unsecured judicial release.” The new version specifically states that unsecured judicial release means any release on a person’s own recognizance that does not require a dollar amount through secured means or property as approved by the sheriff. It seems that, “unsecured judicial release” and “upon his or her own recognizance” mean the same thing.

The new version no longer allows a judge to release someone charged with a bail restricted offense on an unsecured judicial release so the person can enter a pretrial release/diversion program. The

old version allowed this, but required the judge authorizing the release to also issue an order as to why they were authorizing the release. That being said, it appears that a person charged with any crime could be released on an unsecured judicial release, so long as, if it’s a bail restricted offense, it’s not for the purpose of a pretrial release/diversion program.

In my experience, I have not seen the change in terminology from “own recognizance” to “unsecured judicial release.” I continue to see “or” in jail systems, on booking sheets and on bond documents. From my practice, it remains unclear how the changes eliminating a judge’s power to grant unsecured judicial release for pretrial programs impacts the options defense attorneys have to best represent their clients. By comparing the two versions, it appears defense attorneys now have fewer tools to help their clients who have been charged with a bail restricted offense get out of jail and ultimately resolve their cases. *YLD*

Katie Rose Martin is a public defender for the State Court of Troup County. She is a member of the 2021 YLD Leadership Academy.

Professional Development

You Got the Job. Now What? Soft-Skill Practice Tips for New Lawyers



Riane N. Sharp

You conquered law school and the bar exam during a pandemic, no less. You were fortunate enough to secure a job in the midst of the craziness of 2020 and now here you are likely working remotely or some hybrid of in-person/work-from-home in a whole new environment where you have to get (once again) the lay of the land. Sounds like you? Don't worry, I've got you covered. Your job should teach you the technical skills needed to be successful, but don't neglect honing the always needed and appreciated soft skills.

Here are my top five for new lawyers:

1 Observe

Your first job, no matter what or where it is, will be vastly different from law school, the same way college was different from high school and high school different from middle school (you get it). Take the time to simply observe, become familiar with your work environment culture, the team you will be working with, and determine how to bring the best version of you to work every day.

2 Be Humble

Yes, you were [insert resume credentials here] in law school and that got you to your first job. Great. Now that you are here do not allow past achievements to go to your head. You are awesome—that is why they hired you—but let your work at your new job speak for itself rather than telling everyone you were on the executive board of law review every time you feel it is appropriate. To be honest, they probably don't care.

3 Be Respectful

This includes respecting your peers, too. You might be thinking this is obvious; no one needs to be told that. However, allow me to give examples of what disrespecting your peers may look like . . . e.g., (1) barging into their closed-door office without knocking or invitation, or (2) interrupting their conversation with a senior attorney to ask the senior attorney a question that can wait. Wherever you work, whether it is a firm, corporation or nonprofit, your success will partly be determined by your relationships and that is with everyone, not just your manager. I am sure you have heard the phrase "entitled millennial." Don't be that (and if you're not a millennial don't be an "entitled [insert your generation moniker]" either).

4 Don't Complain

Especially now. Our world is still dealing with a global pandemic. You are new, quite frankly you have not earned the luxu-

ry to complain yet. Use your issue spotting skills for good. If you see opportunities for improvement at your job, make a plan and then propose it to the key decision makers.

5 Find Ways to Add Value

Doing what is expected of you will likely go unnoticed, but if you really want to turn heads find additional ways to add value. A great lawyer does not just do what is expected of them, he/she/they exceed expectations.

You will not have it all figured out the first day you set foot in your new workplace, but if you go into your new job with an open mind, ready to learn and utilize these tips, you won't just be the new lawyer they hired, you will be a valued colleague.



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► PRESIDENT, FROM PAGE 2

ties to get involved. YLD committees offer an opportunity to join practice specific networks and non-practice specific areas such as Community Service Projects Committee, Women in the Profession Committee and the Legal Food Frenzy Committee to name a few. Each of these committees provides an opportunity to develop relationships with other attorneys across the state who can provide new opportunities during your career.

Similarly, *The YLD Review* is a perfect opportunity and space to expand your legal prowess by drafting an article on various topics of law, summarizing legislative changes to the Georgia Code or expounding upon recent court decisions. *The YLD Review* is published quarterly each year, and each edition provides a new opportunity for an article submission. There are plenty of attorneys who have taken advantage of these opportunities and found their article circulated to a larger audience in a different periodical or were invited to speak on their topic at a conference or seminar. When the article turns into speaking engagements, the author can grow into an expert on the topic of their original submission.

Writing down goals is a productive way to keep an attorney focused on the present while looking toward the future. The best part of writing down goals is that you can change them as your career changes. I serve as a director of our Summer Associate Program at Lewis Brisbois Bisgaard & Smith, and I recommend all of our summer associates draft goals for their summer, their final year of law school, the first two years of their career, and ask them to try and determine where they want to be at the end of their career. Sometimes it is better to start at the end and work backwards. Where do you want to be when you retire? Sounds like a question a financial planner would ask, but oftentimes the monotony of the daily grind can cause people to lose focus on the long-term goals. If the goal is to retire as an equity partner at a labor and employment firm, then find out how that partner in the corner office got there. If your goal is to retire as a Superior Court judge, then seek out judges and inquire what steps they took to get on the bench.

Finally, do not be afraid to fail. Do not self-contain or limit your experiences be-

cause of a fear of failure or a belief that you are “too young” to partake in the effort. Corner offices of law firms, judge’s chambers and boardrooms all across Georgia are filled with attorneys who were not afraid to fail. The expectation is that when failure comes you learn from the experience and better prepare for the next opportunity. While failing is not something lawyers embrace easily, failure is necessary to gain wisdom and experience. The person who is constantly trying new things, taking chances and expanding their experiences is going to become the most qualified, well-rounded and prepared lawyer.

I look forward to hearing about the different experiences over this summer of Georgia law students and future members of our Bar. I also look forward to welcoming a new crop of attorneys into the profession after the July bar exam results are tallied and invite all new attorneys to come to one of the YLD’s future meetings. YLD

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

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Georgia Legal Services Program: Protecting People's Rights and Providing for Their Needs



**Nyonnohweah
Seekie**

One of the most familiar theories of rudimentary psychology is Maslow's Hierarchy of Needs. The principle that certain necessities must be met before individuals can attend to higher level needs. The theoretical pyramid from the bottom upwards include: Psychological needs (e.g., food, clothes, shelter), Safety needs (security, employment, health, social stability), Love/Belonging needs (friendship, family, intimacy), Esteem needs (prestige, achievement, respect), Self-actualization needs (desire for personal growth to one's highest potential); outlining a progression from basic needs to psychological and ultimately self-fulfillment needs.

During the last year, the focus of leaders globally has been on meeting the basic needs of society, namely ensuring that people are healthy and have food and shelter during the pandemic. Following the nationwide declaration of a state of emergency due to COVID-19, one of the main concerns in the United States was also home and economic security, urging Congress to pass measures for mortgage forbearance and rent assistance as part of the Cares Act and subsequent legislations. For some tenants, this relief came after eviction notices were served. Other landlords ignored the new legislation forcing families out of their homes with no known recourse.

Protecting low-income tenants from wrongful evictions is nothing new to the advocates of Georgia Legal Services Program (GLSP). The program's Eviction Prevention Project offers statewide assistance to qualifying tenants, often litigating cases opposing commercial landlords and foreclosures, fighting to keep families in their home. GLSP's history of resolving critical civil matters expands across several areas including: food

deprivation, housing, income maintenance, education, health and intimate partner violence. Attorneys often handle cases in the practice areas of consumer law, education law, farm worker rights, family law, eviction prevention, public benefits and more, providing free civil representation to meet basic psychological and safety needs.

In the late 1960s, a legal aid committee of was formed by the Young Lawyers Section (YLS), now YLD of the State Bar of Georgia. The committee found a "distressing disproportion between the actual need for legal services by those who cannot afford them and the present supply of legal services available to them." By 1971, GLSP was incorporated by the YLS to provide legal services to indigent persons. The non-profit law firm provides free legal services to eligible persons. The criteria for services have changed over the years yet remain focused on meeting the fundamental needs of persons who are often deprived.

Today, qualifying clients must have an annual income at or below 200 percent of the federal poverty guideline. Free legal services are also provided for seniors age 60 or older residing in rural areas. Currently GLSP's offices service 154 counties outside of metro-Atlanta, with site offices in Albany, Athens, Augusta, Brunswick, Columbus, Dalton, Gainesville, Macon, Piedmont and Savannah. Its many attorneys and staff members provide exceptional legal services in rural areas, some of which are otherwise considered legal deserts—having few to no local attorneys in various areas of law.

Prior to the pandemic, it was not uncommon for employees to travel more than 30 miles to represent clients in these areas. As gatherings became ill-advised, GLSP was at the forefront of ensuring safety to its employees by providing secure technology for remote working. The offices have continued to service its clients in this manner as the pandemic and safety concerns continue. In an effort to address common challenges

and better serve rural communities, GLSP is joining the Georgia State University College of Law Center for Access to Justice in hosting the Rural Georgia Justice Poverty Law Summit on Sept. 17, 2021. This event will unite researchers, state agencies, philanthropies, legislators and legal advocates to better understand complex problems facing underserved rural communities and marginalized communities.

In addition to the valuable work performed by its employees, GLSP implores other/local attorneys to help meet the needs of those in the community. Rule 6.1 of the Georgia Rules of Professional Conduct encourages lawyers to aspire to render at least 50 hours of pro bono legal services per year. GLSP provides avenues for attorneys to be trained and do just that, representing clients in need at free or reduced rates. Esteem and self-actualization needs are met by clients gaining independence from legal difficulties, feeling pride and attorneys giving back to members of their community.

GLSP has played a pivotal role in meeting the legal needs of rural communities for nearly 50 years. By addressing legal hardships which affect individuals such as access to education, eviction protection and relief from family violence, people can focus on attending to higher level needs for themselves and to better the community. On April 30, 2022, GLSP will host its signature award and fundraiser gala in downtown Atlanta, reflecting on its rich history, highlighting its achievement and revealing plans to excel for the next 50 years.

Join Georgia Legal Services Program as a supporter, volunteer or sponsor by visiting www.glsp.org or contacting Amy Crowell at 770-609-7188.

Nyonnohweah Seekie is the managing attorney of The Seekie Law Firm in Macon. She also serves as a Middle District representative on the YLD Representative Council.

Adulting 101

How to Maintain Your Passion for the Law



**Jena G.
Emory**

I love the law. I truly cannot imagine doing anything else with my life. That does not, however, mean that it is always easy. Many people, as I am sure you know, have referred to the law as a jealous mistress. On some level, that is a fair comparison because the practice requires such a high level of commitment. But I prefer to think of the law as a good friend. Like any other relationship, your relationship with the law requires work. It needs to be nurtured and cared for. This article will discuss ten tips for maintaining your passion for the law.

1 Find Some Balance.

The practice of law is not a nine-to-five job for most attorneys, and true work life balance can be elusive. That does not mean that you cannot make some small changes to make it a little easier. A more balanced life looks differently for everyone. For me, I do not mind working really hard for five week days, but I really need to take the weekend off. I have friends that prefer working six hours a day for seven days a week. It does not really matter what approach works for you, but you should take the time to find ways to modify your weekly schedule to make your life a little more bearable.

2 Talk to People You Like.

In any profession, you are not always going to be around people you like, and the law is no exception. The law is also adversarial by nature, and it can be easy to start seeing everyone as your enemy. When you start feeling that way, you need to take the time out of your schedule to talk to people you like. Make a lunch date with an old friend or make an appointment to see someone you enjoy working with. These conversations should bring back good memories



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of work and refresh your relationship with the law.

3 Keep Learning.

One of the greatest things about the law is that you are always learning. Lean into that. You are, of course, required to attend CLEs to keep your license, but you can take CLEs that you are interested in. Read books or articles that keep you up to date on your practice area. Listen to podcasts and seek out the advice of older attorneys. Invest in yourself and grow your knowledge base. Joy comes with competence.

4 Serve the Bar.

I am a true believer in Bar service. Being a member of the Young Lawyers Division of the State Bar of Georgia has been one of the greatest blessings of my career. It has allowed me to meet interesting people, travel to places I have never been before, and experience new things. Membership in a bar association puts you

around people who are similarly situated. Your fellow attorneys understand what a billable hour is and the pressure you are under every day. They will laugh and empathize with you more than non-attorneys. Bar participation is a time commitment, but it is worth it.

5 Judge Moot Court or Mock Trial.

Fortunately, as a member of the Young Lawyers Division, you have opportunities to be encouraged at least three times a year by judging High School Mock Trial, Intra-state Moot Court, or the Region V competition of the National Moot Court Competition. Every year, I try to judge all of these competitions because it reminds me of why I wanted to be a lawyer. These high school and law school students have spent hours upon hours preparing for a competition where they pretend to be *you*, and they are very good. I am touched by their passion every time. Volunteer to judge any of these competitions as often as you can. You might even learn a thing or two.

6 Find a Mentor.

When possible, seek out more experienced attorneys that you naturally get along with and spend time with them. Talk to them about their lives, your cases, their cases, their kids, and your family. Open yourself up, and you will be rewarded. I am not trying to suggest that you will always have a mentor in your life. There have been years when I have not had a mentor, but they were not as good as my years with a mentor. Your mentors may only last for a season, but you should enjoy them while you have them.

7 Help Young People.

I know that anyone reading this article is most likely a young attorney, but there is always someone younger than you. Befriend the intern in your office or the youngest associate on your team. Do not be condescending. Just talk to them. Learn what they are worried about and consider who they are as people. In the natural progres-

sion of your relationship, they will begin asking for your advice and help. Then you will be able to experience mentoring from the other side, and that can be even more fulfilling than being the mentee.

8 Do Pro Bono Work.

The Young Lawyers Division is the service arm of the Georgia Bar, and it will provide you with countless opportunities to do pro bono work. Take the time to participate. While you are helping people in need, you will be reminded that the practice of law, which seems at times to be such a heavy burden, is really a gift to be shared with as many people as possible.

9 Develop a Hobby.

When I graduated from law school, I did not have a single hobby, and I was miserable. As wonderful as the law is, it should not take up every aspect of your life. Make time for a hobby you enjoy that puts you

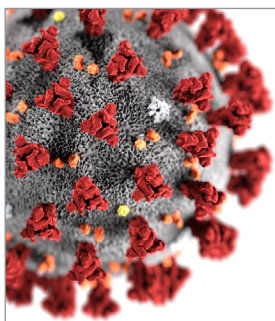
around non-attorneys. You will be amazed at the number of people who are not completely devoted to their jobs. They see the world differently, and you can benefit from that. It might even help your practice.

10 Get Help, If You Need It.

Finally, if you need it, seek out professional help. I did not write this article to belittle the realities of depression or substance abuse that many people struggle with every day. If you realize that what you are going through is overwhelming, find professionals who can help you.

I may practice law until the day I die. If I do, it will be because I loved it. Hopefully, this article provided you with some practical tips for maintaining your passion for the law too. I want us to enjoy it together. *YLD*

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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.



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Eleventh Circuit to Employers: Heed Your FMLA Obligations



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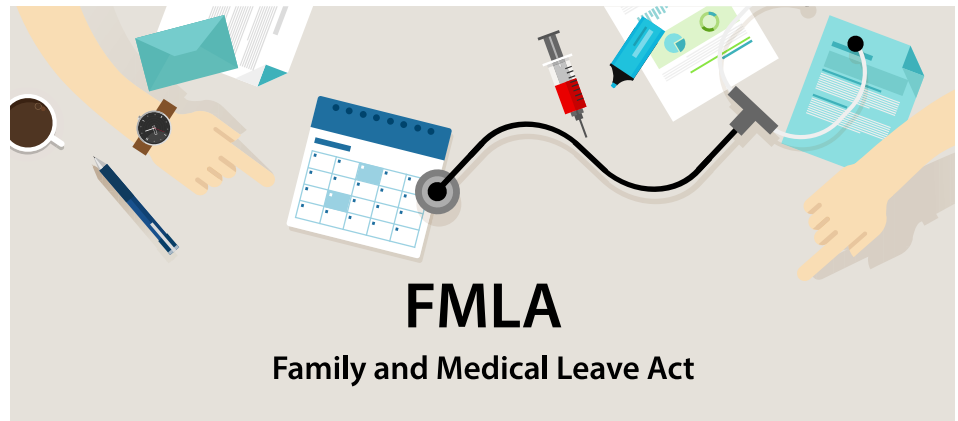
**Stan
Hill**

The U.S. District Court of Appeals for the Eleventh Circuit recently provided several reminders to employers regarding their obligations under the Family and Medical Leave Act (FMLA or Act), in vacating summary judgment for the employer in *Ramji v. Hospital Housekeeping Systems, Inc.*, Case No. 19-13461 (11th Cir. April 6, 2021). First, an employer cannot get around its FMLA obligations by offering workers' compensation benefits to the employee. Second, employers must provide notice to the employee of their rights and responsibilities under the Act within five days of receiving information that the employee may qualify for leave. And third, an employer cannot force an employee to take a light duty position in lieu of FMLA leave.

Factual Background

The plaintiff in *Ramji* injured her knee when working. Defendant employer handled the injury as a workers' compensation claim, and did not provide her with any notice that she may be eligible for FMLA leave. After taking a few days off work, plaintiff was given a temporary light duty assignment while continuing her recovery. Not long thereafter, she received medical clearance to go back to regular duty.

However, before allowing her to go back to regular duty, defendant required her to pass an essential functions test. The test was primarily made up of physical activities, such as deep squats and knee bends. While performing the test, plaintiff began to experience pain in her knee and was not able to finish all required exercises. As a result, she failed the essential functions test and she was discharged. Defendant never advised plaintiff of her rights under the FMLA or



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provide her with the opportunity to take 12 weeks of leave to care for her knee injury before terminating her employment.

Plaintiff subsequently filed suit, alleging interference with her FMLA rights. The district court granted summary judgment to defendant. On appeal, the Eleventh Circuit reversed and remanded the case for trial. The Court's opinion provides several important reminders to employers regarding their FMLA obligations, including the following:

Employer Takeaways

1 Ensure compliance with notice obligations.

Where an employee provides notice to the employer that they are suffering from a serious health condition and may require continuing treatment from a health care provider, the employer must provide the employee with notice of their FMLA rights. The employee's burden is not onerous: the employee need not mention the FMLA to meet her notice obligation. Rather, she must only provide enough information to allow

the employer to understand that she may qualify for FMLA protections.

Once the employer has enough information to understand that the employee may qualify for FMLA leave, the employer has five days to provide the employee with notice of both her eligibility for FMLA leave and her rights and responsibilities under the FMLA. More specifically, the notice must advise the employee 1) that any leave may be counted against her annual FMLA leave entitlement; 2) of her rights to substitute paid leave for unpaid leave (if applicable); and 3) that she has the right to maintain benefits during FMLA leave, and that she can be restored to the same or an equivalent role when returning from FMLA leave.

2 Workers' compensation benefits are not a substitute for FMLA leave.

An employer cannot get around its FMLA obligations by offering workers' compensation benefits to an injured employee. The two statutory schemes may overlap, but complying with one set of obligations does not relieve the employer of complying with the other as well. (And, the employer may

Committee Update

2021 State Bar of Georgia YLD Intrastate Moot Court Competition



**J.D.
Fichtner**



**Allison
Hill White**

have a third set of obligations under the Americans With Disabilities Act.) Indeed, the FMLA regulations make clear that a workers' compensation absence and FMLA leave may run concurrently. So here, even though defendant provided plaintiff with workers' compensation benefits and several days off from work, it was still required to fulfill its obligations under the FMLA, which it did not do.

3 Employees cannot be required to take light duty work instead of FMLA leave.

Where an employee is entitled to FMLA leave, the employer may not require the employee to take light duty work instead of going on FMLA leave. Certainly, the employer is free to offer the employee a light duty position, but the employee need not accept that offer. She can choose to remain on FMLA leave instead until either she can return to the same or an equivalent role, or until her 12-week FMLA leave entitlement is exhausted.

Conclusion

This decision is yet another reminder that employers must take great care to comply with their FMLA obligations. Where an employer suspects an employee may require FMLA leave, the employer must timely inform the employee of their eligibility for FMLA leave, as well as their rights and responsibilities under the Act. And providing other benefits to the employee, like workers compensation benefits, does not relieve an employer of their obligations under the FMLA. ^{YLD}

Cary Burke is an associate at Seyfarth Shaw LLP in Atlanta. He serves on the YLD Board of Directors.

Stan Hill is a partner at Seyfarth Shaw LLP in Atlanta. He is a member of the State Bar of Georgia Labor & Employment Law Section.

The 2021 State Bar of Georgia YLD Intrastate Moot Court Competition was held successfully on March 26-27. This year's competition took place virtually via Zoom. Four Georgia law schools competed: the University of Georgia School of Law, Georgia State University College of Law, Emory University School of Law and Mercer University Walter F. George School of Law.

The YLD Intrastate Moot Court Competition Committee would like to thank the schools and students who competed and did an excellent job, especially given the current environment and virtual format, as well as the multitude of attorneys who volunteered their time to judge the competition. The competition this year was top notch, and all of the competitors deserve commendation. The committee would like to extend a special "thank you" to the final round panel who graciously volunteered their expertise and time:

- Hon. Stephen A. Dillard, Court of Appeals of Georgia
- Hon. Emily Richardson, Fulton County Superior Court
- YLD President Bert Hummel, partner, Lewis, Brisbois, Bisgaard & Smith, LLP

Congratulations to the winners and to all the participants for persevering and making it through this very tough competition. Destiny Burch, who is a member of the championship team this year, is the Intrastate Moot Court Competition's first legacy champion. Her father, Jarrod Burch, was a member of the championship team in 2002. Special congratulations go out to the Burch family. ^{YLD}

2021 INTRASTATE MOOT COURT COMPETITION RESULTS

Best Oralist
Doug Comin (Mercer)

Best Brief
Melissa Davies, Matthew Cato and Baker Swain (GSU)

Semifinalist
Melissa Davies, Matthew Cato and Baker Swain (GSU)

Cameron Kemp, Cole Harper and Destiny Burch (UGA)

Doug Comin, Ashley Ferguson and Akash Patel (Mercer)

Julia Martin and Kacey Baine (Emory)

Runner-Up
Melissa Davies, Matthew Cato and Baker Swain (GSU)

Best Overall
Cameron Kemp, Cole Harper and Destiny Burch (UGA)

J.D. Fichtner is senior counsel at Wells Fargo in Charlotte, North Carolina. He is a 2019 graduate of the YLD Leadership Academy and the co-chair of the YLD Intrastate Moot Court Competition Committee.

Allison Hill White is an associate in the Atlanta office of King & Spalding. She is the co-chair of the YLD Intrastate Moot Court Competition Committee.

Atlanta Volunteer Lawyers Foundation All-Star Awards



Audrey Bergeson

On April 22, 2021, Atlanta Volunteer Lawyers Foundation (AVLF) hosted its first ever All-Star Awards, celebrating our 2020 volunteers. As with many events in 2020, the usual forum where we would award our volunteers of the year was canceled. But we could not let a year pass without honoring our volunteers, particularly when they stood by AVLF and the clients we serve through such a difficult time.

During the COVID-19 pandemic, AVLF's programs have provided vital services to the community. Our Safe and Stable Families team has seen firsthand the added dangers that the pandemic posed for survivors of intimate partner abuse, in one instance assisting a survivor in gaining a protective order remotely, while trapped inside her home with her abuser. Our Safe and Stable Homes team has worked nonstop to help Atlantans stave off evictions at a time when safe housing is more imperative than ever. And in 2020, our Community Assistance team provided more than \$1.8 million in direct financial assistance to Atlanta families in crisis.

AVLF could not continue to serve low-income Atlantans without the tireless efforts of our volunteers. Our volunteers, facing challenges of their own—taking their law practice virtual, assisting their children with virtual learning, keeping their own families healthy and safe—stood by AVLF and our clients. They continued to show up and to advocate for their fellow Atlantans, and we knew we had to find a special way to honor them.

The first ever All-Star Awards was a virtual event, livestreamed to our supporters. It was hosted by members of AVLF's staff with a keynote speech by Milton Little, president of United Way Greater Atlanta. We recognized everyone who volunteered



Hosts of the 2020 AVLF All-Star Awards: (L-R) Kenisha Carson, paralegal, Safe & Stable Homes Project; Pierce Hand, staff attorney, Standing with Our Neighbors Program; Kenya Gould, social worker, Standing with Survivors Program; and Sharlena Foster, legal assistant, Safe & Stable Families Project

2020 AVLF ALL-STARS

Patty Shewmaker

Guardian ad Litem Program, Volunteer of the Year

Regina Edwards

Safe Families Office, Volunteer of the Year

Marple Rubin Family Law

Family Law Program, Firm of the Year

Housing Plus, Inc.

Standing with Survivors and Social Work Program, Community Partner of the Year

Kilpatrick Townsend & Stockton LLP

Standing with Our Neighbors, Firm of the Year

Morgan E. M. Harrison

Standing with Our Neighbors, Attorney of the Year

On the Rise Financial Center

Standing with Our Neighbors, Community Partner of the Year

Michael Arndt

Saturday Lawyer, Volunteer of the Year

Financial Planning Association of Georgia

AVLF Community Partner of the Year

Jim Gober

Martin Louis Ellin Lifetime Achievement Award

with AVLF in 2020 as well as our volunteers and community partners of the year. We also presented the Martin Louis Ellin Lifetime Achievement Award to Jim Gober for his career-long dedication to service and tireless work on behalf of AVLF's clients.

It was a joy to celebrate our volunteers, and we hope to see you at the second annual

AVLF All-Star Awards next year! If you missed the event, you can catch the replay at avlf.org/all-stars. YLD

Audrey Bergeson is the managing staff attorney for AVLF's Family Law Program in Atlanta. She serves on the YLD Board of Directors.

CONGRATULATIONS TO THE 10TH ANNUAL LEGAL FOOD FRENZY CHAMPIONS



The Legal Food Frenzy is an effort of the Office of the Attorney General, the YLD and the Georgia Food Bank Association, a statewide network of regional food banks. The competition is designed to help the 1 in 4 children in Georgia whose families struggle to provide food for them during the summer months. This year, Georgia's legal community raised **\$936,883**. The funds raised during the competition will provide more than 3.7 million meals to the food banks over the summer months. The winners of the 2021 Legal Food Frenzy are:

Attorney General's Cup

Joe S. Habachy, P.C.,
Attorney at Law
110,481 points per person

Attorney General's Cup—Law School Division

Mercer University Walter F.
George School of Law
52,642 total points

Bar President's Award

Greenberg Traurig, LLP
334,396 total points

Sole Proprietor

Frank C. Winn, Attorney
31,306 points per person

Small Firm

Jenkins & Roberts LLC
13,902 points per person
Durham Bray Law Firm, P.C.
57,521 total points

Medium Firm

Coleman Talley LLP
4,240 points per person and 267,146
total points

Large Firm

Taylor English Duma
532 points per person
Troutman Pepper Hamilton
Sanders LLP
122,220 total points

Corporate, In-House Counsel

Serta Simmond Bedding, LLC
9,495 points per person and 75,962
total points

Legal Organization

Georgia Southern University
Office of Legal Affairs
2,582 points per person
Georgia Institute of Technology
Office of the General Counsel
84,946 total points

Judicial

Augusta Judges
2,114 points per person

The Legal Food Frenzy is spearheaded by a team of young lawyers who oversee the promotion of the competition across the state. The 2021 efforts were led by YLD Legal Food Frenzy Co-Chairs **Morgan Lyndall** and **Veronica Rogusky**, as well as regional representatives.

America's Second Harvest of Coastal Georgia

Quentin Marlin
Susannah Pedigo

America's Second Harvest of South Georgia

Cameron Roberts

Atlanta Community Food Bank

Morgan Lyndall
Veronica Rogusky

Chattanooga Area Food Bank

Mitchell Snyder

Feeding the Valley Food Bank

Alston Lyle

Food Bank of Northeast Georgia

Kirsten Pickering Charles

Georgia Mountain Food Bank

Nathan Nicholson

Golden Harvest Food Bank

Kyle Davis

Middle Georgia Community Food Bank

Virginia Josey

Mark Your Calendar!
2022 Legal Food Frenzy
April 18-29



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