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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

Giving Thanks This Holiday Season



**Rizza
O'Connor**

Until I became YLD president, I did not fully understand the magnitude and wealth of activity that this organization offered. Since I took office in July 2018, I have frequently found myself feeling that I have never been so tired in my life, but keeping up with the YLD these past months has been a joy and an adventure. From planning four YLD meetings, to keeping up with the activities of our 26 committees and working with a leadership team of more than 100, there has been no shortage of activity in our organization.

This year, I overheard Coach Kirby Smart remark, "pressure is a privilege." I have found that this saying is true in a healthy amount. Pressure makes us perform, it gives us motivation to do better, and it makes achievements even more meaningful. This year I have experienced the pressure that a YLD president has of making sure that our organization stays true to its motto of "working for the profession and the public." Every week since July has seen two to four YLD events happening across the state. Each event strives to help someone. Whether it is a networking event designed to connect lawyers, a lunch and learn to discuss a professional topic or spending a Saturday doing pro bono work, YLD members are giving back. As I write this article the day after Thanksgiving, I cannot help but feel grateful to those past and present who have made the YLD a true service organization. The YLD's work permeates throughout our profession, regardless of practice or geographic area, and our community service and pro bono work extends to all classes and races of people. This makes the pressure all worth it.

The following is a look into some of the exciting programs that the YLD has put on this past Bar year:

Advocates for Students with Disabilities Committee

In October and November, Co-Chairs Eulen Jang and Jenna Rubin organized a two-part CLE program that discussed the educational rights for students with disabilities as well as how to navigate the school tribunal process.

Community Service Committee

On Nov. 4, Co-Chairs Brittanie Browning and Sarah Jett led a volunteer project where the committee prepared breakfast and dinner for the families staying at the Ronald McDonald House at Eggleston Hospital in Atlanta. They also raised enough funds to restock the Ronald McDonald House's pantry with food. See more about this event on page 10.

Corporate Counsel Committee

On Nov. 28, Co-Chairs Aaron Snipes and Toby Morgan organized the committee to attend a presentation on the future of cloud storage.

Disaster Legal Assistance Committee

The disastrous aftermath of Hurricane Michael left 20 Georgia counties eligible for federal disaster legal assistance. Through a partnership with the American Bar Association, this committee, chaired by Kristen Files, managed a free legal assistance hotline to help those affected in those 20 Georgia counties.

Health and Wellness

Directors Matt and Michelle Gettinger have done an excellent job in encouraging young lawyers to live well, physically and mentally. In particular, they have worked to promote the Bar's resource of providing six prepaid, confidential counseling services to each lawyer every year.

Leadership Academy

We have a newly admitted class of 30 lawyers that will start the program in January 2019. This six-month professional and leadership development program will hold sessions in Atlanta, Macon, Vidalia, Washington, D.C., and Orlando, Florida.

Litigation Committee

Co-Chairs Margaret Head and Cary Burke have been busy planning multiple monthly events. Aside from traditional happy hour networking events, the committee has held the following Lunch and Learns: “Ethical Considerations when Starting and Running a Law Firm” and “Business Development.”

► SEE THANKS, PAGE 6

Back to Basics: Making a Good Appellate Record



**Lindsay
Gardner**

Elissa Haynes, in her practical article, “Thinking Ahead: The Importance of Preserving Issues for Appeal,” raises a host of important issues and considerations of vital interest to trial and appellate counsel of all experience levels.¹ The change from Georgia’s Old Evidence Code (Old Rules) to the New Evidence Code (New Rules) underscores the importance of preserving the record for appeal. Knowledge of the New Rules, which are modeled after the Federal Rules of Evidence, can be used to preserve error, and ensure admission or exclusion of critical evidence during trial. If the proper objection is not made on the record, counsel may either waive the issue on appeal or relegate the issue to the plain error standard.

As the Supreme Court of Georgia made clear in *Davis v. State*,² the Court expects practicing attorneys to cite not just the New Rules, but the proper authority for precise arguments to preserve issues for appeal. *Davis* inspired the term “Davis violation” by setting the tone and expectations of the higher Court.³

Under *Davis*, it is a violation to cite old Georgia caselaw where the New Rules displace the old. *Davis* advises that there are times where “a decades-old decision of the Eleventh Circuit (or even the old Fifth Circuit)” would be the proper case to cite, and

not “a week-old unanimous decision of [the Georgia Supreme Court]” that was based on “a case tried before 2013 and governed by the old rules.”⁴ Attorneys practicing for decades under the Old Rules may be at a disadvantage, as their arguments and any prior research may not be accurate under the New Rules. Younger attorneys may compensate for a lack of experience by knowing how to preserve the record based on the New Rules.

One recent case, *Chrysler Group LLC v. Walden*,⁵ underscores the importance of preserving the record for appeal, and knowing and citing proper case law. *Chrysler* is a hard-hitting, informative opinion which details the interpretation of the New Rules, and also lays the framework as to the seminal statutes that essentially form the backbone for admissibility of all evidence: O.C.G.A. §§ 24-4-401, 24-4-402 and 24-4-403. Knowledge of *Chrysler* and the interplay between the Old Rules, New Rules, common law, federal court decisions and the rules governing relevance provides lawyers with an arsenal to successfully argue—and ultimately admit or exclude—critical pieces of evidence in courtroom proceedings.

Chrysler centers around the most basic premise of evidence, relevance and how, despite an objection to the general grounds of relevance, a failure of counsel to make a specific objection based on O.C.G.A. § 24-4-403 requires the court to review the case for plain error, which is akin to ice-skating uphill.⁶

► SEE BASICS, PAGE 8

From the Editors

Why You Should Attend a YLD Meeting

**Audrey Bergeson
& Baylie Fry**

The Young Lawyers Division hosts five core meetings throughout the Bar year. Two of these, the Annual Meeting in June and Mid-year Meeting in January, are held in conjunction with the State Bar. The remaining three meetings are YLD-hosted. These are the YLD Summer Meeting in August, Fall Meeting in November and Spring Meeting in April. Hand selected and planned by the YLD president, each meeting provides a handful of activities and networking opportunities held at a relaxing resort in a picturesque destination. Other than obvious reasons, lawyers—young and established—should attend the YLD meetings for a variety of reasons.

Networking

Each YLD meeting offers the opportunity to attend networking luncheons, receptions and dinners. Lawyers in judicial, in-house, private, nonprofit and governmental practice from all over Georgia are in attendance at these events, providing ample opportunity to meet new people, and connect with friends and colleagues.

Continuing Legal Education Credit

YLD meetings offer multiple continuing legal education courses, allowing you dust off your legal skills while also racking up credits toward your annual mandatory requirement. The CLE topics are always interesting and timely, and provided by some of the most well-respected and distinguished legal jurists in the state.

► SEE EDITORS, PAGE 10

Adulting 101

How Do I Know If I Need a Prenup?



**Donna-Marie
Hale**

As members of the Young Lawyers Division, many of us are beginning to establish our legal careers. A lot of us are also establishing new lives with significant others. If you're engaged or considering marriage, the subject of an antenuptial agreement, commonly referred to as prenuptial agreement or "prenups," may have already come up between you and your boo. Prenups are often a controversial topic for soon-to-be newlyweds, but they are important to discuss. People tend to have strong opinions one way or the other based on various cultural and religious factors. As lawyers, it is important to understand the legal effects of a prenuptial agreement on our own personal relationships.

First, let's talk about what a prenuptial agreement can't do. A prenup cannot determine custody for you and your partner's existing or future children. The law in Georgia, and in most other states, requires a finding in the best interests of the children at the time a custody determination becomes necessary. Similarly, a prenup cannot determine the amount of child support you or your spouse will pay for your existing or future children, and it cannot waive either party's child support obligation. Finally, prenuptial agreements cannot contain provisions violating public policy or the law. Bonnie can't agree that she and Clyde will equally divide all monies obtained through burglary at the time of their divorce.

So, what can a prenuptial agreement do? One of the biggest topics covered by prenups is spousal support. Couples have the freedom to get pretty creative in drafting these provisions. Many dual-career couples include a full waiver of spousal support from either party. Other couples tie spousal support to conduct. For example, a couple might decide that spousal support is only awarded if there is misconduct (e.g.,



**Kristen
Files**

adultery, physical abuse). Or, the finding of misconduct could triple the existing spousal support obligation.

The other topic most often covered by prenuptial agreements is the division of property (both real property and personal property), other assets (like retirement and investment accounts) and debts in the event of divorce, also known as equitable division. In Georgia, equitable division refers to the method by which a court divides all assets and debts considered to be marital at the time of divorce. This division does not necessarily have to be equal so long as it is "equitable." What that really means is a lot of uncertainty in who will get what if parties split. Prenups can take away this uncertainty by clearly listing what each spouse is entitled to. Not only can a prenuptial agreement list how to divide property, it can also list how to divide any appreciation in value to a property, the impact of financial contributions to a property by either spouse on the division of that property, and how to divide future property acquired during the marriage. Prenups can also be useful in keeping the debts that parties bring into a marriage (e.g., student loans, credit cards, etc.) separate throughout the marriage and at the time of divorce.

Now that we've given you a brief introduction into what prenuptial agreements cover, let's look at some of the requirements for making sure they're enforceable. A prenuptial agreement must be in writing and signed by both parties in the presence of at least two witnesses, one of which must be a notary public.¹ Prenups are contracts, so most of the legal requirements for contract enforceability apply. For example, a prenuptial agreement cannot contain terms that are unconscionable. It cannot be obtained through fraud, duress or mistake. Duress is one of the most commonly used attacks on



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a prenup—do not wait until the morning of your wedding to get the final draft signed. You should plan for six to 12 months prior to your wedding date when possible. Lastly, several approaches have been developed through case law to determine whether a prenuptial agreement should be enforced. One of the most commonly cited is the Scherer test, which looks at, among other things, whether enforcing the terms of the prenup at the time of divorce would make it unfair or unreasonable.

Look, we get it. No one wants to think about divorce while planning a wedding. But going through the steps necessary to decide whether or not a prenup is right for you and your partner actually forces conversations about finances, values and transparency that couples should be comfortable having before getting married. It has been said that couples who draft a prenup together, stay together (well, surely someone somewhere has said that before). Maybe the outcome is that you decide a prenup isn't necessary for your relationship. Or maybe you discover your partner's \$175,000 credit card debt and dodge a huge bullet. Whatever the end result, consider a potentially uncomfortable conversation now as a small investment into your long and happy marriage. YLD

Endnotes

1. See O.C.G.A. § 19-3-62.
2. Scherer v. Scherer, 249 Ga. 635 (1982).

Judicial Spotlight

Judge Justin S. Anand



**Sarah J.
Rasalam**

One of my most cherished professional experiences is serving as a law clerk to Hon. Justin S. Anand, magistrate judge for the U.S. District Court for the Northern District of Georgia.

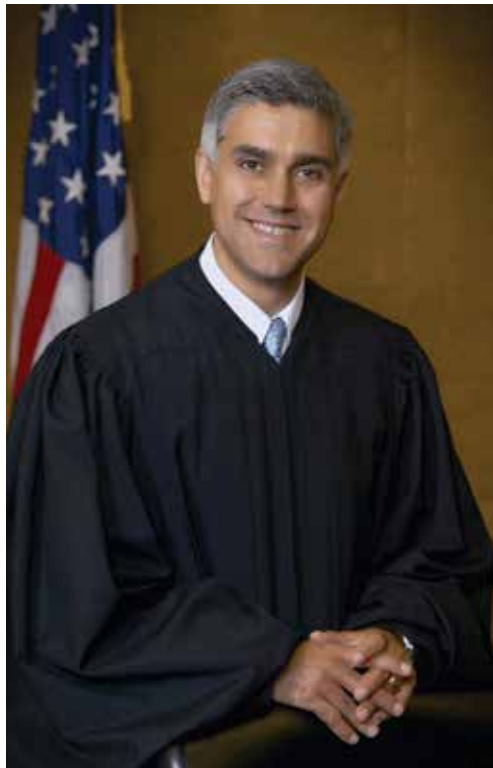
Anand graduated from Swarthmore College in 1993, after which he worked in Washington, D.C., for two years as a policy analyst for a private consulting firm. He sought to enact positive societal change and believed that the best way to do so, given his skills and interest in public policy, was as an attorney. He attended Harvard Law School, and during his third year, he felt a spark that led him toward trial work. He enjoyed representing clients in court and began working on pro bono criminal defense cases in a clinic headed by Prof. Charles Ogletree Jr.

Upon graduating in 1998, he clerked in the Southern District of New York for Hon. Jed S. Rakoff. After his clerkship, Anand began working as an associate in the New York office of Cleary Gottlieb Steen & Hamilton LLP, where he handled international corporate matters for underdeveloped countries.

On Sept. 11, 2001, Anand was trapped in a subway during his morning commute, when the Twin Towers of the World Trade Center collapsed. He and several passengers were able to make their way through the train to get air, and firefighters eventually rescued them. Anand cites this experience as being instrumental in pushing him to pursue a career in criminal litigation and public service. He recognized that the spark for trial work he had felt in law school had not been extinguished, so he sought a federal prosecutor position. He moved to Atlanta to join the U.S. Attorney's Office, where he moved up the ranks and eventually became the deputy chief for the Economic Crime Section of the Criminal Division. During his tenure as a federal

prosecutor, Anand focused on high-profile cases, including one involving corruption at the Fulton County Sheriff's Department, several against pain clinics engaged in health care fraud and wire fraud, and one in which a hedge fund manager orchestrated a \$100 million Ponzi scheme.

After working at the U.S. Attorney's Office for more than eight years, Anand threw his hat in the ring for the federal magistrate judge vacancy that was created when



Hon. Justin S. Anand, U.S. District Court
for the Northern District of Georgia

Hon. C. Christopher Hagy retired. He believed that serving as a judge was the culmination of his desires to effectuate change and serve the public. He was appointed by the judges of the Northern District of Georgia to serve as a magistrate judge in February 2012, thus becoming the first Indian-American federal judge in the Deep South. At that time, he was only a few years removed from the YLD at 40 years of age.

Anand handles criminal and civil matters, including search warrants and surveillance applications, arraignments and certain cases involving employment discrimination, social security, and wrongful or attempted wrongful residential real property foreclosure, eviction or dispossessory actions. He also issues orders in any cases in which the parties consent to the jurisdiction of a magistrate judge.

He has received several honors throughout his career and is proudest of the awards for his outstanding work on behalf of the victims of his cases, many of whom lost their savings in fraudulent financial schemes. Academic accolades aside, Anand is known for his kind nature—but he is stern on the bench when necessary. For instance, on the morning of my clerkship interview, when I went through the courthouse's security screening, the guard asked me where I was going. As soon as I said, "Judge Anand's chambers," his serious expression broke into a warm smile, and he said, "Judge Anand is a wonderful man. It would be such an honor for you to clerk for him." He then relayed that Anand always took the time to speak with the security guards and treated everyone with respect.

I asked Anand for his words of wisdom and advice for young lawyers, and he shared the following:

- Be open to areas of law and practice that you may not previously considered, so that you do not miss out on potentially valuable opportunities.
- Make yourself indispensable in your cases. If you are in charge of document review, master the documents. If you are assigned to a particular issue, learn its nuances. Ultimately, you want to ensure that you are the expert in whatever assignment you are handling.
- Act professionally in your interactions with everyone: fellow attorneys, support staff, opposing counsel, etc. Over the course of your career, your reputation in the legal community will be the most valuable asset you have. YLD



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► THANKS, FROM PAGE 3



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Women in the Profession Committee

Co-Chairs Sam Dorsey and Chelsea Swanson have come up with excellent monthly programming to serve the large demographic of women lawyers (about 49 percent of the YLD is female). The committee put on "Beer+CLE: Changes to Georgia's Malt Beverages Law." On Oct. 27, the committee also held a Saturday kickboxing class as a wellness initiative.

My hope for the YLD in the new year is to keep pressing forward. Below is a preview of things to come in the last half of this Bar year.

YLD Midyear Meeting in Macon

The YLD will hold a General Session Meeting at the Macon Marriott on Friday, Jan. 11, 2019. The following Saturday, the YLD will hold a Wills Clinic to help first responders and law enforcement with the creation of wills and estate documents.

Signature Fundraiser

This year's Signature Fundraiser will be held at Terminal West in Atlanta on April 13, 2019, to benefit Lawyers for Equal Justice. The event will have a casino theme and will offer opportunities for food, drinks and dancing.

Georgia Legal Food Frenzy

This program was designed to raise money to provide food for children during the summer months while they are out of school. Last year, the program raised more than

\$400,000. Now in its eighth year, the goal is to surpass last year's total. In an effort to do this, YLD Legal Food Frenzy Co-Chair Morgan Lyndall has created a plan to hold a fundraising golf tournament on Monday, April 15, 2019.

YLD Spring Meeting in Washington, D.C., April 25-29, 2019

Activities will include a CLE, group dinners, group entertainment and a visit to the U.S. Supreme Court.

Build a Better Georgia Day

The YLD Community Service Projects Committee will put on this event for the second year in a row. On Saturday, May 4, 2019, young lawyers in each federal judicial district in Georgia will build a Habitat for Humanity house simultaneously.

National High School Mock Trial Competition in Athens, Georgia

Championship teams from across the United States will descend on Athens, May 17-18, 2019, for the national competition.

We hope to see you at a YLD event soon. On the Bar website, you can sign up to get bi-monthly emails of all our events or join a committee. You can also stay engaged with us by following us on Facebook, Twitter and Instagram. If you would like to be more involved, please feel free to reach out to me at rizzaoconnor@gmail.com. Happy Holidays! ^{YLD}

Professional Development

A Senior Associate's Take on Professional Development



**Elissa B.
Haynes**

When asked to write an article for *The YLD Review's* professional development column, I was on my way home from work and still sulking over the denial of my summary judgment motion from earlier that day. I had just come off a winning streak and was feeling far from “professionally developed” at that moment. But after taking a step back and thinking about my legal career as a whole, I am constantly reminded how far I have come in my seven years of practice and how I was able to get to this point. I preface the following by noting that my practice has been limited to civil litigation in small to mid-size law firms and what has worked for me may not work for everyone. With that, I leave you with a few tips to ensure that you don't miss your shot¹ when it comes to professional and personal development.

Find a Mentor

It should not come as a surprise when I say that law school does not teach you how to be a lawyer. As young lawyers, we learn by watching, doing, and a little bit of trial and error. Learning the ropes is exponentially easier and more fulfilling when you have a mentor. When I first started practicing law, a solo practitioner who handled my firm's litigation work took me under his wing and continued to offer advice years after I had left the firm. He was the first person who truly taught me how to practice law and for that I am eternally grateful. I am also fortunate to work for a partner (and mentor) who is invested not only in our firm but in my future growth with the firm. If you are a solo practitioner and find yourself without a mentor, try joining a local bar association or ask an attorney that you look up to out to lunch. Finding your



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mentor(s) should be the first step on your path to professional development.

Get Involved

For me, getting involved with the Young Lawyers Division served as a launching pad for my professional development. I had already been practicing law for close to four years when I was accepted into the YLD's Leadership Academy, but I had just switched from a three-lawyer plaintiff's personal injury firm to a mid-size insurance defense firm. I thought it was too late to get involved but quickly learned there is no such thing as “too late” when it comes joining a professional organization. Once you find an organization that is a good fit for you, don't stop there. Consider running for a position on the organization's board or joining a committee or subcommittee within that organization. Serving as a leader in a professional organization helps to get your name out there and earns you respect from your peers.

Communicate With Your Clients

Client satisfaction is key in the legal profession. As a plaintiff's personal injury attorney, I made it a priority to talk to my clients at least once a week, even if I did not have an update for them. In the insurance defense world, my priority is making sure my clients, most of whom are insurance adjusters, are happy and timely submitting status reports. The more you communicate, the

more your client sees the value you add to their case. Client communication does not always need to be work-related. Start learning about your clients' hobbies and family and ask them about these things the next time you talk. When you become the “go to” person for your client you also increase your chances of getting more business from that client.

Exceed Expectations

There will always be people who get by doing the bare minimum while others go above and beyond what is required of them. If you work in an office setting, you likely have certain benchmarks that you are expected to hit. A law firm associate may have a yearly billable hour requirement whereas an assistant district attorney may have a set number of cases they are expected to prosecute. Whatever your minimum requirements may be, make a personal goal to exceed them. While billing 100 hours more than your firm's billable hour requirement may not have immediate financial upside, your hard work and dedication will be recognized and rewarded in the long run. YLD

Endnote

1. If you find yourself in need of motivation, I highly recommend listening to the “Hamilton” soundtrack. Lin-Manuel is a lyrical genius.

► BASICS, FROM PAGE 3

Simple rules, right? But, no matter how simple they might seem, many attorneys have not been citing to proper code sections or proper caselaw when arguing relevance under the New Rules.

Chrysler reiterates that no piece of evidence is exempt from the triple door of O.C.G.A. §§ 24-4-401, 24-4-402 and 24-4-403: (1) the evidence must be relevant, (2) if the evidence is relevant, then the evidence is admissible unless there is a constitutional requirement or other rule or law specifically excluding said evidence, while evidence is inadmissible if it is irrelevant, and (3) that “[r]elevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.”⁷ Sound familiar? These three rules are taken from the Federal Rules of Evidence.

Simple rules, right? But, no matter how simple they might seem, many attorneys have not been citing to proper code sections or proper caselaw when arguing relevance under the New Rules. Federal Rules of Evidence 401, 402 and 403 are rules that are hardly uncharted territory in the federal world, which is where the Georgia Legislature intended us to look when interpreting our New Rules. The Old Rules leaned towards excluding relevant evidence, while in contrast, the New Rules, specifically O.C.G.A. § 24-4-402, are inclusionary, meaning they lean towards admitting relevant evidence.⁸

Typically, if there is a “holdover” provision from the old set of rules with no federal counterpart,” such as O.C.G.A. § 24-6-622, which states “[t]he state of a witness’s feelings towards the parties and the witness’s relationship to the parties may always be proved for the consideration of the jury,” then one looks to the Georgia cases under the Old Rules for guidance.⁹ When there is a common law rule based on relevance, such as the rule that bars party-wealth evidence, and there “is no specific exclusionary rule in the new Evidence Code carrying forward

the common law’s general exclusionary rule for that type of evidence, Georgia courts must consider party-wealth evidence under the parameters of the new Evidence Code.”¹⁰

In another recent case, *State v. Almanza*,¹¹ the Supreme Court of Georgia made clear that even where a former evidence code resembled a federal evidence rule, if the current rule is based on the federal rules, then federal, not former Georgia precedent, is the touchstone. In *Almanza*, the Supreme Court of Georgia reversed a Court of Appeals decision about application of the hearsay exception for medical diagnosis and treatment. *Almanza* further reiterates the requirement to use proper precedent when reviewing the New Rules, and refers back to *Davis*, as described above.¹²

What does all this mean? Just because a rule of evidence is carried over from old Georgia caselaw does not mean that it escapes the triple door of relevance under the Federal Rules. Just because a rule of evidence includes “shall” or “may always be proved,” such as O.C.G.A. § 24-6-622, does not mean it bypasses the application of O.C.G.A. §§ 24-4-401, 24-4-402 and 24-4-403. The proponent of the evidence is still required to make a showing of how the evidence is relevant, and ensure that the probative value is not substantially outweighed by the danger of unfair prejudice. The objecting party is required to object with the proper statute, such as O.C.G.A. § 24-4-403, or else risk having the courts review the case for plain error.

To meet the plain-error standard, which is a difficult task, the error must be clear or obvious, and have affected the party’s substantial rights and the outcome of the proceedings.¹³ Showing such is no small feat, which is yet another reason to make sure to preserve the record for appeal.

According to “Carlson on Evidence,” “the law of evidence exists as the conduit for justice,” as evidence law is what “dictate[s] the outcome of the case” by allowing information to get to the factfinder and affecting how the factfinder may view and consider it.¹⁴ In sum, while preparing a case for trial and identifying crucial pieces of evidence, whether for admission or exclusion, a practicing attorney should keep in mind: (1) where and how to get the proper precedent for Georgia’s New Evidence Code, (2) the basic building blocks of evidence to apply the New Rules as a whole, and (3) how to make a quality record for appeal. YLD

Endnotes

1. Elissa Haynes, *Thinking Ahead: The Importance of Preserving Issues for Appeal*, The YLD Review, 2018.
2. 787 S.E.2d 221 (2016).
3. Michael Scott Carlson and Ronald L. Carlson, *Davis Violations Dissected: “New” Georgia Law and the Crisis in Evidence*, 9 John Marshall L. J. 1 (2015).
4. *Davis*, at 232.
5. 303 Ga. 358 (2018).
6. *Id.*
7. O.C.G.A. §§ 24-4-401, 24-4-402 and 24-4-403.
8. O.C.G.A. § 24-4-402. See also Carlson, supra. *Chrysler*, supra.
9. *Chrysler*, at 9-10.
10. *Id.* at 16.
11. 2018 Ga. LEXIS 656 (2018).
12. *State v. Almanza*, 344 Ga. App. 38 (2018).
13. *Id.* at 23.
14. Ronald L. Carlson & Michael Scott Carlson, *Carlson on Evidence*, p. xxi (6th ed. 2018).

Affiliate Spotlight

Glynn County YLD



Amanda Szokoly

On Aug. 2, the Glynn County YLD held its Annual Meeting at Mas Ember Lounge on St. Simons Island. It was sponsored by Gilbert & Jones Certified Court Reporters. This year's Annual Meeting was well attended and included the election of the following officers: Amanda L. Szokoly, president; Matt Grossman, vice president; Jacob Kitchen, secretary; and Theresa Beaton, treasurer. Thereafter, the following individuals were appointed committee chairpersons: Theresa Beaton, social co-chair; Joseph Padgett, social co-chair; Brad Proctor, membership chair; and Elliott Gilleooly, community service chair. Zach Harris is currently serving as our immediate past president.

The first Glynn County YLD Executive Meeting of these officers and chairpersons was held on Aug. 28. The meeting was filled with an optimistic outlook with heavy focus on increasing membership and growing our annual charity golf tournament. There was also substantial interest in working with the local high schools to initiate mock trial programs that will prepare students to compete in the Georgia High School Mock Trial Competition in Savannah. As a result of this interest and the hard work of a number of Glynn County YLD members, the Glynn County YLD has registered a team from Brunswick High School to compete in this year's competition.

The Glynn County YLD is also striving to hold monthly networking events for its members. On Sept. 13, the Glynn County YLD held its September happy hour at Echo on St. Simons Island. The happy hour was generously sponsored by Collision Specialists, Inc. On

Oct. 17, the Glynn County YLD held its October happy hour at the River Bar at the Cloister on Sea Island. It was graciously sponsored by Eric Roden and Tyler Love of Roden Law.

The Glynn County YLD held its annual Holiday Party in December. A toy drive was held in conjunction with this event. Also, the Glynn County YLD is looking forward to the 6th annual Glynn Young Lawyers Division Spring Classic, which will be held on St. Simons Island in the spring. The proceeds of this tournament will benefit the Davis Love Foundation and CASA Glynn, Inc. Please keep an eye out for upcoming information about registering your team and other ways to participate or become a sponsor.

If you practice in the Brunswick Judicial Circuit or the surrounding area and are interested in joining the Glynn County YLD or being added to its email list to receive notice regarding future events, please email glynncountyld@gmail.com. YLD



Top: Participants and supporters of the 2018 Glynn County YLD golf tournament; Bottom: September happy hour at Echo on St. Simons Island sponsored by Collision Specialists, Inc. (CSI). Pictured is Analiese Stopek (front row wearing wide black and white horizontal stripes), marketing director for CSI, with members of the Glynn County YLD.

► EDITORS, FROM PAGE 3

Community Service

YLD events include a community service opportunity. For example, the 2018 Summer Meeting in Savannah, attendees helped raise funds for the homeless population in Savannah by donating to the Chatham County Youth Commission. These funds went towards hygiene kits made by the Chatham County Youth Commission for homeless persons in Savannah. For the Fall Meeting in Lake Oconee, the YLD partnered with the Gateway Center, another organization focused on helping homeless persons. Attendees donated personal hygiene items for the Gateway Center to help further its mission. Past meetings have also included activities such as building tricycles for a local youth organization.

Travel

Whether near, like many of our Georgia based meetings, or far, such as Las Vegas, New Orleans or the upcoming Washington, D.C., meeting in April, YLD meetings offer an opportunity to travel. Not only will you get to visit and explore a new place, but you can do so with your YLD colleagues and friends. Traveling together is a great way to make connections and lifelong memories, while also getting CLE credit!

There are still opportunities to attend a YLD Meeting this Bar year. Mark your calendars today! ^{YLD}

UPCOMING YLD MEETINGS**MIDYEAR**

Jan. 9-11, 2019
Macon Marriott City Center
Macon, Ga.

SPRING

April 25-29, 2019
Hamilton Hotel
Washington, D.C.

ANNUAL

June 6-9, 2019
The Ritz-Carlton Orlando, Grande Lakes
Orlando, Fla.

Committee Spotlight**YLD Community Service Projects Committee**

**Sarah
Jett**

The YLD Community Service Projects Committee volunteered at the Atlanta Ronald McDonald House on Sunday, Nov. 4, to serve “breakfast for dinner” to families staying at the house. Our committee purchased and prepared food for around 50 people and were able to interact with the families while providing them support in the smallest way. The Atlanta Ronald McDonald House serves families with ill

and injured children receiving medical care nearby. The house allows families to stay nearby their children during the time they receive medical care. We were proud to represent young attorneys in our state and to serve those in need with a smile. We want to thank our sponsors: Oasis Financial, Global Financial and Injury Finance for allowing us to help make a difference in our community. ^{YLD}



Above: Volunteers—including Ashley Akins, Susan Haynes, Iyana Smith, Madison Marcus, YLD Immediate Past President Nicole Leet, YLD Community Service Projects Committee Co-Chair Sarah Jett, YLD Secretary Elissa Haynes, YLD Community Service Projects Committee Co-Chair Brittanie Browning and Jacquita Parks—prepared a meal for families whose children are receiving treatment at Children’s Healthcare of Atlanta at Egleston Hospital.

Below: The committee made and served breakfast for dinner to the families staying at the Atlanta Ronald McDonald House. The meal included bagels and muffins, cinnamon rolls, fruit pizza, bacon, hash browns, sausage, scrambled eggs and more.

Self-Care Practices for the New Year



**LaKeisha R.
Randall**

Practically, self-care is anything we do with intentionality to take care of our mental, physical, emotional or social well-being. While an admittedly simple concept, with the demands of life, self-care is often overlooked, perceived as an unmerited luxury or repeatedly removed from our task lists because of “more pressing” demands.

Know Your Worth

Regular self-care practices remind yourself and others that you and your needs are important. No matter how indulgent the term may sound, self-care is crucial for our health. Good self-care practices reduce stress, reduce anxiety and improve life satisfaction.

Self-Care Has to Become a Habit

Practicing law is full of ineluctable stress and regular self-care practices train our minds to think, “I need to take care of myself in this situation.” This preserves our health, allows you to think more clearly and often improves your reaction to the situation.

How to Get Started

So, where do you begin? Large or small, identify the things that make you smile, and deliberately invest time and/or resources into these things or experiences. There are many common pathways to self-care. Start with your senses: smell, sound, sight, taste and touch.

Psychological journals recommend practicing self-care in seven areas:

1. Sensory

- Breathe in fresh air
- Snuggle under a cozy blanket
- Take a hot shower or a warm bath
- Get a massage

Self-care /self /ker/

noun (self-care)

The practice of taking action to preserve or improve one's own health. Or, the practice of taking an active role in protecting one's own well-being and happiness, in particular during periods of stress.

verb (self-care; self-caring)

Taking care of oneself.

Q: Are you available for dinner?

A: No, I'm self-caring tonight.

- Cuddle with a significant other or pet
- Listen to music

2. Pleasure

- Prepare or purchase your favorite meal
- Watch your favorite comedy
- Draw, color or journal
- Go for a walk or run

3. Spiritual

- Get in touch with your values; what's your why?
- Pray
- Meditate—try the Headspace app
- Attend church
- Go on a hike or spend time in nature

4. Emotional

- Cry when you need to
- Speak with a counselor or therapist
(The State Bar's Lawyer Assistance Program provides a broad range of helping services to members seeking assistance with depression, stress, alcohol/drug abuse, family problems, workplace conflicts, psychological and other issues. You can contact LAP by calling 800-327-9631.)

5. Physical

- Take a nap
- Dance to your favorite song

- Go for a run
- Be mindful to consume nutritious foods
- Stretch regularly

6. Social

- Go on a date
- Call a friend or family member instead of texting or emailing them
- Have lunch or dinner with a friend
- Join a support group

7. Mental Mastery

- Cultivate a new hobby or skill
- Do a crossword puzzle
- Read a new book
- Declutter or organize your home or workspace

For more tips, attend the State Bar of Georgia's inaugural wellness CLE “Wellness & Practical Skills CLE” at the Civanan Care-free Resort in Carefree, Arizona, Jan. 24-28, 2019. Bar members will have an opportunity to earn 12 CLE hours, including 1 hour of professionalism and 1 hour of ethics. The event is sponsored by the State Bar of Georgia Wellness Committee. The hotel cut-off is Friday, Dec. 28, 2018, and the registration cut-off is Friday, Jan. 18, 2019. More information can be found at www.gabar.org. YLD



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Ten Trial Tips for Voir Dire



**Priya
Patel**



GETTYIMAGES.COM/ALEUTIE

1 Figure out your judge.

Before meeting the pool of jurors, go ahead and ask the judge what his expectations of voir dire are. This way once you begin voir dire, there are minimal interruptions from the judge, and it helps the process go smoothly. During one of my jury trials, I was lucky enough to discuss with the judge's staff attorney about how the judge liked conduction of voir dire, which helped me tremendously to prepare and become more confident with the whole process.

2 The task isn't selecting a juror.

The phrase "jury selection" is misleading. Trial lawyers are not selecting who they want on their jury; instead, they are selecting people who they don't want on the jury. When asking questions, remember that you are trying to pinpoint who to exclude, so guide your questions accordingly.

3 Remember, your jurors are not going to be like the jurors portrayed in "Twelve Angry Men."

Most jurors do not want to be there, especially when they are called in at 8 a.m. on a Monday, and you don't start voir dire until

three hours later. So my advice: cut to the chase, or at least show them that you are being efficient and are respecting their time.

4 Show them that you are more than just a stiff in a suit.

Break the ice. Even though you are on the other side of the divider, you are human too. Try to make them relate to you. Not only does it help make the process less awkward, but it also gives you a chance to share a little bit about yourself.

5 Make them feel comfortable.

For many people, this might be the first time they are sitting in a courtroom, and not everyone feels calm and collected when sitting in front of a judge. Trust me—I still get nervous at first. Let them know that this is a safe space, and that the reason you are asking them these questions is because you genuinely want to get to know them better.

6 Don't try to single out just one person.

If the judge allows you to ask general questions, immediately followed by specific

questions, be conscious of the number of questions you ask one juror. You do not want to make the potential juror feel like they are being interrogated or that they said something wrong. My suggestion would be to come back to them later, or simply ask them to explain and hope that they give the details you need.

7 Know what biases to get out in the open.

Not every bias is bad. There are some biases that will clearly hurt your case, and it's good to figure those out as early as possible. But there are some biases that will help your case, and those are better left hidden. Determine what biases will help and hurt your client, and guide your questions accordingly.

8 Find your system.

There are so many different ways to conduct voir dire, but it is most important to find your method. The first jury trial I participated in, the lead attorney used two legal sized papers taped together. His method worked for him, but being an attorney who constantly relies on technology, I prefer using jury selection apps. There are many benefits to using an app, but in my opinion I think the efficiency of the apps helps attorneys focus more on the jurors themselves, instead of worrying about scribbling things down on a piece of paper.

9 Ensure they know how much you appreciate their time.

Like I said before, not many jurors want their lives interrupted by being called to jury duty, so make sure they know how much they are valued and how important their role is in our legal system.

10 Be yourself.

You're in front of that jury because someone has faith in your abilities and because your client believes that you can best represent their interests. So be yourself because being yourself is what got you there. YLD



2019 Legal Food Frenzy

April 22–May 3

REGISTER TODAY!

galegalfoodfrenzy.org

#GaLFF19  



GEORGIA LAWYERS LIVING WELL

www.lawyerslivingwell.org

The State Bar of Georgia has made lawyer wellness a priority. In addition to CLEs and other activities related to wellness, we launched **lawyerslivingwell.org**. Visit the site to view articles and resources related to wellness, and learn more about State Bar programs that help lawyers in their lives and practices. Be sure to check out the wellness resources and get discounts on gym memberships, fitness classes and more.



Learn more by visiting
www.lawyerslivingwell.org

YLD Calendar of Events

JANUARY

- 9 Resume Review Workshop**
Gateway Center
275 Pryor St. SW | Atlanta, GA 30303
YLD Judicial Law Clerk Committee
YLD Community Service Projects Committee
Join us from 5–7 p.m. as we volunteer with Gateway Center, which prides itself on being “the gateway to a continuum of care that helps individuals move out of homelessness.” The center offers a variety of services and programs in efforts to help their clients towards self sufficiency. We will be conducting resume reviews (and possibly mock interviews if enough of their clients are interested). RSVP to kayla.s.winters@gmail.com by Friday, Jan. 4.
- 10-12 Midyear Meeting**
Macon Marriott City Center
240 Coliseum Drive | Macon, GA 31217
The YLD General Session is scheduled to begin at 3:30 p.m. on Friday, Jan. 11. For more information about events at Midyear Meeting visit www.gabar.org.
- 24-28 Wellness & Practical Skills CLE**
Civana Carefree Resort
37220 Mule Train Road | Carefree, AZ 85377
Institute of Continuing Legal Education
State Bar of Georgia Wellness Committee
Join the State Bar of Georgia for this wellness CLE, giving Bar members the opportunity to pursue good health and work/life balance. Earn 12 CLE hours, including 1 hour of professionalism and 1 hour of ethics.

MARCH

- 9 20th Annual Justice Robert Benham Awards for Community Service**
GSU Student Center State Ballroom
101 Piedmont Ave. SE | Atlanta, GA 30303
Chief Justice's Commission on Professionalism
Judges and lawyers meet the criteria for these awards if they have combined a professional career with outstanding service and dedication to their communities through voluntary participation in community organizations, government-sponsored activities or humanitarian work outside of their professional practice or judicial career.

APRIL

- 13 YLD Signature Fundraiser**
Terminal West
887-C W. Marietta St. NW | Atlanta, GA 30318
YLD Signature Fundraiser Committee
The event will have a casino theme and will offer opportunities for food, drinks and dancing. The beneficiary of the 2019 YLD Signature Fundraiser is Lawyers for Equal Justice.
- 15 Stroke of Justice Golf Tournament**
Marietta Country Club
1400 Marietta Country Club Drive | Kennesaw, GA 30152
YLD Legal Food Frenzy Committee
Stay tuned for more details surrounding this inaugural Food Frenzy event. Would your firm or organization like to be a sponsor? Contact Morgan Lyndall at mlyndall@gm-llp.com.
- 26-29 YLD Spring Meeting**
Hamilton Hotel
14th and K St. NW | Washington, DC 20005
Activities will include a CLE, group dinners, group entertainment and a visit to the U.S. Supreme Court.

MAY

- 4 Build a Better Georgia Day**
Multiple Locations
YLD Community Service Projects Committee
Young lawyers in each federal judicial district in Georgia will build a Habitat for Humanity house simultaneously in Atlanta Savannah and Macon.
- 16-18 National High School Mock Trial Competition**
Athens, GA
State Bar of Georgia
State Bar of Georgia Young Lawyers Division
Georgia High School Mock Trial Competition
Each year approximately 30,000 students participate in local high school mock trial competitions throughout the United States, Guam, South Korea and the Northern Mariana Islands. This event highlights the best teams competing for the championship title—and it's being hosted in Georgia! For more information, to donate or to volunteer, visit <https://athens2019.nhsmtc.org> or email athens2019@gabar.org.



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2019 MIDYEAR MEETING

Jan. 10-12 | Macon Marriott City Center | Macon, Ga.

Visit www.gabar.org for more information.

