



The YLD Review

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

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Call to Service: Georgia CASA

by Angela Tyner, Director of Advocacy & Program Development, Georgia CASA



Right here in Georgia, abused and neglected children live in the shadows of our lives. She may be the quiet girl in your son's class, who had to move homes and change schools three times in the last year. He may be the dispirited child at the park who never joins the game. Each year more than 13,000 children are placed in foster care in Georgia with 7,000 children being in care on any given day. Unintentionally, kids end up lost in a sea of paperwork and bureaucracy.

So the little girl, who has already suffered in an abusive home, enters foster care and ends up in four different homes in just a few months. Or the two siblings who lost their mother to incarceration are split up and live on different sides of the same county. Or the teenager, whose father overdoses, winds up living in a group home until he ages out of the system.

At its heart, this is not just an issue of abuse or neglect, or a broken system, or overburdened workers, but of the unalienable rights of a child. Our children need to do more than simply survive. They deserve to thrive in the safety and love of a family throughout their childhood and into adulthood.

Court Appointed Special Advocates (CASA) is central to fulfilling society's most fundamental obligation by making sure a qualified, compassionate adult will fight for and protect a child's right to be safe, to be treated with dignity and respect, and to learn and grow in the safe embrace of a loving family. A CASA is a deeply committed, specially trained volunteer who works within the child welfare system and is appointed by juvenile court judges to individual cases. CASA volunteers are a formidable force; there is no one else like a CASA, who provides individualized attention and brings urgency to a child's needs. With the help of a CASA volunteer, a child is half as likely to languish in foster care, and that much more likely to find a safe and permanent home in which to thrive.

CASA volunteers are appointed as lay Guardians ad Litem and often work alongside an attorney appointed to the child. This dual appointment is the best form of representation for children, as the broad range of functions required in providing true representation to children in abuse and neglect proceedings cannot be performed without the combined resources of qualified attorneys and best interest advocates.

Outside the courtroom, CASA volunteers frequently educate their communities and elected officials about the needs of children in foster care and advocate for systemic changes. For instance, like the YLD, CASA has been a strong supporter of the Juvenile Code rewrite.

This year, CASA in Georgia celebrates 25 years of service. In 1988, three ambitious

women—one of whom is a member of the State Bar of Georgia—saw a need for abused and neglected children to have a voice and an advocate in court, and CASA programs were started at the invitation of two forward-thinking judges in Hall and Newton counties. Over the years, CASA has expanded to serve 140 counties, thanks to the generous support of the General Assembly, foundations—including the Georgia Bar Foundation—and countless other donors and supporters.

Today, 60 percent of Georgia's foster children have a CASA volunteer advocating on their behalf. About 2,900 children still need an advocate. We want every child who cannot live safely at home to have a CASA volunteer who will help ensure his safe passage out of foster care and to champion, without compromise, what is in his best interests. To do this, we will need to add an additional 1,500 CASA volunteers to the already 2,100 currently appointed CASA volunteers, as well as expand CASA services to the remaining 19 counties in Georgia.

I first became involved with CASA during a summer internship while at Mercer University School of Law. The CASA director told us that she didn't expect for us to build careers in child advocacy (although I ultimately have). Instead, she asked us to remember our experiences and the children we advocated

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From the Captain

O Captain! My Captain!

by Jon Pannell

I want to thank all of you who attended the YLD Fall Meeting in Athens during the weekend of Sept. 28-30. On Friday afternoon, the weekend began with a CLE and lunch held at the University of Georgia School of Law where **Van Pearlberg** presented a spirited overview of the trial of Leo Frank. Following the CLE, we held our general session where we had more than 60 young lawyers in attendance including several law students from UGA. After the general session, we enjoyed a happy hour at the Melting Point Restaurant and a group dinner at the Hoyt House Pavilion at the Foundry Park Inn.

On Saturday, prior to kickoff of the Georgia-Tennessee game, Forge Consulting LLC and Capstone Financial Partners hosted a tailgate and BBQ near Sanford Stadium before YLD members watched a nail biting 51-44 UGA victory between the hedges.

Those attendees who registered for the general session received complimentary tickets to the Yacht Rock Revue concert on Saturday night after the game. For those of you

who have not been to the Georgia Theatre since it reopened last year after the 2009 fire, I highly recommend attending an event there. Those YLD members who attended were treated to after-game refreshments on the new rooftop terrace and then enjoyed the sold-out concert into the early hours of Sunday morning.

We had a large turnout in Athens and I again want to thank all of our attendees for making it a great Fall Meeting. In addition, without the generous support of SEA Limited, Forge Consulting LLC, Capstone Financial Partners, Jennifer Campbell Mock for YLD Secretary and Brantley Rowlen for YLD Secretary, our meeting could not have been such a huge success.

Please mark your calendars for the YLD Midyear Meeting, held in conjunction with the State Bar Midyear Meeting, Jan. 10-13, 2013, at the St. Regis Hotel in Atlanta. After witnessing some of the fine dancing at the Georgia Theatre during Yacht Rock, we may have multiple "Captain Awards" to hand out at our YLD General Session in January. Hope to see you there!

The Fall Meeting in Pictures



(L-R) YLD Member Zack Tumlin receives the "Captain Award" from President Jon Pannell during the general session.



(L-R) Mary Margaret Frutado, Edward McAfee, Patrick Connell and Louise Connell catch up at the UGA tailgate.



(L-R) Shatorree Bates, Elizabeth Fite, Stephanie Poole, Jonathan Poole, Anne Kaufold-Wiggins and Todd Wiggins enjoy dinner at the Hoyt House Pavilion at the Foundry Park Inn.

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for and hoped that someday we would become involved with CASA by volunteering as an advocate, donating to the affiliate program in our community, lending our expertise by providing pro bono advice or serving on the board of directors. I invite the members of the Bar to do the same—to support these children and to lift up a child's voice, a child's life. Visit www.gacasa.org and get connected with the CASA program in your community. You may also support CASA by attending the YLD's upcoming Signature Fundraiser, to be held on March 2, 2013, which will benefit Georgia CASA.

After all, we must remember that once grown, these former foster children will become our future lawyers, teachers and leaders. Our opportunity then, which lies within our challenge, is to help every child come out of this tumultuous period of vulnerability and fear recognizing their own potential and believing in themselves. Together, we can help these kids live a life of destiny, rather than fate, to the benefit of their children and generations to come.

Judge's Chambers

Prepared with a Purpose

by Judge Wesley B. Taylor, Fulton County State Court



Want to be the best courtroom attorney you can be? The key to being successful in the courtroom is preparation. But here is the real trick: do not just be prepared, be prepared with a purpose.

No matter what you are preparing for in the courtroom, your purpose is the same . . . to convince the decision-maker to find in your favor. One of the reasons successful lawyers spend so much time preparing before setting foot in a courtroom is they know that the person sitting behind the bench or in the jury box knows almost nothing of the facts or the law of the case. At this point, you are probably saying to yourself, “Wow! That Judge Taylor sure is a master of the obvious.” But, you would be surprised how many lawyers appear in my courtroom and are not fully prepared to make a convincing argument.

There are lots of reasons why you may not be fully prepared . . . the cost, the amount of time it takes, etc. However, you must understand that if you are not fully prepared, then you cannot expect the judge or jury to do the work for you.

Let me give you an example: Let's say you are getting ready to argue a motion for summary judgment. Sure, you need to know the applicable law and the material facts of your case, but the most important part of your preparation should be to put yourself in the shoes of the judge. Pretend you know nothing about your case. If the judge has read the briefs prior to the hearing, that is a bonus; but remember that even then, the judge knows nothing about your case other than what appears in the briefs. Also, the judge has no vested interest as to which side should prevail on summary judgment.

When putting yourself in the place of the judge, you should recognize that what you may think is egregious conduct may not sound so horrible when it is relayed in a brief or in open court. The judge does not usually know your client and what a good person they are. The judge knows nothing about the case other than what is put in front of her.

I remember from when I was practicing, how frustrating it was when the judge just did not see things my way, especially when I was absolutely convinced that I was right. I sometimes see that same frustration on the faces of young lawyers now that I am on the other side of the bench. Nevertheless, as the judge, it is now my job to look at things impartially. I do not know all of the background of your case. I do not know about all of those frustrating phone conversations you may have had with opposing counsel (and most of the time, those are immaterial to the issues I have to decide). I only know what is in front of me.

The practice of law has changed over the years. To represent your client effectively, you need to become a specialist in that particular area of law. But in court, you must communicate with a judge who is not a specialist. Too many young lawyers come into court expecting me to know the precise law on every legal issue. I will confess to you, I do not. I have spent time with other judges who are far brighter than I am, and they don't either.

Judges are the ultimate generalists. We simply cannot specialize in one area of the law. For instance, in state court, we hear both criminal cases and civil cases. A small sampling of the types of cases that come before us include: speeding tickets, DUIs, family violence, battery, traffic collisions, slip-and-falls, medical malpractice, and multi-million dollar contract and personal injury disputes. Each type of case has its own peculiar law that applies. To put things in perspective further, in 2011, each Fulton County State Court judge was assigned approximately 150 new cases (criminal and civil) each month - that is about 1,800 new cases every year. When you prepare for oral argument, you simply cannot expect that the judge, or even her staff attorney, will have a full and deep understanding of your case or the applicable law.

So, with that in mind, put yourself in the robe of the judge as if you were hearing your own argument, and the expected argument of opposing counsel, for the first time—if you can imagine that you are the judge and your arguments are coming from some anonymous third party, then all the better. What would you want to know? What would be important to you? What would be extraneous information? What would help you, as the judge, cut through the fluff and see things the way you, as the lawyer, would want you to see it? Knowing you have 1,799 other cases to deal with, would you want the lawyer to get to the point? What would you think of a lawyer who made an argument that was not entirely accurate or “colored” the facts to mislead you into making an incorrect decision?

I leave you with one specific practice pointer. Going forward, we will all be in the same position with respect to the new evidence code. None of us has tried a case or heard a motion under the new evidence code. Even if you have practiced in federal court, the Georgia evidence code is not the same in all respects. You must spend the time thinking about the evidentiary issues that may arise in your case. You should have the particular code section and case cites ready to provide to the judge. The case cites need to be relevant to the Georgia code section, but many of them will be federal cases. You should also know whether your judge wants the cases printed or just the citation.

When you are in court, make your arguments to the person making the decision. Put yourself in that person's shoes. If you do that, then I think you will find judges and jurors to be more receptive. Even so, listen to the judge; if she tells you she has already read your briefs and is familiar with the case, do not waste time telling the judge what she already knows. Hone in on the important points on which you really need her to focus.

Past President's Pointers

by Stan Brading, President of the YLD (formerly known as YLS) 1990-91



WOW—what an honor! To be asked to write a guest column in the YLD newsletter; it just doesn't get any better than that. Where else can you write an article with the comfort that no one other than yourself will read it? In fact, if you are reading this fourth sentence you have already distinguished yourself as a chronic insomniac who ran out of quality bedside reading material, like “The 100 Best Knock-Knock Jokes” by **Bill Barwick**, or as a hopeless Bar nerd just trying to make sure that your name doesn't appear in a compromised manner.

So what exactly is an over-the-hill former YLD president expected to write about in a guest column? I'm advised that I'm supposed to pass along some advice or wisdom to the YLD members who might actually read my column. Hmmm . . . I'm not sure if that's a serious suggestion or a setup, like asking Honey Boo Boo to pass along her nutrition tips. In any event, it will be uncharted territory for me, as anytime I start to speak a

sentence to my teenage children that begins to sound anything like “advice” they scatter just like when the cops show up at a high school party.

For background research, I thought I would take a look at the columns I wrote as YLD (formerly YLS) president more than 20 years ago. Since I'm the only person who ever read those, I'll mention them here. There were the typical riveting columns on goals and committees, but two that still seem relevant today. Those columns were entitled “Women, Minorities and the Bar” and “Professionalism and the Recession.” The column on “Women, Minorities and the Bar” indicated how the YLD was leading the State Bar in the involvement of women and minorities then, as it is now. At the time of my column in 1990, two of the three YLS officers were women (**Betsy Hodges** was treasurer and **Lou Bailey** was secretary); nine of the 20 elected district representatives were women; and three of the seven appointed YLS directors were women—a strong showing even by current standards. The path that these women, which also included **Donna Barwick**, **Rachel Iverson**, **Nolie Motes**, **Tina Shadix Roddenbery** and **Judge Bonnie Oliver**, started has developed into a virtual freeway of outstanding women lawyers taking leadership roles in the YLD and State Bar. The most recent examples of these are **Amy Howell** and **Stephanie Kirijan**, two of the last three YLD presidents, and **Elizabeth Fite**, a member of the State Bar's Executive Committee.

Frankly, I had forgotten that I wrote the column on “Professionalism and the Recession” in the Spring of 1991 relating to law firms “downsizing” in the recession then, and how the concept of professionalism requires firms to have reasonable policies in place that are fair to all employees,

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Affiliate YLD Updates

Albany YLD



Albany Area YLD members at the October After Hours event. (Back, L–R) Will Davis, David Ballard, Tami Peavy-Owen, Bert Noble, Jim Edge and Eric Hooper. (Front, L–R) Valerie Cochran, Amy Purvis, Casey Foreman and Chris Foreman.

On Oct. 23, the Albany Area YLD held its October After Hours event at the law office of Moore, Clarke, DuVall & Rodgers, P.C., in Albany. Members of the YLD donated items for the Dougherty Circuit Bar Association's annual "Boo from the Bar" event. Members of the Albany Area YLD also attended "Boo from the Bar," delivering goody bags and Halloween excitement to the residents of Morningside of Albany Assisted Living facility.

Cobb YLD

by *Austin Gillis*

The past 12 months have been great for the Cobb County Bar Association YLD. Under the leadership of President **Melissa Haisten**, Cobb YLD members have been active, both in the bar and in the community.

The year started with the Cobb YLD hosting a successful CLE geared toward younger lawyers, with an emphasis on expanding one's practice. The CLE drew speakers and attendees from the entire Cobb County legal community.

Cobb YLD meetings are held the third Tuesday of every month on the Marietta Square and have proven to be a fantastic time for members to catch up and hang out in a fun and friendly atmosphere. What's more, the meetings have been well attended and have included presentations from very interesting speakers, including the outgoing Cobb Circuit District Attorney, **Pat Head**, and his successor, **Vic Reynolds**. Cobb YLD members have also been treated to some excellent social events. A fun and relaxing spring happy hour was held at Atkins Park in Smyrna. Then, in October, members enjoyed a Halloween party—complete with a live performance from popular local band The Goodbye Machine and a costume contest.

More than fun and games, the Cobb YLD has also focused on fulfilling its role as the service arm of the bar. The Cobb YLD supported the 2011 Sleighbells on the Square 5K road race, which benefited the Cobb Bar Community Service Fund, with a donation and with race day volunteers. Members also volunteered in force at the Cobb County High School Mock Trial competition. And in May, Cobb YLD members completed their Great Day of Service by serving dinner at The Extension, an inpatient addiction recovery center for formerly homeless men. We are fortunate to be able to give back so much and are looking forward to another great year.



(L–R) Melissa Haisten, Austin Gillis and Angela Vela preparing dinner for The Extension, a transitional home and support facility for men in Marietta.

Macon YLD

by *David McCain*

The Macon YLD held its annual Mentor/Mentee Social in November. This year's event was hosted by Ameris Bank. **Don Moore**, Ameris Bank's Market President in Macon, organized an excellent event that was well attended by members of the Macon YLD and the Macon Bar Association.

In August, the Macon YLD hosted a social at the Tic-Toc Room and supported the local Georgia Legal Services' fundraiser in October.

Past President's Pointers, continued from page 3

but especially to younger lawyers who find themselves in that situation due to no fault of their own. It's a little eerie how those same issues have been as relevant the past few years as they were a little more than 20 years ago.

As these old columns indicate, the issues and challenges facing younger lawyers have been relatively consistent through the years—getting a job; keeping it and hopefully advancing; balancing personal and family life with the demands of being a lawyer; finding time to do pro bono work and give back to the community; and trying to make a difference in the world—in other words, how to do it all. These challenges that faced us then have only gotten more challenging as Georgia law firms have multiplied from the largest Atlanta firms having less than 100 lawyers, to having several hundred lawyers in multiple offices on multiple continents.

The YLD has historically helped Georgia's young lawyers deal with these challenges, while also providing an outlet to have a little fun and maintain their sense of humor. It's good to see that this tradition is still intact in the YLD today. Meanwhile, the YLD has continued its heritage of working hard while playing hard, collecting many ABA national awards for outstanding service over the years, singling Georgia's YLD out multiple times as one of the best state programs.

My hat goes off to all the members of the YLD who have made the sacrifices they have to work in personal service to the Bar and to the public, in addition to everything else demanded of them. Great job!

And now for the "pearls of wisdom" I'm supposed to relay to the current members. I've mentioned some of these in prior guest appearances in this newsletter, but since clearly no one has read those articles, I don't mind duplicating them here:

For Legal Work:

- Just do it right and do it fast (John Saunders, circa 1982).

For Making Partner:

- Think not what your firm can do for you, but what you can do for your firm (John Kennedy, circa 1960—well sort of).

For Getting Ahead:

- There's no limit to how far you can go if you don't care who gets the credit (Ronald Reagan, circa 1980—hmm, not sure how true this is in firms today).
- Failing to plan is planning to fail (Mom and Dad, circa teenage years).

For Family Life:

- Make sure your best view is from your front porch looking in (Lonestar, circa 2003).

For Not Taking Yourself Too Seriously:

- Let's Streak! (Bill Barwick, circa 1975).
- Let's Jump! (**Robert Ingram**, Acapulco, circa 2004).
- Deny til you Die (**Jon Pannell**, circa 2010).
- About anything **Bob Brinson** says (circa 1965-present).

For Happiness:

- Happiness ain't just for high achievers (Brooks & Dunn, circa 2005).
- Bless the broken road that got you where you are (Rascal Flatts, Circa 2008).
- Appreciate that the happiest group in America, in a self-evaluation conducted by NBC, was the Amish (NBC, The Mystery of Happiness, circa 2003). The explanation for this conundrum—that those with the least assets and conveniences amongst us were the happiest—was that the sense of family, community, support and "brotherly love" that the Amish experienced was valued more than what the rest of us couldn't do without, such as electricity and running water. That is something to keep in mind as you climb your own "ladder of success."

And finally:

- Life is a journey, not a destination (Anonymous). Enjoy the ride!

Committee Updates

Advocates for Students with Disabilities Committee

by **Laurice Rutledge**

The Advocates for Students with Disabilities (ASD) Committee is dedicated to educating the YLD about the unique legal issues faced by students who may be eligible for special education services or reasonable accommodations under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Our committee is made up of experienced special education attorneys as well as attorneys and community members with little to no experience in the field, but who are interested in learning more about how to advocate for students with disabilities. This year we will be hosting a monthly Speaker Series where attorneys and advocates working directly with students and schools will discuss a variety of issues faced by students with disabilities.

We are also working on continuing and growing our major accomplishment from 2011-12, the creation of the Education Advocacy for Children with Special Needs Program (the Program), which is a joint effort between the ASD Committee and the Georgia State University College of Law and the Health Law Partnership (HeLP). HeLP is an interdisciplinary community collaboration of Georgia State University, Atlanta Legal Aid Society, and Children's Healthcare of Atlanta, to improve the health and well-being of low-income children and their families. Program volunteers are trained by HeLP to take these cases, and once a case arises, the volunteer attorney is paired with an experienced special education attorney as a mentor to guide the volunteer attorney through the special education process. HeLP, which provides legal aid services to low-income families that have one or more children who have received services from the Children's Healthcare of Atlanta system, then refers special education cases that it does not have the resources to take on to Program attorneys to handle on a pro bono basis. To date, eight cases have been referred to Program attorneys, and two cases have already been resolved with favorable outcomes.

Committee meetings are held the second Tuesday of every month, at 12 p.m. at the Bar Center, and in May we will be hosting a happy hour to celebrate our committee members' participation in the Program and to thank everyone who participated in and attended the Speaker Series. For additional information about the ASD Committee or the Program, please contact committee chairs **Laurice Rutledge** (lrutledge@mckennalong.com) or **Emma Hetherington** (ehetherington@galawcenter.org).

Family Law Committee

by **Ashley Sawyer and Sean Ditzel**



(L-R) Family Law Committee Co-Chairs Sean Ditzel and Ashley Sawyer along with Supreme Cork Chair Kelly Reese organized the committee's annual fundraiser to benefit the Guardian ad Litem Program of the Atlanta Volunteer Lawyers Foundation (AVLF). Representatives from AVLF included Director of Guardian ad Litem Programs Liz Whipple and AVLF Executive Director Marty Ellin.

The Family Law Committee hosted the 7th Annual Supreme Cork Winetasting and Silent Auction on Thursday, Oct. 18, at the 5 Seasons Brewing Company in Atlanta. This year, the Supreme Cork benefited the Guardian ad

Litem Program of the Atlanta Volunteer Lawyers Foundation (AVLF). The Guardian ad Litem Program provides attorney volunteers, trained and supervised by AVLF, to serve as guardians for children from low-income households in contested custody cases. The guardians are officers of the Superior Court of Fulton County who assist the court in making custody and visitation determinations in the best interest of the child.

AVLF's need for financial assistance from private resources was greater than ever this year, as they were nearly forced to discontinue the Guardian ad Litem Program due to the loss of Georgia Bar Foundation and Fulton County grants. AVLF was only able to maintain the program because of the generous personal donations from the judges of the Fulton County Superior Court. Through sponsorships, ticket sales and items sold, this year's Supreme Cork raised over \$22,000 for the Guardian ad Litem Program of the Atlanta Volunteer Lawyers Foundation.

Co-chairs of the Family Law Committee, Sean Ditzel and Ashley Sawyer, would like to thank committee members, sponsors and silent auction donors who all helped to make this event possible. Thank you for another fantastic year!

Special thanks to our 2012 Supreme Cork Premium Sponsors. At the platinum level: Callner, Portnoy & Strawser, P.C.; Davis, Matthews & Quigley, P.C.; James E. Holmes, Esq.; Waggoner Hastings, LLC; and Warner, Bates, McGough & McGinnis. At the gold level: Boyd Collar Nolen & Tuggle, LLC; and Holland Roddenbery, LLC. At the silver level: Atlanta Psychological Services; Callaway & Company, LLC; Donovan Reporting; Investigative Accounting Group; Levine & Smith, LLC; Private Client Law Group; Professional Document Services; and Stern & Edlin, P.C.

Intrastate Moot Court Committee

by **Emilia Walker**

The Intrastate Moot Court Committee is pleased to announce that its 2012 City Clerk Appreciation Luncheon was a tremendous success. The luncheon took place on Nov. 13 at the Italian Oven Restaurant in Stockbridge and helped the committee to raise money for the annual Intrastate Moot Court Competition scheduled to occur on April 5-6, 2013, at Mercer University School of Law. The committee would like to give special thanks and acknowledgement to its luncheon sponsors: Platinum sponsors—Elarbee, Thompson, Sapp & Wilson, LLP; Fincher Denmark & Williams LLC; Freeman Mathis & Gary, LLP; Gold Sponsors—Henderson & Hundley P.C.; Insley & Race LLC; Mack & Harris, P.C.; Municipal Code Corporation; and Murray Barnes Finister LLP. Any attorneys wishing to volunteer to help judge the 2013 competition are encouraged to contact committee Co-Chairs **Emilia C. Walker** (ewalker@fdwlaw.com) or **Katie S. Dod** (kdod@fmglaw.com).



(L-R) Tim Young, city of Locust Grove city manager; Dee Baker, town of Tyrone city clerk; Dayna Biles, city of Morrow assistant city clerk; Emilia Walker, committee co-chair; Evyonne Browning, city of Morrow city clerk; Katie Dod, committee co-chair; ShaMiracle Johnson, committee member; Melissa Brooks, city of College Park city clerk; Janis Price, city of McDonough city clerk; and Theresa Breedlove, city of Locus Grove city clerk, attend the 2012 City Clerk Appreciation Luncheon.

Litigation Committee

by **John Hadden, Kevin Patrick, Ryals Stone and Knox Withers**

The Litigation Committee is pleased to announce that it has finalized the annual "War Stories" Lecture Series. This year our series will begin with a presentation by **Ed Tolley** of Cook Noell Tolley & Bates, LLP, on Feb. 27, 2013. Tolley is a renowned criminal defense attorney that has handled some of the highest-profile cases in our state. For those University of Georgia supporters, Tolley has also represented the Athletic Association. Our second installment on March 27, 2013, will feature **Bobby Lee Cook** of Cook & Connelly. Cook has graciously agreed to travel from Summerville to speak to us. He is a stalwart of the legal community, and, as you may recall, it is rumored that Cook was the basis for the hit television show Matlock. Third, we have the privilege to hear from the **Hon. Edward Lindsey**, majority whip for Georgia House of Representatives, and founding partner of Goodman McGuffey Lindsey & Johnson, LLP, on April 24, 2013. Rep. Lindsey has the distinction of tirelessly serving our state in both the legislative and legal forums. All of these lectures will be held from 12-1:30 p.m. at the Bar Center, and lunch will be provided. For more information on this series, please contact **Kevin Patrick** (KPatrick@gmlj.com) or **Ryals Stone** (ryalsstone@booneandstone.com).

In addition to hosting the "War Stories" Lecture Series, the Litigation Committee held its annual luncheon honoring the clerks of court at the Buckhead Maggiano's on Dec. 4. We look forward to seeing everyone at our next monthly meeting on Jan. 30, 2013, where we will be discussing other upcoming events like Litigation Committee happy hours and a Trial and Error CLE. If you would like more information on these meetings and events, please contact **John Hadden** (jdadden@haddenfirm.com) or **Knox Withers** (knox.withers@agg.com).

Small Firm Success for the Associate Attorney:

Generating Revenue

by Tracy Rhodes

The practice of law for a young lawyer is a complicated mix of academic rigor, people skills and business savvy, and to be successful in a small law firm, you must be proficient in all three. The academic part is perhaps the easiest because we all spend three years in law school learning how to read, write and think. People skills help you relate to your colleagues and establish meaningful (and hopefully profitable) relationships with your clients. With these two important skills demanding so much of a young lawyer’s time and attention, it’s easy to ignore the financial bottom line . . . easy and foolhardy, because the revenue you generate is the same money that funds your salary, pays the electricity bill, and satisfies the partners whose names are on the front door of the firm and whose signatures are on your paychecks.

For the associate in a small firm generating revenue is especially important as there is a much closer relationship between the money that walks through the front door and the work you perform than in a larger firm whose leverage is spread much more broadly. As an associate in a smaller firm you can increase your status within your firm and your path to partnership by managing fees and expenses in your cases at every stage of the representation: first, by providing service tailored to your client’s financial means; second, by being upfront and diligent in discussing fees with clients; and third, by keeping the partners informed about the financial status of your cases.

1. Match client services to client purchasing power.

We’ve all met with a potential client—or, more commonly for an associate attorney, been handed a client—with new Cadillac expectations and Chevrolet finances. Sometimes, the senior attorney has promised a client the moon and stars and left the associate with the unpleasant task of being the voice of reality. In your initial client meeting, assess your client’s ability to pay for legal services and provide realistic feedback about how far that amount of money can go. While a client’s initial retainer may cover the legal fees associated with a peaceably negotiated divorce case, those same funds will be insufficient to mount a contested custody battle or obtain boxes and boxes of third party discovery.

2. Talk about money with your clients . . . all the time.

The worst way to get paid on a case is to send your client a bill at the end of the representation and hope she will pay it sometime soon. Unlike cable companies, lawyers can’t just disrupt service whenever a client gets too far behind in payments. That’s a good way to commit malpractice and a terrible way to foster good, repeat business and generate referrals. It’s also a great way

to get yourself into a closed-door meeting with a partner to explain why your client has left the partner an angry voice message complaining that you are the worst lawyer in the world. Unfortunately, that means a lawyer who wants to be financially successful must take time to have candid discussions about money with a client throughout the representation: in the beginning, middle and end. Follow up with a personal phone call to the client 10-20 days after invoices are sent. If you accept payments, calendar reminders to check in with the office business manager and see that your client is abiding by the payment plan. Discipline yourself to take time after every major case event (hearings, deadlines, mediations, etc.) to call your client and discuss next steps and expected costs.

3. Let the partners know what you’re doing.

Talking with your supervising partners about projected costs and fees in a client’s representation is just as important as discussing thorny legal issues and case strategy. Take responsibility for your files by knowing how much a client has paid and can continue to pay and how much time and expense can be expected as the representation progresses. Keep in mind, also, that the partner does not always have this information readily at hand. When the partner suggests a course of action that will greatly exceed the depths of a client’s pocketbook, don’t assume that the firm would prefer to lose money on the case to provide this level of representation. Most often, the firm would prefer to tailor client services in such a way that the number of hours billed on a case closely correlates with the amount of money the client can realistically pay. The associate who pays attention to the firm’s financial interests shows the firm leadership that she is partnership material and brings more to the firm than researching capabilities or courtroom competence.

As a first-year associate, I received a critical piece of practical advice from the partner in the firm where I was working at the time. **Lester Tate**, former State Bar president 2011-12, imparted the following: “Your status in a law firm, big or small, will always be tied first and foremost with the amount of revenue you generate.” While the practice of law is a noble and academic undertaking, a law firm is a business. We sell our clients a very important service—legal advice to help them make important life decisions. In so doing, we must also remember to take care of ourselves. To borrow from Abraham Lincoln: “[a] lawyer’s time and advice are his stock in trade.” With the proper academic foundation and people skills, you will have an opportunity to sell these commodities, but, if you lack business savvy, you certainly won’t get paid for them.

Notification: 2012-13 YLD Officer Elections

In accordance with Article VII, Section 4 (a) of the YLD Bylaws, the following shall serve as Notification of Elections for YLD Officers for the 2012-13 Bar Year. The positions of President-Elect, Treasurer and Secretary shall be filled by election by mail-out ballot.

You must be a YLD Member (as defined in the YLD Bylaws, but not an Honorary or Associate Member) at the time of the election to be eligible to serve as an Officer of the Young Lawyers Division.

There are two ways for a person to be nominated as a candidate for a YLD Officer position:

- (a) The Nominating Committee (listed below) shall nominate one or more candidates for each office at its meeting on Jan. 4, 2013. You are invited to submit recommendations to members of the Nominating Committee prior to its meeting.
- (b) Nominations may be made in the form of a nominating petition signed by two YLD Members submitted to the Election Committee (listed below) no later than March 1, 2013. The nominating petition must be in the form prescribed in Article VII, Section 5(b) of the YLD Bylaws, which may be found at www.georgiayld.org.

The Election Commencement Date shall be March 29, 2013. Ballots will be mailed on this day to all YLD Members. Members may return these paper ballots or use the code number on the ballot to vote online. Ballots must be cast by 11:59 p.m. on April 30, 2013. Election results will be available on the State Bar of Georgia website.

Members of these committees may be reached at their contact information found in the member directory on the Bar’s website at www.gabar.org.

Nominating Committee		Election Committee	
Darrell L. Sutton, <i>President-Elect (chair)</i>		Darrell L. Sutton, <i>President-Elect (chair)</i>	
Opie D. Bowen		James S. Baehr	
William T. Davis		John C. Bush	
Nicole C. Leet		Andrew P. Copenhaver	
John T. O’Neal		Jana J. Edmondson	
Elizabeth D. Wheeler		Bethaney L.P. Embry	
L. Rachel Wilson		Lindsey L. Hobbs	
		Tawanna K. Morgan	
		Amanda M. Morris	



Please support the 7th Annual YLD Signature Fundraiser benefitting



Saturday, March 2, 2013
8 p.m.
Capital City Country Club—
Brookhaven

The Masquerade Ball will feature music by **Yacht Rock Schooner**, Live and Silent Auctions, Raffle, Buffet Dinner, Open Bar & More

General Admission \$125 at door/\$100 in advance
Host Committee \$150 includes 1-hour VIP pre-event

For tickets or sponsorship packages, please visit
www.gacasa.org/yld_fundraiser.php

Have questions or need more information?
Contact **Mary McAfee** at marym@gabar.org
or **Jessica Odom** at odomj@gtlaw.com.

ABA Fall, Y'all:

First Timer's Fears

by *Heather Hale*

I have to admit, I wondered if it was worth it—the time away, the expense. What was I really going to get out of this thing anyway, aside from some CLE credit?

As a new lawyer, and a solo practitioner at that, I am really getting a trial (no pun intended) by fire when it comes to finding my place among so many different bar associations. But, I made the decision to travel to Charleston, S.C., last month and attend the American Bar Association Young Lawyers Division Fall Meeting. It seemed, at first, somewhat unrealistic that a national organization with so much momentum all of its own and comprised of such a diverse array of young, energetic attorneys would have a place for me. However, from the moment I arrived at the first-timer's orientation on opening day it was clear that this was exactly where I belonged. In fact, it is exactly the place for any relatively new lawyer because the ABA has something to offer that other groups simply do not: support from those who are going through it too.

It didn't seem to matter what "it" was either, as certainly the tribulations of defining who you are in the legal world looks different for everyone. I was pleasantly surprised to find others with the same questions, issues, and yes, even fears as I had. It is not lost on me how cliché that sounds, but the gravity of feeling that sense of relief shouldn't be lost on you either. It is one thing to be reassured by someone who experienced a particular challenge—marketing, professional development, networking—when they were once in your position. It is quite another to be encouraged by someone who is currently in that same position alongside you. I have to say, I felt a burden lifted.

Weekend long pep talks aside, the leadership and growth opportunities available through the boundless resources of the ABA can't often be found in other arenas. From cloud computing to financial planning, the meeting covered a range of topics addressing issues that are genuinely useful to the everyday practice of law. Real progress was made and policies set during plenary sessions. Associate organizations showcased the service projects they're working on and illustrated ways to get involved. There was even a gala to cap off the weekend.

My question, "is it worth it," was most definitely answered. And the answer is yes! I'm already looking forward to the Spring ABA YLD Meeting. I also feel inspired to get more involved right here in Georgia with our own YLD. The truth is I got a lot out of attending, and I'm getting even more out of passing along the experience.





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*Editor's
Block*

Jennifer A. Blackburn

For of those to whom much is given,
much will be required.
—Luke 12:48

As lawyers, we are blessed with the unique privilege of representing and advocating for people who are unable to do so on their own. In our day to day lives such responsibility may not always feel like a privilege as we juggle hectic schedules, client demands and challenging opposing counsel. But, in fact, we are each most certainly privileged to be licensed members of this distinguished profession. As members of the State Bar of Georgia we are required to not only provide competent and diligent representation to our clients, but under Rule 6.1 of the Georgia Rules of Professional Conduct, we are also charged with providing at least 50 hours of pro bono service a year.

Much like the Parable of the Faithful Servant, as lawyers we are members of a profession that offers endless potential, but expects distinguished service in return. Much has been given to us and much is required. As we approach the holiday season and our mailboxes (and inboxes) become bombarded with invitations for holiday lunches, receptions and parties galore, let's take time to reflect on this obligation of service and make time for service amongst our busy holiday schedules. Participate in one of the Atlanta Volunteer Lawyers Foundation's many programs. Assist a nonprofit organization through the Atlanta Pro Bono Partnership. Pick up a case from the Georgia Legal Services Program. Volunteer at Atlanta Legal Aid or Georgia CASA. The opportunities are endless and these amazing organizations, and many more throughout Georgia, make volunteering easy. If every member of the YLD completed 50 hours of pro bono service a year, the impact on Georgia's nonprofit legal community would be exponential. During the upcoming holiday season I challenge you to not only remember your service obligation but to fulfill it.

Shortly before Halloween, I dropped by my local grocery store to get some candy for an event. As I walked in, I was caught off guard by the complete holiday display that was already set up. At the sight of all the tinsel, garland and other items, I could feel the remote sense of my inner Ebenezer Scrooge welling up to say, "Bah Humbug, it's just far too early for all this holiday commercialism." Needless to say, I felt annoyance and started to think of all the stress, planning and time management that was going to be needed to ensure that I sent out holiday cards, calendared all the upcoming fetes, purchased all the necessary presents, etc. But as is always the case when I need a reminder to get re-centered, I attended my church service this past Sunday and was reminded about the true meaning and importance of this season.

During the sermon, I was reminded that the true mark of the season and being "rich" came not from a self-centered approach to life with deadlines, stress and harried shopping, but by engaging in no-strings-attached generosity in such a way that you can leverage your talents, resources, skills and power to those who have little to no power, influence or clout. Paul reminded the fledgling first century church in Ephesus to "Command those who are rich in this present world . . . to do good, to be rich in good deeds, and to be generous and willing to share." 1 Timothy 6:17-18. Wow, was I utterly humbled at this reminder.

As members of such an esteemed profession, we are all truly rich, even if not all of us are necessarily rich financially, with legal skills and talents and there are so many individuals, organizations and charities that would benefit from such richness. There are organizations that Jen mentioned that could benefit from you taking just one case. Likewise, there are charitable organizations that are too numerous to name that would love for you to volunteer even an hour of your time or make a financial donation this holiday season and throughout the year. So, as I approach this holiday season with a renewed heart and a highly adjusted mindset, I encourage you to join me in truly being "rich" this season by helping others. I hope that you all have a safe and blessed holiday season!



*Editor's
Block*

Shiriki L. Cavitt