



# The YLD Review

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

Young Lawyers Division | Summer 2016 | Volume 57, Issue 4

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## A Call to Public Service for Georgia Young Lawyers

by Yari Lawson and Kevin Patrick

Nearly four years after the four predominate colonies of South Africa were joined to form a united monarchy, the 1913 Natives' Land Act was passed. Under this legislation, nearly 90 percent of South African land was theoretically annexed and reserved for whites only, a demographic, at that time, less than 20 percent of the South African population. The foundation of apartheid was laid in that country. Later, significant government funding was withdrawn from South African state schools under the Bantu Education Act of 1953 and shifted to private schools. For generations, poor South Africans attending the poorly funded schools felt the impact of the disempowering educational framework. After all, apartheid lasted nearly 50 years.



(L-R) Kevin Patrick, Jason Carter and Yari Lawson

After graduating from Duke University, **Jason Carter** went on a mission and resided in a poor, rural community outside of Johannesburg as a member of the U.S. Peace Corps. The two years he spent in rural South Africa were so compelling that he detailed the impact of his residency in his book "Power Lines." His mission was to help state schools build infrastructure for learning and educating their populous in light of the newly ended apartheid era.

Before leaving the states for South Africa, Carter was certain that he wanted to be a lawyer. He even took the LSAT before his departure. Upon leaving South Africa, there was no doubt. During his time in South Africa, Carter learned of Nelson Mandela's law firm, Mandela & Tambo, and its tireless fight as the nation's most popular law firm for poor and ordinary South Africans in petty apartheid cases. It was also Mandela's passion to fight to create a fairer constitution for his nation that impressed Carter. When Carter returned to the states, he attended the University of Georgia School of Law, motivated to become a faithful public servant.

### "To Be A Lawyer Means Accepting Leadership . . ."

Jason Carter was 35 years old when he was elected to the Georgia State Senate for the 42nd district in 2010 in a special election. Despite his relative youth, Carter was involved on several important efforts as a young senator. He sponsored ethics reform legislation and worked to create separate budgeting for state education. During his time in the state senate, he worked on the Judiciary, Science and Technology, Special Judiciary, Transportation, and Urban Affairs committees. For Carter, his service as a politician has always been symmetrical to his work as a lawyer.

"Being in politics is like an extension of being a lawyer. And to be a lawyer means accepting leadership," said Carter, whose grandfather Langford was a lawyer and a politician in Calhoun, Ga.

Even though Carter currently represents such clients at the NFL Players Association, his pro bono work on voting rights matters has earned him esteemed recognition from the Anti-Defamation League. His affiliation on nonprofit boards of directors, such as the Women's Resource Center, fighting domestic violence, Hands On Atlanta and the Carter Center, are

perhaps the most shining examples of his leadership. These commitments remind Carter of the seeming inevitability that lawyers are more than just lawyers for their clients, but also they are assets in their communities.

"As a lawyer, we are public servants. We don't just provide for the profession or each other, but in real ways our community as well."

**"Ronnie Mabra, Charlie Bethel, good friends of mine. We were all young lawyers, elected officials . . ."**

Carter emphasized the importance of lawyers in politics. As lawyers, our talents, such as being able to analyze the constitutionality of a statute, are very important to the legislative process. Other members of the Legislature rely on lawyers. Unfortunately though, the ranks of lawyers in the Legislature have declined over the past decade. Carter encourages all of us to consider taking the time to run for political office. Lawyers can run for political office at the local, state or regional levels. For example, lawyers with a specialty in education law can run for a seat on the local Board of Education. Of course, lawyers can also run for seats in the Georgia General Assembly.

There are a number of lawyer-legislators that Carter recognized for all of their hard work and commitment to government service. For example, **Caesar Mitchel, Francys Johnson, Ronnie Mabra** and **Charlie Bethel** are all well-respected public servants and excellent lawyers. They have been vital in crafting workable solutions for Georgians by reaching across the aisle to collaborate on bills and other initiatives. Carter noted, however, that some of these individuals' terms are ending so it is vital for younger lawyers to take the initiative to step into their shoes. In short, most important is that lawyers make a concerted effort to become involved in politics.

"There are important bipartisan initiatives that can be worked on. The Juvenile Code re-write, ethics reform and the HOPE Scholarship are good non-partisan efforts for young elected lawyers to work on." YLD



## From the President

# Give Yourself a Break Today

by Jack Long

You don't have to have been in the legal profession for very long to know that lawyers are busy people. Most of us knew that before we ever applied for law school. Whether we are trying to meet billable-hour requirements at a big law firm or simply pay the bills in a solo practice, success in our profession means maintaining a uniquely demanding schedule that too often causes our coveted work-life balance to be decidedly unbalanced.

Even as I write this article, a longer version of which appears in the June 2016 edition of the *Georgia Bar Journal*, I can't help but think about the 30 or so things I need to accomplish today to stay on track, knowing that realistically only half of them will actually get done; taking a break is the last thing on my mind.

Lawyers are human, despite any occasional fantasies to the contrary, and just like everyone else, an all-work-and-no-play lifestyle takes its toll on our physical health, mental health, our relationships and, ironically, our work performance. Simply put, lawyers need a break. The experts on the subject agree: having a life outside the law is necessary for a lawyer's body and mind and, as a bonus, is usually good for business.

"As a young lawyer, you are subjected to myriad daily pressures and demands," writes **Desiree Moore**, president of Greenhorn Legal LLC, an intensive training program for law students and new lawyers as they transition from academics into private practice. "In the face of these, it is easy to compromise fundamental aspects of your life outside of work, including health and wellness. This is especially true early in a legal career, where the focus is on developing a good reputation and a respectable practice. While hard work and dedication are admirable—and indeed required of legal professionals—maintaining good health is essential, too. Without it, being a top practitioner, or even meeting minimum expectations in your practice, will be difficult, if not impossible."

So how can lawyers get it all done and have a life outside the law too? Making a positive change in our work-life balance might first require a change in attitude. Lawyer and professional business coach **Irene Leonard** writes that over the years she has noticed that lawyers:

- Think of fun and recreation as a big block of time outside of work.
- Believe that the one-week vacation—a complete break for a number of days is the best way to have fun.
- Don't really know how to enjoy their leisure time.
- Worry about taking time off because it will be hard to get back into the high-pressure groove of their practice.

- Generally do not give themselves high satisfaction levels on fun and recreation.
- Fill their time with pursuits which include work, marketing, volunteering— or anything that keeps them busy.
- Have a critical voice reminding them they should be working even when their brain won't let them.

"My experience is that lawyers seem to focus their planned leisure time on taking vacations rather than taking time off during the week," Leonard writes. "That creates the potential for an unbalanced lifestyle. For my clients who agree with that thinking, the shift has been in making a decision to choose leisure as an ongoing priority. One of my clients is consciously scheduling one day off per month. Because there are so many demands on lawyers for their time—by their clients, their staff, other attorneys, and responsibilities outside the firm—it comes down to how a lawyer chooses to spend their time."

How does one get started with establishing a better work/life balance? **Jen Uscher**, writing for WebMD, suggests five basic ways: (1) build downtime into your schedule; (2) drop activities that sap your time or energy and don't enhance your career or personal life; (3) rethink your time-consuming household chores and errands; (4) make time for exercise, which boosts your energy level and ability to concentrate; and (5) remember that a little relaxation, even 10 or 15 minutes during a hectic day, goes a long way toward recharging your batteries.

As a solo practitioner, I have the flexibility to take time off when I need it; the hard part is making the decision to take it. Unless you are also your own boss, it is likely that you would need the cooperation of your employer to make some of these choices. Research into lawyers' needs for leisure time suggests most employers should be willing and eager to do so. "Stressed out, anxious, unrested and unhappy lawyers will not provide their greatest service for clients nor will they drive success for their teams or organizations," writes **Dan DeFoe**, owner and lead consultant of Adlitem Solutions.

One of State Bar President **Bob Kauffman's** major initiatives for the past year was to establish a Lawyer Wellness Program for Bar members. To get the program off the ground, he appointed a task force, chaired by **Ken Hodges**. The task force is scheduled to unveil a new "Lawyers Living Well" website during this month's Annual Meeting at Amelia Island and continue its work in the coming year to fully develop the program.

Living well means you are taking care of business in both your professional and personal lives. The first step might be realizing it's OK to give yourself a break. YLD

## Planning for the Future

by Max Harris, President, Mercer Fellows of Adolescent Mentorship

We are all familiar with the advice from family, friends or mentors regarding the best approach to succeeding in our first year of law school. Generally, starting a new student organization is not one of those prescriptions. Nonetheless, the founders of Mercer Fellows of Adolescent Mentorship (MFAM) took on this challenge. MFAM is an organization that seeks to prevent youthful transgressions and counteract recidivism through advocacy, philanthropy and mentorship to society's most vulnerable youth. Simply put, MFAM seeks to give back to vulnerable youth in a way that will impact their life for the better. The organization spawned from a desire by MFAM President **Max Harris**



Front row (L-R) Asya Morgan and Spenser Berrios. Back row (L-R) Alexandra Sparks and Max Harris. Not pictured: Brandon Sartin.

to get involved in the Macon community while in law school. Upon learning that the Macon Regional Youth Detention Center had never hosted student volunteers from Mercer Law, Harris approached co-founders **Asya Morgan, Brandon Sartin, Alexandra Sparks** and **Spenser Berrios** about the prospect of volunteering, as well. Soon thereafter, MFAM founders recognized the possibility of bridging the gap between Mercer Law and the Macon community through youth outreach. This idea has become the first new student organization at Mercer Law in several years.

There are some shocking figures that guided our approach to youth empowerment. According to the 2013 statistics from

*Continued on page 5*



# Never Forget

by Hon. Jason Deal, Northeastern Circuit Superior Court



Do you know: What you are? Who you are? Where you are? Why you are? Although these questions may sound like the start of the NFL concussion protocol, they really are the questions that every great attorney must be able to answer. The preamble to the Rules of Professional Conduct says that an attorney is “a representative of clients, an officer of the legal system and a citizen having special responsibility for the quality of justice.” What does that really mean to you in your practice and why is it important that you remember your answers? I encourage you to think about how you would answer the questions as you consider the following.

“What” you are is an attorney. An attorney should be a zealous advocate for their client. Being zealous does not mean winning at all costs. It means that you will fight as hard as you can for your client using all of your skills and talents within the Rules of Professional Conduct. An attorney owes their client their best efforts. A zealous advocate does the hard work to know their case, to anticipate issues and to know the law. An attorney is also an adviser and counselor. You should give your client your best well-reasoned, informed advice. You have an obligation to provide this information and advice, even if it is not exactly what the client wants to hear. Remember “what” you are.

Remember “who” you are. You were “an attorney” before you ever became your client’s attorney. You are a member of the Bar, a learned profession that is bound by an oath and a code of conduct. You are an officer of the court. Your integrity is your most valuable asset. Clients come and go, some are good and some are not, but your practice of law will hopefully remain. That is why it is important to remember you are an attorney first and an advocate second. As an attorney you must be honest, not only with your client, but with the court and with the Bar. You must abide by the Rules of Professional Conduct. Your integrity is much more valuable than any client or case. You can be a zealous advocate for your client without sacrificing your integrity. But if you sacrifice your integrity, your ability to be an effective advocate, now and in the future, may be diminished. Remember “who” you are.

Be mindful of “where” you are. The courthouse is a place of dignity where citizens come seeking justice. It is a place where people are dealing with all types of turmoil, strife and life-changing events. It seems that sometimes we forget where we are. The courthouse is not a place for name calling, yelling or poor behavior. It is not a place to appear in flip-flops and cutoffs. That doesn’t mean that you can never show emotion and that you have to wear a suit just to file a pleading with the clerk. It does mean that you should always act respectfully and dress appropriately. Remember, as an officer of the court, people notice how you act and dress. Remember “where” you are.

Remember “why” you became an attorney. Surely it was not because you wanted to bicker and argue with others. You became an attorney because you wanted to help people. You wanted to serve your community and be a person who is respected. As an attorney your skills as an advocate and counselor are ultimately intended to benefit your client by bringing a resolution to conflict or by avoiding conflict. Sometimes you must battle in an adversarial process to reach the peace of resolution. However, don’t get so caught up in the adversarial process that you forget that the ultimate goal is a lasting and just resolution and an end to conflict. Always remember “why” you became an attorney.

I have been an attorney for 20 years and a trial judge for 10. I have seen attorneys who destroyed themselves and their careers because they forgot who or what they were. Every day we as attorneys must be prepared to answer these questions.

You are an attorney. Never forget what, who, where and why you are and you will have a long and successful career. YLD

# Juan’s Law: Saving Georgia’s Day Care Children

by Jacqueline Boatwright



As Mrs. Georgia International, I want to take this opportunity to share with you the story of my son, Juan Boatwright, and my legal journey to enact day care reforms in Georgia.

## Fact Finding

After weeks of searching, I’d finally found the child care center for my 3-month-old son. It was perfect; clean, small and close to home. I spent two or more hours quizzing the center owner from my prepared list of questions. My eyes fixated on the owner’s body language, waiting for her to blink, or show any form of nervousness with each asked question—a fixation so strong that it was only broken when she dropped her pen and bent down retrieve it, revealing what sealed the deal; her state-issued license. Twelve months later, that license would be deemed worthless in my opinion. My then 14-month-old son was found head first in an unattended bucket of mop water containing bleach and other chemicals at his state-licensed child day care center leaving him semi-comatose and ventilator dependent. For the next 10 years, our lives were emotionally, physically and financially broken. His name was Anthony DeJuan Boatwright, affectionately known as “Juan.”

## Failure and Fault

To add insult to my son’s injury, I would find out that Georgia does not require state-licensed child care centers to carry any form of liability insurance nor to inform unsuspecting parents. This had to be one of, if not the greatest, oversights in the history of law making. My plumber was licensed, insured and bonded, so was the contractor that did work on my home. In fact, I had to have liability insurance on my car, my house and the lovely pool in my backyard. Truth be told, I felt like I’d failed my son; but, I knew in my heart my state and the child care center failed my son and me by not sharing information that could have possibly impacted my decision in choosing a child care center. In the midst of being broke, busted and borderline disgusted, I knew that my son’s life had to mean something. The world never got to know the little boy whose only clearly articulated words were “thank you.” He never made it out of day care.

## Fight or Flight

After nearly losing everything I’d worked so hard to obtain, I chose to spend the rest of my life fighting for the children who were presently attending child care and those who were yet to come. I won my first battle in 2004 when then-Gov. **Sonny Perdue** signed Juan’s Law, requiring child care centers in Georgia to inform parents of their insurance status by posting if they were uninsured and by getting parents to sign an affidavit stating the parents were aware that they were leaving their child with an uninsured, although state-licensed, child care center. My second battle was won in 2006 when Virginia’s then-Gov. **Tim Kaine** signed Juan’s Law. Persuading the federal government to get involved resulted in the U.S. House passing The Anthony DeJuan Boatwright Act in 2007 and again in 2009. Should it pass out of the Senate, this would cover the nearly 40 other states that do not require child day care centers to carry liability insurance, and I know it would save the lives of millions of children around our country.

By sharing my story, I also want to encourage each of you young lawyers in Georgia to continue championing your own meaningful causes and projects in our state. Your talents, enthusiasm and hard work are instrumental in making positive changes for our community. YLD

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# Committee Updates

## Criminal Law

by **Brock Brockington**

On April 28, the YLD Criminal Law Committee hosted a mixer with the judiciary in Macon. Judges from Bibb County and the Middle District of Georgia joined attendees for signature offerings from Bourbon Bar, a new gathering spot in downtown Macon. Folks dined on Cajun snacks provided by Parish on Cherry, a popular New Orleans-themed restaurant. A good time was had by all. <sup>YLD</sup>



(L-R) YLD Criminal Law Committee Co-Chair Ryan English; Judge Verda Colvin, Bibb County Superior Court; Judge Ed Ennis, Bibb County Superior Court; Judge Leslie Abrams, U.S. District Court, Middle District of Georgia; Judge Charles Weigle, U.S. District Court, Middle District of Georgia; Judge William Adams, Bibb County State Court; and YLD Criminal Law Committee Co-Chair Brock Brockington

## Intellectual Property

by **Sonia Lakhany**

The YLD Intellectual Property Committee held a War Stories CLE and Lunch on April 19 at the Bar Center in Atlanta. The panelists included **Anuj Desai**, Arnall Golden Gregory LLP; **J. Tucker Barr**, Arnall Golden Gregory LLP; **Brie Buchanan**, Neenah Paper; and **Jason Rosenberg**, Alston & Bird LLP. For more information on the YLD Intellectual Property Committee or to get involved, contact **Sonia Lakhany** at [sonia@lakhanylaw.com](mailto:sonia@lakhanylaw.com) or **Tiffany Logan** at [tlogan@parksiplaw.com](mailto:tlogan@parksiplaw.com). <sup>YLD</sup>



Panelists for the War Stories CLE and Lunch. (L-R) Anuj Desai, Arnall Golden Gregory LLP; J. Tucker Barr, Arnall Golden Gregory LLP; Brie Buchanan, Neenah Paper; and Jason Rosenberg, Alston & Bird LLP.



(L-R) YLD Intellectual Property Committee Co-Chairs Sonia Lakhany and Tiffany Logan.

## Litigation

by **Jake Evans and Win Cook**

The YLD Litigation Committee hosted several events over the last three months. Its annual War Stories Series began with a presentation by **Scott Key**, partner at Miller & Key, on Feb. 16 in Atlanta. **Jim Butler** and **Jeb Butler** spoke next at the March 24 War Stories luncheon in Columbus. April Speakers **Jim Pannell**, **Carl Pedigo** and **Paul Painter** concluded the series at a luncheon on April 14 in Savannah. The Litigation Committee also hosted a March Madness happy hour on March 17 at Gordon Biersch in midtown Atlanta.



(L-R) YLD Litigation Committee Co-Chairs Jake Evans and Win Cook.

Finally, the committee organized and hosted a half-day CLE entitled “Litigation: Soup to Nuts” at the Bar Center in Atlanta on April 26. Thirteen different presenters, including two sitting judges, spoke on topics that included “Branding Your Firm and Yourself,” “Starting and Running a Firm,” “Litigating Highly Contentious Cases,” “Increasing the Value of a Personal Injury Case,” “Mediating Like a Pro,” “Litigation Tips From the Bench” and “Succeeding at a Law Firm.” The committee held its final luncheon in May at the State Bar, and a happy hour on June 9. To get involved or for more information, contact **Jake Evans** at [jake.evans@thompsonhine.com](mailto:jake.evans@thompsonhine.com) or **Win Cook** at [edwin.cook@bryanecave.com](mailto:edwin.cook@bryanecave.com). <sup>YLD</sup>

## Public Interest Internship Program

by **Kerry Nicholson and Jennifer Weaver**

In April 2016, the Public Interest Internship Program (PIIP), which is co-chaired by **Kerry Nicholson** and **Jennifer Weaver**, awarded three \$5,000 grants to **Kaylie O’Neil**, a Mercer Law student, and **Kier Prince** and **Jeffy Katio**, both Emory Law students. Ten volunteer lawyers reviewed more than 60 applications from across the nation submitted by law students and recent law school graduates who are committed to performing public interest internships in Georgia. In the fall, the PIIP Committee will host a reception to honor the 2016 PIIP recipients and top 10 finalists. <sup>YLD</sup>

## Estate and Elder Law

by **Mandy Moyer and Brandon Elijah**

The YLD’s Estate and Elder Law Committee held two Wills Clinics for First Responders earlier this year with young lawyers providing pro bono estate planning services to approximately 60 first responders and their families.

The first Wills Clinic was held on March 12 in McDonough, and it was co-hosted by the Henry County Bar Association. **Elizabeth Pool O’Neal** of Smith Welch Webb & White LLC and **Anita Lamar** of Lamar Law Office, LLC, were instrumental in the success of the clinic. The clinic was held at the Henry County Courthouse and was well-attended by members of the Henry County Fire Department, the Henry County Police Department and the Henry County Sheriff’s Office.

The second Wills Clinic was co-hosted by the YLD’s current Leadership Academy class and was held in Augusta on March 19. The clinic provided estate planning services to members of the Richmond County Sheriff’s Office and the Columbia County Sheriff’s Office.



YLD Leadership Academy and other attorney volunteers at the Wills Clinic on March 19 in Augusta.

A third Wills Clinic was held in Douglasville on June 4 at the American Legion. Estate planning services were provided to more than 15 first responders and their significant others. Local organizers, **Erica Taylor** of Hartley Rowe & Fowler, P.C., and **Matthew Momtahan**, of The Momtahan Law Firm, were instrumental in the success of the clinic. As always, the YLD thanks its members for their commitment to pro bono service! <sup>YLD</sup>



# Affiliate Updates

## Augusta

by *Aimee Pickett Sanders*

The Young Lawyers of Augusta (YLA) have been busy this year with networking events, service initiatives and welcoming new members. The annual kick-off event was held at Theresa's, where we met our new members, geared up for a great year and held a local fundraiser to support the YLD Signature Fundraiser. The YLA raised money for the event by holding a raffle. Immediate Past President **Alex Brown** donated two VIP tickets to the Signature Fundraiser and **Thomas Watkins** was the lucky winner. Many YLA members joined him for a great night in Atlanta!

In February, the Augusta division hosted a networking event at the Indian Queen that was well attended and gave the members an opportunity to get to know each other while enjoying a great atmosphere. The group also had the pleasure of attending the ribbon cutting ceremony for the home the YLA helped to build with Turn Back the Block.



(L-R) David Bell, YLA President Garon Muller, Brett S. Montroy and Ashley Muller at the Sacred Heart Garden Party.

During the spring months, YLA hosted the YLD Leadership Academy in Augusta at the Partridge Inn, which was sponsored by **Will Davis** and **Ron Daniels** who were running for YLD Secretary. The YLA also lent support to the kick-off event for the Georgia Legal Food Frenzy at the Partridge Inn held by the Golden Harvest Food Bank.

In addition to the networking and service activities, the group recently took some time to enjoy the beauty and rich history of the city of Augusta by offering its members complimentary tickets to the Sacred Heart Garden Party, courtesy of Sacred Heart. The group enjoyed great music by the Scarlet Begonias while strolling through local exhibits. On May 18, the group hosted a happy hour at Rae's Coastal Café.

For more information about upcoming events and how to become involved with the Young Lawyers of Augusta, please email [yla.augusta@gmail.com](mailto:yla.augusta@gmail.com). <sup>YLD</sup>

## Savannah

by *Philip Thompson*

The Savannah young lawyers continued their 2016 calendar with a full schedule of events. In March, the YLD hosted a

rooftop happy hour at Perch. In April, the Savannah YLD joined the larger bar on the Admiral Harvey Weitz Boat Ride. After spending the day on Daufuskie Island, the YLD held an impromptu gathering to celebrate a successful return to the mainland.

The exciting events continued on May 12 at the Wyld Dock Bar. All YLD members were invited to brave the gnats and enjoy the coast with other young lawyers.

Additionally, the Savannah YLD hosted its 11th annual Charity Golf Tournament at The Landings to benefit the Chatham County Guardian Ad Litem Program on June 3. The golf tournament is the Savannah YLD's signature event and raised \$6,600 for the Guardian Ad Litem program in 2015. On that same day, the YLD hosted a Tailgate in the Park to coincide with the Savannah College of Art and Design's spring commencement concert in Forsyth Park.

The Savannah YLD continues to make plans for summer events, including a happy hour to welcome summer associates. Anyone interested in joining the Savannah YLD should contact Membership Chair **Kate Lawson** at [klawson@huntermaclean.com](mailto:klawson@huntermaclean.com). <sup>YLD</sup>

## Glynn County

by *Lacey Houghton*

The Glynn County YLD held its third annual Ides of March Golf Tournament at Sea Palms Resort on March 19. This year, after securing more than 25 sponsorships from our community and welcoming our first out-of-county team with members from Macon and Savannah, we raised nearly \$2,000 benefitting CASA Glynn and the Davis Love Foundation. Thanks to the following teams for supporting this great event: Make YLD Great Again, **Ron Daniels** for YLD Secretary, Grip It and Sip It, Scalia Tribute Group, The Feds, Merrick Garland's Mulligans, Team Susan B. Anthony, Roberts Tate, LLC, and BRBSW. In addition, recent notable networking events include a personal planning meet-and-greet in conjunction with local CPAs and financial advisors sponsored by HunterMaclea in February, and a fantastic happy hour hosted by **Will Davis** in April. If you practice in the Brunswick Judicial Circuit or surrounding area and are interested in joining the Glynn County YLD or being added to our email list to receive notices regarding future events, please email [glynncountyld@gmail.com](mailto:glynncountyld@gmail.com). <sup>YLD</sup>



Participants in the third annual Ides of March Golf Tournament held, March 19 at the Sea Palms Resort.

*Mercer continued from page 2*

the Department of Juvenile Justice, Georgia had more than 12,000 youth admitted into secure detention at their Regional Youth Detention Campuses.<sup>1</sup> Further research showed the glaring disproportionalities; such as more than 9,000 male youths were admitted into secure detention while just under 3,000 were female.<sup>2</sup> Additionally, more than 8,000 were black, while numbers for all other ethnic groups totaled just over 4,000.<sup>3</sup> While property crimes and violent crimes are the most prevalent offenses, the range of offenses varies.<sup>4</sup> Numbers of this magnitude illustrate a clear need in underserved communities; as these communities house those most likely to become a part of the adult correctional system. As a student organization, it is our mission to improve these at-risk youths' access to positive role models working within the legal system. More importantly, it is our mission to improve the community surrounding Mercer Law School as a whole. With a firm understanding of these statistics, our efforts are directed toward reducing recidivism and the likelihood that Georgia's youth will become adult offenders. <sup>YLD</sup>

### Endnotes

<sup>1</sup> Statistics provided by the Department of Juvenile Justice. DJJ-Georgia. [djj.state.ga.us](http://djj.state.ga.us)

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



## AFFILIATE YLDs AROUND THE STATE

- Albany
- Augusta
- Cobb County
- Columbus
- DeKalb County
- Glynn County
- Gwinnett County
- Houston County
- Macon
- Rome/  
Northwest Georgia
- Savannah
- Valdosta
- Western Circuit



# University of Georgia Law Students Seek Justice for Victims of Child Sex Abuse

by Morgan Duncan

*“The act of sexually abusing a child is the attempted murder of a soul. I can see no more important task than protecting those in our society who too often have no voice.” – Attorney Marlan B. Wilbanks, whose donation created the Wilbanks Child Endangerment and Sexual Exploitation Clinic at the University of Georgia School of Law*

Last year, the Georgia General Assembly enacted The Hidden Predator Act (Act 97 (HB17)), which made important amendments to O.C.G.A. § 9-3-33, the statute governing limitations on civil actions brought by child sex abuse victims. The old law barred victims from filing a civil suit against their abusers after the victims’ 23rd birthday. Because many people unconsciously block out the memories of these early traumatic experiences for years, by the time the memories and injuries surfaced in adulthood, many victims were barred from any legal remedies. As a result, many perpetrators remain hidden in plain sight, continuing to serve in leadership roles where they are entrusted with the care of young children.

The Hidden Predator Act added a “discovery rule,” providing that the victim may bring a civil action after his or her 23rd birthday if the suit is filed within two years from the date the victim knew or should have known of the abuse and that such abuse resulted in injury.<sup>1</sup> Additionally, the Act provided a two-year revival of claims barred by the old statute.<sup>2</sup> Between July 1, 2015, and July 1, 2017, victims of childhood sexual abuse may bring civil suits against their abusers regardless of the victim’s age.<sup>3</sup>

At least five cases have been filed as a result of the The Hidden Predator Act since its passage last year. The most recent case alleges that a prominent member of the Gainesville community, former Boy Scout leader and former deacon, repeatedly raped children entrusted to his care.<sup>4</sup> The lawsuit and a subsequent investigative report by the *Atlanta Journal-Constitution* exposed an appalling series of alleged events over the past several decades, involving intentional cover-up by the Boy Scouts of America and church officials of this person’s sexual abuse of children.<sup>5</sup> For years after officials learned of the abuse, this person was allegedly permitted unrestricted access to children through his scouting and church activities.<sup>6</sup>

While some childhood sexual abuse cases may involve deep-pocketed defendants, in many cases there will be little hope of a substantial monetary recovery for the victims. Certain provisions in O.C.G.A. § 9-3-33.1 make it difficult to recover against negligent organizations.<sup>7</sup> Recognizing the need for attorneys to take on these cases pro bono, the University of Georgia School of Law opened the Wilbanks Child Endangerment and Sexual Exploitation (CEASE) Clinic in January 2016.

Through the clinic, the students get hands-on litigation experience, including interviewing clients, investigating the cases, conducting legal research, participating in hearings and drafting legal documents. “The students get to experience the full gamut of what it’s like to be a litigator and handle these cases,” says **Emma Hetherington**, director of the Wilbanks CEASE Clinic. On March 12, 2016, the clinic filed its first lawsuit in a case involving alleged sexual abuse of a stepdaughter by her stepfather.<sup>8</sup>

In addition to investigating and litigating the cases, Hetherington has plans to provide other important resources to the community through the clinic, including hosting conferences and launching a website with a resource bank for survivors and attorneys. “The Hidden Predator Act is so new, it still has kinks that are being worked out. It’s very interesting to see how we can help



Through a novel clinic, law students at the University of Georgia are taking advantage of recent legislation to help victims of child sex abuse and expose long-hidden sexual predators. Front row (L-R) Jon Tonge, Heidi Gholamhosseini, Michael Alfano, Emma Hetherington, Sarah Ehlers and Ashmal Ali. Back row (L-R) Hart Willoughby, Amble Johnson, Meredith Gardial, Andrew Smith and Jacob Edwards.

people using this new law,” said **Meredith Gargial**, a third-year student at the University of Georgia enrolled in the clinic.

While The Hidden Predator Act is a step in the right direction, many large legal hurdles still exist for child sex abuse victims pursuing justice against the perpetrators, Hetherington explained. She hopes to create a network of attorneys that can share notes, resources and novel approaches to these cases. YLD

## Endnotes

<sup>1</sup> O.C.G.A. § 9-3-33.1(b)(2)(A)(ii).

<sup>2</sup> O.C.G.A. § 9-3-33.1(d)(1).

<sup>3</sup> *Id.*

<sup>4</sup> Complaint, *Lawson v. Boy Scouts Of America, Inc.*, No. 16EV001155, 2016 WL 1070633 (Ga. State Ct. Fulton Cty. Mar. 17, 2016); Christine Boone and Shannon McCaffrey, In Boy Scout sex abuse case, small-town secrets revealed, *ATLANTA JOURNAL CONSTITUTION* (Mar. 19, 2016), <http://www.myajc.com/news/news/in-boy-scout-sex-abuse-case-small-town-secrets-rev/nqnpn/>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> O.C.G.A. §§ 9-3-33.1(d)(2)(C), 9-3-33.1(c)(3).

<sup>8</sup> Complaint, *McClure v. Masters.*, No. 2016CV01108 06 (Ga. Super. Ct. Clayton Cty. Mar. 12, 2016).



2016 YLD Summer Meeting  
King and Prince Beach & Golf Resort  
St. Simons Island, Ga.  
August 18-21



# YLD Spring Meeting Recap

by Heather Riggs

Though it's a town notorious for debauchery, there was nothing but productivity happening in Las Vegas, Nev., as the State Bar of Georgia Young Lawyers Division arrived for its Spring Meeting. Well, almost nothing.

The excitement was near tangible when YLD President **Jack Long** announced Vegas as his destination of choice for the event. Without a doubt, we'd be conducting our own brand of legal research there; observational and not experiential, of course.

Despite the cross-country flight, the almost 40 attendees made the trek into the desert for a range of programming, the highlight of which was a CLE conducted by the General Council for the trendy Cosmopolitan, the host hotel for the meeting. It even included a behind the scenes tour of the property, complete with a peek at the palatial fur-clad penthouse suite where Beyoncé herself is rumored to have once stayed. The General Session, as always, granted attendees the opportunity to hear updates from leaders of all division facets. Let me state for the record that our young lawyers are second to none in their creativity, service and dedication, and there's no place this becomes more evident than these quarterly events.

There was also plenty of time in the schedule for networking, arguably the most important aspect of any bar association event.

Relationship-building took place during a variety of receptions and several group dinners. What better place than Las Vegas to develop business and expand your palate all in one go? Vegas is becoming increasingly famous for its cuisine, and young lawyers were able to sample everything from Mexican-Chinese fusion to French fine dining while gaining new friends and contacts.

Several meeting attendees even found time to enjoy the attractions for which Las Vegas and the surrounding areas are best known. The Hoover Dam, a history-rich site made all the more popular by Chevy Chase and "Vegas Vacation," was a favorite. Hiking Red Rock Canyon was another unique experience some members enjoyed. Young lawyers attended Cirque du Soliel's "O" at the Bellagio as a large group, while other smaller groups saw concerts by Pitbull at Planet Hollywood and Celine Dion at Caesar's Palace. Sadly, Britney Spears was on hiatus during the meeting dates; at the time of publication, Ms. Spears could not be reached for comment.

This year's Spring Meeting was unlike any other. We'll all take away a broader perspective on the law, new and renewed relationships, and memories galore. YLD



(Left, front to back) Rob Riggs, Heather Riggs, Matt Wilkins and Kelly Wilkins. (Right, front to back) Yari Lawson, Tachelle Lawson, Annie Wiggins and Todd Wiggins



(L-R) LaToya Bell, Lisa Robinson and Kerry Nicholson

## Lost in Translation: Managing Multigenerational Differences in Law Firms

by Hon. Leah Ward Sears



It happens all of the time. At work, members of one generation make pop culture references that are lost on those of another era. At one of our recent firm lunches, for instance, a Gen Xer, made a nostalgic reference to a tagline in a popular 1970s cereal commercial, saying "Let's get Mikey . . . he won't eat it . . . he hates everything!" While many in the room laughed at the joke and started talking about life in the 70s, the Millennials were a bit perplexed. One young lawyer asked: "Who is Mikey?" Instead of explaining the reference, the Gen Xer responded: "Never mind, it was before your time."

While many clearly remember Mikey from the popular commercial, the reality is that in the current workplace, there are just as many who don't. The Mikey reference is one example of the widening generation gap in our offices. This generational divide is affecting how lawyers relate to one another. It's also leading to misunderstandings as to how we manage client relationships, work assignments, face time expectations and leadership. If law firms expect to thrive in an environment where the workforce is rapidly changing, they must bridge this gap with regimes that are adaptive and build upon the strengths of each generation.

Since people are delaying retirement, there are currently four generations in law firms: Veterans (1920s to 1945), Baby Boomers (1946 to 1964), Generation X (1965 to 1979), and Millennials (1980 to 2000). The experiences of each generation create different viewpoints that should be appreciated. For instance, there's something to be said about the longevity of Veterans and Baby Boomers. Their industriousness built successful law practices and strong client relationships. They've become trusted advisors and are often viewed as experts in their fields. They understand how issues have been addressed in the past which can be outcome determinative in the future. Their insight regarding certain judges or opposing counsel can prove invaluable. As these two generations hold incredible knowledge, Gen Xers and Millennials should use these seasoned attorneys to

sharpen their legal skills. On the other hand, Gen Xers and Millennials have a wealth of knowledge about cutting edge legal trends and new case law. They aren't committed to old models of law firm practice; they want to try new things. They are also more creative and entrepreneurial than previous generations, creating Facebook, Twitter, Google, Amazon and many of the smartphone apps we now depend on! These assets are valuable in any law firm that desires a future.

When creating an environment to showcase each generation's strengths, law firms should be cognizant of the differences between the generation's communication styles. Encouraging these differences will enhance workplace collegiality and fluidity. As a Baby Boomer, I was taught to carry myself somewhat formally in the work place, extending to both my speech and writing. But, while I lean toward a more formal communication style, Gen Xers and Millennials aren't so inclined. Many in the younger generations are likely to send emails and texts using abbreviations and emoticons. So much so, that the word of the year in 2015 was an emoji, a symbol rather than a word. Who would have thought that a smiley face could be used as a substitute for "this case is settled!?" But hey . . .

Firms should also recognize the generational differences in work preferences and be flexible to reasonably accommodate this diversity. For instance, Gen Xers and Millennials strive harder for work-life balance and regularly pursue options to work away from the office and spend more time with their families. At times, Veterans or Baby Boomers frown upon the younger generations' desire for flexible schedules. Yet, the reality is that it now takes more than a high salary, 401(k), medical benefits and two weeks paid vacation to retain top, young talent. Conversely, Gen Xers and Millennials should take seriously the Veteran or Baby Boomer who expects everyone to arrive at the office by no later than 9 a.m. as these older lawyers largely dictate raises and promotions.

So how do firms accommodate these differences? Compromise is the key! Firms can allow flexible work schedules for all attorneys who need or prefer to telecommute occasionally. At the same time, law firms don't need to completely abandon the expectation that lawyers should get to work by a certain time in the morning as opposed to strolling in at noon. Regardless of the solution, it's important to recognize there isn't one "right" way to enhance firm cultures.

Ultimately, I think closing the divide begins with colleagues getting to know one another. This starts with firm leaders knowing their lawyers and facilitating interactions between them. In my experience, working with lawyers of different ages, backgrounds and specialties, I believe that people consider and respect those with whom they feel a connection and trust. To create intergenerational connections, firms need to make a concerted effort to initiate activities that foster relationship building between old timers and tenderfoots.

Obviously, not all generational differences can be bridged. We have to respect that some differences will always exist. Even so, there should be a commitment to creating law firms where all lawyers know they are valued, regardless of age. YLD



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Presorted  
Standard Mail  
US Postage Paid  
Atlanta, GA  
Permit No. 1447

## Hic et Nunc



### Editor's Block

by Yari D. Lawson

Howard Thurman once stated: "Don't ask what the world needs. Ask what makes you come alive, and go do it. Because what the world needs, is people who have come alive." In today's environment, we need attorneys who can make our profession "come alive." Perhaps, many attorneys misestimate the public perception of the profession. Many have forgotten that our profession is always about those in desperate need of lawyer's skills and expertise. Advances in media and technology have placed greater emphasis, for some, on the "celebrity" appeal of being a high profile lawyer. Professional courtesy amongst

colleagues is eroding. There have been higher incidents of judicial misconduct in recent years. And for many trial lawyers, like me, the necessity of arcane local court rules seems to make the process less efficient rather than more efficient. (Two calendar calls for the same criminal case is quite redundant.)

If the State Bar of Georgia commissioned a full-time YLD attorney recruiter position, I believe that I would apply for the job. I would implore leading attorneys throughout the state, whether elected officials, partners in a law firm or leaders of a major public service law firm to encourage young lawyers in their office to participate in the YLD. Not only will you find that those lawyers will broaden their personal network and resources, but they will also find ways to strengthen our profession. The most recent Juvenile Code re-write adopted by the General Assembly was largely authored by members of the YLD. Every year young lawyers lead one of the most influential public service efforts within the entire State Bar organization, the Georgia Legal Food Frenzy.

The greatest reward of practicing law will always be the achievement of success for one's client. I believe the next greatest benefit that the practice of law offers is the opportunity to serve the profession itself. Soon, it will no longer be acceptable for some young lawyer working 70 cases as an assistant district attorney to complain about the heavy workload in comparison to slight pay. She will have to demand a greater commitment to ensuring that our communities are safe from the politicians with the purse. Likewise, the young lawyer complaining that our state spends too much money reviewing habeas corpus petitions will need to urge a greater commitment to extending quality, indigent defense to all members of community charged with a crime. An effective representation has never offended anyone's system of justice.

We are fortunate in Georgia that we have a strong YLD. My friend, **Sharri Edenfield**, solidified that in stone in the summer of 2015 when the Georgia YLD dominated the award show at the American Bar Association YLD Annual Meeting. **Jack Long** has continued to empower the mission of the Georgia YLD. **Jennifer Mock** has shared a tremendous vision that will offer new opportunities for young lawyers. While I regret that the bylaws render me too old to be an official member of the Georgia YLD after this publication, I am eternally grateful that I will forever be Georgia YLD. Peace. YLD

by Kevin Patrick

As we conclude the Bar year and near the end of our YLD journey, I would like to take this opportunity to recognize the commitment made by my former law firm to supporting young lawyers, the life-long values fostered through the YLD and other members of the profession, and the importance of having a caring and supportive family.

I am forever grateful to Goodman, McGuffey, Lindsey & Johnson, LLP, for not only hiring me as a young associate many years ago, but also encouraging me to become actively involved in the YLD. During one of my first mid-year reviews, I was deeply touched when a senior partner asked me, "Kevin, what can we do to support you?" The firm truly recognized that the practice of law goes well beyond billable hours, and they invested in the future of our profession. Civic and professional development for young associates is paramount to a rewarding and fulfilling legal career. They were and still are my role models. Years from now, I certainly hope to extend the same encouragement and support to a younger lawyer embarking on a legal career.

Like the firm, the YLD teaches young lawyers the "right" way to practice law. The judiciary, senior members of the Bar, and leadership of the YLD all took the time to serve as mentors for us. For example, I still remember Chief Justice **Hugh P. Thompson** speaking to the Litigation Committee. His humorous, but sage advice to "stop digging if you find yourself in a ditch" carries with all of us. During my first out-of-state YLD meeting to Washington, D.C., I recall former presidents of the State Bar, like **Ken Shigley**, sitting with us at dinner. The simple act of breaking bread with us made us feel welcomed and appreciated as young lawyers. Along with the judiciary and members of the Bar, former leaders of the YLD, like **Sharri Edenfield**, still remain actively engaged in YLD events, such as the Signature Fundraiser and Leadership Academy.

Most importantly, I am thankful that my parents, **Charles** and **Denise Patrick**, encouraged me to enter into the practice of law. I remember them sitting in the courtroom watching me participate as a junior and senior at The Walker School in the High School Mock Trial Program. At the University of Georgia, my mother recalled the words of John Milton encouraged me to study the classics, especially the legal system during the Roman republic. And finally, Mom and Dad were ever so supportive during the first year of law school and were there along with my relatives to celebrate my graduation from Mercer University. My parents made countless sacrifices, believed in me, and ultimately recognized law was one of the noblest professions. From the bottom of my heart, thank you! YLD



### Editor's Block