

J Georgia Bar Journal

February 2016 ■ Volume 21 ■ Number 5



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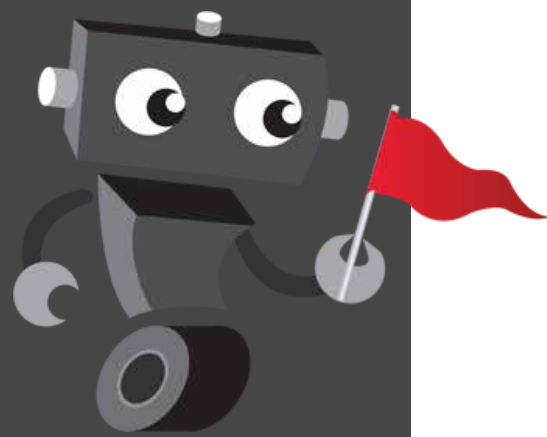
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Many Companies in Georgia

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Photo by Zach Porter Photography

by Robert J. "Bob" Kauffman

The Big Impact of Practicing Law in a Small Town

When I was hired fresh out of law school to join a small-town firm in Douglasville,

my plan was to work there for a couple of years and then make the move to Atlanta, my sights set on any of the big-name firms occupying multiple floors of a downtown skyscraper.

But 28 years later, I'm still in Douglasville and still with the same firm where I started the practice of law. Once my wife Sue and I had experienced working and raising a family in a small town, it did not take long for us to put those big-city plans on permanent hold.

We decided there was no reason to leave a great law firm in a great community where our home, the office, our church, the kids' schools and ball fields, and every-

thing else we needed 10 minutes or less away from each other.

I am by no means the first or only person to discover the many benefits of practicing law in a small town. Attorney coach Roy S. Ginsburg, writing in the Attorney at Work blog (February 2014), puts it this way: "The practical benefits of small-town lawyering include a lower cost of living, minimal commutes and a slower pace of living . . . Sure, small-town lawyers don't make anything close to what partners earn in big Wall Street firms. But very few lawyers make that kind of money. Isn't it better to actually practice law, gain experience and start making a dent in your school debt sooner rather than later?"

The professional satisfaction of small-town lawyering can be another upside. As Ginsburg writes, "In most small towns, lawyers are general practitioners. They practice estate planning, tax law, criminal law, family law, personal injury and bankruptcy, just to name a few. The sophistication of a rural practice may not compare to big-city practice, but

"You can make a good living by practicing law in a small town . . . . And as the proverbial big fish in a small pond, you can have a lasting, positive impact on the lives of your fellow citizens as a leader in the community."

let's be honest—after a while, even big-city practices become pretty routine and boring.”

Although I have lived here for 28 years, more than half of my law practice is outside Douglas County. My commercial real estate practice involves deals throughout the metropolitan area, many of which are in the city of Atlanta. That was not the case for the first 10 or 15 years, when it was more of a localized practice. Our practice has grown as the community has grown. That is another benefit of living here and working here.

According to Ginsburg, “Another advantage to small-town lawyering is that you are truly helping real people resolve legal problems. Client contact is the rule, not the exception.” A portion of my estate planning practice takes me into the homes of people I know in the community. I frequently get calls from friends in the evening or on weekends, telling me their father or mother is in the hospital, and they need a health care directive. To know you are helping people in the community where you live is an incredibly rewarding experience.

In a small town, it is easier to join the civic and business groups. Lawyers bring those organizations tremendous value, which is returned through the benefits of being plugged into the community. “As for business development,” Ginsburg writes, “the road map to success is relatively easy. In many small towns, you’ll quickly become known as one of the town’s lawyers. Join and become active in a few local organizations and you’re practically there. You can successfully market a practice without too much hard work.”

Aside from the networking and marketing benefits, joining community groups—professional and otherwise—is a good way to make friends. It makes me feel good to have friends who will keep an eye on my kids when they see them out and about, and will call me if they’re ever in a ditch.

On the surface, the quality-of-life benefits of living and working in a small town can be less convincing to young lawyers who have a large amount of student loan debt. But anyone frightened by the economic prospects for a small-town practice should first consider the real need for attorneys that exists in the non-metropolitan communities in Georgia and throughout the country, especially in rural areas.

While overall membership in the State Bar of Georgia has experienced an increase of about 1,000 lawyers per year for the past several years, it must be noted that approximately 70 percent of our 31,418-plus active, in-state members are located in metro-Atlanta. Many smaller communities have seen a steep decline in their number of attorneys, leaving numerous rural counties underserved by the legal profession.

One Georgia Superior Court judge, a longtime member of the State Bar’s Board of Governors, lamented the fact that his hometown now has only six lawyers in full-time practice. When he entered the legal profession some four decades ago, there were 22. As Ginsburg notes, “Consider the following: According to the

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The Business of Practicing Law

National Association of Counties, 2 percent of all lawyers practice in rural America, yet 20 percent of the nation's population lives there."

Where have all these small-town lawyers gone? Many, if not most, of these vacancies are created when established lawyers retire from active practice or pass away, with no one in place to take over. The legal profession is facing a growing number of issues related to aging lawyers. How to deal with this trend is a hot topic throughout the profession.

Oftentimes, aging lawyers attempt to hold on as long as they can. "The legal community is fortunate to have many of these experienced, talented lawyers continuing to serve their clients, and mandatory retirement policies tend to waste that talent," Katherine Erwin, special projects director for the Illinois Supreme Court Commission on Professionalism, wrote in July 2014. "The problem arises when an attorney can no longer competently serve his clients due to mild cognitive impairment or other health issues that disproportionately impact older individuals."

Longer life expectancy, improved health care, recession-driven financial considerations and a desire to stay active are among the factors causing senior lawyers to hang around longer, according to Erwin. "But longer careers mean greater risks of health complications which can affect firms and clients, particularly for solo and small-firm practitioners. . . . Cognitive impairment can create incompetency, including a lack of diligence or legal errors that can ultimately lead to missed deadlines, malpractice claims and increased professional liability insurance premiums. No one wants to see senior attorneys forced out of a job, much less because of disciplinary proceedings."

Therefore, older lawyers' careers are now, on a regular basis, ending with no continuation plan in place—creating a disproportionate need for successor attorneys in smaller communities where such

attrition is causing shortages of legal professionals. Many of these lawyers who are nearing the end of their active years of law practice would love to be able to bring in someone to take care of their firms' clients in the future.

Fortunately, the State Bar's Young Lawyers Division (YLD) launched a Succession Planning Pilot Program last year, designed specifically to meet the needs of new and recent law school graduates who are looking for jobs, as well as those of seasoned attorneys who would like for their clients to continue to be well represented even as their years of active practice are nearing an end.

Basing their program on a successful Texas model, YLD leaders joined forces with the law schools in Georgia to match attorneys who are beginning their careers with experienced lawyers whose practices would benefit from a succession plan. The program starts with the established lawyer completing a brief form (available online at www.georgiayld.org) and specifying the characteristics sought in a candidate.

The plan could be to attract a law student who would act as a clerk until he or she graduates and then transfers into the practice. Bar members who are ready to act sooner might seek a recent graduate considering solo practice and looking for referral work. Or it could be to hire an associate who could eventually take over the practice. The law schools in Georgia and the YLD stand ready to help you through the transition process. For more information, contact Stephanie Powell, assistant dean for Career Services at Mercer University's Walter F. George School of Law, at careerservices@law.mercer.edu or 478-301-2615.

The Succession Planning Pilot Program is aimed at helping both the younger lawyer seeking gainful employment and the older Bar member in search of a solution for bringing his or her career to a dignified close—not to mention

the small towns out there with a dwindling number of attorneys. As Ginsburg writes, "In communities with a true shortage of lawyers, there will be very little competition. Most likely, any competition will come from baby boomers who will soon retire. That's good news because they can serve as mentors. Also, there may be opportunities to buy a mentor's practice for a very reasonable price."

The appeal of a small-town law practice should not be limited to brand-new lawyers. Anyone who is frustrated with their current law practice or tired of the big-city lifestyle might benefit from moving to a smaller community. There is a real need for more lawyers in many areas of the state. We have a lot of aging attorneys, so that need will continue to grow.

You can make a good living by practicing law in a small town. Walmart founder Sam Walton proved there is money to be made in small towns. If you are doing a good job for your clients, you'll have no problem—word spreads faster in a small town. And as the proverbial big fish in a small pond, you can have a lasting, positive impact on the lives of your fellow citizens as a leader in the community. 

Robert J. "Bob" Kauffman is president of the State Bar of Georgia and can be reached at president@gabar.org.

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by John R. B. "Jack" Long

National High School Mock Trial Championship Coming to Georgia in 2019

Just before the recent holiday season, it was announced that Georgia will have the honor of serving as the host

state for the 2019 National High School Mock Trial Championship. The competition will take place in Athens the weekend of May 16-18, 2019, utilizing facilities on the University of Georgia campus, the Athens-Clarke County Courthouse and the Classic Center in downtown Athens.

State championship teams representing high schools from across the nation, in addition to some internation-

al teams, will descend on Athens for the competition, which will culminate with the final round in the Hatton Lovejoy Courtroom at the University of Georgia School of Law to crown a new national champion.

Last year, 46 teams from the U.S., South Korea, the Northern Mariana Islands and Guam took part in the national competition. We can expect that many or more three years from now.

This is a great honor for Georgia, which previously hosted the National High School Mock Trial Championship in Atlanta in 1993 and 2009. It is also an acknowledgement of the tremendous record of success that the Georgia High School Mock Trial Program, a project of the State Bar YLD, has achieved since its inception

in 1988. A growing number of public and private high schools, in addition to homeschool associations, have entered teams in the annual competition.

In the Georgia competition, each team is comprised of 14 students, who are coached by teachers and

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volunteer attorneys. They work together to prepare their presentations from case materials provided by the YLD's High School Mock Trial Committee. When they reach the competition phase, students take on the roles of attorneys and witnesses, using the witness statements and evidence provided in the case materials.

Volunteers from the bench and bar serve as presiding judges and evaluators (jurors) for the competitions, evaluating the teams on their ability to make a logical, cohesive and persuasive presentation, as opposed to the legal merits of the case assigned to the students.

The competition begins at the regional level, with the top three teams from each region advancing to district competitions, where they then vie for a spot in the state finals, which are held in Lawrenceville. The competitions are held in actual courtrooms, adding to the authenticity of the programs' experience.

The state champions qualify for a trip to the National High School Mock Trial Championship, which will be held May 11-15 of this year in Boise, Idaho.

Over the years, Georgia teams have won four national championships: South Gwinnett High School (Snellville) in 1995, Clarke Central High School (Athens) in 1999 and Jonesboro High School in both 2007 and 2008. Last year, the mock trial team from Northview High School (Johns Creek) took second place in the National High School Mock Trial Championship in Raleigh, N.C.

Funded in part by the State Bar, the Mock Trial Program also has the endorsement of the Georgia Department of Education and the Judicial Council of Georgia. According to the program's mission statement, the competition provides opportunities aimed at helping students gain an understanding of the legal system, while receiving professional coaching in developing

questioning, critical thinking and oral advocacy skills.

Although we realize that not every participating student will become a lawyer, the competition will no doubt benefit all team members later in life by improving their proficiency in such basic skills as listening, speaking, reading and reasoning. The program also fosters cooperation, communication and collaboration among diverse groups of young people from throughout the state.

From the Bar's standpoint, the impact of the program is measured by its success in achieving these objectives:

- To further understanding of court procedures and the legal system;
- To improve proficiency in basic skills: listening, speaking, reading and reasoning;
- To promote better communication and cooperation between

JUDGING PANEL VOLUNTEERS NEEDED FOR 2016 DISTRICT AND STATE FINALS

District Level Competition

Feb. 27 in the following cities:

Atlanta, Cartersville, Cumming, Douglasville, Jonesboro, Macon
and Valdosta; Feb. 25 and 28 in Decatur

State Finals

Saturday, March 19

Gwinnett Justice and Administration Center, Lawrenceville

Volunteer forms at www.georgiamocktrial.org under the
"Volunteer for the Program" page.

Contact the Mock Trial Office with questions: 404-527-8779 or toll free
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State Bar
of Georgia

GEORGIA
MOCK TRIAL
COMPETITION



the educational and legal communities;

- To provide a competitive event in an academic atmosphere; and
- To promote cooperation among young people of various abilities and interests.

While prevailing in a competition against one's peers—the "thrill of victory"—can be a rewarding experience of its own, the primary goal of the mock trial program is the education of young people.

The ability of the High School Mock Trial Program to serve nearly 2,000 Georgia students each year depends heavily on the generosity of many Bar members and others who volunteer their time. Opportunities to volunteer include, but are not limited to, coaching a team, evaluating or presiding during competition, or serving on a subcommittee behind the scenes.

Each team is required to have at least one attorney coach, and many teams have more than one. Attorney coaches work directly with the students in preparing the case. While serving as a volunteer coach involves the greatest commitment of time, it also provides the most necessary interaction with the students.

The program's continued success depends on the members of our State Bar. If you are willing to serve as an attorney coach for a high school team in your community, please contact the Mock Trial office. You can also consult the Bar's website for an updated listing of schools in need of attorney coaches. Trial Practice and Ethics CLE credit is offered to volunteer coaches in the program (see the Bar's website for details).

Attorneys and judges are also needed as evaluators or presiding judges during the competition rounds. Requiring only a few hours of your time on a Saturday, this is the simplest way to volunteer for the program. For 2016, the regional competition has already taken place. The district rounds will be held Feb. 27 in eight loca-

tions around the state, and the state finals will be March 19 at the Gwinnett County Courthouse in Lawrenceville.

While you are marking these dates on your calendar, please make a note for the weekend of May 16-18, 2019. When Georgia hosts the National High School Mock Trial Championship, we will need 90 to 100 volunteer Bar members to serve as evaluators and presiding judges for each of the first four rounds of competition. In addition, our goal is to have a sitting judge on the bench for each trial round, so we will need as much help from the state's judges as possible.

The YLD's High School Mock Trial Committee—along with our High School Mock Trial Program Director Michael Nixon—oversees and is responsible for the operation of the Mock Trial Competition. There is always a need for members of the various subcommittees, which work on the creation of the problem, the rules of the competition, planning for state finals, honors and awards, and development (fundraising). To volunteer for a spot on the committee, please submit the sign-up form on the Bar's website to the Mock Trial office.

In addition to the statewide competition, the Mock Trial Program oversees the annual Law Academy and the Craig Harding Memorial Court Artist Contest, both designed to increase students' understanding of and appreciation for the law, court procedures and the legal system.

Held in the fall, the Law Academy is sponsored by the Special Projects Task Force of the High School Mock Trial Committee of the YLD. Mock trial team members with at least one year of active participation on their mock trial team are invited to attend an intense weekend training experience that's fun and informative.

Law Academy provides pre-mock trial season training for student team leaders and offers extensive instruction on trial procedure. Law Academy faculty is made up

of attorneys from across Georgia who have experience in working with the High School Mock Trial Competition.

Participation in Law Academy develops leadership skills, encourages responsibility, builds citizenship and forms new friendships among high school students across Georgia. Participating students become acquainted with our legal system in a way that encourages respect and understanding of the legal profession.

The Craig Harding Memorial Court Artist Competition is open to artistically inclined students from schools fielding a team in the Georgia High School Mock Trial Competition. Court artist contestants create original drawings of the courtroom scene during the competition rounds.

Entries are evaluated by professors from the Savannah College of Art & Design (SCAD), which co-sponsors the art competition with the YLD Mock Trial Committee. The state champion artist wins the opportunity to accompany the Georgia Mock Trial state champion team to the National High School Mock Trial Championship. The contest is named in memory of Craig Harding, a SCAD student who was sponsored by the college to accompany the 1996 and 1997 Georgia state champion teams to their national competitions.

The YLD has 33 committees, each of which is working to do great things for our Bar as well as the public; the YLD High School Mock Trial Committee is just one of these. For more information on becoming involved with the Georgia High School Mock Trial Program, contact Michael Nixon at 404-527-8779, toll free at 800-334-6865 (extension 779) or by email at mocktrial@gabar.org. 

John R. B. "Jack" Long is the president of the Young Lawyers Division of the State Bar of Georgia and can be reached at jlongattorney@aol.com.



HOW TO GET INVOLVED

in the **YOUNG LAWYERS DIVISION**



WHAT IS THE YLD?

All members of the Bar who have not yet reached their 36th birthday or who have been admitted to their first bar less than five years are automatically members. Today, the YLD is one of the most dynamic arms of the Bar, offering outreach to both the profession and to the public through various legal programs and projects.

WHAT CAN THE YLD DO FOR YOU?

OPPORTUNITIES FOR SERVICE

With a mission of service, the YLD offers many avenues for young lawyers to give back to their communities and to the profession through committee involvement. Additionally, the YLD conducts a service project at each of its general membership meetings.

NETWORKING OPPORTUNITIES

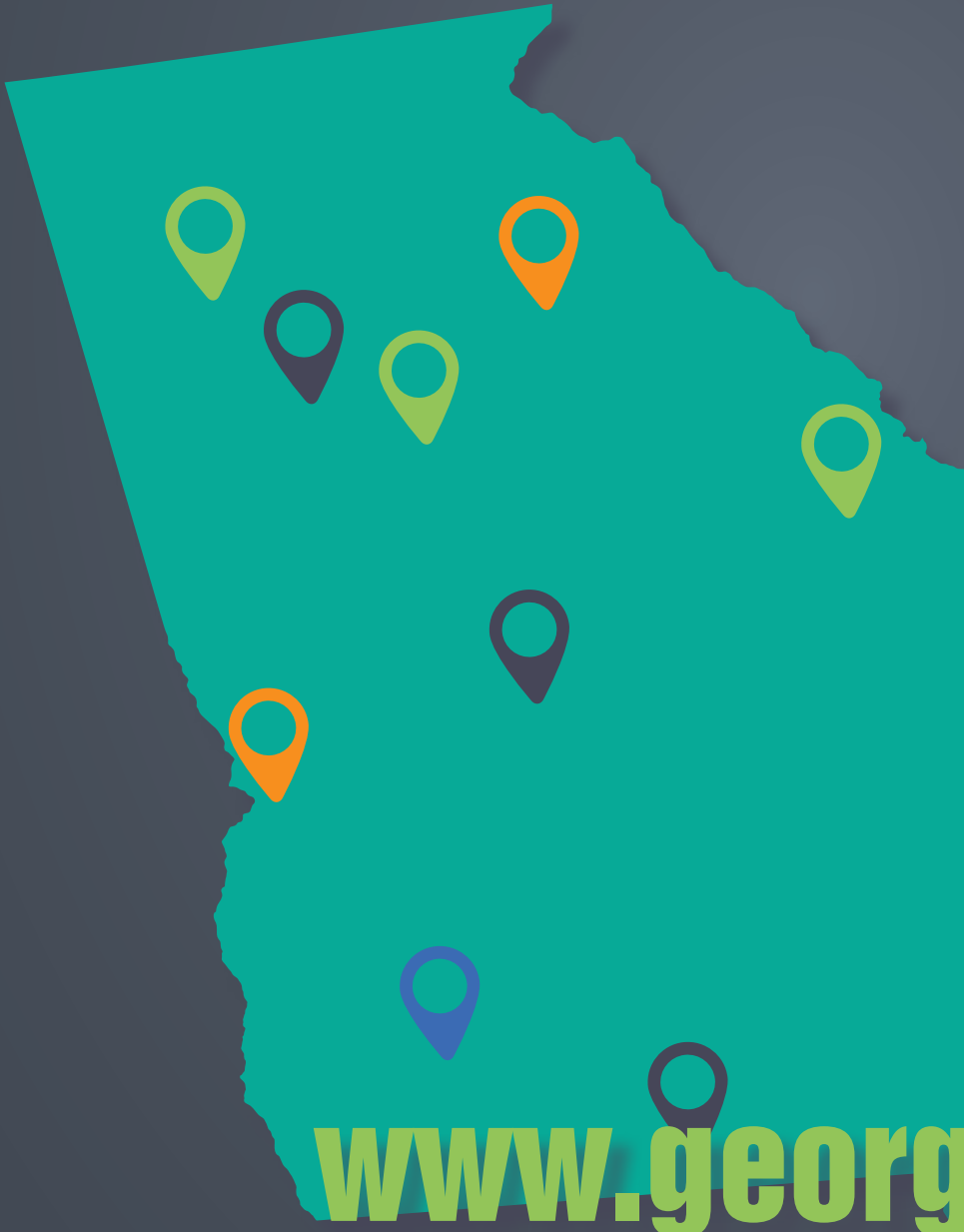
The activities and projects of the YLD put you in touch with lawyers in your practice area, others with similar interests and Georgia's legislative and judicial leaders from every corner of the state.

LEADERSHIP OPPORTUNITIES

There are many opportunities within the YLD to develop and grow leadership skills and abilities. These include chairing a committee, serving on the YLD Executive Committee or Representative Council and applying to the Leadership Academy.

WANT MORE INFO?

Contact YLD Director Mary McAfee at marym@gabar.org or visit www.georgiayld.org for more information.



www.georgiayld.org

Don't Let the Name Fool You

Delaware Rapid Arbitration Act Promises Speedy Arbitrations for Many Companies in Georgia

by Henry R. Chalmers and Rebecca I. Lunceford

A powerful new tool exists for companies seeking quick, efficient and private resolution of business disputes. The Delaware Rapid Arbitration Act (the Act or DRAA),¹ enacted in April 2015,² streamlines the process for initiating arbitrations, sets tight deadlines for concluding them, automatically confirms arbitration awards and provides speedy resolution of any challenges directly to the Delaware Supreme Court. How does it do this? Here's a teaser: Among other things, it imposes financial penalties *on the arbitrator* if a final decision is not issued within 120 days of commencement. Intrigued? Read on.

First, though, rest assured that despite its name, the DRAA is relevant to you as a Georgia attorney. The Act is available for almost any commercial dispute involving at least one business entity organized under Delaware law or with its principal place of business in Delaware.³ This includes not only Delaware corporations but also limited liability com-



panies, partnerships and trusts organized or principally located in Delaware.⁴ Because so many businesses with Georgia connections choose to organize under Delaware law, the number of local entities that can take advantage of the Act is surprisingly large. Also, a Georgia company anxious to take advantage of the DRAA can simply create a Delaware subsidiary to act as its contracting party, and the subsidiary, in turn, can avail itself of the Act's provisions. Even if your client doesn't qualify, another party to your contract might, and that is sufficient. Who knows, we may even see a home-grown version of the Act emerge out of the Georgia Assembly in the not too distant future, as states like Georgia often use Delaware law as a template for their own business statutes.⁵

Need for an Alternative

The need for a speedier and more efficient form of confidential alternative dispute resolution is clear. Litigation is lengthy and expensive. Even parties that "win" their cases often feel the years and substantial costs necessary to achieve that result substantially diminish, or even negate, any actual success. And let us not forget

the appeals that can follow, which often take just as long as getting the "win" to begin with. Add to this the time commitment and emotional toll on those involved and it is easy to understand the antipathy many companies have toward traditional litigation.

But wait, say lawyers to these frustrated clients, we have an alternative that will make everything faster, easier and cheaper. Arbitration is the answer. Whether through the forethought of an arbitration clause in a contract, or by later agreement, once a dispute arises, we will send it to arbitration where things will progress quickly and without those exorbitant costs associated with protracted and exhaustive discovery, briefing, trial and appeal. With the noblest of intentions, arbitration has been touted as the solution to the very real problems with litigation.

Unfortunately, it is becoming more and more clear that arbitration no longer offers the panacea it once promised, as it often morphs into simply another venue for a costly and lengthy dispute resolution process similar to that provided in the courts.⁶ Possibly driven by the standard practice of U.S. lawyers to leave no stone unturned, arbitration now com-

monly provides for extensive discovery, which, in today's electronic world, with nearly every communication, document and note kept in some electronically recoverable form, is often the most expensive part of the dispute resolution process. Additionally, sophisticated parties use every advantage available to them, and if delay favors their position, they will find reasons to delay. This frequently leads to preliminary litigation over such issues as arbitrability of the dispute and the arbitrator's authority to issue interim relief, all before meaningful progress in the arbitration can even begin.

Recognizing these shortfalls, Delaware passed the DRAA to reclaim the speed and efficiency originally promised by the arbitration process. The Act gives parties significant latitude in drafting arbitration provisions, but tempers that freedom with selected default and mandatory provisions to ensure the Act's overarching goals are not lost.

A Relatively Non-Delaware-Centric Process

Despite the Act's Delaware roots, parties submitting themselves to the DRAA may select

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any substantive law to govern their dispute⁷ and may designate any location in the world as their venue.⁸ Delaware law must govern only enforcement and construal of the arbitration agreement, without regard to principles of conflicts of law.⁹ Parties also may have their arbitration administered by an outside organization, or no organization at all if they so choose. Thus, for example, they may elect to have the American Arbitration Association manage their DRAA-governed arbitration in Atlanta, Ga., or they may decide to administer it themselves in Tbilisi, Georgia.

Selecting the Arbitrator(s)

As with other arbitrations, the parties can dictate in their agreement the number, qualifications and even the identities of their arbitrators. If, however, the parties fail to agree upon a panel, the Act steps in to ensure the process does not lag. Upon encountering such a roadblock, either party may petition the Delaware Court of Chancery to exercise its exclusive jurisdiction to appoint the arbitrators, after which the Court of Chancery has 30 days to make the appointment.¹⁰ And lest a crafty litigator attempt to use this as an opening to expand the court's involvement, the Delaware Court of Chancery's Rules explicitly prohibit any discovery or dispositive motions during the court's appointment process, unless the Court of Chancery directs otherwise.¹¹

Recognizing that parties may prefer that their panel members be steeped in a desired technical or industry expertise, the Act does not require that arbitrators have any legal training. The Act, however, empowers lay arbitrators to retain legal counsel to make rulings on legal issues, either directly or by recommendation to the arbitrators at the arbitrators' election.¹² The fees of the arbitrators' counsel will be borne by the parties

and can also be decreased if the final award is late.¹³

Resort to Courts is Severely Restricted

Another way the Act promotes efficiency and cost reduction is by conferring broad and exclusive power on the arbitrators to determine both substantive and procedural arbitrability as well as the scope of the matter before them.¹⁴ At the same time, the Act divests the courts of jurisdiction to hear almost any dispute that might arise during the process.¹⁵ Thus, the Act does away with the common delay tactic of attacking the scope of the arbitration in the courts before the arbitration even begins.

All too often, ordinary arbitrations are sidelined, often for months, while a recalcitrant party seeks a stay of the proceedings from a local court, arguing that some or all of the claims are outside the scope of the parties' arbitration agreement, or requesting a ruling on whether an issue presented is even arbitrable. Not here. By invoking the DRAA in their contract, the parties vest the arbitrators with exclusive authority to decide these issues, and they are deemed to have waived any right they otherwise might have had to seek a court's intervention.¹⁶

The Act also bars courts from enjoining an arbitration after the arbitrators have accepted appointment, and no pre-appointment injunction may divest the arbitrators of their jurisdiction or authority.¹⁷ The arbitrator, meanwhile, is given the authority to issue interim rulings, including injunctions, that cannot be appealed or challenged.¹⁸

Quick Completion

Perhaps the most novel and far reaching aspects of the DRAA are the stringent time frame under which most arbitrations must be completed and the incentives created to ensure arbitrators adhere to that limitation. Unless otherwise specifically agreed to by the parties

before the arbitrator is appointed, "an arbitrator shall issue a final award . . . within 120 days of the arbitrator's acceptance of the arbitrator's appointment."¹⁹ The one exception to this is that the parties may extend the deadline by unanimous consent for up to 60 additional days, but not longer.²⁰

If you think this rule will be more honored in the breach than the observance, think again. The inspired drafters of the DRAA understood the importance of speedy resolutions, so to ensure the time limitation is not ignored the Act imposes financial penalties on the arbitrator if an award is issued outside the narrow time frame. Specifically, "an arbitrator that fails to issue a final award in compliance with § 5808(b) of this title is not entitled to full payment of the arbitrator's fees. The arbitrator's fees must be reduced by 25 percent if the final award is less than 30 days late; the arbitrator's fees must be reduced by 75 percent if the final award is between 30 and 60 days late; and the arbitrator's fees must be reduced by 100 percent if the final award is more than 60 days late."²¹ These penalties can be modified only for "exceptional circumstances," which must be shown by clear and convincing evidence to a Court of Chancery on petition from the arbitrator.²² Good luck trying to convince your arbitrators to give you more time to comb through your opponent's archived electronic documents or to take another half-dozen depositions.

Flexible Discovery

Within the otherwise strict confines of the DRAA, the Act defers to the parties on the scope and extent of permissible discovery. By default, arbitrators have the power to administer oaths and compel the production of documents and attendance of witnesses at the final hearing.²³ Other discovery-related actions, such as issuing subpoenas to non-party witnesses, require explicit authorization in the parties' agreement.²⁴

This flexibility and autonomy to constrain the scope of discov-

ery makes it all the more important that parties consider, before drafting any arbitration agreement, what disputes might arise and what parameters should be placed on discovery to ensure each side will have reasonable access to necessary evidence without enabling abusive and wasteful tactics.

Regardless of the parties' agreement, however, two aspects of the DRAA will serve to constrain the scope of any discovery. The first is a catch-all provision allowing arbitrators to "make such rulings . . . as the arbitrator deems proper to resolve an arbitration in a timely, efficient, and orderly manner."²⁵ Arbitrators thus have the power to tailor and restrain the discovery process as they deem necessary. The second is the requirement that most arbitrations be completed within 120 days. The simple reality is that extensive discovery just can't be completed in such a condensed time frame.

Confirming the Final Award

Two additional drawbacks of traditional arbitration are the time it can take to reduce the arbitration award to a final judgment and the possible sacrifice of confidentiality in doing so. In ordinary arbitrations, a prevailing party must initiate a civil action to confirm an award before it can secure a final judgment and begin enforcing the ruling. This provides an opportunity to the losing party to challenge the confirmation and delay an outcome that usually is inevitable. Along the way, the confidentiality of the award and the underlying proceedings can be compromised as details leak out through court filings.

The DRAA addresses these concerns by eliminating the court-centered confirmation process entirely. Instead, if an arbitration award is not challenged within 15 days of its issuance, it is deemed automatically confirmed five days thereafter.²⁶ No judicial confirma-

tion proceeding is necessary or permitted. The prevailing party may then secure from the designated Delaware court a final judgment based on the confirmed award.²⁷

Limiting Challenges to an Award

If a party decides to challenge a DRAA arbitration award, its options are severely limited. Gone are the days of lengthy appeals to an intermediate appellate court, followed by another year of appeals to the state's highest court. Under the DRAA, parties have only three options. One is for the parties to agree in advance that no appeals will be permitted, in which case the final award is confirmed and the process is completed.²⁸ A second option is to agree in advance that any appeal must be taken to an arbitral appellate body, thereby preserving confidentiality and expediency.²⁹

If the parties do not elect either of these two options, then by default, the award may be appealed only to the Delaware Supreme Court.³⁰ And the Act limits the grounds for such a challenge to those narrowly available for securing vacation, modification or correction under the Federal Arbitration Act.³¹ In deciding which of these options to enshrine in their arbitration agreement, parties should be aware that all filings with the Delaware Supreme Court are available to the public.³²

Drafting a DRAA Arbitration Agreement

Are you sold on the virtues of the Delaware Rapid Arbitration Act? If so, there are a few things to keep in mind when you draft your DRAA arbitration agreement. First, the agreement must be in writing and signed by the parties.³³ Second, it must expressly reference the "Delaware Rapid Arbitration Act."³⁴ Third, the agreement must provide that it will be governed by

or construed under Delaware law, without regard to principles of conflict of laws, regardless of whether the substantive law of other jurisdictions govern the remaining obligations under the contract.³⁵ Fourth, as mentioned above, at least one party to the agreement must be a Delaware business organization or have its principal place of business in Delaware.³⁶ And fifth, none of the parties can be a consumer or a homeowners, neighborhood or civic association, or other similar entity charged with or assuming the duties of maintaining the public areas, open space or common facilities within a residential development or community.³⁷ 



Henry R. Chalmers
co-chairs Arnall
Golden Gregory LLP's
litigation group and
has two decades of
experience

representing clients in litigation and arbitration. He also is a certified arbitrator with the American Arbitration Association, through which he presides over disputes throughout the United States, and a certified mediator in the state of Georgia. Chalmers has written and lectured extensively on the arbitration and litigation process. He also regularly works with clients to evaluate whether to include arbitration agreements in their contracts and how to draft the provisions to best promote their interests.



Rebecca I. Lunceford
is an associate in
Arnall Golden Gregory
LLP's litigation and
international business
groups. She focuses

her practice on business and commercial dispute resolution through litigation and arbitration (both domestic and international). She co-chairs the Atlanta International Arbitration Society's

Young Practitioners Group and was a contributor to a recent collaborative publication between the Atlanta International Arbitration Society and the Atlanta Center for International Arbitration and Mediation on drafting clauses to invoke international arbitration: Atlanta International Arbitration Society & Atlanta Center for International Arbitration and Mediation, INTERNATIONAL DISPUTE RESOLUTION DRAFTERS MANUAL, Institute of Continuing Legal Education of Georgia (1st ed. 2015).

Endnotes

1. DEL. CODE ANN. tit. 10, §§ 5801 *et seq.* (LexisNexis through 2015 legislation)).
2. See 80 Del. Laws ch. 6, § 1 (2015).
3. DEL. CODE ANN. tit. 10, § 5803(a)(2).
4. See *id.*
5. Georgia recently demonstrated its interest in promoting the state as a desirable seat for arbitrations when it enacted the Georgia International Commercial Arbitration Code, O.C.G.A. §§ 9-9-20 *et seq.* (Supp. 2015), which became effective July 1, 2012, see Act of May 2, 2012, No. 713, § 2, 2012 Ga. Laws 961, 976.
6. See generally, e.g., Thomas J. Stipanowich, Arbitration: *The 'New Litigation,'* 2010 U. ILL. L. REV. 1 (2010).
7. See DEL. CODE ANN. tit. 10, § 5803(a)(4).
8. See *id.* § 5807(a).
9. See *id.* § 5803(a)(4).
10. *Id.* § 5805. After such a petition or application, each party shall submit to the court up to three proposed arbitrators that are qualified and willing to serve. *Id.* § 5805(a); see also Del. Ch. R. 96(d) (prescribing the procedure for such submissions). The Court of Chancery may appoint arbitrators in any of the following situations: (1) the parties consent to appoint one or more people not designated in the arbitration agreement; (2) failure of the person designated in the agreement to serve; (3) failure of the agreement to name an arbitrator or to provide a method for selecting an arbitrator;
- (4) inability of the parties to appoint an arbitrator; or (5) failure of the procedure set forth in the agreement to appoint an arbitrator. DEL. CODE ANN. tit. 10, § 5805(a).
11. Del. Ch. R. 96(e).
12. DEL. CODE ANN. tit. 10, § 5806(c).
13. *Id.*
14. See *id.* § 5803(b)(2), (5).
15. See *id.* § 5804.
16. *Id.* § 5803(b)(2), (5). Under the Act, the parties are deemed to have “consented to . . . [t]he submission exclusively to an arbitrator of issues of substantive and procedural arbitrability,” and the arbitrator has “power and authority to . . . [d]etermine in the first instance the scope of the arbitrator’s remedial authority.” *Id.* § 5803(b)(2), (5). Parties also are not allowed to go to the courts to “[s]eek to enjoin an arbitration; . . . [r]emove any action under [the Act] to a federal court; . . . [a]ppeal or challenge an interim ruling or order of an arbitrator; . . . [a]ppeal or challenge a final award [except as permitted in the Act]; and . . . [c]hallenge whether an arbitration has been properly held.” *Id.* § 5803(c)(1)-(5).
17. *Id.* § 5804(b).
18. *Id.* § 5803(b)(5), (c)(3).
19. *Id.* § 5808(b).
20. *Id.* § 5808(c). Successful completion of an arbitration within the prescribed time frame is aided by a Delaware Rapid Arbitration Rule limiting final hearings to one day unless the parties’ arbitration agreement or the arbitrators direct otherwise. See Del. Rapid Arb. R. 22.
21. DEL. CODE ANN. tit. 10, § 5806(b).
22. *Id.*
23. DEL. CODE ANN. tit. 10, § 5807(b).
24. *Id.*
25. *Id.* § 5807(c).
26. *Id.* §§ 5809(b), 5810(a).
27. *Id.* § 5810(b)-(c).
28. See *id.* §§ 5809(d), 5810(a).
29. See *id.* § 5809(d).
30. See *id.* § 5809(a).
31. *Id.* § 5809(c). The Federal Arbitration Act is codified at 9 U.S.C. §§ 1 *et seq.* (2012).
32. Del. Const. art. I, § 9.
33. DEL. CODE ANN. tit. 10, § 5803(a)(1).
34. *Id.* § 5803(a)(5).
35. *Id.* § 5803(a)(4).
36. *Id.* § 5803(a)(2).
37. *Id.* § 5803(a)(3).

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The Ben Hill County Courthouse at Fitzgerald:

The Grand Old Courthouses of Georgia

by Wilber W. Caldwell

One of the most compelling examples of the New South myth is found in the stories that detail the creation of the city of Fitzgerald. Accounts of Fitzgerald's beginning as a planned "colony" for Union Civil War veterans have reached legendary proportions. The story is centered in real events, but the historical facts of the episode are clouded by exaggerations and far fetched fabrications, products of the blatant boosterism and distorted self-promotion, which surrounded so many New South enterprises.

Fitzgerald's story, which has largely grown out of original promotional material, begins with what promoters hailed as "the most stupendous colonization scheme even conceived in America." The scheme was the brainchild of Indiana newspaper editor, Philander H. Fitzgerald, who in 1895 began promoting his American Tribune Soldiers Colony. Accounts of the boom at Fitzgerald border on the fantastic. According to one account, only a year after the site was selected, Fitzgerald contained "one bank, three newspapers, two railroads, twenty-five mills and industrial establishments, over two hundred fifty business houses of various kinds . . . and a population of seven thousand or more." Another account related that the town's population went from 100 to 4,000 in the space of only 60 days. And yet another claims that 20 to 300 new settlers arrived daily. An 1896 promotion urged capitalists to "plant your money here" and predicted that the new city would contain 15,000

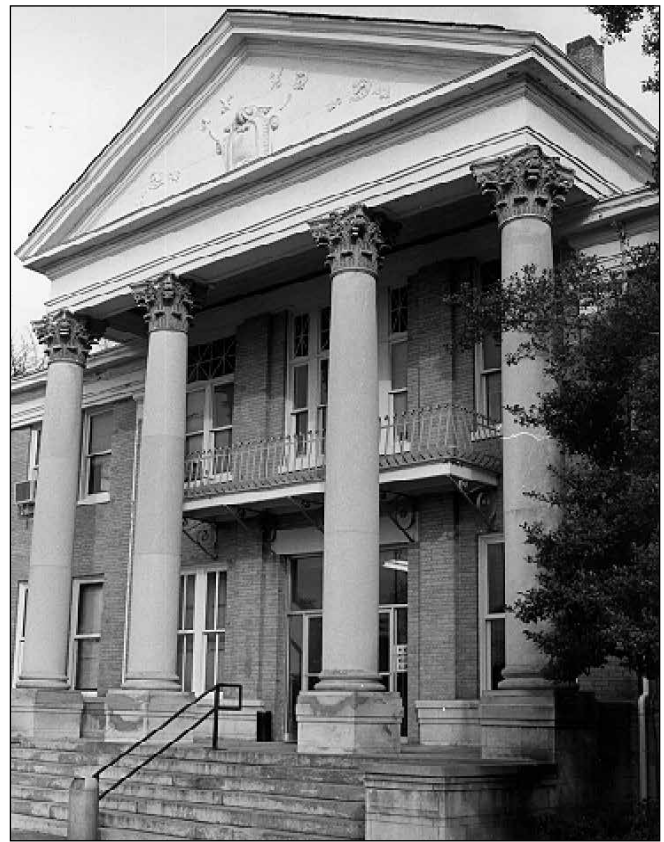


Photo by Wilber W. Caldwell

The Ben Hill County Courthouse at Fitzgerald, built in 1909, H. H. Huggins, architect.

residents by January of 1897 and 40,000 to 60,000 within a year. Northern veterans were joined by locals, and the myth of Fitzgerald as the epitome of New South progress was further enhanced by the image of the place as a model for reconciliation and good will between North and South.

In the middle of such optimism, it is difficult to assess the true state of affairs in Fitzgerald in 1896. To be sure, there was a large response to Philander Fitzgerald's glowing promotions. In that year, the Midwest had been devastated by drought, and settlers flocked to

the new “colony.” But it appears that P. H. Fitzgerald had promoted his “New Canaan” before he purchased the land. As settlers began to arrive, his deal to purchase a site in Montgomery County had fallen through, and Fitzgerald was scrambling to acquire the tract in Irwin County near the tiny village of Swan. When the settlers arrived at Swan, they found nothing but a few wooden buildings and a rickety saw mill. Within a few months a sprawling slum, known as “Shacktown,” appeared, and the Northern press was decrying the horrid conditions of the place. Nonetheless, the streets of the city that was to become Fitzgerald were laid out in 1895, and a permanent town began to rise. The exact size of the initial boom will never be known, but there can be little doubt that it was not nearly so large as promoters claimed. In addition, many of the early settlers must have simply left after one look at “Shacktown.” In a much-needed benchmark to reality, the 1900 U.S. Census places Fitzgerald’s population at 1,817.

By 1901, Philander Fitzgerald was beset by myriad lawsuits, and his American Tribune Soldiers’ Colony Company was in the hands of a receiver. In that year, Fitzgerald left Georgia, attempting a similar real estate promotion in Texas. But he was besieged with similar legal problems there. Finally, he attempted to establish a second “colony” in Georgia, but by then he was entangled in countless suits and indictments and his credibility was low.

Philander Fitzgerald was finally convicted of mail fraud in 1907. In that same year, The Atlanta, Birmingham and Atlantic Railroad began what was to become arguably the finest depot on its line at Fitzgerald. A vague imitation of the Spanish Mission Style depots so popular with The Atlantic Coast Line Railroad, the A. B. A.’s great depot at Fitzgerald offers convincing testimony to the town’s considerable progress. Despite the exaggerations surrounding her beginnings and the questionable dealings

of her founder, by 1907, Fitzgerald, with more than 6,000 residents, had eclipsed Tifton as the principal rail center in south-central Georgia, was as large as Cordele and nearly as large as Valdosta.

In 1907, as the plans for Fitzgerald’s fine depot were drawn, Ben Hill County was created from Irwin and Wilcox with Fitzgerald as the county seat. By 1908, bonds had been approved, and county leaders had selected a courthouse plan by Virginia architect, H. H. Huggins.

We know little of the selection process, except that 14 architects presented plans in Fitzgerald in December of 1908 and that Huggins’ plan was selected from this group by the county commissioners. This was to be Huggins’ only courthouse in Georgia, and it bears resemblance to his Roanoke County Courthouse in Roanoke, Va., which rose at about the same time.

Henry Hartwell Huggins was a man of his times. With very little architectural training to support a great deal of ambition, audacity and swagger, he fashioned a successful architectural practice in Roanoke, Va., beginning in the 1890s. His brash and boastful promotional style, along with Roanoke’s considerable boom, had propelled Huggins’ career forward into the new century. Roanoke, like Fitzgerald was known as “The Magic City,” and riding the wave of new building there, Huggins boasted in his advertising that he had designed more Roanoke housing “than any other twelve architects, and I can prove it.” It appears that this boastful approach won the day in Fitzgerald.

Also winning the day in Fitzgerald was Huggins’s personal version of the architectural style that was by then coming to be called “Southern Colonial.” The Georgian or “Colonial” Revival, which had been underway in the North for decades, had gained strength by the turn of the century. This Classical revival was freely interpreted in the American South in order to simultaneously satisfy Southerners’ peculiar desires for both “monumental-

ity and neighborliness.” Inherent in most Southern solutions were columns. For Southerners, “the fact that columns were rarely if ever found on true Colonial homes mattered little. Anything that smacked of antiquity was termed ‘Colonial.’” Here was the same freewheeling neoclassical solution that had appeared in Georgia in the public buildings of James Golucke, T. F. Lockwood and Frank Milburn. Huggins added his own personal twist, resting the grand portico on top of the cornice of the main mass of the composition, and thus creating a kind of extend dormer terminating in the great pediment with its frilly plaster decoration in the tympanum.

In an interesting footnote to Fitzgerald’s architectural history, Henry H. Huggins died in Richmond, Va., under mysterious circumstances in 1912, only three years after the completion of this courthouse. According to the *Richmond Times-Dispatch*, the architect had been leading a double life, with a wife and child in Roanoke and another wife in Richmond. If the exaggerations surrounding the creation of the city of Fitzgerald and the lives of Philander Fitzgerald and Henry Huggins are any barometer, in the decades that followed the turn of the 19th century, the New South was indeed a mythical place, built on the flimsy foundations of unrealized dreams and populated by brash promoters with feet of clay. 

Excerpted by **Wilber W. Caldwell**, author of “The Courthouse and the Depot, The Architecture of Hope in an Age of Despair, A Narrative Guide to Railroad Expansion and its Impact on Public Architecture in Georgia, 1833-1910,” (Macon: Mercer University Press, 2001). Hardback, 624 pages, 300 photos, 33 maps, 3 appendices, complete index. This book is available for \$50 from book sellers, and Mercer University Press at www.mupress.org or call the Mercer Press at 800-342-0841 inside Georgia or 800-637-2378 outside Georgia.

Kudos

>  **Duane Morris LLP** announced that associate **Kenneth B. Franklin** received the firm's ninth annual **Duane Morris Pro Bono Award**. The award honors the outstanding service of an attorney or group of attorneys who exemplifies the firm's commitment to pro bono service and has made a significant impact on an individual or community.

>  **The Becker Law Firm, LLC**, announced that principal attorney **Brian A. Becker** has attained the **Certified Financial Planner™ practitioner** designation. Becker's practice is limited to wills, trusts and estates, business planning and mediation.

>  **Miller & Martin PLLC** announced that **Laura Ashby**, member of the firm's litigation department, competed as a contestant on a November airing of America's favorite Quiz Show® "**Jeopardy!**"

> The **Georgia Trial Lawyers Association** announced that the following attorneys were selected for the **2015-16 Leadership Education & Advanced Direction (LEAD) Program Class**: **Lisa Bobb**, Morgan & Morgan; **Gino Brogdon**, The Brogdon Firm; **Alexandra "Sachi" Cole**, Parks, Chesin & Walbert; **Andrew Conn**, Savage, Turner & Pinckney; **Bethaney Embry**, The Embry Law Firm; **Angela Fox**, The Summerville Firm; **Alexander Hoffspiegel**, Hoffspiegel & Associates; **Adam King**, Nicholson Revell; **Thomas Lyman**, Lyman Parast LLC; **Chadrick Mance**, The Mance Law Group; **Kyle Moore**, Lazenby Law Group; **Robert "Wesley" Starrett**, Law Office of Jack Clay; **Linton "Blade" Thompson**, Alexander Shunnarah Georgia; **Matthew T. Wilson**, Princethal & May; **W. Matthew Wilson**, Barnes Law Group; and **Sharon Zinns**, Levy Konisberg. Now entering its third year, the widely-acclaimed LEAD Program serves to train and equip GTLA members who have been identified as potential leaders in the Association with the necessary tools to take the next steps in their legal careers, both in and out of the courtroom.

> **Childs & Noland** announced that partner **William Noland** is now offering civil mediation services as a registered mediator with the Georgia Commission on Dispute Resolution. Noland has 15 years of litigation experience in a wide variety of practice areas and intends to use this experience to help parties resolve their disputes outside of court.

>  The **Emory University Board of Trustees** appointed **Leah Ward Sears**, partner, **Schiff Hardin**, as a **trustee** to its executive committee. Sears will serve as vice chair of the governance, trusteeship and nominations committee. The 43-member board of trustees oversees the governance and long-range fiduciary health of the university. Between meetings of the board, the executive committee has general charge of the affairs of the university and carries out any directions or resolutions of the board until the board's next meeting.

> **Karen Turnage Boyd** of **Turnage Boyd Law** received the "**Above and Beyond**" Award from **Legal Aid of East Tennessee (LAET)** for the volunteer legal services she provides, primarily through running Legal Aid's pro se divorce clinics throughout eastern Tennessee. The award was presented during LAET's celebration dinner in November, which included members of the Tennessee Supreme Court.

>   **Kilpatrick Townsend & Stockton** announced that attorney **Michael Rafter** was appointed to the **Lambda Legal Atlanta Leadership Committee** and named a **board member** of the **Stonewall Bar Association of Georgia**. Lambda Legal is the oldest and largest national legal organization whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. The Stonewall Bar is a professional association of attorneys, judges, law students, paralegals and other legal professionals who support the rights of lesbian, gay, bisexual and transgender people, and oppose discrimination based upon sexual orientation or gender identity.

John Moyer was elected to the **Governing Board of Crossroads Community Ministries**. Crossroads Community Ministries provide a variety of services to people who are homeless to find shelter and stability.

> **Tom Branch** of **Mallernee, Branch & Daffner LLP** was awarded the **2015 Cox Conserves Hero Award** for volunteer service with the Frazier-Rowe Park in DeKalb County. The annual award is presented by **Channel 2 WSB-TV** and **The Trust for Public Land** for volunteer service in the environmental/conservation area. Cox Conserves Heroes was created in

2008 through a partnership between The Trust for Public Land and Cox Enterprises, the parent company of Channel 2 WSB-TV.

- >  **Davis, Matthews & Quigley, P.C.**, announced that shareholder **Elizabeth Lindsey** was elected **second vice president** of the **American Academy of Matrimonial Lawyers**. The American Academy of Matrimonial Lawyers was founded to provide leadership that promotes the highest degree of professionalism and excellence in the practice of family law.

- >  **Taylor English Duma LLP** announced that partner **Michael H. Trotter** was appointed **chairman** of the **law firm finance committee** of the **Law Practice Division of the American Bar Association**. In addition, Trotter was named to the **Board** of the **Knowledge Strategy Interest Group** of the division. The committee oversees the division's activities relating to law firm finance covering advice to law practitioners and law firms concerning the financial aspects of practicing law including billing and collection arrangements, financial records and their utilization, firm capitalization, attorney compensation programs, banking relationships, technology utilization, retirement and succession planning.

The firm received the **2015 S. Philip Heiner Award**, presented by the **Atlanta Volunteer Lawyers Foundation**, for the firm's sponsorship of an awareness-raising film series and ongoing commitment to its Saturday Lawyer Program and other pro bono initiatives during the Atlanta Bar Association's Celebrating Service Luncheon and Pro Bono Fair in October. The annual award is presented to an organization that embodies the ideals and dedication of the late Phil Heiner, a tireless defender of volunteer legal service to the poor.

- >  **Boyd Collar Nolan & Tuggle** announced that partner **Kathleen Connell** was **reappointed** by Gov. Nathan Deal to the **Georgia Commission on Child Support** for a four-year term. The Georgia Commission on Child Support was created to study and collect information and data relating to child support awards, and to work with the Legislature related to Georgia child support statutes. Members of the commission are responsible for conducting thorough investigations on child support guidelines, economic conditions, and all matters related to Georgia family life.

- >  **Bouhan Falligant** announced that partner **Dolly Chisholm** received the **2015 H. Sol Clark Award**, presented by the **Access to Justice Committee of the State Bar of Georgia** and the **Pro Bono Project**. Chisholm was honored for her professionalism and commitment to, and support for, the delivery of pro bono civil legal services to the poor and underserved in Savannah and surrounding communities. The award is named for former Court of Appeals of Georgia Judge H. Sol Clark of Savannah and honors an individual lawyer who has excelled in one or more of a variety of activities that extend civil legal services to the poor.

- >  **Hoffman & Associates** announced that **Doug McAlpine**, of counsel, was elected **president** of the **Georgia Chapter of the AAA-CPA (American Academy of Attorney CPAs)**. Founded in 1964, the AAA-CPA's purpose is to protect the rights of those dually qualified to practice as both attorneys and certified public accountants as they see fit, be it law, accounting or both.

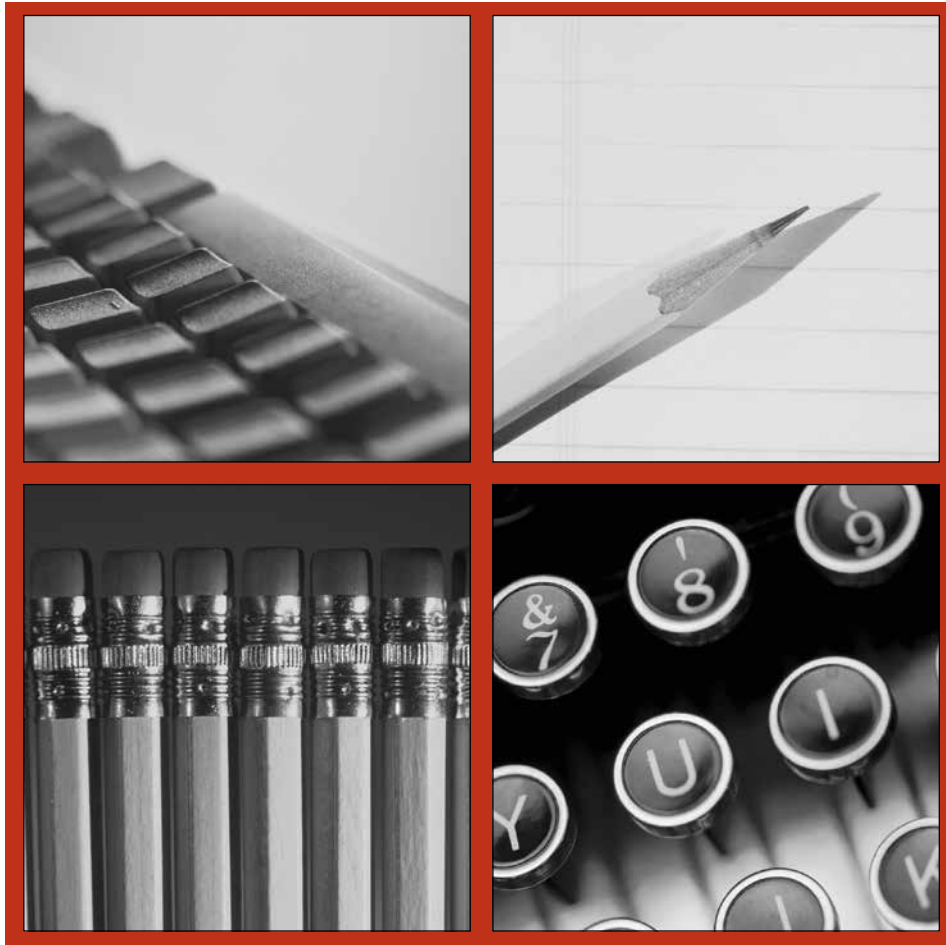
- >  The **American Bar Association** announced that **Brittney (Diggs) Alls** was selected as one of five attorneys nationwide to participate in their **Inaugural Dispute Resolution Fellowship Program**. The Section of Dispute Resolution is the premier group within the ABA that addresses ADR policy and practice. This fellowship program aims to support young professionals as they advance a career in ADR. Alls is Ombudsman for the nearly 24,000 students and 52 schools and centers throughout Richland County School District One in Columbia, S.C.

On the Move

In Atlanta

- > **Lisa Liang** was named **staff attorney** to the **Hon. Susan E. Edlein, State Court of Fulton County**. Liang was formerly with Atlanta Legal Aid's health law department. The State Court of Fulton County is located at Justice Center Tower, Suite T-2655, 185 Central Ave. SW, Atlanta, GA 30303; 404-613-0490; Fax 404-893-1844; www.fultonstate.org.
- > **Barnes & Thornburg** announced the elevation of **Kara Cleary** to **partner**. Cleary concentrates her practice on insurance coverage litigation on behalf of policyholders in various industries, including

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The Editorial Board will review all submissions and decide on publication.

consumer products, financial services, construction, technology, forest products and pharmaceuticals. The firm is located at 3475 Piedmont Road NE, Suite 1700, Atlanta, GA 30305; 404-846-1693; Fax 404-264-4033; www.btlaw.com.



Hoffman & Associates announced the addition of **Cassandra Ceron** as an **associate**. Ceron specializes in the areas of wills, trusts, estate administration, and probate and guardianship/conservatorship of incapacitated adults. The

firm is located at 6100 Lake Forrest Drive, Suite 300, Atlanta, GA 30328; 404-255-7400; Fax 404-255-7480; www.hoffmanestatelaw.com.



Butler Wooten Cheeley & Peak LLP announced **Tedra L. Cannella** was elected **partner**. Cannella's practice focuses on products liability, breach of fiduciary duty, business torts, wrongful death, and trucking and automobile wrecks.

The firm is located at 2719 Buford Highway, Atlanta, GA 30324; 800-242-2962; www.butlerwooten.com.

The law office of **Wm. Jarell Jones, PC**, announced its relocation to Atlanta. The firm provides representation in taxation, real estate, general business matters, business litigation, estates and trusts, and securities law. The office is now located at 375 Northridge Road, Suite 330, Atlanta, GA 30350; 770-394-6000; Fax 888-842-8542; www.wjjpc.com.



Knoop



Harrison

Polsinelli announced the election of **Michael Knoop** and **Teeka Harrison** to **shareholders**. Knoop focuses on commercial litigation while Harrison focuses on labor and employment. The

firm is located at 1355 Peachtree St. NE, Suite 500, Atlanta, GA 30309; 404-253-6000; www.polsinelli.com.



Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announced the addition of **Sameer Kapoor** as **counsel**. Kapoor represents the interests of secured lenders and other creditors in out-of-court workouts and restructuring transactions,

bankruptcy proceedings and other financial litigation matters. The firm is located at 3414 Peachtree Road NE, Suite 1600, Atlanta, GA 30326; 404-577-6000; Fax 404-221-6501; www.bakerdonelson.com.



Ruffin



Kim

Burr & Forman LLP announced the addition of **Charles W. "Chase" Ruffin** and **Sharon Kim** as **associates**. Ruffin represents individuals and businesses in eminent domain dis-

putes against state and local governments, and has helped to secure multiple judgments and settlements. Kim assists clients with mergers and acquisitions, commercial lending and general corporate matters. The firm is located at 171 17th St. NW, Suite 1100, Atlanta, GA 30363; 404-815-3000; Fax 404-817-3244; www.burr.com.

Womble Carlyle Sandridge & Rice LLP announced the addition of **Duane "Chip" Presten** as **partner**. Presten represents clients in complex mergers and acquisitions of both public and private companies. The firm is located at 271 17th St. NW, Suite 2400, Atlanta, GA 30363; 404-872-7000; Fax 404-888-7490; www.wcsr.com.



Hunton & Williams LLP announced that **Sara Hamilton** has joined the firm as an **associate** in its labor and employment practice. Hamilton has litigated cases involving the Fair Labor Standards Act, Title VII of the Civil Rights Act, the Age

Discrimination in Employment Act and related state statutes. The firm is located at Bank of America Plaza, Suite 4100, 600 Peachtree St. NE, Atlanta, GA 30328; 404-888-4000; Fax 404-888-4190; www.hunton.com.

Davis, Matthews & Quigley, P.C., announced **John A. Sugg** was elevated to **shareholder**. Sugg will continue his practice in the business litigation practice group where he represents small businesses, large international companies and individuals, including high net worth clients in a variety of matters, including contract disputes, tax litigation, real estate, construction and business torts. The firm is located at 3400 Peachtree Road NE, Suite 1400, Atlanta, GA 30326; 404-261-3900; Fax 678-904-3169; www.dmqlaw.com.



Jones Day announced the addition of **Ryan K. Walsh** as a **partner**. Walsh's practice focuses largely on patent litigation in numerous key technologies, including wireless communications, networking and medical devices. The

firm is located at 1420 Peachtree St. NE, Suite 800, Atlanta, GA 30309; 404-521-3939; Fax 404-581-8330; www.jonesday.com.



Wasser

Hu

Kesler

Phiri

Elarbee Thompson announced the addition of **Brent Wasser** and **Sydney S. Hu** as **associates** and **Crystal D. Kesler** and **Nigel Phiri** as **staff attorneys**. Wasser defends clients in lawsuits alleging violations of the Fair Labor Standards Act, unlawful discrimination and/or retaliation in violation of Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and various state law claims such as invasion of privacy and defamation. Hu's practice focuses on representing private and government organizations in employment matters involving workplace discrimination, wage and hour disputes, and various other federal and state law claims. Kesler represents public and private employers in the areas of complex litigation and labor and employment law. Phiri focuses on complex litigation and labor and employment law. The firm is located at 229 Peachtree St. NE, Atlanta, GA 30303; 404-659-6700; Fax 404-222-9718; www.elarbeethompson.com.

Bryan Cave LLP announced the addition of **Rob Lystad** as a **partner**. Lystad focuses his practice on business and commercial transactions, with an emphasis on privately held and emerging companies, and the advertising, agribusiness and payments industries. The firm is located at One Atlantic Center, 14th Floor, 1201 W. Peachtree St. NW, Atlanta, GA 30309; 404-572-6600; Fax 404-572-6999; www.bryancave.com.

In Brunswick

HunterMaclean announced the addition of **Joseph F. Strength** as a **partner**. Strength practices in the areas of real estate and development law and has extensive experience in a variety of real estate related matters. The firm is located at 777 Gloucester St., Suite 400, Brunswick, GA 31520; 912-262-5996; Fax 912-279-0586; www.huntermaclean.com.

In Calhoun

Brumlow, Corwin & Delashmit, PC, announced the addition of **John Robbins** as an **associate**. The firm is located at 1287 Curtis Parkway, Calhoun, GA 30701; 706-625-0872; www.realestateclosingservices.net.

In Cartersville

Terry Brumlow, Ted Corwin and **Howard Delashmit** announced the formation of the law firm **Brumlow, Corwin & Delashmit, PC**, focusing on residential and commercial real estate. The Cartersville office is located at 250 S. Tennessee St., Cartersville, GA 30120; 770-382-5259; www.realestateclosingservices.net.

In Columbus

Page, Scrantom, Sprouse, Tucker, and Ford, P.C., announced the addition of **LaRae D. Moore, George W. Mize Jr.** and **William C. Pound** as **attorneys**. Moore concentrates her practice in the area of general civil litigation. Mize's areas of concentration include real estate, commercial lending, business and corporate law and franchising. Pound's practice areas include commercial transactions, commercial and residential real estate transactions, property tax appeals, and business and corporate law. The firm is located at 1111 Bay Ave., Third Floor, Columbus, GA 31901; 706-324-0251; Fax 706-243-0417; www.columbusgalaw.com.

In Evans

Wright McLeod Attorneys at Law announced the addition of **H. Wilson Haynes Jr.** as **partner**. Haynes practices in the areas of residential and commercial real estate transactions, easements, real estate development, real estate litigation, probate law and foreclosure law. The firm is located at 4420 Evans to Locks Road, Evans, GA 30809; 706-210-8040; Fax 706-210-0940; www.mcleod.com.

In Savannah

Hall, Arbery, Gilligan, Roberts & Shanlever LLP announced the opening of a new office in Savannah and the addition of **Kristen Goodman** and **Maury Bowen** as **partners**.



Goodman

Bowen

Goodman handles a variety of business and litigation matters, with a special emphasis on employment law, formation of and risk allocation for businesses, trade secrets and health care law. Bowen advises and defends corporate clients on a wide variety of issues, including lawsuits, arbitrations, administrative charges, employment decisions of all types, collective bargaining issues and multi-employer benefit plan management. The firm is located at 100 Commercial Court, Suite D, Savannah, GA 31406; 912-777-6636; Fax 912-417-2031; www.hagllp.com.



O'Reilly



Dorminy

Savage, Turner & Pinckney announced the addition of **Shannon O'Reilly** and **Josh Dorminy** as **associates**. Both O'Reilly and Dorminy focus on general civil trial practice, including severe personal injury, wrongful death, product liability, business tort litigation and construction litigation. The firm is located at 102 E. Liberty St., Eighth Floor, Savannah, GA 31401; 912-231-1140; Fax 912-232-4212; www.savagelawfirm.net.



Pearson



Hinchey



Drought

Oliver Maner LLP announced the additions of **Todd Orlando Pearson**, **Patrick W. Hinchey** and **Irwing William Drought III** as **associates**. Pearson practices business and financial services litigation and civil rights litigation. Hinchey focuses on personal injury and wrongful death, business litigation and medical malpractice defense. Drought focuses on medical malpractice defense and general litigation. The firm is located at 218 W. State St., Savannah, GA 31401; 912-236-3311; Fax 912-236-8725; www.olivermaner.com.



Smith



Macchiaverna



Barkley



Porter



Pope

HunterMaclean announced the addition of **Christopher H. Smith** and **Francesca Macchiaverna** as **partners**, and **Patrick L. Barkley**, **Jonathan A. Porter** and **Nicole L. Pope** as **associates**. Smith concentrates his practice in the areas of health care, commercial litigation and transactions, construction, employment, insurance, catastrophic injury and transportation/logistics law. Macchiaverna represents clients in matters including bankruptcy and creditors' rights, real estate, mechanic's liens and bonds, health care, post-judgment and foreign judgment collections, and landlord-tenant disputes. Barkley practices primarily in the areas of business litigation, commercial disputes and contract matters. Porter focuses on business litigation. Pope focuses on corporate law practice. The firm is located at 200 E. Saint Julian St., Savannah, GA 31412; 912-236-0261; Fax 912-236-4936; www.huntermaclean.com.

In Miami, Fla.



Fox Rothschild LLP announced the addition of **Scott Bettridge** as a **partner**. Bettridge represents both corporate and individual clients in U.S. immigration matters, with a focus on global workforce mobility issues such as due diligence considerations and risk management assessments for mergers, acquisitions, restructurings, downsizings and startups. The firm is located at 2 S. Biscayne Blvd., One Biscayne Tower, Suite 2750, Miami, FL 33131; 305-442-6540; Fax 305-442-6541. www.foxrothschild.com.

In Charleston, S.C.

Graybill, Lansche & Vinzani, LLC, announced the addition of **Brett D. Budlong** as an **attorney**. Budlong advises developers, investors, lenders, buyers and sellers with regard to financing, leasing, land use and development, planned unit developments, construction, real estate title insurance and all aspects of structuring commercial loan, CMBS and business transactions. The Charleston office is located at 225 Seven Farms Drive, Suite 107, Charleston, SC 29492; 843-628-7544; Fax 803-404-5701; glvlawfirm.com.

CORRECTION

In the December 2015 issue of the *Georgia Bar Journal*, we incorrectly printed that Harold E. Gill Jr. joined the Louisville, Ky., office of Stites & Harbison, PLLC. Gill was added as a partner in the Atlanta office. The firm is located at 303 Peachtree St. NE, 2800 SunTrust Plaza, Atlanta, GA 30308; 404-739-8800; Fax 404-739-8870; www.stites.com. We apologize for this error.

WANT TO SEE YOUR NAME IN PRINT?

If you are a member of the State Bar of Georgia and you have moved, been promoted, hired an associate, taken on a partner or received a promotion or award, we would like to hear from you.

For more information, please contact Lauren Foster, 404-527-8736 or laurenf@gabar.org.

Got to Be More Careful!

by Paula Frederick

Look what I just found in the BigCo discovery documents!" your assistant crows as she walks into your office waving a handful of papers. "It's a memo from outside counsel to the BigCo GC outlining the weaknesses in their case!"

"Whaaaattt??? Let me see!" you respond, reaching for the documents.

"Don't look at that!" your partner shouts as he joins the party. "It's an ethics violation to read a document you know was sent by mistake. We have to send this back!"

"Are you kidding?" you respond. "Our client will kill us if he finds out we got this and didn't read it! Our first duty is to zealously represent the client, remember?"

Who is right?

Neither of you.

As of this writing Georgia doesn't have a rule requiring that a lawyer take any particular course of action upon receipt of mistakenly sent information. Some lawyers believe it is unprofessional to take advantage of a mistake by opposing counsel, and they choose to return mistakenly sent documents without reading them. Others think you violate your duties to the client if you *don't* read any document that might help the client's case.

At its Midyear Meeting, the Bar's Board of Governors approved a proposed amendment to the Rules of Professional Conduct that would address this issue. Rule 4.4(b) will require a lawyer who receives a document or electronically stored information that was inadvertently sent to notify the sender. As proposed, the rule will not require any additional action by the recipient of inadvertently sent information, so the recipient may read the document or even attempt to use the information to the detriment of the sender.



During debate, some Board members expressed a preference for a stronger rule—one that would prohibit a lawyer from reading inadvertently sent material and require that it be returned to the sender. The Disciplinary Rules Committee will discuss their request and may propose additional comments be added to the Rule. In the meantime, the Rule as currently drafted will be published in a future issue of the *Bar Journal* for comment.

Stay tuned. 



Paula Frederick is the general counsel for the State Bar of Georgia and can be reached at paulaf@gabar.org.



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Attorney Discipline Summaries

(Oct. 10, 2015 through Dec. 10, 2015)

by Connie P. Henry

Disbarments/Voluntary Surrenders

Douglas J. Mathis

St. Simons Island, Ga.

Admitted to Bar 1983

On Oct. 19, 2015, the Supreme Court of Georgia disbarred attorney Douglas J. Mathis (State Bar No. 477039). The following facts are admitted by default. A client paid Mathis \$135,000 to conduct a real estate closing. Mathis conducted the closing and issued a settlement to the parties, but the seller never received any funds or a copy of the warranty deed. The client later learned that Mathis had disappeared and had converted the funds to his own use.

In another matter Mathis drafted estate planning documents for a husband and wife and kept their original wills. Mathis was appointed the successor trustee of the husband's irrevocable trust. When the husband died, the wife learned that Mathis had disappeared and had converted the funds to his own use. The Supreme Court entered an interim suspension against Mathis in April 2015.

Michael L. Terrell

Acworth, Ga.

Admitted to Bar 2006

On Nov. 2, 2015, the Supreme Court of Georgia accepted the petition for voluntary surrender of license of attorney Michael L. Terrell (State Bar No. 143179). Terrell received a \$100,000 check from an insurance

company in settlement of his client's personal injury claim. The check was made payable to the client and The Terrell Law Firm. Terrell failed to render an accounting of the funds to his client despite her request that he do so. The Supreme Court entered an interim suspension against Terrell in June 2015.

Wilson R. Smith

Vidalia, Ga.

Admitted to Bar 1976

On Nov. 16, 2015, the Supreme Court of Georgia accepted the petition for voluntary surrender of license of attorney Wilson R. Smith (State Bar No. 665025). Wilson entered a guilty plea to mail fraud and aggravated identity theft in the U.S. District Court for the Southern District of Georgia.

Suspensions

James A. Meaney III

Dalton, Ga.

Admitted to Bar 1973

As reciprocal discipline, on Nov. 16, 2015, the Supreme Court of Georgia suspended attorney James A. Meaney III (State Bar No. 500491) for a period of three months with conditions for reinstatement. Meaney received similar discipline in Tennessee as a result of practicing law while temporarily suspended for failure to comply with continuing legal education requirements, failure to pay a professional privilege tax

and failure to respond to the investigation of a discipline complaint, with a prior disciplinary infraction serving as an aggravating factor. The Supreme Court of Tennessee ordered that Meaney be suspended for 11 months and 29 days, with three months served as an active suspension and the remainder probated. Identical discipline was not possible under Georgia Rules. Meaney's reinstatement in Georgia is contingent on his reinstatement in Tennessee.

Tony Curtis Jones

Albany, Ga.

Admitted to Bar 1984

By order dated Dec. 1, 2015, the Supreme Court of Georgia accepted the petition for voluntary discipline of Tony Curtis Jones (State Bar No. 403935) for a 12-month additional suspension to run consecutive to his current suspensions, which were in effect until Oct. 3, 2014, with conditions for reinstatement. Jones was under suspension pursuant to two Court orders. One suspension was for 18 months with reinstatement conditioned on him repaying his client the full judgment entered against him. The second suspension was for an additional six months with conditions to resolve three additional grievances.

Docket No. 6484—In January 2011, a client paid Jones \$4,000 to defend him against criminal charges. When Jones was suspended in October 2011, he told the client that he could no longer represent him. Jones offered to refund unearned fees, but the client had already filed a grievance. Jones subsequently resolved the refund matter with his client. Jones failed to file a timely response to the Notice of Investigation.

Docket No. 6485—In December 2009, a client retained Jones to defend him against charges of sexual assault and failure to register as a sex offender, along with a probation revocation action based on the new criminal charges. The client's probation was revoked, and he entered a plea on the new

charges. Jones said that he told his client that his representation ended with the plea, and that he would need new counsel for any appeal. After the plea, the client wrote Jones three letters regarding an appeal, but Jones claims that he never received them. Jones failed to file a timely response to the Notice of Investigation.

Docket No. 6486—In June 2009, a client's family retained Jones to defend the client against armed robbery charges. After the client's first trial ended in a mistrial, he was indicted on additional armed robbery charges. On the day of the new trial, when Jones was not in good standing with the State Bar for failure to pay dues, Jones appeared on the client's behalf and the client agreed to plead guilty to all charges. The agreement called for a 20-year sentence, with credit for time served. The client was sentenced to 20 years, with no credit for time served. Jones told the family that he would look into correcting the sentence or withdrawing the plea, but he took no action and the time for withdrawing the plea expired. Jones failed to file a timely response to the Notice of Investigation.

The Court noted in aggravation a pattern of misconduct; that the petition covered multiple offenses; and that Jones had substantial experience in the practice of law. In mitigation, all of the grievances arose from conduct that occurred between 2009 and 2011, when Jones was struggling with personal problems and mental health issues, and these same problems led to his earlier suspensions. The Court noted that Jones lacks a dishonest or selfish motive; that he accepts responsibility for his errors and that he is remorseful; and that once he became engaged in the disciplinary proceedings, he exhibited a cooperative attitude.

Jones must refund \$2,000 to the mother of the client in Docket 6486; and he must submit to binding fee arbitration in Docket 6486, if the client's mother requests such arbitration.

*"He who is his own lawyer
has a fool for a client."*

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Public Reprimand

Susan Michele Brown

Newnan, Ga.

Admitted to Bar 1997

On Oct. 19, 2015, the Supreme Court of Georgia accepted the petition for voluntary discipline of attorney Susan Michele Brown (State Bar No. 090043), and ordered that she receive a public reprimand with the condition that she consult with the Law Practice Management Program of the State Bar within 60 days and follow its recommendations. Brown represented a wife in a divorce action and was required to hold funds generated by the sale of property during the divorce in trust. Although she held the funds separate from her own, she failed to do so within her trust account. She delayed distributing funds to the husband at the conclusion of the divorce proceedings, because her client wished to ensure that the husband paid certain debts. The husband's subsequent contempt action was resolved by a consent order which required Brown to disburse the funds to the husband's counsel to be held in trust until the husband complied with conditions. Brown disbursed the funds from her trust account, using money that she had earned from other clients. The check,

however, failed to indicate that it was drawn on a trust account.

In another matter a client hired Brown on a contingency basis to represent him in an action against his employer based on his claims of assault and work place harassment. Brown failed to supplement her client's responses to the defendant's discovery requests and failed to respond to the defendant's motion to compel those responses. As a result, the case was dismissed without prejudice. Shortly thereafter the client hired new counsel. Brown ultimately communicated with the new counsel and negotiated a resolution to pay the client for the loss of his claims.

In mitigation, Brown asserted that she had no prior discipline, that she was remorseful and that she cooperated with the Bar during the disciplinary proceedings. With regard to the divorce case, Brown accepted responsibility for her misconduct but denied any dishonest or selfish motive. With regard to the employment case, Brown accepted responsibility for her lack of diligence, but offered in mitigation that her father became ill at that time, and that her mistakes were due to personal and emotional distress. The Court noted that all persons who were

harmed by Brown's actions were made whole.

Reinstatement Granted

Kimberly Laverne Copeland

Jesup, Ga.

Admitted to Bar 1996

On Oct. 29, 2015, the Supreme Court of Georgia determined that attorney Kimberly L. Copeland (State Bar No. 186783) had complied with all of the conditions for reinstatement following her suspension, and reinstated her to the practice of law in Georgia effective Nov. 11, 2015.

Interim Suspensions

Under State Bar Disciplinary Rule 4-204.3(d), a lawyer who receives a Notice of Investigation and fails to file an adequate response with the Investigative Panel may be suspended from the practice of law until an adequate response is filed. Since Oct. 10, 2015, one lawyer has been suspended for violating this Rule and none have been reinstated. 



Connie P. Henry is the clerk of the State Disciplinary Board and can be reached at connieh@gabar.org.



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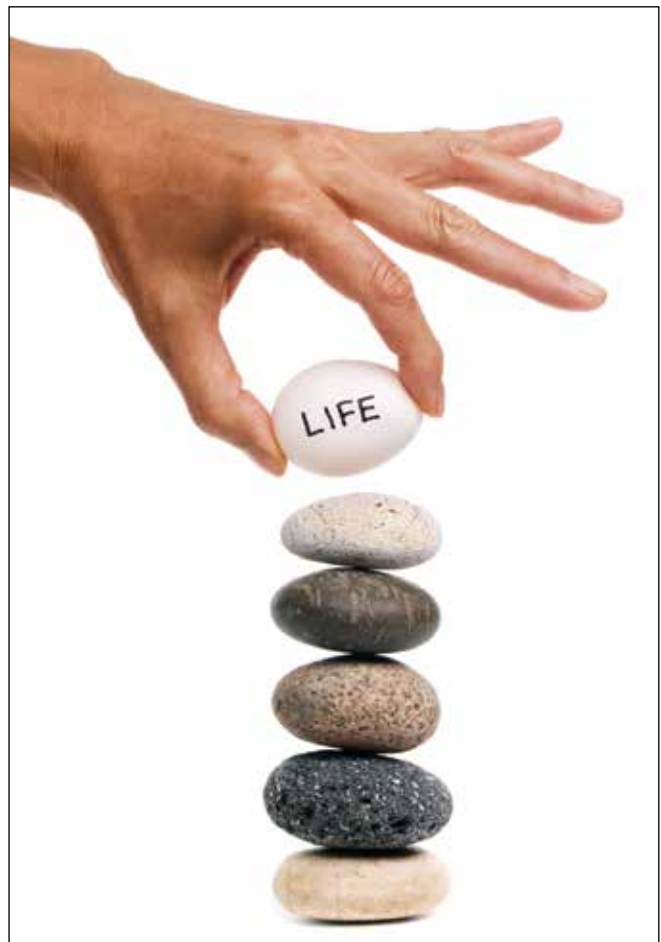
Tipping the Scales: Tips to Help Achieve More Work-Life Balance

by Natalie R. Kelly

Most people have probably gotten their New Year's resolutions underway by now, and those resolutions likely include steps to address overarching needs about how to be more organized, healthy and productive. For lawyers, these sorts of resolutions can help them move toward a more balanced life at work and at home. If you lack a personal resolutions list from which to work, here are 10 tips (resolutions, if you like) to help you attain a healthier balance.

Reassess your strengths and weaknesses and outline what's most important to you.

Quick! Tell me what you are good at, and now, what you aren't. Do these things matter? How so, and if they do, how do they fit into what is most important to you? Finding balance, whether at home or at work, involves understanding what's most important to you, and ranking or prioritizing those



things. Knowing that you're good at something or struggle with something can tune you into areas in your life—again, at work or at home—where you may have work to do to get to the things which are most important. If you need a starting point for work-life balance, check out assessment tools like the Wheel of Life tool at www.mindtools.com.

Pay close attention to your wellness.

Our State Bar president has taken up the cause of wellness for Georgia lawyers, and his call to focus on this aspect of a lawyer's life is very important in the balancing equation of work-life. If it's been more than a year, schedule a physical examination at once, and incorporate exercises that reach not only your body, but your mind as well. Knowing how you feel in the present moment is the starting point for becoming well. Make it a point to visit the doctor annually for a complete physical, too.

Pay attention to others' happiness and work-life balance goals.

How others around you behave will often affect you. Knowing that your colleague is overworked or overwhelmed can help you temper your reactions so as not to put you in uncomfortable or undesirable positions. You might even work together to move toward more positive and similar goals. Caring for others through empathy can yield positive results in your life, which then carries over into your happiness and balance.

Set up personal reward systems for large and small achievements.

Getting "gold stars" really does mean a lot when you are working hard. So reward yourself for a job well done. Learn to give yourself big and small rewards when you've done an exceptional job on any project at work or at home. Be honest in assessing your success, and no matter how small the victory or accomplishment, give yourself the reward. The sense of recognizing accomplishments can make one feel more fulfilled and have a positive effect on work-life balance.

Set goals and create action plans to reach your goals.

Whether for personal health or personal work habits, having concrete goals and workable action plans to help reach the goals are critical to moving the needle on the scale for work-life balance. Remember, doing things in small increments over longer periods of time develop into healthy habits. This is true for diet and exercise routines as well as workflow procedures in the office. Set the goals and use the steps in your plan to go after them!

Use your contacts.

Contacting others helps you feel more in tune with those with whom you have connections. Keeping in touch with clients and business associates reminds them of potential assistance and the latest legal trends in particular practice areas. Managing your connections and creating opportunities for engagement, where desired, can be of benefit to your practice. Staying in touch regularly with friends and family can also be beneficial to one's well being. Busy professionals can strategically contact others whether in the office or on the home front. Just knowing you are not alone goes a long way towards more balance in your life.

Get control of the files you keep.

Set up a file retention and destruction policy to manage all of your files. Georgia Bar Rules require retention of trust accounting records for six years. The time frame within which a client could file an ethical complaint against you is four years and there is a two-year statute of limitations period beyond that time, making for another six-year retention period for client files. So, because seven is often regarded a lucky number, and another year is a "just for good measure" add-on to the six years, seven is the recommended time for how long to keep files. You can, of course, decide whether any of your existing files should be kept longer. Go through all active, open files and

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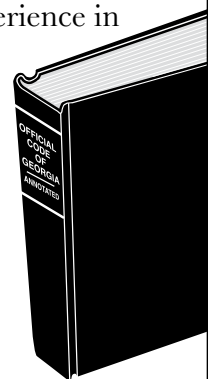
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The Law Practice Management Program is a member service to help all Georgia lawyers and their employees put together the pieces of the office management puzzle. Whether you need advice on new computers or copiers, personnel issues, compensation, workflow, file organization, tickler systems, library materials or software, we have the resources and training to assist you. Feel free to browse our online forms and article collections, check out a book or videotape from our library, or learn more about our on-site management consultations and training sessions, 404-527-8772.

Consumer Assistance Program

The purpose of the Consumer Assistance Program (CAP) is to serve the public and members of the Bar. Individuals contact CAP with questions or issues about legal situations, seeking information and referrals, complaints about attorneys and communication problems between clients and their attorneys. Most situation can be resolved informally by CAP's providing information and referrals to the public or, as a courtesy, contacting the attorney. CAP's actions foster better communications between clients and attorneys in a non-disciplinary and confidential manner, 404-527-8759.

Lawyer Assistance Program

This free program provides confidential assistance to Bar members whose personal problems may be interfering with their ability to practice law. Such problems include stress, chemical dependency, family problems and mental or emotional impairment, 800-327-9631.

Fee Arbitration

The Fee Arbitration program is a service to the general public and lawyers of Georgia. It provides a convenient mechanism for the resolution of fee disputes between attorneys and clients. The actual arbitration is a hearing conducted by two experienced attorneys and one non-lawyer citizen. Like judges, they hear the arguments on both sides and decide the outcome of the dispute. Arbitration is impartial and usually less expensive than going to court, 404-527-8750.

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create tasks lists and reminders for everything to be completed, even if it is just to check the status or review the file for changes. Knowing what's going on in all cases brings a level of confidence and control over your workload, and with that confidence and control comes more balance. If you are a list person and manage files at home, especially for your personal business files, this tip can be doubly rewarding.

Bill on schedule.

The practice of sending bills regularly means you or your firm should have a dedicated time for things such as time entries submitted, reviewing bill drafts and finalizing the bills for delivery to clients. Being on top of your billing can be positive because you are able to see the fruits of your labor at the stage of paying off, and you can efficiently work on other matters without worrying about receivables. The balance shifts more towards life when you've dealt efficiently with this key work process.

Learn and leverage new technology.

New technology is being developed all the time. With wearable technology options, it is now possible to literally eat, sleep and drink with some tech tools nowadays. From health promotion to working tools for practice, learning how to use technology should be a given when you are trying to save time and make your work and personal life a lot easier. There are increasing requirements for lawyers to understand technology as it relates to its use in law practice. There is always a growing number of technologies to aid with making life outside of work (and even at work if you have a home office) easier and more enjoyable. A great place to learn about a broad offering of legal technology can be found at the ABA TECHSHOW (www.techshow.com), which is scheduled for March 16-19, in Chicago. You

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The Lawyer Assistance Program of the State Bar of Georgia is a free program providing confidential assistance to Bar members whose personal problems may be interfering with their ability to practice law. For more information, please call the confidential hotline number at

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might also attend a local technology CLE event. Check www.iclega.org for Georgia events. Another self-learning, and free, option about technology in general can be found at www.gcflearnfree.org.

Use apps/tools for calendaring.

Controlling your time—even down to the tenth of an hour—can help towards achieving balance between work and personal life. Use scheduling assistance programs and linked calendars to collaborate on projects with others and to know where you are supposed to be and when. Some admired group scheduling tools include: Doodle (www.doodle.com); WhenIsGood (www.whenisgood.net); and TimeBridge (www.timebridge.com).

Online schedulers allow others to set up appointments with you by logging onto your online

calendar. Investigate programs like SetMore (www.setmore.com); YouCanBook.me (<https://youcanbook.me>) and ScheduleOnce (www.scheduleonce.com). For linking calendars, look for calendaring integration in your cloud-based practice manager or the program's app to get information to your mobile devices.

Finding a balance between work and home is a continuous process, and by being proactive, you can help lead a more meaningful and productive life. For additional work-life balance resources geared towards lawyers, contact the Law Practice Management Program. 



Natalie R. Kelly is the director of the State Bar of Georgia's Law Practice Management Program and can be reached at nataliek@gabar.org.

Predictions: What's Hot in Pro Bono for 2016

by Michael Monahan

We don't often talk about pro bono publico in terms of being sexy or exciting. But there's so much in pro bono in Georgia that has become cutting edge. Lawyers across the state are engaging in activities that serve the public in ways that are indeed innovative and powerful.

I am singling out several predictions about what I think will be hot in pro bono publico in Georgia for 2016. Perhaps one or more of these predictions will serve to encourage you to step up your pro bono game, get involved, or rethink and revitalize your current approach to pro bono service.

Georgia Bar Rule 6.5

Georgia is definitely keeping pace with other states on rules that encourage pro bono services. Bar Rule 6.5 will be burning hot in 2016. This Nonprofit and Court-Annexed Limited Legal Services Programs rule is a fairly new rule with which lawyers around the state are finally becoming familiar. The most efficient and helpful means of providing legal advice and brief services on a pro bono basis to low-income households is through public interest-sponsored legal clinics, court-based information centers, telephone helplines or web-based legal aid services. The require-



ment of conflicts checks has frequently dampened interest in activities such as these, after all, you need to know who's coming or who will be on the other end of the telephone line before you know you can help. Now, participate in these delivery systems and Rule 6.5 gives you flexibility on conflicts checks, suspending the ordinary prohibitions of Rules 1.7, 1.9 and 1.10 for attorneys volunteering in a legal aid or court-based help center context who might otherwise be conflicted out of accepting a client where an adverse party has been assisted outside the setting by the attorney or by another attorney at the firm. This is permitted as long as the volunteer attorney has no actual or imputed knowledge of the conflict and the advice or brief service is a one-off occasion. Continuing representation beyond the one-time brief consultation or service requires a conflicts check.

Rule 6.5 clearly opens the door for more access to justice in Georgia, and has resulted in greater volunteer participation in legal clinics and other brief volunteer lawyer services since its recent introduction. In 2016, you're likely to see more pro bono legal clinics and increasing pro bono brief advice and virtual services.

A New Law Student Practice Rule

Late in the summer of 2015, the Supreme Court of Georgia totally revamped Part XV of its rules to allow most law students, after one year of law school, to engage in student practice. Rules 91-95 reflect the Court's intention to promote the use of second and third-year law students in the provision of pro bono and other access to justice legal activities. Prof. Clark Cunningham of the Georgia State University College of Law has authored an article in this edition of the *Bar Journal* detailing the new student practice rules (see page 50). For the reasons Prof. Cunningham sets out in his article—experiential learning and the opportunity to make a difference—I say, in 2016, law student pro bono will be hotter than ever.

Recognizing Leadership through Pro Bono Awards

There's nothing that will get your heart racing faster and your soul more satisfied than an award. The State Bar of Georgia sponsors seven civil pro bono-themed awards for individual and group service, for lawyers and for law students. The Atlanta Bar Association and several legal aid and pro bono programs have a line-up of awards as well to get you thinking about the best in pro bono service.

In 2016, you'll see increased competition for the Law School Excellence in Access to Justice Awards given the new law student practice rules. You will also see more local and voluntary bar associations nominated for high-profile pro bono awards in light of their stepped-up access to justice activities in 2015. If you value pro bono as a professional, make sure you take the time



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Questions? Email Mike Monahan
probono@gabar.org.

to nominate a pro bono leader or innovative pro bono program for an award this year.

Interest in Emeritus Activity

According to the U.S. Census, the 65+ population is now growing at a faster rate than the 20-64 population. Baby Boomer lawyers are retiring, restricting their practices or finding ways to adapt and keep working beyond traditional retirement age. Many want to keep some connection to the legal profession. 2016 will be, for many retired lawyers, a year of finding a way to keep practicing in a limited but rewarding context, one that provides an opportunity to transfer highly polished legal skills and wisdom to a younger generation and one that brings satisfaction through time-limited, discrete services. That context will be within a legal aid or pro bono program in 2016.

A legal aid or pro bono office is the perfect place for a retired lawyer to dedicate a fixed number of hours per week providing brief services and advice. The programs provide a pro bono client or two, a telephone, a computer, professional liability insurance—and above all, a chance to stay in contact with the lawyers and judges in their community, all the while doing good.

The State Bar of Georgia Emeritus Rule, 1-202 (d), allows lawyers 70 or older who are in good standing to take emeritus status. The lawyer must have been admitted to the practice of law for at least 25 years, five years of which must be as a member in good standing of the State Bar of Georgia. Under the rule, an emeritus member of the State Bar shall not be privileged to practice law except that an emeritus member may handle pro bono cases referred by either an organized pro bono program recognized by the Pro Bono Project of the State Bar or a nonprofit corporation that delivers legal services to the poor.

Of course, you don't have to wait until you reach 70 years of age and take emeritus status to volunteer with your local pro bono program. Volunteer in 2016.

The Year of Low Bono Publico

Low bono is the provision of legal services on a reduced-fee basis to modest means households—people who have legal problems but who are not financially eligible for the typical free civil legal aid program but who still struggle to make ends meet.

If you haven't heard terms like "unbundled services," "limited scope work" or "assisted self-help," you have and will in 2016. At the State Bar's Midyear Meeting in early January, several entities co-sponsored a CLE program on unbundled legal services. Limited-scope representation is when a client and a lawyer agree that the lawyer will handle some parts of a case and the client will handle others. This is different from more traditional arrangements between lawyers and clients where a lawyer is hired to provide legal services on all aspects of a case, from start to finish. The aim of the CLE was to initiate discussion on alternative practice models that offer lawyers an opportunity to identify specific activities for volume services at reduced fees that increase profits and which address access to lawyers by modest means households—i.e. low bono services. Lawyers across the country are discovering they can ethically and professionally boost their practices and reach by delivering a set of low-cost services. The pro bono lies in the difference in what the law firm normally charges per hour and the reduced fee and is reflected in the nature of the legal service that was formerly unavailable to a modest means household.

We have seen examples of small firms creating unbundled services delivery models that complement their usual practices. In 2016, you

will likely see more firms adopting the model, recognizing that volume services in the modest means niche legal market are sustainable.

Law Practice Incubators Testing Pro Bono with "Newish" Lawyers

Georgia's first—and the nation's most comprehensive—law practice incubator launches this year. Lawyers for Equal Justice is an incubator program for newer lawyers to start innovative, socially conscious law practices providing affordable services to low- and moderate-income clients. The goal is to expand legal services to unrepresented persons by developing new market-based models through which lawyers in solo or small practices can sustainably provide affordable services to these clients. Georgia's approach, like that of other law practice incubators in the country, incorporates pro bono services as an integral feature for experiential learning and training. In 2016, incubators and pro bono will be hot.

A Disaster Practice Rule and Good Practice

I hesitate to nominate this Rule as "Hot in 2016" for fear that I may be calling down the wrath of the disaster gods, but "hot" it should be. The Supreme Court of Georgia adopted the American Bar Association's Model Court Rule on the Provision of Legal Services Following Determination of a Major Disaster now found in the Court's Rules, Part XXI, Rule 121. This new-in-2015 rule authorizes out-of-state lawyers to temporarily practice law on a *pro bono* basis in Georgia following the determination by the Supreme Court of Georgia that an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred and further allows out-of-state lawyers to provide legal services in Georgia related to the lawyer's practice in a jurisdiction affected by a major disaster.

While the rule addresses out-of-state pro bono helpers, I predict in 2016 more Georgia lawyers and law firms will spend time on disaster plans for their business, and will incorporate this new rule into their planning. Natural disasters don't discriminate based on income, and any lawyer can learn to deliver disaster legal services. If you haven't thought about disaster planning, about how your practice might be affected and how you would respond to your community, don't put it off. Start planning today.

Pro Bono Wall of Honor

When we ask legal aid and pro bono programs to furnish us with the names of lawyers who participate in pro bono delivery for our annual State Bar Pro Bono All Stars listing, we know we are scratching the surface of what's happening in pro bono in Atlanta and around the state. Most lawyers do some kind of pro bono work, and often not in conjunction with a structured delivery system. We don't have the full picture of Georgia pro bono. This year, the State Bar of Georgia is interested in creating an online Pro Bono Wall of Honor on which lawyers may contribute their name and a short synopsis of the number and type of cases they handled in a calendar year. As a profession, we need to boost the important message about the need for critical legal help for the poor and marginalized. We also need ways to learn about the legal needs and how they are being addressed. The Pro Bono Wall of Honor addresses both of these concerns as well as helping improve the image of lawyers.

Supreme Court Rule XX

Supreme Court of Georgia Rules Part XX is not new. These Extended Public Service Rules, which encourage the increase of pro bono and access to justice services, should get added attention in 2016 from public interest programs needing volunteer resources. Part XX allows an attor-

ney in good standing in another jurisdiction (out-of-state) who is serving on a pro bono basis in Georgia with the attorney general, a prosecutor's office, a court or nonprofit legal aid or defender program to provide free legal representation as if admitted and licensed to practice law in Georgia under specific conditions and for up to 18 months.

Millennials Assert Themselves in Pro Bono

Not to worry, my Millennial friends, I'm not about to describe what seems to be a tired model of your classification as a species. I wish to say one thing only about you: you are cause-driven.

Millennials are defined as anyone born between the years 1979-1994. The last-born of the Millennials in the legal profession pipeline are now entering law school; the early Millennials are finishing up their first decade in the profession. In 2016, how you react to the effects of the ongoing wave of retiring Baby Boomer lawyers will be a hot story. When it comes to the pro bono institutions lovingly built by your predecessors and the professional pro bono values to which they adhered, your reaction will be closely scrutinized. What are your causes when it comes to professionalism and pro bono? What drives you to act as only a lawyer may on behalf of justice issues? Look for innovative, different approaches to pro bono from Millennials in 2016.

Military and Veterans Pro Bono Services

In 2009, the Georgia Legal Services Program opened the first online library support for lawyers providing free legal services to low-income veterans and members of the military. Across the country, lawyers are recognizing the unique poverty law needs of persons with a military connection. In 2016, I predict that the Georgia

legal aid community will introduce some form of limited, free online advice and referral services to help low-income rural clients with a military connection.

In Summary

The pro bono landscape is very diverse. There is a great deal of activity in the area of design and delivery, and we'll need you this year.

I invite lawyers in Georgia to look at their business plan for 2016 to make sure that you have included pro bono in your planning. Calculate how many hours you can afford to provide free legal help to the poor on issues or case types that interest you and drive you. Communicate your pro bono plan with your local legal aid program.

I am available to answer questions you might have about pro bono in Georgia. Contact me at probono@gabar.org. 



Michael Monahan is the director of the Pro Bono Project for the State Bar of Georgia and can be reached at mikem@gabar.org.

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Online with ICLE in Georgia

The Wide World of Webinars, Webcasts and Web Streaming

by Sherrie L. Hines

In today's digital era you can find almost anything online. Georgia attorneys must be able to access self-study continuing legal education (CLE) presentations online. Recognizing this need, the Institute of Continuing Legal Education in Georgia (ICLE), a nonprofit consortium of the State Bar of Georgia and Georgia's five ABA-accredited law schools, has created multiple online CLE options. As a member of the consortium, ICLE works with sections to deliver both in-person and online content. When working with sections, ICLE often offers discounts to members that are greater than the cost of joining a section. Be sure to check for special pricing on the registration page if your section is co-sponsoring a program.

Webinars

Webinars are live-streamed presentations by one or two speakers who typically address a specific topic over



the course of an hour. They originate from the ICLE conference center in Athens or the State Bar of Georgia in Atlanta. Webinar attendees can submit questions as they watch the program and have them answered in real time. For our webinars, ICLE looks for experienced

speakers in their field who offer special insight into the topic to be discussed, for example lawyers who were part of key litigation addressing the topic. We work with these speakers to develop topics that are timely, focused and immediately useful to our attendees in their practice areas.

Webinar topics range from broader introductory or “how-to” presentations to in-depth programs focused on a particular legal issue or case, like the webinar we currently are developing on the U.S. District Court opinion addressing Georgia’s garnishment law. We draw ideas for webinar topics from ICLE seminar evaluations, survey results, legislation, case law updates and suggestions from Georgia attorneys. If you would like to suggest a future topic for a webinar, please contact webinar@iclega.org. ICLE also works with State Bar sections, Young Lawyer Division committees and other organizations to plan webinars for their members. Webinars are great for smaller organizations because they offer high-quality programming that is flexible, accessible and immediately responsive to hot topics affecting specific practice areas.

Webcasts

ICLE records more than 50 seminars each year as they are being presented to an in-person audience of Georgia attorneys. The recording is professionally edited, adding graphics and music, then archived. The result is a catalog of programs

ranging from adoption to zoning law, housed on the ICLE website and offered as webcasts. The choice of webcasts includes all levels of information, from introductions to certain practice areas to advanced treatment of specific subjects. These webcasts are available anytime for attendees to download and view as their schedule permits. They may be an entire six-hour program or one- and two-hour sessions excerpted from longer seminars.

Web Streaming

Another option is web streaming. ICLE has the capability to, and does, deliver live streaming programs online in real time as they are being presented to an in-person audience. Participants from anywhere in the country can log in to watch these programs and ask questions. They are almost always six-hour programs and typically include special credits, i.e., ethics, professionalism and trial practice. Any program that’s available via web stream will also be available as an archived webcast a few weeks after it is recorded.

All of these online options are available for self-study credit. Our CLE Regulations and Rules allow for six of the annually required 12 hours to be taken as self-study. Georgia continues to recognize the importance of attending in-person CLE programs since it contributes to an attorney’s competence and professional development. As noted in CLE Regulation 5 to Rule 8-105, “[I]t is . . . educational and

beneficial for attorneys to meet and learn from colleagues who practice in other firms, corporate legal departments, or similar entities including sole practitioners.”

As the CLE deadline approaches, we hope that you will consider using one or more of ICLE’s online options to get the training you want in an area that is immediately relevant to your practice while fulfilling your CLE hour requirements in a convenient, timely and affordable manner.

To learn more about ICLE’s webinars, please visit www.iclega.org/webinar/index.html.

To learn more about ICLE’s webcasts and web streaming programs, please visit www.iclega.org/online/onlineinfo.html. 



Sherrie L. Hines is the digital marketing professional for ICLE and previously spent six years as a public defender in the

Western Circuit. Hines graduated from the University of Georgia’s undergraduate program *summa cum laude* and from the University of Georgia School of Law with honors. She is committed to volunteer work and has been recognized for her contributions to Bear Hollow Zoo, Clarke County Yoshukai Karate and ACC Animal Control via Athenspets.net. Hines can be reached at sherrieh@iclega.org.



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Fastcase Apps and Other Useful Things

by Sheila Baldwin

During the month of December, the State Bar of Georgia website required a scheduled maintenance which temporarily and sporadically hindered access to our Fastcase legal research. Fortunately, Fastcase has a fix for situation like this in their blog, including step-by-step directions:

From time to time, our bar partner sites are unavailable for short periods of time due to maintenance. However, you can still access Fastcase even if your bar's login site isn't available. Here's how:

1. Go to <https://www.fastcase.com/subscribe/?package=trial>
2. Enter the requested information.
3. When your registration email arrives, click on the link within to activate your account.
4. Go to www.fastcase.com/login and enter your username and password.

Once the bar page is working again, log in through the bar association. If you have questions, send us an email at support@fastcase.com.

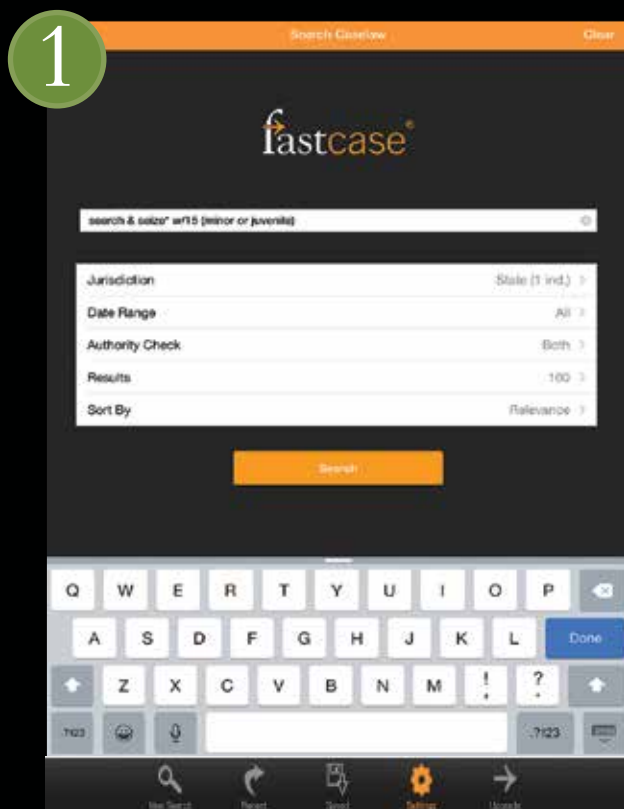
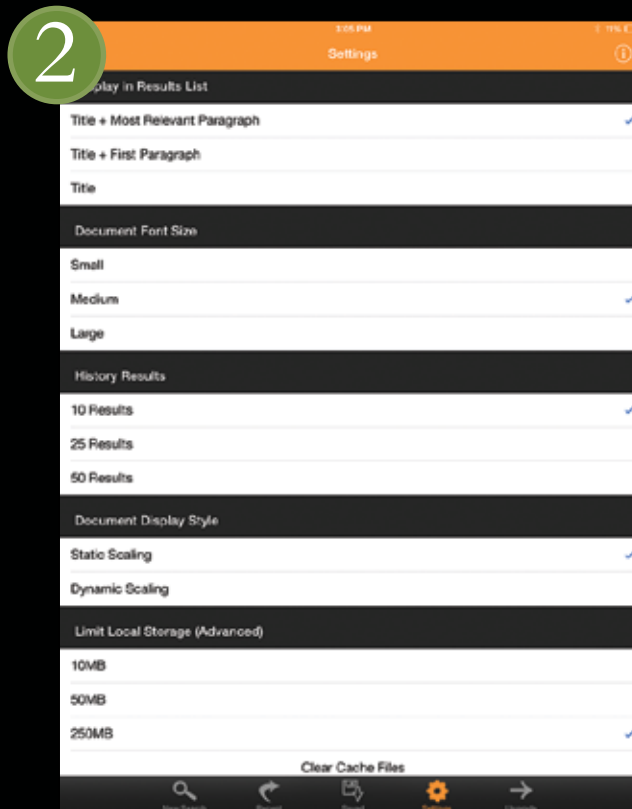
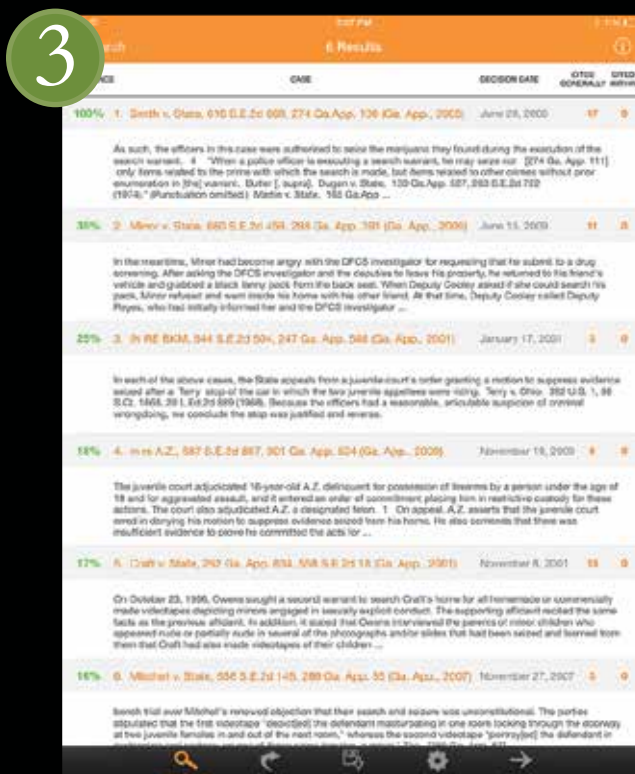
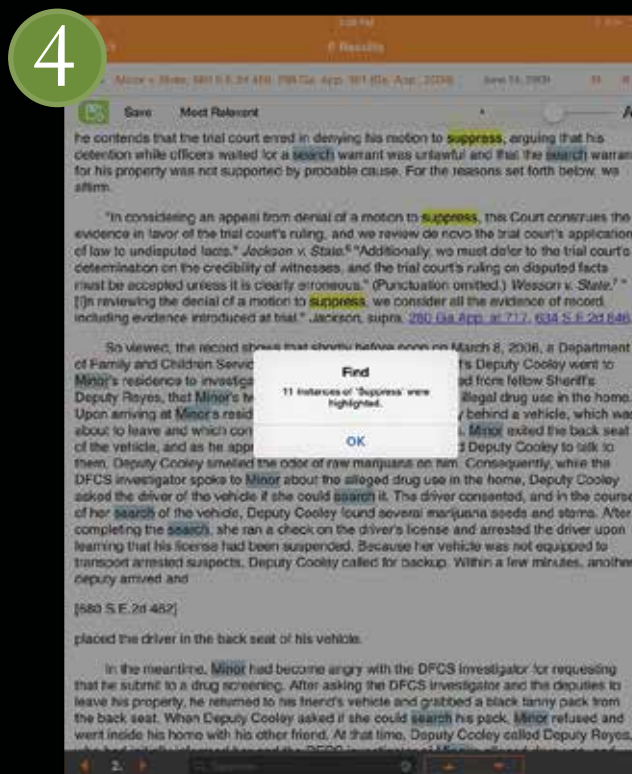
Fastcase App

Many Bar members have already downloaded the Fastcase App and engaged the mobile sync feature. This option avoids delays and the need to fill out a form. Best of all, the research done on the mobile device is synced and saved and available on your Bar Fastcase account.

Wondering if this app is user friendly and reliable? The American Association of Law Librarians awarded it the 2010 New Product of the Year, and since then users have consistently ranked it the most popular legal app for lawyers as noted in the ABA Legal Technology Survey Report.

Fastcase's maxim is "Smarter Alternative for Legal Research," and their app strengthens the claim. Lawyers, law students and anyone who has a desire to know the law can successfully use the Fastcase app to efficiently search federal and state case law and statutes. It's designed to deliver a variety of ways to find, organize and save research easily.

Case law can be searched by citation, case name and jurisdiction, and by using key words or phrases. Results can be sorted by the same criteria as your bar account: relevance, decision dates, name, cited generally and cited within (see fig. 1). Notice at the bottom of this page the various functions: New Search, Recent, Saved and Settings. The Recent tab allows retrieval of the last 10



Fastcase training classes are offered four times a month at the State Bar of Georgia in Atlanta. Training is available at other locations and in various formats and will be listed at www.gabar.org under the "Bar News & Events" section. Please call 404-526-8618 to request onsite classes for local and specialty bar associations.



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searches and is a great time saver. The ability to save a search to rerun at a later date is helpful for lawyers who want to keep up with trends in a particular area of law. The Settings tab offers many choices on how to view the results. Choose from the following: number of results per page, how to display the cases (by title, by first paragraph or by most relevant paragraph), what font size, style (static scaling or dynamic scaling) and how much local storage to allow for the results (see fig. 2).

For example we can set up a search in case law by selecting GA and the 11th Circuit as the jurisdiction, an open date range, both citation sets, 100 results and relevance as the sort criteria. Using this Boolean query *Search & seize* w/25 (minor or underage)* 17 cases result. Fortunately spell check is available as you type your query. The authority check feature shows up in an orange bubble with hyperlinks to the cited cases. The relevancy score

is in green and the case name and citation is in orange text with hyperlink to open the case (see fig. 3).

Statutes and acts have a slightly different layout. They are searchable by using key words or by browsing by jurisdiction including the U.S. Code and all state statutes. One advantage to using an app is that the touch screen function limits the amount of typing required. Tap the Search Statutes box and select options on how to search (keyword or citation), where to search (U.S. Code or state code) and how many results to display. Notice that in Georgia, it's possible to view the most current code as well as archives back to 2009.

The Document View has multiple conveniences to aid in your research. The case opens and displays the case citation and date when you click the case name. Scroll to review the case or save it to your documents to review on your desktop later. The search

terms are highlighted and all cited cases and references are hyperlinked to additional information. A save option is on the upper right side of screen in red. A magnifying glass at the bottom of the screen allows further searching within the case (see fig. 4).

Hopefully, this article will serve to motivate even technology-adverse attorneys to explore this award-winning app. Fastcase continues to find ways to improve their products and services, making research smarter and faster. Please email sheilab@gabar.org or call 404-526-8618 with any questions or for help with your research. 



Sheila Baldwin is the member benefits coordinator of the State Bar of Georgia and can be reached at sheilab@gabar.org.

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You Call That Persuasive?

Strategies for Becoming a More Persuasive Legal Writer

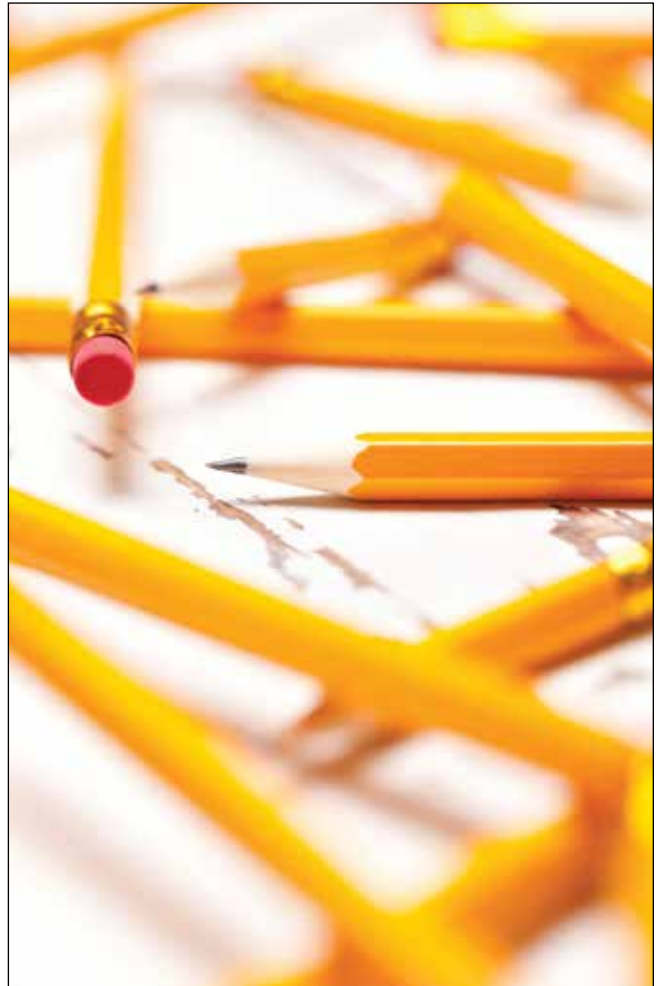
by Karen J. Sneddon and David Hricik

Legal writing generally either informs or persuades. Stating the aim of persuasive legal writing is easy: it aims to motivate the reader to do or refrain from doing something. Writing persuasively is not as easy. Then Chief Justice Rehnquist wrote that “brief writing can be called a combination of art and science.”¹ That combination is needed to construct persuasive writing, whether in the form of an appellate brief or a letter.

In general, legal writers construct persuasive writing by (1) including all relevant content, but only relevant content, (2) presenting the content in an effective way, and (3) choosing language and punctuation strategically. This installment of “Writing Matters” shares some insights on persuasive writing drawn from art² and science.³

Include All, But Only, Relevant Content

Content matters. Problems with content can take various forms, but one form is omission: the writer knows the facts, but fails to include those necessary for the reader—who may not be fully aware of the facts or



have necessary context—to understand why the writer’s position is correct. The opposite problem comes from including irrelevant details that can distract a reader by causing the reader to spend thought and energy trying to understand why certain details are included.

The simple rule is obviously “include all but only what is necessary.” Yet that is not helpful. One practical way to ensure that the content is focused is to get a third-party—a co-worker, a friend—to read the piece and get a reaction. Another approach is to force yourself to include language explaining why a seemingly irrelevant fact bears on the issue. For example, after stating that the plaintiff received a letter about her alleged health condition in 2013, include “thus providing further evidence of our defense her claim is time-barred.”

Finally, and as we highlighted in the last installment of “Writing Matters,” name-calling isn’t a substitute for developing well-reasoned, well-supported arguments.⁴ Selected content is going to be expanded upon and emphasized in the text—whether that means focusing on a particular statute, case, line of reasoning or policy consideration. After all, persuasive writing is reminiscent of what Emily Dickinson wrote. “Tell all the truth but tell it slant.”⁵ But clever themes, nifty formatting and catch phrasing will not alone persuade a legal reader. Arguments grounded in the law and facts form the base of all persuasive legal writing.

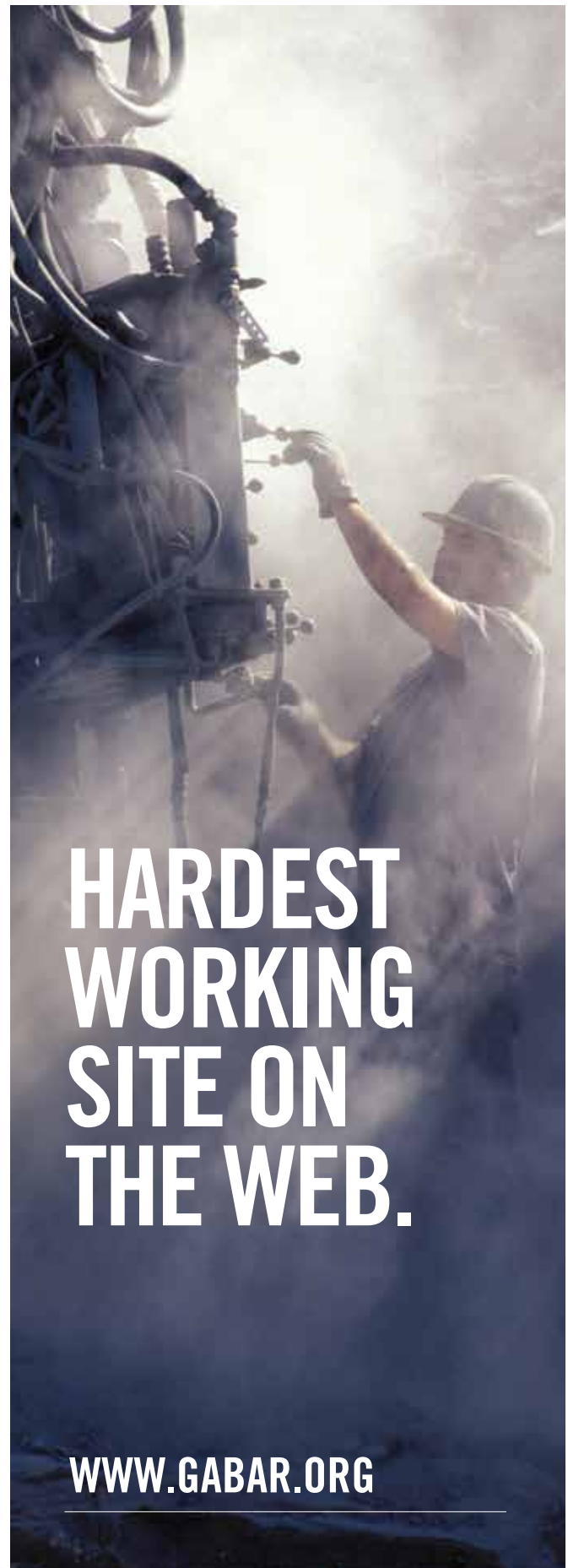
Present the Content Persuasively

Although content may often be the most important aspect of persuasive legal writing, presentation matters too. There are several useful ways to increase the persuasiveness of content. We address a few here.

First, the sequence of information matters. Readers retain information that is presented first and presented last. Thus, writers should structure arguments to lead with the strongest argument and end with a slightly-less-but-still-strong argument. Relatively weak but relevant arguments should be presented in the middle. While it is easy to say “omit the weak arguments,” sometimes a judge or opposing counsel may view the strength of an argument differently. Accordingly, while whether to raise an argument at all is its own sometimes difficult question, presenting those arguments which are likely to be perceived as weak in the middle may help persuade the reader.

Second, visual presentation matters. Even if the text has no graphics, charts or images, the way the words look on the page has a subtle influence. Dense writing with lots of footnotes makes the content look difficult, and if it is already difficult, that reduces its persuasive power.

Effective presentation requires considering many things. For example, the use of multiple means to emphasize text—underlining, **bold**, *italics* and ALL CAPS—does not help. Which is to be given more emphasis by the reader: underlining, bold, italics or some combination instead of another?



Further, pages and pages of text will appear difficult to absorb.⁶ White space, headings, paragraphing and lists promote reader engagement (and thereby retention, and so effectiveness) of the substance of an argument. We discuss each tool next.

White space is an oft-overlooked but important aspect of effective presentation. White space in a document, such as the beginning of a paragraph, the end of a paragraph, the end of a page or the beginning of a page, have subconscious effects. The white space at the beginning of a paragraph, for example, builds a sense of anticipation in the reader as to the content of a paragraph. The white space following a paragraph allows the reader's eyes to take a visual break and a momentary pause to absorb the information in that paragraph.

What this means is the first and last sentences of each paragraph matter should be more important than what is in-between. Ensuring that the beginning of a first sentence in a paragraph and the ending of the last sentence of the paragraph are accurate and memorable leverages the persuasive power afforded by

white space. Considering how page breaks and line breaks may visually emphasize a fact, an authority or policy is another example of the impact of white space.

Headings showcase key language.⁷ Headings use typeface and indentation to allow the content to pop out. Because they pop out, they are critically important. Each heading should inform the reader of the central point of the following paragraphs. They also should be clear enough to allow the reader to, later, recall the points made in the section by simply looking at the headings. Accordingly, headings capture the reader's attention and leave a lasting impression in the reader's mind.

Paragraphs segment the content for the reader. Large paragraphs are visually more difficult for a reader to wade through. A series of equal length paragraphs can likewise be difficult because a series of equal length paragraphs look visually bland on the page. Vary paragraph length to increase the visual appeal of the page.

Lists identify and enumerate key conclusions, facts or authorities for the reader. The list format maxi-

mizes the use of white space by drawing attention to the points.

The point here is that presentation matters. To write persuasively, view the text on its own, separate from content. Persuasive writing should be presented in a way that helps the reader understand the content.

Use Language and Punctuation Strategically

Content is "what's in the text." Presentation is "how does the text look on the page." And language and punctuation refer to "what does the text sound like in the reader's mind."⁸

Writers choose language strategically when building a persuasive text.⁹ In general, using language and punctuation strategically means using direct, precise language, and remaining consistent in its usage. To be precise, vague language should be avoided. Likewise, to be precise, pronouns and passive voice should be kept to a minimum. To be direct, a text should include strong words that project vivid images, considering the effect of the word, not just its literal meaning. (Think of the difference between the word choice

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The State Bar now offers the option to vote electronically in Bar elections in lieu of receiving a paper ballot.

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When the voting site opens this spring, all active members who have opted to vote electronically will receive an email which explains how to log in and vote.

Easy step-by-step instructions will help you complete your ballot online.

“house” and home.” That’s the difference between denotation, the meaning of the word, and connotation, the feeling the word conveys.) Finally, a writing that consistently refers to a party, place or event by the same term is more readily understood, and so more persuasive. For example, consistently referring to the opposing party as the “defendant,” rather than flipping back and forth between “opponent,” “defendant” and “appellee” will get in the way of the content.

Even punctuation matters. Punctuation allows the construction of a variety of sentence structures that infuse a sense of movement into the text. A series of short sentences incorporates a staccato beat. A long sentence, with colons, semi-colons and dashes, incorporate a melodic wave. Varying sentence length starts and stops the flow of ideas. This restarts the beginning and end of thoughts to promote reader retention of ideas.

To sum up, persuasive legal writing requires the writer to consider more than just what content to include, and to leave out. Focusing on visual appearance of the text and the sound of the text promotes the creation of polished, persuasive writing. 



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articles. The Legal Writing Program at Mercer continues to be recognized as one of the nation’s top legal writing programs.

Endnotes

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5. Emily Dickinson, “Tell All the Truth but Tell It Slant,” reproduced in Dickson: SELECTED POEMS & COMMENTARY 431 (ed. Helen Vendler 2010).
6. Chad Baruch, *Legal Writing: Lessons from the Bestseller List*, 43 TEX. J. BUS. L. 593, 589 (2009) (recommending “Use Plenty of White Space . . . to prevent the reader from being overwhelmed by text”) (capitalization in original).
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Supreme Court of Georgia Dramatically Expands Student Practice

Supporting Experiential Education and Broadening Access to Justice

by Clark D. Cunningham

“I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the State Bar of Georgia.” On Sept. 16, 2015, the Chief Judge’s Courtroom of the Superior Court of Cobb County resounded with these words as Supreme Court of Georgia Presiding Justice P. Harris Hines completed administration of Georgia’s new law student practice oath for 15 second-year law students. Justice Hines then gave these students a solemn charge: “What a wonderful opportunity this is for you all! As the first group of students to practice law your second year, you have a great responsibility. The success of this program is dependent on you. I know you will do well and will conduct yourselves personally and professionally in the highest accordance of the law.”¹

On March 12, 2015, the Supreme Court of Georgia replaced a student practice rule that dated back to



Photo by Timothy Cole

Justice P. Harris Hines administers the new student practice oath of office on Sept. 16, 2015.

1992 with an entirely new rule with the purpose “to support experiential learning opportunities . . . and . . . expand access to justice.”² The most far-reaching effect of the new rule is that law students are now eligible for student practice after the first year of law school; the old rule limited student practice to students who had completed two-thirds of their legal education. Other significant changes include: (1) an expanded definition of eligible client; (2) allowing any member of the State Bar of Georgia to supervise student practice; (3) specific requirements for supervising student attorneys; and (4) clear authority for student attorneys supervised pursuant to these require-



Photo by John Amis

Participating students stand with Justice P. Harris Hines after reciting the new law student practice oath. (First row, left to right) Phenisha Bresnock, Chae Mims, Serreen Meki, Jamila Watts, Lacey Wheeler, Sydney Hill, Karyn Pagnotta, Marie Wilcox; (second row, left to right) Mariya Davis, Geoffrey Hafer, Gregory Mullin, Ivy Oxendine, Stephen Kaplan, Karen Lowell, Daniel Lee, Christian Blayne May; and (third row) Justice P. Harris Hines.

ments to engage in all aspects of a lawyer's work "as if admitted and licensed to practice law."³

History of the New Student Practice Rule

The new rule was the product of five years of work by the Chief Justice's Commission on Professionalism (CJCP) and the Board of Bar Examiners (Bar Examiners). In 2010, then-Chief Justice Carol W. Hunstein established a new Access to Justice Committee of the CJCP and charged it with developing innovative ways to improve access to justice. That committee, noting that many states had updated their rules to allow second year practice, including our neighboring states of Tennessee and North Carolina, proposed amending the existing student practice rule to allow students to practice after completing three semesters.⁴ In 2012 CJCP approved the committee's recommendation and Chief Justice Hunstein referred the proposed amendments to the Bar Examiners for consideration.⁵

Former Superior Court Judge Ralph Simpson, then-chair of the Board of Bar Examiners, appointed a Student Practice Committee comprised of himself, former Superior Court Judge Thomas Cauthorn and former State Bar President John Sammon as chair.

As a result of a comprehensive review of national resources and models, the Bar Examiners' committee decided, instead of just amending the existing rule, to draft "a comprehensive new student practice rule that was informed by the best of current policies around the country and designed in light of important trends in legal education, the practice of law and the need for legal services."⁶

By recommending that student practice be allowed as early as the completion of the first year and expanding the scope of student practice, the Bar Examiners' committee wanted to create opportunities for Georgia's law schools to expand experiential education and integrate it more deeply into the entire curriculum.⁷ Many of the sources consulted by the Bar

Examiners' committee called for the improvement of legal education to achieve the kind of "coordinated curriculum aimed at deep understanding, complex technical competence, and deeply internalized moral responsibility"⁸ exemplified by medical and other types of professional education. Consistent with such calls for legal education to lay the foundation for developing a professional identity informed by the deep values of the profession, the Bar Examiners' committee saw the proposed rule as not only expanding opportunities for students to receive practical experience, but also as promoting "a culture of service to meet unmet legal needs for future lawyers that will hopefully continue during their entire legal career."⁹

During 2014, the Bar Examiners' committee as well as the full Board of Bar Examiners met repeatedly with representatives of Georgia's five law schools to finalize the draft of the new rule.¹⁰ The final version was approved by the Bar Examiners and submitted to the

Court, which approved it effective Aug. 15, 2015.¹¹

Implementation of the New Rule and its Impact on Legal Education

As of Jan. 12, 2016, 488 law students had been registered for student practice under the rule, including 162 second-year students.¹² For example, the 15 second-year students sworn in by Justice Hines on Sept. 16 were then able under the new rule to appear in Cobb County Superior Court on behalf of domestic violence victims as part of a new course at the Georgia State University College of Law (GSU) operated in partnership with Legal Aid of Cobb County.¹³ This six-credit course, entitled Transition to Practice, was specifically designed to take advantage of the new rule to teach professional responsibility and the fundamentals of law practice by immersing students right after the first year in the world of real practice through a combination of actual client representation, fieldwork with a solo or small firm lawyer and intensive simulation of law firm practice. By the end of the fall semester the GSU students had represented 16 domestic violence victims and obtained orders of protection for all clients seeking such orders, either through winning court orders in an adversarial evidentiary hearing or through negotiation on the day of hearing.

Reflective essays completed by Transition to Practice students indicated that the new rule's purpose of launching the development of professional identity early in the law school experience was being accomplished. For example, Geoffrey Hafer wrote: "Our first domestic violence case was incredibly influential in shaping my thinking in terms of the legal profession's core values, professionalism and future career options. Prior to this course, I had no practical experience. Meeting our client for the

first time really opened my eyes to the kind of impact our profession truly has on those in our community . . . . I have had 'jobs' throughout my life in the service industry but this was something entirely different. I wanted to help her, needed to help her . . . . It was incredibly exciting on the one hand as a learning experience but frightening on the other should I somehow miss something, lose her confidence or worse . . . . We were playing a role in a very pivotal moment in her life. Experiencing this struggle helped center again in me the reason why I came to law school . . . . I am not certain yet what I want to do ultimately but this experience has assured me that I have chosen the correct profession."

For the Fall 2015 semester at the University of Georgia School of Law, Prof. Alexander Scherr, director of Civil Clinics, used the new student practice rule to provide statewide information and referral services on landlord-tenant issues in cooperation with the Georgia Legal Services Program. Law students were registered under the new rule to participate in the Public Interest Practicum, a course that does not involve litigation but provides extensive experience with interviewing, case development, counseling, writing to clients and informal negotiation. Quick advice was provided over the phone to many and Scherr ended up opening more than 60 landlord-tenant cases for more extended work.

Scherr reports that registration under the new student practice rule gave both him and the students "greater confidence that they could operate with more autonomy in talking with and advising clients in a non-litigation setting." "The knowledge that the new rule permitted them to act as lawyers under close supervision made for a much more compelling experience for the students," he explained. "It also expanded the number of low-income clients we could serve in an urgent, time-sensitive caseload."

Frequently Asked Questions About the New Rule

What are student lawyers allowed to do?

The old rule only referred specifically to assisting with court proceedings. The Bar Examiners' committee wanted the new rule clearly to authorize student practice that was co-extensive with all the work that a licensed attorney can do. Thus the new rule states that a student lawyer, "when under the supervision of a member of the State Bar of Georgia, may, as if admitted and licensed to practice law in Georgia, advise, prepare legal instruments, appear before courts and administrative agencies and otherwise take action on behalf of" an eligible client.¹⁴

Who are eligible clients?

The new rule expands the scope of client eligibility from "indigent person" to "any person who is unable financially to pay" for legal services and also includes nonprofit organizations if their purpose "is to assist low or moderate income persons" as well as "any state, local, or other government unit or agency."¹⁵ The new rule is thus intended to "impact the need for access to legal services by low-to-moderate income Georgians who would be unable to afford it."¹⁶

Can attorneys in private practice now supervise student practice?

Yes. The old rule only allowed supervision by a prosecutor, public defender or "a licensed practicing attorney who works or volunteers for a court or for a not-for-profit organization which provides free legal representation to indigent persons or children." The new rule permits supervision by any "member of the State Bar of Georgia," thus opening up the use of student lawyers for law firm pro bono work.¹⁷

Is there a new procedure for becoming a student lawyer?

Yes. Under the old rule, law student practice was authorized by an order entered by “the judge of the court” where the student would be “assisting with proceedings”; such orders could not extend more than one year. Authorization for student practice under the new rule is issued by the Office of Bar Admissions through a registration process that requires certifications from a law school dean (or designate) and the law student.¹⁸ Law students then receive a certificate and “student attorney number” that remains in effect until graduation, unless registration is terminated by the director of the Office of Bar Admissions.

Can registered law students charge fees?

No, but the rule does permit the student to receive compensation, a scholarship, stipend “or other remuneration from a law school, governmental entity or other nonprofit agency” in acknowledgment of the services the student is performing. The rule does not prohibit an attorney “from applying for, charging or collecting a fee relating to activities of the registered law student,” the attorney otherwise may properly apply for, charge or collect, although this language must be read together with the definition of an eligible individual client as a person “unable financially to pay for the legal services of an attorney.”¹⁹

What are the responsibilities of attorneys supervising registered law students?

The new rule contains an entire section devoted to the responsibilities of a supervising attorney,²⁰ which include the following:

- review, approve and personally sign any document prepared by a student that is filed in any court or tribunal;

- review and approve any document prepared by a student that would have binding legal effect on a person or entity receiving student-practice related services;
- require that any document signed by a law student states that the student is acting as a registered law student pursuant to this rule;
- obtain a signed consent from a person or entity being represented acknowledging that the supervising attorney is being assisted by the registered law student; and
- generally counsel and assist the student, and in particular provide guidance in matters of professional responsibility and legal ethics, in order to assure proper practical training of the student as well as effective representation.

When must a supervising attorney be present when a registered law student engages in student practice?

The rule only requires a supervising attorney to be physically present during the conduct of a grand jury investigation, administrative proceeding, hearing, trial or “other proceeding” and creates an exception if the judge “determines that the physical presence of the supervising attorney is not necessary.”²¹ Although still requiring proper supervision, the rule does not require a supervisor’s physical presence for student practice outside these settings.²² (GBJ)



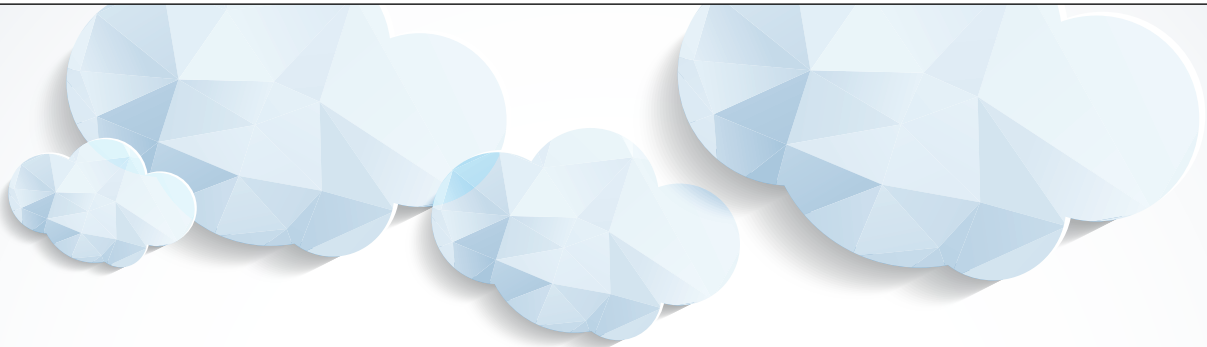
Clark D. Cunningham holds the W. Lee Burge Chair in Law & Ethics at Georgia State University College of Law, is the director of the National Institute for Teaching Ethics and Professionalism, and is the co-editor of the International Forum on Teaching Legal Ethics

and Professionalism. He has been a member of the Georgia Chief Justice’s Commission on Professionalism since 2002 and served as the Reporter to the Student Practice Committee of the Georgia Board of Bar Examiners. His contact details are available at www.ClarkCunningham.org.

Endnotes

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2. GA Sup. Ct. R. 91 (Student Practice Rule: Purpose). Available at: <http://www.teachinglegalethics.org/georgia-student-practice-rule> (last visited Dec. 23, 2015).
3. See EXECUTIVE SUMMARY OF PROPOSED STUDENT PRACTICE RULE APPROVED BY GEORGIA BOARD OF BAR EXAMINERS (Dec. 12, 2014) (hereinafter EXECUTIVE SUMMARY), available at: <http://www.teachinglegalethics.org/georgia-student-practice-rule> (last visited Dec. 23, 2015).
4. At least 22 states, now including Georgia, authorize student practice in the second year. Student practice rules for all fifty states plus the District of Columbia are available at: <http://www.teachinglegalethics.org/category/lawyer-regulation/student-practice> (last visited Dec. 23, 2015).
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6. *Id.* at 1. The Bar Examiners’ committee asked the author to serve pro bono as its Reporter. *Id.* at 2.
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8. *Id.*
9. EXECUTIVE SUMMARY, *supra* note 3, at 6.
10. EXECUTIVE SUMMARY, *supra* note 3, at 2-3.
11. Order, Ga. S. Ct. (amending Supreme Court Rules Part XV,

- Rules 91-95) (March 12, 2015), <http://www.teachinglegalethics.org/georgia-student-practice-rule> (last visited Dec. 23, 2015).
12. STUDENT PRACTICE RULE STATISTICS, Office of Bar Admissions, Supreme Court of Georgia (Dec. 2, 2015).
  13. This course was developed by the author and co-taught with two adjunct professors, Tiffany Roberts, Deputy Director of the National Institute for Teaching Ethics & Professionalism, and Kate Gaffney, Staff Attorney, Legal Aid of Cobb County.
  14. GA Sup. Ct. R. 92 (Activities Permitted by a Registered Law Student). The new rule does not affect the right of lawyers to use nonlawyer assistants as permitted by the Rules of Professional Conduct, *id.* and GA Sup. Ct. R. 91 (Purpose); however, the rule does "have the effect of providing clear safe-harbor protection to law students registered under the program and gives their supervisors protection from charges of aiding and abetting the unauthorized practice of law," EXECUTIVE SUMMARY, *supra* note 3, at 5. See Formal Advisory Opinion No. 00-02, (2000) ("Regardless of the task in question, lawyers should never place nonlawyers in situations in which the nonlawyer is called upon to exercise what would amount to independent professional judgment for the lawyer's client. Nor should a nonlawyer be placed in situations in which decisions must be made for the lawyer's client or advice given to the lawyer's client based on the nonlawyer's legal knowledge, rather than that of the lawyer. Finally, nonlawyers should not be placed in situations in which the nonlawyer, rather than the lawyer, is called upon to argue the client's position.").
  15. GA Sup. Ct. R. 92.
  16. EXECUTIVE SUMMARY, *supra* note 3, at 6 (citing Chief Justice Hugh Thompson's 2014 State of the Judiciary Address). See also *id.* at 3.
  17. GA Sup. Ct. R. 92 (Activities Permitted by a Registered Law Student). See also EXECUTIVE SUMMARY, *supra* note 3, at 3.
  18. GA Sup. Ct. R. 94 (Procedures for Registration). The dean must certify that the student has completed legal studies equivalent to at least two semesters of full-time study, is currently in good academic standing, and, to the best of the knowledge of the dean, is of good moral character and is prepared to begin the work authorized by the rule. The law student must submit evidence that the student has taken a prescribed oath and certify that the student has read and is familiar with the Georgia Rules of Professional Conduct and will comply with all provisions of the Georgia Rules of Professional Conduct applicable to activities undertaken by the student pursuant to the student practice rule.
  19. GA Sup. Ct. R. 92 (Activities Permitted by a Registered Law Student). See also EXECUTIVE SUMMARY, *supra* note 3, at 4 ("The proposed rule also makes clear that an attorney assisted by a student attorney is not prohibited from applying for or collecting an otherwise lawful fee, such as a motion for attorney fees permitted in certain types of cases.")
  20. GA Sup. Ct. R. 95 (Supervision of a Registered Law Student).
  21. *Id.*
  22. Cf. Formal Advisory Opinion No. 00-03 (2000) (a lawyer must be physically present to supervise the work of a nonlawyer conducting a real estate closing) and generally Formal Advisory Opinion No. 00-02 (2000).



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Justice could not come fast enough for Ms. Green, who is 82 years old and was swindled out of her home by her son. Her son executed a fraudulent deed and forged his mother's signature on the document to transfer her home to him. Ms. Green, who has been in poor health for a while, was living in her home at the time, but she had no knowledge of her son's scheme. Her son had talked to her several times about transferring her home to him, and each time she adamantly refused.

Ms. Green's daughter saw that her mother's poor health was getting worse, so she and her husband moved Ms. Green into their house in another town, temporarily, to take care of her until they could find a suitable facility for her to get the long-term professional medical care she needs. Seven months later, Ms. Green's daughter found out about the fraudulent deed transfer of her mother's home that was executed by her brother, when she tried to obtain nursing home Medicaid assistance for her mother. She was told by the nursing home that her mother was not eligible, because of the transfer of her home to her son. In order to be eligible for Medicaid, a person cannot have recently transferred assets.

Ms. Green and her daughter contacted Georgia Legal Services for help and a GLSP lawyer filed an action to set aside the fraudulent deed. The judge ruled in favor of Ms. Green, and the GLSP lawyer filed the order to set aside the deed that afternoon. Ms. Green took out a criminal warrant against her son, who has yet to be found.

The mission of Georgia Legal Services is to provide civil legal services for persons with low incomes, creating equal access to justice and opportunities out of poverty.

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In Memoriam honors those members of the State Bar of Georgia who have passed away. As we reflect upon the memory of these members, we are mindful of the contributions they made to the Bar. Each generation of lawyers is indebted to the one that precedes it. Each of us is the recipient of the benefits of the learning, dedication, zeal and standard of professional responsibility that those who have gone before us have contributed to the practice of law. We are saddened that they are no longer in our midst, but privileged to have known them and to have shared their friendship over the years.

Charles A. Aultman

Warner Robins, Ga.
Mercer University Walter F.
George School of Law (1974)
Admitted 1974
Died February 2015

Leon Boling

Cumming, Ga.
Atlanta Law School (1946)
Admitted 1946
Died December 2015

Ziva Peleg Bruckner

Augusta, Ga.
University of South Carolina
School of Law (1986)
Admitted 1986
Died December 2015

Harry L. Cashin Jr.

Atlanta, Ga.
University of Georgia School of
Law (1959)
Admitted 1959
Died December 2015

Walter Carl Dauterman Jr.

Sacramento, Calif.
University of North Carolina
School of Law (2003)
Admitted 2003
Died December 2015

Dock H. Davis

Franklin, Ga.
Emory University School of Law
(1968)
Admitted 1969
Died December 2015

Jaimie Briggs DeLoach

Columbus, Ga.
University of Georgia School of
Law (1991)
Admitted 1991
Died September 2015

James Alan Dooley

Douglasville, Ga.
Atlanta's John Marshall Law
School (1991)
Admitted 1991
Died December 2015

John G. C. Durham

Leesburg, Ga.
Georgia State University College
of Law (1988)
Admitted 1989
Died December 2015

Michael J. Egan

Atlanta, Ga.
Harvard Law School (1955)
Admitted 1955
Died January 2016

Robert H. Forry

Talking Rock, Ga.
University of Virginia School of
Law (1972)
Admitted 1972
Died December 2015

John C. Gray

Atlanta, Ga.
George Washington University
Law School (1967)
Admitted 1968
Died January 2016

John Michael Israel

Atlanta, Ga.
Atlanta's John Marshall Law
School (1998)
Admitted 1998
Died January 2016

M. Linda Mabry

Atlanta, Ga.
University of North Dakota
School of Law (1971)
Admitted 1973
Died November 2015

James Byron McGinnis

Lawrenceville, Ga.
Woodrow Wilson College of Law
(1986)
Admitted 1987
Died December 2015

C. Patrick Milford

Carnesville, Ga.
University of Georgia School of
Law (1959)
Admitted 1959
Died May 2015

Wm. Lee Robinson

Macon, Ga.
Mercer University Walter F.
George School of Law (1985)
Admitted 1985
Died November 2015

Louis H. Rozier

Sparta, Ga.
University of Georgia School of
Law (1950)
Admitted 1949
Died December 2015

Lawrence V. Starkey Jr.
Atlanta, Ga.
University of South Carolina
School of Law (1959)
Admitted 1965
Died December 2015

Bryan M. Storey
Rome, Ga.
University of Georgia School of
Law (1954)
Admitted 1954
Died December 2015

Jackson W. Tarver Jr.
Atlanta, Ga.
University of Virginia School of
Law (1966)
Admitted 1967
Died August 2015

Jack P. Turner
Atlanta, Ga.
Emory University School of Law
(1949)
Admitted 1950
Died December 2015

Naomi Tsipora Walker
Decatur, Ga.
Emory University School of Law
(1994)
Admitted 1994
Died December 2015

Thomas Dorsey Yawn
Tampa, Fla.
Atlanta's John Marshall Law
School (1979)
Admitted 1979
Died July 2015

Henry L. Young Jr.
Dawsonville, Ga.
University of Virginia School of
Law (1967)
Admitted 1967
Died November 2015



Jack P. Turner passed away December 2015. He was born in May 1924 to Russell G. Turner Sr. and Julia G. Turner. He graduated from Boys High School in Atlanta, briefly attended Georgia Tech until enlisting in the U.S. Army Infantry. He was deployed to the European Front where he was wounded and captured during the Battle of the Bulge in WWII. After his military service, Turner graduated from Emory University and Emory Law School, where he was a member and president of Pi Kappa Phi Fraternity and Phi Alpha Delta Law Fraternity. He began his law practice in 1950 with Turner, Turner & Turner, joining his father and brother; later joined by his son, Nelson G. Turner, practicing until retirement. He founded and was chairman of the Atlanta Bar and State Bar of

Georgia Family Law Sections; founded and was a fellow and chairman of the Georgia Chapter of the American Academy of Matrimonial Lawyers; was a fellow of the International Academy; was a Master in the Charles L. Weltner Family Law Inn of Court; and was the editor of the State Bar of Georgia Family Law Section Newsletter. An award is given in his name by the Family Law Section of the State Bar of Georgia. He was a member of the Lawyers Club, Old War Horse Lawyers Club and was chairman of the Fulton County Democratic Party. Turner was a member of Trinity Presbyterian Church, serving as an elder and teacher.

Thomas Dorsey Yawn passed away in July 2015 after an extended illness. Yawn was born in February 1941, in Wayne County to Leland and Grace Yawn. He attended Glennville schools and graduated from Georgia Military College (1959), University of Georgia (1963 and 1964) and John Marshall Law School (1979). Yawn is survived wife, Anne; daughter, Diana Yawn Canerday; grandchildren Taylor and Bradley Canerday of Tampa; a son and daughter-in-law, Daniel and Janet Yawn; grandchildren Miranda and Lily Yawn of Mt. Juliet, Tenn; and sister Rebecca Yawn Branch of Brunswick. He was predeceased by a son, Thomas Dorsey Yawn Jr. 

Memorial Gifts

Memorial Gifts are a meaningful way to honor a loved one. The Georgia Bar Foundation furnishes the *Georgia Bar Journal* with memorials to honor deceased members of the State Bar of Georgia. Memorial Contributions may be sent to the Georgia Bar Foundation, 104 Marietta St. NW, Suite 610, Atlanta, GA 30303, stating in whose memory they are

made. The Foundation will notify the family of the deceased of the gift and the name of the donor. Contributions are tax deductible. Unless otherwise directed by the donor, In Memoriam Contributions will be used for Fellows programs of the Georgia Bar Foundation.

February-April

FEB 12	ICLE <i>Contemporary and Complicated Divorce Issues</i> Atlanta, Ga. See www.iclega.org for location 7.5 CLE	FEB 19	ICLE <i>Elder Law</i> Statewide Satellite Broadcast See www.iclega.org for location 6 CLE
FEB 12	ICLE <i>White Collar Crime</i> Atlanta, Ga. See www.iclega.org for location 6.5 CLE	FEB 19	ICLE <i>Education Advocacy for Children in Care</i> Savannah, Ga. See www.iclega.org for location 5 CLE
FEB 12	ICLE <i>Solo Small Firm Boot Camp</i> Atlanta, Savannah and Tifton, Ga. See www.iclega.org for location 6 CLE	FEB 22	ICLE <i>Beginning Lawyers Program</i> Atlanta, Savannah and Tifton, Ga. See www.iclega.org for location 6 CLE
FEB 17	ICLE <i>Basic Securities Law</i> Atlanta, Ga. See www.iclega.org for location 6 CLE	FEB 23	ICLE <i>Webinar: E-Discovery</i> 1 CLE
FEB 18-19	ICLE <i>Social Security Institute</i> Atlanta, Ga. See www.iclega.org for location 10.5 CLE	FEB 24	ICLE <i>24th Annual Product Liability Seminar</i> Atlanta, Ga. See www.iclega.org for location 6 CLE
FEB 18	ICLE <i>Georgia Appellate Practice</i> Atlanta, Ga. See www.iclega.org for location 6 CLE	FEB 25	ICLE <i>Negotiated Corporate Acquisitions</i> Atlanta, Ga. See www.iclega.org for location 6 CLE
FEB 19	ICLE <i>Attorney First Aid Kit</i> Atlanta, Ga. (available via web stream) See www.iclega.org for location 6 CLE	FEB 25	ICLE <i>Eminent Domain Law</i> Atlanta, Ga. See www.iclega.org for location 6 CLE
		FEB 25	ICLE <i>Elder Law</i> Statewide Satellite Rebroadcast See www.iclega.org for location 6 CLE

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FEB 26	ICLE <i>Georgia Insurance Claims Law</i> Atlanta, Ga. See www.iclega.org for location 6 CLE	MAR 3	ICLE <i>Handling Big Cases</i> Atlanta, Ga. See www.iclega.org for location 6 CLE
FEB 26	ICLE <i>25th Annual Georgia Bar Media and Judiciary Conference</i> Atlanta, Ga. See www.iclega.org for location 6 CLE	MAR 3	ICLE <i>Plaintiff's Personal Injury</i> Statewide Satellite Rebroadcast See www.iclega.org for location 6 CLE
FEB 26	ICLE <i>Plaintiff's Personal Injury</i> Statewide Satellite Broadcast See www.iclega.org for location 6 CLE	MAR 4	ICLE <i>Truck Wreck Cases</i> Atlanta, Ga. See www.iclega.org for location 6 CLE
FEB 26	ICLE <i>23rd Annual Criminal Practice Seminar</i> Kennesaw, Ga. See www.iclega.org for location 6 CLE	MAR 4	ICLE <i>Professionalism and Ethics Update</i> Statewide Satellite Broadcast See www.iclega.org for location 3 CLE
MAR 2	ICLE <i>Not Your Typical Malpractice Seminar</i> Atlanta, Ga. See www.iclega.org for location 6 CLE	MAR 8	ICLE <i>March Group Mentoring</i> Atlanta, Savannah and Tifton, Ga. See www.iclega.org for location No CLE
MAR 2	ICLE <i>Advanced Topics in Franchising and Distribution</i> Atlanta, Ga. See www.iclega.org for location 3 CLE	MAR 8	ICLE <i>Webinar: Demonstrative Evidence at Trial</i> 1 CLE
MAR 3	ICLE <i>General Practice for New Lawyers</i> Atlanta, Ga. (Available via web stream) See www.iclega.org for location 6 CLE	MAR 9	ICLE <i>Post Judgment Collection</i> Atlanta, Ga. See www.iclega.org for location 6 CLE
		MAR 10	ICLE <i>13th Annual Nonprofit Law Seminar</i> Atlanta, Ga. See www.iclega.org for location 6 CLE

February-April

MAR 10

ICLE
Professionalism and Ethics Update
 Statewide Satellite Rebroadcast
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 3 CLE

MAR 11

ICLE
Milich on Evidence
 Atlanta, Ga.
 See www.iclega.org for location
 6 CLE

MAR 11

ICLE
Fundamentals of Health Care Law
 Atlanta, Ga.
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 7 CLE

MAR 11

ICLE
Trial and Error
 Statewide Satellite Broadcast
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 6 CLE

MAR 16

ICLE
Proving Damages
 Atlanta, Ga.
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 6 CLE

MAR 17

ICLE
5th Annual Same Sex Legal Issues
 Atlanta, Ga.
 See www.iclega.org for location
 6 CLE

MAR 17

ICLE
Powerful Witness Preparation
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MAR 17

ICLE
Trial and Error
 Statewide Satellite Rebroadcast
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MAR 17-19

ICLE
*15th Annual General Practice
 & Trial Institute*
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MAR 18

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 Preparedness*
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MAR 22

ICLE
Beginning Lawyers Program
 Statewide Satellite Rebroadcast
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 6 CLE

MAR 23

ICLE
Georgia Law of Torts
 Atlanta, Ga.
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 6 CLE

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**MAR 23**

ICLE
*23rd Annual Family and Trial Law
 Convocation on Professionalism*
 Atlanta, Ga.
 See www.iclega.org for location
 3 CLE

MAR 24

ICLE
Trials of the Century
 Atlanta, Ga.
 See www.iclega.org for location
 6 CLE

MAR 24

ICLE
*Professional and Ethical Dilemmas
 in Litigation*
 Atlanta, Savannah and Tifton, Ga.
 See www.iclega.org for location
 6 CLE

MAR 24

ICLE
Walton County Bar Association Seminar
 Monroe, Ga.
 See www.iclega.org for location
 6 CLE

MAR 25

ICLE
Mediation Advocacy
 Atlanta, Ga.
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MAR 25

ICLE
Basic Fiduciary Practice
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 See www.iclega.org for location
 6 CLE

MAR 25

ICLE
Recent Developments in Georgia Law
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 6 CLE

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February-April

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7th Annual Employee Benefits Law Section
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6 CLE
- MAR 31** ICLE
Toxic Torts
Atlanta, Ga.
See www.iclega.org for location
6 CLE
- MAR 31** ICLE
Advanced Cross Examination
Atlanta, Savannah and Tifton, Ga.
See www.iclega.org for location
6 CLE
- APR 8** ICLE
Child Welfare Attorney Training
Atlanta, Savannah and Tifton, Ga.
See www.iclega.org for location
7 CLE
- APR 12** ICLE
Webinar: Child Support Worksheets
1 CLE
- APR 14** ICLE
Construction Law for the General Practitioner
Atlanta, Savannah and Tifton, Ga.
See www.iclega.org for location
6 CLE
- APR 22** ICLE
Aviation Law
Atlanta, Ga.
See www.iclega.org for location
6 CLE

- APR 26** ICLE
Webinar: Winding Down a Practice
1 CLE
- APR 28** ICLE
Building Professional Presence
Atlanta, Ga.
See www.iclega.org for location
6 CLE



ETHICS DILEMMA?

Lawyers who would like to discuss an ethics dilemma with a member of the Office of the General Counsel staff should contact the Ethics Helpline at 404-527-8741, 800-682-9806 or log in to www.gabar.org and submit your question by email.

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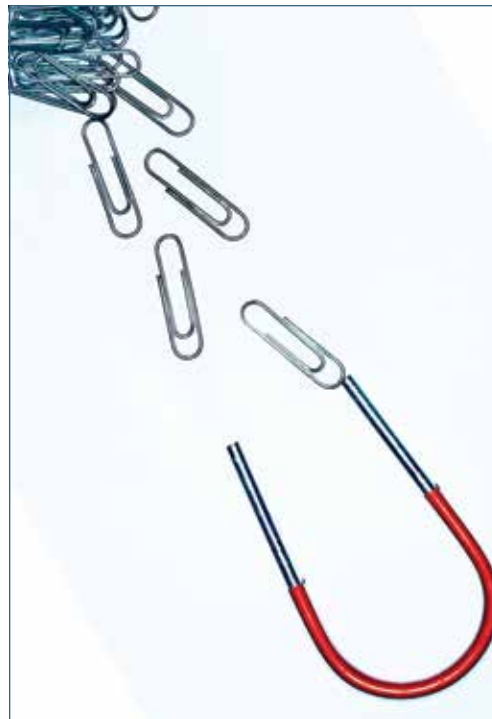
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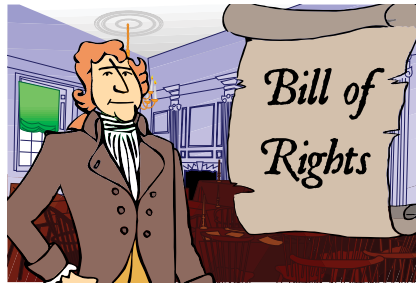
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Trial By Jury: What's the Big Deal?

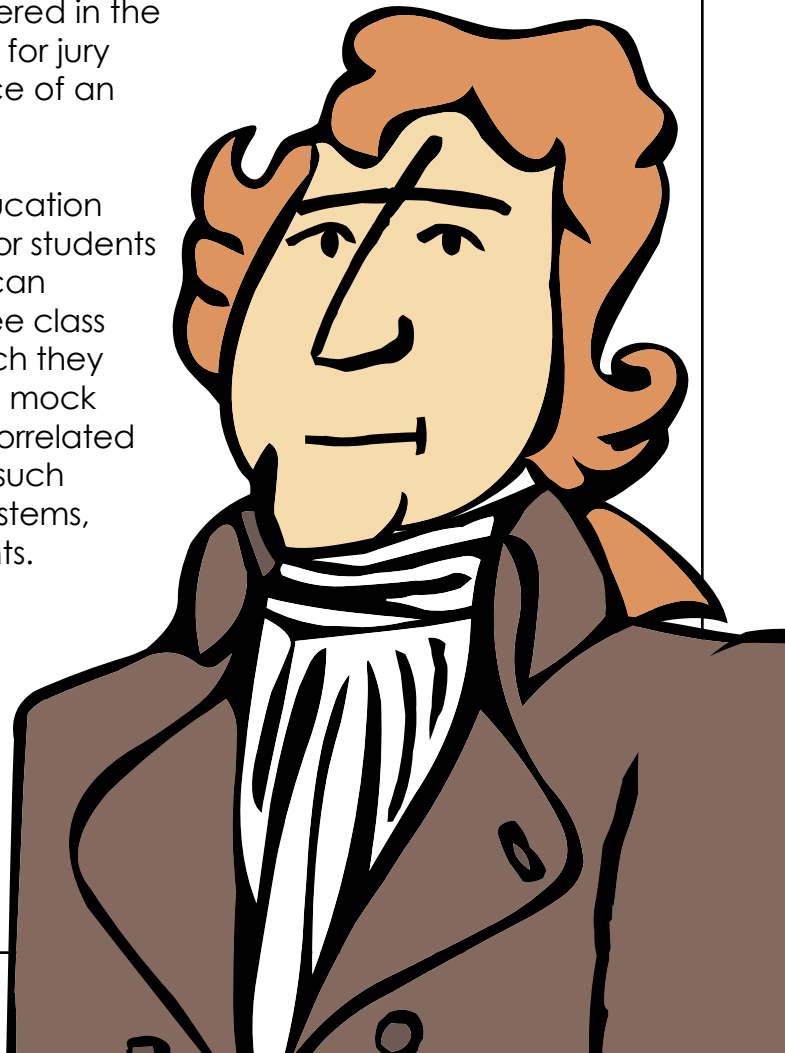


"Trial By Jury: What's the Big Deal?" is an animated presentation for high school civics classes in Georgia to increase court literacy among young people. This presentation was created to be used by high school civics teachers as a tool in fulfilling four specific requirements of the Social Studies Civics and Government performance standards.

This animated presentation reviews the history and importance of trial by jury through a discussion of the Magna Carta, the Star Chamber, the trial of William Penn, the Constitutional Convention in 1787, the Constitution and the Bill of Rights. Also covered in the presentation are how citizens are selected for jury duty, the role of a juror, and the importance of an impartial and diverse jury.

The State Bar of Georgia's Law-Related Education Program offers several other opportunities for students and teachers to explore the law. Students can participate in Journey Through Justice, a free class tour program at the Bar Center, during which they learn a law lesson and then participate in a mock trial. Teachers can attend free workshops correlated to the Georgia Performance Standards on such topics as the juvenile and criminal justice systems, federal and state courts, and the Bill of Rights.

You may view "Trial By Jury: What's the Big Deal?" at www.gabar.org/forthepublic/forteachersstudents/lre/teacherresources. For a free DVD copy, email laurenf@gabar.org or call 404-527-8736. For more information on the LRE Program, contact Deborah Craytor at deborahcc@gabar.org or 404-527-8785.



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