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Special education

Law students help parents exercise their educational rights

by Meg Twomey (ABJ '11)

By sixth grade, Liam Ellis was doing well enough academically to transition from special education into a mainstream classroom. But after one classroom incident related to his Asperger’s syndrome, school officials wanted to send him back to special ed.

“He had an issue that caused a setback and instead of trying to help him, he basically was put in in-school suspension for a month,” Liam's mom Pam Ellis says.

Ellis turned to the UGA School of Law for help. Working with law students in the school’s special education practicum, she was able to navigate the public school system policies to keep her son in the regular classroom and receive the services he needs to be a success there.

Directed by Torin Togut, an attorney with the Georgia Legal Service Program, who launched the program at UGA in 2006, the special education practicum provides legal assistance and advocacy to lower-income families with special needs children to ensure their children receive the free, appropriate public education that they are promised under federal law.

While the program provides a valuable service to parents, it also gives students a firsthand look at one area of the law they may be working in once they graduate. The seminar portion of the practicum allows students to discuss their clients' experiences with Togut and each other.

“I was interested in getting practical experience... I wanted to see how it is in reality,” says Emily Boness (JD '10), who participated in the practicum.

The practicum lasts a semester and complements work the students perform in the classroom. The students are assigned in pairs to parents seeking help for their children. They review case files, meet with clients and research laws to build a case to take to school board officials. They also observe Togut in the courtroom and at school meetings.

“Maybe most importantly what they learn is not only skills, but they see their supervisors, who are acting as lawyers,” Togut says. “They see people doing what they came here to do,” law school Associate Dean Paul M. Kurtz says.

The special education practicum is one of 12 clinics now offered through the law school to provide students real world experience while earning their degrees.

Boness recalls a father who stopped to thank her after a frustrating three-hour school meeting.

“He knew it was important to get his son through school, and he appreciated us being there,” she says. “And I thought, this is what it’s all about... this makes it worth it.”

GET MORE

To learn more about the School of Law clinics, go to www.law.uga.edu/clinical-programs.

Law student Sonya Elkins meets with Pam Ellis and her son Liam, 11, at the Georgia Legal Services program office as part of the UGA School of Law’s special education practicum. Elkins and other law students helped Ellis navigate public school system policies so that Liam can receive the services he needs.
"Our decision to give back to UGA was an easy one. The UGA School of Law provided the springboard to Robert’s legal career, which began at King and Spalding in Atlanta. Our oldest son, Robert IV, graduated in December with his history degree and starts his career in insurance next month at Marsh. Our son, Taylor, is working on his business degree.”

—English Ball, who with her husband Robert served as chairs of the UGA Parents and Families Leadership Council for the 2010-11 academic year. English Ball was one of two parents to serve on the UGA Emergency Preparedness and Communications Committee, which reviewed the university’s emergency response protocols and made recommendations to improve the system.

From left: Robert Ball IV (AB ’10); English Ball; Taylor Ball; Caroline Ball; and Robert Ball III (JD ’86).

Robert Owen Ball III (JD ’86) and his wife English Ball created the Robert Ball Law School Scholarship with a $100,000 gift to the university. They also support the UGA Parents and Families Council with an annual gift of $2,500.

Want to give? Go to www.externalaffairs.uga.edu/os/makegift.

Corps Public Affairs in the Pentagon’s Marine Corps headquarters. Richard Costigan (AB ’88) is the California State Personnel Board’s representative to the California Public Employee’s Retirement System board of administration. Stephen L. Penley (M ’88) was appointed to the Capitol Arts Standards Commission by Gov. Nathan Deal. Eleanor Sams (BFA ’88) is a member of the creative team at Jackson Spalding’s Athens office.

Kristi Smith Atkins (AB ’89) was a 2011 Enterprising Women of the Year Award recipient in the annual revenues of up to $5 million category. She is a CEO at a TIm Marketing Solutions, a sports and entertainment marketing agency. Ann Dickerson Zack (ABJ ’89) and her husband Bill started Legends of the Game Cookie Company and partnered with John Smolz as the brand’s ambassador. The company sells sugar cookies iced with images of famous athletes.

1990-1994

Deron R. Hicks (BFA ’90) was appointed to the position of state inspector general for the state of Georgia. John A. Moreland III (BBA ’90, MEd ’92) is the vice president of marketing at Richmond International Raceway in Virginia. Tim Worley (M ’90) was inducted into the Robeson Country Sports Hall of Fame in Robeson County, N.C. Worley played football at UGA and was a running back for the Pittsburgh Steelers and Chicago Bears. Greg Griffith (BS ’92) of St. Simons Island is head of school for Frederica Academy. Kendal Dunson (BBA ’93) is president of the Montgomery County Bar Association in Alabama. Sherri Green (BSFCS ’93) was elected president of the D.C. Ad Club, the Washington D.C. chapter of the American Advertising Federation. She is the director of new business development at L&M/O Advertising in Arlington, Va.. Will Ronning (BBA ’93) is vice president and general counsel for Coastal Medical Billing
Lawyers From High-Profile Plaintiffs Firms Start Their Own

Meredith Hobbs

06-01-2011

Plaintiffs lawyers Alan J. Hamilton and Jeffrey P. Shiver have taken the plunge and started their own Atlanta shop, Shiver Hamilton, after several years at high-profile plaintiffs firms.

Shiver was a senior associate at Law & Moran, and Hamilton was a senior associate at Butler, Wooten & Fryhofer.

"It's a big risk," said Hamilton. "But we saved up money and have a good banking relationship."

Hamilton said he and Shiver had talked about having their own firm since 2001, when they were first-year law students at the University of Georgia. The two had always wanted to be trial lawyers, he said.

"We decided to make our law school conversations a reality," said Shiver.

The two took different directions after law school. Hamilton, who grew up in Auburn, Ala., clerked for Judge William M. Acker Jr. of U.S. District Court for the Northern District of Alabama. He said he "was teed up to work for a big defense firm" after law school but then met George W. Fryhofer III and other Butler Wooten partners.

"I had a nagging feeling that I would rather represent plaintiffs," said Hamilton. He spent six years at Butler Wooten, handling product liability cases, as well as trucking and other serious injury cases, before joining forces with Shiver.

Shiver, a native of Nashville, Ga., started out at Love Willingham Peters Gilleland & Monyak, now Peters & Monyak, where he worked with Jonathan C. Peters on medical malpractice cases. He joined Peter A. Law's firm at the beginning of 2007, handling road wreck and premises cases.

Both secured large jury verdicts for plaintiffs last fall, before starting their firm in March. Shiver was lead plaintiffs counsel in a personal injury case last November in which a DeKalb County jury awarded almost $3.3 million in damages and attorneys fees to a couple hit by a tractor-trailer. He was lead counsel in October for a slip-and-fall case in which his client won almost $1.8 million before a Bulloch County jury.

Hamilton was co-counsel in a weeklong wrongful death trial in November, representing the estate of a man run over by a dump truck. A DeKalb County jury awarded his client almost $5.5 million.

Fryhofer said his firm was sorry to lose Hamilton and that his departure was amicable, predicting that he and Shiver would do well together.

Law said Shiver had talked to him for some time about starting his own firm. "I knew it was something he wanted to do. He's a really good lawyer and I hated to see him go," said Law, who added A. Joel Williams Jr. from Boone & Stone at the beginning of the year to replace Shiver.

"It's the nature of the plaintiffs personal injury practice," said Law, noting that he opened his own firm about three years after he started practicing law.

Hamilton said he and Shiver have been busy since starting their firm, which is located at 400 Colony Square. They are co-counsel with G. Blake Andrews Jr. and J. Tom Morgan III on a potential class action filed last week against the Clayton County school district, representing teachers who, according to the complaint, did not work for a week in January because of the snowstorm, then in April had four days of pay deducted retroactively as an unpaid furlough. The case is filed in U.S. District Court for the Northern District of Georgia.

They've also just filed suit against a trucking company and its driver in DeKalb State Court, alleging that the driver was intoxicated and made a wrongful left turn in front of their client on Fulton Industrial Boulevard, causing...
a collision.
The Western Judicial Circuit Today and in Bygone Times

A Short History of Local Superior Court Judges—Part One

H. Patrick Haggard, appointed by Gov. Deal to fill the unexpired term of Judge Steve C. Jones, is the latest in a long line of superior court judges in the Western Judicial Circuit, which includes Athens. In this two-part article, adapted from a speech he gave to the Western Judicial Circuit Bar Association, Prof. Donald E. Wilkes, Jr. takes a look at the history of the circuit and the judges who have served it.

There are 159 superior courts in Georgia—one in each county. Of all the existing courts of this state, superior courts are the oldest. They were created 234 years ago by Georgia’s first state constitution in 1777. By contrast, the Supreme Court of Georgia was not established until 1845, and the Court of Appeals of Georgia was not created until 1906.

Presided over by superior court judges elected by the people, superior courts are the most important trial courts in this state. Superior courts have general jurisdiction to try almost any civil or criminal case, and are the only courts with authority to exercise the powers of a court of equity or to try felonies. In addition to this expansive trial jurisdiction, superior courts even have appellate jurisdiction to review certain decisions of probate courts and magistrate courts.

The superior courts of this state are grouped into 49 circuits with geographical names. The superior courts of Clarke and Oconee counties form the Western Judicial Circuit.
The Western Judicial Circuit was created by a 1797 statute, before Clarke County even existed. Along with the Eastern and Middle Circuits, it was one of the first three judicial circuits established in this state. The Western Judicial Circuit originally consisted of the superior courts of eight counties: Elbert, Franklin, Greene, Hancock, Jackson, Lincoln, Oglethorpe and Wilkes. Clarke County joined the Western Judicial Circuit when the county was created in 1801, and Oconee County has been part of the Circuit since the county’s creation in 1875.

At one time or another, the superior courts in a total of 24 counties have been part of the Western Judicial Circuit. The most superior courts in the Western Judicial Circuit in any one period was between 1821 and 1822, when the Circuit included 11 counties: Clarke, Fayette, Franklin, Gwinnett, Habersham, Hall, Henry, Jackson, Newton, Rabun and Walton. From 1923 until 1972, the Western Circuit consisted of the superior courts of Clarke, Oconee and Walton counties. In 1972 the superior court of Walton County was removed from the Western Circuit.

Until 1976, there was never more than one superior court judge of the Western Judicial Circuit at a time. A 1976 statute raised the number of judges to two, and a 1995 statute further increased the number to three. The current superior court judges of the Circuit are Lawton Stephens, David Sweat and H. Patrick Haggard. Haggard was recently appointed by Governor Deal to fill the vacancy created when Steve C. Jones resigned earlier this year to become a federal judge. Haggard will serve the unexpired portion of Jones’ term and then, as he has announced, seek election for a full term. (Superior court judges are elected to serve four-year terms.)

There have been 29 superior court judges of the Western Judicial Circuit since its creation in 1797. (A list of these judges, with their terms of office, is set forth below in the Appendix to this article.) Some of these judges are among the most illustrious jurists in the history of this state. The legendary James Barrow, for example, who died in 2000, was a judge, everyone knew, who strove for justice in every single case he tried. His decisions were hardly ever set aside by appellate courts, who well knew Judge Barrow’s astonishing, proven reputation for wisdom and fairness.

Donald E. Wilkes, Jr.

Appendix: Superior Court Judges of the Western Judicial Circuit and Their Terms of Office


Next week: colorful details from the lives of some of these superior court judges.
Troublesome political children

From Amy Carter to Jenna and Barbara Bush.

By Sarah McHaney
11:00PM BST 01 Jun 2011

Amy Carter – After President Carter's single term in office, Amy was heavily involved in political activism including various sit-ins. She was arrested during a protest at the University of Massachusetts in 1986. She attended Brown University where she was dismissed for academic reasons and then denied re-entry.

Jack Carter – eldest son of President Carter. He struggled to find a university that 'suited' him, bouncing between Georgia Tech, Emory, and Georgia Southwestern State University. He enlisted in the US Navy in 1968 at the suggestion of his father and was then discharged in late 1970 after he and 53 classmates were caught smoking marijuana. He returned to Georgia Tech, finished his degree and then went to law school at the University of Georgia.

Michael Reagan – adopted son of Ronald and Nancy Reagan, has made several controversial radio host comments including asking for the murder of a 9/11 conspiracy theorist on air. He has continued a sporadic feud with the brother Ron after their father's death.

Ron Reagan – son of Ronald and Nancy Reagan. He was a self-declared atheist at age 12 and went down a very different political path from his parents. He was expelled from high school and later dropped out of
Yale University to become a ballet dancer. While Reagan was President, Ron hosted Saturday Night Live and performed the underwear dance Tom Cruise made famous in the movie "Risky Business". In 2008 he endorsed Barack Obama. In a recent book to mark the 100th anniversary of his father's birth, he said that Reagan showed signs of Alzheimer's in office.

Patti Davis – Daughter of Ronald and Nancy Reagan, she opposed her father on issues such as abortion, gay rights, and nuclear weapons. During her father's election she was living unmarried with her boyfriend. In 1994 she posed nude for Playboy magazine.

Jenna and Barbara Bush – twin daughters of George W and Laura Bush were both arrested and charged with a class C misdemeanor in 2001 for possessing alcohol while under 21 in Austin, Texas. Barbara was also charged with possession a fake ID (which had her grandmother's maiden name, Barbara Pierce). The two pleaded no contest to the charges.
Second Lives: For These Former Justices, Retirement Is No Day at the Beach

Posted Jul 1, 2011 2:49 AM CDT
By Mark Walsh

Former Justices David H. Souter, Sandra Day O'Connor and John Paul Stevens (above), since stepping down from the Supreme Court, have served on federal appeals court panels, given interviews and made opinionated speeches on recent decisions.

When Justice John Paul Stevens stepped down from the U.S. Supreme Court last year, it marked the first time in 12 years that there have been at least three retired justices.

And going back to 1994, when Justice Harry A. Blackmun retired, there began a period of a little more than a year when five ex-justices were still puttering around—former Chief Justice Warren E. Burger, and former Justices Lewis F. Powell Jr., William J. Brennan Jr. and Byron R. White.

But with a few exceptions, those justices were largely out of the spotlight in retirement.

For the three current ex-justices, retirement has seen little in the way of shuffleboard, Mahjong or Caribbean cruises. Instead, Justices Sandra Day O'Connor, David H. Souter and Stevens have been rewriting the book on retirement pursuits and expectations.

"Until now there wasn't much post-judicial behavior" for retired justices, says Linda Greenhouse, who covered the Supreme Court for the New York Times for some 30 years and is now a senior research scholar and lecturer at Yale Law School. "Those who weren't carried out were pretty old and debilitated by the time they left the court. Now we have this unusual collection of energetic, very engaged individuals."

BREAKING THE MOLD

Of the 103 former justices, 49 remained on the court until they died, and many left in poor health, Greenhouse notes. Others left for specific reasons. John Jay, the first chief justice, once called the post "intolerable" and ran for governor of New York. President Lyndon B. Johnson talked Justice Arthur J. Goldberg into leaving the court in 1965 to become United Nations ambassador. Burger stepped down after 17 years to lead the bicentennial of the U.S. Constitution.

But few can recall such an outspoken trio as these. For Stevens, 91, a two-week period in May was emblematic. In a May 2 speech in New York City, he criticized his ex-colleagues for overturning a damages award for a man who spent 14 years on death row because prosecutors failed to turn over exculpatory evidence in a murder case. Referring to a
March 29 concurrence by Justice Antonin Scalia in Connick v. Thompson, Stevens said, "Justice Scalia has either overlooked or chosen to ignore the fact that bad faith, knowing violations" of a rule requiring such disclosures of evidence "may be caused by improper supervision" in a prosecutor's office.

The next day, in another speech, the retired justice said he would have joined the lone dissent of Justice Samuel A. Alito Jr. in Snyder v. Phelps, where the court held that the First Amendment shields members of the Westboro Baptist Church from tort liability for picketing the funeral of an American serviceman.

"It might interest you to know that if I were still an active justice, I would have joined [Alito's] powerful dissent," said Stevens. "To borrow Sam's phrase, the First Amendment does not transform solemn occasions like funerals into 'free-fire zones.'"

Just a few days later, on May 12, Stevens weighed in on the U.S. mission that killed Osama bin Laden. Speaking at a symposium at Northwestern University Law School about his 35-year tenure, Stevens noted that there had been "some debate about the propriety" of the killing of bin Laden by U.S. Navy Seals.

"I must say I was proud of the Seals," said Stevens, a Navy codebreaker during World War II and the last veteran of that war to serve on the high court. "It was not merely to do justice and avenge Sept. 11. ... It was to remove an enemy who had been trying every day to attack the United States."

"It seems clear that Justice Stevens wants to speak out on issues that are quite important to him," says University of Georgia School of Law professor Diane Marie Amann, a former Stevens clerk. "What's remarkable is that he has speaking to groups that he never spoke to [while serving on the court], and he's been putting together remarks that have been tailored to the interests of that group."

She notes that besides his speeches, which included one last fall addressing the internment of Japanese-Americans during World War II, Stevens is completing a book about the five chief justices he has known either as a law clerk or as a justice.

Stevens told author Bill Barnhart in a recent interview in The Atlantic that he had no desire to linger on the court beyond his physical prime. Stevens recounted that he had secretly asked Souter a few years ago to tell him when it was time to go. When Souter retired in 2009, "I knew I didn't have any safety valve anymore." Stevens said in the interview, adding that he decided he would retire (at term's end) the day in January 2010 when he faltered in delivering his dissent from the bench in the campaign-finance case Citizens United v. Federal Election Commission.

O'Connor, 81, has been active in a number of causes since she left the bench in early 2006, notably her campaigns in favor of merit selection of state court judges and work to improve civic education. O'Connor, who travels and speaks frequently at a wide variety of events, has sometimes made tart comments on issues of the day. Last year, at a symposium at the College of William & Mary law school, O'Connor said she regretted that some of her decisions on abortion rights, campaign finance and race-conscious government policies were "being dismantled" by the current court.

"What would you feel?" O'Connor was quoted in USA Today. "I'd be a little bit disappointed. If you think you've been helpful and then it's dismantled, you think, 'Oh, dear.' But life goes on. It's not always positive."

Souter, who retired in 2009 and will turn 72 in September, is less visible than his fellow ex-justices. But he has hardly been a recluse. Like O'Connor, Souter has served by designation on federal appeals court panels, and he even wrote the decision in a case last year. (Stevens has not yet served on any appeals panels.)

The usually media-shy Souter even gave an interview to 60 Minutes last year, in tribute to Stevens.

In 2010, Souter delivered a speech at Harvard University's commencement that offered a critique of originalist interpretations of the Constitution, which the retired justice called the "fair reading model." Several liberal commentators lauded his discussion of the need for justices to go beyond the plain text to make choices among the
competing values in the Constitution.

"The Constitution is a pantheon of values," Souter said, "and a lot of hard cases are hard because the Constitution gives no simple rule of decision for the cases in which one of the values is truly at odds with another."

Artemus Ward, an associate professor of political science at Northern Illinois University who has written about the timing of high court retirements, believes all three retired justices chose to step down when they viewed the political conditions as favorable for selection of their successors.

"This also means they can be more active in retirement," Ward says. "And in retirement, one also wants to continue to spin the record and influence a favorable historical judgment on [one's tenure]."

Amann and Greenhouse agree that many retired justices have sought to burnish their legacies. The more active models of retirement displayed by O'Connor and Stevens, and to a lesser extent by Souter, can only help engage the public about the Supreme Court.

Amann, who is writing a book about Stevens, doesn't consider any of the retired justices' comments to have crossed a line into outright criticism of their former colleagues. "Each of them has chosen a path that is extremely respectful of their peers on the court," she says.

Greenhouse adds that with the active paths chosen by court retirees, the public gets "the unconstrained benefit of their experience and they don't have to filter it through the usual constraints of sitting judges. I just think that adds something to the public discourse about the court."

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Sam L. Oliver

Wednesday, June 1, 2011 3:32 PM CDT

Gainesville has lost another person whose contributions to this community and to his family can never be measured. Samuel L. Oliver passed away May 25, 2011 at Emory University Hospital, after a short battle with leukemia, at the age of 68. Sam was a member of the law firm of Hulsey, Oliver & Mahar, LLP and specialized in the areas of corporate and business law, estate planning, and banking.

While working his way through college, Sam was an honors graduate with an A. B. from the University of Georgia. He earned his law degree from the University of Georgia School of Law while serving as editor of the Georgia Law School Law Review publication.

Following graduation from law school, Sam served in the United States Navy as a judge advocate general, and upon his discharge in 1969, he joined the law firm of Kenyon, Gunter, Hulsey, Sims and Oliver, currently known as Hulsey, Oliver & Mahar, LLP.

Sam was a founding director of GB&T Bancshares and its predecessor, Gainesville Bank & Trust, serving on the board from its beginning until the Bank’s acquisition by SunTrust.


He also was a member and chairman of the Northeast Georgia Community Foundation and the Gainesville College Foundation. Sam was a former trustee of the Quinlan Arts Center, past member of the Gainesville Planning Commission, and as a member of Kiwanis, he was a past president and lieutenant governor.

He also was a member of Chattahoochee Country Club, serving as a past president.

As a member of Grace Episcopal Church, he served on the governing board for three terms and as senior warden for two terms. Sam currently is a member of Good Shepard Episcopal Church, Hayesville, N.C., where he serves as senior warden for the Vestry.

As committed as Sam was to his career and to his community, nothing exceeded his commitment and love for his family. His first priority was to be a role model and mentor for his children and grandchildren. He was totally successful in meeting this goal, and they are his continuing legacy.

A memorial service was scheduled for 11 a.m. Saturday, May 28, 2011 at the Episcopal Church of the Good Shepherd 495 Herbert Hills Drive Hayesville, NC 28904.

he Revs. John Rice and Don Harrison officiated. Sam was born May 31, 1942 in Toccoa, Ga., the son of the late Lamar Oliver and Mary (Chandler) Oliver.

Sam is survived by his loving wife, Jane Oliver of Gainesville; son and daughter-in-law, Eric and Jammie Oliver; daughter and son-in-law, Susan (Oliver) and Scott Brown; son, David Oliver and Shauna Delong all of Gainesville; grandchildren, Sloan Oliver, Sam Oliver, Ethan Dodds, Sawyer Brown, Samuel Rhett Brown and Kaelan Delong; and brother, Bob and Jean Oliver of Braselton, Ga.
In lieu of flowers, the family requests donations be made to one of the following charities: Emory Winship Cancer Institute Development Office 1762 Clifton Road Suite 1400 Atlanta, GA 30322; Designate “In Memory of Samuel L. Oliver” Good Shepard Episcopal Church P.O. Box 677 Hayesville, NC 28904; North Georgia Community Foundation 615 Oak Street, N.W. Gainesville, GA 30501

Visitation will be held Friday, May 27, 2011, from 4-7 p.m., at the Quinlan Visual Arts Center, 514 Green Street, N.E., Gainesville.

Memorial Park North Riverside Chapel, 989 Riverside Drive Gainesville, Georgia 770-297-6200 or online condolences at: www.memorialparkfuneralhomes.com
Jones, again honored for work, thanks his hometown

By ALLISON FLOYD - allison.floyd@onlineathens.com

Hundreds of people filled a Classic Center ballroom on Sunday to honor former Superior Court Judge Steve Jones and tell the Athens native how much the community will miss him.

"Many of you remember Steve Jones. He was a Superior Court judge here," Chief Judge Lawton Stephens joked, making light of the wave of admiration and affection locals have expressed since learning that Jones would become a federal court judge and move to Atlanta. "He's gone, but not forgotten - unlike the rest of us judges, who are forgotten, but not gone."

See more photos from the reception.

President Obama appointed Jones to the federal court for the Northern District of Georgia last July, a promotion that forced Jones and his wife, Lillian Kincey, to leave Athens, where Jones grew up and has served with countless nonprofit groups.

Raised by a single mother in a humble house on Timothy Road, Jones went on to get business and law degrees from the University of Georgia, serve as a prosecutor, Athens Municipal Court judge and, beginning 16 years ago, a Superior Court judge for the Western Judicial Circuit, which includes Clarke and Oconee counties.

Escorted to the dais by Oconee County Sheriff Scott Berry and Clarke County Chief Deputy Gene Mays, Jones told the crowd that he felt uncharacteristically speechless.

"I am told by my family that I talk all the time, but this is one of the few times that I'm having a hard time expressing what my heart feels," he told the crowd of 300. "Steve Jones didn't do this. It is every one of you people who helped raise me.

"You had confidence in me before I deserved it. You all made the difference."
Several years ago, he watched while a crew took days and days to prepare a foundation for his new house, Jones said.

When he questioned the contractor about the delay, the builder explained that everything that comes after depends on a good foundation, so it's important to do it right.

"My foundation is right here in Athens-Clarke and Oconee counties," Jones said. "No matter where I go, my foundation is here, and for that, I love you all and thank you all."

Former Athens-Clarke Mayor Doc Eldridge gave Jones a key to the city - though he no longer has the authority to give official recognition on behalf of City Hall, he pointed out.

Near the end of his first term, Eldridge was so confident of his re-election, he bought a case of keys - which now open nothing, he said.

But Eldridge also announced a fund that has been established in Jones' and Kincey's names to continue to do the anti-poverty work that Jones spearheaded here.

After presenting proclamations and commendations from Gov. Nathan Deal, the Georgia House, UGA's public safety department and county commissions for Athens-Clarke and Oconee, Stephens gave the microphone to fellow Superior Court Judge David Sweat.

Sweat and many others who work in the courts or local government have expressed the same bittersweet feelings about Jones' appointment - pride for his accomplishments, confidence that he will be an asset to the court and sadness that they won't see him as often.

But Sunday, Sweat offered a simple one-word speech to his longtime friend: "Godspeed."

Originally published in the Athens Banner-Herald on Monday, June 06, 2011    report an error
UGA students nail the cheats in IRS forensic accounting simulation

By LEE SHEARER - lee.shearer@onlineathens.com
Published Wednesday, June 01, 2011

Arresting criminals is not part of the syllabus in most college classes, but one group of role-playing University of Georgia students did exactly that Tuesday - hauling in a crooked bar owner who cheated on his taxes, a crooked tax consultant and a couple of other bad guys.

The arrests won't stand up in court, of course. The owner of Cheaters Bar & Grill and the other bad guys were really role-playing IRS agents from Atlanta.

The 14 IRS agents came to Athens on Tuesday to conduct a four-hour fraud investigation simulation for 25 students taking professor Tina Carpenter's forensic accounting course, which finishes up Friday.

Even though the guns were rubber, nailing the crooks felt pretty good for the students, who wore wires to secretly record conversations, talked to confidential informants, interviewed snitches and uncooperative witnesses and used other real-life tactics IRS investigators employ during their investigations.

"We took him down!" exulted Whit Roper of Athens, who's leaning toward forensic accounting as a career once he finishes his master's in accounting at UGA.

Another student, Frenesha Greene, already has a job lined up in forensic accounting - basically, investigating cases of fraud, embezzlement and other situations which might end up in civil or criminal courts.

"I have a very questioning mind. I'm very curious," said Greene, explaining her career choice.

Greene got to practice a little for her future job Tuesday, when Carpenter's students divided up into four teams to investigate four tax cheats, learning the fundamental technique IRS investigators use in any theft investigation - follow the money.

Greene's team went after a pair of gambling cheats - a racetrack gambler who under-reported his winnings and a racetrack cashier who falsified records to help him.

Greene got to lead a key interview with the cashier, a woman who was really an IRS agent.

"My job was to get her to implicate herself, which she did," Greene said.

The students didn't do so well in a follow-up interview with the gambler who was in cahoots with the cashier. They didn't know what do when the man denied everything and said, "You're telling me it's illegal to win?"

But the students regrouped, and after a second round felt they had enough evidence for the arrest.

"This simulation adds a lot," Carpenter said. "Role-playing allows the students to use all the techniques they're learning in class."

The students learn something about criminal investigations and evidence, and the IRS also gets some benefit, said Bryant.
Brooks, a special agent in the IRS criminal investigation field office in Atlanta.

The students now know that IRS agents do more than just pore over income tax returns, and maybe one or two will decide to go to work for the federal agency after graduation.

"We use it as a recruiting tool," said Brooks, a graduate of UGA's business school. "It's a great way to expose accounting students to different careers."

IRS offices around the country have been conducting these simulated investigations for about 10 years, following a model the agency first tried out at Adrian College in Michigan.

But Tuesday's investigation was the first time the agency had come to UGA with the Adrian Project, as the IRS calls it.
Teen's murder conviction tossed

UNANIMOUS GEORGIA HIGH COURT says evidence that
prosecutors said showed girl had 'gothic lifestyle' was irrelevant

ALYSON M. PALMER| apalmer@alm.com

A UNANIMOUS Georgia Supreme Court on Tuesday tossed the murder conviction of a teenage girl, saying prosecutors improperly brought in evidence designed to show the girl was under "satanic influences."

The court said that evidence that Courtney Haring had what prosecutors called a "gothic lifestyle" was irrelevant to whether she shot her mother in the head in 2005.

The court noted that Appalachian Circuit prosecutors showed the jury photos of Courtney with dyed black hair and dark makeup, a document bearing the words of a "necromancy" and several different inscriptions of song lyrics and other quotations containing themes of anguish, atonement and violence. The prosecution's theory was that Courtney, then 15, was angry at her mother for restricting her visits with a 19-year-old boyfriend.

Chief Justice Carol W. Hunstein wrote that the evidence of the young woman's character was so irrelevant and prejudicial as to warrant reversal, especially given the state's case was circumstantial.

See Teen, page 9

Law school sued over 'false' employment stats

KAREN SLOAN| kslawn@alm.com

THE DEBATE over the accuracy of law school graduate employment statistics— or lack thereof—has moved into court.

A 2008 graduate of the Thomas Jefferson School of Law filed a class action in California state court on May 26, alleging that the school committed fraud by misrepresenting the employment statistics for its recent graduates.

"For more than 15 years, TJSI has churned out graduates, many of whom have little or no hope of working as attorneys at any point in their careers," the complaint reads.

See School, page 8
IN THE TRENCHES
Two lawyers from high-profile plaintiffs' firms start their own

TRENCHES, PAGE 1
George W. Fincher III and other Butler Wooten partners.

"I had a nagging feeling that I would rather represent plaintiffs," said Hamilton. He spent six years at Butler Wooten, handling product liability, as well as trucking and other serious injury cases, before joining forces with Shiver.

Shiver, a native of Nashville, Ga., started out at Love Willingham Peters Gilliland & Monyak, now a part of Beasley & Monyak, where he worked with Jonathan C. Peterson on medical malpractice cases. He joined Peter A. Law's firm at the beginning of 2007, handling road wreck and premises cases.

Both secured large jury verdicts for plaintiffs last fall, before starting their firm in March. Shiver was lead plaintiffs' counsel in a personal injury case last November in which a DeKalb County jury awarded almost $3.3 million in damages and attorneys fees to a couple hit by a tractor-trailer. He was lead counsel in October for a slip-and-fall case in which his client won almost $18,500 before a Bibb County jury.

Hamilton was co-counsel in a weekend wrongful death trial in November over a shooting of the estate of a man run over by a dump truck. A DeKalb County jury awarded his client almost $3.5 million.

Teen's murder conviction tossed

Teen, from page 1

"Though we have on numerous occasions affirmed the admission of evidence regarding a defendant's affiliation with controversial organizations or belief in unpopular ideologies, in all cases we have directly or indirectly rejected any theory that evidence was directly relevant to a contested issue in the case and was probative of motive, identity, or intent," wrote Hunstein. "In this case, however, the State theorized that appellant had committed the murder to avenge her mother's interference in the romantic relationship of [the boyfriend]; appellant's alleged 'gothic' Satanic beliefs bore no specific nexus with the crime.

Moreover, Hunstein added, there was no testimony linking the evidence to the murder. In this situation, the court said, "the evidence was not probative of motive, identity, or intent." The court reversed the conviction.


Hunstein's murder conviction tossed

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Health-care reform case comes to town

By Dave Williams
STAFF WRITER

The future of President Barack Obama's signature initiative, health-care reform, will be on the line in Atlanta when lawyers representing his administration and 26 states, including Georgia, clash in federal court.

A three-judge panel of the 11th U.S. Circuit Court of Appeals will hear oral arguments June 8 in a lawsuit challenging the Patient Protection and Affordable Care Act, a comprehensive overhaul of the nation's health insurance system adopted by Congress last year.

While lawsuits targeting health-care reform are being heard across the country, the case headed to Atlanta looms as particularly critical because the federal government is appealing a lower court ruling that threatens to invalidate the entire law, not just certain parts.

"This is one of the most important cases the 11th Circuit has heard in its history," said Fazal Khan, an associate professor at The University of Georgia School of Law who specializes in health law.

Lawyers and other advocates on both

> See HEALTH CARE, 23A
Health-care reform case comes to town

Continued from 1A

sides agree that the crux of the case is whether Congress has the right to require Americans to buy health insurance or pay a small penalty, a key provision in the law.

U.S. District Judge Roger Vinson of Florida declared the law unconstitutional in January, siding with the plaintiffs' argument that punishing citizens for a purchase they don't make is an overly broad interpretation of the Constitution's Commerce Clause, which gives Congress the power to regulate interstate commerce.

"This is the first time in history that Congress has tried to regulate inactivity," said Karen Harned, executive director of the Small Business Legal Center at the National Federation of Independent Business, which joined the states as a plaintiff in the case.

The government hasn't been able to answer the question that if Congress can require all of us to buy health insurance, why couldn't they make us buy broccoli, or gym memberships or a GM car? The list goes on and on. When would it end?"

Stephanie Mayfield, a spokeswoman for Georgia Gov. Nathan Deal, cited the mandate as a factor in the former congressman's decision to support the lawsuit he inherited from former Gov. Sonny Perdue when Deal took office last winter.

"In 2009, the governor was the ranking Republican on the [House of Representatives] Energy and Commerce Subcommittee on Health, and the first congressman to say on the floor of the U.S. House that the individual mandate was unconstitutional," Mayfield said.

Lawyers for the Obama administration, however, defended the use of the Commerce Clause as a basis for the individual mandate by citing two U.S. Supreme Court rulings that upheld the right of Congress to regulate commodities even when no purchase is involved.

In cases involving homogenized wheat and marijuana grown for medicinal purposes, the court declared that even products consumed at home affect the price of those goods in the market.

"People without insurance pay, on average, for less than half the cost of the medical care they consume," the administration's lawyers wrote in a brief filed May 18. "The tens of billions of dollars in annual health costs that people without insurance fail to pay are passed on to other participants in the health-care service market. . . . Established Commerce Clause precedent confirms Congress' power to address this economic problem.

"The government's opponents argue the individual mandate is not only critical to the lawsuit. They say it's also vital to the law from a policy standpoint because, without millions of uninsured Americans being forced to join the insurance market, health-care reform won't work."

"Even the government in its briefs and even Congress in its findings of fact say the insurance mandate is essential to the operation of the law," Harned said. "If it's unconstitutional, it rips the heart out of the law. How can it live on?"

But supporters say the law uses other ways than the mandate to reduce America's uninsured population, through provisions that reward rather than punish.

Tim Sweeney, senior health-care analyst with the Georgia Budget and Policy Institute, pointed to tax credits in the law that will help uninsured middle-income Americans afford health insurance.

A provision expanding Medicaid will aid those with lower incomes, he said.

"It's a better law with the mandate in there," Sweeney said. "(But) motivating health insurance purchases through the tax code instead of penalizing gets about it in the same fashion." Vinson's ruling instructed states to continue plans to implement the health-care reform law while the case makes its way through the courts.

Graham Thompson, executive director of the Georgia Association of Health Plans, said he expects Deal to issue an executive order soon creating a working group of health and insurance experts to develop a state-level exchange that individual consumers and small businesses could use to shop for health coverage.

Under the reform law, if states don't create their own exchanges, the federal government will do it for them, he said.

"We want to maintain local control," Thompson said.

But provisions such as the tax credits, the Medicaid expansion and state insurance exchanges might not become law if the 11th Circuit upholds the Florida ruling on the individual mandate. That's because Vinson supported the states' position that a decision holding any part of the federal law unconstitutional would invalidate the entire act.

"Without the individual mandate, the whole law has to fall," Khan said.

However, the U.S. Supreme Court is expected to render the ultimate verdict on health-care reform.

Khan said most court watchers expect a 5-4 ruling one way or the other, with the deciding vote likely to come from Anthony Kennedy, often the swing justice in controversial cases.

Reach Williams at dwilliams@bjsqueens.com.
Alexander Brings Passion for Family and the Law to House Race

Oconee County attorney stresses experience as a parent, business owner and veteran.

By Martin Matheny | Email the author | June 3, 2011

Leading up to the June 21 special election, Patch is profiling each of the candidates for the 113th District State House seat, which represents Oconee and part of Clarke County. Sarah Bell was profiled Tuesday, Dan Matthews on Wednesday and Chuck Williams on Thursday.

The first thing you see in Alan Alexander’s office is the pictures of his children, school photos, sports teams, and a few more candid shots. Alexander, an Oconee County attorney, is one of four candidates running to replace Hank Huckaby in a June 21 special election for the Georgia House of Representatives.

For Alexander, running for office is a way of giving back to the community and its classrooms.

“I’ve lived here a long time,” he said, “and I’ve been able to take advantage of a lot of the things, the schools, the roads, all the great things this community has to offer.”

With his children growing up, Alexander finally had the time to run for office.

“I’ve got six children,” he said. “Two of them are still rather small – my daughter attends Oconee County Elementary and my son attends Oconee County Middle School. I spent a lot of my life coaching youth sports and Little League. Now, they’re beyond dad’s coaching, so I don’t have as much call to do that as I once had. I’ve got the time to pay back a debt I feel like I owe.”

Athens attorney John McArthur, who has been friends with Alexander for over 30 years, spent a season last year on the sidelines with Alexander as a coach in Oconee County youth football.

“I was really impressed with Alan’s leadership abilities,” McArthur said. “His two older sons also helped coach, and it really impressed me how well they work together. Alan is a good father and he has great kids.”

Alexander was born in New Orleans, to two native Georgians, while his father was stationed in Louisiana during World War II. He earned his bachelor’s and law degrees from the University of Georgia.

After law school, Alexander served as a Captain in the Army’s JAG Corps, the military’s legal arm, for seven years. He is the only military veteran in the race.

Alexander has been practicing law for over four decades, including stints as a Winterville municipal judge and city attorney for the city of Crawford in Oglethorpe County.

If you ask him about memorable legal work he’s done, the first thing that he mentions isn’t a murder trial, a class-action lawsuit, or some other high-profile legal action. Instead, it’s never since.
If you ask him about memorable legal work he's done, the first thing that he mentions isn't a murder trial, a class-action lawsuit, or some other high-profile legal action. Instead, it's sewer pipes.

Earlier this year, in his job as city attorney for Crawford, Alexander was instrumental in getting Oglethorpe County a $4 million federal grant to build a wastewater treatment plant and sewer lines connecting Lexington and Crawford. The project had been on hold for months, due to a lack of funds.

Crawford Mayor Jimmy Coile first met Alexander more than 20 years ago.

"I hired Alan as city attorney in 1990," Coile said. "He has the best interest of the city at heart. He was a big help in getting this grant; I had to depend on him and the city engineer to guide me."

"I didn't do anything I didn't run by Alan first," Coile said. "I trust his judgement."

In his private law practice, Alexander has represented, among others, sheriffs from Hancock and Oglethorpe Counties in lawsuits to secure more funding for their departments.

He also represented three plaintiffs in a high-profile lawsuit against the Clarke County School District when the district decided to tear down the old Cedar Shoals High School and build a new one in its place. Opponents of the project, including Alexander's clients, wanted to see the existing building repurposed, perhaps as a vocational training facility.

The Georgia Supreme Court eventually ruled against Alexander and his clients, and the old school was demolished.

Alexander himself has been on the wrong side of the law once. In 2007, he pleaded guilty to three misdemeanor charges – simple assault, battery, and criminal trespass – in connection with a 2004 incident where Alexander and another man entered an Athens house in search of his daughter's then-boyfriend. Police reports indicate that Alexander threatened one of the men in the house, and punched him.

The boyfriend, who was not at the house when Alexander arrived, had been arrested earlier in the day for threatening Alexander's daughter, but posted bond and was released from jail. Alexander says he was worried about his daughter's safety.

"I was in a situation where I was called upon by my daughter when she was being victimized," Alexander said. "She contacted me and she was in imminent danger. I acted as I think a father under those circumstances would act. I tried to protect her. I regret the incident occurred, but I did what I felt like I had to do."

As part of his 2007 plea bargain, Alexander paid a fine and served four years of probation.
Alexander faces fellow Republicans Chuck Williams and Sarah Bell, as well as Democrat Dan Matthews, on June 21. The district encompasses all of Oconee County as well as parts of Clarke, Morgan, and Oglethorpe Counties. All four candidates live in Oconee County.

If no candidate wins over 50 percent of the vote on June 21, the top two vote-getters will square off in a runoff election on July 19.
Newsmakers

HIRES AND PROMOTIONS

LaRandie Holley

New job title: Administrative assistant

Company: Gro-Masters Inc.

Duties: Customer service, accounts payable and receivable and operations support.

Related work experience: Worked in accounting and as a Realtor with Coldwell Banker of Hilton Head, S.C., and Myrtle Beach, S.C., and in logistics with Kraft Foods of Orlando, Fla.

Brittany Waters

New job title: Administrative assistant

Company: TideWater Landscape Management Inc.

Duties: Customer service, accounts payable and receivable, and operations support.

Related work experience: More than eight years of customer service experience.

Education: Southeast Bulloch High School

Andrea M. Powers

New job title: Director of sales

Company: Richmond Hill City Center

Related work experience: Powers has 10 years experience in hospitality and has worked in segments of hotel management including guest services, catering, conference services, and director of sales. Her experience includes positions in Alabama, Texas, Kentucky, Indiana and Missouri with Wyndham, Holiday Inn, LaQuinta and several boutique hotels. She also served as a hotel manager for Clipper Cruise Lines. Most recently, she was catering sales manager at the
Mansion on Forsyth Park in Savannah.

Education: She holds a B.S. in hospitality and tourism management from Purdue University.

Leland “Lee” W. Brantley Jr.

New job title: Senior vice president/accounting

Company: The Savannah Bancorp

Related work experience: He has more than 15 years of accounting and auditing experience related to financial institutions and is a certified public accountant. He was chief financial officer for Crescent Banking Company and Crescent Bank & Trust Company in Jasper.

Education: He earned a Bachelor of Science in accounting from Wake Forest University and is a member of the American Institute of Public Accountants and The Georgia Society of Certified Public Accountants.

Larry Evans

New job title: Associate in the litigation section

Company: Oliver Maner LLP

Duties: He concentrates his practice in business litigation.

Related work experience: Evans practiced with a firm in Atlanta in the areas of mergers and acquisitions, corporate governance and general corporate work. Evans is a member of the State Bar of Georgia, the Savannah Bar Association and the Young Lawyers Division of the Savannah Bar Association.

Education: Evans graduated from the University of Georgia with a degree in international business and a minor in Spanish. He received his juris doctor from the University of Georgia School of Law in 2008.

Caroline Shaffer

New job title: Receptionist/concierge

Company: Spiva Law Group

Related work experience: She has five years experience in customer service and retail management.

Education: She has spent the last year and a half completing the paralegal program at Savannah Technical College where she will graduate with honors.

Kentia Jenkins

New job title: Legal assistant

http://savannahnow.com/print/969109
Company: Spiva Law Group

Duties: Jenkins has started her training as a legal assistant.

Related work experience: She has eight years of experience in administrative, clerical and customer service.

Education: She is working on a degree in legal studies at South University.

Sheryl Collison

New job title: Market manager for Savannah/Hilton Head

Company: Clear Channel Radio

Related work experience: Collison served as general sales manager for nine years. She has been in Savannah media sales for 27 years.

Michael Ammermon

New job title: Veterinarian

Company: Case Veterinary Hospital

Related work experience: Ammermon has worked in the emergency environment as well as in general practice. In recent years, he has become especially interested in orthopedic surgery and will be bringing his experience with orthopedics to Case.

Education: University of Georgia

Susan Harper

New job title: Managing director

Company: The Garcia Thayer Group

Duties: Harper will be based at the firm's office in Bluffton, S.C., and will work with Garcia Thayer's behavioral assessment and "changemaker" programs and is responsible for transition strategies for newly hired executives.

Related work experience: Harper served as director of strategic planning for Edward Hospital and Health Services in Chicago, director of the Development Center at Memorial University Medical Center in Savannah and director of change management for CNA Insurance in Chicago. She has also worked as a strategic planning consultant with Coopers & Lybrand and as an organization effectiveness consultant with Amoco Corporation.

Education: Harper has a Ph.D. in organizational psychology from the University of Chicago and a master's degree in public health from Tulane University.

Peter Ruden

http://savannahnow.com/print/969109
New job title: Litigation paralegal

Company: Spiva Law Group

Related work experience: Ruden has more than 20 years of litigation experience trying personal injury cases. Formerly a solo practitioner in New York and in-house counsel at the Kemper Insurance Companies, he is a member of the New York State Bar Association.

Education: He graduated from Hofstra University and St. John's University School of Law.

HONORS AND AWARDS

Simpson to head small business board

Honor/Award: Craig Simpson, of Seabolt Brokers LLC, has been elected president of the board of directors for the Savannah Small Business Chamber. Simpson will oversee all monthly meetings, an annual awards banquet, speaking engagements and other events.

Stephens named to beautification board

Honor/Award: Willie Stephens has become a member of the Keep Savannah Beautiful board.

Background: Stephens has an extensive background in public relations, strategic relationships, accounts receivable and other areas.

Savannah resident receives national award

Honor/Award: Billy Wooten, executive director of program operations for Experience Works Inc. was awarded the Professional Development Award by the National Association of Workforce Development Professionals during its annual conference in Virginia Beach, Va., on May 17.

Mortgage officer serves association

Honor/Award: Lisa B. Lively, a mortgage loan officer/originator with Georgia Bank & Trust, has been elected to a three-year term as the District I Governor of the Mortgage Bankers Association of Georgia, which covers the Savannah, Albany and Valdosta areas of Georgia. In 2010, Lively was asked and completed a partial term as a state governor.

Georgia Heritage FCU awards two college scholarships

Honor/Award: Georgia Heritage FCU recently awarded college scholarships to Michaela Lariscy, daughter of Jeffrey and Kelli Lariscy of Guyton, and Kristin Casey of Pooler.
A 2011 graduate of South Effingham High School, Michaela will attend Georgia Southern University to major in early childhood education. Kristin is a chemical engineering major at Armstrong Atlantic State University.

**Coldwell Banker sales associates ranked in the Top 10**

**Honor/Award:** Michael Cherry, Dee Dee Covington, Steffany Farmer, Jenny Hearn, Lyn McCuen, and Jeffrey Shaufleberger of Coldwell Banker Platinum Partners ranked in the Top 10 sales associates for the 1st quarter of 2011 in Georgia for the Coldwell Banker franchise system.

Coldwell Banker Platinum Partners Savannah office also ranked in three categories as a Top 10 office in the Southern Region by their office size: No. 2 Top Office Regionally in Selling Units, No. 6 Top Office Regionally in AGC and No. 6 Top Office Regionally in Total Units.

**Telfair board named**

- Mills Fleming has been named chairman of the board of trustees for Telfair Museums. He will serve a three-year term. Fleming graduated from the University of Florida with a B.A. in 1986 and a J.D. in 1989. He began his legal career at HunterMaclean, served for three years as general counsel with a large hospital system and returned to HunterMaclean in 1995.

- Bobbie Shaw has been selected a Telfair Museums ex-officio board member. She will serve a one-year term. She worked at Allied Chemical Corporation (Honeywell), where she was the executive secretary to the corporate vice president of licensing and then left to be a full-time mother. She has an extensive record of community involvement.

- Helen William Johnson has been selected to a one-year term as an ex-officio member. She is a Realtor at Celia Dunn Sotheby’s International Realty, a member of the Savannah Area Board of Realtors and has seven years of sales experience prior to joining Celia Dunn Sotheby’s International Realty. She sits on the Savannah Tech Community Council, as well as the Davenport House committee.

- Julie Allen has been selected to a one-year term as a Telfair ex-officio board member. Allen has been involved with numerous local not-for-profit organizations including Healthy Savannah, Isle of Hope United Methodist Church, the Telfair Museum of Art (serving on the Telfair Ball Committee), and the formation of the not-for-profit ownership of Hancock Day School.

- Mark Allen has been selected for a one-year term as a Telfair ex-officio board Member. He joined Minis & Co. Inc. in 2001, following seven years as a portfolio manager at an investment advisory firm in Connecticut. He currently serves as chief executive officer.

- Tom Reilly has been named a Telfair Museums board member. He will serve a three-year term. His background includes head and chief investment officer of Value Equities, Boston 1986-2000; portfolio manager, George Putnam Fund, Boston, 1984-1993; and CIGNA Insurance, Hartford, 1981-1982.

- Frank Macgill has been named to a three-year term as a Telfair Museums board member. Macgill is the managing partner of HunterMaclean and practices in the areas of trusts and
estates, taxation, tax-exempt organizations and corporate law.

- Celeste Demere has been named to a three-year term on the Telfair board. She is a member of the U.S. Tennis Association, the Savannah Tennis League and St. Peter Apostle Catholic Church.

- Glen Darbyshire has been named to a three-year term on the Telfair board. Darbyshire is a partner in the Inglesby Falligant law firm, specializing in commercial litigation, products liability and transportation law.

- Chip Compton Jr. will serve a three-year term on the Telfair board. He has spent 32 years in the commercial insurance business as an agency owner and broker and is senior vice president at Wells Fargo Insurance Services.

- Emily Cay will serve a three-year term on the Telfair board. Cay is active in the Junior League of Savannah, Memorial Hospital with their young member group, the Next Generation, and her church, Wesley Monumental United Methodist Church. She is also a member of Shepherd Center's Advisory Board.

Houghton presents webinar for AARC

Honor/Award: AARC Board Member and Landings Company president Bill Houghton presented a one-hour webinar for the AARC (American Association of Retirement Communities). His topic, Marketing “Amenitized” Communities to Upscale Pre-Retirees, included strategic and tactical points to help frame and support the marketing programs of communities like The Landings.

Savannah Morning News

Walsh selected chair of Green Building Council

Honor/Award: Kelly Walsh, the estimating coordinator for J.T. Turner Construction, has been selected chair of the United States Green Building Council Savannah Branch of Emerging Professionals. She will recruit new members, coordinate chapter events and network with other USGBC affiliated organizations.

Roach receives engineering registration

Honor/Award: Jennifer A. Roach, of Thomas & Hutton, has received her professional engineering registration.

Background: Roach is a project designer with five years of experience in planning, designing, permitting and constructing water resource related projects.

Grass receives engineering registration

Honor/Award: Chad Grass, of Thomas & Hutton, has received his professional engineering registration.
Background: He has been with Thomas & Hutton for five years and has worked extensively with the Engineering Explorer Post program, an annual program dedicated to helping high school students experience engineering in the Savannah area and learn about engineering career opportunities.
Women have made a lot of progress in the legal and corporate worlds, Maura Abeln Smith says, but they’re still having trouble getting into the top jobs. That hasn’t been a problem for Smith herself. Last month, she became the new legal chief at PepsiCo, Inc., her fourth GC gig in two decades. But Smith says she’s been successful because she’s had some extraordinary opportunities—key among them, being one of the first women to win a Rhodes Scholarship.

Smith, 55, became executive vice president of government affairs, general counsel, and corporate secretary at PepsiCo on May 5. She oversees a legal and government affairs department with more than 500 employees, including 165 lawyers worldwide. Larry Thompson, the previous general counsel at the Purchase, New York-based company, retired to take a teaching position at the University of Georgia Law School.

Smith says she initially didn’t intend to become a lawyer. She majored in economics at Vassar College and Oxford University. But the Rhodes scholarship led to a full ride at the University of Miami Law School, which led to her first legal job at Steel Hector & Davis, the now-defunct Miami law firm. In 1991 Ben Heineman, Jr., then the legal chief at General Electric Company and a Rhodes Scholar himself, hired Smith for her first in-house job, as general counsel of GE’s plastics division. Smith followed that with stints as general counsel at Owens Corning (where she also served as chief restructuring officer) and International Paper Company.

Smith recently talked with us about the path of her career, the opportunities for women lawyers, and the continuing relevance of Ben Heineman. An edited version of our conversation follows.

CorpCounsel: While you weren’t part of the first generation of women who entered the law, you were still a pioneer in many ways. What’s the biggest change for women in the profession you’ve seen during your career?

Maura Abeln Smith: Things have become much more inclusive. There are more women than ever before practicing law at all levels—in government, in corporations, and in law firms.

But I do not think there has been as much progress as there could have been, insofar as women rising to the top levels of the partnership and general counsel ranks. I think the generation behind me will have better success in reaching the top jobs.

Have you been satisfied with the opportunities you’ve had in your own career?

I have. But I had an unusual opportunity that a lot of women have not had. I had the good fortune to win a Rhodes Scholarship the first year that women were able to apply. In 1977 I went to Oxford University for two years and did a graduate degree in economics. And as a result of that, I was able to get a full scholarship and stipend to go to law school, and as a result of that, I was able to get a fantastic job at a law firm in Miami.

Doors opened up for me because of the Rhodes Scholarship, in particular my position at GE. In many respects, I would have been a needle in a haystack but for that one opportunity that changed the trajectory of my life.

I knew you were one of the first female Rhodes Scholars, but I didn’t know you applied the first year that women
were able to apply.

Yes. I'm the oldest living woman Rhodes Scholar! [laughs] It was an inflection point, because women a few years before me—five years before me, women who are now 60—did not have opportunities like that. It was a magical opportunity, and it did make a difference.

How have things changed for women in the corporate world?

At the top levels of corporations, there are only a few women CEOs. I now have the privilege to be working for one of them, Indra Nooyi, at PepsiCo. This is the first time I've ever had a woman CEO.

You studied economics at Vassar and Oxford. How did you select that as a major?

I preferred to major in English, but my parents encouraged me to major in something that had more practical application. At the time, 1973, 1974— they envisioned my highest career aspiration would be to be a teacher of some sort. And they thought that being an English teacher wasn't as potentially lucrative as doing something else. They encouraged me to at least major in a hard science or economics so that I would have a better opportunity when I graduated to get a job. At that time, people were graduating from college with no jobs.

Right, it was the mid-seventies, it was the middle of a recession.

And the price of oil quadrupled in 1974, and we had a whole series of economic challenges in the world. My parents were quite worried that when I graduated from college—even though I had had a scholarship at Vassar—that I wouldn't be able to find a job. At that point they didn't envision me going to law school or anything like that.

My father was a German immigrant who came to this country in the early 1920. He did not graduate from high school. My mother went back to college when I was eight to get a degree, and became a caseworker. While my parents were not highly educated, they encouraged me to go to college and learn as much as I could. They were very supportive. I think my mother was one of the original women's liberationists.

You were a member of Ben Heineman's all-star team at GE. Did you realize at the time that you were part of a legal department that was changing the nature of in-house legal practice?

I think I was, because I was recruited with the understanding that Ben was searching for law firm partners in various practice areas who would be able to bring GE's work inside. And that was specifically my mission, to redesign and reorganize the legal team for GE Plastics.

In a 2001 Corporate Counsel article, you told us, “Sometimes when I get stuck, I think, ‘What would Ben do?’” Do you still do that?

[Laughs] Yes, all the time. I credit him with a lot of my successes, and I do not blame him for any of my failures.

What do you consider to be your top accomplishment at International Paper?

I would say the hiring of an outstanding global legal team. I've recruited probably 80-85 percent of the lawyers who are there. The ones that I inherited who stayed with me are terrific as well. We were able to bring in-house a lot of work that was being sent to outside counsel. We reduced the total legal spending for the company by more than 50 percent.

How were you hired by PepsiCo?

The company hired a recruiter, who reached out to me and asked if I would be interested in being interviewed. After some serious thought about whether I wanted to leave International Paper at that juncture in my career, I said that I would certainly be honored to come talk to the senior people at PepsiCo.

What's at the top of your to-do list at PepsiCo?
I have big shoes to fill here with Larry Thompson retiring. Following a deputy attorney general of the United States is, in and of itself, daunting. He's left the law department in great shape. He's got very good people. They're managing the issues quite well.

I think that my challenge is to develop the people who are here, and to have the department transform itself to support the company, as the company transforms itself over the next 10 to 15 years. Things have changed so quickly and so rapidly around the world, and PepsiCo is a global company, with 47 percent of its revenue from outside the United States.

What are your favorite PepsiCo products?

I love, love, love all of the Sun Chips. If I had to pick one drink, I'd have to say my favorites are the SoBe waters. I also like Diet Mountain Dew. I like all of the Quaker products. As a kid, I enjoyed Life cereal. And my mother used to say that I was a part of 'The Pepsi Generation.' So here I am.
GEORGIA CROWD GIVES CLARENCE THOMAS MIXED RECEPTION

Written by GREG BLUESTEIN

(Associated Press) AUGUSTA, Ga. — Supreme Court Justice Clarence Thomas was welcomed with a mostly standing ovation when he took the podium May 18 to dedicate Augusta's sparkling new courthouse, but not everyone stood. Some in the crowd remained conspicuously seated, greeting the Georgia native with a studied silence.

The mixed reception underscored the strained relations between Thomas and some black residents in his home state. Many remain upset he was tapped to speak at the opening of a court building dedicated to pioneering civil-rights lawyer John "Jack" Ruffin Jr., who later became the first black chief judge of the state Court of Appeals.

"The folks that had a vested interest weren't really consulted," said Richmond County State Court Judge David Watkins. "Look, imagine you invite someone to your house to spend the night and you don't ask your wife and it may be someone she didn't agree with. Would that go well?"

Many critics said selecting the 62-year-old Thomas to speak was a divisive and disrespectful move, considering the justice's conservative record and stance against affirmative action programs.

"He has a tough relationship with his native state," said James L. Kendrick, a businessman who is a longtime leader in Augusta's black community. "In most cases and by the standard of a lot of black people, Justice Thomas voted to the opposite of what they felt was good. People feel betrayed by him."

During his two-day visit to Augusta, Thomas pushed back against criticism of his conservative record. At the dedication, he said judges must serve as a bulwark against public opinion and hoped "this courthouse will always be a refuge from the shifting tides of public interest."

"Judge Ruffin understood these higher ideals of the law, as a lawyer and a judge," said Thomas, who smiled and engaged in banter with dozens of people who gathered around him after his roughly 10-minute speech, seeking to shake his hand or pose for photos.

Augusta's leaders defended Thomas' selection to speak at the event honoring Ruffin, who is legendary in the community for having led the legal charge that forced the integration of the county's schools before he was appointed to the bench. Ruffin died in January 2010 at age 75.

Mayor Deke Copenhaver, who wrote the letter inviting Thomas to speak, said the community should be proud that a sitting Supreme Court justice is dedicating its $61 million judicial complex. Besides, he said, Thomas shouldn't be prevented from speaking because some disagree with his judicial philosophy.

"We live in a diverse nation that affords different points of view," Copenhaver said. "Justice Thomas is a Georgia native and it's appropriate for him to speak at the event as well. It offers a real perspective on America. People have differing views but that's not necessarily a bad thing."

The criticism likely came as no surprise to Thomas, who was born in the tiny community of Pin Point, which is about 140 miles south of Augusta. Thomas, an appointee of President George H.W. Bush, has served on the high court since 1991.

The justice's 2003 speech at the University of Georgia's law school drew criticism from students and a protest from a law professor, who blasted Thomas' stances on civil liberties and affirmative action in a dueling speech across campus.

A return visit to deliver UGA's commencement address in 2008 provoked a similar controversy, prompting 1,200 people to endorse an online petition opposing his selection to speak.

Thomas's troubled relationship with Georgia blacks stems partly from his departure from the record of...
the late Thurgood Marshall, the liberal giant he succeeded who was the court’s first black justice, said Blair Kelley, a North Carolina State University professor who teaches the history of the civil-rights movement. Before his appointment to the high court, Marshall fought for integration as the NAACP’s special counsel.
Health case turns eyes to Atlanta

11TH CIRCUIT JUDGES have generally rejected commerce clause challenges—but health law makes for unique case

by ALYSON M. PALMER

The debate over the nation's health care system makes a stop in an Atlanta courtroom Wednesday, as a three-judge federal appeals court panel hears arguments over the constitutionality of the 2010 federal health care law.

Chief Judge Jonathon L. Kapler and Judges Stanley Marcus and Frank M. Hull of the 11th U.S. Circuit Court of Appeals are set to hear the case. At issue is the Justice Department's appeal of a ruling by U.S. District Judge Roger Vinson of Florida, that invalidated the Patient Protection and Affordable Care Act.

Vinson said Congress didn't have the power to enact the minimum coverage provision of the law, which requires most Americans maintain a minimum level of health insurance coverage or pay a penalty.

It's not easy to predict how the three 11th Circuit judges will handle the matter. In their 47 collective years on the appellate bench, they have considered many arguments about Commerce power to regulate interstate commerce. But the 2.700-page health care statute is unique — and of course, highly politicized.

"It's third, this has just sort of a category by itself," said University of Georgia constitutional law professor John H. Gillman. See Health, page 10

Juvenile code, e-filing, legal aid top bar agenda

at Annual Conference in Myrtle Beach, State Bar sets the tone for this year's efforts

by KATHLEEN BAYDARA JOYNER

When more than 500 lawyers and judges gathered in Myrtle Beach, S.C., last weekend for the State Bar of Georgia's annual conference, three topics rose to the fore: the bar's press for a new state juvenile code; the expansion of electronic filing in state courts; and the fate of legal aid services in the down economy.

The bar is urging lawmakers to pass a new juvenile code in a similar way it pushed for a revision of the state's 19th century rules of evidence, which passed this year after nearly 20 years of trying.

The statute's 60-year-old juvenile code is now. The proposed overhaul will modernize and streamline current code sections pertaining to child welfare and juvenile crime, said Kirsten L. Widner, director of policy and advocacy at the Barton Child Law and Policy Center at Emory University School of Law.

"We are concerned with case law and judges and practitioners," said Widner during a See Bar, page 9 meeting on Page 6.

N.C. could be next frontier for public funding of law firms

by AMY HOLZ

The Legal World is preparing for an October change in the United Kingdom that will allow nonlawyers to invest in law firms. But such a move is years away on this side of the Atlantic?

Maybe not. In March, North Carolina state legislators introduced bills that would allow nonlawyers to own up to 49 percent of a law firm. If passed, the bills would put North Carolina on the vanguard of change in the legal profession and would fly in the face of the American Bar Association's Model Rules of Professional Conduct, which prohibit See Ownership, page 9
Health case turns eyes to Atlanta

Health: from page 1

Dana T. Cummins: “It’s harder to extrapolate much about what to expect.”

What’s clear is that a spotlight will shine more brightly on the 11th Circuit than it has in a while. Although the 11th Circuit rejected a request by the challengers to the law, the case directly to the full court—on base reconsideration could still come later—the high interest in the case has led the court to take unusual steps in anticipation of the argument. For example, the court is going to break with its rules and release an audio recording of the proceedings shortly after their completion.

Commerence clause, taxing power?

At stake before the court is what the Obama administration and Congressional Democrats claim will be an era of near-universal health insurance coverage for Americans. The Affordable Care Act enforces the expansion of the network of employer-based health insurance through tax incentives and penalties. It facilitates the development of health insurance exchanges that are supposed to allow individuals and small businesses to buy insurance at prices on par with those for large employers plans. Congress also expanded eligibility for Medicaid, a source of care for the states—including Georgia—challenging the law because they will be responsible for an increasingly larger percentage of the new benefits.

The act is also designed to limit insurers’ ability to refuse coverage due to pre-existing medical conditions, cancel insurance or place lifetime limits on benefits. The requirement that everyone buy insurance—the rule struck down by the Florida judge—is supposed to make the new insurance regulations workable by preventing people from delaying purchase of coverage until they get sick.

The plaintiff is the Florida-based Florida Rises, a group of small business owners and two private individuals—challenged several aspects of the law, but Wednesday’s argument is likely to focus on two provisions: the new Medicaid rates, which insurance states within Congress’ spending power, and the minimum coverage rule, which Vornado was struck to invalidate the entire law.

Former U.S. solicitor general (and recently departed King & Spalding partner) Paul D. Clement is representing the state plaintiffs, while Michael A. Carvin of Jones Day’s Washington office is representing the private plaintiffs.

They will argue that the act’s expansion of states’ responsibilities under Medicaid is not a valid exercise of Congress’ spending power because the law is too coercive. That is, they say that by the “only way an individual can avoid the act is to pay the new burden is by withdrawing from the Medicaid program altogether,” which the challengers say is impossible as a practical matter because they would lose billions in federal health care dollars.

The challengers also say that Congress’ ability to regulate commerce does not extend to the power to compel individuals into engaging in commerce by way of the minimum coverage mandate. They say the individual mandate can’t fall under Congress’ taxing power because the penalty for failure to maintain coverage is not a tax.

With Acting Solicitor General Neal Kumar Katyal at the helm, the defender of the law contends that the minimum-coverage mandate fails within Congress’ power to regulate commerce because how people pay for their health care substantially affects interstate commerce.

They also say the individual mandate prevents people from shifting the costs of their care to others—a phenomenon enabled by existing federal law that forbids hospitals participating in Medicaid from turning away patients needing emergency care—and thus is crucial to the viability of the part of the act that forbids denials of coverage for pre-existing conditions on a state’s insurance market.

The Justice Department says the minimum coverage provision also is authorized under Congress’ taxing power because, even though the penalty isn’t levied as a tax in the law, it is to be assessed and collected in the same manner as other tax penalties and is projected to raise billions of dollars in revenue each year.

The federal government defends the Medicaid expansion by noting that federal courts of appeal have consistently rejected the contention that conditions on Medicaid funding are impermissibly coercive and that leaders of some states have said they welcome the expansion as an alternative preferable to having to address the needs of the uninsured without federal help.

A quiet bunch

Dubah, Hull and Mareny are the latest judges to be asked to resolve the questions.

All were federal district court judges before being elevated to the 11th Circuit. Dubah and Mareny once U.S. attorneys in Miami, while Hull and Dubah came to the bench from private practice, with Hull having served on the Fulton County Superior Court bench before becoming a circuit judge.

Dubah, who grew up in Alabama, was nominated to the 11th Circuit by George H.W. Bush. As noted by SCOTUSblog shortly after the composition of the health care panel was announced, Dubah’s daughter, Martha Roby, is a Republican freshman in Congress from Montgomery, Ala., who has urged the health care law’s repeal. Both Marcus and Hull were nominated to the 11th Circuit by Bill Clinton, but Marcus received both his U.S. attorney and circuit court posts courtesy of Ronald Reagan.

The 11th Circuit, is conservative, but none of the three has stood out as either one of the most conservative justices in the majority or one of its most frequent liberal dissidents.

In perhaps the most political case of their tenures on the court, the 2003 Florida presidential vote recount, Hull and Marcus voted with the majority (which included three judges appointed by Republicans) to allow the vote-counting urged by Democratic vice presidential candidate, John Edwards. Dubah dissented with three other judges.

In another political case, in 2004, Marcus sat on a special panel with two district judges reviewing a Georgia redistricting plan drawn by Democratic lawmakers. The panel unanimously struck down the maps in violating the equal rights principle of one man, one vote, a decision affirmed by the Supreme Court.

The judges have had ample opportunity to consider arguments that Congress was abusing its commerce clause powers. They became more favorable in the wake of a 1995 U.S. Supreme Court decision that struck down a federal law criminalizing the possession of a firearm in a school zone and a 2000 high court decision that struck down a low targeting gender-motivated violence, explained Cosier, are obviously not unconstitutional.

Given that, Cosier said it will be interesting to see how the court votes to cut up the health care act. The江西 health act has received mixed reviews from federal district court judges, with Democratic appointees tending to uphold the law and Republican appointees tending to strike it down. Its constitutionality is currently before the 4th and 6th Circuits, which heard arguments in recent weeks, and the D.C. Circuit, which is set to hear arguments in September.

The 3rd and 4th Circuits are considering challenges dismissed on standing grounds.

For those who went to hear the 11th Circuit action in person, courthouse doors will open at 7:30 a.m. for Wednesday’s 9:30 a.m. argument, with counsel for the parties allowed into the courtroom at 8 a.m. and everyone else allowed in at 11.5. Two hours have been allotted for the action.

The case is Florida v. U.S. Dept of Health and Human Services, Nos. 11-1321 and 11-1307.
If John Edwards Were To Represent Himself, Would He Have a Fool for a Client?  
Questioning the accuracy of an old legal saw.  
By Brian Palmer

Posted Tuesday, June 7, 2011, at 6:08 PM ET

John Edwards’ attorney Gregory Craig almost struck a plea bargain with prosecutors over charges of campaign-finance improprieties, but the government insisted on some jail time for the former senator. It now looks like the case could go to trial. Is there any reason Edwards, a successful trial attorney, shouldn’t represent himself in court?

There are reasons, but they might not be good ones. As with so much in the world of lawyering, there are arguments for and against attorneys representing themselves, but little data. Edwards knows his case better than anyone, so he might be particularly good at constructing his defense and responding quickly to allegations made in the courtroom. It’s also possible that an impassioned Edwards could sway the jury. Plus, he’d save a lot of money. But Edwards was a plaintiff’s lawyer in civil trials and might not be sufficiently acquainted with criminal procedure. There are also relationship considerations. Part of what you get when you hire a top-flight criminal attorney is familiarity with the prosecutors. Craig has probably dealt with the government’s team in the past and may have a sense of how far they’ll go in settlement negotiations. Finally, and perhaps most importantly, Craig can provide a reality check defendants can become so convinced of their justifications that they can’t imagine how a jury could possibly disagree with them.

Whether the defendant is a trained...
lawyer or not, most attorneys have long accepted the conventional wisdom that representing oneself in court, known as pro se representation, is a bad idea. There's an old saying that a person who represents himself in court has a fool for a client. The Supreme Court has even gotten into the act, quoting a law professor's statement that "a pro se defense is usually a bad defense."

A 2007 study, the first of its kind, seriously challenged these aphorisms. Professor Erica Hashimoto of the University of Georgia Law School found that, on the whole, pro se defendants actually achieve better results than their professionally represented peers. About 30 percent of do-it-yourselfers in state courts escape conviction, compared with 25 percent of represented defendants. (Hashimoto got her data from court docketing databases, which don't list the defendants' professions, so it's not known what number of them, if any, were trained as attorneys.)

Of course, these numbers come with a variety of caveats. There were only 234 pro se defendants in the study, which is a small sample. There's also a self-selection bias. Defendants who reject their attorneys are likely more convinced of their innocence than the average represented client. The difference in plea-bargain rates—44 percent for pro se versus 71 percent for represented defendants—suggests as much. In addition, these statistics mainly compare self-representation with a public defender or court-appointed counsel, not a prominent Washington litigator.

Self-representations can be a major headache for judges, especially when a pro se defendant decides to take the stand. Most judges dispense with the traditional Q&A format and require narrative testimony, but this robs opposing counsel of the opportunity to object before information is disclosed to the jury. Alternatively, some judges make the defendant bring in a proxy to ask the questions. There have even been cases in which the gallery was treated to the absurd spectacle of the pro se defendant both asking and answering the questions.

It's also confusing for the jury to distinguish between when the defendant is presenting facts under oath and when he is making arguments as a lawyer. Judges typically keep the pro se defendant on a short leash during opening and closing arguments to prevent him from making factual statements without swearing to tell the truth first.

Got a question about today's news? Ask the Explainer.

*Explainer thanks Erica J. Hashimoto of the*
University of Georgia Law School.

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Services Saturday for Glendale Attorney Don Lemmer

By a MetNews Staff Writer

Services for Glendale attorney Don S. Lemmer are scheduled to take place Saturday at noon, at the Forest Lawn cemetery in Glendale.

Lemmer, who operated the Lemmer Law Firm, died last Wednesday, the MetNews has learned.

A telephone number listed for Lemmer on the State Bar website was disconnected.

The attorney graduated from Barry College near Rome, Ga. before attending law school at the University of Georgia and earning admission to the California State Bar in 1989.

He recently sued a former client for falsely inducing him into providing representation on a contingency fee basis when the client harbored no intention of pursuing the litigation through trial.

Los Angeles Superior Court Judge Laura A. Matz sustained the client’s demurrer to Lemmer’s claim, and Div. Eight of this district’s Court of Appeal affirmed last month.

The case was *Lemmer v. Charney*, 11 S.O.S. 2309.

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The Western Judicial Circuit Today and in Bygone Times

A Short History of Local Superior Court Judges—Part Two

Part One of this article last week detailed the changing makeup of the Western Judicial Circuit. This concluding part recounts some anecdotes from the lives of the colorful men who have sat on the Western Circuit bench. This article is adapted from a speech given by the author to the Western Judicial Circuit Bar Association.

Three of the superior court judges of the Western Judicial Circuit also served as justices on the Supreme Court of Georgia.

The first of those judges, James Jackson, after serving as Western Circuit superior court judge for eight years, went on to become Associate Justice (1875-1880) and Chief Justice (1880-1887) on the Georgia Supreme Court. Jackson's commitment to individual rights was so great that it was said of him, "His choral hymns were the songs of liberty."

The second judge, Richard B. Russell, Sr., perhaps the greatest of all Georgia judges, served seventeen years as Western Circuit superior court judge, then served on the Georgia Court of Appeals for nine years (1907-1916), and then was the Chief Justice on the Georgia Supreme Court for 15 years (1923-1938). Russell is the only person ever to serve as both Chief Judge of the Georgia Court of Appeals (1913-1915) and Chief Justice of the Georgia Supreme Court. In 1921 Russell had the unique pleasure of swearing in his son, Richard B. Russell, Jr., as Governor of Georgia. While serving as Chief Justice, Richard B. Russell, Sr. displayed, it is truly said, an "ideology of mercy, and of sympathy for the poor, the helpless, the unprotected and the underprivileged."

The third judge of the Western Circuit to serve on the state supreme court was Andrew J. Cobb. Unlike James Jackson and Richard B. Russell, Sr., Andrew J. Cobb was an appointed judge before he was a trial judge. Specifically, Cobb first served as an Associate Justice on the Georgia Supreme Court (1896-1907) and afterward as a Western Judicial Circuit superior court judge (1917-1921). It has been contended by some that Andrew J. Cobb was "conservative, but nevertheless he was willing to refuse to recognize a right of principle merely because it was novel." Unfortunately, therefore, Cobb was the author of the opinion of the Georgia Supreme Court in 1905 landmark case of Pannell v. New England Life Insurance Co., the first American appellate court decision to recognize a constitutional right to privacy. Andrew J. Cobb was also one of the most prominent of the courageous and enlightened Georgians who in the early 20th century publicly condemned lynching, then the South's scourge.

Here are a few interesting facts about various superior court judges of the Western Judicial Circuit:

1. Thomas P. Carness, the first superior court judge of the Western Circuit, died a strange and violent death in 1822, nine years after leaving office. Wikipedia reports that Carnes was killed as a result of an injury he received while crossing the courthouse steps. Eye-witnesses say he was going to summon two officers from within the building to stop a nearby gunfight. (Carnes) was not himself involved in the fight. A bullet hit him in the leg, and he died several days later from complications.

2. In 1880, when he was about eighty years of age, future superior court judge John Mitchell Dooley witnessed in his own home the murder of his patriarch, Col. John Dooley, by a band of Tories. Dooley County, GA is named after the murdered man.

3. In 1822, future superior court judge Charles Tatt, who had a wooden leg, challenged future superior court judge John Mitchell Dooley to a duel. Dooley, known for his sense of humor, replied to the challenge by saying he would not fight unless, in order to assure that the duel was an equal one, he was allowed to encase one of his own legs in a "soe gum," i.e., a hollow tree stump! Although the duel never took place because Tatt and Dooley reconciled on the duel date, it remains the most famous duel in American history which never occurred, and was the subject of a 1959 article...
Dooly reconciled on the dueling field, it remains the most famous duel in American history which never occurred, and was the subject of a 1959 article in the *Georgia Historical Quarterly* authored by UGA history professor E. Merton Coulter.

? One of the first instances in history of mob violence being restrained by court order occurred as a result of an injunctive order issued by a superior court judge of the Western Circuit. In 1922 Judge Blanton Fortson granted a temporary injunction restraining certain named persons from doing further mob violence to a black man who lived in Statham.

? At least five of the judges of the Western Circuit also served as members of the U.S. House of Representatives, and one served as a U.S. Senator.

? There are portraits of seven of the deceased superior court judges of the Western Circuit in Courtroom No. 1 in the Clarke County Courthouse, and a portrait of Andrew J. Cobb in Courtroom No. 2.

? At least seven of the judges of the Western Circuit are buried in Oconee Hill Cemetery: Augustin Smith Clayton, Alex S. Erwin, Andrew J. Cobb, Stephen C. Upson, Henry H. West, Carlisle Cobb and James Barrow. In addition, Charles Dougherty is probably buried there in an unmarked grave.

? At least three of the judges of the Western Circuit are eponymous. The City of Carnesville in Franklin County, GA is named after Thomas P. Carnes. Clayton Street here in Athens, the City of Clayton in Rabun County, GA and Clayton County, GA are named after Augustin Smith Clayton. Dougherty Street here in Athens and Dougherty County, GA are named after Charles Dougherty.

Donald E. Wilkes, Jr.

Prof. Donald E. Wilkes, Jr. is on the faculty of the University of Georgia School of Law.
University names Thompson to post, sparks ethics debate

June 9, 2011 by KATHRYN INGALL
Filed under News, Politics

Human rights groups are calling the University to reconsider the hiring of a law professor involved in the deportation and torture of a Canadian citizen in Syria.

“I don’t think someone who conspired in torture should be teaching law students,” said Maria LaHood, a senior attorney with the Center for Constitutional Rights.

The law school announced the hiring of Larry Thompson as the John A. Sibley Chair of Corporate and Business Law in May.

Thompson served as deputy attorney general in 2002 under President Bush when he signed an order refusing Canadian citizen Maher Arar’s request to be deported to Canada instead of Syria, where he was tortured for nearly a year.

LaHood represented Arar and maintains his right to due process under the Fifth Amendment was violated when he was detained for nearly two weeks without charges and deported to Syria despite protests that he would be tortured.

“Thompson, along with others, sent Maher Arar to Syria to be tortured and therefore violated his rights under the Constitution and international law,” she said.

The Torture Victim Protection Act passed in 1991 ensures detainees who assert a reasonable fear of being tortured in a country may not be deported there.

“He had a well-founded reason to believe — and so did the officials — that he would be tortured in Syria,” said Amy Ross, a University geography professor who has researched international justice issues. “I would stress that we need accountability and full transparency on this hire and whether or not they took into account the concerns
of human rights lawyers.”

Thompson has taught at the University in the past, most recently in spring 2011 as a visiting professor.

“We are delighted that Professor Thompson is our new Sibley Professor,” said Rebecca White, dean of the law school. “Professor Thompson is one of the finest lawyers I know and has had a very distinguished career in both the public and private sectors, serving, for example, as deputy attorney general of the United States and as senior vice president and general counsel of Pepsico.”

Thompson was contacted at his Pepsico office for comment, but he did not respond by press time.

Arar entered JFK airport in New York on Sept. 26, 2002, in transit from Tunisia to Canada.

He was detained and questioned there because he was identified as a “special interest alien who was suspected of affiliations with a terrorist organization,” according to a Department of Homeland Security Office of Inspector General report.

A Canadian public inquiry into his detention later found the Canadian government provided U.S. officials with false and incendiary information.

At the end of the two-and-a-half-year investigation, Arar was awarded $10.5 million in compensation.

After year-long imprisonment, Arar earned a doctorate in electrical engineering.

Arar’s case became a well-known example of the U.S. government’s practice of rendition, or moving terror suspects to other countries for interrogation.

Alex Neve, secretary general of Amnesty International Canada, said Arar’s case highlighted much wider concerns of human violations in the war on terror.

“The important message is to turn to the U.S. government to insist on an independent investigation of all officials involved,” he said. “Even though it’s been more than eight years since Maher Arar’s deportation to Syria, by no means is it too late to ensure some justice in this case.”

Arar sued the U.S. government, but his case was dismissed by the Court of Appeals due to national security concerns. The Supreme Court declined to hear the case.

LaHood said she would like to receive a public U.S. apology and redress for Mr. Arar as well as a full criminal investigation.

“Where we can’t get justice and accountability from the government, I believe we should have accountability from institutions like the University of Georgia,” LaHood said. “And their decision to hire Mr. Thompson should be looked at closely.”

Tags: Kathryn Ingall, Larry Thompson
Professors have a moral imperative not only to teach the truth, but to educate for social justice.

And the University has a responsibility to hire professors who fulfill this democratic obligation.

Unfortunately, the University has failed at achieving this ideal.

Recently, the University hired Larry Thompson, the former deputy attorney general under George W. Bush, to the position of the John A. Sibley Professor in Corporate and Business Law. Thompson will be teaching courses on corporate law and white collar crime.

As deputy attorney general, Thompson was responsible for deporting Canadian citizen Maher Arar to Syria, where he was imprisoned and tortured for nearly a year.

Arar was detained in New York and held in solitary confinement, where he was accused of having ties to al-Qaeda.

Arar was denied access to a lawyer and was not given a trial in open court.

After being tortured for almost a year, Arar was found innocent of any links to al-Qaeda.

The Canadian government officially apologized and awarded Arar a C$10.5 million settlement.

But the U.S. government has not apologized for its torture of this innocent man.

Thompson has yet to be prosecuted for his crimes even though he signed the deportation order with full knowledge that Arar would be tortured in Syria.

He violated international law and the U.S. Constitution, which guarantees due process of law and fair trial.

Worst of all, he did all of this without a shred of proof that Arar was guilty.
Thompson should be shunned by all those who value freedom and democracy.

A human rights violator and torturer by proxy has no place at any respectable institution of higher learning.

And yet, Rebecca White, dean of the University law school, has defended Thompson’s appointment.

“To have someone with his experience and status on our faculty will benefit not only our students, but the law school and the University as a whole,” she said, according to the Ottawa Citizen.

What relevant experience does Thompson bring to the table? His willingness to violate human rights? His callous contempt for his fellow man? His inability to accept responsibility for his actions?

I cannot think of a single benefit of having a torturer on staff at the University.

Instead of fulfilling his democratic commitment as an educator, Thompson will teach law students how to make the world a worse place.

His appointment sends the message to students that crime does pay, and torture and secrecy trump human rights.

Thompson may hold knowledge of the technical aspects of the law. But there is more to law than technical experience.

Our laws are ultimately based on the Golden Rule: “love thy neighbor as thyself.”

And University law students need a professor who can teach them the just application of law to serve democratic values.

The University has substituted prestige for morality.

If the University wishes to uphold its tradition as a school of excellence, then it needs to do better than this.

Let’s hire a professor of law who can uphold our democratic values.

We deserve better than this.

—Jonathan Rich is a senior from Alpharetta majoring in sociology

Tags: Jonathan Rich

Interrogation Ethics
How to interrogate terrorists without betraying our ideals.

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Ex PepsiCo exec elected to Washington Post board

By The Associated Press

Get the latest product design news and headlines - Sign up now!

Thursday, June 09, 2011

The Washington Post Co. said Thursday that former PepsiCo executive Larry D. Thompson has been elected to its board of directors, increasing the board to 11 members.

Thompson was senior vice president of government affairs, general counsel and secretary of PepsiCo until he retired in May. Recently, he was named John A. Sibley Professor of Corporate and Business Law at the University of Georgia School of Law.

Thompson also serves on the boards of directors of the Southern Company and Qbeyond Inc., among others.

0 COMMENTS
Larry D. Thompson Elected a Director of The Washington Post Company

Posted June 9, 2011

WASHINGTON—(BUSINESS WIRE)—The Washington Post Company (NYSE: WPO) announced today that Larry D. Thompson has been elected to the Board of Directors. His election increases the Company's board to 11 members.

Mr. Thompson retired in May 2011 as Senior Vice President of Government Affairs, General Counsel and Secretary of PepsiCo, a position he assumed in October 2004. He is responsible for PepsiCo's worldwide legal function, as well as its government affairs organization. Recently, he was named John A. Shiley Professor of Corporate and Business Law at the University of Georgia School of Law. Previously, Mr. Thompson served as a Senior Fellow with The Brookings Institution. His government career included serving in the U.S. Department of Justice as Deputy Attorney General and leading the Department's National Security Coordination Council. In 2002, President George W. Bush named Mr. Thompson to lead the Corporate Fraud Task Force.

Previously, he was a partner in the Atlanta law firm of King & Spalding, where he practiced in the antitrust and litigation departments. He also served as the U.S. Attorney for the Northern District of Georgia. Later he was appointed Independent Counsel for the Department of Housing and Urban Development Investigation by the Special Panel of the U.S. Circuit Court Judges appointed by the U.S. Supreme Court. In April 2000, Mr. Thompson was selected by Congress to chair the bi-partisan Judicial Review Commission on Foreign Asset Control.

Donald E. Graham, Chairman and Chief Executive Officer of The Washington Post Company, said: "Larry's tremendous knowledge and reputation in both the corporate and government worlds will make him a very valuable director of our Company."

Mr. Thompson received a BA from Culver-Stockton College, an MA from Michigan State University and a law degree from the University of Michigan. He was born on November 15, 1945.

Mr. Thompson serves on the boards of directors of the Southern Company and Chevron. He also serves on the boards of various Franklin, Templeton and Mutual Series Funds. He serves on the Board of Directors of the National Center for State Courts and the Board of Trustees of The Arch Foundation for the University of Georgia and is an elected Fellow of the American Board of Criminal Lawyers. He is a recipient of the Edmund Jennings Randolph Award for outstanding contributions to the accomplishment of the Department of Justice's mission, the Outstanding Litigator Award by the Federal Bar Association and the A. T. Walden Award for outstanding accomplishments to the legal profession by the Gate City Bar Association in Atlanta.

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- Washington Post Company

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Larry D. Thompson Elected a Director of The Washington Post Company

Jun. 09, 2011 02:33 PM - Business Wire
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The Washington Post Company
Rima Calderon, 202-334-6617
calderonnr@washpost.com

Source: The Washington Post Company

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Larry D. Thompson Elected a Director of The Washington Post Company

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Latest news on THE WASHINGTON POST COMPANY

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05/25 Ongo to Add News from Los Angeles Times, Chicago Tribune, Reuters and More Than...
05/23 Kaplan PMBR Bar Review Survey, Law School Students Say Facebook Rife with Incrim.
05/23 Cars.com Names Honda Odyssey the Ultimate Minivan
05/20 The Washington Post Releases 2011 Rankings of America's High Schools
05/19 K12 Inc. Announces Agreement to Purchase K-12 Assets of Kaplan Virtual Education
05/19 Kaplan Nursing Offering Free NCLEX-RN® Review Class for Nurse Graduates in Alabama
The Supreme Court ruled Thursday that Microsoft must pay a $290 million judgment awarded to a small Canadian software company for infringing on one of its patents inside its Microsoft Word program.

Toronto-based i4i sued Microsoft in 2007, saying it owned the technology behind a tool used in Microsoft Word. The technology in question gives Word 2003 and Word 2007 users an improved way to edit XML, which is computer code that tells the program how to interpret and display a document's contents.

The lower courts said Microsoft willfully infringed on the patent, ordering it to pay i4i $290 million and stop selling versions of Word containing the infringing technology. On Thursday, the high court unanimously refused to throw out the judgment.

Microsoft wanted the multimillion-dollar judgment against it erased, claiming that a judge used the wrong standard in instructing the jury that came up with the award.

The Supreme Court said the "clear and convincing" standard was the correct one.

Microsoft now sells versions of Word that do not contain the technology in question.

Officials at i4i cheered the ruling. "It is now 100 percent clear that you can only invalidate a patent based on 'clear and convincing' evidence," said Chairman Loudon Owen.

- Associated Press

BANKRUPTCY  
Clock is ticking for some Borders stores

Borders Group said it might have to close dozens of its best-selling stores because of a requirement in its bankruptcy financing if their landlords don't agree to extend a lease-negotiation period.

Borders, which filed for bankruptcy protection in February, has extension agreements for 365 stores.

But it said in a court filing Thursday that it is still negotiating extensions for 61 locations, many of which are among its top-selling stores, including one near Penn Station in New York. The affected stores are in 23 states and include 10 at airports.

The company's special bankruptcy financing requires it to start closing the stores where it has not obtained extensions by June 22.

- Associated Press

MEDIA  
Washington Post Co. adds director to board
The Washington Post Co. added Larry D. Thompson, deputy attorney general under President George W. Bush, to its board of directors. Thompson, 65, who recently joined the faculty of the University of Georgia's law school, spent more than six years as senior vice president of government affairs and general counsel at PepsiCo.

Thompson, frequently mentioned in the past as a potential attorney general or Supreme Court justice by Republican presidential candidates, headed Bush's corporate fraud task force.

In 1991, he advised Supreme Court Justice Clarence Thomas during his confirmation hearings.

The Post also declared its regular quarterly dividend payment of $2.35 a share, payable Aug. 5 to shareholders of record on July 25.

- Steven Mufson

Also in Business

1 NRC chairman "not forthcoming": The head of the Nuclear Regulatory Commission strategically withheld and controlled information to steer decisions his way on closing a proposed radioactive waste dump, an internal inquiry found.

The seven-month probe by the agency's inspector general says that NRC Chairman Gregory Jaczko was "not forthcoming" to other commissioners when he decided to shut down in October the technical review of the Energy Department's application for an underground nuclear waste dump at Yucca Mountain in Nevada. But the probe found no instances in which he broke the law, as some have alleged.

- Associated Press

Also in Business

1 Home equity plunges: Americans' home equity has dropped to nearly the lowest percentage since World War II.

Average home equity plunged from more than 61 percent at the start of 2001 to 38 percent in the January-to-March quarter this year, the Federal Reserve said.

LOAD-DATE: June 10, 2011
Aaron Johnson, new Leander ISD trustee emphasizes academic integrity

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New Leander ISD trustee emphasizes academic integrity

By Taylor Short Friday, 10 June 2011

LEANDER — Aaron Johnson won the Leander ISD Place 6 school board seat with 48.9 percent of the vote May 14, beating out four other candidates. The 40-year-old husband, father of four and eight-year Leander resident earned degrees in economics and law from Brigham Young University and the University of Georgia, respectively. He now works as the sales director for Austin-based Bazaarvoice.

The newly elected trustee shared his goals, priorities and strategies for handling the district’s issues after being sworn in June 2.

What attracted you about being a board member?

I have an abiding passion for education and know that a rigorous education prepares students for success in college and in their professions. I know firsthand how much my education has meant to me and to my family, and I want to ensure a high quality education for my children and for all the children in the district.

What is your first goal you want to accomplish?

I don’t come to this position with a formal agenda, but with a set of core values, and with a recognition that I still have much to learn. The values I represent and that I advocated in my campaign include raising academic standards, increasing the level of fiscal responsibility and promoting parent and community involvement.

What are your other top priorities for Leander ISD?

In the area of student achievement, I will begin my orientation with a comprehensive review of our curriculum. I want to understand how the district is preparing for the [State of Texas Assessments of Academic Readiness test], which will replace TAKS next year, and what our plans are to raise student achievement beyond the STAAR standards. As the son of a public school teacher, I am very sensitive to the demands placed on our teachers and will encourage discussion with administration about ways to better organize classrooms and instruction so that all of our students are being challenged and served all the time.

What is going to be your strategy in the budgeting process?

Click for larger image
I will represent the community value of fiscal responsibility by encouraging our administration to go through a zero-based budgeting process. This process is in contrast to the typical incremental budgeting process, where we use last year’s budget as our point of reference and simply adjust budgets up or down incrementally from the prior year. Given the extent of the anticipated budget cuts from the state for funding of education, we need something more than merely incremental adjustments. I commend [Superintendent Bret] Champion and his staff for their efforts preparing a budget that meets the challenges of the anticipated cuts.

What will be your overall philosophy in making decisions?

I expect to make data-based decisions that reflect the long-term interests of the greater community. I look forward to hearing from community members and representing the collective voice of our community in these important decisions.
Alger seeks to replace Mitchell

Assistant attorney to run for county's top prosecutor position

By Preston Knight

pknight@nvdaily.com

WOODSTOCK -- Shenandoah County's longest-tenured assistant commonwealth's attorney is ready for a promotion.

Ken Alger, who joined Commonwealth's Attorney Albert T. Mitchell's office in 2005, announced on Friday his intention to seek the Republican nomination for his boss' position. Mitchell recently announced that he would retire at the end of the year, having served the county since 1999, as well as one term in the 1970s.

Woodstock Mayor Jeremy McCleary, a local attorney who is chairman of the county Republican committee, has also stated that he would be seeking the GOP nomination for the spot in the November election. His wife, Dragana, is one of Mitchell's three assistants, along with Alger and Ryan King.

A graduate of the Syracuse University College of Law and a Strasburg High School alumnus, McCleary has said he would not be able to serve as mayor and commonwealth's attorney and that the decision to leave one for the other -- if elected -- was difficult. However, he said a lot has been accomplished in his only term as mayor, highlighted by completing a 2011-12 budget without having to raise taxes.

"I've always wanted to serve as prosecutor," said McCleary, who prosecutes cases for Strasburg.

Alger, 32, will lean on experience as he campaigns, he said. A University of Georgia Law School graduate and Page County native, he was a public defender in Luray and worked in the Gwinnett County (Ga.) District Attorney's Office before assisting Mitchell.

In 2008, Alger won the Young Lawyer of the Year Award at the Virginia State Bar Young Lawyers Conference and now serves as that organization's president-elect. He began teaching a law course
Alger seeks to replace Mitchell - Local News

http://www.nvdaily.com/news/2011/06/alger-seeks-to-replace-mitch...
When sentences span centuries

By Rhonda Cook
The Atlanta Journal-Constitution

2:23 p.m. Saturday, June 11, 2011

Fulton County Judge Constance Russell stacked life sentence after life sentence after life sentence on rapist Marvin Martin three months ago, ensuring that the 33-year-old truck driver will never be free.

He will have to serve 360 years in prison before he can even be considered for parole.

Martin's is an impossible sentence. But it is indicative of the path some judges are now taking, suggesting a lack of trust that their sentences will mean little if prison crowding continues or if the state's finances force early releases. Or if the presently conservative Pardons and Paroles Board shifts to more liberal stance on crime and punishment.

They fear a repeat of the late 1980s and early 1990s, when Georgia had to open prison doors to avoid a lawsuit. Other states are already facing the same option.

"It's a trend," University of Georgia law professor Ron Carlson said of an apparent uptick in prison sentences that extend many times longer than a lifetime.

Evidence is anecdotal.

Former DeKalb County Deputy Derrick Yancey will be 111 before the Parole Board can consider him for clemency, assuming he lives that long. Yancey murdered his wife and a day laborer and then tried to claim Marcial Cax-Puluc killed Linda Yancey and that he simply killed the worker in self-defense. DeKalb Superior Court Judge Linda Harper sentenced Yancey to two consecutive life sentences plus 55 years.

Fulton County Courthouse murderer Brian Nichols most likely has the longest prison sentence in the Georgia system. For killing four people, Judge James Bodford gave him four back-to-back sentences of life without parole, seven life sentences with parole also to be served one at a time and 485 years for all his other crimes on March 11, 2005 — kidnapping, aggravated assault and escape.

Judges are reluctant to talk about their reasons for stacking on the time.

But prosecutors and defense attorneys say one purpose of insurmountable sentences is to reinforce to the state Board of Pardons and Paroles that these are the worst of the worst criminals and should never be free again.

"The judge is basically giving an indication as to the severity of the offense and is sending a clear message as to what he feels is appropriate," said Bob Keller, a former Clayton County DA and now one of five Parole Board members.

"It's all going to boil down to why did the judge think this was an appropriate sentence?" Keller said. "Is it a pile-on situation? He [the judge] didn't just pull it out of thin air. Something prompted it."

Nationwide, prison systems are overflowing, and there is no available money to resolve those problems.

For example, on May 23 the U.S. Supreme Court ruled 38,000 to 46,000 prisoners should be released from California's prisons and about 9,000 others moved to local jails to relieve dangerous overcrowding.

It's an old problem that never seems to go away, and lawmakers and parole boards face fierce recriminations if they suggest an alternative that could be viewed as too easy on criminals.

The last time Georgia tried something drastic was in 1989. Threatened with a lawsuit that could have put Georgia's prisons under the control of federal courts, then-Gov. Joe Frank Harris created an early release program to buy time until an unprecedented building program effort could be competed. About 8,200 nonviolent felons and first-time drug offenders were released early to create room for the more dangerous criminals.
The measure drew criticism from district attorneys and legislators. Twenty-two years later, judges are making sure some of those more dangerous criminals are never set free.

"There are very bad people who don't need to be walking free among us. They've committed such heinous crimes they don't need to be out," Clayton County District Attorney Tracy Graham Lawson said.

That is the reason, she believes, judges and prosecutors are using sentences longer than any human can serve to inform those who hold the keys to the prison system that these criminals are off-limits.

Presently, Georgia's system is slightly over capacity. The Department of Corrections is holding about 49,420 convicted felons while the system has room for 46,554 men and women — 35,527 in 30 state prisons, 5,963 inmates in two private prisons and another 5,064 in low-security county prisons.

It is unknown how many of these inmates have prison sentences that exceed life expectancy many times over. Neither the Department of Corrections nor the state Board of Pardons and Paroles tracks these inmates.

"You're seeing much, much more of the stacking," said attorney Sharon Hopkin, who specializes in appellate work for those already in prison.

But Carlson, the law professor, wondered if it was getting out of hand.

He referenced a case in Texas in which the judge handed down a 2,500-year sentence. An appellate court opined "these excessive sentences have made Texas sentencing the laughing stock of the nation."

There already are similar concerns being raised in Georgia.

"We need to take a strong look at these sentences that, for the purposes of public relations, have been piled on," Carlson said. "What is being done here, if it continues, will look ridiculous to the public. ... The trend toward enhanced punishments needs to be weighed against several factors, including costs of confinement as well as the need to shape a sentence which meets confinement objectives without overkill."

Gov. Nathan Deal created a 13-member commission to recommend sentencing changes because, he said, there are "too many people behind bars." The Special Council on Criminal Justice Reform had its first meeting Tuesday and heard many of the same warnings on overcrowding sounded repeatedly over the past two decades.

The special council's recommendations are due to the governor by Nov. 1.

At the same time, the State Bar of Georgia has a Criminal Justice Reform Committee working in tandem with the governor's group.

Both panels include judges and prosecutors, but their conclusions may still be difficult for some segments of the criminal justice system to accept.

"You want to control it for the rest of the time and judges are that way," said Rick Malone, who was a South Georgia prosecutor for two decades and is now executive director of the Prosecuting Attorneys' Council of Georgia.

"It's a statement as to whether or not this person should ever get out. You hear horror stories about sending them home to die and six years later, he's still out there and he commits another crime."

Find this article at:
Awards

IoStudio, an interactive ad agency, has won its first national ADDY Award, receiving the silver award in the Agency Self-Promotion category. The ADDY Awards recognize excellence at local, regional and national levels. Lead designer Brian Donnenwirth accepted the award at the American Advertising Federation's national awards show in San Diego.

Middle Tennessee Medical Center's new history book, A Time To Build Up, has received the 2011 National Indie Excellence Book Award for Best Coffee Table Book. The book was researched and written by Patsy B. Weiler, with Susan S. Grear as executive editor. It tracks the history of Middle Tennessee Medical Center from 1927 through the opening of its new facility last year.

Baptist Hospital has recognized nearly 50 volunteers for years of service to the hospital. Special honors were given to Pat Ritter for the most cumulative hours of lifetime service; Eugenia Daniel for the most years of service; and Sister Sherry Barrett, D.C.; and John Stracener for the most hours over the past year.

Secretary of Veterans Affairs Eric K. Shinseki recently announced 10 Department of Veterans Affairs executives from across the nation selected to receive a top White House award. John Dandridge Jr., director of the VA MidSouth Healthcare Network, was among recipients in the Meritorious Executive category.

Finance

Liberty State Bank has hired Ricky Baker as branch manager and loan officer at its Alexandria, Tenn., office.

Alison Adkins has been hired as a Fifth Third Bank financial service representative at one of its banking centers in Green Hills. She attended Broward College and had worked for Bank of America.

Martina Goldthrate of Fifth Third Bank has been promoted to financial center manager for the Tennessee affiliate at the Bell Road banking center, 1311 Bell Road in Antioch. She is a graduate of Tennessee State University, where she attended on a full tennis scholarship.

Brian Wille joined Fifth Third Bank as a health-care credit officer for the Tennessee affiliate. He's a graduate of Duke University with an MBA from Belmon University. Wille had worked for First Tennessee Bank.

Health care

The Minnie Pearl Cancer Foundation announced recent staffing moves: Mary Gormley, RN, MSW, was named director of supportive services. Gormley had been with Alive Hospice; Allison Buchignani was recently promoted to fundraising and event coordinator; and Paige Anderson was promoted to communications and social media coordinator.

Centennial Medical Center has hired Allen Bartels on its administrative team. Bartels joins Parthenon Pavilion as administrator and chief operating officer. He has a master's degree in health-care administration from Bellevue University in Bellevue, Neb., a bachelor's of nursing degree from Midland Lutheran College in Fremont, Neb., and is a licensed nurse. Bartels was interim director of psychiatric services at Sparrow Health System in East Lansing, Mich., and vice president of clinical services at Mary Lanning Memorial Hospital in Hastings, Neb.
Dr. Keith Churchwell has been named as vice president of the American Heart Association's Greater Southeast Affiliate board of directors, which covers six states, including Tennessee, and Puerto Rico. Churchwell is executive director/chief medical officer of Vanderbilt Heart & Vascular Institute.

Law

L. Gino Marchetti Jr. has been elected president of Lawyers for Civil Justice, which has its headquarters in Washington, D.C. Marchetti is the managing member at Taylor, Figue, Marchetti & Mink PLLC here.

Allen Callison has joined the law firm of Morgan & Akins PLLC, where he will focus on workers' compensation and general civil litigation. Callison earned his law degree in 2009 from the University of Georgia School of Law.

Local attorney Julian Bibb III's decades of pro bono work on Civil War battlefield preservation in Franklin have led to recognition by the Civil War Trust, which named Bibb the 2010 Shelby Foot Preservation Legacy Award winner at a ceremony in Washington, D.C. "The work done by the Civil War Trust would simply not be possible without the efforts of men and women like Julian Bibb," said CWT President James Lighthizer.

Music

Republic Nashville has added Crystal Williams as director of Southwest promotion. Williams began her career in radio at Quantum Communications. Most recently, she was assistant talent buyer, artist liaison and promoter at The Plaza Live in Orlando, Fla.

Nonprofits

Gina Hancock has been named state director for The Nature Conservancy in Tennessee after a national search. Hancock has worked for The Nature Conservancy in Tennessee since 2000 and previously served as associate state director. She succeeds Scott Davis, who was promoted in March to become director of conservation programs for the conservancy's central division in North America.

Mary McKinney has been named president and chief executive officer of Bethlehem Centers of Nashville. McKinney has been the agency's interim director for two years. Amara McKell becomes director of administration. Before joining Bethlehem Centers, McKinney was chief executive officer at Waves in Williamson County, Nashville's League for the Deaf, and Alcohol & Drug Council. McKell is an alumna of Bethlehem Centers and University of Tennessee, and had been youth specialist for BCN.

Real estate

Pilkerton Real Estate in Brentwood has made the following staff additions: William Ambrose joins as affiliate broker. He recently retired from the Brentwood Police Department after 32 years. Kenneth Bargers, affiliate broker, has worked previously in marketing and sales within the real estate and security industries. George Bone, ABR, GRI, is a Realtor covering Williamson and Davidson counties; Pat Cantrell, broker CRS, GRI, with 35 years in real estate, previously worked under Bob Parks; Jack Dabney, an affiliate broker, had been with Century 21; Connie Harvey, CRS, GRI, is a real estate veteran here; sisters Nancy King, ABR, GRI, and Becky St. John will work with clients in Davidson and Williamson counties; Marilyn Manka, broker, GRI, moved from her role as managing broker of Prudential Woodmont Realty to join the Pilkerton sales staff; and Elisa Parker, affiliate broker, had been with Embark Real Estate Services.

Bob Parks Realty LLC has added Patricia Titus to its Brentwood office. She recently returned to Nashville from a stint in New York.
Services

Jason Keen joined Snodgrass-King Pediatric Dental Associates and companies as chief operating and financial officer. Keen was senior vice president at Bank of America and most recently with Renasant Bank.

Robert Maldonado has been added to the Brentwood office of LBMC Managed Security Services as an IT engineer. Maldonado was with Uniqest as a technical support analyst.

Bill Kirby, president and owner of OI Partners-Russell Montgomery & Associates for the state of Tennessee with six offices (Brentwood, Memphis, Knoxville, Chattanooga, Johnson City and Jackson), has been elected to the board of parent company OI Partners.
Carroll, Burdick & McDonough Adds Six Attorneys in California

Firm Continues Growth to Meet Global Client Needs.

Carroll, Burdick & McDonough LLP, a preeminent litigation and business law firm practicing nationally and internationally, adds six associates: Scott Carr, Kelley Harville, Hong Le, Aaron Muranaka and Knut Woesthoff join the San Francisco office, and Amy Pennington joins in Los Angeles. Two additional associates will join the firm at the end of the month.

"Building on our successful international expansion last year and an improving national and global business climate, we continue to respond to evolving client needs. The additions of such exceptionally talented associates are one of the many steps we are taking as a firm to assist our clients in overcoming the challenges facing 21st Century businesses. We also are currently recruiting lateral partners in our expanding class action, complex litigation and financial institutions practice groups," said Vicki Freimann, the firm's Managing Partner.

Experienced in the defense of complex and class action litigation, Carr represents clients in claims relating to products liability, consumer protection, insurance coverage, California Business and Professions Code Section 17200 and other matters. Conversant in Spanish, he previously served as a law clerk to the Honorable Norman K. Moon, United States District Court for the Western District of Virginia. Carr earned his J.D. from the University of Virginia School of Law (2005) and his B.A., Phi Beta Kappa, in history from the University of Oklahoma (2001).

Harville handles complex business litigation and insurance disputes. She also represents clients in intellectual property matters, as well as motions and discovery. Harville previously served as a legislative intern for the Office of Congressman John Dingell. She earned her J.D. from the University of Michigan Law School (2007) and her B.A., cum laude, in political science from the University of Michigan (2005).

Le's practice focuses on product liability. Currently, she handles U.S. litigation coordination for a major European automobile manufacturer, including directing and implementing litigation strategy and coordinating with the client to develop product liability defense. Le also coordinates pretrial defensive management with national counsel for other major consumer products and automobile manufacturers in products liability actions. Fluent in Vietnamese, she earned her J.D. from University of California, Hastings School of the Law (2005) and her B.A. in economics and international studies with a concentration on Asia from the University of California at Irvine (2000).

Counseling clients on insurance coverage issues, Muranaka handles complex commercial litigation in state and federal courts. He is also experienced in the areas of breach of contract, class action, data breach, employment, trade secret and unfair competition. Muranaka earned his J.D., Order of the Coif, from the University of Utah S.J. Quinney College of Law (2007) and his B.A., magna cum laude, in political science from Weber State University (2002).

As a native German and member of the firm's German Practice Group, Woesthoff focuses on defending U.S. and German companies in product liability claims. He also advises German and international clients, including the renewable energy and IT sectors, in a wide range of corporate and commercial law matters. A member of the State Bar of Berlin, Woesthoff previously practiced law in Germany, where he represented energy clients. He earned his J.D. equivalent from Georg-August University in Göttingen, Germany, (2002) as well as his Dr. iur. (Ph.D. in Law), magna cum laude, and his LL.M. in international law from the University of Georgia School of Law (2006).

Pennington's practice focuses on commercial and general business litigation, representing major financial institutions in all aspects of creditor's rights and representing businesses in disputes involving contractual, tort, fraud and trade secret claims. She is a member of California Women Lawyers and Women Lawyers Association of Los Angeles. Pennington earned her J.D. from Loyola Law School (2005) and her B.A. in speech communications from California State University, Northridge (2000).

Founded in 1948, Carroll, Burdick & McDonough has approximately 75 attorneys. The firm represents local, national and international clients in a diverse litigation and business practice. The firm focuses in the areas of appellate litigation; complex insurance matters; products liability litigation; corporate, commercial and real estate transactions; real estate and construction litigation; complex commercial, business and tort litigation; mass tort litigation; labor and employment litigation; and intellectual property licensing and development. The firm has offices in San Francisco, Los Angeles and Sacramento and international offices in Stuttgart and Böblingen, Germany and Hong Kong. On the net: www.cbdlaw.com.
Savannah attorney Jennifer Campbell has received the Award of Achievement for Outstanding Service to the Bar for her efforts to plan the State Bar of Georgia’s Young Lawyers Division’s Affiliates Conference - a leadership conference for the state’s younger practitioners.

The young lawyers division is comprised of attorneys under age 36 or within the first five years of service - the face of the future of Georgia’s lawyers.

Campbell, a 29-year-old Statesboro native, is a 2007 graduate of the University of Georgia law school. In practice for four years, she is an associate member of the local Thomerson & Macchiaverno firm handling credits rights and real estate matters.
The Washington Post Company announced that Larry Thompson has been elected to the Board of Directors. His election increases the Company's board to 11 members.

According to a release, Thompson retired in May 2011 as Senior Vice President of Government Affairs, General Counsel and Secretary of PepsiCo. Recently, he was named John Sibley Professor of Corporate and Business Law at the University of Georgia School of Law. Previously, Thompson served as a Senior Fellow with The Brookings Institution. His government career included serving in the U.S. Department of Justice as Deputy Attorney General and leading the Department's National Security Coordination Council. President George W. Bush named Thompson to head the Corporate Fraud Task Force.

Previously, he was a partner in the Atlanta law firm of King and Spalding. He also served as the U.S. Attorney for the Northern District of Georgia. Later he was appointed Independent Counsel for the Department of Housing and Urban Development Investigation by the Special Panel of the U.S. Circuit Court Judges appointed by the U.S. Supreme Court. In April 2000, Thompson was selected by Congress to chair the bi-partisan Judicial Review Commission on Foreign Asset Control.

Donald Graham, Chairman and Chief Executive Officer of The Washington Post Company, said: "Larry's tremendous knowledge and reputation in both the corporate and government worlds will make him a very valuable director of our Company."

Thompson serves on the boards of directors of the Southern Company and Cheyann. He also serves on the boards of various Franklin, Templeton and Mutual Series Funds. He serves on the Board of Directors of the National Center for State Courts and the Board of Trustees of The Arch Foundation for the University of Georgia and is an elected Fellow of the American Board of Criminal Lawyers. He is a recipient of the Edmund Jennings Randolph Award for outstanding contributions to the accomplishment of the Department of Justice's mission, the Outstanding Litigator Award by the Federal Bar Association and the A. T. Walden Award for outstanding accomplishments to the legal profession by the Gate City Bar Association in Atlanta.

(LocalDate: June 13, 2011)
Carroll, Burdick & McDonough Adds Six Attorneys in California

San Francisco - Carroll, Burdick & McDonough LLP, a preeminent litigation and business law firm practicing nationally and internationally, adds six associates: Scott Carr, Kelley Harvilla, Hong Le, Aaron Muranaka and Knut Woestehoff join the San Francisco office, and Amy Pennington joins in Los Angeles. Two additional associates will join the firm at the end of the month.

"Building on our successful international expansion last year and an improving national and global business climate, we continue to respond to evolving client needs. The additions of such exceptionally talented associates are one of the many steps we are taking as a firm to assist our clients in overcoming the challenges facing 21st Century businesses. We are also currently recruiting lateral partners in our expanding class action, complex litigation and financial institutions practice groups," said Vicki Freimann, the firm's Managing Partner.

Experienced in the defense of complex and class action litigation, Carr represents clients in claims relating to products liability, consumer protection, insurance coverage, California Business and Professionals Code Section 17200 and other matters. Conversant in Spanish, he previously served as a law clerk to the Honorable Norman K. Moon, United States District Court for the Western District of Virginia. Carr earned his J.D. from the University of Virginia School of Law (2005) and his B.A., Phi Beta Kappa, in history from the University of Oklahoma (2001).

Harvilla handles complex business litigation and insurance disputes. She also represents clients in intellectual property matters, as well as motions and discoveries. Harvilla previously served as a legislative intern for the Office of Congressman John Dingell. She earned her J.D. from the University of Michigan Law School (2007) and her B.A., cum laude, in political science from the University of Michigan (2005).

Le's practice focuses on product liability. Currently, she handles U.S. litigation coordination for a major European automobile manufacturer, including directing and implementing litigation strategy and coordinating with the client to develop product liability defense. Le also coordinates pretrial defense management with national counsel for other major consumer products and automobile manufacturers in products liability actions. Fluent in Vietnamese, she earned her J.D. from University of California, Hastings School of the Law (2005) and her B.A. in economics and international studies with a concentration on Asia from the University of California at Irvine (2000).

Counseling clients on insurance coverage issues, Muranaka handles complex commercial litigation in state and federal courts. He is also experienced in the areas of breach of contract, class action, data breach, employment, trade secret and unfair competition. Muranaka earned his J.D., Order of the Coif, from the University of Utah S.J. Quinney College of Law (2007) and his B.A., magna cum laude, in political science from Weber State University (2002).

As a native German and member of the firm's German Practice Group, Woestehoff focuses on defending U.S. and German companies in product liability claims. He also advises German
and other international clients, including the renewable energy and IT sectors, in a wide range of corporate and commercial law matters. A member of the State Bar of Berlin, Woestehoff previously practiced law in Germany, where he represented energy clients. He earned his J.D. equivalent from Georg-August University in Göttingen, Germany, (2002) as well as his Dr. iur. (Ph.D. in Law), magna cum laude, and his LLM in international law from the University of Georgia School of Law (2005).

Pennington's practice focuses on commercial and general business litigation, representing major financial institutions in all aspects of creditor's rights and representing businesses in disputes involving contractual, tort, fraud and trade secret claims. She is a member of California Women Lawyers and Women Lawyers Association of Los Angeles. Pennington earned her J.D. from Loyola Law School (2005) and her B.A. in speech communications from California State University, Northridge (2000).

Founded in 1948, Carroll, Burdick & McDonough has approximately 75 attorneys. The firm represents local, national and international clients in a diverse litigation and business practice. The firm focuses in the areas of appellate litigation; complex insurance matters; products liability litigation; corporate, commercial and real estate transactions; real estate and construction litigation; complex commercial, business and tort litigation; mass tort litigation; labor and employment litigation; and intellectual property licensing and development. The firm has offices in San Francisco, Los Angeles and Sacramento and international offices in Stuttgart and Boblingen, Germany and Hong Kong. On the net: www.cbmlaw.com.
The two are setting up a Buckhead office at 1819 Peachtree Road in the Peachtree Palisades building, which Weiss said they are moving into today.

J. Timothy McDonald has joined Thompson Hine as a partner from Rogers & Hardin. McDonald handles employment litigation. He worked for Thompson Hine once before— as a summer clerk at the firm’s Cleveland headquarters in 1988, while he was in law school at Case Western Reserve University.

William B. Wood has formed his own firm in Lawrenceville after 28 years at Smith, Gambrel & Russell, where he was a partner. Wood joined Smith, Cohen, Ringel, Kohler & Martin in 1983, which later merged with Gambrel & Russell to become Smith, Gambrel & Russell. Wood serves as outside general counsel to companies and handles state and local tax matters. He is an adjunct professor of corporate tax at the University of Georgia’s law school, his alma mater.

Sutherland has appointed James L. Henderson III, the firm’s former managing partner, as its first chief diversity officer. He will be responsible for fostering diversity in Sutherland’s recruiting, professional development, public-service and client practice development. The new position is an outgrowth of the firm’s 34-person Diversity and Inclusion committee, established as a statement from the firm. Henderson is a partner in Sutherland’s corporate practice in New York and Atlanta. He served as the firm’s managing partner from 1996 to 2005.

Howard S. Hirsch has recently been elected a shareholder at Baker Donelson Bearman Caldwell & Berkowitz. A securities lawyer who handles real estate investment trusts, Hirsch joined Baker Donelson as of counsel in 2009 from Bryan Cave.

Legal recruiter Major Lindsey & Africa has named Catherine Butts a partner. Butts, who focuses on in-house recruiting, is one of seven new partners at the firm, which has offices nationally.

Lindsey C. Verity became the new president of the Georgia Association for Women Lawyers at the group’s annual dinner on May 11. Verity, who directs the Grandparent/Relative Caregiver Project of the Atlanta Legal Aid Society, also was awarded GAWL’s Visionary Award at the dinner.

R. Wayne Thorpe has been elected to the board of directors of JAMS, a mediation and arbitration firm.

Ford & Harrison partner Patricia G. Griffith has been named the chair of the board of directors of the Atlanta Shakespeare Company.

Jones Day partner Deborah A. Sudbury has been appointed chair of the board of trustees for the Atlanta International School.

Robins, Kaplan, Miller & Ciresi has relocated from Buckhead to Midtown. The firm has leased 25,000 square feet in One Atlantic Center at 1201 W. Peachtree St. Robins Kaplan was previously located at 950 E. Paces Ferry Road.

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**IN THE TRENCHES**

**Ex-K&S litigators reunite under own banner**

Trenches, from page 1

Carroll said he gravitated toward smaller clients because he had more contact with the decision-makers. But as time went on, they started to bulk up at billing rates, particularly for associates and paralegals. “What I found in negotiating rates was that the easiest rate to negotiate was mine,” he said. “They were glad to pay me to do the work, but they found the leverage increasingly distasteful.”

They didn’t like paying associates $950 and paralegals $150 to $195 per hour, he added.

Carroll said he represents the three largest U.S. window blind manufacturers—Hunter Douglas, Springs Industries Inc. and Newell Rubbermaid—as well as a trade group, the Window Covering Manufacturers Association. Trench cases arise involving children getting tangled in window blind cords.

Olympus America Inc., which makes colonoscopes and bronchoscopes, is another client. Carroll defends the company mostly in suits over disease transmission and also tissue punctures suffered by hospital patients. He also represents trade associations such as the American National Standards Institute, which he said has been sued in cases alleging that cell phones cause brain cancer because of its involvement in the process for establishing cell phone standards.

Carroll said he thought about opening his own firm for about a year before taking the plunge. He ran the ideas by clients, telling them his standard rate, which ranged from $305 to $575 per hour at King & Spalding, would drop to $305 per hour. “Every person I talked to asked Where do I sign?” he said.

Carroll said his departure was amicable. “The firm was very gracious,” he added.

While Carroll’s focus is defense work, Carroll said the two lawyers are open to representing some plaintiffs, as long as there are no business conflicts.

Carroll said Weiss, 41, had worked for him since he was a summer associate. He had planned to ask the younger lawyer to join him after a year, once he’d seen how business shaped up, but instead had enough work to recruit Weiss after only six months.

“Every client that I have known Mike,” said Carroll, adding that he’d been using a part-time associate and paralegal until now.

Weiss, 41, spent five years as a reporter at The Atlanta Journal-Constitution before going to law school at Emory University. He joined King & Spalding after graduating from Emory in 2003.

“I always wanted to have my own shop. This seems like a good time to do it,” he said.
Anthony Dasher
Managing Editor

For Executive Associate Athletic Director Carla Williams and associate AD for Academic Services Ted White, their mission was a challenging one - come up with a new plan to further assist Georgia student athletes and enhance their experience while attending school in Athens. And maybe just keep some guys out of trouble.

The question was "How?" Upon reflection the answer became crystal clear.

With so many successful businessmen in Athens and individuals within the University itself - many former Bulldog athletes themselves - what better idea than to somehow bring the two together in some sort of mentoring role?

With that, Georgia's Mentor Program was formed.

"The purpose of the program is simply to engage community leaders with our student athletes," Williams explained. "We've got some valuable assets in the Athens-Clarke County area in all walks of life, not just in the community, but the University itself, so we wanted to get those folks connected with our student athletes and give them the benefit of having some valuable resources to mentor them, be role models and share some wisdom with them."

The program is believed to be one of just a few of its kind nationwide.

"It's kind of evolved over the last few years. We've known that it's important to have mentors with our student athletes and so we kind of started out with just a few folks in the community who were supporters of education and supporters of athletics and kind of got them involved with athletes here and there," Williams said. "This year it really blossomed into a program where we needed to expand and include a lot more student athletes."
Dave Van Halanger coordinates the program and helps find mentors to match up with perspective mentees (student athletes).

Currently, there are approximately 35 mentors who help with a growing number of athletes - primarily football players - who are looking to make the most of their college experience.

"Our goal is to develop our student athletes into the leaders of tomorrow and we want to walk alongside our young men and help them on their journey," Van Halanger said. "That's what the college experience is, it's a journey and what we try to do is get them with established men in the community who have really succeeded and have them share their lives with these guys."

Football coach Mark Richt applauds the program and has already seen some positive effects.

"From the feedback I get from Carla and Coach Van Halanger, our players have been very positive about having a successful man in the community that is able to take part in their life. The mentors are successful men in the community that are voluntarily giving up their time to our young men," Richt said. "To me, that is an extremely positive affect. When you have men of all types of professions working with our players trying to get them to be the best in every area of their life, that is a positive. As football coaches, we coach football and we work on developing character, but these men are character builders and that's what the mentor program is all about. And that's just another great thing to have in the University of Georgia football program."

Many more players will soon become involved.

In just over a week, Georgia's freshman class will arrive. Once they do, plans are already in place for each first-year Bulldog to have a mentor of his own.

"Yes, we are trying to pair up our incoming freshmen with a mentor in order to have another person in their life to help them in this long journey called a college football experience. I don't think you can have too many people that are positive in a young man's life, because the journey is long with hard times along the way," Richt said. "The goal is to always stay on the path and as you start as a 17 or 18 year old young man, you're away from home where you had guidance, rules, and accountability. This gives them another person that enables them to strengthen all of these areas and continually keep them on the right path."

Richt is confident the program will go well; although he admits - being the first of its kind - there may be some trial and error along the way.

"As with anything, we will definitely use this class as a 'pilot program' and see how it goes," he said. "We really don't have anyone we can talk to about it because we are the first program to do this. We may have some bumps in the road but up to this point, we have really had some positive feedback and had some great things being done in our mentor program."

Many of the mentors are easily recognizable to Bulldog fans.

Former Bulldog offensive lineman and local businessman David Weeks to former players Robert Miles, Bryan Gantt, Charles Junior and former Bulldog basketball player Derrick Floyd are among those serving in mentoring roles.

So is former Bulldog track and field standout and Director of Diversity Programs at the UGA Law School Greg Roseboro, who mentors sophomore linebacker Alec Ogietree.

Roseboro became affiliated with the Mentor Program after running into Miles at a local grocery store.

"He told me about this program and asked me if I'd be interested. I told him definitely and the rest is history but, again, it goes back to my time as a student athlete and the pressures that you have to deal with, the time restraints and just the ability to be able to manage things," Roseboro said. "I just thought I might be able to share..."
some of the things that I went through with some of the young men who are over there now."

Roseboro said it's helped being a father of three when it comes to relating with a player like Ogletree.

Their conversations touch on a variety of subjects, although football is rarely one.

"I've got three kids and they're about Alex's age. I have learned over the years to let the conversation come to you," Roseboro said. "So when we sit down we might talk about anything from school work, to the NBA championship, to football, but it's not just a football conversation. It's not just a school conversation - it's a life conversation, what are your plans after school if football does not materialize? Are you preparing yourself for life after UGA and football? We talk about family, we talk about animals; it's just a general conversation."

Mentors like Roseboro are asked to contact their mentees at least once or twice a week. The two have become great friends.

"I think one thing that we have to understand in mentor-mentee relationship is that these relationships can be very beneficial, but they also have lives and are very busy," Roseboro said. "I try not to be overly imposing on him but I try to reach him with a text message maybe once or twice a week, maybe get him with a phone call. We talk and from time to time he'll stop by my office."

Roseboro discounted the notion that the Mentor Program is for players who lack support from home. That's certainly not the case.

"I don't think we need to go into these mentor-mentee relationships with the assumption that these kids are deficient with family support and that is not always the case," Roseboro said. "Alex has strong family support. I'm just someone else that he can reach out to."

Tim Long agrees.

His oldest son - Bulldog offensive lineman Austin Long - is being mentored by Weeks, while his youngest son Hunter is scheduled to join the program as well.

"The way I look at it, if they can go to another adult, someone who has been through what they are going through, has been a success, it puts a different perspective on something, because mom and dad aren't always right in their minds," Long said. "One of the neat things that Austin told me is the guy who is his mentor (Weeks), he's got a couple of young kids and when he goes to their house, he can sit down with him and be a mentor of sorts to them, if you will."

According to Van Halanger, each mentor is encouraged to follow six key steps with working with their respective mentees - engage, educate, equip, energize, elevate and empower.

"Not every day is a good day. You might have a bad day, your coach might have just yelled at you, you're on the second or third team; we just want our mentors to stay positive around them," Van Halanger said. "Greatness comes from a struggle and I tell them try to empower them to do it themselves and help them to empower us."

It's not just about phone calls, a few visits and text messages, either.

The Athletic Association also sponsors get-togethers and activities for the mentors and mentees with speakers during the course of the school year.

Williams said the program benefits both parties involved.

"It's very early on with this expanded program but what we have seen is that it gives some of our community leaders the opportunity to get to know our student athletes," Williams said. "I know they read about them in the
paper, maybe see them on TV and playing on Saturdays, but it gives them a chance to really get to know them, to understand them and understand the amount of work they do every single day as full-time students and football players at the University, to gain some appreciation for the amount of work they put into it.

"On the other hand, it also allows our student athletes to be engaged with our community and understand what the people around them are doing every day to make sure that we can live work and go to school. I think it helps on both ends, but for our student athletes I think they gain a real appreciation for how valuable our community leaders are to everything that they do."

Williams said the process to match mentees with mentors is a carefully conducted process, one that involves a diverse group within the UGA community.

"We've got an internal group that works with the program, Dave Van Halanger coordinates the program for us internally and we've got a support group that works with him and that's a pretty good mix of our staff that works with our student athletes on a daily basis," she said. "A lot of us have lived and worked in Athens for a very long time, so we're very familiar with a lot of folks in the community, so we just sit down and visit, try to match them up the best we can based on their personalities, interests and so forth."

The results, Van Halanger said, should one day speak for themselves.

"Anytime you can help someone become better or great - Wow - you're helping society, you're helping life, you're helping this kid," he said. "I think that's just a wonderful thing."

Click Here for a gallery of players and their mentors.

Carlton Thomas at dinner with some of the members of Georgia's new mentor program.
Atlanta-based trial attorney Marc Howard will be a guest speaker at an Atlanta Bar Association breakfast meeting (ABA) June 16th at the Buckhead Club.

Howard, a founding partner of the law firm Pope & Howard, P.C., will speak on a panel focused on the topic, "Tips for Lawyers Newly on Their Own: A One Hour Q & A," held by the ABA's Sole Practitioner/Small Firm Section. Other panel speakers include Janis Rosser, Esq., and Robert Wildstein, Esq.

The panel will begin with each attorney speaking briefly to the audience about his or her professional background before turning the floor over to questions. Audience members are encouraged to ask about anything related to success in the legal field, including starting out at a small practice and trying cases.

"It's very different going from being an associate to running your own law firm, and I'm happy to share my story with the other members of the ABA," Howard said. "Hopefully, others can learn from my experience as a founding partner of a successful law firm like Pope & Howard."

Attendees are encouraged to register for the panel in advance, as admission costs will increase at the door. Members of the Sole Practitioner/Small Firm section and non-members alike can register online at www.atlantabar.org.

Howard, named as a Georgia Super Lawyer and as a "Legal Elite" lawyer in Georgia Trend Magazine, received his Juris Doctor from the University of Georgia's School of Law in 1993. He and partner Geoff Pope started the Pope & Howard, P.C., law firm in Atlanta in 2005.

About Pope & Howard, P.C.

The lawyers at Pope & Howard, P.C. in Atlanta, Georgia, are experienced trial lawyers dedicated to fairly representing clients for just compensation. The firm's specialties include brain and spinal cord injuries, construction site accidents, trucking and tractor trailer, automobile and aviation accidents, and other cases involving wrongful death and catastrophic personal injury. Please visit the firm online at http://www.popehoward.com to learn more. Free consultations are available to potential clients. Call 404.885.9999 for additional information or schedule an appointment.
Georgia Trial Lawyer Marc Howard to Speak at Atlanta Bar Association Meeting

Pope & Howard, P.C. Howard Will Speak to Attorneys Starting Out on Their Own.

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15 Jun 2011 at 4:12 PM

BAR EXAMS, LAW PROFESSORS, LAW SCHOOL DEANS, LAW SCHOOLS

Did UGA Eat The Grades At UGA Law?
By STACI ZARETSKY

Well, it’s the middle of June, and it seems that some law students are still waiting for their grades. As we know from past discussion of the issue, this is a fairly common practice. The only problem with it is that it keeps law students fending for their last grade like a crack addict searching frantically for his last rock.

The worst part of this situation is the fact that the grade delay may be keeping these law students from becoming gainfully employed. The legal job market may allegedly be on the rise, but when law students can’t do more than offer two-fifths of their updated transcripts to prospective employers, you can take a wild guess as to where their résumés will be headed.

So, while the professors are taking their sweet time grading their exams and possibly costing you a job, your classmates are banding together to try to figure out how to resolve the problem. First, they go to the Student Bar Association. Then, when they don’t like the answer they get from the SBA (“there’s a grading deadline, I’m sure we’ll get our grades soon”), they go straight to the source, the administration. Finally, when the administration’s response isn’t good enough (“it’ll be okay, you’ll get your grades when you get your grades”), they come to Above the Law. And we’re happy to help.

Hey, University of Georgia School of Law, we’re looking at you. Where are your grades?

We received this email from a disgruntled UGA Law student yesterday, on June 14, 2011:

Our administration is not doing a darn thing about our complaints and the only solution a few of us came up with was to get it published on ATL.

Good choice! It looks like the devil went down to Georgia, but instead of looking for souls to steal, he...
Was looking for grades. So, what exactly is going on over at UGA?

We finished exams on May 18th (with a start date of May 2nd). Many of us are still lacking grades. I myself am missing 3/5 grades. I am currently in the process of interviewing for clerkships. Over the course of the past two days, I have gotten three phone calls from three different chambers requesting updated grades and ranks. I have interviewed with two of these judges, and one was wanting to schedule interviews. It was obvious from my phone calls that they are going to go with students who have grades/ranks in.

Now normally, I’d side with the law school on this issue (don’t ask me why, I guess just really liked law school). There’s a grading deadline, and most professors sometimes, when they feel like it, if they’re not doing other more exciting things, tend to abide by that deadline. That deadline is usually about one month after final exams have concluded. UGA Law’s finals ended on May 18, so the grading deadline should be right around the corner. Again, in a normal situation, I’d tell this law student to quit the Gollum-esque search for the precious, right along with the bitching.

But this isn’t a normal situation, because um, hello, this law student might be getting passed up for a clerkship because the school can’t get its act together. Georgia Law administrators, you’re doing it wrong! You’re supposed to fudge the employment stats after the fact, not before. Seriously, law students shouldn’t have to reenact one of Tom Cruise’s last good roles and scream, “SHOW ME THE GRADES,” just so they can remain competitive in an already overpopulated job market.

Our tipster’s email didn’t stop at a lack of grades for current students, though. Apparently, UGA Law still hasn’t deemed its 2011 graduates worthy of receiving their final grades.

Further, the deadline for the Georgia Bar to submit transcripts is June 15th. This is my second-hand conversational knowledge, but departing graduates who have phoned Deans White and Kurtz have been greeted with no assurances that grades will be in on time. One was assured that UGA has a good relationship with the bar, so things will be okay. That does not seem to make anyone feel better. A similar problem is being encountered with rising third-year students who need to be sworn in for third year practice.

Okay, really? Really? The class of 2011 at UGA Law graduated on May 21. Being late is usually not a good thing, people. This is pretty unforgivable, if true. As someone who has ruminated about the bar exam a few times, I totally want to have everything in order while I’m trying to focus.

Does anyone have additional inside information about the lack of grades down in Georgia? Please let us know. For the rest of the law students reading, if any of your professors are still hoarding your grades, please let us know about that, too, either in the comments or by email.

Like 49 people like this.

Tags: Bar Exam, Bar Exams, Georgia, Georgia Law, Grades, Grading, Law Professors, Law School Deans, Law Schools, University of Georgia Law School, University of Georgia School of Law, whiny law students

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With the recent release of Exego’s flagship Early Cost Asses who has needs to heart.

When developing the updated e-Planet Data asked its customers to do for you? The company inc requests into Exego 2.0.

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Let’s say you have a case trying know, whether Led Zeppelin mg people’s songs. Exego could see files for anything conceptually re “Stairway to Heaven” and bust all relevant documents don’t say the “Our goal since launching Exego to improve its features and capa-rapidly evolving e-discovery land Horvath, Planet Data’s president introduce an updated version the usability, faster results and a bro while maintaining the quality and our Exego solution is known.”

Planet Data is a proud sponsor of Technology Leadership Summit, decision makers will be attending in September to learn about and dr-ever-changing impact of technol.

“The Summit has an impressive participants who will offer fresh trends and best practices,” said Howard Reissner. “We are excited to participate in this prestigious event hearing new perspectives and in top minds on the subject.”

For more information about work contact Laura Marques at LMar
Janyce Dawkins named interim EOO director at UGA

Contact: Meg Amstutz, 706/542-0054, mamstutz@uga.edu
Jun 16, 2011, 08:01, Thu, 16 Jun 2011 08:01:00 -0800

Athens, Ga. — E. Janyce Dawkins, associate director of the University of Georgia Equal Opportunity Office, has been named interim director of the office effective July 1. She succeeds J. Stephen Shi, who is leaving to return part time to the faculty of the UGA School of Law and to pursue private practice after three years as EOO director.

Dawkins received B.S. and M.B.A. degrees from the University of Southwestern Louisiana, now the University of Louisiana at Lafayette. She worked for 12 years with BellSouth Corp. as a strategic planner and financial analyst before entering Florida State University School of Law, where she graduated in 1994. She subsequently worked as an attorney in Atlanta in the areas of labor and employment law and workers' compensation. During that period, she taught business law and business communications at Tuskegee University. Before joining the UGA Equal Opportunity Office, she was an assistant district attorney in the Western Judicial Circuit serving Clarke and Oconee counties.

"Steve Shi has been a wonderful university citizen and has shown grace and good judgment in dealing with difficult issues. He will be missed," said UGA President Michael F. Adams. "I have great confidence in Janyce Dawkins and her ability to manage the Equal Opportunity Office on an interim basis. I know the entire university community joins me in thanking her for her commitment to this effort."

The EOO is responsible for UGA's compliance with federal and state laws dealing with access to employment, enrollment and other programs and services. The office assists the university in compliance matters with the Georgia Commission on Equal Opportunity, U.S. Department of Education Office of Civil Rights and U.S. Equal Employment Opportunity Commission.

The office is responsible for investigating complaints of discrimination and harassment at UGA and enforcing the university’s Non-Discrimination and Anti-Harassment policy. The office also administers the university’s affirmative action plan and maintains the University System of Georgia Applicant Clearinghouse, a job placement referral service for colleges and universities in the system.

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Telephone (706) 542-8083 • Fax (706) 542-3939
UGA Today: www.uga.edu/news
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HEADLINE: Is Not Getting Your Grades A Big Deal? The Georgia Bar Thinks So

BYLINE: Staci Zaretsky

BODY:

Yesterday, we brought you a story about the plight of UGA Law students who were still jonesing for their grades. After having received a number of comments, emails, tweets, and Facebook messages, it seems like the moral of the story for rising 2Ls and 3Ls at UGA Law (and at every other law school) is this: ceQuit bitching, gunners.

I guess everyone will get their grades sooner or later, but to be honest, it will probably be later.

But, in particular, we noted that graduates from the school's class of 2011 had not yet received their transcripts. The transcripts in question were due to the Georgia Bar yesterday, but as commenters and tipsters alike responded, this really, really isn't a big deal. Really.

Apparently, UGA Law has some sort of secret agreement with the Georgia Bar that negates the deadline in question:

While we reached out to UGA Law to confirm the existence of this agreement, we did not receive a response. But, as one tipster so eloquently put it:

Georgia Law has an agreement with the Georgia Bar to allow transcripts to be sent in July, so getting grades after the June 15 deadline is irrelevant for UGA law students sitting for the bar.

The person complaining is likely the same person who complains if a professor gives a multiple choice exam that doesn't leave enough room for differentiation at the top of the curve, thus preventing the person from getting an A+ in the course.

Ouch. That comment must sting for our original informant.

Another tipster then informed us that, wait, no, the school doesn't send the transcripts to the Georgia Bar in July, but instead, in mid-August:

First, UGA students who take the Georgia bar are not even required to submit their transcripts. The school has an agreement with the Georgia Bar where all transcripts from all UGA law students who are taking the bar are sent automatically to the office of Bar Admissions in mid-August. The student simply has to sign a release. The school even allows students to release the transcript online.

So, wouldn't you think that the Georgia Bar would at least pretend to be even vaguely aware of UGA Law's secret agreement so that recent graduates could stop
freaking out? A recent graduate emailed us this letter received from the Georgia Bar on June 9, 2011:

Although the tipster acknowledged that UGA Law would be taking care of sending transcripts to the Georgia Bar (at some point in time, possibly, maybe, hopefully), the schools delay is putting recent graduates on edge:

I really wish they would get on it though, because its unsettling to get these letters and to have your bar application up in the air when youre investing so much time and money into preparing for the exam.

Taking the bar exam is stressful enough. UGA Law, you need to send in the missing paperwork so these lawyer hopefuls can stop grinding their teeth at night.

Newstex ID: DEBR-0002-105306224

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LOAD-DATE: June 16, 2011
The following information was released by the University of Georgia:

E. Janyce Dawkins, associate director of the University of Georgia Equal Opportunity Office, has been named interim director of the office effective July 1. She succeeds J. Stephen Shi, who is leaving to return part time to the faculty of the UGA School of Law and to pursue private practice after three years as EOO director.

Dawkins received B.S. and M.B.A. degrees from the University of Southwestern Louisiana, now the University of Louisiana at Lafayette. She worked for 12 years with BellSouth Corp. as a strategic planner and financial analyst before entering Florida State University School of Law, where she graduated in 1994. She subsequently worked as an attorney in Atlanta in the areas of labor and employment law and workers' compensation. During that period, she taught business law and business communications at Tuskegee University. Before joining the UGA Equal Opportunity Office, she was an assistant district attorney in the Western Judicial Circuit serving Clarke and Oconee counties.

"Steve Shi has been a wonderful university citizen and has shown grace and good judgment in dealing with difficult issues. He will be missed," said UGA President Michael F. Adams. "I have great confidence in Janyce Dawkins and her ability to manage the Equal Opportunity Office on an interim basis; I know the entire university community joins me in thanking her for her commitment to this effort."

The EOO is responsible for UGA’s compliance with federal and state laws dealing with access to employment, enrollment and other programs and services. The office assists the university in compliance matters with the Georgia Commission on Equal Opportunity, U.S. Department of Education Office of Civil Rights and U.S. Equal Employment Opportunity Commission.

The office is responsible for investigating complaints of discrimination and harassment at UGA and enforcing the university’s Non-Discrimination and Anti-Harassment policy. The office also administers the university’s affirmative action plan and maintains the University System of Georgia Applicant Clearinghouse, a job placement referral service for colleges and universities in the system.

LOAD-DATE: June 16, 2011
McGarity has whirlwind first year

Athletics directors at major NCAA programs seldom have much down time. That was one of the first points University of Georgia athletics director Greg McGarity made when addressing the Rotary Club of South Gwinnett on Thursday.

LAWRENCEVILLE — Athletics directors at major NCAA programs seldom have much down time. That was one of the first points University of Georgia athletics director Greg McGarity made when addressing the Rotary Club of South Gwinnett on Thursday.

"It's hard to believe the Boise State game (in the Chick-fil-A Kickoff Classic) is just 76 days away," McGarity said opening his address to the dozens of Rotary Club members gathered at Northwood Country Club.

That the Bulldogs' 2011 season-opening football game is rapidly approaching just illustrates what a whirlwind year it's been for McGarity.

It was just more than 10 months ago he was selected to return to his alma mater after 18 years at archrival Florida following the DUI arrest and subsequent resignation of Damon Evans, and only about nine months since he officially assumed the reins.

Since that time, the 1976 UGA grad and former Bulldog tennis player has had little time to settle into his new job.

Among the positive things he's seen in his short tenure are the numerous strong finishes by Bulldog programs, including runner-up finishes by the men's golf team at the NCAA national championship tournament and the women's swimming and diving team at the NCAA meet, plus top-10 national finishes in men's and women's tennis, softball and women's basketball.

Of course, an athletics director is also responsible for the negatives that surround college athletics these days, such as recent NCAA investigations that have already or will included sanctions against big-time programs like football teams at Southern California and Ohio State, plus men's basketball and football teams at Tennessee.

And then there are brushes with the law from individual players from different sports, including several football Bulldog football players over the past few seasons.

McGarity vowed to remain vigilant to make sure Georgia's programs will have to deal with fewer negative issues in the present and future.

"I had the question this morning is, 'What are you doing as athletic director to make sure we don't have the same issues?"' McGarity said. "I kind of shook my head and said, 'One of the things that keeps you up at night as an athletic director is that there are over 500 student athletes with over 300 staff members and the boosters and supporters and everybody (involved in) our program, the numbers are hard to get your hands around.'"

"You never know when you have a rogue booster, a rogue staff member, you may have a player that is not doing the right thing. And what you've got to do is just be persistent in your effort to maintain accountability. ... I don't think there's any question that at the University of Georgia, we don't need to cheat. We have all the resources, we're able to pay (coaches and staff members) good salaries, we have the tremendous support that we have. ..."
McGarity has whirlwind first year

So, we just have to do the right thing and outwork everybody."

McGarity also touched on other issues during Wednesday's address to the Rotary Club, including making college athletics more fan friendly.

"No question the biggest challenge we're going to have moving forward is ..., to really focus on customer service. ... So often in college athletics, we maybe take it for granted that (fans) are just going to show up.

"What we're starting to see is more emphasis on customer service. ... We're really going to be trained on that starting this summer. ... It ought to be an exciting time."

McGarity was also asked about his opinion of scrapping the BCS bowl system and going to a playoff for the highest level of college football.

"Well, I'm against that," McGarity said. "The only reason is because that would destroy bowl games as they are today. There are 35 bowl games. Are there too many? Probably so. ... I'm for maybe tightening that up, but I think the bowl experience — at the end of the day, 35 teams end the season on a very high note, instead of one."

McGarity left a strong impression on many of the Georgia fans among the Rotary Club members and their guests in attendance, including Michael Sullivan, a Lilburn resident and attorney with the firm of Andersen, Tate and Carr, a self-described "double dog" who has his undergraduate and law degrees form UGA.

"I'm very excited about him being here," Sullivan said. "It's great to have a Bulldog as the athletic director. It looks like he's moving (the UGA program) in the right direction."
Amy Bauman & Andrew Starr

By Daily Hampshire Gazette
Created 06/17/2011 - 5:00am

briefs weddings

Amy Elizabeth Bauman and Andrew Tecumseh Starr of Mission, Kan., were married April 2 at InterContinental at the Plaza in Kansas City, Mo. Judge Howard F. Sachs officiated at the 1:30 p.m. ceremony.

The bride is the daughter of John and Barbara Bauman of Columbia, Mo. The bridegroom is the son of Norton and Irene Starr of Amherst.

The matron of honor was Cathy Lambert, the bride's sister.

The best man was Ethan Starr, the bridegroom's brother.

Following a reception at InterContinental at the Plaza, the couple honeymooned in Scottsdale, Ariz.

The bride, 41, is an attorney at Summers Law Firm in Kansas City. A 1987 graduate of Hickman High School in Columbia, Mo., she received dual bachelor's degrees in economics and political science from the University of Iowa in Iowa City, Iowa, in 1991 and a juris doctor degree from Northwestern University Law School in Chicago, Ill., in 1994.

The bridegroom, 41, is the office manager at Wayside Waifs in Kansas City. A 1987 graduate of Deerfield Academy in Deerfield, he received a bachelor's degree in economics from the University of Utah in Salt Lake City, Utah, in 1992 and a juris doctor degree from the University of Georgia School of Law in Athens, Ga., in 1998.

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Press Release
SEA/1959

Department of Public Information • News and Media Division • New York

SRI ASIH ROZA NOVA OF INDONESIA AWARDED 24TH HAMILTON SHIRLEY AMERASINGHE FELLOWSHIP ON LAW OF THE SEA

Thang Nguyen Dang of Viet Nam Selected as Alternate; Winner’s Proposed Research/Study Aimed at Combating Illegal Fishing

NEW YORK, 17 June (Office of Legal Affairs) — Sri Asih Roza Nova of Indonesia has been awarded the twenty-fourth Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea. In case Ms. Rosa Nova is unable to accept the Fellowship, Thang Nguyen Dang of Viet Nam will be awarded the twenty-fourth award.

Ms. Roza Nova will carry out her proposed research/study on the issues of “illegal fishing”.

The Fellowship is intended primarily to advance the proficiency and capability of Government officials, research fellows or academics from developing countries who are involved in the law of the sea or ocean affairs. It has gained wide acclaim for its academic contribution to the overall understanding and implementation of the United Nations Convention on the Law of the Sea.

The award was made by Patricia O’Brien, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, on the basis of recommendation by a High-level Advisory Panel. This year’s Panel comprised the following: Jorge Argüello, Permanent Representative of Argentina; Isabelle Picco, Permanent Representative of Monaco (Chairperson); Mohammed Loulichki, Permanent Representative of Morocco; Wilfred I. Emvula, Permanent Representative of Namibia; Sanja Štiglic, Permanent Representative of Slovenia; Juan Pablo de Laiglesia, Permanent Representative of Spain; and Palitha T.B. Kohona, Permanent Representative of Sri Lanka.

Prized for the academic opportunity and practical experience it provides to participants, the Fellowship involves a course of study at a participating institution and a period of practical training at the Division for Ocean Affairs and the Law of the Sea in the United Nations Office of Legal Affairs.

The Fellowship was established in 1981 in memory of Hamilton Shirley Amerasinghe, first President of the Third United Nations Conference on the Law of the Sea. That Conference, which began its work in 1973, adopted the Convention in April 1982, opening it for signature in December that year. The Convention now has 162 States parties and is generally regarded as “the charter of the oceans”, regulating international legal norms for all matters relating to the governance, uses and protection of the oceans.

Part of the capacity-building programme of the Division for Ocean Affairs and the Law of the Sea, the Fellowship is also part of the Office of Legal Affairs’ overall programme of teaching, study, dissemination and wider appreciation of international law. Despite its clear benefits and widespread recognition and appreciation, only one Fellowship could be awarded in a year due to lack funds.
The General Assembly has again this year, in its resolution 65/37 A, called on Member States and interested organizations, foundations and individuals to continue to make voluntary contributions towards the financing of the Fellowship to ensure that it is awarded every year. In the past year, the Governments of Argentina, Finland, Ireland, Monaco and Slovenia have made financial contributions to the Fellowship fund. Also in the past, individual States have made special contributions to finance the award of special Fellowships at designated universities or institutions.

Previous fellows have come from nearly all regions of the world: Argentina; Barbados; Bulgaria; Cameroon; Cape Verde; Chile; Colombia; Indonesia; Iran; Kenya; Nepal; Nigeria; Palau; Papua New Guinea; Sao Tome and Principe; Samoa; Seychelles; Sri Lanka; Thailand; Tonga; Trinidad and Tobago; United Republic of Tanzania; Viet Nam; and the former Yugoslavia. They have devoted their study and training period to various topics such as: maritime delimitation; methods for the determination of the outer limits of the continental shelf; maritime transport of hazardous materials; marine scientific research; the marine environment; crimes at sea; settlement of disputes; and the legal regime of genetic resources in areas of the deep seabed beyond the limits of national jurisdiction.

Seventeen world-renowned universities and institutes participate in the Fellowship programme. All of them waive their usual tuition fees in order to allow the Fellows to carry out their research/study at the institution or university of their choice. The institutions are: Centre for Oceans Law and Policy, University of Virginia, United States; Schulich School of Law, Dalhousie University, Halifax, Canada; Faculty of Law, University of Oxford, United Kingdom; Graduate Institute of International Studies, Geneva, Switzerland; Institute of International Studies, University of Chile, Santiago, Chile; Institute of Maritime Law, University of Southampton, United Kingdom; Marine Policy Center, Woods Hole Oceanographic Institution, Massachusetts, United States; Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany; Netherlands Institute for the Law of the Sea, University of Utrecht, Netherlands; Research Centre for International Law, University of Cambridge, United Kingdom; Rhodes Academy of Ocean Law and Policy, Greece; School of Law, University of Georgia, United States; School of Law, University of Miami, United States; School of Law, University of Washington, United States; William S. Richardson School of Law, University of Hawaii, United States; Gerard J. Mangone Center for Marine Policy, University of Delaware, United States; and the Centre for International Law, National University of Singapore.

* *** *

For information media • not an official record
Elkins - Sallis Engagement

06.19.11 - 01:08 am

Dr. Jeanne M. Schult of Rome and Dr. and Mrs. Randell L. Elkins Jr. of Cartersville announce the engagement of their daughter Sonya Marie Elkins to Nicholas Clifford Sallis, son of Mr. and Mrs. Clifford C. Sallis III of Acworth.

Miss Elkins is a 2001 honor graduate of Model High School, a 2005 magna cum laude graduate of the University of Georgia with a Bachelor of Arts degree in journalism and a 2011 cum laude graduate of the University of Georgia School of Law with a Juris Doctorate. While attending the University of Georgia she was a member of Pi Beta Phi sorority, Kappa Tau Alpha honor society and was a 2002 Rome Symphony Debutante. She joins the law firm of Brock, Clay, Calhoun & Rogers of Marietta in August.

The bride-elect is the sister of Laura Heather Elkins of Atlanta and Julia Dawn Elkins of Rome. She is the granddaughter of Dorothy Elkins of Houston, Texas, the late Randell L. Elkins Sr. and the late Roy and Thelma Schult.

Sallis is a 2002 honors graduate of Sprayberry High School and a 2006 graduate of the University of Georgia with a Bachelor of Business Administration degree and minor in Spanish. While attending the University of Georgia, he was a member of Pi Kappa Phi fraternity. He is the director of business development for Lackmond Products of Kennesaw.

The groom-elect is the brother of Tiffany Sallis Britt of Marietta. He is the grandson of Clarence Sallis of Comfort, Texas, Marilyn Barber of Dallas, Texas, the late LaRue Sallis and the late H.G. Barber.

The wedding ceremony is planned for Saturday, Sept. 17, 2011, at Frost Chapel at Berry College. A reception will follow at the Taylor Farm.

Invitations will be sent.

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Stalking the not-so-elusive food trucks

BYLINE: Jill Vejnoska; Staff

Organized events bring out foodies. Fans track locations through Facebook, Twitter.

BODY:

Keri Bulloch is a modern-day metro Atlanta "trucker."

Instead of a CB radio, the mother of two from East Point monitors Facebook and Twitter.

Rather than hauling food cross-country, she chases it around Midtown and the Westside.

Drive a big rig? Hardly.

The only vehicle Bulloch was rocking on a recent sweltering Friday afternoon at Atlantic Station was a stroller. With the other hand, she tidied a table where she'd just downed an al fresco lunch that was equal parts calorie count and cutting-edge happening.

"I've been following the trucks around," said Bulloch, 37, who'd come with a friend from Cobb County and their four children to experience Food Truck Fridays. Gesturing to where the crowds and trucks had seemed to magically materialize within the past hour, she exulted, "It's kind of like a flash mob for food."

To others, they're "pop-up food courts." Or "food truck rodeos." Whatever. What's indisputable is that metro Atlantans' behavior and habits are being happily altered by these "now you see 'em, now you don't" gatherings of as many as a dozen food trucks in one place at the same time.

"I feel like I walked two miles for food," Kristen Jenkins laughed one recent Tuesday night at the Howell Mill Food Park, behind a Willy's near the busy intersection of Howell Mill and Collier Roads. Her trek from the home of friends might not have been quite that lengthy, but that scarcely lessened Jenkins' contentment as she noshed on a basil Parmesan waffle cone from the Good Food Truck and saw the upside to the return trip: "Walking back reduces all that you eat here."

You can't fault that logic.

Nor can you fail to appreciate the more subtle message being sent each time someone lines up for the to-die-for lime fries from Tex's Taco Truck and spends the next 10 minutes chatting with the stranger next to him:

As large metropolitan areas go, this one's relationship with public transportation may be uneasy at best. Public food, though, is a whole other
"Look at that: People have brought their own lawn chairs and blankets and are just sitting out, like it's the Fourth of July," Thomas James Spravka, 53, a photographer and self-described foodie from Marietta, said at the Howell Mill Food Park. "They're making an event out of it all by themselves."

It was only the second time that the Tuesday-night gathering had taken place. Yet already, the buzz and sense of bonhomie were palpable: Week 1 had attracted 1,200 attendees and 2,000 Facebook followers. Many took to social media afterward to praise the event and offer suggestions for tweaking the food park experience slightly. Organizers paid attention.

Week 2 featured additional offsite parking and a police officer directing traffic. Several picnic tables at the kid-laden event allowed "truck-er" families to linger longer on the sultry summer night. A band played, and a feeling of community suffused the hay strewn patch of land.

Some had traveled miles from their own communities to be there.

"I work in Midtown sometimes and I came across the first Street Food Thursday at the Woodruff Arts Center," said Brad Weaver, 31, who was digesting his Good Food Truck Poodle (a hot dog on a French toast bun, topped with maple syrup,) alongside his wife, Lisa, 29, and their 18-month-old son, Haven.

With their friend, Nicole Williams, 24, they'd made the trek from Woodstock. "I told her about this," Weaver said, pointing to Williams, "and she said, 'Yes, please.' "

"Where else can you get lime fries and a French toast hot dog with syrup in one place?" Williams said with a laugh.

Uh, more places than you might think.

Founded 18 months ago, the Atlanta Street Food Coalition is in charge of working out the rotation of which trucks go where on what days. The job's gotten more pleasantly cumbersome as the number of sites keeps multiplying.

"When we started, we didn't know how much things would develop," said Greg Smith, 29, the University of Georgia Law School-trained president of the coalition, which also helps the truck operators navigate the regulatory processes in each county. "It's become a real social atmosphere. That's not something I was really thinking about going in, but it's really cool."

On Fridays now, food trucks roll out simultaneously at Atlantic Station and in Buckhead, where the Shops Around Lenox joined the street-food scene earlier this month.

Food Truck Wednesday takes place in the Stove Works parking lot in Inman Park. Meanwhile, Street Food Thursdays continues its delicious march down Peachtree Street. Originally in two locations --- the Woodruff Arts Center plaza and the corner of 10th and Peachtree --- it expanded to a third spot, at Seventh and Peachtree, earlier this month.

"We will do Street Food Thursdays until no one comes to them anymore," vowed Tucker Berta, director of marketing and public relations at the Midtown Alliance, a sponsor of the event. "We will skate across the ice on the plaza to make it happen [in winter] if people still want it."

Don't sell some of these truckers and their devotion short. Second only to gasoline, social media is what drives Atlanta's burgeoning street food phenomenon. From Yumbii and King of Pops to Munch Food Truck and Tamale Queen, nearly all of the trucks are on Facebook and Twitter, updating their locations
and specials daily or hourly.

The conversation goes both ways:

"PLEASE come to Woodstock --- SOON! We ARE part of the metro and have monthly concerts at the Woodstock Park," one woman recently posted a Facebook plea to "Pinky," the rolling goody-mobile of Yum Yum Cupcakes.

Hail Caesar increasingly gets --- and responds to --- posted requests for its so-called Lettuce Wagon to pull into office complex parking lots and serve lunch.

On the day that Street Food Thursday expanded to three locations, the Woodruff plaza was packed with 12 food trucks and hordes of hungry people from nearby offices. While Amber Hunter settled on lobster rolls from the Souper Jenny truck and her co-worker decided to eat dessert first in the 94 degree heat ("It's refreshing and melting," Kate Dondero said of her orange basil popsicle from King of Pops), others checked their smart phones for info on what trucks were at the other locations. And who was serving what, where.

Some truly wanted to be in the know. Yet others might be afraid of getting left out, suggested Justin Oh, a social media strategist who was one of 30 people in line at the Tex's Tacos truck around noon.

"Social media helps you create a sense of scarcity and temporariness," said Oh, who'd come with a handful of co-workers from 22squared advertising agency in the Proscenium Building. "Now it's not only about the food, but also about catching it before it's gone. It's like a game in some ways."

If so, Beverly Sims found herself drawn to play. This was her third consecutive week at Street Food Thursday, but her first time at Tex's Tacos.

"I want to see why there's such a long line," Sims shrugged, smiling slightly. "So now I'm in line."

Know where to go

Here is a list of regularly scheduled street food gatherings taking place each week. Most are on Facebook and/or Twitter, so be sure to check their status before heading out with a full wallet and empty tummy. Many individual food trucks also have their own pages and feeds. Additional information is available from the Atlanta Street Food Coalition (www.atlantastreetfood.com, www.facebook.com/ATLStreetFood, twitter.com/#!/atlstreetfood)

Howell Mill Food Park. 6-9 p.m., Tuesdays. 1927 Emery St., Atlanta. www.facebook.com/howellmillfoodpark; Twitter: @howellmillfood

Food Truck Wednesday. 11:30 a.m.-2:30 p.m. The Stove Works, 112 Krog St., Atlanta.

Street Food Thursdays. 11 a.m.-2 p.m. (or until the food runs out). Locations: Woodruff Arts Center, 1280 Peachtree St. NE; 10th Street and Peachtree (the weekly "Pop Up Chef" station, with a rotating cast of prominent restaurant chefs); and Seventh Street and Peachtree.

Food Truck Fridays. 11 a.m.-2 p.m. 171/2 Street in Atlantic Station, Atlanta. Recently also hosted Food Truck Friday dinner, 6-9 p.m. in Central Park. www.facebook.com/pages/Food-Truck-Fridays/143297692410087; Twitter: @atlanticstation

Friday Food Trucks at the Shops Around Lenox. 11 a.m.-2 p.m. 3400 Around Lenox Drive, Atlanta. Twitter: @aroundlenox
Article Preview

**Julia W. Lumpkin and Frank Lumpkin III sue each other over prominent father's estate [Columbus Ledger-Enquirer, Ga.]**

*Columbus Ledger-Enquirer* (GA) - Jun. 19, 2011

June 19—Frank G. Lumpkin Jr., the prominent Columbus insurance man and banker, was known for his unbridled generosity. In death as in life, he gave freely to the people he loved and the many causes he supported.

Lumpkin's beloved alma mater, the University of Georgia, was one of many institutions that benefited from the six- and seven-figure bequests outlined in his testament, which included a $1 million gift to the University of Georgia Foundation and another $250,000 to the law school once named for his great-grandfather.

But as plainly benevolent as Lumpkin's last wishes were — he also left $1 million contributions to First Presbyterian Church of Columbus and the Columbus State University Foundation — his estate remains unsettled more than 11 years after his death, and has become the subject of an intractable dispute between his two children. The impasse, according to one attorney on the case, has been a bitter disagreement over University of Georgia season football tickets.

Frank G. Lumpkin III and Julia W. Lumpkin, the Muscogee County probate judge, are co-executors of their father's multimillion-dollar estate and the estate of their mother, Edith M. Lumpkin, who died about nine months after her husband in December 2000. Attorneys for both sides made clear that the generous bequests Frank Lumpkin Jr. made to longtime friends and organizations like the YMCA and Boy Scouts of America Chattahoochee Council have been paid in full. But the remainder of the estate — a significant wealth that attorneys on both sides declined to estimate — has not been distributed.

What has been a private stalemate now is threatening to become a public showdown between estranged heirs, who, until recently, could not even agree on a headstone to affix to their mother's grave. After more than a decade of recriminations, the struggle has spilled into civil court in the form of dueling lawsuits filed last fall, both of which seek to remove the opposing sibling as personal representative of the estates. Each sibling accuses the other of breaching fiduciary duties and stubbornly delaying the administration of the estates.

Frank Lumpkin III blames his sister for a loss of nearly $7 million in pharmaceutical stocks that plummeted. He claims the family was advised to sell stocks in Schering-Plough from the estates before their value decreased, and he is suing Julia Lumpkin for the difference in damages.

"Nothing in my entire legal career approaches this," said Frank L. Martin, an attorney of 46 years who represents Frank Lumpkin III. "I've never experienced anything like it, and it is astounding to me because of Julie being probate judge. She knows better than anybody this should have never degenerated to this point."

The wills were filed in Muscogee County Probate Court. Judge Julia Lumpkin recused herself from the proceedings after her brother filed suit last fall, but Martin said he thinks she should have recused herself sooner to avoid a conflict of interest.

Julia Lumpkin did not return a call seeking comment on the estates but responded to questions through her attorney, Richard A. Childs, who said there was no need for his client to recuse herself sooner because
When it came to sports, he had a love for the University of Georgia and was one of the school's most generous boosters. He also was a noted supporter of Columbus State University. The Frank G. Lumpkin Jr. Center,
school's athletic arena, stands as a reminder of the $2 million he donated to the project. (In 2007, the U.S. Post Office on Milgen Road in Columbus also was named in his honor.)

He supported a number of other causes. In his will, he left generous contributions to the House of Mercy of Columbus, the Muscogee County Humane Society and the Columbus chapter of the Alzheimer's Association. He gave $15,000 to his former pastor's wife and similar gifts to many longtime friends.

While those bequests have been paid, much of Frank Lumpkin Jr.'s wealth remains to be distributed to his children.

Family feud

Georgia law requires personal representatives of an estate to act unanimously. In his lawsuit against his sister, Frank Lumpkin III accuses Julia Lumpkin of dragging her feet and refusing to make decisions about the estates. Julia Lumpkin denied those allegations in court filings and attributed the delays to her brother's "stubbornness and intransigence."

In one of his most serious allegations, Frank Lumpkin III accused his sister of improperly using her office to obtain $90,000 from a bank account shortly after their mother's death. His lawsuit, however, does not explain the allegation in detail, and Martin declined to elaborate on the claim. Frank Lumpkin III was in Florida last week, his attorney said, and could not be reached for comment.

Julia Lumpkin's attorneys said in court filings that the money in question came from a certificate of deposit that matured and was "inadvertently" deposited to her bank account.

Frank Lumpkin III cited a number of examples of his sister's alleged inaction, including detailed passages about the Schering Plough stocks. According to his lawsuit, financial advisers warned the family that the estates were too heavily invested in a single stock.

His lawsuit claims 44,000 shares were sold in December 2000 at a market price of $59.14 in order to pay estate taxes before the market value fell. Frank Lumpkin III claims he pushed for the sale of up to 50 percent of the estate's Schering Plough holdings, and that Julia Lumpkin failed to respond to repeated requests for input on the proposal.

Julia Lumpkin's attorneys dismissed the assertion as a "bogus claim" and maintained in court filings that Frank Lumpkin III "could have taken appropriate and timely action some 10 years ago." Frank Lumpkin III's lawsuit claims the stocks ultimately were disposed of at $19.35 per share, resulting in more than $6.9 million in damages to the estates.

"The stock market took a big drop and they lost a huge amount of money," said Martin, who also represented Frank Lumpkin III after he was charged in 2008 with shooting a 16-year-old he found in his wife's stolen SUV. (Frank Lumpkin III testified the shooting was an accident. A Muscogee County grand jury declined to indict him.)

Selling the house

The siblings offered conflicting accounts of their efforts to sell their parents' Carson Drive home. Frank Lumpkin III's suit claims that Julia Lumpkin agreed in 2009 to sell it for $425,000 to Ken Chung, but later refused to sign the contract, which "forced" Chung to occupy the house as a tenant.

Julia Lumpkin claims the sale was delayed because her brother was interested in buying the house from the estate but later changed his mind. She said the delay diminished the property's value because the house deteriorated while it was vacant and took a hit during the housing collapse. Her counterclaim asserts that her brother should be removed as co-executor of the estate because he allowed Chung to occupy the house without accounting the rent to her. Martin, however, said the rent money has been kept in escrow to be calculated into the total estates.

In August 2009, the parties tried to mediate their differences before Judge Bill Smith but failed to reach an agreement, according to court documents. Frank Lumpkin III's lawsuit attributed the impasse to "Julia Lumpkin's refusal to discuss estate matters until a matter personal to her and unrelated to the estates was resolved to her satisfaction," an allusion to the season ticket standoff. Julia Lumpkin's attorneys moved in court filings to strike that passage as irrelevant.

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Both sides can at least agree on one thing: the ordeal has taken a toll on seemingly everyone involved.
"The members of the Lumpkin family care for each other very much," Childs said, "and we believe that they're all distressed."

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Lawyer Snapshot: Sally Anne Brown

Name: Sally Anne Brown

Ages: 35

Family: Husband, Scott; daughter, Benedicte

Pets: Dog, Talen

School: University, B.A. in English literature and creative writing, 1998

Education: Admitted to the Bar: Florida, 2005 (Florida); Georgia, 2010 (Georgia)

Employed by: Rogers Towers, P.A.

Field of practice: Commercial and tort litigation

Professional Organizations: The Jacksonville Bar Association, The Florida Bar and State Bar of Georgia.

Community Involvement: Police Athletic League (PAL) and the Junior League of Jacksonville

How did you get involved?

I was asked to serve on the Board committee for PAL's annual fundraiser, the Sheriff's Roast, after which I was asked to serve on PAL's board of directors. As one of the younger board members, I was given the opportunity to spearhead PAL's young professionals group (YP - Young PAL Professionals).

How can someone else get involved?

If you are between the ages of 21 and 45 and are interested in networking and supporting a worthy cause, you can contact me at www.jaxpal.com or contact Lt. Derrick Mitchell at 355-1387 or Renee Naughton at 854-6680.

What have you learned/achieved through the experience?

First and foremost, I learned that PAL has a dynamic impact on the well being of children in our community through its after-school programs. PAL's six locations serve nearly 2,800 kids in Jacksonville annually through sports, mentoring, and leadership. Throughout all of their programs, participants are engaged, encouraged, and mentored by members of the Jacksonville Sheriff's Office. I think it goes without saying that children who cannot go home after school (or go home to an empty home) need somewhere safe to go, and if that place can also provide kids help with homework and teach them karate (or football, basketball, or boxing, among other things), then everyone wins. If you're pro-education, PAL is for you; if you're anti-violence, PAL is for you!

What was the last book you read or are reading?

"Between," by Tess Foy.
Julia W. Lumpkin and Frank Lumpkin sue each other over prominent father’s estate

BY JIM MUSTIAN

Frank G. Lumpkin Jr., the prominent Columbus insurance man and banker, was known for his unbridled generosity in death as in life, he gave freely to the people he loved and the many causes he supported.

Lumpkin’s beloved alma mater, the University of Georgia, was one of many institutions that benefited from the six- and seven-figure bequests outlined in his testament, which included a $1 million gift to the University of Georgia Foundation and another $250,000 to the law school once named for his great grandfather.

But as plainly benevolent as Lumpkin’s last wishes were — he also left $1 million contributions to First Presbyterian Church of Columbus and the Columbus State University Foundation — his estate remains unsettled more than 11 years after his death, and has become the subject of an intractable dispute between his two children. The impasse, according to one attorney on the case, has been a bitter disagreement over University of Georgia season football tickets.

Frank G. Lumpkin III and Julia W. Lumpkin, the Muscogee County probate judge, are co-executors of their father’s multimillion-dollar estate and the estate of their mother, Edith M. Lumpkin, who died about nine months after her husband in December 2000. Allowances for both sides made clear that the generous bequests Frank Lumpkin Jr. made to longtime friends and organizations like the YMCA and Boy Scouts of America Chattahoochee Council have been paid in full. But the remainder of the estate — a significant wealth that attorneys on both sides declined to estimate — has not been distributed.

What has been a private stalemate now is threatening to become a public showdown between estranged heirs, who, until recently, could not even agree on a headstone to attach to their mother’s grave. After more than a decade of court battles, the struggle has spilled into civil court in the form of dueling lawsuits filed last fall, both of which seek to remove the opposing side as personal representative of the estates. Each side accuses the other of breaching fiduciary duties and stubbornly delaying the administration of the estates.

Frank Lumpkin III blames his sister for a loss of nearly $7 million in pharmaceutical stocks that plummeted. He claims the family was advised to sell stocks in Schering-Plough from the estates before their value decreased, and he is suing Julia Lumpkin for the difference in damages.

“Nothing in my entire legal career approaches this,” said Frank K. Martin, an attorney of 45 years who represents Frank Lumpkin III. “I’ve never experienced anything like it, and it is astonishing to me because of Julia being probate judge. She knows better than anybody this should have never degenerated to this point.”

The wills were filed in Muscogee County Probate Court. Judge Julia Lumpkin recused herself from the proceedings after her brother filed suit last fall, but Martin said he thinks she should have recused herself sooner to avoid a conflict of interest.

Julia Lumpkin did not return a call seeking comment on the estates but responded to questions through her attorney, Richard A. Childs, who said there was no need for her client to recuse herself sooner because nothing had been contested.

“She recused herself as soon as it became an issue,” Childs said, adding in a separate phone interview that “Judge Lumpkin has done nothing wrong in any capacity.”

At the heart of the standoff, Martin said, is a fight over a number of University of Georgia season football tickets. Martin said Fran’s Lumpkin Jr. got the tickets “through his daddy” and shares them with his sister each season. He accused Julia Lumpkin of refusing to close the estates until the tickets are transferred to her name.

“She’s holding the estate hostage over these football tickets,” Martin said in an interview. “It’s not an argument of ‘Do you or don’t you get the tickets’... She wants them in her name, but they don’t have anything to do with the resolution of the estate of Mr. and Mrs. Lumpkin.”

Martin would not specify how many tickets the Lumpkins receive but said they are good seats.

“She’s really cutting her nose out of spite her face because she’s got a 50 percent heir of the estate, and she’s holding up the redistribution of money to herself,” Martin added, “and as you know it’s a considerable amount of money.”

Childs said the disagreement over the tickets is “one of the issues that will be resolved privately, or will be resolved through a court proceeding as the law and ethics require.” He declined further comment on the tickets.

“The estates of Mr. and Mrs. Lumpkin have been very timely and very expertly administered,” Childs said. “What remains to be done is to resolve outstanding issues among the heirs. We hope we can do that privately... but if we can’t we’re ready to move forward in court.”

Martin said the estates likely could have been settled over the course of a year had both sides been cooperating. Childs disagreed, noting the estates were large enough to require the filing of a federal estate tax return. He said it could have taken up to three years under normal circumstances. The delay in this case is unusual, he said, but not by any means unprecedented.

The lawsuits recently were transferred from Probate Court to Superior Court Judge Lonny A. Gray Jr. of Albany, Ga., has been appointed to preside over the case.

Martin said the parties currently are taking depositions. He said he expects the case to go to trial. No court dates have yet been set.

Leaving a legacy

Frank Lumpkin Jr. cherished the Georgia Bulldogs so deeply that he once wrote a will bequeathing his entire estate to the university’s athletic department. Had he been killed an unarmed man fighting in Europe in World War II, “Georgia would have gotten a bank and a damned good one, too,” he quipped many years ago.

Born in 1907, Frank Lumpkin Jr. left an indelible mark on Columbus in his 92 years, carrying on the legacy of one of the most prominent families in the state. His great uncle, Wilson Lumpkin, served as the 35th governor of the Peach State and was a U.S. Congressmen his great-grandfather Josiah Henry Lumpkin helped establish the University of...
Leaving a legacy

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After attending Columbus High School, Frank Lumpkin Jr. graduated from Riverside Military Academy and enrolled at the University of Georgia in 1925. He played varsity football but rarely saw the gridiron. “I played every day but Saturday,” he used to say.

He had an unending love for the U.S. Army and wore the uniform for many years, serving under Gen. George S. Patton Jr. during World War II. He was a pilot, a member of the State Bar of Georgia and an Eagle Scout.

When he wasn’t cheering his Bulldogs to victory, Frank Lumpkin Jr. continued the family’s successful insurance business as president of the Willcox-Lumpkin Company, and served as president of the Trust Company of Columbus. He accumulated vast wealth but never hesitated to share it.

Frank Lumpkin Jr. left the insurance company -- founded by his family in 1848 -- to his son in his will and bequeathed to his daughter an amount equal to the value of the business.

When it came to sports, he loved UGA above all else and was one of the school’s most generous boosters. He also was a noted supporter of Columbus State University. The Frank G. Lumpkin Jr. Center, the school’s athletic arena, stands as a reminder of the $2 million he donated to the project. (In 2007, the U.S. Post Office on Milgen Road in Columbus also was named in his honor.)

He supported a number of other causes. In his will, he left generous contributions to the House of Mercy of Columbus, the Muscogee County Humane Society and the Columbus chapter of the Alzheimer’s Association. He gave $15,000 to his former pastor’s wife and similar gifts to many longtime friends.

While those bequests have been paid, much of Frank Lumpkin Jr.’s wealth remains to be distributed to his children.

Family feud
Georgia law requires personal representatives of an estate to act unanimously. In his lawsuit against his sister, Frank Lumpkin III accuses Julia Lumpkin of dragging her feet and refusing to make decisions about the estates. Julia Lumpkin denied those allegations in court filings and attributed the delays to her brother’s “stubbornness and intransigence.”

In one of his most serious allegations, Frank Lumpkin III accused his sister of improperly using her office to obtain $90,000 from a bank account shortly after their mother’s death. His lawsuit, however, does not explain the allegation in detail, and Martin declined to elaborate on the claim. Frank Lumpkin III was in Florida last week, his attorney said, and could not be reached for comment.

Julia Lumpkin’s attorneys said in court filings that the money in question came from a certificate of deposit that matured and was “inadvertently” deposited to her bank account.

Frank Lumpkin III cited a number of examples of his sister’s alleged inaction, including detailed passages about the Schering Plough stocks. According to his lawsuit, financial advisers warned the family that the estates were too heavily invested in a single stock.

His lawsuit claims 44,000 shares were sold in December 2000 at a market price of $59.14 in order to pay estate taxes before the market value fell. Frank Lumpkin III claims he pushed for the sale of up to 50 percent of the estate’s Schering Plough holdings, and that Julia Lumpkin failed to respond to repeated requests for input on the proposal.

Julia Lumpkin’s attorneys dismissed that assertion as a “bogus claim” and maintained in court filings that Frank Lumpkin III “could have taken appropriate and timely action some 10 years ago.” Frank Lumpkin III’s lawsuit claims the stocks ultimately were disposed of at $19.35 per share, resulting in more than $6.9 million in damages to the estates.

“The stock market took a big drop and they lost a huge amount of money,” said Martin, who also represented Frank Lumpkin III after he was charged in 2008 with shooting a 16-year-old he found in his wife’s stolen SUV. (Frank Lumpkin III testified the shooting was an accident. A Muscogee County grand jury declined to indict him.)

Selling the house

The siblings offered conflicting accounts of their efforts to sell their parents’ Carson Drive home. Frank Lumpkin III’s suit claims that Julia Lumpkin agreed in 2009 to sell it for $425,000 to Ken Chung, but later refused to sign the contract, which “forced” Chung to occupy the house as a tenant.

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executor of the estate because he allowed Chung to occupy the house without accounting the rent to her. Martin, however, said the rent money has been kept in escrow to be calculated into the total estates.

In August 2009, the parties tried to mediate their differences before Judge Bill Smith but failed to reach an agreement, according to court documents. Frank Lumpkin III’s lawsuit attributed the impasse to “Julia Lumpkin’s refusal to discuss estate matters until a matter personal to her and unrelated to the estates was resolved to her satisfaction,” an allusion to the season ticket standoff. Julia Lumpkin’s attorneys moved in court filings to strike that passage as irrelevant.

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Both sides can at least agree on one thing: the ordeal has taken a toll on seemingly everyone involved.

“The members of the Lumpkin family care for each other very much,” Childs said, “and we believe that they’re all distressed.”

Read more: [http://www.ledger-enquirer.com/2011/06/19/1624697/julia-and-frank-lumpkin-iii-sue.html#ixzz1Pv6M1Tm7](http://www.ledger-enquirer.com/2011/06/19/1624697/julia-and-frank-lumpkin-iii-sue.html#ixzz1Pv6M1Tm7)
County Commonwealth's Attorney To Retire At End Of Year

Two Announce Intention To Seek GOP Nomination To Succeed Albert Mitchell

by Andrew Jenner
Contributing Writer

WOODSTOCK - After slightly more than 12 years serving as the Commonwealth's Attorney in Shenandoah County, Albert Mitchell will retire at the end of his current term, which expires on Dec. 31.

"I really don't have any plans. I thought this was the right time," said Mitchell, who was appointed county Commonwealth's Attorney in the summer of 1999 and has since been elected to three four-year terms. "I feel fortunate that I was able to serve, and that (now) I'm able to retire."

After retirement, Mitchell said he looks forward to enjoying newfound free time and traveling. He also plans to continue serving as the Woodstock town attorney - a position he's held since 1970 - and may maintain a private legal practice.

Mitchell, who grew up in Alexandria, has practiced law in Shenandoah County since 1967, the same year he earned his law degree from Washington and Lee University. He and his wife, Toni, a retired teacher, have three adult children all living in the Richmond area.

After more than two decades in private legal practice in Woodstock, Mitchell became the county's first part-time assistant Commonwealth's attorney in 1990. In 1996, he became a full-time assistant prosecutor, and was appointed Commonwealth's Attorney three years later, when his former boss, William Logan, became a Juvenile and Domestic Relations Court judge.

Looking back on more than two decades prosecuting crimes in the county, Mitchell described the job as interesting, challenging, and, sometimes, frustrating. Though he's been disturbed by the observation that younger and younger offenders are committing more and more violent crime, and by the apparent growing problem of drug abuse in the area, Mitchell said he's derived greatest satisfaction from his sense that he's part of a justice system that is doing a good job of protecting the public.

Mitchell, who said he's never had any political ambition, said he has no plans to seek any other elected office.

Two of Mitchell's associates have already announced plans to seek the Republican nomination to replace him - Kenneth Alger II, now Mitchell's senior assistant, and Woodstock Mayor Jeremy McClary.

"He knows the law like the back of his hand," said Alger of his boss. "He has really let me thrive as a professional, so I really owe my entire practice to him. He's been a phenomenal manager in that respect."

Alger, a native of Page County who has worked under Mitchell for about six years, earned his law degree from the University of Georgia in 2003.

"I've always wanted to be a prosecutor," Alger said. "I can't imagine doing anything else with my life."

In addition to his role as the Woodstock mayor, McClary has a private law practice, works as prosecutor for the town of Strasburg and serves as chairman of the county Republican committee. McClary's wife, Draga, is also an assistant Commonwealth's attorney in Mitchell's office. A lifelong resident of Shenandoah County, he earned his law degree from Syracuse University.

McClary touted his experience as the Strasburg prosecutor, plus his managerial and leadership experience gained during his term as mayor of Woodstock, as his qualifications to replace Mitchell, whom he described as "extremely kind and patient."

Both McClary and Alger said they enjoy working cases in the courtroom, and would take an active role in prosecuting cases if elected.

Currently, the Shenandoah County Commonwealth's Attorney earns an annual salary of $113,760, a rate which is set by the Virginia Compensation Board.

McClary said the county Republican committee has yet to set a date to nominate its candidate for Commonwealth's Attorney.

Tony Dorrell, chairman of the county Democratic committee, said his party does not currently have a candidate running for the position.

As of press time, no candidates had filed papers with the county registrar, though the deadline to do so is still weeks away.

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Musicians offered free legal counsel

Protect Athens Music will host free music law clinics for musicians from 10 a.m. to 5 p.m. Friday at Nu’i’s Space as part of this weekend’s AthFest celebration.

The organization, a joint effort by Nu’i, the University of Georgia Music Business Program and the UGA law school’s Sports and Entertainment Law Society, will offer free one-on-one consultations about legal issues that individual local musicians face.

Musicians interested in making an appointment with Deborah Gonzalez, an entertainment law attorney, should email protectathensmusic@gmail.com.

Originally published in the Athens Banner-Herald on Tuesday, June 21, 2011
Legal experts say Georgia law raises questions over probate judge’s roles in parents’ estates

BY JIM MUSTIAN

As Muscogee County Probate Court Judge Julia W. Lumpkin battles her brother in court over control of their parents’ estates, a little-known Georgia statute appears to raise questions about whether Lumpkin may serve as a personal representative of the estates, according to interviews with several legal experts.

Frank G. Lumpkin III sued his sister last fall for millions of dollars in damages to their parents’ estates, claiming Julia Lumpkin’s refusal to make decisions as co-executor has cost the estates dearly and delayed the distribution of assets. His attorney said last week the parties have been at an impasse because of a disagreement over University of Georgia season football tickets.

But the potentially thorny issue of Lumpkin’s dual role — serving as co-executor of estates pending in her own court — could add a rare dimension to an already protracted struggle over a multimillion-dollar estate that remains unsettled more than 11 years after the death of Frank G. Lumpkin Jr., the prominent Columbus insurance executive who died in 2000 at the age of 92.

“I don’t recall any instances where a judge was an executor in his own court,” said Lynwood D. Jordan Jr., the Forsyth County Probate Court judge who has served on the state Council of Probate Court Judges. “I don’t think people do that much.”

The statute, O.C.G.A. 15-6-6(b), states that, “The judge of the probate court cannot, during his term of office, be executor, administrator, or guardian, or other agent of a fiduciary nature required to account to his court. When any person holding such trust is elected judge of the probate court, his letters and powers immediately abate upon his qualification.”

“However,” the statute adds, “a judge of the probate court may be an administrator, guardian, or executor in a case where the jurisdiction belongs to another county or in a special case where he is allowed by law and required to account to the judge of the probate court of another county.”

Frank K. Martin, a local attorney who represents Frank Lumpkin III, said the statute “certainly applies to this case,” even though Julia Lumpkin recused herself last fall after her brother filed suit. His client’s lawsuit does not cite the statute because “we really didn’t want to get into that — and don’t want to get into that — because it’s going to go far beyond our case,” Martin said, adding the matter could cause “problems for her with the Judicial Qualifications Commission.”

“You just can’t file a return as an executor in the court in which you’re probate court judge,” Martin added. “There’s no exception to that.”

Julia Lumpkin, who has served as probate judge since she was elected in 1995, declined Tuesday to speak with a reporter who visited her office, saying through a staffer that she was busy. Her attorney, Richard A. Childs, said her parents’ estates represent a “special case” that is exempt from the statute because it involves family on a regular level.

“We say that no, she hasn’t done anything wrong,” Childs said. “She immediately recused herself when something happened that created a conflict, and after 10 years, if somebody was concerned the whole issue should have been raised earlier.”

“Recusals or disqualifications are waived at the time,” he added. “The whole process was consented to, signed off on, and waived.”

Some experts disagree. Sharon Rowe, an experienced Atlanta probate lawyer, said in an e-mail that the judge in question certainly should not have been qualified as co-executor under state law.

Michael B. Kent Jr., an associate professor of law at Atlanta’s John Marshall Law School, said Georgia law is “quite clear on the matter,” citing a 1913 state Supreme Court decision that held that allowing a probate judge “to also serve as an executor subject to the jurisdiction of his or her own court would violate basic public policy concerns.”

“So, the prohibition against a probate judge simultaneously serving as an executor subject to his or her own court would not only violate the statute, but would also make efficient estate administration, as well as bring confusion and distrust to the probate court itself,” Kent said. “The courts have held that any appointment of a probate judge to serve as executor in such a situation is null, void, and of no legal effect.”

Bibb County Probate Court Judge William J. Self, however, said there is an important exception to the statute in question — the phrase regarding fiduciary matters “required to account to his court” — that allowed him a few years ago to serve as executor of his mother’s will in his own court. Self, who has authored a handbook for probate court judges, said that not only includes a passage that waives accounting to the court, such as an inventory or appraisal of the estate, and relieves an executor of having to post bond or file returns.

Frank G. Lumpkin Jr.’s will includes a sentence that reads, “All such fiduciary powers may be exercised without order of or report to any court.” His late wife’s will includes similar language.

“Had some dispute arisen between myself and my siblings, who were the only other beneficiaries under the will, obviously I would have been obligated by the Code of Judicial Conduct and the Uniform Probate Court Rules to recuse myself,” Self said.

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http://www.ledger-enquirer.com
The following information was released by the University of Georgia:

The University of Georgia School of Law's alumni association recently honored longtime U.S. District Court Judge Dudley H. Bowen Jr. and Columbus attorney James E. Butler Jr. with its Distinguished Service Scroll Award for their dedication and service to the legal profession and the law school. Given annually, this award is the highest honor bestowed by the Law School Association.

Bowen's award was presented to him by friend and colleague Chief Judge Lisa Godbey Wood of the U.S. District Court for the Southern District of Georgia, who also is a Georgia Law alumna. In her remarks, Wood attributed Bowen's success to his ability to determine what really matters and thanked him for his work in strengthening judicial independence.

"The way Judge Bowen carries himself and conducts himself in court and [how he] lives his life has made him the undisputed leader of the bar in Augusta, Ga., and has brought prestige to the federal judiciary and to lawyers in general," she said. "Where I come from and where I have been, people stand [in respect] for Judge Bowen."

Upon receiving the award, the 1965 Georgia Law graduate said if he has done anything right, it was because he was surrounded by great people.

"I've been very fortunate to have 47 years in a profession that's populated by the finest people in the world-Georgia lawyers," Bowen said. "I have the most wonderful colleagues and when you are around people who have such a sense of duty and such a sense of professional excellence, it is hard to not have some of that rub off on you."

Bowen, who still hears cases as a senior judge, has served on the bench of the U.S. District Court for the Southern District of Georgia for almost 35 years.

Prior to being appointed to the U.S. District Court, where he was chief judge from 1997 to 2004, Bowen was a bankruptcy judge for the Southern District of Georgia, worked as a general practitioner in Augusta, and served as an infantry officer and legal officer in the U.S. Army, where he was awarded a Commendation Medal.

Bowen also has served as a member of Georgia Law's Board of Visitors, as director and treasurer of the Southeastern Bankruptcy Law Institute and as director of the Federal Judges Association.

Presenting Butler's award was Georgia Law alumnus George W. Fryhofer III, who has served as a partner with Butler for 18 years in the law firm of Butler, Wooten and Fryhofer.
"What distinguishes Jim from any other lawyer I've ever seen or known is that he is superb at all of it," Fryhofer said. "He is a tenacious trial lawyer, a brilliant persuasive writer and a deadly effective advocate, whether in a brief or in person. In truth, Jim is a lawyer's lawyer, and I am lucky and proud to be his partner."

After receiving the award, Butler reflected on his close ties with Georgia Law and thanked the school for helping in his success.

"The law school has meant more to me than just giving me an education," Butler said. "Over the years, the people at [Georgia Law] have supported me and our law firm constantly and I really think [this] has played a key role in the success I have enjoyed in my career."

Butler, who graduated from Georgia Law in 1977, has litigated cases in 27 states, tried more than 170 civil cases to verdict, appeared before more than 100 trial judges and has been counsel in dozens of reported appellate decisions. He has set the record verdict in Georgia four times during his career.

Butler has served as president of the Georgia Trial Lawyers Association and the Columbus Trial Lawyers Association. He also has been a member of the State Bar of Georgia Disciplinary Board Review Panel as well as a number of bar and court-appointed committees and commissions.

On campus, his service included establishing the James E. Butler Scholarship, which covers the cost of tuition for a law student in each class who is interested in pursuing a public interest law career. In addition, he is a two-time former chair of the law school's Board of Visitors.

For more information about the Georgia Law alumni association, see http://www.law.uga.edu/alumni/.

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Note to editors: An image of Butler and Bowen is available at http://www.uga.edu/news/photos/uga_butler_bowen.jpg.

Cutline for photo: Columbus attorney James E. Butler Jr. (left) and U.S. District Court Judge Dudley H. Bowen Jr. (right) recently received the Distinguished Service Scroll Award for their service to the legal profession and the University of Georgia School of Law. Given annually, this prestigious award is the highest honor bestowed by the school's alumni association.

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The following information was released by the University of Georgia:

University of Georgia School of Law Professor Peter A. Appel has been appointed the inaugural holder of the Alex W. Smith Professorship in Law, which was established in memory of Alexander Wyly Smith III, a well-known Atlanta attorney, civic leader and philanthropist who died in 2008.

Supported by gifts from the John and Mary Franklin Foundation of Atlanta and the law firm Smith, Gambrell and Russell, this professorship was created to recognize Smith's long service on the foundation's board and his service to the firm, its clients and the community.

Georgia Law Dean Rebecca Ranner White said she was pleased to announce Appel's appointment to the Smith Professorship. "Professor Appel has an excellent reputation in his fields of property, natural resources and environmental law. I am delighted to be able to recognize his commitment to
Appel joined Georgia Law in 1997. His research focuses on the use of law to promote sustainable commerce, wilderness preservation and the courts, and more traditional doctrinal scholarship in environmental and natural resources law. His work has appeared in such publications as the Stanford Environmental Law Journal, the Southern Illinois University Law Journal and the Boston College Environmental Affairs Law Review.

Additionally, Appel has served as an instructor to senior members of federal agencies. He has been invited to train federal wilderness managers at the Arthur Carhart National Wilderness Training Center and has taught environmental law and regulation to employees of the U.S. Army Corps of Engineers.

Prior to entering academia, Appel worked for six years as an attorney with the Environment and Natural Resources Division of the U.S. Department of Justice. He has also clerked for Chief Judge Gilbert S. Merritt of the U.S. Court of Appeals for the 6th Circuit. Appel earned his bachelor's degree cum laude and his Juris Doctor from Yale University, where he served on the notes editing committee of the Yale Law Journal and was a member of the Yale Law and Policy Review.

A Georgia native, Smith studied at the College of the Holy Cross before volunteering for service in the U.S. Army Air Force. After World War II, he continued his studies at Oxford University and UGA, earning both his bachelor's degree and his law degree from the university.

Smith was the recipient of numerous awards in recognition of his character and service, including Georgia Law's highest honor, the Distinguished Service Scroll Award. Additionally, Smith was named a Knight of St. Gregory by Pope John Paul II for his service to the Catholic Church in 2003. He and his wife of 63 years, Betty, established the Alex and Betty Smith Scholarship at Georgia Law, which financially supports students attending the law school.
Upcoming "Term in review" events
Posted By Kali Borkoski On June 24, 2011 @ 3:00 am In What's Happening Now | Comments Disabled

With the end of the Term drawing near, several organizations will be hosting events to review the current Term and (in some cases) preview the next one. The upcoming events are listed chronologically; for more information, click on the hyperlinks. (We are glad to consider other Court-related events for inclusion in either an updated version of this post or a future post.)

June 28 Washington Legal Foundation [1] (Washington, DC; webcast also available)
Participants:
- The Honorable Dick Thornburgh, K&L Gates LLP
- Peter D. Keisler, Sidley Austin LLP
- Patricia Ann Millett, Akin Gump Strauss Hauer & Feld LLP
- Richard A. Samp, Washington Legal Foundation

June 30 American Constitution Society [2] (Washington, DC)
Participants:
- Moderator, Kathleen M. Sullivan, Partner, Quinn Emanuel Urquhart & Sullivan
- H. Christopher Bartolomucci, Partner, Bancroft PLLC
- Lucas Guttertag, Robina Foundation Distinguished Senior Fellow in Residence, Yale Law School and Senior Counsel, American Civil Liberties Union Immigrants' Rights Project
- Erica J. Hashimoto, Associate Professor of Law, University of Georgia School of Law
- Suzette M. Malveaux, Associate Professor, Columbus School of Law
- Paul M. Smith, Partner, Jenner & Block
- Allison M. Zieve, Director, Public Citizen Litigation Group

July 6 The Heritage Foundation [3] (Washington, DC; webcast also available)
Panel I (10:00 a.m. to 11:00 a.m.)
- Moderator, Edwin Meese III, Ronald Reagan Distinguished Fellow, The Heritage Foundation
- Neal Katyal, Principal Deputy Solicitor General and former Acting Solicitor General of the United States
- Ronald Rotunda, Doy & Dee Henley Chair and Distinguished Professor of Jurisprudence, Chapman University School of Law
- Victor Schwartz, Partner, Shook, Hardy & Bacon LLP and former Dean, University of Cincinnati College of Law

Panel II (11:00 a.m. to 12:00 p.m.)
- Moderator, Todd Gaziano, Director, Center for Legal & Judicial Studies, The Heritage Foundation
- Jess Bravin, Senior Special Writer, The Wall Street Journal
- Michael Doyle, Supreme Court Correspondent, McClatchy Newspapers
- Stuart Taylor, Jr., Contributing Editor, National Journal

Participants:
- Lyle Denniston, SCOTUSblog
July 7 D.C. Bar Association [5] (Washington, DC)

Participants:
- Robert Barnes, The Washington Post
- Joan Biskupic, USA Today
- Adam Liptak, The New York Times
- Tony Mauro, Legal Times & American Lawyer Media
- David Savage, Los Angeles Times
- Arthur Spitzer, Legal Director, ACLU of the Nation's Capital (Moderator)
- Stuart Taylor, National Journal & Stanford Univ.

July 13 University of California, Irvine [6] (At UC Irvine)

Participants:
- Moderator, Rick Hasen, UCI Law
- Erwin Chemerinsky, UCI Law
- John Eastman, Chapman University
- Dahlia Lithwick, Slate
- Laurie Levenson, Loyola Law School
- David Savage, Los Angeles Times
Anne Proffitt Dupre, 58, UGA law school professor dedicated to her students

By J.E. Geshwiler
For the AJC

3:18 p.m. Saturday, June 25, 2011

Thirty years ago Anne Dupre was a fifth-grade teacher in West Palm Beach, Fla. During a conversation with friends there, the question arose: What would you be if you could be anything you wanted?

Her husband, Bill Dupre, said he'd be third baseman for the Boston Red Sox; Mrs. Dupre said she'd be a lawyer. Her husband's immediate response was: "Well, I know I'll never be a Red Sox third baseman, but you can certainly become a lawyer."

And so she did, even becoming a molder of lawyers.

She went on to graduate first in her class from the University of Georgia School of Law and become editor of its law review. From there, she clerked for U.S. 11th Circuit Court of Appeals Judge J.L. Edmondson in Atlanta and U.S. Supreme Court Justice Harry Blackmun in Washington.

She stayed in Washington several years more working for the prestigious law firm of Shaw, Pittman, Potts & Trowbridge before returning to the University of Georgia as a member of its law school faculty in 1994.

In that position, she was revered by her students and much respected by her academic peers. Said UGA law school Dean Rebecca White, "Anne was passionate about turning out the best possible lawyers from our school. I'm convinced she changed the lives of many students for the better."

One of those students, Kate Cornwell, class of 2012, said Mrs. Dupre was unlike any professor she has ever had, in law school or elsewhere.

"She called on me my first day of law school for the entire hour in a class on contracts. I'll never forget it. In that hour Professor Dupre both humbled me and gave me confidence -- something I'm sure she set out to do, since she understood that great attorneys possess both traits.

"She did not just teach us the law; she taught us to be cognizant of the morality necessary to implement it in our future careers. She molded us into better law students and better people," Ms. Cornwell said.

Anne Proffitt Dupre, 58, died Wednesday at her Athens home of small-cell cervical cancer. A memorial service will be at 2 p.m. July 3 at Bernstein Funeral Home in Athens. The family wishes that any gifts in her memory be made out to the University of Georgia Foundation Hirsch Hall Fund, indicating the gift is
for the Professor Anne Proffitt Dupre Scholarship, and mailed to the Office of Development, the University of Georgia School of Law, 225 Herty Drive, Athens, GA 30602.

Paul Kurtz, UGA law school associate dean, said Mrs. Dupre was "the rare person who combined rigorous standards with extraordinary warmth for her students. She was a stern taskmaster who earned the admiration of those who studied under her."

She also knew how to have fun, he said.

"She would invite me into her contracts class as a surprise visitor when the class was studying the law of conditions in contracts, a particularly dry area of the law," he said. "My role was to read the lyrics of an old Kenny Rogers song, 'Just Dropped in to See What Condition My Condition Was In.' I read it as a poem while she played the music on a boom box and lit a candle and waved it in the air. The students would howl with laughter to see their ever-serious contracts professor having fun with the subject and with them."

He said he had heard this week from her former students from across the nation. "All have basically the same thing to say: 'She worked us hard, and we are all grateful for that. She helped to make me the lawyer I am, and I am eternally in her debt.'"

David Shipley, former dean of the UGA law school and currently a professor, said beyond her excellence as a teacher, Mrs. Dupre could be counted on to share duty on academic committees deciding faculty hires, student admissions and curriculum changes. "That involved a lot of hard work and tough calls," he said.

"Anne was dedicated to her students whether they made straight A's or just had passing grades," Mr. Shipley said. "She used to say, 'There's a name for the person who finishes at the bottom of the class -- he or she is called a lawyer.' In her eyes, everyone who graduated with a J.D. [Juris Doctor] degree was worthy of attention and recognition."

In addition to her husband, she is survived by her father, George Proffitt of Coventry, R.I.
Thirty years ago, Anne Dupre was a fifth-grade teacher in West Palm Beach, Fla. During a conversation with friends there, the question arose: What would you be if you could be anything you wanted?
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In addition to her husband, she is survived by her father, George Proffitt of Coventry, R.I.

LOAD-DATE: June 26, 2011

********** Print Completed **********

Time of Request: Monday, June 27, 2011 06:44:24 EST

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The Washington Daybook
June 30, 2011

ORGANIZATION: The American Constitution Society for Law and Policy (ACS) holds a discussion to examine major decisions and trends of the Supreme Court's session.

TIME: 4:30 p.m.

LOCATION: National Press Club, 14th and F Streets NW, Washington, D.C.

CONTACT: Jeremy Leaming, 202-393-6181 [Note: RSVP to press@acs.org]

PARTICIPANTS: Kathleen Sullivan, partner at Quinn Emanuel Urquhart and Sullivan LLP; Christopher Bartolomucci, partner at Bancroft LLP; Erica Hashimoto, associate professor of law at the University of Georgia School of Law; Suzette Malveaux, associate professor of law at Catholic University's Columbus School of Law; Paul Smith, partner at Jenner and Block LLP; and Allison Zieve, director of Public Citizen Litigation Group

TYPE: Discussion

COUNTRY: UNITED STATES (92%);

SUBJECT: ||SCOTUS/LAW|| Legal; SUPREME COURTS (90%);

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2 of 2 DOCUMENTS

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LENGTH: 479 words

HEADLINE: UGA LAW SCHOOL PROFESSOR NAMED INAUGURAL HOLDER OF SMITH PROFESSORSHIP

BYLINE: States News Service

DATELINE: Athens, GA

BODY:

The following information was released by the University of Georgia:

University of Georgia School of Law Professor Peter A. Appel has been appointed the inaugural holder of the Alex W. Smith Professorship in Law, which was established in memory of Alexander Wyly Smith III, a well-known Atlanta attorney, civic leader and philanthropist who died in 2008.

Supported by gifts from the John and Mary Franklin Foundation of Atlanta and the law firm Smith, Gambrell and Russell, this professorship was created to recognize Smith's long service on the foundation's board and his service to the firm, its clients and the community.

Georgia Law Dean Rebecca Hanner White said she was pleased to announce Appel's appointment to the Smith Professorship. "Professor Appel has an excellent reputation in his fields of property, natural resources and environmental law. I am delighted to be able to recognize his commitment to
Macon, Ga. - Mary Rae Phelps and Michael Bennett Dudley, junior were united in marriage on Saturday, March 19th, 2011 at Ingleside Baptist Church in Macon, Georgia at 6:30 p.m. Dr. Timothy McCoy officiated the ceremony.

The bride is the daughter of Doctor and Mrs. Paul Raymond Phelps, senior of Macon, Georgia. Mary Rae is the granddaughter to the late Mr. and Mrs. Henry Grady Cofer of Macon, Georgia and the late Mr. and Mrs. Claude Edward Phelps, senior of Warrenton, Georgia. Mary Rae is a graduate of Stratford Academy, a summa cum laude, Phi Beta Kappa graduate of Agnes Scott College, the University of Georgia School of Law and the Henry W. Grady College of Journalism and Mass Communications where she earned her Juris Doctor and Masters of Mass Communication degrees. She is serving as a Captain in the Judge Advocate General's Corps of the United States Army at Fort Gordon in Augusta, Georgia.

The groom is the son of Mr. and Mrs. Michael Bennett Dudley, senior of Thomson, Georgia. Bennett is the grandson to Mrs. Mary Etna Bennett Dudley of Thomson, Georgia, the late Howell Thomas Dudley, senior of Thomson, Georgia, Mrs. Martha Mitchell Smith of Montgomery, Alabama and Mr. Harold Lamar Smith of Louisville, Kentucky. Bennett is a graduate of Thomson High School and the University of Georgia where he earned a Bachelor of Science degree in Agribusiness. He is employed at R.A. Dudley Nurseries, Inc. in Thomson, Georgia.

The bride was given in marriage by her father. Mary Rae chose her friend, Katherine Ann Jones of Augusta, Georgia to serve as her maid of honor. Bridesmaids were Patricia Jean Brooks of Bishop, Georgia, Annea Diane Claire of New York, New York, Amelia Godfrey Helnick of Columbus, Georgia, Stephanie Bledsoe King of Suwanee, Georgia, Malia Pelly Metzner of Atlanta, Georgia, Elizabeth Snead Richards of Marietta, Georgia, all friends of the bride, Joy Elizabeth Dudley of Thomson, Georgia, cousin of the groom, Hannah Morgan Poston of Thomson, Georgia and Ashton Robin Whitaker of St. Simons Island, Georgia, both friends of the groom. The flower girl was Emma Kate Alfriend of Thomson, Georgia, friend of the groom.

The groom chose his father to serve as his best man. Groomsmen were Casey Cofer Phelps of Macon, Georgia, brother of the bride, William Thomas Dudley of Orlando, Florida and Albert Mencken Dudley of Thomson, Georgia, cousins of the groom, Andrew Hall Knox, junior, Clifford Cully Poston, junior, Cleveland Reddick Poston, Wesley Alexander Whitaker, all of Thomson, Georgia an all
friends of the groom, Russell Eugene Skalla of Albany, Georgia, and Julian Drew Thomas of Glennville, Georgia, friends of the groom. The ring bearer was Lansing James Jenkins of Thomson, Georgia, friend of the groom.

Ushers were Kaiser Hillman Gerhardt of Macon, Georgia, Fiske Cutrer Hopkins of Athens, Georgia, Robert Douglas McRae of Cartersville, Georgia, Joseph Thomas Spinosa of Baton Rouge, Louisiana, and Thomas Lawrence Peterson of Louisville, Kentucky, all friends of the groom. The program attendants were Martha Kate Jenkins and Mary Tinsley Jenkins of Thomson, Georgia, friends of the groom. Soloist was Brandi Thornton of Nashville, Tennessee.

Following the ceremony, a reception was held at the Idle Hour Country Club in Macon, Georgia. The newlyweds honeymooned in St. Lucia. The couple resides in Augusta, Georgia.

GRAPHIC: Mr. and Mrs. Dudley

LOAD-DATE: July 1, 2011

********** Print Completed **********

Time of Request: Friday, July 01, 2011 06:44:41 EST

Print Number: 2827:293895377
Number of Lines: 235
Number of Pages: 1
University of Georgia Law School professor Larry D. Thompson recently was elected to the Washington Post Co. board of directors.

Thompson, who recently retired from PepsiCo where he served as senior vice president of government affairs, general counsel and secretary since 2004, was confirmed as the second in command at the Department of Justice in 2001.

As deputy attorney general, a post he held from 2001 to 2003, Thompson supervised the overall operations of the DOJ and led its National Security Coordination Council, its Corporate Fraud Task Force and its Enron investigation. Previously, he was a partner in the Atlanta office of King & Spalding and served as the U.S. Attorney for the Northern District of Georgia.
Anne Proffitt Dupre, a University law professor since 1994 and a nationally recognized expert in education law and policy, died June 22 following a hard-fought battle with metastatic small cell cervical cancer. She was 58.

Anne Proffitt Dupre

Throughout her life Dupre proved herself to be a top-rate scholar and mentor to her students, becoming a published author and garnering several honors for her accomplishments. In 2004 she was appointed to the J. Alton Hosch Professorship, becoming the fourth woman in Georgia Law history to be appointed to an endowed position.

Teaching education law, children and the law and contracts, Dupre was author of Speaking Up: The Unintended Costs of Free Speech in Public Schools (Harvard University Press, 2009), co-author of the casebook Children and the Law: Cases and Materials (LexisNexis), and published numerous articles and book chapters.

Dupre was born in Parkersburg, West Virginia and earned her bachelor's degree from the University of Rhode Island with degrees in history and psychology. She received her law degree from UGA, where she graduated first in her class and served as editor in chief of the Georgia Law Review.

From there Dupre served as a judicial clerk to U.S. Supreme Court Justice Harry A. Blackmun following her
UGA law professor Anne Proffitt Dupre dies at 58 | The Red and Black  http://www.redandblack.com/2011/06/27/uga-law-professor-anne-pro...

clerkship with Judge J.L. Edmondson of the U.S. Court of Appeals for the 11th Circuit. She practiced law with the Washington, D.C., firm of Shaw, Pittman, Potts & Trowbridge before joining the faculty at Georgia Law.

While at Georgia, Dupre was awarded several honors. She received the Blue Key Young Alumnus Award and was honored by law students with the Faculty Book Award for Excellence in Teaching and the John C. O'Byrne Award for Significant Contributions Furthering Faculty-Student Relations.

A Senior Fellow for the UGA Institute of Higher Education, Dupre was co-director of the Education Law Consortium, which she founded with John Dayton of the University College of Education. As an International Fellow of the University, Dupre extended her research to Argentina, where she visited and studied the Argentine Federal education law. She was active participant in the UGA Management Training Institute with Jilin University, a university in northern China and was also part of the U.S. State Department Speaker Program at the University of Zagreb in Croatia, where she conducted a seminar on Ethics in Higher Education.

A memorial service to celebrate her life is Sunday at 2 p.m. at Bernstein's chapel on Atlanta Highway. Gifts may be made to the University of Georgia School of Law. Send a check payable to the University of Georgia Foundation Hirsch Hall Fund, with a note indicating that the gift is for the Professor Anne Proffitt Dupre Scholarship, to the Office of Development, the University of Georgia School of Law, 225 Herty Drive, Athens, GA 30602.

Tags: Anne Proffitt Dupre

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4 of 7
Morris: Even with an empty nest, there are children to nurture

By Renee Hand Morris
rhmorris65@gmail.com
June 27, 2011

As long as I can remember, I have prayed for a family of my own. I love children. I began teaching Bible school at the age of 12 and was simultaneously in the church youth choir, adult choir and director of the children's choir. I never prayed for a husband (!), but for a family. God evidently got tired of my asking and gave me what I wanted.

It occurred to me the other day that this is the first time in almost 21 years that I have not had a young child at home. Daughter Texys was 8 years old when we married; Bradford was 6. One of my cousins commented about the wedding ceremony that it sounded as though I was marrying the children, too. I replied that I did.

Children are easy to love. In fact, we joke that I fell in love with the children first, then my husband. When they came to live with us full time two years into our marriage, I was finally content. Three years later, William was born. He further cemented our little family. My prayers were truly answered.

Yet children leave. I wrote years ago of my love for country music, developed when Texys left for college. I listened to "her" music as I grieved. I soon became passionate about country music and the emotion it shares. Three years later, Bradford graduated from Gainesville High School and flew away to Duke University. Our family of five became a family of three, and we adjusted grudgingly.

A year later, one month after college graduation, Texys left for Africa and the Peace Corps. A dear friend of the family was devastated by the long distance between Texys and home and would send care packages to Africa religiously. To me, gone is gone. I had adjusted to missing Texys for four years. She still was not here, and I still missed her and turned the country music up louder.

If I had known then what I know now, my mourning periods would have been shorter. Children come back. These days, more and more, children are returning home for various reasons. Texys came back to Georgia to attend law school at UGA. She just moved to Washington, D.C., but the fellowship there is for two years. She'll be back.
Now Bradford is coming home after three years of teaching special education in New York City. I do not know how long he will be here, but it really does not matter. We will be here when he returns again.

My husband frequently quotes a book and movie, Goodbye Mr. Chips. The main character is a teacher in an all-boys public boarding school in early 20th century England. On his deathbed, he overhears someone pitying him for never having children, to which he replies, "I thought I heard you saying it was a pity ... pity I never had any children. But you're wrong. I have. Thousands of them. Thousands of them ... and all boys."

It occurs to me that I shall never run out of children. I have over a thousand so far and expect hundreds more. My children are not all boys. And they are African-American, Hispanic, Asian, Caucasian and mixed. They are rich, poor and in between. They are Christian, Islamic, Buddhist, agnostic and other. All of my children are in the eighth grade, and I hope all of them come to love literature while in my care.

Each year, I tell my students that they do not have to claim me but, once they are my students, I will always claim them. I will become not just their teacher, but their advocate. Once entrusted to me, I take their well-being to heart. They will always be my children.

These children also come back. They come for college recommendation letters, job recommendations and to update me on their lives. I see them at ballgames, the grocery store, and church. They leave me for great futures. I remain behind, still in eighth grade. And each August, I meet more of my children.

As long as I can remember, I have prayed for a family. I have two. My family of five is precious to me. We will soon celebrate our 21st wedding anniversary. I love caring for them, cooking their favorite foods, and allowing them a place to still be a "child." I will always welcome them home.

But I also have another family, and for 12 years this family has lived at Gainesville Middle School. I take the responsibility for both families most seriously.

William leaves for college in two years. He swears he will go to a school as far away from home as possible. This time, I will turn on my country music and smile. I hope he leaves with the knowledge that home is always here, no matter how far away he may roam. I have the wonderful knowledge that he, too, will come back home.

Renee Hand Morris is a teacher at Gainesville Middle School. Her columns appear occasionally and on gainesvilletimes.com.
June 27--DALTON -- When they meet this Wednesday, the members of the Dalton-Whitfield charter commission will start 10 months of work that could radically restructure local government.

The 15 members of the committee, which was created by the General Assembly earlier this year, will look at combining the general governments of Dalton and Whitfield County. If they find that such a merger would serve taxpayers and residents, the commission will also draft a charter for the new government. The charter must be finished by April 30, and voters would have to approve it in the November 2012 election.

Any merger would not affect Whitfield County Schools nor Dalton Public Schools, which would remain separate.

"I firmly believe that something positive will come out of this, even if there is no merger," said Whitfield County Board of Commissioners Chairman Mike Babb, a member of the commission. "We will take a thorough look at both governments and get a better knowledge of how the both operate and how both might be improved."

Babb is currently in his third term as Board of Commissioners, having previously served in that office from 1997 to 2005. He was named to the charter commission by the legislation that created it, which stated that the chairman of the county commissioners would be one of the members.

The other 14 members were appointed by local governments. Six of them are elected officials. They include:

--Whitfield County Commissioner Gordon Morehouse. Morehouse was elected to the Board of Commissioners last year.

--Dalton City Council members George Sadosuk, who was elected to the council in 2007, and Gary Crews, who was elected last year in a special election to fill the unexpired term of Charlie Bethel, who stepped down to run for state Senate.

--Cohutta Mayor Don Henderson. Henderson has served as Cohutta's mayor since 1969.

--Tunnel Hill Mayor Kenny Gowin. Gowin has served on the Tunnel Hill City Council for more than 20 years and has served as mayor almost all of that time.

--Varnell Mayor Pro Tem David Owens. Owens has served on the City Council since 1995 and has served as mayor pro tem for the past 11 years.

The legislation that created the commission gave those cities representation
because their residents are also residents of the county and could be affected by any merger.

But while many of us know a fair amount about the elected officials on the commission, less may be known about its citizen members.

There are eight citizen members of the commission. Four were appointed by the Board of Commissioners, and four were appointed by the Dalton City Council.

Those appointed by the Board of Commissioners are:

--Ray Broadrick. A native of Whitfield County, he graduated from Dalton High School and the University of Tennessee at Chattanooga. Broadrick worked as a science teacher in the Dalton Public Schools system for 33 years. After retiring, he was elected to two terms as Whitfield County probate judge.

--Viola Ibarra. Ibarra moved to Dalton from Texas in 1993. She earned an associate’s degree in business administration from Dalton State College and a bachelor’s in business administration from Shorter College. She is currently working on a master’s in leadership from Shorter and has worked for Georgia Power for the past 10 years. She is currently an energy efficiency education coordinator and chairperson of Georgia Power’s NW Green Team. She has graduated from Leadership Dalton-Whitfield, the Georgia Power Leadership Dimensions and the Latino Leadership program through the Chamber of Commerce. She is also involved in Junior Achievement.

--Tangela Johnson. Johnson is president of the North Georgia Center for Educational Excellence, which provides leadership, development, career planning and continuing education. She has been a business consultant and corporate trainer for the past 14 years. She also serves as an adjunct faculty member at Dalton State College. She has a bachelor’s degree from the University of Georgia, a master’s degree from the University of Tennessee at Chattanooga and a mini-certificate from Dalton State College. She is chairman of the Marketing and Management Advisory Committee for Dalton State College’s Technical Education Committee and a board member of the Dalton Rotary Club, where she chairs the New Generations Committee.

--David Renz. Renz has been a resident of Whitfield County for 45 years. He graduated from Dalton High School and Georgia Tech, where he earned a degree in textile engineering. He is currently president of Bentcreek Sales Inc., which provides sales consultation for oil and development businesses. He previously served as general manager of Ownbey Enterprises for 14 years. He is active in a number of community organizations including the Boys & Girls Club of Whitfield, Murray and Gordon Counties, the United Way of Northwest Georgia, the Brain & Spinal Injury Trust Fund Commission, Georgia Ducks Unlimited and the Creative Arts Guild.

Those appointed by the City Council are:

--Celeste Creswell. A Whitfield County native, Creswell has a bachelor’s degree in decision science from Berry College and a law degree from the University of Georgia law school. She practices law in Chattanooga. Creswell concentrates on civil litigation with an emphasis on commercial and technology-related disputes. She is involved in a number of community organizations, including the United Way of Northwest Georgia and the Carpet City Rotary Club.

--Marshall Mauldin. A Whitfield County native, Mauldin is a financial consultant who spent his career in banking. He started in 1969 at the First National Bank of Dalton. In 1979 he went to Dalton’s Hardwick Bank and Trust, where he worked until it was sold to BB&T in 2001. He served as Hardwick’s CEO for 10 years.
--Phil Neff. A native of West Virginia, Neff has been a resident of Whitfield County since 1972, after graduating from Marshall University. Neff founded and ran Georgia Paper Tube Company before selling that company. He is currently the founder and CEO of Cycle-Tex Inc, which has plants in Dalton and Shannon. Cycle-Tex takes thermoplastics from the carpet industry and recycles them into pellets for use by industry.

--Frank Thomason. Thomason served 36 years in Dalton Public Schools, where he held a number of positions including teacher, coach, assistant principal and assistant superintendent. He finished his career as superintendent, an office he held for 10 years before retiring in 1996. After his retirement, he did some work for the Georgia School Superintendents Association.

Most of the merger commission members are natives or long-time residents of Whitfield County and said they wanted to help the area plan for its future.

"I've been in this community my whole life, and I feel like I need to give something back. I'm looking for ways we can save money. There's no reason to duplicate services," said Broadrick.

Creswell lives in Dalton now, but she says she grew up in the county.

"I bring the perspective of having lived in both jurisdictions," she said. "This is my home. I care a lot about it."

Some commission members said the study couldn't have come at a better time.

"The national economy is terrible, and our local economy is worse. We need to investigate all ways of trying to lower the tax burden on our citizens," said Mauldin.

Neff also said that he wants to be "a voice for the taxpayers."

"I look at this is a means to be able to explain to the residents of the city and county what is good about consolidation and what is bad and do we have to go all the way or are there some services that can be combined and some that can't," he said. "There's one issue that I'm very interested in that some people may not be, and that is could we consider privatization of some of these services. I want to explore that."

Neff said that contracting out some services to private businesses could potentially save taxpayers money.

Thomason said he wanted to be on the commission because he believes his experience could help.

"I've been involved in several of these studies. I went through two merger studies during my career. And I've worked on merger studies for other school systems, so I'm familiar with the some of the issues that may come up," he said.

Owens said that he wants to find ways to cut costs, but he said he also wants to maintain the quality of the services citizens receive.

"I've got a lot of listening to do, a lot of learning to do before I can form any opinions or strategies," he said. "But my overall goal is to provide the best quality service for the best possible cost."

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Memorial service for UGA law professor set for July 3

By Meredith S. Watts, Special to the Daily Report

Anne Proffitt Dupre, who was on the faculty at the University of Georgia School of Law from 1994 until her death on June 22, will be remembered at a memorial service scheduled for Sunday at Bernstein Funeral Home and Cremation Services, 3195 Atlanta Highway, Athens.

What follows is an obituary prepared by her family and released by the law school, and a letter to the editor the Daily Report received about her. Both have been slightly edited for style.

"What would you be?"

Anne Proffitt Dupre passed away peacefully on June 22, following a hard-fought battle with metastatic small cell cervical cancer. Her loving husband, William "Bill" Dupre, and her father, George Proffitt, were with her when she died.

Anne was born to Elizabeth and George Proffitt on Oct. 22, 1952, in Parkersburg, W.Va. She graduated from Coventry (R.I.) High School in 1970. She graduated from the University of Rhode Island with degrees in history and psychology in 1974. She was a member of Alpha Chi Omega sorority.

Following a whirlwind romance, she married Bill Dupre, her husband of 35 years. With little prospect of jobs for Anne in Rhode Island, Anne and Bill moved to West Palm Beach, Fla., where Anne taught fifth grade for five years. But Anne's life would forever change as the result of a casual conversation with friends. Someone posed a simple question: What would you be if you could be anything you wanted? Bill said, "I would be a third baseman for the Boston Red Sox." Anne's response was, "I would be a lawyer." Without even thinking, Bill responded, "Well, I can never be a third baseman for the Red Sox, but you can certainly become a lawyer." And so it was.

From the start, Anne found her passion in the law. She attended law school at the University of Georgia, where she graduated first in her class in 1988 and served as editor-in-chief of the Georgia Law Review. She served as a judicial clerk to U.S. Supreme Court Justice Harry A. Blackmun following her clerkship with Judge J.L. Edmondson of the 11th U.S. Circuit Court of Appeals. Anne then practiced law with the Washington, D.C., firm of Shaw, Pittman, Potts & Trowbridge.

In 1994 she joined the faculty at the University of Georgia School of Law, where she was a teacher, mentor and researcher until her untimely death. She left her mark in so many ways. Nationally recognized as an expert in education law and policy, she is the author of "Speaking Up: The Unintended Costs of Free Speech in Public Schools" (Harvard University Press, 2009), co-author of the casebook "Children and the Law: Cases and Materials" (LexisNexis), and she has published numerous articles and book chapters.

Anne was also a Senior Fellow for the UGA Institute of Higher Education and the co-director of the Education Law Consortium, which she founded with Dr. John Dayton of the UGA College of Education. As an International Fellow of the university, Anne extended her research to Argentina, where she visited and studied the Argentine federal education law. She published an article based on her research, "Education Transformation: The Lesson from Argentina" in the Vanderbilt Journal of Transnational Law. She was an active participant in the UGA Management Training Institute with Jilin University located in northern China. She was also part of the U.S. State Department Speaker Program at the University of Zagreb in Croatia, where she conducted a seminar on ethics in higher education.

Anne received the Blue Key Young Alumnus Award presented by UGA's Blue Key chapter. Her love of teaching and dedication to students was acknowledged in many ways. She was honored by law students with the 2011 Faculty Book Award for Excellence in Teaching, which is now the C. Ronald Ellington Award for Excellence in Teaching, and the John C. O'Byrne Award for Significant Contributions Furthering Faculty-Student Relations. She also received several campuswide honors, including the UGA Teaching Academy, UGA International Fellow and the UGA Lilly Teaching Fellowship.

But Anne was so much more than a law professor. Throughout her life, Anne pursued her interests with the same passion that she pursued the law. A brilliant woman, she excelled at everything she did, seemingly without effort. She basically taught herself French through podcasts, language tapes, watching French films and listening to French music. She devoured books about French history so that when she traveled to France, she could serve as everyone's tour guide. In the last year of her life she read more than 100 books, sometimes reading three or four at the same time, all on different topics.
and from different genres. A true Renaissance woman, Anne could carry on a conversation on just about any topic because she was intense about everything she pursued—knitting, quilting, golf, travel, art, meditation. In the last few weeks of her life, she took up painting. Throughout her illness, Anne maintained her amazing wit and sense of humor; she was optimistic to a fault, always assuming that she was stronger than her disease and that she would beat it.

Anne was preceded in death by her mother, Elizabeth Gates Proffitt. She is survived by her husband, Bill Dupre; her father, George Proffitt; and her three "furry" feline children, Cricket, Sugar and Oliver.

The family would like to thank all of the friends who gave Anne unconditional love and support throughout her illness as well as the nurses from Odyssey Hospice for the tender care they gave her in her final days.

There will be a memorial service to celebrate Anne's life on Sunday, July 3, at 2 p.m. at Bernstein's chapel on the Atlanta Highway. Memorial gifts may be made to the University of Georgia School of Law, Send a check payable to the University of Georgia Foundation Hirsch Hall Fund, with a note indicating that the gift is for the Professor Anne Proffitt Dupre Scholarship, to the Office of Development, the University of Georgia School of Law, 225 Herty Drive, Athens, GA 30602.

From inquisitor to mentor

On a warm August day in Athens almost eight years ago, I entered a classroom on the third floor of the law school for my first contracts class.

We had already met our professor, Anne Proffitt Dupre, before our first day of class, when she gave us a serious lecture at orientation about being prepared for class and taking "copious notes." Professor Dupre gave us a reading assignment before the first day of class, and after her lecture, we all made sure to read the cases and take "copious notes."

When Professor Dupre walked in with a stern look on her face, peered over the podium and, without any introductions, launched straight into the first question regarding Bailey v. West and then said, "Miss Stein?", my heart skipped several beats. What were the odds that I would be selected for the hot seat for the first day of contracts?

I swallowed hard and answered the first question, hoping that Professor Dupre would move on to another victim. No such luck. Professor Dupre proceeded to question me for the entire 50 minutes of our first contracts class. To this day, I think it was the longest 50 minutes of my life.

Later that same day, as I was walking down the halls of the law school, I heard a voice behind me say, "Miss Stein?" It was Professor Dupre. She told me that she knew it was not easy to be the first student called on in her class, but that I did a good job and handled myself well. I will never forget how I felt at that moment to receive praise from our feared professor.

During my second year of law school, I took another class with Professor Dupre on education law. I did not have a particular interest in the subject, but I, like many other law students, sought out any opportunity to learn more from this amazing woman. Professor Dupre encouraged me to apply for a federal clerkship and was more than willing to write a recommendation on my behalf for my applications.

During my first year of work after law school, I wrote to Professor Dupre on the very same day that she had called on me three years prior. I thanked Professor Dupre for her encouragement during my law school career and her devotion to her students. I told her that things had changed so much from that first day of contracts and that in the second week of my first job out of law school, I welcomed the challenges before me knowing that my preparation in law school would serve me well. If I could survive the hot seat with Professor Dupre for 50 minutes, I could do anything.

Professor Dupre wrote back and said that she shared my words of encouragement with the "first-day hot seat person, who seemed pleased to hear that it would all end up ok."

My first encounter with Professor Dupre during her lecture at law school orientation made me fear her. We all knew that she was a tough, no-nonsense professor. It was hard to see in the beginning what the point of her tactics were—to insist on painstaking preparation and attention to detail in the highest degree. But any student of Professor Dupre's knows in the end what the point was—to teach us all how to be excellent lawyers, and the fear I once had for this woman quickly turned into deep respect and admiration. A lawyer cannot properly and ethically represent a client without complete preparation and diligent hard work, and Professor Dupre taught us this from the beginning of law school by expecting that we live up to that standard from the very first day.

She will be truly missed, as a professor, a brilliant legal scholar, a mentor, and a friend.
Lawsuit against Chattooga sheriff headed forward
By Joy Lukachick
Tuesday, June 28, 2011

Chattooga County Sheriff John Everett

A federal judge has decided the Chattooga County sheriff and one of his investigators, who are accused in a lawsuit of using an altered warrant to search a couple's home, should be immune from the suit as county employees.

Nor can the county be held responsible, the judge said.

But Sheriff John Everett and Investigator Kandy Dodd still can be sued as individuals, which is why the case will continue, said the couple's attorney, Bobby Lee Cook.

"It doesn't make one bit of difference," said Cook, a longtime Summerville, Ga., defense attorney. "We're going to kick their butt."

The lawsuit doesn't ask for a specific amount, but Cook said the county has up to "a $1 million worth of insurance."

A federal lawsuit filed in May claims that Dodd altered a search warrant, with Everett's knowledge, in order to search Mark and Connie Gordons' house without any probable cause.

The suit also claims this isn't the first time Everett has encouraged one of his employees to give false statements to obtain a search warrant.
Both Everett and Dodd deny the claims in their response filed in Rome, Ga., in early June. Both contend that the suit should be immediately dropped.

Chattooga County attorney Steve Rodham, who is representing Dodd and Everett, declined to comment on the case.

The suit also cited Chattooga County as a defendant, but it was dropped from the case.

Qualified immunity shields law enforcement from federal lawsuits unless it is can be proven that they violated an established law — which usually means a constitutional right, said Tom Eaton, a University of Georgia Law professor who specializes in constitutional law. The immunity depends on “how bad the behavior is," he said.

If the sheriff and investigator are found to have altered the warrant, that is a Fourth Amendment violation, Eaton said, and there are many case laws against knowingly filing false information to secure a warrant.

To win the case, the plaintiffs also must prove that the investigator knowingly gave the false information and that the sheriff was involved directly, Eaton said.

"Close calls go to law enforcement," he said. “That’s the way the Supreme Court has consciously set up the law.”

Authorities claim Dodd was investigating a burglary and learned that some of the stolen items had been sold to Fleetwood Pawn Shop, which is owned by the Gordons, court records show. On April 14, Dodd obtained a search warrant through the county magistrate’s office to search the pawn shop.

But the lawsuit claims Dodd went back to the magistrate and said the first warrant had an error and needed to be changed. Instead, the lawsuit claims, Dodd wrote the Gordons’ home address in the place of the pawn shop address and police then searched the home for four hours.

In Dodd’s response, she admitted going to the judge a second time to cite an inaccuracy — the incorrect name of an investigator — in the first search warrant, but she denied deceiving the judge. The response contains no mention of whether she actually obtained a warrant for the Gordons’ house.

Meanwhile, the county must pay $5,000 in insurance costs for Everett and Dodd. The county’s insurer, ACCG, covers the rest of the fees, said County Sole Commissioner Jason Winters.

But Winters said officials are worried that the suit could drive up the cost of liability insurance in the future.

Winters declined to comment on how much insurance would cover in the lawsuit.

Contact Joy Lukachick at jlukachick@timesfreepress.com or 423-757-6659.
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CQ Congressional Testimony
June 28, 2011 Tuesday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 2836 words

HEADLINE: LIBYA AND WAR POWERS;
COMMITTEE: SENATE FOREIGN RELATIONS

BODY:

TESTIMONY-BY: PETER J. SPIRO, CHARLES WEINER PROFESSOR OF LAW

AFFILIATION: TEMPLE UNIVERSITY - BEASLEY SCHOOL OF LAW

Statement of Peter J. Spiro Charles Weiner Professor of Law Temple University - Beasley School of Law

Committee on Senate Foreign Relations

June 28, 2011

Good morning Mr. Chairman, Senator Lugar, and Members of the Committee. Thank you for the opportunity to testify before you today on the issue of Libya and war powers.

For the record, I am the Charles Weiner Professor of Law at Temple University Law School, where I teach subjects relating to international and constitutional law. From 2004-2006, I was Rusk Professor of International Law at the University of Georgia Law School. I am a former law clerk to Judge Stephen F. Williams on the U.S. Court of Appeals for the D.C. Circuit and to Justice David H. Souter of the Supreme Court of the United States. I have also served as an Attorney-Adviser in the Office of the Legal Adviser, U.S. Department of State, as well as Director for Democracy on the staff of the National Security Council. I am currently a member of the Advisory Committee on Historical Diplomatic Documentation, U.S. Department of State. Among other subjects, I have published widely on matters relating to foreign affairs and the Constitution.

In my view, U.S. participation in NATO operations in Libya has been lawful. The President had constitutional authority to initiate U.S. participation in these operations without advance congressional authorization. That participation continues to be lawful. The Administration’s interpretation of “hostilities” under the War Powers Resolution is a plausible one, although not free from doubt. I understand concerns on the part of members of Congress with respect to this interpretation. In my view, however, it is not clear that the definition of “hostilities” - which becomes operable only through the contested 60-day termination provision of section 5(b) - meaningfully bears on the legality of the U.S. participation in the NATO campaign.

The legality of the Libya operation in the absence of congressional authorization is not to diminish the importance of congressional participation in war powers decision-making. Nor does it mean that war powers comprises a constitutional black hole. The rule of law is a central feature of our system for addressing questions relating to the use of force. There are important respects in which congressional participation is constitutionally demanded. However, I do not believe that the War Powers Resolution affects the constitutional balance of powers with respect to the use of force. WPR-related disputes such as the one you are considering today distract from key decisions...
on which the collective judgment of the executive and legislative branches remains essential. Congress and the President should leave aside their differences on the War Powers Resolution and work towards mutually acceptable terms for continued US participation in NATO operations in Libya.

Constitutional Parameters

The constitutional division of war powers cannot be measured with calipers. The courts have largely absented themselves from matters implicating war powers. Judicial non-participation makes sense as a matter of institutional capacity. It does, however, lead to a paucity of authoritative pronouncements on the division of war powers. Against this landscape, historical practice supplies the precedents that guide our contemporary understandings of war powers. As Justice Frankfurter famously observed in the Steel Seizure case, these precedents add to the written Constitution "a gloss which life has written upon them."

While not unchanging, historical practice relating to war powers has proved remarkably consistent. This practice can be reduced to three basic principles.

1. For major engagements, the President must as a constitutional matter secure congressional authorization in advance. This explains why both George W. Bush and George H.W. Bush sought congressional authorization before initiating military action in Kuwait and Iraq. This was not simply a matter of politics; it was a matter of constitutional necessity. Where the use of U.S. armed forces is likely to implicate a major commitment of resources over an extended period of time with a risk of substantial casualties, our constitutional system demands the prior assent of the legislative branch.

2. For less significant engagements, on the other hand, the President is constitutionally empowered to deploy U.S. forces without congressional authorization. On numerous occasions throughout U.S. history, presidents have undertaken deployments involving the use or potential use of force without congressional approval. From recent decades, we have examples including Kosovo, Bosnia, Haiti, Panama, the so-called Tanker War of the mid-1980s, the 1986 bombing of Tripoli, Lebanon, and Grenada, among others. This practice is consistent and has been engaged in with the knowledge and acquiescence of the legislative branch. It establishes a clear constitutional standard with respect to the division of war power. This standard reflects the imperatives of the use of force against the landscape of foreign relations and the national interest: the need for dispatch and flexibility that conforms to the institutional capacities of the presidency.

The practice supports the constitutionality of President Obama's decision to participate in the Libya operation without advance congressional authorization. Because the operation is limited in nature, scope, and duration, it fits comfortably within the practice relating to the use of force short of "real war." In my view, the opinion of the Office Legal Counsel of April 1, 2011, on this question is persuasive. This conclusion is confirmed by the lack of any persistent institutional opposition to the initial decision. The distinction between major and lesser engagements also explains why comparisons between the approaches of Presidents Bush and Obama to Iraq and Libya respectively are misplaced. The two episodes are constitutional apples and oranges. Iraq involved a massive commitment of resources, with grave risks to U.S. armed forces. Though hardly trivial, Libya lies towards the other end of the constitutional spectrum. The distinction is material for constitutional purposes.

3. Finally, Congress has the power to terminate or condition particular military engagements through engagement-specific, affirmative legislation. This power is exercised subject to the President's exclusive authorities as Commander-in-Chief over military decision-making, reasonably conceived. Joint resolutions respecting U.S. deployments in Lebanon and Somalia supply recent historical examples in which Congress imposed temporal limitations on the use of U.S. armed forces. Congress could impose such limitations with respect to the
Libya operation. Congress also has the power to issue institutional pronouncements through non-binding pronouncements. These institutional statements are of constitutional consequence. For instance, the formal condemnation by the House of Representatives of President Polk's initiation of the conflict with Mexico in 1848 evidenced its rejection of the constitutionality of that engagement.

As in any area of constitutional law, but especially in the absence of judicial decisions, these categories supply only an outline of the law. The boundaries of these categories are unstable and subject to revision and evolution, especially in the face of changing background conditions. However, there is a remarkable consistency to the practice. This consistency suggests workability. The consistency also suggests an acceptance of the practice as legitimate by all relevant constitutional actors, the Congress and President centered among them.

The War Powers Resolution

For all its notoriety, the War Powers Resolution has had little effect on war powers practice. From appearances, the Act has marked the front lines of contests between Congress and the President over war powers. In reality, disputes relating to the War Powers Resolution are better characterized as skirmishes. The Act has not materially affected the terms of continuing struggles between the executive and legislative branches relating to war powers.

Nor should it. The Act reflected the moment of its creation in 1973, an anomalous one marking a nadir in congressional-executive relations. The Act has changed presidential behavior in only one notable respect, through the reporting requirement of section 4. It is now a routine and accepted practice for Presidents to report uses of force as well as substantial combat deployments to the congressional leadership. This requirement is unexceptional and advances important transparency values. In section 3, the Act also codifies a historical tradition of consultation by the President with Congress in all possible instances.

But in other respects, the Act has proved unable to shift constitutional understandings as developed through the practice.

This works in both directions. By its terms, the Act ostensibly gives the President a 60-day window in which to undertake any use of force, regardless of magnitude, without congressional authorization. Both George H.W. Bush and George W. Bush could have, consistent with the War Powers Resolution, undertaken major military engagements against Iraq without prior congressional authorization. And yet the failure to secure advance congressional authorization in those cases would have violated prevailing constitutional standards. The War Powers Resolution, in other words, cannot validate what would otherwise constitute presidential overreaching.

On the other side, the Act has not subtracted from presidential powers. In its policy statement, for instance, the Act fails to recognize the protection of US citizens as a justification for the use of military force. That has not stopped Presidents from justifying military engagements on that basis, consistent with longstanding practice. Nor have subsequent Congresses rejected that justification.

The 60-day termination provision of section 5(b) comprises the Act's most controversial provision. It has been accepted as constitutional only by President Carter (and then only in passing, in a single paragraph of an OLC opinion). Section 5(b) was tested by President Clinton in the context of the 1992-93 Somalia deployment. On only one occasion has Congress acted to authorize a deployment on its understanding of a section 5(b) deadline, with respect to the 1982-83 Lebanon peacekeeping deployment.
The most notable episode implicating the 60-day clock was President Clinton's participation in the NATO bombing campaign in Kosovo. Participation in that operation, as with the Libya operation, continued more than 60 days after its initiation in the absence of specific statutory authorization. In that case the Office of Legal Counsel asserted that congressional funding for the operation satisfied the requirements of the War Powers Resolution, notwithstanding the section 8(a) requirement that authorization not be inferred from appropriations. This was a questionable argument on its own terms. It was a central objective of the War Powers Resolution to end authorization through appropriations measures, on the theory that Congress would never cut off the funding of U.S. troops in the field. Hills to extend specific authorization for the Kosovo operation consistent with section 8(a) failed to pass. In the end Congress and other actors accepted the continuation of the bombing past the 60-day window.

That was as it should have been. I will not rehearse here at length the structural arguments against the termination provision of section 5(b). Suffice it to say that inaction may not equate with disapproval, as demonstrated by contradictory actions on Congress's part during the Kosovo operation (and in the House last week with respect to Libya). Military decision-making should not be driven on a prospective basis by legislative default devices. The stakes are too high to be governed by the dead hand of legislation enacted to address the difficulties of another era.

"Hostilities" Under the War Powers Resolution

In the absence of funding specific to the Libya operation, President Obama lacks the sort of argument that President Clinton made with respect to the Kosovo campaign. Instead, the Administration argues that the participation in the Libya operation does not rise to the level of "hostilities" for purposes of the Act and the section 5(b) trigger. I have three observations with respect to this question. First, plain language approaches to textual meanings seem particularly inappropriate in the context of war powers. In parallel to the evolution of constitutional understandings, statutory measures relating to national security and military force are likely to be interpreted in light of practice and historical precedent as much as through language. The War Powers Resolution should not be addressed in the way one would address the tax code.

Second, practice relating to the War Powers Act renders the Administration's interpretation a plausible one. As the Legal Adviser has detailed for you this morning, there are historical precedents suggesting a narrower interpretation of the term "hostilities" than might be expected from an everyday understanding of the term. (It is unfortunate that this full explanation has waited until today, however, to the extent that others have been able to fill an explanatory vacuum.)

Third, that is not to say that the Administration's position is necessarily the better one. Members of this committee and the Senate as a whole do not have to accept that position. The contrary position is also reasonable. There is insufficient practice and other evidence definitively to resolve the question either way as applied to the particulars of U.S. participation in NATO operations in Libya. To the extent that Congress makes clear, through a formal institutional pronouncement (as opposed to isolated statements of particular members), that it rejects the Administration's interpretation of "hostilities," then the case will stand at best as a contested precedent, one to be resolved, perhaps, in future episodes.

But, finally, it is not clear how pressing the "hostilities" question buys Congress anything as an institution. In my view, it is not obviously in Congress's institutional self-interest to press the point. On the one hand, I believe that any President faced with the winding down of the 60-day clock would identify some justification for avoiding the terms of section 5(b). No responsible Chief Executive would terminate a military operation in the national interest in the face of congressional inaction. If not authorization gleaned
from a funding measure, if not an argument relating to "hostilities," then some other avenue would present itself to evade the termination provision. Section 5(b) is unlikely ever to be given effect. Nor will the judiciary ever enforce it.

Call it death by a thousand cuts. Does this mean that section 5(b) is unconstitutional? That question may better be left to the court of history. Although presidents may not declare the Act unconstitutional, from the Reagan Administration onward they have been careful not to concede the point. They have good cause to avoid the distraction of constitutional confrontation where a more minimalist argument will serve the same end.

On the other hand, Congress has no real need of the provision, lack of respect for which reflects poorly on the institution. Congress has ample tools with which to control presidential deployments of U.S. armed forces. As the nature of military engagement migrates away from the use of ground forces, at least in limited conflicts, Congress will be able to use the appropriation mechanism with less fear of leaving U.S. forces in harm's way. The nature of these engagements, often in the name of the international community, will also give Congress more latitude to constrain presidential action. In coming years we may well witness a trend towards greater congressional participation in decisions relating to the use of U.S. armed forces.

In any event, devising a position of the Congress with respect to the operation in Libya should be the primary task at hand. Disputes relating to the War Powers Resolution are likely to distract from that undertaking. I believe we would be having the same sort of discussion today even if the War Powers Resolution had not been enacted. The persistent cloud over the Act underlines the perception of some that Congress is ill-equipped in this realm. Congress would be better served by focusing on other institutional tools for participating in the full spectrum of use-of-force decisions.

Thank you, Mr. Chairman, for the opportunity to present my views to you on this important subject. This is a critical juncture in the history of constitutional war powers. It is important that the Senate give these questions its closest consideration.

LOAD-DATE: June 28, 2011

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Cox earns Bar's excellence award

BAINBRIDGE NATIVE CATHY COX, the recipient of the Tradition of Excellence Award for General Practice, stand with South Georgia Circuit Chief Judge A. Wallace Cato, who introduced Cox at the awards ceremony.

Young Harris, Ga.—Bainbridge native Cathy Cox, a 25-year member of the State Bar of Georgia and former Georgia Secretary of State, is a recipient of the 2011 Tradition of Excellence Award for General Practice, an accolade presented by the General Practice and Trial Section of the State Bar of Georgia.

Cox was recognized for this accomplishment during a special ceremony at the organization's annual meeting held in Myrtle Beach, S.C., on June 3.

Cox, who currently serves as president of Young Harris College in Young Harris, practiced law with the firms Hansell & Post in Atlanta and Lambert, Floyd & Conger in Bainbridge. During that time, she used her legal skills
as a member of the Georgia General Assembly and the House Judiciary Committee. She subsequently applied her legal skills in her service as Georgia’s Secretary of State, as a faculty member at the University of Georgia’s School of Law and as college president at Young Harris College.

Cox was introduced at the General Practice and Trial Section’s award breakfast by South Georgia Circuit Chief Judge A. Wallace Cato, who described her as “a credit to the profession” and “one of the most tenacious lawyers” he had ever observed.

“Cathy Cox is the personification of what a good lawyer should emulate. She simply exudes those qualities and character traits that recipients of the Tradition of Excellence Award should have. She is truly a mover and a shaker, a real trail blazer,” Judge Cato said. “Cathy is never satisfied with the status quo; she is always looking for an opportunity to make a difference. I can think of no one more deserving of the award.”

Cox was nominated for the award by a number of attorneys, including her former law partner, State Court Judge George Floyd of Bainbridge, as well as Bainbridge native William Custer IV, who was sworn into the Bar with Cox by Judge Cato in 1986 and now practices law with the Atlanta firm Bryan Cave Powell Goldstein LLP.

The General Practice Section of the State Bar of Georgia has been presenting Tradition of Excellence Awards for the past 25 years. Recipients must be Georgia-resident members of the State Bar who have 20 years of outstanding achievement as a trial lawyer, general practitioner or judge; be 50 years old or older; have made a significant contribution to State Bar or Institute of Continuing Legal Education activities; have a record of community service; and have a personal commitment to excellence.

Previous recipients include well-known Georgia lawyers Bobby Lee Cook of Summerville and Denmark Groover of Macon, the late Speaker of the Georgia House Thomas B. Murphy, the late lawyer and former U.S. Attorney General Griffin Bell, former Georgia Attorney General Michael Bowers, and distinguished jurist Hardy Gregory Jr., of the Georgia Supreme Court.

Cox is the daughter of Mary Barber Cox of Bainbridge and the late Mayor and State Rep. Walter Cox. She is married to attorney Mark Dehler and lives in Young Harris on the campus of Young Harris College.

Email Comments
On behalf of the State Bar of Georgia, I offer condolences to the family, friends and colleagues of Anne Proffitt Dupre, the J. Alton Hosch Professor at the University of Georgia School of Law, on her recent untimely passing.

An accomplished author and nationally recognized expert in education law and policy, Dupre brought a wealth of practical legal experience to her academic position, having served as a clerk to both U.S. Supreme Court Justice Harry A. Blackmun and U.S. Court of Appeals Judge J.L. Edmondson before entering private practice in Washington, D.C.

The numerous awards she received as both an alumnus and faculty member of the UGA Law School were well-deserved.

Anne Proffitt Dupre's exceptional career as a noted scholar and mentor to her students stands as an inspiration to all Georgia lawyers as we seek to fulfill both our duty to help others and our high calling as stewards of the justice system. She will be missed by all.

Kenneth L. Shigley

*Kenneth L. Shigley is president of the State Bar of Georgia.*
American Constitution Society hosts review of the U.S. Supreme Court's 2010-2011 term at NPC news conference, exploring the high-profile cases and emerging trends of the session. Speakers incl H. Christopher Bartolomucci (Bancroft), Lucas Guttentag (Yale Law School / American Civil Liberties Union Immigrants' Rights Project), Erica Hashimoto (University of Georgia School of Law), Suzette Malveaux (Catholic University of America Columbus School of Law), Paul Smith (Jenner & Block), and Allison Zieve (Public Citizen Litigation Group)

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American Constitution Society hosts review of the U.S. Supreme Court's 2010-2011 term at NPC news conference, exploring the high-profile cases and emerging trends of the session. Speakers incl H. Christopher Bartolomucci (Bancroft), Lucas Guttentag (Yale Law School / American Civil Liberties Union Immigrants' Rights Project), Erica Hashimoto (University of Georgia School of Law), Suzette Malveaux (Catholic University of America Columbus School of Law), Paul Smith (Jenner & Block), and Allison Zieve (Public Citizen Litigation Group)

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2 of 3 DOCUMENTS

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The Frontrunner

June 30, 2011 Thursday

SECTION: WASHINGTON'S SCHEDULE

LENGTH: 2704 words

HEADLINE: Today's Events In Washington

BODY:

White House:

PRESIDENT OBAMA - Delivers remarks at the Armed Forces Farewell Tribute in honor of Secretary Gates; The Pentagon, pooled for TV, open for correspondents and still photographers; receives the Presidential Daily Briefing with the Vice President, Oval Office, closed press; meets with senior advisors, Oval Office, closed press; meets the Vice President for lunch, Private Dining Room, closed press; departs the South Lawn en route Joint Base Andrews, South Lawn, open press departs Joint Base Andrews en route Philadelphia, Pennsylvania, out-of-town travel pool coverage arrives in Philadelphia, Pennsylvania, Philadelphia International Airport, open press; delivers remarks at a DNC event, The Hyatt at the Bellevue, pooled for TV, open to pre-credentialed still photographers and correspondents; delivers remarks at a DNC event, private residence, print pool only; departs Philadelphia, Pennsylvania en route Joint Base Andrews, Philadelphia International Airport, open press; arrives at Joint
Base Andrews, out-of-town travel pool coverage, arrives at the White House, South Lawn, open press

VICE PRESIDENT BIDEN - Attend the Armed Forces Farewell Tribute in honor of Secretary Gates, The Pentagon, pooled for TV, open for correspondents and still photographers; with the President, receives the Presidential Daily Briefing, Oval Office, closed press; meets with the President for lunch, Private Dining Room, closed press.

FIRST LADY MICHELLE OBAMA --. Delivers remarks at a Democratic National Committee luncheon, Boston, Massachusetts, print pools; participates in a Joining Forces event to show appreciation to the Vermont National Guard and their families, Vermont; delivers remarks at a Democratic National Committee reception, Burlington, Vermont, print pools; delivers remarks at a Democratic National Committee dinner, Burlington, Vermont, print pools.

US Senate: 11 a.m. SEN. LUGAR - FACEBOOK - In what's being billed as a first for both the US Senate and Facebook, Sen. Dick Lugar (R-IN) will announce introduction of his Practical Energy Plan exclusively on the social network via a live-stream video. Joining Lugar to discuss the legislation will be Dave Conover, Senior Vice President with the Bipartisan Policy Center and former Bush Administration official. Notes: To participate in this 'first-of-its-kind' event, you must "like" Sen. Lugars Facebook page at www.facebook.com/senatorplugar and watch for the link for the live stream beginning at 11 a.m.

2:30 p.m. LANDREU - SBA ROUNDTABLE - Senate Small Business Committee Chair Mary Landrieu, D-La., holds roundtable titled, "The SBA in Your Community: A Review of SBA Field Operations. Location: 428A Russell.

10 a.m. BANKING, HOUSING, AND URBAN AFFAIRS - Subcommittee on Security and International Trade and Finance holds hearing entitled "Stakeholder Perspectives on Reauthorization of the Export-Import Bank of the United States. Location: 538 Dirksen

10 a.m. ENVIRONMENT AND PUBLIC WORKS - Subcommittee on Clean Air and Nuclear Safety. An oversight hearing to examine a review of Environmental Protection Agency (EPA) regulations replacing the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR). Location: 406 Dirksen.

10 a.m. FINANCE - Full committee hearing: "Perspectives on Deficit Reduction: A Review of Key Issues." Witnesses: Dr. Peter Orszag, vice chairman of global banking, Citigroup, former director of the Office of Management and Budget (OMB); Robert Greenstein, president of the Center on Budget and Policy Priorities; James Nussle, president and COO, Growth Energy, and former OMB director; Chris Edwards, director of tax policy studies, Cato Institute. Location: 215 Dirksen.

10 a.m. FOREIGN RELATIONS - Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs hearing on the state of democracy in the Americas. Witnesses: Panel One: Roberta Jacobson, deputy assistant secretary, Bureau of Western Hemisphere Affairs, Department of State. Panel Two: Michael Reid, editor, The Americas, The Economist, London; Dr. Jorge I. Dominguez, senior adviser for international studies for the dean of the Faculty of Arts and Sciences, Harvard University; Lorne Craner, president, International Republican Institute, Alexandria, Va. Location: 419 Dirksen.

10 a.m. HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS - Subcommittee on Contracting Oversight Hearings to examine Afghanistan reconstruction contracts, focusing on lessons learned and ongoing problems. Location: 342 Dirksen.

10 a.m. JUDICIARY - Subcommittee on Administrative Oversight and the Courts hearing entitled "Oversight of the Financial Fraud Enforcement Task Force".
Location: 226 Dirksen.

11 a.m. APPROPRIATIONS - Full Committee Markup of Fiscal Year 2012 Military Construction, Veterans Affairs, and Related Agencies Appropriations Legislation. Location: 106 Dirksen.

2 p.m. BANKING AND URBAN AFFAIRS - Hearings to examine the state of the Federal Deposit Insurance Corporation (FDIC), focusing on deposit insurance, consumer protection, and financial stability. Location: 538 Dirksen.

2:15 p.m. INDIAN AFFAIRS - Hearings to examine S.1262, to improve Indian education. Location: 628 Dirksen.

2:30 p.m. INTELLIGENCE - Closed business meeting to consider pending calendar business. Location: 219 Hart.

3 p.m. FINANCE - Open Executive Session to review and make recommendations on proposed legislation implementing the U.S.-Korea Free Trade Agreement, the US-Colombia Trade Promotion Agreement, the US-Panama Trade Promotion Agreement, as well as the Associated Proposed Statements of Administrative Action. Location: 215 Dirksen.

US House: 10 a.m. GUN TRAFFICKING FORUM - Forum on the flow of illegal guns on both sides of the US/Mexico border. Rep. Elijah E. Cummings, the Ranking Member of the House Committee on Oversight and Government Reform, will issue a report with recommendations to provide US law enforcement with the tools needed to address gun trafficking. Participants include Sen. Charles Schumer (D-NY); Michael R. Bouchard, former Assistant Director Field Operations, ATF; Thomas Mahoney, Assistant State's Attorney Supervisor, Gang Prosecution Unit, Cook County States Attorney's Office; Eric Olson, Senior Associate, Woodrow Wilson International Center for Scholars; Kristen Rand, Legislative Director, Violence Policy Center; Paul Helmke, President, Brady Campaign to Prevent Gun Violence; Colby Goodman, author of "US Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges." Location: Capitol Visitor Center South Congressional Meeting Room, CVC 217.

Other: SUBMARINE RACES - The 11th International Submarine Races are held at the Naval Surface Warfare Center-Carderock Division's model basin. It's a biennial engineering design competition. Location: Naval Surface Warfare Center-Carderock Division, Bethesda, Md.

CONFERENCE ON CLIMATE CHANGE - The Sixth International Conference on Climate Change. Location: Marriott Wardman Park, 2660 Woodley Road NW.

NASN CONFERENCE - The National Association of School Nurses holds its 43rd annual conference. Highlights: 10 a.m. Remarks by Bea Hanson, Principal Deputy Director, Office on Violence Against Women, US Department of Justice. Location: Marriott Wardman Park Hotel, 2660 Woodley Park Rd. NW.

EXECUTIVE BREAKFAST - SZYKMAN - DEPARTMENT OF COMMERCE - 7 a.m. - 9:30 a.m. Deltek host Federal Executive Breakfast with Simon Szykman, Chief Information Officer, Department of Commerce (DOC) to learn about DOCs FY 2011 technology infrastructure plans and initiatives. Location: The Ritz-Carlton, Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

SCHUMER - ECONOMIC POLICY INSTITUTE - 8:30 a.m. - 9:30 a.m. Sen. Charles Schumer, D-N.Y., vice chairman of the Senate Democratic Caucus and chairman of the Senate Democratic Policy Committee, will speak and answer questions about the debt ceiling and ideas for increasing employment. Location: Economic Policy Institute, 1333 H St. NW.

CHAMBER OF COMMERCE - REGULATION AND FREE SPEECH - 9 a.m. - 10 a.m. The US Chamber of Commerce will host a panel to discuss the impact on commercial free
speech from regulating food nutrition labeling. The panel will explore the free
speech and policy implications of a federal interagency working group "guidance"
document imposing new restrictions on food industry advertising and marketing
activities. With Professor J Howard Beales III, School of Business, The George
Washington University, former Director, Bureau of Consumer Protection, FTC; Beth
Johnson, Principal and Founder, Food Directions, former Deputy Chief of Staff
and Acting Under Secretary of Food Safety, USDA; Professor Martin H. Redish,
Louis and Harriet Ancel Professor of Law and Public Policy, Northwestern
University School of Law. Location: 1615 H Street, NW.

CENTER FOR AMERICAN PROGRESS ACTION FUND - EDUCATION - 9 a.m. - 10:45 a.m.
"School Turnaround 2.0: How Federal Policy Can Support School Turnaround."
Introduction: Cythia Brown, Vice President for Education Policy. Distinguished
speaker: Sen. Mary Landrieu, (D-LA). Presenters: Diane Castelbuono, Associate
Superintendent for Strategic Programs, School District of Philadelphia; Jessica
Quillin, Managing Director, Quillin Consulting, LLC. Featured panelists: Jesse
Dixon, Office of District and School Turnaround, Massachusetts Department of
Elementary and Secondary Education; Rayne Martin, Director, Office of
Innovation, Louisiana Department of Education. Moderator: Jeremy Ayers, Senior
Education Policy Analyst, Center for American Progress Action Fund. Location:
1333 H St. NW, 10th Floor.

GATES TRIBUTE - 9:45 a.m. Armed Forces Farewell Tribute in honor of Secretary
Robert Gates. President Barack Obama will speak. The event will be pooled for
television but will be open to a limited number of pre-credentialed stills and
correspondents. Space is extremely limited and media credentials will be
assigned on a first-come, first-served basis. Location: Pentagon.

CENSUS WEBINAR - COUNTY BUSINESS STATISTICS - 10 a.m. The US Census Bureau
will hold an audio news conference to release statistics from County Business
Patterns: 2009, which provides the only detailed annual information on the number
of establishments, employees, and first quarter and annual payroll for most of
the 1,100 industries covered at the national, state and county levels.
Participants: Shirin Ahmed, chief of the Economic Planning and Coordination
Division, US Census Bureau; Stephen H. Andrews, senior economist, assistant to
the chief, National. DIALIN: 1-800-857-5083. Passcode: CENSUS. Contacts: PIO
pio@census.gov (301-763-3030/763-3762 [fax])

FEDERAL ELECTION COMMISSION - COLBERT - 10 a.m. Comedy Central commentator
Stephen Colbert, who has announced plans to launch a political action committee,
appears before the commission to ask whether airtime and other costs associated
with his show would need to be publicly disclosed as in-kind contributions from
Comedy Central's parent company, Viacom Inc., when he talks about "Colbert Super
PAC" on the show itself. Location: 999 E Street, NW, 9th floor.

VIOLENCE AGAINST WOMEN - 10 a.m. The Department of Justice's Office on
Violence Against Women Principal Deputy Director Bea Hanson will deliver remarks
at the National Association of School Nurses Annual Conference. Location:
Marriott Wardman Park Hotel, 2660 Woodley Park Rd. Washington.

PETERTON - ENERGY SECURITY OPTIONS - 10 a.m. - 12 p.m. The Peterson Institute
for International Economics releases a new study on Americas energy security
options. PIIE's Trevor Houser will present the results of his research, after
which Daniel Yergin, chairman of Cambridge Energy Research Associates, will lead
a panel discussion with Heather Zichal, deputy assistant to the president for
energy and climate change, McKie Campbell, Republican staff director for the
Senate Energy and Natural Resources Committee, and Trevor Houser. The panel will
take questions from the audience. Location: 1750 Massachusetts Ave. NW.

IMMIGRATION LEGISLATION - 11 a.m. Conservative and libertarian leaders host a
press conference call on immigration enforcement legislation the House Judiciary
Committee is expected to consider next week. The legislation, H.R. 2164, would
mandate the use of the electronic employment verification system known as
E-Verify, which the participants of this call consider flawed and burdensome. With Stuart Anderson, Executive Director, National Foundation for American Policy; Bob Barr, former US Congressman (R-GA); Mike Flynn, editor, BigGovernment.com; Jim Harper, director of information policy studies, Cato Institute; Alex Nowrasteh, policy analyst at the Competitive Enterprise.

TRADE - 12 p.m. Sen. Orrin Hatch delivers speech at The American Enterprise Institute titled: "Are We Falling Behind on Trade?" Location: American Enterprise Institute, 1150 17th St. NW, 12th floor.

AEI - PENDING FREE TRADE AGREEMENTS - 12 p.m. - 1:30 p.m. Discussion on "Are We Falling Behind on Trade?" with Senator Orrin Hatch. Panelists: Sallies James, Cato; Howard Rosen, Peterson. Location: Tenth Floor, AEI, 1150 Seventeenth Street, N.W.

NATIONAL ECONOMIST CLUB - RON TROSTLE - 12 p.m. - 1:30 p.m. Ron Trostle, economist, US Dept of Agriculture/Economic Research Service, "The Renewed Surge in Food Commodity Prices. Location: Chinatown Garden Restaurant, 618 H St. NW.

NPC - SINISE - 12:30 p.m. Actor Gary Sinise announces the formation of the Gary Sinise Foundation, a charity dedicated to raising funds for charities supporting the military. Location: National Press Club, 14th and F Sts. NW.

ALASKA - ENERGY PRODUCTION - 1 p.m. The US Chamber of Commerce Institute for 21st Century Energy will host Alaska Gov. Sean Parnell and Alaska Commissioner of Natural Resources Dan Sullivan to make an announcement about Alaska's energy policy that could have a significant impact on US energy supply. Location: US Chamber of Commerce, 1615 H St. NW.

SENTENCING GUIDELINES - 1 p.m. The United States Sentencing Commission holds public meeting to vote on whether and to what extent it should give retroactive effect to its proposed permanent amendment to the federal sentencing guidelines implementing the Fair Sentencing Act of 2010 (Pub. L. 111-220). Location: Leonidas Ralph Mechem Conference Center, Ground Level, South Lobby, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E.

TEEN MENTAL HEALTH SCREENING - WEB EVENT - 1 p.m. - 2 p.m. Webinar on Teen Mental Health Screening in Primary Care: Making it Work for Patients and Providers with the The American Academy of Pediatrics, the Institute of Medicine, and the US Preventive Services Task Force (USPSTF).

CIVIL RIGHTS SURVEY - 2 p.m. Russlynn Ali, assistant secretary for the Education Department's Office for Civil Rights, holds a press conference call to announce the release of Part 1 of the 2009-10 Civil Rights Data Collection involving 7,000 school districts and 72,000 schools.


ACS - SUPREME COURT - 4:30 p.m. - 6 p.m. The American Constitution Society for Law and Policy hosts a panel discussion examining the current Supreme Court Term and looking forward to the next. The panel will feature: Moderator, Kathleen M. Sullivan, Partner, Quinn Emanuel Urquhart & Sullivan, LLP; H. Christopher Bartolomucci, Partner, Bancroft PLLC; Lucas Gutten tag, Robina Foundation Distinguished Senior Fellow in Residence, Yale Law School and Senior Counsel, American Civil Liberties Union Immigrants' Rights Project; Erica J. Hashimoto, Associate Professor of Law, University of Georgia School of Law.
Suzette M. Malveaux, Associate Professor, Columbus School of Law; Paul M. Smith, Partner, Jenner & Block; Allison M. Zieve, Director, Public Citizen Litigation Group. Location: National Press Club Ballroom, 14th and F Sts. NW.

LOAD-DATE: June 30, 2011
SUBJECT: The American Constitution Society for Law and Policy (ACS) holds a discussion to examine major decisions and trends of the Supreme Court's session.

PARTICIPANTS: Kathleen Sullivan, partner at Quinn Emanuel Urquhart and Sullivan LLP; Christopher Bartolomucci, partner at Bancroft LLP; Erica Hashimoto, associate professor of law at the University of Georgia School of Law; Suzette Malveaux, associate professor of law at Catholic University's Columbus School of Law; Paul Smith, partner at Jenner and Block LLP; and Allison Zieve, director of Public Citizen Litigation Group

CONTACT: Jeremy Leaming, 202-393-6181 [Note: RSVP to press@acslaw.org]

LOAD-DATE: June 26, 2011

BYLINE: J.E. Geshwiler; For the AJC

HIGHLIGHT:

Wanted to help mold 'best possible lawyers.' She also earned respect of peers.

BODY:

Thirty years ago, Anne Dupre was a fifth-grade teacher in West Palm Beach, Fla. During a conversation with friends there, the question arose: What would you be if you could be anything you wanted?