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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 been 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."

GRAPHIC: Photos 1 through 3, Former Justices David Souter (left), Sandra Day O'Connor and John Paul Stevens, since stepping down from the Supreme Court, have served on federal appeals court panels, given interviews and made opinionated speeches on recent decisions. LEIGH VOGL/GETTY IMAGES FOR COLONIAL WILLIAMSBURG (TOP LEFT), AP PHOTO/MANUEL BALCE CENETA (TOP RIGHT), AP PHOTO/JOSH REYNOLDS

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Cotton Board President and CEO, William A. “Bill” Gillon, has been elected to serve as the chairman of the board for Agricenter International. Gillon previously served on the volunteer board for five years and has held the positions of vice chairman and legal committee chair (attorney of record).

Other officers elected are vice chairman, Elton Robinson, *Delta Farm Press* editor; secretary, Bill Mayfield, USDA, retired; and treasurer, Fletcher Maynard, SunTrust Bank, retired.

“We are extremely honored to have Bill as our chairman. His in-depth knowledge of agriculture and agricultural law and policy over the last 25 years will be an invaluable resource as we continue our work to meet the mission of our organization,” said Agricenter President John Charles Wilson.

Based in Memphis, Agricenter International is a self-sustaining, not-for-profit organization that provides economic development and improved quality of life by facilitating agricultural research, educational programs, environmental conservation, natural area preservation and recreational opportunities.

Agricenter International is the world’s largest urban farm and research test facility, managing approximately 1,000 acres of farmland located in the Shelby Farms area of Shelby County.

During his tenure on the board, Gillon helped finalize the application of the Shelby Farms Park master plan to the Agricenter property and has worked to adapt Agricenter operations to comply with the conservation easement that now governs development of the Shelby Farms area.

Gillon brings a lifetime of agricultural policy experience with him. Recently named president of the Memphis-based Cotton Board in October 2010, his work experience includes the USDA Office of General Counsel, senior counsel to the Senate Agriculture Committee, general counsel of the National Cotton Council of America, and private practice focusing on agricultural law and policy.

“Having Bill as our chairman further strengthens the working relationship we have with both the Cotton Board and Cotton Incorporated because of the cooperative research in which we continue partnering today,” Wilson said.

Gillon holds a law degree from the University of Georgia and a BA from Mississippi State University. He was named the 2005 Alumnus of the Year and 2009 Alumni Fellow for the Mississippi State College of Arts and Sciences. He is a member of the Tennessee and Georgia bars. He currently serves as chairman of the Advisory Board for Mississippi State University College of Arts and Sciences and is a member of the Shelby County Industrial Development Board. He and his wife Adrienne have two children and reside in Germantown, Tenn.
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W. Jonathan Cardi, Wake Forest University,
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Catherine M. Sharkey, New York University (NYU) - School of Law,
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---CJR

July 1, 2011 in Scholarship | Permalink
Deal appoints 33 to boards

ATLANTA, Ga., (July 1, 2011)

Jerry "Todd" Cowan, Board of Driver Services
Cowan currently serves as the tax commissioner of Douglas County and has an extensive background in motor vehicle administration and information technology. He previously served on the American Association of Motor Vehicle Administrators, the International Standing Committee on Technology, and was the chairman of Georgia's Chief Information Officers Council. Cowan earned a bachelor's in Computer Science from the University of West Georgia. He teaches Sunday school and is on the Douglas County Boys & Girls Club board of directors. Cowan currently resides in Winston with his wife, Dorcas, and has four children.

Anthony W. Heath, Board of Driver Services
Heath currently serves as the sheriff of Berrien County. He serves on the Training and Standards Committee for the Georgia Sheriff's Association and is a board member for the Boys and Girls Club. Heath began working as a policeman in 1997 and was selected for a vice presidential detail in 2002. He attended the 77th Trooper School in September of 2001 and served as a trooper until he was elected to serve as sheriff in 2007. Heath and his wife, Iris, live in Nashville and have two children.

Terrell "Terry" Buford Cook, State Board of Nursing Home Administrators (Reappointment)
Cook is the administrator of McRae Manor Nursing Home in McRae. He serves on the board of directors of the Georgia Health Care Association and of the Merchants and Citizens Bank. He is active in the Rotary Club, Exchange Club and the McRae United Methodist Church. Cook earned a bachelor's degree from the University of Georgia and a law degree from Samford University's Cumberland School of Law. He and his wife, Heather, live in McRae and have four children.

Martin Keith Glass, Georgia Peace Officer Standards and Training Council
Glass currently serves as the chief of police for the city of Monroe and on the executive board of the Georgia Association of Chiefs of Police. He is a former president of the Peace Officers Association of Georgia and served in the Georgia Army National Guard from 1974 until his retirement in 2005. He received the Legion of Merit Award and the Meritorious Service Medal for his years of U.S. military service. Glass is a graduate of the U.S. Army Sergeants Major Academy and the Columbus State Law Enforcement Command.
College. He and his wife, Kathy, live in Monroe and have three daughters.

Homer “Buddy” DeLoach, Jekyll Island Authority (Reappointment)
DeLoach is currently the owner of Martin Insurance Agency Inc. In previous years, he served on the state arbitration committee after being appointed by the Supreme Court. DeLoach is a former mayor of Hinesville and served in the Georgia House of Representatives for 10 years. An Army veteran, DeLoach received the Department of the Army Patriotic Civilian Service Award; he was also named businessperson of the year by the Hinesville/Liberty County Chamber of Commerce. He and his wife, Linda, are active members of the Hinesville United Methodist Church. Together they have one son and two grandchildren.

Mike Hodges, Jekyll Island State Park Authority (Reappointment)
Hodges is the market president of Ameris Bank in Brunswick. He currently sits on the Jekyll Island Authority where he serves as secretary and chairman of the Finance Committee. He also serves as the chairman of the Glynn-Brunswick Memorial Hospital Authority, a trustee of the College of Coastal Georgia Foundation and a board member of the Georgia Chamber of Commerce. Hodges earned a bachelor’s degree in business administration from the University of Georgia and a master’s degree from the Stonier Graduate School of Banking at the University of Delaware. He and his wife, Dana, reside in St. Simons Island and have two sons.

Albert F. Ike, Jekyll Island State Park Authority
Ike retired as associate vice president for Public Service and Outreach at the University of Georgia in 1999 after 29 years of service. He had previously served on the Governor’s Advisory Council on Coastal Zone Management, the Oconee Rivers Greenway Commission, the board of trustees of the Georgia Conservancy and the Athens-Clarke County Board of Zoning Appeals. Ike earned a bachelor’s degree from Rutgers University, a master’s from Cornell University and a Ph.D. from North Carolina State University. He and his wife, Ruth, live in Athens and have two sons.

Laney Dixon “Dick” Childers, Stone Mountain Memorial Association
Childers is an instructor for the Mike Cottrell School of Business at North Georgia College and State University in Dahlonega. He currently serves on the board of the North East Georgia History Center as treasurer and is a member of the Georgia Society of Certified Public Accountants. Childers retired from Brenau University as the vice president of Business and Finance in 2009. He received a bachelor’s degree from Christian Brothers University and an M.B.A. in Finance from the University of Mississippi. Childers and his wife, Elaine, have two children and one grandchild.

Randy Owens, Brain and Spinal Injury Trust Fund Commission
Owens is currently employed at Gainesville Internal Medicine. He serves as a board member of Challenged Child and Red Rabbit Transit and is an adviser to the North East Georgia Medical Center. He is the co-founder of Our Neighbor Inc., a nonprofit that serves the needs of those with limitations and enables them to be active in the community. Because of Owens’ permanent
injury that resulted from a car accident, Challenged Child and Friends was founded. He has been an advocate for young adults with disabilities ever since leaving high school.

Sandra Morris, Board of Behavioral Health and Developmental Disabilities (Reappointment)
Morris retired as executive director of the Carrollton Housing Authority after 36 years of service. She currently serves as chairman of the Carroll County Boys & Girls Club, is a member of the Carrollton Rotary Club, is the owner of Grant $$$ For You and was elected to the Carroll County School Board District 2 in 2010. Morris attended Bremen City Schools and Carroll Technical Institute. Morris and her husband, Richard, live in Temple and have two sons, Matt and Ryan.

Susan Radovich, Board of Behavioral Health and Developmental Disabilities (Reappointment)
Radovich is a retired professor at Georgia Southern University and is currently serving as a board member of the Georgia Department of Behavioral Health and Developmental Disabilities. She serves as the chairman of the Community Service Board in Statesboro and is the president of the Sprig-Dig Garden Club. She is a past recipient of the Dean Day Smith Service to Mankind Award and has volunteered with developmentally delayed adults for the past 15 years. Radovich earned bachelor’s and master’s degrees from Indiana University as well as a master’s degree from Georgia Southern University. She and her husband, Frank, live in Statesboro and have two daughters, Amy and Amanda. Deirdre

Kathleen O’Brien, Board of Behavioral Health and Developmental Disabilities (Reappointment)
O’Brien is currently serving on the Board of Behavioral Health and Developmental Disabilities and is the executive director of the Arc of Georgia, a statewide disability advocacy organization. She received her master’s in Nursing from the University of Alabama at Birmingham. O’Brien and her husband, Randall, have two children, Connor and Clare.

David Johnson, Professional Standards Commission (Reappointment)
Johnson is president of United Community Bank in Rome. He serves as vice chairman of the Floyd County Board of Education and was recently elected as president of the Georgia School Board Association. Johnson is on the Hospital Authority of Floyd County, the Development Authority of Floyd County and several other boards involving medical and educational interest. He was recently named by Gov. Deal to serve on the Education Finance Study Commission. Johnson is a graduate of Berry College, where he earned his bachelor’s and master’s degrees in business administration. He and his wife, Cathy, have two children and one grandchild.

Julia C. Bernath, Georgia Professional Standards Commission (Reappointment)
Bernath has served on the Fulton County Board of Education since 2000, serving as both president and vice president during her tenure. She currently
serves as vice president of the Georgia Professional Standards Commission and is past president of the Georgia School Boards Association. Bernath serves as vice chair for the Sandy Springs Education Force, is on the advisory board for the Georgia Partnership for Excellence in Education and is on the board for the Georgia Music Educators Association. She is a graduate of Leadership Atlanta, Regional Leadership Institute, Leadership Sandy Springs and Marcus Jewish Community Center’s Erwin Zaban and Max Kuniansky Leadership Programs, as well as the Atlanta Jewish Federation’s Linking Leadership to Community. Bernath graduated earning a bachelor’s in Journalism, magna cum laude, from the University of Georgia. She and husband, Terry, have three children and one grandchild.

Penny L. Elkins, Georgia Professional Standards Commission (Reappointment)
Elkins serves as the senior vice president for Enrollment Management at Mercer University in both Macon and Atlanta. She received a bachelor’s and master’s in Education at Mercer, an Ed.S. from Georgia College and her Ph.D. in Educational Leadership from Georgia State University. Her areas of research interest include cognition theory in leadership, transformational leadership, birth-to-5 education, women in leadership and community partnership development. Elkins lives in Dacula with her husband, Jason.

Adrian Epps, Professional Standards Commission (Reappointment)
Epps is associate dean for the College of Science and Mathematics, director of the Advancing the Teaching Of Mathematics & Science (ATOMS) Center and assistant professor of educational leadership at Kennesaw State University. He currently serves on several educational advisory boards and committees. He served for more than 18 years in multiple administrative and teaching roles in the Atlanta Public Schools System; one of these jobs included teaching science for nine years at Frederick Douglass High School. Epps earned bachelor’s and master’s degrees from Emory University and a doctoral degree from Clark-Atlanta University. He and his wife, Kathryn, have three children.

Tim Lowe, Board of Governors of the George L. Smith II Georgia World Congress Center Authority (Reappointment)
Lowe is the CEO of Lowe Engineers LLC, which is based in Atlanta. He is active in community affairs and currently serves as chairman of the board of governors for the Georgia World Congress Center. He also chairs the Energy and Environment Committee of the Georgia Chamber of Commerce and is vice president of the Buckhead Coalition. Lowe is a board member of Council for Quality Growth, Liveable Communities for Buckhead and Trust for Public Land. He is a graduate of Leadership Georgia, Leadership Atlanta, the Regional Leadership Institute, the Georgia Institute of Environmental Leadership and was selected by Georgia Trend as one of “100 Most Influential Georgians” for 2010. Lowe is a lifelong resident of Atlanta and has three grown daughters.

Tazwell “Taz” L. Anderson Jr., Board of Governors of the George L. Smith II Georgia World Congress Center Authority (Reappointment)
Anderson graduated from the Georgia Institute of Technology in 1961. He is a licensed real estate developer and technology inventor. He also holds five patents in the fields of advertising and location-based broadcasting.

Anderson is a member of the Athletic Hall of Fame for Georgia Tech, Savannah, and the state of Georgia after participating in high school, college and professional football. Anderson is also a board member of the Bobby Dodd Coach of the Year Award.

Tricia Pridemore, Board of Governors of the George L. Smith II Georgia World Congress Center Authority

Pridemore is a Marietta-based businesswoman with a background in technology companies. She serves on the WellStar Hospitals Foundation Board and the Republican Leadership for Georgia board of directors. Pridemore earned a bachelor’s degree from Kennesaw State University. She and husband Michael are involved in many charitable organizations in Georgia.

John P. Webb Jr., Georgia Agricultural Exposition Authority (Reappointment)

Webb is a retired master chief petty officer of the U.S. Navy with 30 years of service. He is also the retired deputy director of the Georgia National Fairgrounds in Perry. He became a certified fair executive in 1995 and served several years on the Speakers Bureau for the International Association of Fairs and Expositions. Webb is past president of the Georgia Association of Agricultural Fairs (GAAF) and currently serves as secretary/treasurer for that organization. He was named “Fairman of the Year” for the GAAF in 2006.

Jamie R. Pennington, Board of Community Health (Reappointment)

After a distinguished career in investment banking, Pennington founded Flexible Executives, a nationally recognized executive consulting company. In 2007, she was named one of the top-40 executives under the age of 40 in the state of Georgia by the Atlanta Business Chronicle. Pennington has been profiled in the Wall Street Journal, Entrepreneur Magazine, CFO Magazine and other publications as an expert on providing low-cost solutions for growing businesses. She earned a degree from Vanderbilt University where she received the prestigious Founders Medal. Pennington lives in Atlanta with her husband and three young children.

John “Clay” Cox, Board of Community Health

Cox is the president and CEO of Professional Probation Services Inc., which he founded in 1992. He was the 2002 Republican nominee for Congress from Georgia’s 13th Congressional District and served three terms in the Georgia House of Representatives. He served as the House chief deputy whip, chairman of the Gwinnett County legislative delegation and chairman of the House Human Relations and Aging Committee. Cox has been a member of the Gwinnett County Chamber of Commerce since 1992 and was a graduate of the inaugural class of the Georgia Legislative Leadership Institute in 2005. He is a graduate of Western Carolina University, where he earned a bachelor’s in criminology. He was a three-year letterman in football and an
All Southern Conference Scholar Athlete. He and his wife, Alisa, have been married 20 years and have two sons. They reside in Lilburn and attend Grace Fellowship Church in Snellville.

Eric Johnson, Board of Economic Development
Johnson is an architect and president of Hussey, Gay, Bell & DeYoung International Inc. He received his master’s degree in architecture from Tulane University and is a member of the College of Fellows of the American Institute of Architects. Johnson served 17 years in the Georgia Legislature, in both the Senate and the House of Representatives. He was Senate Republican leader for four years and the president pro tem of the state Senate for six years. He served on Gov. Deal’s transition team. He currently serves on the board of directors of the Savannah Economic Development Authority, the Georgia Health Sciences University’s Planning and Development Committee, the Georgia Cities Foundation and the Union Mission. Johnson and his wife, Kathryn, live in Savannah and have two children.

Allen Gudenrath, Board of Economic Development
Gudenrath is employed by Morgan Stanley Smith Barney where he holds the title of senior vice president – Wealth Management, financial adviser. He has worked with the same firm since 1985, serving both institutional and individual investors, foundations and investment banking services. He earned an associate’s degree from Reinhardt College and a bachelor’s degree in business administration from the University of Georgia. Gudenrath was a recipient of the Frederick Kerr Service Award and is a J.W. Fanning Fellow Designee with Leadership Georgia. He and his wife, Lynda, have three children and expect their first grandchild in August.

Richard Kevin Jackson Sr., Board of Economic Development
Jackson is the president and owner of EnviroVac Holdings LLC in Savannah. He is the finance chairman for Congressman Jack Kingston’s Capital Cabinet and currently serves on the Savannah Economic Development Authority Board. Jackson attended the University of Georgia, where he was a letterman on the 1980 national championship football team. He and his wife, Libby, live in Savannah and have three children.

Philip W. Tomlinson, Board of Economic Development
Tomlinson is the chairman of the board and CEO of Total System Services Inc., or TSYS. Prior to beginning his career with TSYS, he spent five years with GE Capital. Tomlinson has served as a director of Synovus Financial Corp. since 2008. He is chairman of the Columbus State University Foundation board of trustees, and serves on the CSU Cunningham Center for Leadership Development Advisory Board. He also serves on the Georgia Cancer Coalition Board of Directors. Tomlinson was a 2008 recipient of the prestigious Turknett Leadership Character Award, presented by the Turknett Leadership Group and Kennesaw State University. He was also recently awarded the Ernst and Young Lifetime Achievement Award at its 25th Entrepreneur of the Year Program.
J. Comer Yates, Georgia Commission on Hearing Impaired and Deaf Persons (Reappointment)
Yates has been the executive director of the Atlanta Speech School since 1998. He is the past president of Camp Twin Lakes and serves on the board of directors there. Yates also serves on the board of directors of the Southeast Region of the Anti-Defamation League, is a member of the Junior League of Atlanta Advisory Board and serves on the board of the Friends of the First Tee of East Lake. He is a member of the Downtown Atlanta Rotary Club and is chair of the Rotary Educational Foundation of Atlanta. Yates received the Distinguished Service Award from the Atlanta Bar Association along with the WXIA Community Service Award for work with students at Therrell High School. He earned a bachelor’s degree and law degree from Emory University. He was a member of the Order of Coif, the Omicron Delta Kappa and the Order of the Barristers. He and his wife, Sally, have two children.

David F. Meldrum, State Board of Dispensing Opticians (Reappointment)
Meldrum is a Licensed Dispensing Optician and has been practicing in Georgia for 35 years. He is certified by the American Board of Opticianry and the National Contact Lens Examiners. Meldrum is also a master in ophthalmic optics. Meldrum is the current chairman of the American Board of Opticianry, and he sits on the board of directors of the National Academy of Opticianry as chairman of the Education Committee. His long-standing interest in opticians’ continuing education spans a number of years, and he has even co-authored books on the subject.

Richard W. Riley, Lake Lanier Islands Development Authority
Riley is a retired principal and executive vice president of Sawyer Riley Compton, an Atlanta advertising and public relations agency. A graduate of the University of Georgia, he served at his alma mater as an instructor in the Grady College of Journalism and Mass Communications, as well as director to the Dean of External Affairs. Today, he devotes time to family, church and several nonprofit organizations. Riley and his wife, Tena, reside in Gainesville. Together they have two children and four grandchildren.

Lori M. Smith, State Board of Examiners for Speech-Language Pathology and Audiology (Reappointment)
Smith has worked as an audiologist at Audiological Consultants of Atlanta since 1999. As a founding member of the Georgia Academy of Audiology, she currently serves as the Continuing Education chair and the 2012 convention chair. She is also involved in her community by serving on the Little Nancy Creek Park Board. Smith graduated from the University of Florida, where she received a doctorate in Audiology. She currently lives in Atlanta with her husband, Rick, and their three children.

James E. Radford, State Rehabilitation Council
For more than 25 years, Radford has been a planner with the Workforce Development Division of the Atlanta Regional Commission. He is the lead staff person for the board’s youth programs and for youth services planning. Prior to his current position, he taught English at Georgia Tech, worked in a
local adult literacy program, worked for the migrant and seasonal farm workers employment and training program and directed the start-up of a similar farm worker program in South Carolina. Radford is a graduate of Rice University, the University of Texas and the University of North Carolina. He and his wife, Sharon, have two children and two grandchildren.

Dorothea D. Cadet, State Rehabilitation Council
Cadet is employed by Chick-fil-A Inc. She serves on the Public Policy Committee of All About Developmental Disabilities (AADD) and is the president of the South Fulton Coalition for Understanding Inc. Cadet earned a bachelor’s degree from Georgia State University and a master’s degree from Luther Rice University. She has one adult son and lives in Union City.

Robin E. Blount, State Rehabilitation Council
Blount has worked in the disability field since 1989. She began working at the Georgia Advocacy Office as a staff attorney, where she served people with disabilities. She currently is the education services director for Parent to Parent of Georgia, which serves families of children with disabilities and special health care needs birth through 26; she is responsible for oversight of the Parent Training and Information Center for the state. Blount earned her bachelor’s in American Studies at Brandeis University in Massachusetts and her J.D. at the University of Georgia School of Law. She has dedicated her career to serving people with disabilities and their families. She is married with five children, one of whom has multiple disabilities.

E-mail: weeklypub1@comcast.net
Lee Carter, a native Roman, is a new associate at the Rome law firm Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP.

Carter will be representing the firm’s long-standing clients in all aspects of civil litigation — from pre-trial settlement negotiations to trial.

Carter practiced with King & Spalding, LLP in Atlanta for three years. While with King & Spalding, Carter’s practice focused on complex commercial litigation, including professional liability litigation, consumer class actions, and contract disputes in the financial services, real estate, construction, and defense industries.

Carter earned his law degree, cum laude, from the University of Georgia School of Law in 2008. He earned his undergraduate degrees in History and Political Science, magna cum laude, from the University of Georgia in 2005, and is a 2001 graduate of Rome High School.
Atlanta: Georgia Department of Banking and Finance has issued the following press release:

Blount has worked in the disability field since 1989. She began working at the Georgia Advocacy Office as a staff attorney, where she served people with disabilities. She currently is the education services director for Parent to Parent of Georgia, which serves families of children with disabilities and special health care needs birth through 26; she is responsible for oversight of the Parent Training and Information Center for the state. Blount earned her bachelor's in American Studies at Brandeis University in Massachusetts and her J.D. at the University of Georgia School of Law. She has dedicated her career to serving people with disabilities and their families. She is married with five children, one of whom has multiple disabilities.

For More Information Please Visit http://dbf.georgia.gov/
WSB Legal Expert Ron Carlson on Anthony Verdict

By Jay Black

After Casey Anthony was cleared of murder by a jury in Florida, News/Talk WSB caught up with legal expert and UGA law professor Ron Carlson.

News/Talk WSB: Despite nearly everyone thinking Casey Anthony was going down, are you surprised?

Ron Carlson: It absolutely does defy the imagination. The nation is in shock over this verdict and I'm sure the people are in Atlanta also. It is absolutely stunning. The last time I recall a verdict delivering a solar plexus punch to expectation as much as this was the first O.J. verdict 16 years ago.

WSB: What are some of the similarities between the Anthony and Simpson verdicts?

RC: The judges in both cases had to search for jurors that were relatively immune to information about the case. That made it difficult to find the kind of jurors they wanted. O.J.'s case was tried from January-October. The verdict came in in three hours. In this case also, we had a very rapid verdict. That suggested to me well before I heard it 'I think this one may go the same direction O.J.'s did' and it did.

WSB: What do you attribute the verdict?

RC: There will be a lot of soul-searching, who could the prosecuting have been improved? We had that before and we will have that with this one. Left unanswered is who killed the little girl? I think the prosecutors might have asked the jury in closing arguments 'If you consider finding her not guilty of this murder, please consider that you have to answer who killed this little child?' That is the big gorilla in the room.

WSB: But it is not up to Casey Anthony's defense to prove that.

RC: Here is a reflection on that. Everyone laughed at the defense attorney because of his potentially bizarre theories. Drowning in a swimming pool, trying to cover that up. He had the last laugh.

WSB: You think he threw just enough doubt to make it stick?

RC: He made what he was doing stick to the point that they had reasonable doubt. One thing the prosecution might have considered was expert testimony on whether a person who has been chloroformed can wake up and expire afterwards. Presenting the image that the youngster waking up in the trunk before she died. Trying to impart that kind of panic in the jury.
Gov. Deal Taps New Houston County Solicitor General

8:09 PM, Jul 6, 2011

PERRY - Gov. Nathan Deal has appointed Houston Judicial Circuit chief assistant district attorney Amy Elaine Smith to fill the solicitor general vacancy in Houston County. The vacancy was created by the resignation of the Honorable Robert Tawse on June 30.

"With 14 years of experience in the Houston County Judicial Circuit, Ms. Smith possesses the qualifications needed to fill this important role," said Deal. "Along with her expertise, Smith also has the motivation to move Houston County's system forward."

Smith, 41, earned her bachelor's degree from Illinois State University and her law degree from the University of Georgia School of Law. She and her husband, Brian, have three children.
Deal taps new Houston solicitor general

ATLANTA, Ga., (July 6, 2011) - Gov. Nathan Deal has appointed Houston Judicial Circuit chief assistant district attorney Amy Elaine Smith to fill the solicitor general vacancy in Houston County. The vacancy was created by the resignation of the Honorable Robert Tawse on June 30.

"With 14 years of experience in the Houston County Judicial Circuit, Ms. Smith possesses the qualifications needed to fill this important role," said Deal. "Along with her expertise, Smith also has the motivation to move Houston County's system forward."

Smith, 41, earned her bachelor's degree from Illinois State University and her law degree from the University of Georgia School of Law. She and her husband, Brian, have three children. Plasti-Paint's Heard County facility joins the company's two existing Class A painting operations in St. Louis, Mich., and DeWitt, Iowa. The company is refurbishing and adding additional square footage to an existing building in the Franklin Industrial Park for its new facility. "To say that we're excited about Plasti-Paint coming to Heard County would be an understatement; this is really huge for us," said Julie Pope, executive director of the Development Authority of Heard County. "We are ecstatic that PPI is locating in Franklin, Ga., and bringing quality jobs to Heard County."
States News Service
July 6, 2011 Wednesday

LENGTH: 400 words

HEADLINE: UGA EXPERTS TO OFFER COMMENTARY ON ANTHONY TRIAL, VERDICT

BYLINE: States News Service

DATELINE: Athens, GA

BODY:

The following information was released by the University of Georgia:

UGA experts available to offer commentary on the Casey Anthony trial and verdict

The following faculty experts from the University of Georgia are available to discuss a wide range of issues related to the Casey Anthony trial and verdict. Their contact information is included for your convenience. Please feel free to contact UGA News Service at 706/542-8083 or news@uga.edu should you need additional assistance.

Ronald L. Carlson

Fuller E. Callaway Chair of Law Emeritus

University of Georgia School of Law

Email: leecar@uga.edu

Phone: 715/376-4531 from 9:30 a.m. to 5 p.m.

Carlson can offer commentary on the Casey Anthony case in general, as well as on the following topics:

The "CSI effect" and how this could have impacted the jurors' willingness to convict

Lessons from the case: asking for the death penalty may have been too much with no eye witness and no confession

Reactions by the defendant and her parents after the verdict was delivered

What now? Is there still the possibility that Casey will have to serve some jail time?

A member of the Georgia Law faculty since 1984, Carlson specializes in the areas of evidence, trial practice and criminal procedure. He has written numerous books and articles in prominent law reviews on these topics and also has litigated numerous trial and appellate cases, including arguing before the U.S. Supreme Court. Additional information on Carlson is available at www.law.uga.edu/profile/ronald-l-carlson.

Barry Hollander

Associate Professor of Journalism

University of Georgia Grady College of Journalism and Mass Communication

Phone: 706/201-5799 from 9:30 a.m. to 5 p.m.
Hollander can offer commentary on the Casey Anthony case and how the media can sway public opinion in such high-profile cases. Hollander studies the political effects of new media and has published extensively on the ways people use talk radio, the Internet and the mainstream press. He worked as a journalist at daily newspapers in Mississippi, Louisiana and Florida, earning awards for spot news coverage and investigative reporting.

His popular blog, What People Know, is a discussion of social and political knowledge, how people learn (or don't learn), the role of media and why it all matters. Read it at www.whatpeopleknow.blogspot.com/

Additional information on Hollander is available at www.journalism.uga.edu/hollander.

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Mrs. Carrie Moore Adamson

Genealogist

Augusta, GA—Mrs. Carrie Moore Adamson, wife of the late Raymond J. Adamson and honorary president of the Augusta Genealogical Society, entered into rest on July 6, 2011 at Kentwood nursing facility in Augusta, GA.

A memorial service will take place on Tuesday, July 12, at 11 a.m. at Covenant Presbyterian Church, 3131 Walton Way Ext., Augusta. Visitation in the church parlor will follow the service. Interment will be in Arlington National Cemetery, at a later date.

A native of Clearfield County, Pennsylvania with Scotch-Irish paternal and German maternal lines to the colonial 18th century, Carrie was the daughter of Edward Parks Moore and Stella Narehood Moore. She attended Thompson College before her engagement to Raymond J. Adamson of Naugatuck, Connecticut. After their marriage in June, 1947, she resumed studies at the University of Connecticut and then accompanied Ray overseas to post-war Europe for 3 1/2 years. Stationed in Germany, they made many lasting friendships among other army couples.

When Ray was commanding his men in the field (one of whom was a young recruit named Elvis Presley), Carrie organized her own research trips in Europe and enjoyed her interest in photography.

Remaining at Fort Knox, KY, while Ray was on assignment in Korea, Carrie coordinated “Destination Korea” which raised huge amounts of food and clothing for Korean orphanages. She was also society editor of the post newspaper and hosted a weekly radio show. Later, she spent one year in Japan in independent study of Japanese culture and history. Crossing the Pacific on a barge with a group of missionaries bound for Asia, she lodged with an organization under the leadership of an Irish nun known as “Sensei” who won international fame for her humanitarian work and for her conversion of some of the former Japanese war generals to Christianity.

Assignments on various posts in the states in Civil Affairs eventually led to Georgia, where the Adamson’s became residents in 1964. Lt. Col. Adamson served in Vietnam and Carrie served as president of the Fort Gordon Officers Wives Club. After his last assignment at Fort Gordon, the couple made decisions to reside permanently in Augusta and to attend the University of Georgia. Ray earned his J.D. degree from the UGA School of Law, and Carrie graduated summa cum laude with a B.A. in Journalism and recognition by Phi Beta Kappa and Phi Kappa Phi. She was president of the Augusta Friends of the Library and served on the commission for the 200th Celebration of the Founding of Augusta.

Known for her interest in history and genealogy, Carrie was a frequent speaker to civic
and education organizations. Her greatest community impact, however, began in the summer of 1979 after speaking to a group at the Augusta Public Library. Enthusiasm for the channeling of genealogical interests led to the formation of the Augusta Genealogical Society with Carrie as chartering president and later as librarian and editor of the monthly newsletter Southern Echoes, the journal Ancestoring, and the Ancestoring Monograph Series, as well as a nationally publicized genealogy book, Genealogical Letters: When Your Ox Is In the Ditch. She also edited an acclaimed Summerville Cemetery (Augusta) book published by AGS in 1990. Speaking to groups throughout the Southeast, her lectures often emphasized migration patterns of the Scotch-Irish and other ethnic groups into the South. She was a lecturer in 1988 and 1992 at National Genealogical Society conferences.

A graduate of the National Institute on Genealogical Research, Washington, D.C., Carrie attended and lectured at Samford University Institute of Genealogy and Historical Research and was on faculty from 1990-2004.

Known locally as “the cemetery lady” for conducting innumerable tours of local cemeteries, especially Summerville and Magnolia, she was the recipient of a Certificate of Commendation from the American Association for State and Local History for research and interpretation of Augusta, Georgia cemeteries.

During the 25th anniversary of the founding of the Augusta Genealogical Society in 2004, a bronze plaque was unveiled at the entrance of the AGS library to name the building in honor of charter members # 1/1A Raymond and Carrie Adamson.

Carrie was honored in 2005 by the Georgia Humanities Council with the Governor’s Award, the first presented in the field of genealogy, and in 2008 by the Georgia Archives for Lifetime Achievement. Archives Director David Carmichael called her “first and foremost a genealogist” during a long career of teaching thousands of researchers to locate their ancestors.

The AGS Adamson Library, 1109 Broad Street, is her legacy. Its founding is her gift to Augusta, her adopted Southern city. Many members of AGS became her extended family for several decades. She treasured her friends Elizabeth Swink and the late John Swink, Sarah Montgomery, Ruth Shaw, Jerry Scott, Octavia Garlington, Mae Rachels, Georgia Lane, Jean Smith and Janice Johnson.

She was reared as a Methodist but became a member of Covenant Presbyterian Church in Augusta in later years. She also made friends among the nursing staff at Kentwood in Augusta who provided excellent care and concern.

Carrie was preceded in death by her husband Raymond Adamson, her parents, and brothers Earl Edward “Bud” Moore, and Leonard Parks Moore.


In lieu of flowers, memorials may be made to the Augusta Genealogical Society, P.O. Box 3743 Augusta, GA 30914-3743 or to Covenant Presbyterian Church, 3131 Walton Way Ext., Augusta, GA 30909.
Ex-Gwinnett commissioner's bribery indictment dismissed

By Andria Simmons
The Atlanta Journal-Constitution

6:30 p.m. Thursday, July 7, 2011

A former Gwinnett County commissioner accused of taking up to $1 million in bribes from a developer to arrange land deals was handed a victory Thursday when the Georgia Court of Appeals dismissed his indictment.

The victory is likely to be short-lived, though, since Gwinnett County District Attorney Danny Porter immediately pledged to seek a new indictment from another grand jury.

The court held that the special purpose grand jury did not have the legal authority to return the criminal indictment it handed down Oct. 8 against former commissioner Kevin Kenerly. The special purpose grand jury was impaneled only to investigate the acquisition of property by the Gwinnett County Board of Commissioners, the court said.

The grand jury was assembled Sept. 23, 2009, after The Atlanta Journal-Constitution published a series of stories about suspicious county land deals. The newspaper discovered commissioners may have paid well-connected developers millions of dollars more for their land than it was really worth.

Kenerly's indictment included one count of bribery and two counts of failing to disclose a financial interest in two properties he voted to rezone. Grand jurors said Kenerly "directly or indirectly" accepted or agreed to accept payments totaling $1 million as bribes for arranging for the county to buy real estate.

Kenerly's defense attorney, Pat McDonough, said Thursday his client is innocent. "While we are certainly pleased with today's victory on a point of law, make no mistake that we are also ready to win this case on the facts."

Kenerly resigned from office in November, saying the charges had become a distraction for the county.

A grand jury could hand down a new indictment as early as Wednesday, but it is more likely to be July 20, Porter said. The citizen panel meets
Porter said he was surprised by Thursday’s ruling. He said he will ask the court to reconsider.

"It's an incorrect interpretation of the law," Porter said, although he said no case law is exactly on point. "Everybody knew we were making new law and it could go one way or the other. I just think it happened to go the wrong way."

If the Court of Appeals won't reconsider, Porter said he will appeal the case to the state Supreme Court.

Will Warrick, the vice-foreperson of the special purpose grand jury, said Thursday that he had no regrets.

"If it goes through due process all the way to that level of the courts and the indictment is dismissed, then justice has been done," Warrick said. "It's out of my hands. I did my job."

State law surrounding special grand juries is still a work in progress and the boundaries of their powers are still being spelled out by the courts, said Ronald Carlson, a University of Georgia law professor. Carlson believes Porter was right in seeking indictments from the special purpose grand jury. He said the panels should be allowed to hand down indictments, because they are closest to the facts.

"It just makes for a much more efficient system if they can proceed with charges rather than having to do yet a second round of educating a new grand jury," Carlson said.

Find this article at:
SMITH: Visit to small town renews hopeful feeling

This being watermelon season, you probably agree that you can't stop after just one slice. You always want more, which is the way I feel emotionally about visiting the Hopeful General Store, run by Dennis White. There are plenty of watermelons at Dennis' place, by the way.

Reporter: Loran Smith

HOPEFUL
This being watermelon season, you probably agree that you can't stop after just one slice. You always want more, which is the way I feel emotionally about visiting the Hopeful General Store, run by Dennis White. There are plenty of watermelons at Dennis' place, by the way.

My first time here was unscheduled. It just looked like an interesting place, and it is. The first time I heard of Hopeful was from a conversation from former Lt. Gov. George T. Smith, who enrolled in high school in Hopeful as a grown man. He had to quit school as a boy to work on the farm, but wanted an education badly and signed up for high school classes at an age when most people were finishing. His classmates called him Grandpa.

While that is another story, it is a reminder that the first thing a poor boy, or girl for that matter, needs to acquire an education is a commitment. Appreciating the value of an education enhances opportunity, too. George T. Smith, who died at 92, didn't let the awkwardness of spending class with kids who were five and six years his junior keep him from a diploma which led to a law degree at the University of Georgia.

Later he was elected to the second-highest office in our state. Communities like Hopeful often are where you find
overachievers, like George T. Smith, who do something good in life.

With an appointment down the road from Hopeful, where Georgia highways 65 and 97 intersect, I left Thomasville, where I was anchored for a couple of days, so I could have breakfast at the Hopeful General Store.

Coffee clubs abound everywhere across this great country — often at an informal gathering spot where people poke fun at one another, small talk and gossip. At the Hopeful General Store they gather 'round in folding chairs in a semicircle and discourse on familiar topics. Weather (downcast with corn burning up in the fields and cotton having been replanted because of extremely dry conditions), politics (jaded views about the president and the governor), Georgia football (not giving up but frustrated that the Bulldogs haven't competed for a championship lately) and fishing. The latter, said Brady Clark "is about the only good news we've had lately." Brady has a reputation of finding fish no matter the conditions.

A lively conversation ensued among Glenn Cox, Donald Shirah, Lee Kirbo, Earnest Flournoy and Scott Smith. Somebody knew about somebody somewhere nearby killing a big rattlesnake. Vince Smith, the father of running back Vince Smith Jr., who signed to play football at Michigan, walked by, causing this reaction from Donald Shirah: "How come y'all missed out on him?" I changed the subject.

Light-hearted banter was directed toward Glenn Cox, whose family all profess allegiance to the University of Georgia, but he has a daughter at Florida.

"They are going to make a Gator out of you one of these days," Dennis laughed. Glenn shot back, "That'll never happen. I ain't switching."

The harvesting of sweet corn has just ended.

"We have some of the best," Dennis said. Sacking up a few roasting ears for a visitor, he said, "try this," and he handed over a half ear of fresh corn. Having grown up on a farm, I've tried many things in its raw state, but never uncooked corn on the cob. "That's the best way to eat it," said Dennis' son, D. J.

After taking a bite, it was convincing. Raw corn is very good. As I moved down highway 65 in the direction of Pelham, I munched on the sweet corn, refreshed and re-energized by good conversation with good folk who count their blessings and who are anxious, like folks all over this state, for the Bulldogs to return to the Georgia Dome.

Loran Smith is co-host of “The Tailgate Show” for Georgia football. He is also a freelance writer and columnist.
Deal names new solicitor general for Houston County

ATLANTA — Georgia Gov. Nathan Deal has appointed a new solicitor general for Houston County.

The governor said in a statement Wednesday that Houston Judicial Circuit chief assistant district attorney Amy Elaine Smith will fill the vacancy left by the resignation of Robert Tawse on June 30.

The governor says Smith has 14 years of experience in the Houston County Judicial Circuit.

The 41-year-old earned her bachelor's degree from Illinois State University and her law degree from the University of Georgia School of Law.
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Deal names prosecutor for state post in Houston

BY BECKY PURSER

WARNER ROBINS — Amy Smith, chief assistant district attorney for Houston County, has been appointed by the governor to fill the Houston County state solicitor post.

"With 14 years of experience in the Houston County Judicial Circuit, Ms. Smith possesses the qualifications needed to fill this important role," said Gov. Nathan Deal in a statement released Wednesday. "Along with her expertise, Smith also has the motivation to move Houston County's system forward."

State Solicitor Rob Tawse, 67, who was elected in 2010 to another four-year term, resigned June 30 due to health issues that he said were increasingly drawing him away from a heavy caseload. He has held the post for 12 years.

"I'm honored and thrilled and honored and just ready to get started and continue to do some good work for Houston County," Smith said Thursday.

Smith, 41, a career prosecutor, has served the last 14 years with the Houston County District Attorney's Office.

She noted that she'll have some "big shoes to fill." A swearing-in date has not yet been set, but Smith said she expects it will take place sometime the week after next.

Smith said she plans to take it one day at a time when she takes office, and she knows the State Solicitor's Office does good work.

She said her last day with the District Attorney's Office is July 15. In her current position, she supervises a staff of about 25 people. She was previously a senior assistant district attorney for about 10 years.

In a previous interview about her interest in the post, Smith said, "I want to do it because I'm a career prosecutor that firmly believes that State Court has an important role in the judicial system."

She noted the State Solicitor's Office is a "stopgap." "It's the first place that people show up in the judicial system," she said.

The solicitor's office has an opportunity to attempt to intervene at the misdemeanor level before crimes escalate into more serious offenses, Smith said.

Smith earned her bachelor's degree from Illinois State University and her law degree from the University of Georgia School of Law, according to the governor's release. She and her husband, Warner Robins police Lt. Brian Smith, have three children.

Smith and Warner Robins attorney Carl Veine Jr., 63, applied for the governor's appointment to fill the post.

The term expires Jan 1, 2013.

To contact writer Becky Purser, call 256-9559.
Friday, July 08, 2011
Deal names new solicitor general for Houston Co.
By Associated Press

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Education Notes: Vickers graduates from UGA School of Law

FROM STAFF REPORTS

education@newnan.com

Natalie Marie Vickers of Newnan graduated from the University of Georgia School of Law on May 21, 2011, receiving a juris doctor degree. Vickers graduated in the top ten of her class in 2004 from East Coweta High School.

At ECHS, Vickers participated in many clubs and organizations. Much of her extra-curricular time was spent either dancing with Bettina Carroll's School of Dance or cheering for the East Coweta Indians. Vickers served as a captain of the Varsity Cheerleading Squad her senior year at ECHS.

After graduating from high school, Vickers moved to Athens to attend the University of Georgia for undergraduate studies. In the summer of 2006 she was selected by UGA faculty to study abroad at the Oxford University in Oxford, England. While in Europe, Vickers was also able to travel to Ireland and France. In 2008 Vickers graduated from UGA with two degrees: A bachelor of arts in international affairs and a bachelor of arts in History.

Vickers placed in the top 15 percent of her 2008 undergraduate class at UGA. After completing her undergraduate studies, Vickers was accepted to the University of Georgia's School of Law.

During Law School, Vickers served as the 1L Class President for the Student Bar Association and as a Dean's Ambassador. In the summer of 2009, following her first year of Law School, Vickers travelled to Brazil for three months. Vickers participated in Georgia State University Law School's Study Abroad program in Rio de Janeiro for six weeks. Following the study abroad, Vickers traveled to Recife, Pernambuco, in Northern Brazil to work for Siquiera Castro Advogados, which is the second largest law firm in Central and South America. Vickers was accepted for the position through UGA Law School's Global Internship Program. While at Siquiera Castro, Vickers attended trial and appellate level court proceedings and translated and re-drafted multi-million dollar international business contracts.

In Vickers' last year of Law School, she was selected to work with the United States Securities & Exchange Commission in their Atlanta Regional Office.

During her SEC placement, Vickers worked with a small team to bring eleven defendants, who had been involved in an international bank fraud scheme to justice.

Vickers plans to practice law north of Atlanta.
Sharpsburg resident Alexandra Valentine has been awarded a $1,000 leadership scholarship from Chick-fil-A., Inc. Valentine was nominated by Mike Holmes, operator of the Peachtree City Chick-fil-A.

"The program recognizes employees who have acquired the leadership qualities and skills necessary to be successful in life while provided an additional incentive for our employees to remain dedicated and work hard," said Holmes.

Leslie Munoz of Newnan, daughter of Claudia Snyder, was named to the dean's list of Emory College, the undergraduate, liberal arts college of Emory University in Atlanta, for the 2011 spring semester. Students must be in the top 20 percent of Emory College or have approximately a 3.86 grade point average or higher to be named to the dean's list.

The following students were named to the merit list of Oxford College, the two-year liberal arts division of Emory University located in Oxford, for the 2011 spring semester:

Zachary Vann of Newnan, son of Dr. David E. Vann and Dr. Jodi W. Vann.

Carrielee Crenshaw of Newnan, daughter of Melanie D. Crenshaw.

Students must earn a grade point average of 3.0 or higher during the previous semester to be named to the merit list.

The following area residents received a degree from Emory University in Atlanta, at its 166th commencement ceremony on May 9, 2011:

Zachary Chahalis of Newnan, son of James Chahalis of Newnan, and Linda Chahalis of Newnan, received an associate in arts from Oxford College of Emory University.

Leslie Munoz of Newnan, daughter of Claudia Snyder, received a bachelor of arts from Emory College of Emory University.

Ryan Murray of Newman, son of Jennie Strickland Murray of Newnan, and Patrick Murray of San Francisco, Calif., received a bachelor of science from Emory College of Emory University.

Carrielee Crenshaw of Newnan, daughter of Melanie Crenshaw, received an associate in arts from Oxford College of Emory University.

Matthew Cauthen of Newnan received a master of business administration from the Goizueta Business School of Emory University.

Daisy Lee of Senoia, daughter of Gary Lee and Lesley Lee, received a bachelor of arts from Emory College of Emory University.
Kati Miller of Senoia, daughter of Michael Jeffrey Miller and Gertrude Carroll Miller, received a bachelor of arts from Emory College of Emory University.

Rachael Maynard of Senoia received a master of public health from the Rollins School of Public Health of Emory University.

BriHanna McDaniel of Fairburn, daughter of Franklin McDaniel and Brillabeth Hillary McDaniel, received a bachelor of arts from Emory College of Emory University.

Jonielle Turner of Fairburn received a doctor of law from the School of Law of Emory University.
Cobb DA to try imprisoned killer in 32-year-old crime

By Rhonda Cook
The Atlanta Journal-Constitution

2:39 p.m. Friday, July 8, 2011

The armed robbery was 32 years ago, and the man accused of it has been in prison all that time for killing a 72-year-old man while running from police.

Still, Cobb County’s district attorney says it’s time Raymond Franklin face the charges that he used a shotgun to steal money and a 1965 Chevrolet Chevelle on Jan. 7, 1979. DA Pat Head says it’s irrelevant that Franklin already is in prison for the unrelated killing of Claude Collie.

Head reopened the long-closed case five days before Franklin was to have been paroled after 28 years in prison because, the prosecutor said, there are some people who should never leave prison and Franklin is one of them.

"Why not now?" Head said of his decision to take the armed robbery charge to trial. "It's been on the dead docket all this time. I've got all the witnesses [ready to testify]."

So on Monday, Franklin will go on trial in Cobb County in connection with a theft, armed robbery and aggravated assault committed 10 days before Collie was killed in his home.

"It's a fairly unusual step to, after 30 years, bring up charges that have languished that long," University of Georgia law professor Ron Carlson said. "All over the state they [prosecutors] will take cases off the table, but this [Franklin case] is not due to any new discovery [of evidence or a witness]. This is simply to ensure that this person stays in jail."

There will be no jury. Franklin has asked Cobb Judge Lark Ingram to decide the case because of the complicated legal questions that will be more central to this case than the question of Franklin’s guilt or innocence.

“One of the largest issues that’s going to be addressed ... will be how much credit he would get for the time served in prison since 1979,” said Jason Swindle, who is representing Franklin. “I’m going to employ every legal tool I have to make sure he gets out of prison at some point. Mr. Franklin has truly, truly been rehabilitated.”

Since the Georgia Supreme Court has already said Franklin’s right to a speedy trial was abused, Swindle said he will argue Monday that the passage of time violates Franklin’s right to due process and that it’s too late to try the charges.
But John Marshall Law School professor Michael Mears pointed out that the statute of limitations shouldn't be an issue because Franklin was indicted in 1979; that stopped the legal clock. But the decision to try the armed robbery charge "runs counter to the intent of the [dead docket] procedures," Mears said.

Collie’s daughter declined to comment before the trial, but in 2007, when the armed robbery case was revived, she was adamant Franklin should never be free.

Convicting him of armed robbery should ensure he will stay in prison for many more years, Gladys Collie told The Atlanta Journal-Constiution four years ago.

"That boy is mean," she said. "I don't think he's reformed. I think if he gets out, he'll kill again."

Court Administrator Tom Charron, the district attorney in 1979, remembers the crime well.

"It took the whole county by storm because there was a manhunt," Charron said.

Franklin, in jail just on charges, was one of four inmates shackled and chained together and taken to a local dentist’s office for treatment the morning of Jan. 17, 1979. Before he could be put back in leg irons, Franklin grabbed a deputy’s revolver and escaped, taking a 24-year-old dental hygienist hostage.

Moments later, Franklin knocked on Collie’s door, demanding the key to the car in the driveway.

Collie slammed the door and Franklin shot twice. One bullet passed through the door, striking Collie. Franklin claimed it was an accident, that he never intended to kill Collie.

A jury saw it differently, saying Franklin should die.

In 1985 the U.S. Supreme Court threw out that conviction. Franklin was convicted a second time, but that jury said his punishment should be life in prison.

Crime had been Franklin’s life for many years before he killed Collie, according to records. He was convicted at 14 for stealing a car and at 16 for drug possession. He pleaded guilty at age 17 to robbery by snatch. His next crime was burglary, and he pleaded guilty to that, too.

But Franklin’s file also shows he tried to improve himself once in prison. He received his GED, then two two-year college degrees and certificates for classes in various trades.

Franklin was eligible for parole in 1986, the year after his second trial, but he was turned down 12 times until the Parole Board tentatively agreed to release him in the fall of 2006.

Franklin was in a halfway house in Macon and working for a moving company in October 2006 when he was notified five days before he was to be paroled that he would return to prison. Head had put a "hold" on his release and notified the Parole Board that there was a case pending against Franklin.

Franklin and his attorney insist that the Raymond Franklin of 1979 -- the 21-year-old killer -- is gone.

"Back in the '70s, there's no question he was extremely violent," said Swindle, his attorney.
At 53, Franklin says he's rehabilitated, noting that at the halfway house he lived and worked in a free world for months.

"My conduct 32 years ago is inexcusable," Franklin said in a letter to The Atlanta Journal-Constitution. "But the Parole Board had decided I was ready for release."

Find this article at:
District attorneys weigh indictments in APS cheating case

By Bill Rankin
The Atlanta Journal-Constitution

9:10 a.m. Saturday, July 9, 2011

The Atlanta schools cheating case is now in the hands of three local district attorneys, who must decide whether the scandal is also criminal.

District attorneys in Fulton, DeKalb and Douglas counties said they are reviewing the voluminous report by state investigators and will decide whether to seek indictments.

Douglas County DA David McDade said Friday he expects it will take prosecutors a considerable amount of time to reach decisions. He noted that the GBI's investigative file in the case amasses 120 volumes.

As prosecutors consider their options, scores of current and former APS educators and administrators, some at the highest levels of the system, are left wondering whether police officers will knock on their doors.

"I'm sure there are a lot of people who have great concern right now," said Ron Carlson, a University of Georgia criminal law professor. "Some of the allegations in this report are gravely serious."

Among the potential charges: giving false statements to investigators or altering public documents, which are felonies with penalties of up to 10 years in prison. School officials who submitted test scores they knew to be false also face possible felony charges and up to five years in prison.

Anyone who destroyed documents or instructed subordinates not to cooperate could be charged with obstruction of justice, a misdemeanor.

The report says 178 educators, including 38 principals, participated in cheating on standardized tests. It also accuses top administrators of destroying or altering complaints about misconduct and trying to hinder the investigation.

When former Gov. Sonny Perdue launched the probe last August, he stressed that teachers who cheated but were honest with investigators should not be criminally prosecuted. Gov. Nathan Deal restated that directive after he took office, the report says.

The report says investigators obtained confessions from 82 educators. Some of the remaining 96 refused to answer questions, asserting their Fifth Amendment right against self-incrimination. Others lied, the report alleges.
In some sections, the investigative report reads like a criminal indictment. Some administrators “aided and abetted” cheating, it says. It also notes that educators, at the behest of investigators, wore hidden recording devices and recorded phone calls with others suspected of wrongdoing.

J. Tom Morgan, a former district attorney, said he has never seen an executive agency issue a report like the one released to the public in the APS case that names individuals and accuses them of crimes without having first been approved by a grand jury.

“It puts the DAs in an awkward position,” he said, noting the local prosecutors did not oversee the investigation and must now deal with immunity agreements granted to witnesses that they did not approve.

Morgan, who represented APS, said he was not speaking on behalf of the system.

Already, some implicated in the investigation have criticized the report’s findings. Former Superintendent Beverly Hall said through her lawyer that no evidence shows she knew widespread cheating occurred. The report says Hall knew or should have known cheating was widespread in the district.

Three teachers from Finch Elementary also denounced the report’s assertion that they changed test answers.

“We are shocked and enraged that the system and politicians are trying to make the teachers scapegoats for a systemic problem that has pervaded [APS] for years,” teachers Sharona Thomas-Wilson, Tyrone Shorter and Joya Florence said in a statement. “We cannot sit back and be slandered in reports when we did nothing wrong. We will fight to clear our names.”

Atlanta defense attorney Bruce Harvey, who represents six APS educators, criticized investigators for disclosing the names of those who exercised their Fifth Amendment rights. “That’s the touchstone of a witch hunt, not an investigation,” Harvey said.

Former Venetian Hills Elementary principal Clarietta Davis was one of six principals who declined to answer questions. The report said Davis cheated and directed others to cheat on tests from 2004 to 2009.

The report lists 20 questions Davis refused to answer, such as whether she pressured teachers to cheat and whether she received bonus money from APS based on test scores she knew were false. Davis “categorically denies” wrongdoing, Harvey, her attorney, said.

The report notes that an educator’s refusal to answer questions is an implied admission in a civil proceeding, such as when the state Professional Standards Commission decides whether to suspend or revoke an educator’s license. It cannot, however, be used to imply guilt in a criminal case.

Of the three DAs, Fulton District Attorney Paul Howard has, by far, the most to consider. The investigative report — compiled by former state Attorney General Mike Bowers, former DeKalb DA Bob Wilson and investigator Richard Hyde — alleges cheating in 40 schools in Fulton and misconduct at APS headquarters.

In November, Howard designated Bowers and Wilson as special assistant DAs. On Tuesday, hours after
they stood next to Deal at the governor’s news conference on the report, Bowers and Wilson briefed
Howard on their findings.

Howard said a member of his senior staff is now reviewing the case, and once that is completed, “we will
make an announcement at that time.”

McDade, the Douglas County DA, said he has reviewed the report, which alleges four teachers at
Gideons Elementary took students’ answer sheets to a teacher’s Douglasville home. Over a weekend,
the teachers allegedly held a “changing party” to correct wrong answers.

The special investigators granted immunity to the Gideons teachers in exchange for their testimony, so
they cannot be prosecuted, McDade said Friday. “So our focus is on the administrators or supervisors of
those teachers.”

Cheating also occurred in at least four APS schools — East Lake Elementary, Whitefoord Elementary,
Coan Middle and Toomer Elementary — in DeKalb, the report said.

In 2009, the DeKalb DA’s office obtained a conviction against former principal James Berry of DeKalb’s
Atherton Elementary School for falsifying a state document in a test-cheating case. He received two
years on probation and was ordered to pay a $1,000 fine.

Prosecutors decided not to indict assistant principal Doretha Alexander, who was also implicated, after
she agreed to serve 40 hours of community service at a food bank. They no longer work for the school
system.

Atlanta lawyer Don Samuel, who represented Alexander, said APS employees facing possible criminal
charges should consider damage control if they think there is considerable evidence against them. This
includes agreeing to cooperate or cutting a deal.

“Losing their license is one thing,” he said. “Facing a criminal prosecution is quite another.”

Staff writer Alan Judd contributed to this article.

Find this article at:
District attorneys weigh indictments in APS cheating case (Atlanta Public Schools)
The Atlanta Journal-Constitution | July 9, 2011 | Bill Rankin

Posted on Sunday, July 10, 2011 11:16:34 AM by barmag25

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(Excerpt) Read more at ajc.com...
Mrs. Carrie Moore Adamson, wife of the late Raymond J. Adamson and honorary president of the Augusta Genealogical Society, entered into rest on July 6, 2011 at Kentwood Nursing Facility, in Augusta, GA.

A memorial service will take place on Tuesday, July 12, at 11 a.m. at Covenant Presbyterian Church, 3131 Walton Way Ext., Augusta. Visitation in the church parlor will follow the service. Interment will be in Arlington National Cemetery, at a later date.

A native of Clearfield County, Pennsylvania with Scotch-Irish paternal and German maternal lines to the colonial 18th century, Carrie was the daughter of Edward Parks Moore and Stella Narehood Moore. She attended Thompson College before her engagement to Raymond J. Adamson of Naugatuck, Connecticut. After their marriage in June, 1947, she resumed studies at the University of Connecticut and then accompanied Ray overseas to post-war Europe for 3 years. Stationed in Germany, they made many lasting friendships among other army couples.

When Ray was commanding his men in the field (one of whom was a young recruit named Elvis Presley), Carrie organized her own research trips in Europe and enjoyed her interest in photography.

Remaining at Fort Knox, KY, while Ray was on assignment in Korea, Carrie coordinated "Destination Korea" which raised huge amounts of food and clothing for Korean orphans. She was also society editor of the post newspaper and hosted a weekly radio show. Later, she spent one year in Japan in independent study of Japanese culture and history. Crossing the Pacific on a barge with a group of missionaries bound for Asia, she lodged with an organization under the leadership of an Irish nun known as "Sensei" who won international fame for her humanitarian work and for her conversion of some of the former Japanese war generals to Christianity.

Assignments on various posts in the states in Civil Affairs eventually led to Georgia, where the Adamson's became residents in 1964. Lt. Col. Adamson served in Vietnam and Carrie served as president of the Fort Gordon Officers Wives Club. After his last assignment at Fort Gordon, the couple made decisions to reside permanently in Augusta and to attend the University of Georgia. Ray earned his J.D. degree from the UGA School of Law, and Carrie graduated summa cum laude with a B.A. in Journalism and recognition by Phi Beta Kappa and Phi Kappa Phi. She was president of the Augusta Friends of the Library and served on the commission for the 200th Celebration of the Founding of Augusta.

Known for her interest in history and genealogy, Carrie was a frequent speaker to civic and education organizations. Her greatest community impact, however, began in the summer of 1979 after speaking to a group at the Augusta Public Library. Enthusiasm for the channeling of genealogical interests led to
the formation of the Augusta Genealogical Society with Carrie as chartering president and later as librarian and editor of the monthly newsletter Southern Echoes, the journal Ancestoring, and the Ancestoring Monograph Series, as well as a nationally publicized genealogy book, Genealogical Letters: When Your Ox Is In the Ditch. She also edited an acclaimed Summerville Cemetery (Augusta) book published by AGS in 1990. Speaking to groups throughout the Southeast, her lectures often emphasized migration patterns of the Scotch-Irish and other ethnic groups into the South. She was a lecturer in 1988 and 1992 at National Genealogical Society conferences.

A graduate of the National Institute on Genealogical Research, Washington, D.C., Carrie attended and lectured at Samford University Institute of Genealogy and Historical Research and was on faculty from 1990-2004.

Known locally as "the cemetery lady" for conducting innumerable tours of local cemeteries, especially Summerville and Magnolia, she was the recipient of a Certificate of Commendation from the American Association for State and Local History for research and interpretation of Augusta, Georgia cemeteries.

During the 25th anniversary of the founding of the Augusta Genealogical Society in 2004, a bronze plaque was unveiled at the entrance of the AGS library to name the building in honor of charter members Raymon and Carrie Adamson.

Carrie was honored in 2005 by the Georgia Humanities Council with the Governor's Award, the first presented in the field of genealogy, and in 2008 by the Georgia Archives for Lifetime Achievement. Archives Director David Carmichael called her "first and foremost a genealogist" during a long career of teaching thousands of researchers to locate their ancestors.

The AGS Adamson Library, 1109 Broad Street, is her legacy. Its founding is her gift to Augusta, her adopted Southern city. Many members of AGS became her extended family for several decades. She treasured her friends Elizabeth Swink and the late John Swink, Sarah Montgomery, Ruth Shaw, Jerry Scott, Octavia Garlington, Mae Rachels, Georgia Lane, Jean Smith and Janice Johnson.

She was reared as a Methodist but became a member of Covenant Presbyterian Church in Augusta in later years. She also made friends among the nursing staff at Kentwood in Augusta who provided excellent care and concern.

Carrie was preceded in death by her husband Raymond Adamson, her parents, and brothers Earl Edward "Bud" Moore, and Leonard Parks Moore.


In lieu of flowers, memorials may be made to the Augusta Genealogical Society, P.O. Box 3743 Augusta, GA 30914-3743 or to Covenant Presbyterian Church, 3131 Walton Way Ext., Augusta, GA 30909.

Please sign the guestbook and send condolences at:

www.plattsfuneralhome.com

Flatt's Funeral Home, 721 Crawford Avenue, Augusta, GA 30904, 706-733-3636.

Sign the guestbook at AugustaChronicle.com/obits

The Augusta Chronicle—July 10, 2011

GRAPHIC: Adamson mug
Kelly Warner joins Floyd

Kelly Wingo Warner has joined the Women’s and Children’s Services department at Floyd Medical Center as a childbirth educator.

In this role Warner will teach childbirth education classes for expectant parents.

Warner earned her Bachelor of Arts degree from Georgia State University. She earned a master’s level certification as a Lamaze certified childbirth educator from Florida State University. Prior to joining Floyd, she served as a health educator for 12 years at Wellstar Kennestone Hospital.

Warner attends the Rome Ward of the Church of Jesus Christ of Latter Day Saints. She and her family reside in Rome.

Covington joins McDonald Wealth

Dean Covington Jr. has become affiliated with McDonald Wealth Management in Rome. A native of Rome and a graduate of Darlington School, he attended the University of Georgia receiving his A.B. degree and earning his law degree in 1965. While at UGA Law School he was a member of the Phi Delta Phi, a noted legal fraternity and was on the Board of Governors in 1964 and 1965. Between 1971 and 1985, Covington served as corporate counsel for Gulf States Paper, advising the board of directors and executive management on legal matters affecting the company and shareholders.

Covington entered the financial services industry in 1985 and has been registered and licensed in the investment and insurance industry for 25 consecutive years. He is a member of the Exchange Club of Rome, Coosa Valley Fair Association and the Forum Advisory Committee.

"We are proud to have Dean with his diverse background. He brings broad-based understanding and experience to serve the needs of his clients and their financial decision making process," said Don McDonald, president of McDonald Wealth Management.

McDonald Wealth Management is a financial services firm specializing in investment, insurance, and estate planning, with affiliates in Calhoun, Kennesaw, Rome and Oxford, Ala.

Covington lives in Rome with his wife, Claudette.
Student Fights Loud Noise Ticket

By Bob Coxe

Atlanta, GA — The Georgia Supreme Court will hear arguments in a case involving a UGA law student who got cited for a loud party.

Tuesday, justices take up the case of Ian Grady, who hired a live band in 2009 to celebrate his law school acceptance. He lived in a downtown apartment over the Wild Wing Cafe.

Even though no one complained, Athens-Clarke County Police cited him for violating an ordinance that bans any noise you can hear from over 100 feet away at night—300 feet away in daylight hours.

Grady was fined $350, which was reportedly twice the amount for first-time noise ordinance violators.

His lawyer argues the ordinance is unconstitutional because it violates his free speech rights. He also notes, "Downtown Athens is not a sheep meadow."

Lawyers for the city and county defend the ordinance as a way to protect the rights of others.
U.S. Supreme Court’s ruling gives muscle to Confrontation Clause
by Kimberly Atkins
Dolan Media Newswires

BOSTON, MA -- The U.S. Supreme Court’s ruling that the Confrontation Clause bars admission of laboratory reports such as blood-alcohol content tests through the in-court testimony of an analyst who did not personally perform the test was viewed as a major victory by some defense attorneys.

But others say it’s a limited win from a Court that routinely makes it harder for criminal defendants to prevail.

“It’s supposed to be hard to convict somebody. The Framers of the Constitution made it that way,” said Edward J. Blum, a Los Angeles defense attorney. “They created a huge burden [for prosecutors] to overcome to get to a guilty verdict.”

In a 5-4 ruling that relied heavily on the Court’s 2009 decision in Melendez-Diaz v. Massachusetts – which held that the Confrontation Clause requires lab technicians who prepare forensic reports used in criminal trials to be available for cross-examination – Justice Ruth Bader Ginsburg wrote for the majority that the Confrontation Clause “does not tolerate dispensing with confrontation simply because the court believes that questioning one witness about another’s testimonial statements provides a fair enough opportunity for cross-examination.”

‘Bipolar’ on constitutional protections?

The ruling in Bullcoming v. New Mexico was hailed by some defense attorneys as a key protection of the “core right of the accused in the American criminal justice system: the right to confront the specific witnesses against him or her,” as Barbara E. Bergman, a past President of the National Association of Criminal Defense Lawyers and a co-author of NACDL’s amicus brief, said in a statement after the decision.

But other defense attorneys said that the split decision, tempered by the Court’s myriad rulings against defendants in Fourth Amendment exclusionary rule cases, doesn’t feel like a slam dunk win.

“Bullcoming makes the Court seem rather bipolar when you consider the Davis [v. U.S.] case,” said Blum, who focuses on DUI and DWI cases.
In Davis, the Court held that while generally police cannot search a vehicle incident to an occupant’s arrest after the arrestee has been secured and can’t reach the vehicle, evidence from such a search is admissible where the police officer relied in “good faith” on existing precedent at the time.

That ruling is one of several in recent years where the Court ruled against defendants in search and seizure cases, leading to the assertion by some defense attorneys that the justices were chipping away at the Fourth Amendment.

“But the opposite is happening in Bullcoming” and Melendez-Diaz, Blum said. “In these cases the Court is saying: ‘We are going to increase [defendants’] Sixth Amendment Confrontation Clause rights by saying that the prosecutor can’t get a substitute” analyst to testify at trial.

The dissenting justices echoed criticisms by prosecutors who say that requiring the exact technician who performed BAC tests to appear in court would essentially hamstring prosecutors in cases where departments are too understaffed or busy to make every lab analyst available to testify.

Justice Anthony Kennedy, who authored the dissent, noted that in many cases that means DUI defendants will simply walk.

“If the defense raises an objection and the analyst is tied up in another court proceeding; or on leave; or absent; or delayed in transit; or no longer employed; or ill; or no longer living, the defense gets a windfall,” he wrote.

But Blum said that the Fourth Amendment losses for defendants at the Court outweigh any benefit they receive in the Sixth Amendment cases.

Further, the latest ruling shows that the Court’s Sixth Amendment jurisprudence is still hard to predict.

The justices handed down “Melendez-Diaz just two years earlier,” noted University of Georgia School of Law professor Erica J. Hashimoto, speaking at a recent Supreme Court discussion in Washington hosted by the American Constitution Society for Law and Policy. “Based on that case, Bullcoming should have been a very easy decision. But it wasn’t. It was 5-4.”

Sotomayor the new swing vote?

There is one thing that experts agree on: In criminal procedure cases, the justice to watch on the often divided Court is Justice Sonia Sotomayor.

Sotomayor wrote a concurring opinion in the case, in part “to emphasize the limited reach of the Court’s opinion.”
In her concurrence, Sotomayor suggested that her vote could have been different in any of four circumstances: if prosecutors offered an alternative purpose for the BAC report, such as a claim that it was necessary to administer the defendant medical treatment; if a supervisor, reviewer, or someone else with a personal connection to the test had been offered as a witness; if an expert witness was asked for his independent opinion about underlying testimonial reports that were not themselves admitted into evidence; or if the state sought to introduce only machine-generated results, such as a printout from a gas chromatograph, as opposed to a report that included personal observations of the preparer.

Sotomayor, a former New York City prosecutor, also penned the opinion in Michigan v. Bryant, which held that a murder defendant’s Confrontation Clause rights were not violated by the admission at trial of incriminating statements made by a shooting victim before his death.

This makes her the justice to watch in criminal procedure cases.

“What is becoming clear ... is that Justice Sotomayor is emerging as the swing vote” in criminal cases, said Hashimoto.

Sotomayor’s careful, qualified support of the judgment in Bullcoming, along with her examination of the reliability of the statement at issue in Bryant, reveal a pragmatism to her approach that differs from that of other justices, said Katherine M. Sullivan, a partner in the New York office of Quinn Emanuel Urquhart & Sullivan.

“She spent a lot of time as a prosecutor,” Sullivan noted. “That may be one of the reasons.”

More cases carving out the Confrontation Clause’s protections and limitations are likely forthcoming, particularly given Sotomayor’s qualifying concurrence.

“The Supreme Court will probably almost immediately accept cert [in a case] that raises one of the questions that Justice Sotomayor said they didn’t decide,” Hashimoto predicted.

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School of Social Work, Archway Partnership collaborate to help preserve oral history in Hart County

By Emily Williams

Students in the School of Social Work are collaborating with UGA's Archway Partnership to help preserve the oral history of Hart County, while gaining valuable experience in working with older citizens.

For the 18 months, students in Stacey Kolomer's "Working with Older Adults" course have been traveling to Hart County to conduct interviews with elderly residents. Audio clips from the interviews are being used in various media to help preserve the oral history of the community.

"It's been a really fabulous project," said Kolomer, an associate professor in the School of Social Work. "I really like the idea that the students are getting what they need out of it and meeting the objectives of the course, but more importantly, it is contributing to the community and something that is community driven."

Social work students were paired with older adults who live in Hart County. The students conducted life-review interviews with the older adults, asking questions about their upbringing and memories from their life in the community.

The students taped the conversation and later shared the recording with interviewees and their family members. Additionally, students were required to write and audio record a narrative, telling the story of the person interviewed in their own words. Some of the audio clips from the interviews were used in a podcast of a walking tour of downtown Hartwell. A mini-documentary on the history of the Hartwell Dam, currently in production, uses audio and video clips from the interviews.

"It's a beautiful mixture," Kolomer said. "It gives the students some insight into aging and breaks down stereotypes."

"Many of the interviewees are from rural Georgia and have had a very different upbringing," she added. "It gives our students the opportunity to connect with strangers, which is really important in social work. It helps them develop their interview skills, while having the opportunity to not be a clinician."

The project also benefits older adults and the community, according to Kolomer.

"It provides participants with the opportunity to share their wisdom, to tell their life story to someone and it's certainly allowing them to contribute to the community," she said. "They are providing feedback that's going to help the historical society grow, which is one of the priorities of the community."

Kolomer and her class have been working with Ilka McConnell, an Archway Partnership professional for Hart County. Currently in eight counties throughout Georgia, the Archway Partnership links communities in need of economic development with UGA resources. Working with community leaders, the Archway Partnership identifies priority areas and then works cooperatively to address those community priorities.

Interviewing Hartwell's elderly residents was a very moving experience, according to Katie Crosby.

"It was fascinating to hear stories regarding the Hartwell area as well as to receive such profound wisdom from men and women with so much life experience," Crosby said. "We have much to learn from older generations."

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Federal Reserve Bank CEO to address summer graduates

By Mickey Y. Montevideo

Dennis P. Lockhart, president and chief executive officer of the Federal Reserve Bank of Atlanta, will speak at the combined undergraduate and graduate summer Commencement ceremony Aug. 6 at 9:30 a.m. in Stegeman Coliseum.

"Dennis Lockhart has his finger on the pulse of the financial health of our society," said UGA President Michael F. Adams. "His knowledge and understanding of the world's monetary system, along with his vast array of professional, educational and personal experiences, will add depth to the important message he will bring to our summer graduates."

Lockhart has served as the

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Law prof appointed inaugural holder of Smith Professorship

By Cindy H. Rice

Peter A. Appel has been appointed the inaugural holder of the Alex W. Smith Professorship in Law, established in memory of Alexander Wylly 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, the professorship recognizes Smith's long service in the community and his service to the firm, his clients and the community.

"Professor Appel has an excellent reputation in his fields of property, natural resources and environmental law," said Georgia Law Dean Rebecca Hanner White. "I am delighted to announce that he has been appointed the inaugural holder of the Alex W. Smith Professorship in Law."

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Bulletin Board

Smoking cessation clinic
The College of Pharmacy is offering a smoking cessation clinic starting July 20. Classes will meet from 5:30-6:30 p.m. Wednesdays at Training and Development.

The clinic is adapted from Pfizer's Beat-the-Pack Smoking Cessation Program. During the six-week program, topics will include the health risks of smoking, reasons to quit, smoking cessation aids, coping with the urge to smoke, handling relapse and staying off cigarettes. Pharmacy students also will conduct group and individual counseling sessions.

The classes are free but space is limited. The program will be filled on a first-come, first-served basis as registration forms are received. Registration forms are online at www.rx.uga.edu. For questions about the program, call (706) 542-5328 or email beatthepack@uga.edu.

Retirement savings plan option
UGA is now offering a Roth 457(b), an additional way to save for retirement. Beginning with August payroll, participants will be allowed to direct their 457(b) contributions into the Roth 457(b) plan, which allows employees to make contributions on a tax-free basis, provided certain requirements are met. Unlike the Roth IRA, there are no income limits for participation. Contributions and catch-up limits are higher than those of a Roth IRA. If they qualify, employees may also contribute to a Roth IRA.

Auto liability insurance cards
The Georgia liability insurance card for fiscal year 2012 can be downloaded from the Department of Administrative Services' Risk Management website http://doas.ga.gov/StateLocal/Risk/DOCS_Risk/2012YellowCard.pdf. The insurance cards are valid through June 30, 2012.

The auto liability insurance card should be placed in each state vehicle and should be presented as insurance verification when asked by law enforcement personnel. Employees who use personal or rental vehicles while engaging in official duties generally should not apply when employees deviate from the official course and scope of duties.

Regardless of who is at fault, all accidents must be reported within 48 hours to the Claims Center. This requirement applies to all accidents involving state vehicles and all accidents involving state employees operating personal or rental vehicles while on official state business. The 24-hour toll free number to call is 1-877-656-7475.

For more information, contact Judy Baxter, jbaxter@uga.edu or (706) 425-3083, or Cathy Brain, (706) 425-3250 or cbrain@uga.edu.

Undergraduate advisor workshop
This year's Undergraduate Advisor Workshop will be held Aug. 26 from 8:30 a.m.-1:30 p.m. in the Grand Hall Ballroom of the Tate Student Center. Topics will include HOPE Scholarship updates, tips for new advisors and social media and advising. A recognition ceremony for the Academic Advising Certificate graduates will also be held. Register on the Training and Development website at www.uga.edu by Aug. 15.
Georgia Criminal Appellate Law Blog

Offering Insight on the Practice of Appellate Law and Commentary from the 11th Circuit Court of Appeals

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New UGA Law Review Article Takes Georgia to Task for the Way We Handle IAC Claims

By Scott Key on July 11th, 2011

Posted in Attorney-Client Relationship, Motion for New Trial, News, Opinions and Analysis, Uncategorized

I returned from vacation pleased to find in my in-basket at the office a copy of Ryan C. Tuck’s article from the Georgia Law Review on the confusing state of the law as it relates to ineffective assistance of counsel in Georgia. The article is titled “Ineffective-Assistance-of-Counsel Blues: Navigating the Muddy Waters of Georgia Law After 2010 State Supreme Court Decisions.” This article is as good as its title is clever. The article centers on where the law in Georgia is after Garland and Moody.

And the news is not particularly good. And why am I excited about a law review article on a case I lost (sort of) and that demonstrates some issues with how we handle IAC claims in Georgia?

The reason is that maybe things will change. The way we do things in Georgia makes it tough to be a criminal appellate lawyer, disincentives trial lawyers from preserving issues for appeal, and needlessly separates the appeal from the trial in a way that interferes with attorney-client relationships and in a way that probably hurts the client in the long run. And this article give me some hope that the legislature will move Georgia to a system of handling IAC claims more akin to the majority rule.

Mr. Tuck picks up in a familiar place to me. Jim Bonner’s article in the Appellate Review, the Georgia Appellate Practice Section’s Newsletter covered some of the same ground.

What’s Wrong Now?

Under Georgia law, new counsel must raise ineffective assistance of counsel at the earliest possible moment, or he waives it. As claims go, IAC not really good. It’s rarely successful. I have litigated it more times than I can remember, and it’s worked on appeal exactly one time (it’s worked a few more
times at the trial level, but generally with a wink and a nod as part of negotiations).

The problem is that clients think that it will work for them, and they pressure new counsel to raise it. There are many reasons why it should rarely be raised. For one, there rarely is a good claim. Secondly, it has a way of becoming the focus of the appeal. Third, even when it doesn’t it can be a big distraction from other real issues of merit. Fourth, analysis under the second prong of Strickland, invites trial courts to weigh in on how strong the evidence was against the defendant at trial. Such careful scrutiny of how good the State’s case was can have a spillover effect to other issues in the case making it that much easier to proclaim that other errors were harmless.

Pressures from the client and systemic pressures (raise it or waive it) can create a real conflict with the lawyer’s ethical obligations not to raise frivolous claims under Rule 3.1 of the Georgia Rules of Professional Conduct. To quote Mr. Tuck’s article,

By creating pressures for new appellate counsel to raise IAC claims against trial counsel, critics contend that Georgia’s approach contravenes this warning from Strickland [that there will be two trials. In the first, the defendant is tried. In the second, the lawyer is, as Mr. Tuck puts it "tried for IAC."] and institutionalizes a level of antagonism between defendants and their attorneys that can be damaging to overall standards of representation. As one critic asserted, “[i]t causes hell for attorney-client relations if both know from the beginning that they will end up on opposite sides.

And from my experience, this issue marks the place where things can go bad between the attorney and the client. I don’t raise IAC unless I see at least a colorable issue and if it won’t hurt other claims by serving as a distraction and if the second prong won’t spill over into the harm analysis of other issues.

Where Should We Go From Here?

We should require that IAC claims be held until collateral proceedings and take them out of the direct appeal except in the rare case when it can be resolved from the record itself. And, the failure to raise it should not act as a waiver of the issue. It would better the system and make it easier to practice criminal appellate law. And, above all, it would protect the clients from going for a low percentage issue at the cost of other issues of merit, which provide a better chance of success even if they don’t quite understand those issues.

Tags: Garland, Ineffective Assistance of Counsel, Moody, Ryan C. Tuck, Strickland.
Women lawyers' local chapter will hold first meeting today

by Helen McCoy/Douglas County Sentinel Staff Writer
07.12.11 - 11:57 pm

Local attorney Lois Gerstenberger will head the local chapter of a women's lawyer group which will hold its inaugural meeting today.

The Douglas-Paulding chapter of the Georgia Association for Women Lawyers (GAWL) will meet at noon at Sam & Rosco's restaurant on Douglas Boulevard.

The cost for lunch is $15 for members and $20 for non-members.

"GAWL is the premier organization for women lawyers for any needs they have — networking, educational and business," Gerstenberger said. "I'm very pleased they are coming to the west side."

The statewide bar organization celebrated its 80th anniversary in 2008 and has played a decisive role in the legal history of the state, according to the GAWL website. During the last Georgia General Assembly, GAWL sponsored House Bill 200 — the Freedom from Human Trafficking Act — which was passed by the House on March 2 and the Senate on March 29. The bill, which seeks to end the commercial sexual exploitation of children, was signed by Gov. Nathan Deal on May 3.

A graduate of the University of Miami School of Law, Gerstenberger has been an attorney since 1982, starting as a criminal prosecutor before establishing her private law practice in 1994. She is also solicitor for the Douglasville Municipal Court.

Her office is located across from the Douglas County Courthouse, where she specializes in family law (child custody, divorce and adoptions) and provides legal services in business and elder law, according to her website.

The chapter's vice president, Talia J. Nurse, earned her law degree from the University of Georgia where she ranked nationally in the Thurgood Marshall Mock Trial Competition, according to her listing on the GAWL website. She began her career as an associate in Atlanta's premier law firms and is now a sole practitioner who practices in the areas of family law, commercial litigation, personal injury litigation and landlord tenant law.

The local chapter is seeking members and is open to all female attorneys, said Gerstenberger. "I want to encourage all women lawyers throughout Douglas, Paulding and Carroll to join," she said.
Court decision defangs special grand juries

By Andria Simmons
The Atlanta Journal-Constitution

4:52 p.m. Tuesday, July 12, 2011

Special purpose grand juries -- investigative citizen panels armed with the power to subpoena records and question witnesses -- may become all bark and no bite if a recent Court of Appeals ruling stands.

The Appeals Court of Georgia dismissed the indictment of former Gwinnett County Commissioner Kevin Kenerly on July 6, finding the panel that investigated suspicious county park land purchases for more than a year did not have the authority to indict him. Kenerly had been charged with bribery for allegedly accepting payments totaling $1 million from a developer as well as two counts of failing to disclose a financial interest in properties he voted to rezone.

Gwinnett County District Attorney Danny Porter is concerned about that precedent. He plans to ask the court to reconsider and to appeal to the state Supreme Court if it will not.

"That decision could be used to entirely dismantle the special grand jury process," said Porter. "I think it has major impact. I think the decision as it stands deprives prosecutors of a valuable tool."

Kenerly's attorney, Pat McDonough, disagrees. He likened special grand juries to being investigative bodies like the police, GBI or FBI, agencies which do not have the right to indict their own cases either.

"Though the bar is extremely low for an indictment and only the state is allowed to present evidence, even hearsay evidence, at the very least the grand jury should be impartial," McDonough said.

Special purpose grand juries are rarely formed in Georgia. Typically they are impaneled at the request of prosecutors to wade through large, convoluted cases involving public corruption. Unlike regular grand juries, they can focus on one issue without a time constraint. By contrast, regular grand juries are convened for six months and hand down indictments on hundreds of cases.

In issuing its decision, the Appeals Court of Georgia essentially stated it cannot assume special grand jury members have the power to indict just because regular grand juries can. Nowhere in state law is that authority specifically granted to them.

Porter disagrees with that logic, though, and points out there are other common practices for special purpose grand juries that are derived from how regular grand juries operate. For example, the law doesn't say they should select a foreperson, that they should be paid for their time, or that they should meet in secret -- all things that regular grand juries do and special grand juries have historically done.

Not all prosecutors are upset. Cobb County District Attorney Pat Head, who chairs the Prosecuting
Attorneys Council of Georgia, said the court's decision was not troubling to him.

"I do not see it as a major problem," Head said.

Only one special grand jury has ever been impaneled since the Cobb Judicial Circuit was created in 1953 and that panel did not hand down indictments, Head said. Neither did either of the two special purpose grand juries impaneled in Gwinnett County in the late 1980s.

Prosecutors can take special grand jury findings and present them to a regular grand jury, something which Porter has said he plans to do as early as July 20.

Ron Carlson, a University of Georgia criminal law professor, said he is glad this case in front of the courts. He believes special grand juries should be able to issue indictments because they are closer to the facts. He said if the appellate courts do not grant them the power to indict, state legislators should pass a law that allows it.

"We need clarification on the powers and boundaries of these special grand juries," Carlson said. "We need to know as a society how to use them."

Find this article at:
From the Atlanta Business Chronicle:

UGA law school student's party lands in Supreme Court

Atlanta Business Chronicle - by Carla Caldwell, Morning Call Editor

Date: Wednesday, July 13, 2011, 4:57am EDT

The Georgia Supreme Court will decide if a party to celebrate a Georgia student’s acceptance to law school violated the Athens-Clarke County noise ordinance. A lawyer representing student Ian Grady said since no one complained about the sound coming from the student’s apartment in downtown Athens, police should not have ticketed him. Such a citation, he says, violates his right to free speech guaranteed in the Georgia Constitution, reports the Athens Banner-Herald.

The lawyer said since no one filed a complaint about that specific party, which occurred in 2009 and included a live band; it must not have bothered anyone. A police officer issued a $350 citation at about 3:30 a.m.

A lawyer arguing in defense of the ordinance said the citation issued by a police officer was indeed based on complaints - 3,500 made each year to the city about noise.

The Athens-Clarke County noise ordinance bars noise that can be heard across property lines, or 100 feet away, from 11 p.m. to 7 a.m. Sundays through Thursdays, and midnight to 7 a.m. Saturdays and Sundays, the newspaper reported.
New Survey Ranks Law Schools Based on Whose Grads Live the Luxe Life; U of Texas Tops the List

Posted Jul 13, 2011 6:24 PM CDT
By Martha Neil

A new National Jurist law school survey gets right to the nitty-gritty.

Rather than seeking to determine which institutions are most respected, prestigious or elite, it focuses on which law school graduates live most luxuriously, reports the Careerist. Thus, since it takes not only income but what it describes as "standard of living" into account, institutions outside expensive major cities get a boost.

At the top of the list is the University of Texas, where law grads "take home a net of $101,308 after debt and taxes, and modifying for cost of living adjustments," says the National Jurist. "More than half of the schools in the study netted less than half of that amount, with six lower than $25,000."

At the bottom of the list is New York University School of Law, which ranks sixth in the prestigious U.S. News & World Report rankings.

Also on the National Jurist's top 10 list are the University of Georgia, Vanderbilt, Virginia, Northwestern, the University of Chicago, the University of North Carolina, Michigan, Washington University in St. Louis and Duke.

Hat tip: Am Law Daily.

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Sandwich makes unusual move | The Suffolk News-Herald

By Tracy Agnew

Published 11:54pm Friday, July 15, 2011

Robert Sandwich has prosecuted criminals in more than half the Commonwealth's Attorney's offices in Hampton Roads, but now he's trying out the view from the other side of the courtroom.

Bob Sandwich, a former prosecutor in the Suffolk Commonwealth's Attorney's office, recently switched employers to Stallings and Bischoff, a firm that does criminal defense work.

Sandwich recently moved from his desk in the office of Suffolk top prosecutor C. Phillips Ferguson across the street to the offices of Stallings & Bischoff, where he'll do primarily criminal defense work.

"I felt like it was a good opportunity for me," Sandwich said, explaining the somewhat unconventional move.

Sandwich said he got to help a lot of people in his role as a prosecutor, but there were always people he couldn't help — people who needed help with divorces, civil litigation and more.

"I wanted to expand my ability to assist people in everyday things," Sandwich said.

Sandwich was born in Atlanta and raised in southwest Georgia. He did a stint in the U.S. Navy, which first brought him to Hampton Roads, and graduated from University of Georgia law school.

After law school, he took the bar exam in Virginia, widely regarded as one of the hardest bar exams to pass.

"I kind of took that as a challenge," he said.

He soon took a position at a personal injury firm in Richmond. He then served two years in Norfolk and two years in Portsmouth, both in the Commonwealth's Attorney's offices.

He then moved back to Georgia to help care for his ailing mother while working at a District Attorney's office. After her death, he moved back to Virginia and got a job in the Virginia Beach prosecutor's office in 2005. In 2007, he moved to the Suffolk office.

"Suffolk was by far my favorite place," he said, adding that he had enjoyed "a really good working relationship" with all the attorneys in the office.

Ferguson gave him the opportunity to handle some of the most serious cases in the office, including assisting on a couple of murder cases — one of which had gone without an arrest for more than a decade.

"I really enjoyed those cases," Sandwich said. "They're old cases, and they're harder to prove."

But in the end, the Suffolk prosecutor's office has a lot of experience, Sandwich said. To him, that meant little opportunity for advancement.

"It was a tough decision," he said. "There were a lot of good people in that office."

With his knowledge of how the office works, Sandwich believes he'll be able to help his clients better than someone who has never worked there. He will mostly handle criminal defense, domestic relations, traffic court and civil litigation.

"Every case is different," Sandwich said.

Contact him at 935-9065.
Savannah-Chatham school board's Greg Sapp named State Court judge

By Jan Skutch
Created 2011-07-16 00:13

Summary:
Savannah attorney Gregory V. "Greg" Sapp was named the new Chatham County State Court judge Friday, filling the vacancy left by retirement to senior-judge status of Ronald Ginsberg May 31. Gov.

Gov. Nathan Deal, who made the appointment, said Friday it will take effect upon swearing in, which should occur within the next few weeks.

"I was surprised," Sapp said when Deal informed him. "It's certainly humbling to be selected out of that group."

He called the other candidates well-qualified, intelligent attorneys.

Sapp will join Chief Judge H. Gregory Fowler and Judge Hermann Coolidge on the bench.

Sapp, a 49-year-old Savannah native, has practiced law in Savannah since earning his law degree from the University of Georgia law school in 1986. Since 1998, Sapp has been principal in the Sapp Law Group, a general practice firm where he emphasizes civil litigation.
"I will be working on a transition plan," he said of closing his law practice. That plan will include client contacts, but assured that "all of the clients will be adequately taken care of."

He is a Republican and has served on the Savannah-Chatham school board representing the 4th district since 2005. Sapp said he will resign from the school board shortly before his swearing-in.

He is also the incoming president of the Savannah Bar Association, a position he plans to retain.

He was selected from a list of five candidates sent to Deal by his Judicial Nominating Commission. Ten applicants were considered by the commission. Deal interviewed the finalists Monday.

Savannah attorney Patrick O'Connor, a member of the nominating commission, said Friday the selection was "an excellent choice."

"This is not surprising, given that there were actually more qualified applicants than there were available spots on the shortlist," he said.

Sapp earned his undergraduate degree in history and political science from the University of Georgia in 1983.

He is married to Theresa Eubanks Sapp, whom he met in Athens during his freshman year. They will celebrate their 27th wedding anniversary on Thursday.

They are parents of two children, James, a rising high school senior at Savannah Arts Academy, and Jessica, a May graduate of Berry College who was married last Saturday.
Dalton roadblocks raise legal questions
By Mariann Martin
Sunday, July 17, 2011

DALTON, Ga. — The Dalton Police Department may be violating a U.S. Supreme Court ruling if it holds police roadblocks to address specific criminal activity, according to a Georgia law professor and several lawyers.

However, Dalton police said they are familiar with the Supreme Court ruling, and the roadblocks held in recent weeks are primarily for traffic safety and not to address criminal activity. The checkpoints are held in accordance with any Supreme Court ruling, Chief Jason Parker said.

Dalton police sent out several news releases in June after meeting with local Hispanics about complaints that police roadblocks target them in an effort to arrest illegal immigrants. The department held 38 roadblocks this year through June, according to the Governor's Office of Highway Safety website.

One news release, sent out June 29, says police plan to conduct roadblocks in various parts of the city "as part of the department's district plans to address traffic and crime problems within the city."

"In addition to typical traffic concerns in the area of Shugart Road and the Bypass, other checks are possible in the northwest section to address burglary and shoplifting issues," the news release goes on to say. "One issue being reported in the west district is the theft of copper wire being stolen from buildings. The district action plan in the east district also includes concentrated patrols, including road checks if manpower allows, in the northeast area of the city to address burglaries which have been reported over the past several weeks."

A 2000 Supreme Court ruling, City of Indianapolis v. Edmond, says that police may not operate a police checkpoint program in which the primary purpose is to detect evidence of ordinary criminal wrongdoing.

"We decline to suspend the usual requirement of individualized suspicion where the police seek to employ a checkpoint primarily for the ordinary enterprise of investigating crimes," Justice Sandra Day O'Connor wrote in the ruling. "We cannot sanction stops justified only by the generalized and ever-present possibility that interrogation and inspection may reveal that any given motorist has committed some crime."

Donald E. Wilkes Jr., a professor of law at the University of Georgia School of Law who has taught criminal procedure for 40 years, said if Dalton police hold...
roadblocks to "address burglaries" as the news release says, they may be violating the 2000 ruling.

"If that is what they are doing, it seems to me to clearly violate Edmond," Wilkes said. "The question in the Edmond's case was if roadblocks can be held for the purpose of catching people who might have drugs in their car. And they [the Supreme Court] found that it was not justified for general crime reasons."

**COURT RULINGS**

The first thing to remember about Supreme Court rulings on roadblocks is that all rulings have found that a police roadblock is a search and seizure under the Fourth Amendment and must be reasonable, Wilkes said.

"To stop people's cars is a seizure," he said.

A search and seizure ordinarily is unreasonable, except in cases of individual suspicion of wrongdoing. However, several Supreme Court rulings have found that such seizures at police checkpoints are legal for certain reasons.

In United States v. Martinez-Fuerte, ruled in 1976, the Supreme Court found that Border Patrol checkpoints, held close to the U.S. border, were permissible to intercept illegal aliens and to protect the integrity of the border.

A more recent ruling, the Michigan Department of State Police v. Sitz from 1990, addressed the issue of sobriety checkpoints. The immediate hazard posed by the presence of drunken drivers was enough reason to allow police to hold roadblocks, the ruling found.

A previous ruling, 1979's Delaware v. Prouse, suggested that a similar type of roadblock with the purpose of verifying driver's licenses and vehicle registrations would be permissible.

But in the Edmond case, O'Connor writes, "In none of these cases, however, did we indicate approval of a checkpoint program whose primary purpose was to detect evidence of ordinary criminal wrongdoing.

"If we were to rest the case at this high level of generality, there would be little check on the ability of the authorities to construct roadblocks for almost any conceivable law enforcement purpose," she added. "Without drawing the line at roadblocks designed primarily to serve the general interest in crime control, the Fourth Amendment would do little to prevent such intrusions from becoming a routine part of American life."

**DALTON ROADBLOCKS**

The court has also found that the only constitutionally allowed roadblocks are those carried out pursuant to a plan containing explicit, neutral limitations on the conduct of the individual officers executing the roadblock.

- **United States v. Martinez-Fuerte, 1976:** The Court upheld brief, suspicionless seizures at a fixed checkpoint designed to intercept illegal aliens. The lawsuit brought Fourth Amendment challenges to stops at two permanent immigration checkpoints located on major U.S. highways less than 100 miles from the Mexican border. The court response noted at the outset the particular context in which the constitutional question arose, describing in some detail the "formidable law enforcement problems" posed by the northbound tide of illegal entrants into the United States. Although the stops in Martinez-Fuerte did not occur at the border itself, the checkpoints were located near the border and served a border control function made necessary by the difficulty of guarding the border's entire length.

- **Delaware v. Prouse, 1979:** In this lawsuit, the Court invalidated a discretionary, suspicionless stop for a spot check of a motorist's driver's license and vehicle registration. The officer's conduct in that case was unconstitutional primarily on account of his exercise of "standardless and unconstrained discretion." However, the Court has also suggested that a similar roadblock to verify drivers' licenses and registrations would be permissible to serve a highway safety interest.

- **Michigan Department of State Police v.**
The recent roadblocks held in Dalton did not have the primary purpose of detecting criminal wrongdoing and were held very differently than those in the Edmond case, Parker said.

In the Edmond case, police stopped cars to look for illegal drugs. After a car was stopped, an officer asked for a license and registration while a narcotics-detection dog walked around the outside of each vehicle.

Parker said his officers conduct their checkpoints in accordance with all Supreme Court rulings. People who are stopped are never asked about a particular crime in the area. Unless police have reasonable suspicion to ask additional questions, drivers are asked only for their license, registration, and insurance, he said.

The recent news releases may sound like police are holding roadblocks to target criminal activity, but only if someone is not aware of the police department’s entire checkpoint program, Parker said. The primary purpose of the program is traffic safety, although the high visibility of police in the area may serve as a crime deterrent.

“Some people could read it to mean that, but our checkpoints actually differ from the way they were held in the Edmond case,” Parker said. “Those cases were totally contrary to what we do.”

Several lawyers who were asked about the Dalton news releases disagreed with Parker.

“It is certainly skirting the edge of the law,” said Charles Kuck, an Atlanta attorney who represents several Hispanics who were stopped in Dalton roadblocks. “I would think it likely borders on unconstitutional. If I had a client who was stopped and charged with a crime, I’d be filing a Fourth Amendment lawsuit.”

Karen Wilkes, the daughter of Donald Wilkes and a lawyer in Rome, Ga., used stronger language.

“I have absolutely no hesitation to say what you described is illegal,” she said. “The whole point of roadblocks is for road safety, not to target criminal activity.”

But Parker said that is not what has happened in Dalton.

“The police should not and could not just throw out the dragnet for any type of crime,” he said. “We are aware of the constitutional rulings on checkpoints.”

Sources: Supreme Court rulings and the University of Tennessee’s Municipal
Mukunda Lakshamanarao

August 3, 1946 - July 9, 2011 - Mukunda Lakshamanarao, known as "Mac" to his friends, was raised in Bangalore, India, and he emigrated to the United States in 1990.

His proudest accomplishments were raising his son, Shreyas Mukund, and becoming a citizen of the United States in 1998.

His life-long pursuit of knowledge and perfection began before he enrolled in primary school, studying Sanskrit until he mastered the written language. He studied ancient religious texts as an adolescent and as a man.

Mukunda obtained an extensive secular education as well. In 1967, he was the valedictorian of his class at St. Joseph's College of Political Science at Bangalore University, simultaneously earning a Bachelor of Arts in Economics as well. While working as a bank manager in the Syndicate Bank of India in Bangalore, Mac earned a law degree (an LLB) from the University of Bangalore.

Due to his continual pursuit of education and knowledge, his studies did not end in India. Mukunda obtained his Diploma in Paralegal Arts and Sciences in 1993, and he obtained his Master of Laws Degree at the University of Georgia School of Law in 1997. While studying banking law under his colleague and friend, Professor Emeritus Walter Ray Phillips, Mukunda was recognized in 1996 as a member of Who's Who Among American Law Students and the National Dean's List.

Professionally, Mukunda put his extensive education and experience to work for the Federal Deposit Insurance Corporation upon the completion of his studies here in Athens.

Civically, Mukunda freely contributed to the Athens Regional Medical Center Auxiliary for many years. Furthermore, he volunteered at two venues of the Centennial Olympic Games in 1996, earning a commendation for his efforts in the XXVI Olympiad.

Mukunda has now joined his father, T. N. Lakshman Rao; his mother, Kapla Bai; his elder brother, T. L. Raghavendra Rao; and his younger brother, T. L. Sarvothama Rao.

He is survived by his sisters, T. L. Tunga Bai, T. L. Naramada Bai, T. L. Indira Bai, and Charumathi T. L. Mac is also survived by his life partner, Swarnalatha Mukund.

Friends, family and colleagues are invited to attend a celebration of this devout Hindu's life at 5 p.m. on Saturday, June 22, 2011, at the Healing Arts Center, 834 Prince Avenue, Athens, (706) 613-1142. Vegetarian refreshments will be provided. All of Mac's friends and colleagues are welcome, from the University of Georgia School of Law, the FDIC, the ARMC Auxiliary, the Athens Regional Library and the UGA Main Library, to the friends he made during his walks in Athens.

Published in Athens Banner-Herald on July 17, 2011
The following information was released by the University of Georgia:

University of Georgia School of Law faculty member Dan T. Coenen has been named the school's new associate dean for faculty development. In this role, he will work closely with the law school's faculty, especially its junior professors, to expand and promote scholarly activities.

Georgia Law Dean Rebecca Hanner White said, "I am so pleased Dan will be serving as associate dean for faculty development. Dan is one of our finest scholars, and I am delighted our junior faculty will be working with and learning from Dan in his capacity as associate dean."

Coenen, who also holds the Harmon W. Caldwell Chair in Constitutional Law, began teaching at Georgia Law in 1987 and has received numerous honors for his work both in and out of the classroom. In 2005, he was named a University Professor, a title awarded to only one UGA faculty member a year. He also is the recipient of the Josiah Meigs Award, the university's highest honor for excellence in teaching.

Specializing in the areas of contracts and constitutional law, Coenen's scholarship includes The Story of The Federalist: How Hamilton and Madison Reconceived America, in addition to numerous articles appearing in such prestigious journals as The Yale Law Journal, the Duke Law Journal and the Michigan Law Review.

Before joining the law school faculty, Coenen served as a judicial clerk for U.S. Supreme Court Justice Harry A. Blackmun and for Chief Judge Clement F. Haynsworth Jr. of the U.S. Court of Appeals for the 4th Circuit. He also practiced law at the firm Robinson, Bradshaw and Hinson in Charlotte, N.C., where he later became a partner.

Coenen earned his bachelor's degree from the University of Wisconsin and his law degree from Cornell University, where he served as editor-in-chief of the Cornell Law Review.
Coenen named associate law dean

The University of Georgia today named School of Law faculty member Dan T. Coenen associate dean for faculty development.

Coenen will work with law school faculty, especially its junior professors, to expand and promote scholarly activities.

"Dan is one of our finest scholars, and I am delighted our junior faculty will be working with and learning from Dan in his capacity as associate dean," law Dean Rebecca Hanner White said in a news release.

Coenen, who holds the Harmon W. Caldwell Chair in Constitutional Law, began teaching at UGA in 1987, specializing in contracts and constitutional law.
Q&A on the News

By Lori Johnston
For the AJC

12:15 p.m. Tuesday, July 19, 2011

Q: I was driving behind a dump truck and it says they are not responsible for broken windshields. Is that true?

-- Judy Wooten, Canton

A: Assuming there is no special Georgia statute addressing this issue (Q&A on the News did not find one in state law and state officials could not confirm one), then the dump truck owner cannot avoid liability simply by announcing that he is not liable for harm done by his truck, Michael L. Wells, the Marion and W. Colquitt Carter Chair in Tort and Insurance Law at the University of Georgia School of Law, told Q&A on the News. “On the other hand, whether he is liable or not, and the amount of his liability, depends on the circumstances, and whether he acted reasonably in those circumstances, and whether the driver of the car behind acted reasonably,” he wrote in an email. Thomas A. Eaton, J. Alton Hosch Professor of Law at the UGA School of Law, agreed with Wells’ assessment. “The unilateral declaration of dump truck owner that he is not liable, does not make it so,” he wrote. “On the other hand, the fact that a windshield is damaged does not automatically render the dump truck owner responsible for the damage. The car driver must prove that the dump truck driver was negligent [failed to use reasonable care] and that negligence was the cause of the damage to the windshield.”

Lori Johnston wrote this column. Do you have a question about the news? We’ll try to get the answer. Call 404-222-2002 or email q&a@ajc.com (include name, phone and city).
UGA grads living large?

11:12 am, July 19th, 2011

Law graduates of the University of Georgia are set for a cushy lifestyle, according to recent rankings by The National Jurist.

UGA came in at No. 2 in the magazine’s rankings of the standard of living experienced by graduates of 50 law schools. In crafting its rankings, the magazine for law students considered median starting salaries, average debt payments, estimated federal and state taxes, and cost of living adjustments for the regions where graduates took jobs.

Another Georgia school, Emory University, came in at No. 12. The University of Texas, in Austin, was at the top of the list. New York University took the bottom spot.

“Grimy streets, infernal subways, whopping taxes, and relentless competition-New York is a tough place to eke out a living.” The Careercast’s Vivia Chen wrote in posting on the survey last week, making the reasonable assumption that most NYU grads end up in New York and most UT grads stay in Texas.

A fellow NYU Law alumna like Chen, I agree that it’s difficult to improve on one’s college lifestyle as a newly-minted New York lawyer. Even sharing tiny apartments and eating many dinners on the client dime (while slaving over a brief or document review, of course), many New York big firm associates find themselves with little cash to show for their toil (what with all the retail therapy required to cope with the pressure). And the ramen-eating travails of Legal Aid lawyers holed up in Harlem studios is simply unmentionable.

It must be said, however, that new NYU graduates might be in a better financial way if they had downs more ramen and fewer $9 cocktails while they were still racking up all those student loans. Perhaps the question is not whether it is better to be ferried around the City that Never Sleeps in a Dial Car or cozying up with your brief draft by the pool in Midtown Atlanta, but whether it’s better to live it up when you are young and beautiful or save up for your grown up life.

Contributor: Alyson M. Palmer in Law schools | subscribe to rss | share

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City's ethics officer resigns to take job with Georgia Supreme Court

Posted by Thomas Wheatley on Thu, Jul 21, 2011 at 4:15 PM

5 Like

Atlanta's ethics officer says she's leaving City Hall for a clerk job across the street at the Georgia Supreme Court.

Ginny Looney, who became the city's inaugural officer in 2003 and was reappointed to a second term two years ago, told the Board of Ethics the news last Friday and notified Mayor Kasim Reed and the Atlanta City Council today.

In a letter to city officials obtained by CL, Looney said the job has been "challenging, engaging, satisfying, and never dull." She's accomplished all she intended, she writes, and the time has come for "someone with fresh energy to work in the position." Her new job at the state Supreme Court offers her the chance to "influence important legal issues and policies" and "leaves time at the end of the work day for family and friends. "I feel fortunate I am in good health and can make the change at this time," she says.

While at City Hall, Looney developed the city's web-based disclosure filing system and helped craft policies regarding gifts, travel and campaign donation solicitations. In addition
City's ethics officer resigns to take job with Georgia Supreme Court

She also improved the city's financial disclosure filing rate from a ho-hum 77 percent in 2002 to 98 percent in 2010. By her own estimates, she advises city officials nearly three to four times each week on ethical issues and has helped the Board of Ethics issue nearly 40 formal advisories — all on a very lean budget.

Prior to joining the city, the University of Georgia law school graduate worked for more than 10 years as a clerk to Chief Justice Norman Fletcher of the Georgia Supreme Court. She also worked several years with private firms as a litigation assistant and associate. Before becoming a lawyer she worked as a reporter, university researcher, and project director for the Alabama and Georgia Civil Liberties Unions.

The Board of Ethics is expected to announce the formation of a search committee at its meeting this evening. Her successor, who's expected to be selected before the end of the year, must be an Atlanta resident, active member of the Georgia Bar Association and have five years experience in the the practice of law.

TAGS: GINNY LOONEY, ATLANTA ETHICS, BOARD OF ETHICS, GEORGIA SUPREME COURT

COMMENTS (2)
States News Service

July 22, 2011 Friday

LENGTH: 3301 words
HEADLINE: DEAL APPOINTS 26 TO BOARDS
BYLINE: States News Service
DATELINE: ATLANTA, Ga.

BODY:

The following information was released by the office of the governor of Georgia:

Robert Bauer, Brain and Spinal Injury Trust Fund Commission

Bauer is chair of the Department of Psychology and Counseling at Valdosta State University. He is a former Peace Corps volunteer. Bauer is also a member of the state board of directors for Georgia Family Connection, chair of the Lowndes/Valdosta Commission for Children and Youth, and a board member of Elderhostel, Inc., an international educational program for persons 60 years of age and older. He and his wife, Anunciacion, reside in Valdosta.

Curtis Harris Curt Collier, Civil War Commission

Collier is in field sales for Henry Schein Medical, covering the territory of Athens and the majority of northeast Georgia for almost 11 years. He serves on the Vestry of Emmanuel Episcopal Church in Athens and is a life member of the Sons of Confederate Veterans Historical Society (National and Georgia). Collier earned a bachelor's degree from the University of Georgia in 1991. He and his wife, Georgia, have two children.

David Blanton Dove, Civil War Commission

Dove is currently enrolled in the University of Georgia School of Law, Class of 2014. Previously, he worked for Congressman Paul Broun, Secretary of State Brian Kemp, and most recently for Gov. Deal as county and local government affairs liaison. He is a member of the Georgia Historical Society, the Georgia Trust for Historic Preservation, and the Athens-Clarke Heritage Foundation. Dove earned a bachelor's degree from the University of Georgia.

James Tripp Mitchell, Board of Private Detective and Security Agencies (Reappointment)

Mitchell's career spans many years of experience in public law enforcement, security consulting and private investigation. After graduating from the police academy, he began his career as a police officer where he served as a patrol officer, field training officer and as a detective. Mitchell later became a criminal investigator with the State Court Prosecutor's Office and was eventually promoted to chief investigator. He is a past president of the Georgia Association of Professional Private Investigators and served that association in various areas. He is a Certified Protection Professional (CPP) by the American Society for Industrial Security. As a certified training instructor, he teaches at several regional police academies and is an adjunct college instructor in criminal justice. He and his wife, Trish, live in Villa Rica and have one son, Avery.

Alexander Alex Gross, Composite Medical Board (Reappointment)

Gross is reappointed the Georgia Composite Medical Board, having served as
its immediate past chairman. He currently serves as an associate professor of Dermatology as well as Public Health and Family Medicine at Emory University. Gross received his bachelor's degree in biology from Emory University and his medical degree from the University of South Florida College of Medicine. He is a fellow of the American Academy of Dermatology, the American Society of Dermatologic Surgery, the American Academy of Cosmetic Surgery and the American College of Laser Medicine and Surgery.

Thomas R. Dirksen, Historical Records Advisory Board (Reappointment)

Dirksen retired as Associate Dean Emeritus from the Medical College of Georgia where he taught and conducted research for over three decades. He has published more than 150 scientific papers, abstracts and book chapters. He has held various offices and served on numerous committees with the International and the American Associations of Dental Research, the American Association of Dental Schools, the American Dental Association, the American Association for the Advancement of Science (elected fellow) and the National Institutes of Health. Dirksen was recently acknowledged for his 40 years of service to the Augusta Richmond County Library, having served as president of the board of trustees and the Friends of the Augusta Library for several terms. He is a member and has served as president of the Augusta Genealogical Society. He earned a bachelor's degree from Bradley University, received a master's and Ph.D. (Biochemistry) from the University of Rochester, and completed a residency in Pediatric Dentistry at the Eastman Dental Dispensary. He and his wife, Jean, live in Augusta. They have six children and 13 grandchildren.

Kaye Lanning Minchew, Historical Records Advisory Board (Reappointment)

Minchew has served as director of the Troup County Archives since 1985 and also serves as director of Legacy Museum on Main, both located on Main Street in LaGrange. The Troup County Archives received the Council Exemplary Service Award from the Society of American Archivists in 2009. She has been a member of the Georgia Historical Records Advisory Board since 1993. She received graduate degrees in history and library science from the University of North Carolina in Chapel Hill. She is married to Gregory, an engineer. The couple resides in LaGrange.

P. Toby Graham, Historical Records Advisory Board (Reappointment)

Graham is deputy university librarian and director of the Hargrett Rare Book and Manuscript Library at the University of Georgia. He also serves as director of the Digital Library of Georgia, a collaborative initiative led by GALILEO and the UGA Libraries to digitize and provide online access to key resources on Georgia history and life. Graham earned a Ph.D. in library science and master's degrees in history and library science from the University of Alabama. He and his wife, Suzanne, have two children and reside in Athens.

Jamil S. Zainaldin, Historical Records Advisory Board (Reappointment)

Zainaldin is president of the Georgia Humanities Council. He attended Warner Robins High School, received his bachelor's degree from the University of Virginia and his Ph.D. in American History from the University of Chicago. Zainaldin is a member of the Georgia Association of Historians and Friends of the Georgia Archives. He has taught and published works about American history; he is co-founder of the award-winning New Georgia Encyclopedia. He also serves on state and national educational boards. Zainaldin promotes history education as important for character development and civic values. He and his wife, Ingrid, have three children and three grandchildren. The couple resides in Dunwoody.

Sheryl B. Vogt, Historical Records Advisory Board (Reappointment)
Vogt is the director of the Richard B. Russell Library for political research and studies. She is a fellow of the Society of American Archivists and a member of the Academy of Certified Archivists. She serves as president of the Association of Centers for the Study of Congress and holds an appointment to the Advisory Committee on the Records of Congress. Vogt was named the Boone Foundation's 2004 Archivist of the Year. She is also a fellow of the Society of Georgia Archivists, served as society president in 1983, and was editor of its professional journal Provenance for 10 years. She earned a bachelor's degree, two master's degrees and an education specialist degree from the University of Georgia. Vogt and her husband, John, have two children and reside in Athens.

Sheila Studard, Historical Records Advisory Board

Studdard is the clerk of superior, state and magistrate courts for Fayette County. Prior to being elected in 2000, Studdard was an Atlanta police officer with 10 years of service. Currently serving as chairman, she was appointed to the Superior Court Clerks' Retirement Fund in 2006. She was instrumental in passing the enabling eFiling and eRecording legislation in the 2009 General Assembly. Studdard earned a bachelor's degree from Mercer University and a master's degree from Georgia State University. She is a 2006 graduate of the Coverdell Leadership Institute. She and her husband, David, have three children and one grandchild and reside in Fayetteville.

Carey Williams, Historical Records Advisory Board

Williams has been the editor of The Herald Journal in Greensboro since 1969. The paper has been in family for more than 100 years. He is also editor of the Crawfordville newspaper. He attended Georgia Military College and the University of Georgia. Carey and his wife have one daughter and one son who they lost to ALS at the age of 39. They reside in Greensboro.

Janice N. Wittsiebe, State Board of Architects and Interior Designers

Wittsiebe is currently serving as treasurer on the board of the Georgia State American Institute of Architects where she has been a board member since 2009 and member since 1976. She currently serves on the board of directors for the Georgia Tech Foundation and the Georgia Tech Athletic Board. Previously she served as advisory board member to Tech's president, chair of trustees member and president of the Georgia Tech Alumni Association. Wittsiebe has also served as an advisory board member to Vice Chancellor Bill Chatham and is currently working with the Georgia State Investment Commission on the State Construction Manual. She earned her bachelor's and master's degrees from the Georgia Institute of Technology and is a member of Rotary Atlanta. She currently resides in Atlanta.

Rachel L. Willis, Board of Trustees of the Teacher Retirement System of Georgia

After graduating from Smith College in 2004, Willis joined the field of education as a Teach for America corps member. After teaching second through fourth grade in the system, she was named the 2009-2010 Atlanta Public Schools Elementary Teacher of the Year. The following year Willis was honored nationally as a Milken Educator Award recipient. The Milken Family Foundation honors early and mid-career teachers for what they have achieved and the promise they possess in impacting education in the future. She recently received her Ed.M. in Education Leadership from Columbia University Teachers College. Currently, she teaches third grade at Morningside Elementary in Atlanta and serves on Gov. Deal's Education Advisory Board.

Pam Williams, Professional Standards Commission

Williams has recently finished her year of service as the 2011 Georgia Teacher of the Year. She currently serves on Gov. Deal's Teacher Advisory Board.
and the AdvancEd Council and is a member of the board of directors for the Georgia Partnership for Excellence in Education. In her 21st year as an educator, she currently teaches American government and economics at Appling County High School. Williams earned a bachelor's degree from Brewton Parker College and both master's and education specialist degrees from Georgia Southern University. She is a National Board Certified teacher and is currently pursuing a doctoral degree in curriculum, instruction and assessment from Walden University. She is also an active member of the Professional Association of Georgia Educators. Williams is the mother of three children and resides in Baxley.

Heath Garrett, Professional Standards Commission

Garrett is a founding member of the law firm Turner, Bachman and Garrett LLC and Georgia360 Public Affairs. He leads the Southeast office of the Stevens and Schreifer Group, a national media advertising firm. Garrett currently serves on the boards of the Cobb Chamber of Commerce, the Council for Quality Growth and the Georgia chapter of the Juvenile Diabetes Research Foundation. He previously served as U.S. Sen. Johnny Isakson's chief of staff, where he worked as the chief political strategist for Isakson's successful U.S. Senate campaigns in 2004 and 2010. Garrett's other political clients have included: Georgia Attorney General Sam Olens, Secretary of State Brian Kemp and the Georgia Republican Party. From 1996 through 1998, he served as a legal and policy adviser to Chairman Johnny Isakson and the Georgia State Board of Education. Garrett is a Phi Beta Kappa graduate of the University of Georgia. He graduated magna cum laude from the University of Georgia School of Law in 1995, where he served as an editor for the Georgia Law Review and was inducted into the Order of the Coif. Garrett and his wife, Lee, have three children. The family resides in Marietta.

Christy C. McGill, Professional Standards Commission

McGill has been a teacher in Gwinnett County for nine years and currently teaches kindergarten at Dacula Elementary School. She graduated from Georgia State University in the winter of 2002 and received a bachelor's degree in the field of early childhood education. McGill returned to Georgia State University a few years later and received both a master's and specialist degree in early childhood education. In addition, she received her Teacher Support Specialist endorsement through Gwinnett County and has been trained in mentoring teachers. During her career, McGill has had the opportunity to supervise a Georgia State University student teacher, coordinate Dacula Elementary's three day summer pre-kindergarten program and serve as grade level chair for two consecutive years. She was also named a Teacher of the Year finalist at Dacula Elementary for the 2008-2009 academic school year. She currently serves on her school's literacy team, as well as the Governor's Teacher Advisory Board for the state of Georgia. She resides in Grayson.

Jerry Willis, Board of Corrections

Willis served 28 years in maritime safety for the Coast Guard. He was formerly captain of the port for Savannah and Brunswick and has formerly served on the Governor's Office of Consumers Affairs and the Board of Public Safety. His various other duty stations include Jacksonville, New Orleans, St. Louis, Singapore and Washington. Willis served detached duty to the U.S. Army in the Republic of Vietnam and liaison to the U.S. Maritime Administration. His final assignment in 1996 was director of the Coast Guard Olympic Task Force and chairman of the Savannah Federal/State Olympic Security Force. After retiring, he worked as a maritime security consultant in Louisiana and Nigeria. Willis and his wife, Debra, have four children and two grandchildren and live in Perry.

Donald W. Venn, II, Board of Public Health

Venn is a retired colonel who retired as the Chief of Staff of the Georgia
Army National Guard in 2005. He served as deputy director of the Georgia Office of Homeland Security from 2006 to 2008. He currently serves as assistant adjutant general of operations for the Georgia Department of Defense. Venn received a master’s in Education in 1976 from Armstrong State College. He and his wife, Carole, have two sons and three grandchildren and reside in Kennesaw.

James M. Smith, Board of Public Health

Smith is an adjunct professor of environmental and occupational health at Emory University's Rollins School of Public Health and a consultant in the field of biophysics. He worked for the U.S. Centers for Disease Control and Prevention for 22 years and retired in 2006 as associate director for radiation in CDC's Center for Environmental Health. Prior to CDC, Smith was an associate research professor at the University of Utah School of Medicine. He is a past recipient of several federal career awards; among them is the U.S. Public Health Service Superior Service Award. He is a graduate of West Virginia University, where he also earned master's and doctorate degrees in physics. He and his wife, June, reside in Braselton and have three children and five grandchildren.

Cynthia F. Greene, Board of Public Health

Greene is a current partner at Bennett Family Dentistry in Gainesville. In Hall County, she serves in the Junior League, is an active board member of Teen Pregnancy Prevention and volunteers at the Good News Clinic to help provide dental care to the underserved. Greene is a member of the Georgia Dental Association, American Dental Association and the Academy of General Dentistry. She earned a bachelor's degree from the University of Georgia Honors Program in microbiology and a Doctor of Dental Medicine from the University of Florida. Greene and her husband, John, have two daughters, Bailey and Carly.

James W. Curran, Board of Public Health

Curran has been dean and professor of epidemiology at the Rollins School of Public Health since 1995. In 2009, the deanship of the school was endowed in his honor and he holds the position as the first James W. Curran Dean of Public Health. Since 1997, he has also served as principal investigator and co-director of the Emory Center for AIDS Research. Curran has been the author of more than 260 scientific publications. He serves on numerous local and national nonprofit boards and committees. Curran has also served as chair of the Association of Schools of Public Health and currently serves on the executive committee. He came to Emory from the Centers for Disease Control and Prevention, where he served for more than two decades. From 1981 to 1995, he was a leader of the CDC's HIV research and prevention efforts. Curran and his wife, Juanita, have two adult children and have lived in Atlanta since 1978.

Phillip L. Williams, Board of Public Health

Williams is the founding dean of the College of Public Health at the University of Georgia, and he holds the Georgia Power Professorship of Environmental Health Science in the college's Department of Environmental Health Science. He has authored more than 100 scientific publications, including two textbooks on toxicology. Prior to his tenure at UGA, which began in 1993, Dr. Williams was vice president of the Environmental Health Division of A.T. Kearney, a senior research scientist with the Georgia Tech Research Institute and the industrial hygienist with the USDOL/OSHA. Williams earned a bachelor's degree from Georgia State University and a doctoral degree from the Georgia Institute of Technology. He and his wife, Theda, have two children and two grandchildren. The couple resides in Watkinsville.

Kathryn K. Cheek, Board of Public Health

Cheek is the current president of the Georgia chapter of the American Academy of Pediatrics. She has practiced primary care pediatrics in Columbus for the
past 25 years, serving on multiple local and state boards throughout her career. Cheek earned a bachelor’s degree from the University of North Carolina and both a master's degree in health education and an M.D. from the Medical College of Georgia at Georgia Health Sciences University. She and her husband, Ben, have three children. The family resides in Columbus.

Gary D. Nelson, Board of Public Health

Nelson has served as president of Healthcare Georgia Foundation since its inception in 2002. Prior to joining the foundation, Dr. Nelson was program director for the California Wellness Foundation. Nelson previously served as the associate director for evaluation and chief of the Health Promotion and Training Branch in the Division of Cancer Prevention and Control at the Centers for Disease Control and Prevention. Nelson has held academic appointments at the University of Alabama at Birmingham and the University of Nebraska, and he currently holds adjunct appointments at Emory University and Georgia Southern University. He is currently a member of the American Public Health Association and the Georgia Public Health Association. Nelson resides in Smyrna and has four children.

Mitch Rodriguez, Board of Public Health

Rodriguez currently serves as Regional Neonatal Medical Director for the Macon region. He is a fellow of the American Academy of Pediatrics, member of the Medical Association of Georgia, clinical associate professor of Pediatrics at Mercer Medical School and is a practicing neonatologist in Macon. He serves as chairman of the board at Mount de Sales, Macon. Rodriguez earned his medical degree from Universidad Nordestana in the Dominican Republic and an MBA from Kennesaw State University. He and his wife have two children. The family resides in Macon.
Press Release

For Immediate Release
July 25, 2011

OAKLAND’S BOARD OF PORT COMMISSIONERS ELECTS NEW OFFICERS

Oakland, CA --- July 25, 2011 -- The Oakland Board of Port Commissioners has three new officers. The Port Board approved a resolution officially ratifying the election of new officers July 21, 2011. The Port Board elected Commissioner Pamela Calloway to serve as president of the board. Commissioner Gilda Gonzales was elected to serve as 1st vice president (1st VP) and the out-going Board President, Commissioner James W. Head, was elected 2nd VP. Board members recognized outgoing President Head for his service. Head stated, “I am appreciative of the opportunity to have served as President of this highly effective board and to work with the world class Port of Oakland staff. I am excited about what we have been able to accomplish during this past fiscal year including a major trade mission with Oakland Mayor Quan to China promoting US exports, bringing in new flights to Oakland International Airport, and bringing on board a new investor to revitalize Jack London Square.” After the ratification of the election, President Calloway said, “I value the strong and effective leadership of my predecessor, Commissioner James Head. He led the Port through the first year of our 5-year strategic plan with great integrity, transparency and accountability. I look forward to continuing these standards of excellence as we aggressively pursue inclusive economic development for the Port-city of Oakland to produce more jobs for Oakland and the region.”

President Calloway - Ms. Pamela Calloway, principal of Calloway & Associates, is an attorney with expertise in developing and implementing creative private-public partnerships and initiatives for investment in workforce and economic development to meet business needs through governmental relations, human resources development and strategic planning. Previously, Ms. Calloway served as Vice-President and Director of the California Office for Public/Private Ventures (P/PV), P/PV, a social policy think tank with offices in Philadelphia, New York City and Oakland, tackles critical challenges facing low-income communities by seeking out and designing innovative programs and rigorously testing them and promoting solutions proven to work. Prior to work at P/PV, Ms. Calloway served as Chief of Staff for the Workforce Investment Board in San Francisco and as President of the Private Industry Council there. She is a graduate of Fisk University (BA) and Georgetown University Law Center (JD).

1st VP Gonzales - Ms. Gilda Gonzales is currently the Chief Executive Officer of the Unity Council and has a significant history of public service. During her fourteen-year career with the City of Oakland, she gained experience in municipal financing and budgeting, public policy, economic development and government relations. She served in many capacities from Budget Analyst, Special Assistant to the Finance Agency Director, Intergovernmental Affairs Director, and Chief of Staff to former City Manager Robert Bobb and former Mayor Jerry Brown. In 2004, Ms. Gonzales was named the Chief Executive Officer for the Unity Council. The Unity Council is a non-profit community development corporation committed to enriching the quality of life of families and individuals primarily in the Fruitvale District of Oakland.

2nd VP Head - Mr. James W. Head is Vice President of Programs at The San Francisco Foundation and has over 25 years of experience in the field of community and economic development. Mr. Head served as President of the National Economic Development and Law Center for 17 years before coming to the Foundation. A lawyer by training, Mr. Head has significant nonprofit management, programmatic, and legal experience and has worked on nonprofit legal issues, nonprofit finance issues, as a consultant to foundations, financial institutions, business, government, and as a professor of law. Mr. Head’s community service is extensive having been a member of numerous Foundation Advisory Boards, including the Open Society Foundation of New York, the Charles Stewart Mott Foundation of Michigan, and the Columbian Foundation of San Francisco. Head received his Juris Doctorate from the University of Georgia School of Law and has bar memberships in Georgia, Florida, and California.

About the Oakland Board of Port Commissioners
The Port of Oakland is governed by a seven-member Board of Port Commissioners. The Board oversees the use of income from Port properties, approximately 16,000 acres stretching from the borders of Emeryville in the north to San Leandro in the south. The commissioners are nominated by the Mayor of Oakland and appointed.
by the Oakland City Council. They are residents of the City of Oakland and serve staggered four-year terms without compensation. Their responsibilities are vast and require a great deal of their time, all donated to the Port.

**About the Port of Oakland:** The Port of Oakland oversees the Oakland seaport, Oakland International Airport and 20 miles of waterfront. The Oakland seaport is the fifth busiest container port in the U.S.; Oakland International Airport offers over 300 daily passenger and cargo flights; and the Port’s real estate includes commercial developments such as Jack London Square and hundreds of acres of public parks and conservation areas. The Port of Oakland was established in 1927 and is an independent department of the City of Oakland. Web sites: portofoakland.com and oaklandairport.com. Visit us on Facebook.

**MEDIA CONTACTS:**
Isaac Kos-Read
External Affairs Director
(510) 677-1565
ikos-read@portoakland.com
University of Georgia works to boost minority enrollment

By Walter C. Jones
Morris News Service
Monday, July 25, 2011

ATLANTA -- University of Georgia coaches and former athletes were the main draw at a luncheon Monday held by the Athletic Association as a stepped-up effort to recruit blacks as early as elementary school.

Boosting minority enrollment has long been a goal of the state’s flagship university, and on Monday admissions officials announced that they will admit the school’s largest class of blacks and Hispanics when the next semester starts.

The gathering was at Paschal’s restaurant, once the spot where civil rights leaders met to plan strategy.

Sprinkled among the 150 guests were former UGA athletes. Steve Jones, a federal judge from Athens and a UGA Law School graduate, urged the athletes to use their star power to motivate elementary students.

Donald Hartry, an AT&T executive and one-time UGA basketball star, said the off-the-field success of former players is one way to demonstrate the value of a UGA degree.

“When you go out and say you’re a University of Georgia graduate in this state, you’ll get somebody’s attention,” he said. “When you put your résumé up on the table, at least you’ll get an interview.”

UGA head football coach Mark Richt said he gives that message to his players, urging them to participate in community-service projects throughout the year, and even two over the summer. The projects build morale and instill dedication, he said.

Hamilton Homes Elementary School Principal Renee Pryor, of East Point, Ga., applauded the focus on younger students.

“You need to start in elementary school. In many cases, high school is too late,” she said.

Richt offered to play host once a month to field trips.

Others offered suggestions from having the Alumni Association supply career-day speakers in the classrooms of teachers trained at UGA to urging undergraduates to serve as recruiters on their trips home.

The varied recruitment avenues already employed are gradually paying off, according to Nancy McDuff, the assistant vice president of admissions. Preliminary figures show that the university will admit the largest group of black and Hispanic freshmen this fall, 450 blacks and 350 Hispanics.

“It takes years of efforts by many people,” she said.
UGA -- making strides with minorities -- sees athletes as excellent ambassadors

By WALTER C. JONES - Morris News Service
Published Tuesday, July 26, 2011

ATLANTA -- University of Georgia coaches and star athletes headlined a luncheon the UGA Athletic Association hosted Monday to encourage youth leaders to help recruit minority students to the state's flagship university.

Boosting minority enrollment has long been a goal of the university, and on Monday, admissions officials announced that the incoming group of freshman has more black and Hispanic students than any class before.

Bulldogs lunch engages Atlanta

Guests at the luncheon included elementary school principals, youth counselors, ministers, business leaders and officials from the DeKalb Police Athletic League.

"We wanted to get a diverse group here that can impact children," said Carla Green Williams, executive associate athletic director.

The gathering was at Paschal's restaurant, once the spot where civil rights leaders met to plan strategy, and was timed to send the message just as school starts.

Sprinkled among the 150 invitees were former UGA athletes, some of whom had professional careers after they moved on from the university.

U.S. District Court Judge Steve Jones, a former Athens judge and a UGA Law School graduate, urged the athletes to use their star power to motivate elementary school students.

"You have to get attention. You all can get attention as athletes," Jones said. "It takes a team approach."

Donald Hartry, an AT&T executive and one-time UGA basketball star, said the off-the-field success of former players can show the value of a UGA degree.

"When you go out and say you're a University of Georgia graduate in this state, you'll get somebody's attention," Hartry said. "When you put your r?sum? up on the table, at least you'll get an interview."
Georgia head football coach Mark Richt said he gives that message to his players, encouraging them to participate in community service projects throughout the year, and even two over the summer. The projects build morale and instill dedication, he said.

"Just a couple of weeks ago, and I don't know if y'all saw the picture in the Athens Banner-Herald," Richt said, adding that the photo showed his players visiting a wheelchair-bound child at Camp Sunshine. "If you saw his face, you saw how blessed he was."

Richt asked his staff to get a copy of the photo and post it in the locker room as a reminder to his players.

Renee Pryor, principal of Hamilton Homes Elementary School in East Point, applauded the focus on younger students.

"You need to start in elementary school. In many cases, high school is too late," Pryor said.

University officials are getting results from a variety of recruitment techniques, according to Nancy McDuff, UGA's assistant vice president of admissions. Preliminary figures show the university will admit the largest group of black freshmen and Hispanic freshmen this fall, 450 blacks and 350 Hispanics.

"It takes years of efforts by many people," she said.
Movers and Shakers: Haridopolos shakes up Senate staff

It's been a wild summer for Senate President Mike Haridopolos, who has lost several high-ranking aides and abandoned his run for U.S. Senate. Things aren't slowing down for him at the Capitol, where he and new chief of staff Craig Meyer have been busy hiring and firing staffers.

Katherine Halley, Senate majority office staff director since October, is Haridopolos' new deputy chief of staff, a position vacated by Chris Finkbeiner (http://www.tampabay.com/blogs/the-buzz/florida-politics/content/chris-finkbeiner-replaced-new-deputy-chief-staff). Halley was previously Haridopolos' district legislative assistant of five years. Finkbeiner followed Steve MacNamara, Haridopolos' former chief of staff now working the same role under Gov. Rick Scott, to the governor's office.

Haridopolos also replaced departing spokesman David Bishop. Lyndsey Cruley, House leadership team press secretary, will take that job starting Aug. 8. She was Haridopolos' spokeswoman during his 2010 Medicaid solutions tour as part of her work for Bascom Communications. That job also put her on the campaigns of Republican Sens. Greg Evers and John Thrasher. Cruley is an alumna of Florida State.

Two Senate committee staff directors are out. Jim Spalla, staff director of the Agriculture and Transportation committees, is replaced on both committees by Rivers Buford, Haridopolos' chief aide and policy adviser and former long-time Department of State legislative affairs director.


Also out is is Dave Cooper, staff director of the Senate Commerce committee. He is replaced by Jennifer Hrdlicka, who has worked on the committee as an analyst and lawyer since 2009.

Halley said committee leaders serve at the pleasure of the president and "there's nothing specific we can point to" as to why Cooper and Spalla were told to leave.

***
Movers and Shakers: Haridopolos shakes up Senate staff | Florida pol...  

http://www.tampabay.com/blogs/the-buzz-florida-politics/content/mo...
Obama May Use Constitutional Power On Debt Ceiling

Will there be a deal on the debt ceiling by the Aug. 2nd deadline?

- Yes
- No

Vote See results

Yes

No

"There was the debt of the United States, there was the debt of the Confederacy, and it was repudiating the debt of the Confederacy while confirming the debt of the United States," explains University of Georgia law professor Tim Meyer. Meyer tells WSB's Bob Coxe the Amendment is aimed mainly at Congress, and as far as he knows, no President has ever invoked it. If it were invoked, he says it probably wouldn't help.

"Interest rates would probably go way, way up," he says—which is probably what also would happen in a default.
Deal appoints five to public defender standards council Gov.

ATLANTA, Ga., (July 27th 2011) - Nathan Deal today tapped five new members who will join the Georgia Public Defender Standards Council. The Georgia Public Defender Standards Council is a nine-member independent agency within the executive branch of the state government whose mission is to ensure that clients receive adequate and ethical legal representation.

Donna Ayars Seagraves
Seagraves has worked as a public defender in Georgia for 24 years. Seagraves received her law degree from the University of Georgia School of Law and went to work with the Legal Aid Office in Athens as an assistant public defender. From there, she moved to the Fulton County Public Defender's Office and and then served as the public defender for Jackson and Screven counties. Seagraves was appointed circuit public defender for the Piedmont Circuit when the Georgia Public Defender Standards Council was created. She has tried hundreds of criminal cases. She is interested in indigent defense policy, having served as vice president and Indigent Defense Committee member of the Georgia Association of Criminal Defense Attorneys, president of the Piedmont Bar Association and secretary of the Georgia Association of Circuit Public Defenders. She and her husband, Brian, live in Athens and have one son.

G.S. "Gator" Hodges
Hodges was elected to the Butts County Commission in 2008. He works for CSX Transportation. Previously, Hodges served the public for 10 years as a police officer with the Bryan County Sheriff's Department and the Henry County Police Department. He grew up in Hinesville and graduated from Bradwell Institute. He attended Georgia Southern University, where he studied Criminal Justice. He is a graduate of the 2007 Leadership Butts County course and was the chairperson of the 2009 class. He is also a graduate of the Georgia Academy for Economic Development. Hodges was appointed by the Georgia Speaker of the House to the Middle Ocmulgee Water Council. He also is the chairman of the Subcommittee on Economic Development for the Association County Commissioners of Georgia and is currently in the Georgia Executive Class of 2010. Most recently, Hodges was named by Georgia Trend Magazine to its "40 Under 40" list in October of 2010. Hodges lives in the Stark community with his wife, Keri, and their son, Noah. Hodges is an active member of Rock Springs Congregational Methodist Church in Milner.

Lamar Paris
Paris is serving his third term as Union County’s sole commissioner. Paris graduated from the University of Georgia with a bachelor’s in Business Administration. He is the Immediate State Past President of the Association County Commissioners of Georgia. Paris serves on several local and regional boards and committees. He has also served on the Georgia EPD Watershed Committee and the Senate Local Sales Tax Study Committee and is currently a member of the State Regional Water Council. Paris is a lifelong member of the First United Methodist Church of Union County. He and his wife, Dinah, have one daughter, Jessica, who also graduated from the University of Georgia.

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Cross, of Evans, chairs the Columbia County Commission. He graduated high school in Greenville and Anderson Junior College in Anderson, S.C., and he attended Furman University. He moved to Augusta in 1967 to begin work for Smith and Coleman Mechanical Engineers, then became the chief engineer for the Medical College of Georgia. Cross has worked in both residential and commercial construction. In 1982, he started CCI Construction Corporation, a commercial, industrial and institutional
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Show some courage on debt crisis — children are watching

By C. Donald Johnson

7:42 a.m. Wednesday, July 27, 2011

In summer 1984, as a 16-year-old boy in rural Georgia, I watched my father, Clete D. Johnson, aggressively prosecute Ku Klux Klansmen for the cold-blooded murder of a black man. U.S. Army Reserve Lt. Col. Lemuel Penn. My father was hardly progressive on racial issues at this time, but violent racists had senselessly murdered a dedicated public servant, and he knew right from wrong.

He stepped boldly into the tumult of the post-Civil Rights Act South.

"Gentlemen, have the courage!" he thundered to the all-white jury, pounding the lectern with his fist, as I watched in awe from the courthouse pews. "Have the courage to do what's right."

Sadly, the jury acquitted Penn's killers. It was a scene that I will never forget, and on one summer night nearly 30 years later, my father's unheeded challenge to the jury changed the course of my life and that of my family.

On Aug. 5, 1993, I was seven months into my freshman term as a member of Congress representing the mostly rural district in which I had grown up. I was, and still am, a fiscally conservative Democrat who had run on a deficit reduction platform in the elections of 1992. The summer of 1993 had built to a political crescendo surrounding the deficit reduction vote on President Clinton's first budget.

I generally supported Clinton's budget plan — both its spending cuts and its nearly equal amount of tax increases, most of which fell on the wealthiest 2 percent of Americans. But I was skeptical about the deal because I wanted stricter controls on the rising costs of health care and fewer taxes on the middle class. I naively believed that we could do better if this bill failed and allowed us to start over.

Like many other skeptics, I spent the entire day in tense discussions with House leadership and with Vice President Al Gore and President Bill Clinton. It was a frantic full court press, but I ultimately told leadership, the White House, and the press that I would vote "no." and walked to the House to vote.

However, as I listened to Newt Gingrich and Dick Armey cast inflammatory and outrageous predictions about the potential economic effects if the budget passed, my naivete faded. I realized there would not be an opportunity to craft a better deficit reduction deal.

For Gingrich, this fight had nothing to do with reducing the national deficit. It was all about crippling President Clinton and gaining control of the House.

This realization brought me face to face with another fact. The reasons I had given everyone for my "no" vote were baseless.

My 19-year-old son, who was interning in Washington that summer, sat in the House gallery to watch the historic proceedings that night. Thinking of him watching me, I heard my father's challenge from 29 years earlier.

I decided I had no choice but to put the interests of my son's generation ahead of my own political survival.

A House page brought me a note that President Clinton wanted to speak with me again. I went to a cloakroom phone and told him that if he committed to fight for caps on entitlement growth and to make further discretionary spending cuts, I would support the package. Clinton agreed to the commitment, and I added my vote to support the only deficit reduction package that had any realistic chance to prevail. The budget passed by one vote.

Republican opponents and talk radio branded me (along with a handful of other representatives who decided at the last minute to vote "yes") as the "deciding vote" for Clinton's "liberal tax-and-spend plan." We all got our heads handed to us in the 1994 election.

After the difficult loss, two good things happened. First, Clinton kept building on the 1993 down payment on deficit reduction. Second, by the end of the 1990s with the economy rising at record levels, our national budget boasted huge surpluses for the first time in decades.

Unfortunately, the irresponsibility of the early 2000s wasted our surplus and plunged us into an abyss of debt.

Then the financial crisis and the Great Recession deepened the abyss by causing tax revenues to plummet and requiring vast emergency spending to prevent a second Great Depression.

We now are in a debt crisis far worse than the one we climbed out of in the 1990s.

Anyone who can do simple arithmetic knows the elements of the problem. Our discretionary spending (both domestic and defense) is too high, our tax revenues are too low, and our entitlement programs are headed toward insolvency. Solutions are politically difficult, but they are blindly obvious.

President Barack Obama knows this. So does the Senate's bipartisan Gang of Six — a group that includes U.S. Sen. Saxby Chambliss, who has shown tremendous leadership and strength on this issue. It appears that House Speaker John Boehner knows it too, although the most radical wing of the House Republican caucus clearly hampstrings his deal-making.
We need statesmen to summon the courage to save this country from catastrophe. For members of Congress, this moment should not be a political game. It is a test of their integrity, and of their awareness that their children — all of our children — are watching.

For their sake, let's hope that Congress has the courage to do what's right.

C. Donald Johnson represented Georgia's 10th Congressional District from 1993 to 1995. He is now director of the Dean Rusk Center of International Law and Policy at the University of Georgia School of Law.
The University of South Carolina has decided to build a new home for its beleaguered law school downtown, dominating a block between Senate and Gervais streets.

The new building will have 186,000 square feet and cost $75 million, said Rob Wilcox, the new law school dean, who expects to oversee the move from the school’s current Main Street building.

USC has most of the money for the new building but needs to raise an additional $25 million before it can go to the state Budget and Control Board to request permission to start construction. Former S.C. Attorney General Henry McMaster has been hired by USC as a $191,000-a-year consultant to help the law school raise that final $25 million.

USC had considered refurbishing its Main Street law school building, which has been plagued by roof problems. But that possibility was shelved once estimates for that work crossed the $60 million threshold.

“Retrofitting a building of this type was not going to be easy,” said Wilcox, who took over as dean July 1. “It was going to end up costing well over $60 million.”

The new building will take up most of the block between Senate and Gervais, and Bull and Pickens streets, sitting where USC’s campus police headquarters now are located. It would be built behind the Horry-Guignard House and adjacent to the Taylor Mansion, whose new wings would be removed to make way for the law school facility. Both the campus police and the Workshop Theater would need to find new homes.

USC bought the Senate Street site about a decade ago. It has spent about $6 million so far in its efforts to get a new law school facility. Wilcox said having a law school at Senate and Bull would be a plus for students, citing its site at the geographic epicenter of the city’s legal community. It is not far from the state Supreme Court building, the National Advocacy Center, the state Capitol and area law firms. “The law school needs to be integrated into the profession.”
USC also expects to refurbish the Dunbar Funeral Home building on Gervais Street to house a training facility for the law school's Children's Law Center. The funeral home building is across the street from part of the law school building site.

Columbia Mayor Steve Benjamin, a graduate of USC's law school, had suggested housing the law school in the former SCANA building downtown. But Wilcox said that building was not ideal; the high-rise structure would limit interaction between students and faculty.

The Main Street building has been a drag on USC's law school, which has fared poorly in national rankings, Wilcox says. The new dean hopes getting new, upgraded facilities will be a part of turning around that reputation.

"The building is an important part," Wilcox said. "But our mission is not to build a building."

Wilcox said the law school, which has been trying to raise money for new facilities for almost a decade, needs to revamp its curriculum to produce lawyers who require less seasoning once hired. To meet that goal, Wilcox said the school will focus more on helping students improve their skills in interviewing clients, understanding complicated challenges that require creative solutions and working as part of a legal team.

The law school also will put more emphasis on producing lawyers in children's, environmental and small-business law.

Wilcox said the law school expects to add 10 new faculty members over the next four to five years, beginning with four new faculty members who will be hired to begin work in fall 2012.

Producing lawyers who are better equipped to compete in a changing legal environment—and improving the reputation of the law school won't be a snap, Wilcox said.

But, he added, "We can see the finish line."

"The University of North Carolina, the University of Georgia and the University of Florida, they all have excellent law schools. I want to be in the same league as them," Wilcox said. "That's ambitious, but it's realistic. There's no reason why we can't get there."

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FLDS TRIALS: Self-representation carries many risks

Some often opt to rehire attorney

July 28, 2011

The Warren Jeffs trial took an interesting, if not entirely unexpected, turn on Thursday when the 55-year-old leader of the Fundamentalist Church of Jesus Christ of Latter Day Saints fired his seasoned defense team and asked for permission to represent himself.

Before granting the request, 51st District Court Judge Barbara Walther, as she is required to do by law, warned Jeffs of the risks involved and personally discouraged it, saying she had never seen a defendant successfully self-represent in her 30 years of licensed law practice.

"You have a right to represent yourself," Walther said to Jeffs. "You need to understand the substantial risk you are assuming."

Jeffs told Walther he had made the decision to self-represent "only recently."

Jeffs' former attorneys declined to say whether they were privy to his plans, but that they fully support his decision to represent himself because it is his legal right as long as he does so knowingly and intelligently. Law also requires that it be done before the jury is sworn in, which was the case.

"It's absolutely his right, it's his choice and I support it," said Deric Walpole, Jeffs' former lead counsel. "It's always preferable to have an experienced counsel at the defense table, but it's not necessary and it can be done or the law wouldn't allow for it."

After granting Jeff's request, Walther said she wanted the seven attorneys who had been representing him to act as standby counsel and at least one of them to remain in the courtroom at all times in case he reconsiders what he described as an "unwise decision."

Walpole, who stayed in the courtroom for the duration of Thursday's trial, said he would stick around and "be ready to go at a moment's notice."

The right to self-representation is not only explicitly provided for in both the state and U.S. Constitutions, but is well established in case law. In 1975, the U.S. Supreme Court ruled in the landmark case Faretta v. California that criminal defendants have a constitutional right to self-representation in state criminal trials.

Jeffs is by no means the only high-profile criminal defendant who has sought to invoke his right to so-called "pro se" representation, but many of the handful of infamous cases in which that has occurred — which involve mostly murder charges — have ended either in convictions or the defendants rehiring their attorneys after realizing how difficult it is to argue a case with no legal expertise.

One of the more recent high-profile cases of self-representation was in 2003 when, according to various archived media reports, John Allen Muhammad, the "Belgian Sniper," fired his legal counsel and was given permission to represent himself, but called his attorneys back after making his opening statement. Muhammad was found guilty and executed in November 2009. Other notable criminal defendants who attempted to represent themselves include serial killer Ted Bundy, who also was convicted and executed.

Some statistics, however, suggest that the conviction rates of self-represented felony defendants who end up at trial are not that different from those who retain legal counsel.

A 2007 study by the University of Georgia School of Law analyzing data from felony
court cases from 1998 to 2003 shows that "the data that indicate that pro se felony defendants in state courts are convicted at rates equivalent to or lower than the conviction rates of represented felony defendants." The state of Texas doesn't keep comprehensive data on the percentage of criminal defendants who are allowed to self represent or related conviction rates.

Either way, "it's a common belief that it's a bad idea," said Patrick Metze, the director of criminal clinics for the Texas Tech School of Law, of self-representation.

Metze, who is following the Jeffs trial, predicts Jeffs may retire his attorneys once he realizes he is in over his head. Metze said the basic proceedings of a trial, everything from the rules of evidence to the way witnesses are called and what they can and can't be asked, are tricky and could cause someone who is unfamiliar with them to get frustrated and give up.

"I would be surprised if he did the whole trial himself," he said. "I would think that, at some point, he would bail and decide that he did need the help, because it's going to get real complicated real fast."

As far as Walther's decision to allow Jeffs to represent himself, Metze said most judges would allow for it as long as the defendant communicates that they are aware of the risks and doing it willingly. However, Metze said he would be shocked if Jeffs is successful and that the judge may require him to bring back his legal counsel if she becomes impatient and feels the trial is being obstructed.

"I would say it would be very surprising if he were successful, it would be very surprising to me if he completed the job, even," Metze said. "I think he'll find it's not nearly going to be as much fun as he thinks. He's not going to enjoy it ... And at some point, the judge may have had enough."

On Thursday afternoon as the guilt-innocence phase of the trial got under way, Jeffs sat silently as the judge offered him the opportunity to make an opening statement. He remained silent while the prosecution made an opening statement and began building its case. After about an hour, the judge called for a short break so Walpole could advise him about the "perils" of remaining silent.

During the break, Walpole could be seen bent over Jeffs' table, talking intently into his ear. It was not clear whether Jeffs was responding. Special Prosecutor Eric Nichols then called several witnesses and entered one exhibit after another as Jeffs sat stoically without speaking, entering no objections and "signifying by silence," as Walther put it, his waiver of cross-examination of witnesses.

At the end of the day's proceedings, Jeffs again asked for more time to draft motions and prepare his case, a request Walther denied.

The trial will resume at 9 a.m. today.
In summer 1964, as a 16-year-old boy in rural Georgia, I watched my father, Cleo D. Johnson, aggressively prosecute Ku Klux Klansmen for the cold-blooded murder of a black man, U.S. Army Reserve Lt. Col. Lemuel Penn. My father was hardly progressive on racial issues at this time, but violent racists had senselessly murdered a dedicated public servant, and he knew right from wrong.

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GRAPHIC: Photo: Margaret Scott NewsArt /ImageData*

LOAD-DATE: July 28, 2011
HEADLINE: DEAL APPPOINTS FIVE TO PUBLIC DEFENDER STANDARDS COUNCIL

BYLINE: States News Service

DATELINE: ATLANTA, Ga.

BODY:

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Thursday, July 28, 2011

Deal appoints his lawyer to Fulton seat

Todd Markle initially hadn’t applied but got permission from JNC to be considered just before it was slated to interview candidates

By Alyson M. Palmer, Staff Reporter

Like his three predecessors, Gov. Nathan Deal on Wednesday named his executive counsel to a judgeship—in this case tapping D. Todd Markle to be the next judge on the Fulton County Superior Court.

Markle’s appointment was noteworthy because he didn’t apply for the job until about a month after the deadline for nominations to be made to Deal’s Judicial Nominating Commission.

Email correspondence shows Markle asked the JNC’s co-chairmen for permission to file a late application a few days before the commission was slated to interview 14 candidates who had been culled from the overall list of 31 nominees. They granted Markle’s request nine minutes later.

According to the vacancy notice posted on the JNC’s website, nominations were due June 17, and the commission’s application packet was due to be returned by interested nominees July 1.

But Markle, who focused on insurance defense law before becoming Deal’s executive counsel at the beginning of this year, wasn’t on the list of nominees released by the JNC in June or on the list of 14 candidates the JNC earlier this month said were slated to be interviewed by the commission.

After that list of interviewees had been released, Markle wrote to JNC Co-chairmen Miller P. "Pete" Robinson and J. Randolph Evans and asked if they would consider his application for the Fulton opening.

"I have expressed an interest in applying for the vacancy on the Fulton Superior Court and requested the permission of Governor Deal," Markle wrote in his email sent at 11:32 a.m. on July 15, the Friday before JNC interviews were scheduled to take place. "Earlier today, Governor Deal gave me his permission."

At 11:41 a.m., Evans emailed a response to Markle on behalf of himself and Robinson, saying Markle had permission to apply late, having until 10 a.m. the following Monday to submit his application.

Robinson said Wednesday that a JNC subcommittee recommended that Markle be added to the list of candidates to be interviewed by the JNC on July 19.

"We thought that was an appropriate request, particularly given his knowledge of the process," said Robinson, who heads Troutman Sanders Strategies, a lobbying arm of the law firm in which he is a partner. He noted that Gov. Sonny Perdue’s JNC had put Markle on a short list for an opening on the
Fulton State Court bench last year and that Markle was well known to Deal's nominating commission because he had helped put the group together.

According to Evans, the commission routinely grants extensions upon request. "There's no extraordinary relief or anything out of the ordinary being done here," said Evans, a partner at McKenna Long & Aldridge.

As announced on the JNC's website, the commission sent a list of three recommended names to Deal: Markle, Casey Gilson partner Joyce Gist Lewis and Fulton Chief Assistant District Attorney Robert D. Wolf. Deal spokesman Brian Robinson (no relation to the JNC co-chairman) said the governor interviewed the three finalists on Monday.

"Todd Markle is a highly qualified applicant, he had a great interview with the JNC members and with the governor, and he had a sterling application," said the governor's spokesman. "He, in fact, was on the shortlist for a state court judgeship last year under Gov. Perdue, so his qualifications were well known before this administration took office. So, we think he'll be a great judge. He's got a great background, a great temperament, and he'll serve the people of Fulton County well."

Markle couldn't be reached for comment on Wednesday.

The governor's spokesman said W. Ryan Teague, who has been deputy executive counsel under both Perdue and Deal, will move up to the executive counsel position. Teague, who received his law degree from the University of Georgia, in previous jobs clerked for 11th U.S. Circuit Court of Appeals Judge J.L. Edmondson, worked as an associate at McKenna Long, and served as general counsel to Freedom's Watch, a Washington-based issue-advocacy organization.

The governor's spokesman said Markle will remain Deal's designee to the Special Council on Criminal Justice Reform, a 13-member panel of lawmakers, attorneys and judges studying how to reduce the state's prison population, but it will be up to the council to decide whether Markle continues to chair that group.

Markle, 46, has known Deal a long time. He worked in the 1980s as a summer clerk for Deal's law firm, Deal and Jarrard, when Deal was practicing in Gainesville. Markle decided to join an Atlanta firm when he began his legal career in earnest after law school but has said he continued to follow Deal's career with interest.

When Deal ran for governor, Markle was on his Fulton steering committee, contributed $8,600 to the campaign and was involved in fundraisers and other campaign events. But Markle has said that in helping the campaign he wasn't aiming for a job.

A native of Birmingham, Ala., Markle began his college education at Shorter College in Rome. According to a questionnaire he submitted to the JNC when it was vetting candidates for the Fulton State opening last year, Markle played on the tennis team before transferring to the University of Georgia. He went on to receive his law degree from Mercer University.

His first job as a lawyer was as an associate at the midsized Atlanta civil litigation firm Swift, Currie, McGhee & Hiers. He left for a few years to follow a partner with whom he was working but returned to the firm until he left again to form the partnership of Miller & Markle in 1996. He later worked as a solo practitioner before joining Mabry & McClelland in 2009.
Markle told the JNC in questionnaires that far and away the most significant case that he has handled was one that stemmed from his work as chairman of his neighborhood association's zoning committee. His client in that case was sued by a developer for speaking out against a zoning request. The Court of Appeals' 1997 decision favoring Markle's client was the first time the court had been called on to consider a new state law designed to prevent one side of a public debate from suing to stop the other side from speaking out.

Lewis, one of the two other candidates Deal interviewed for Johnson's seat on the Superior Court, said she didn't have concerns about the fairness of the process. "I met with the governor on Monday," said Lewis, who handles commercial litigation and liability defense work. "He was very nice and gracious, and I'm sure my qualifications were considered in making his decisions."

Previous governors have appointed their executive counsels to the bench: Gov. Zell Miller appointed Cynthia D. Wright to the Fulton Superior Court bench, Gov. Roy Barnes tapped Penny Brown Reynolds for Fulton State Court, and Gov. Sonny Perdue named Harold D. Melton to a seat on the state Supreme Court. In appointing Reynolds, Barnes bypassed the JNC altogether, his aides saying at the time that Barnes knew he wanted to appoint Reynolds and didn't want to go through the motions of soliciting other nominees just for appearances.

In 2005, Perdue appointed Ralph F. "Rusty" Simpson to the Tift County Superior Court even though Simpson hadn't been nominated for the JNC's consideration for that post, and the JNC hadn't completed its process. That appointment came shortly after Perdue passed over Simpson on the JNC short list for a Supreme Court vacancy, appointing Melton instead. Simpson lost the election that followed.

Deal's JNC last month was criticized by Tom Barton, the editorial page editor of the Savannah Morning News, after it extended its application deadlines for an opening on the Chatham County Superior Court. The editor suggested the JNC's extension raised questions about whether the appointment was "fixed."

The commission chairs responded in a letter to the editor, saying that the deadline had been extended because a JNC meeting had been postponed due to scheduling problems, so additional time was available to consider more nominees. They denied any "nefarious motive" in the extension.

The lawyer who Barton's column suggested was the beneficiary of the extension, Kimberly Cofer Harris, made the JNC's shortlist but was not appointed by Deal.

Michael J. Bowers, who chaired Perdue's JNC, said on occasion his JNC allowed extensions. "The main thing was that they got to the interview and there was time for the commission to review their package," said Bowers.

Markle will replace Michael D. Johnson, who resigned last month.
Retired Judge David Elmore dies

Posted: July 28, 2011 - 12:39pm | Updated: July 29, 2011 - 2:07am

By Jan Skutch

Retired Chatham County State Court Judge David R. Elmore was remembered Thursday as a caring, family loving man who took care of business.

"He was certainly a man of quiet dignity and presence, and he was devoted to his family," said Chatham County Superior Court Judge Michael Karpf, a State Court judge from 1989-1993.

Elmore, 91, died Wednesday night at Buckingham South.

Karpf said Elmore was a "wonderful man. He was a very caring person, considerate of people, patient and fair."

"He showed that through his years on Recorder's Court and later in State Court."

Karpf was a Recorder's Court judge from 1979-1988.

Retired Chatham County Superior Court Judge James W. Head, who Elmore joined as the second State Court judge in 1969, praised Elmore as a "very fine person in his practice of law and judge of Recorder's Court for many years."

While on the State Court bench, Elmore was "always there."

"He did a good job. He carried the workload he was required to carry," Head said. "We had a good relationship, and we got things done."

Elmore retired as State Court chief judge in December 1988, ending a 40-year law career.

The native Savannahian began his law practice in 1948 after serving in the Army Air Corps in World War II, then attending the University of Georgia law school.

In June 1969, he left private practice to fill the Savannah Recorder's Court post left vacant by the death of Henry Brennan.

After twice winning re-election, he ran for a new, second judgeship in State Court and won. When then-chief judge Head moved to Superior Court, Elmore assumed State Court's administrative duties as well.

Once a leader in the local Republican party, he abandoned the GOP when he sought the State Court post in 1976. It was not practical to run countywide as a Republican in those days, he explained.

Funeral arrangements
- Visitation: 3-5 p.m. Sunday at Fox & Weeks Funeral Directors, Hodgson Chapel
- Grave side services 10 a.m. Monday in the Greenwich Section of Bonaventure Cemetery.
- Remembrances: First Presbyterian Church, 520 Washington Ave, Savannah, GA 31405 or Hospice of Savannah Inc., P.O. Box 13190, Savannah, GA 31416
In FLDS leader Jeffs trial, as in others, self-representation can be risky...

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Tips for alleviating back pain
Pittsburgh Post-Gazette

Stretching, relaxation, posture help banish back pain
By JACK KELLY, Pittsburgh Post-Gazette

Customer courtesy can boost your business success
By MARIE STEMPITSKI, Pittsburg Times

Washcall: Dude, where's my MANPAD? ... Training scenarios ... More
By LISA HOWARD, Scripps Howard News Service

Felony defendants who end up at trial are not that different from those who retain legal counsel.

A 2007 study by the University of Georgia School of Law analyzing data from felony court cases from 1998 to 2003 shows that "the data indicate that prose felony defendants in state courts are convicted at rates equivalent to or lower than the conviction rates of represented felony defendants."

Even so, "It's a common belief that it's a bad idea," said Patrick Metze, the director of criminal clinics for the Texas Tech School of Law, about self-representation.

Metze, who is following the Jeffs trial, predicts Jeffs may rehire his attorneys once he realizes he is in over his head. Metze said the basic proceedings of a trial, everything from the rules of evidence to the way witnesses are called and what they can and can't be asked, are tricky and could cause someone who is unfamiliar with them to get frustrated and give up.

"I would be surprised if he did the whole trial himself," he said. "I would think that, at some point, he would ball and decide that he did need the help, because it's going to get real complicated real fast."

Jeffs' former attorneys declined to say whether they were privy to his plans, but that they fully support his decision to represent himself because it is his legal right as long as he does so knowingly and intelligently. Law also requires that it be done before the jury is sworn in, which was the case.

"It's absolutely his right. It's his choice and I support it," said Deric Walpole, Jeffs' former lead counsel.

After granting Jeffs' request, the judge said she wanted the seven attorneys who had been representing him to act as standby counsel.

As far as Walpole's decision to allow Jeffs to represent himself, Metze said most judges would allow for it as long as the defendant communicates that they are aware of the risks and doing it willingly.

However, Metze said he would be shocked if Jeffs is successful and that the judge may require him to bring back his legal counsel if she becomes impatient and feels the trial is being obstructed.

"I would say it would be very surprising if he were successful; it would be very surprising to me if he completed the job, even," Metze said. "I think he'll find it's not nearly going to be as much fun as he thinks. He's not going to enjoy it ... And at some point, the judge may have had enough."

(Staff of the Standard Times in San Angelo, Texas, contributed to this story.)
Friday, July 29, 2011

**Misunderstanding prompts reversal**

11th Circuit: Judge failed to correct pro se defendant's confusion as to whether he could testify on his own behalf

By Alyson M. Palmer, Staff Reporter

A panel of the 11th U.S. Circuit Court of Appeals has reversed drug convictions of a Savannah doctor because the judge who tried the case didn't correct the doctor's obvious confusion about whether he could testify on his own behalf.

The basis for the reversal was a colloquy between Hung Thien Ly, who lost his bid for court-appointed counsel and represented himself at trial, and U.S. District Court Judge William T. Moore Jr.

"Now, do you understand that you have an absolute right to testify in your own behalf?" Moore asked in an exchange typical of the repetitive colloquy.

"Yeah, I know," Ly responded, "but without counsel, Your Honor, I can't testify."

"So it is your personal decision not to testify in this case?" Moore asked again.

"Because I don't have counsel who can ask me questions," Ly replied.

The July 20 decision is a win for Ly, who has been serving a sentence of more than eight years for illegitimately dispensing controlled substances. But even though the 11th Circuit decision favored Ly, a Georgia law professor fears it could lead district court judges to give pro se defendants even less information about the right to testify than Moore gave Ly.

Ly, whose appellate brief says he left Vietnam as a teenager in 1975 before becoming a United States citizen, was indicted in 2007 on 129 counts of dispensing certain drugs by means of illegitimate prescriptions. According to a government brief in the case, Ly prescribed the painkiller Lorcet, the anti-anxiety drug Xanax and in some cases the muscle relaxant Soma over and over again with little variance among patients and without doing any physical examination on repeated return visits for refills. The brief says Ly began purchasing the drugs directly from pharmaceutical companies and distributing them to his patients himself after four local pharmacists stopped filling Ly's prescriptions because they thought his practices were suspicious.

Ly, whose brief says he attended medical school at the University of North Carolina, claimed he was indigent and asked for a lawyer, but the district court wouldn't give him one.

According to the government's appellate brief, Ly argued that he didn't have enough money for a lawyer because he owed his wife for paying off his student loans. He said that his wife's net worth of more than $1 million was solely attributable to her income as a pharmacist.
U.S. Magistrate Judge G.R. Smith called Ly's claim about his wife's income a "fish story." Moore, the district court judge, agreed that Ly shouldn't get free counsel, and Ly went to trial unrepresented and was convicted.

Ly is now represented by New York attorney Raymond R. Granger and Washington lawyer Mary Baluss. Granger said extended family who learned of Ly's legal problems only after Ly was convicted hired him.

According to Ly's appellate brief, when Ly was representing himself at the August 2008 trial, he said in his opening statement that he was a "compassionate doctor" who examined his patients the first time he saw them but couldn't refuse them help if they lied about their pain.

The brief said six of Ly's 11 patients who testified for the government had prior convictions, two were promised letters in support of parole in return for their testimony, and more than one of the patients admitted they had lied to the defendant doctor.

Ly tried to call some of his other patients to show his normal prescription practices were good, but Moore barred that testimony. When Ly told Moore he had no other witnesses to call, the judge asked Ly if he planned to testify.

The 11th Circuit opinion by Judge Gerald B. Tjoflat says it's clear from the colloquy between Moore and Ly that followed that Ly was unaware that he could testify even if he didn't have a lawyer to ask him questions. But, as Tjoflat explained, "the district court did nothing to correct Ly's misunderstanding."

Ly didn't testify and rested his case. The jury convicted him on all counts and Moore sentenced him to 97 months in prison and imposed a $200,000 fine.

On appeal, Ly's lawyers challenged the denial of appointed trial counsel and allegedly inflammatory remarks made during the government's closing statement.

The panel of Tjoflat, 11th Circuit Judge Charles R. Wilson and visiting 10th Circuit Senior Judge Stephanie K. Seymour said Ly's argument that he was denied his right to testify was sufficient to dispose of the appeal.

Tjoflat said the question posed by Ly's case was one of first impression for the court. When a defendant is represented by counsel at trial, Tjoflat explained, it's the lawyer's responsibility to advise him on his right to testify.

If a defendant wants to argue on appeal that his decision on that point wasn't knowing and intelligent, Tjoflat wrote, he can argue his counsel was ineffective. But the panel concluded that, even though he had no lawyer at trial, Ly still could get his convictions tossed based on Moore's failure to correct his confusion.

The court rejected the idea that the trial judge must obtain some sort of knowing and intelligent waiver of a defendant's right to testify, such as by those colloquies required when defendants say they want to forgo counsel or plead guilty. In those instances, wrote Tjoflat, there is a clear default: If the judge is unsatisfied that a defendant is knowingly and intelligently giving up his right to counsel, for example, he appoints a lawyer.
The right to testify is an inherent part of the defendant's right to a fair trial, as the doctrine of privilege has been widely recognized. A defendant in a criminal case has the right to testify on his own behalf, subject to the court's discretion. The right to testify, however, is not absolute, and courts have the power to exclude testimony under certain circumstances. The question of whether a defendant is voluntarily waiving this right is a matter of fact and law.

In the case discussed, the defendant, Ly, was represented by pro se counsel who did not advise him to testify. The court, in its capacity to protect the defendant's rights, initiated a colloquy to clarify the defendant's understanding of his right to testify. The court, however, did not correct the defendant's misunderstanding, which resulted in the defendant's decision not to testify. The court's decision to reject the defendant's plea for a new trial was overturned on appeal, and the court remanded the case for a new trial.

The court's decision highlights the importance of understanding the defendant's rights and the potential for misunderstanding. While the defendant in this case was educated, he still misunderstood the procedure for testifying pro se. The court's decision serves as a reminder to courts to be mindful of the defendant's rights and to ensure that the defendant understands the consequences of waiving the right to testify.

The case also raises important issues regarding the role of pro se defendants in criminal proceedings. Pro se defendants often lack the legal knowledge and representation to effectively navigate the legal system. The court's decision underscores the need for courts to be proactive in ensuring that pro se defendants understand their rights and the consequences of their decisions.

The decision also confirms the importance of the right to a fair trial. The right to testify is a fundamental right that is necessary for a fair and just trial. The court's decision in this case reinforces the importance of ensuring that defendants have access to legal representation and understanding of their rights.

In conclusion, the court's decision in this case highlights the importance of understanding the defendant's rights, the potential for misunderstanding, and the need for courts to be proactive in ensuring that defendants have access to legal representation and understanding of their rights. The court's decision serves as a reminder to courts to be mindful of the defendant's rights and to ensure that the defendant understands the consequences of waiving the right to testify.

Erica J. Hashimoto, an associate professor at the University of Georgia, has written about pro se defendants, and expressed similar concerns.

"I understand the court's concern about not wanting the district court to be too intrusive on the defendant's thinking about not wanting to testify," she said. But, she said, "one unintended consequence is that you may have district courts with pro se defendants just not saying anything. If they never get asked the question, we'll never know if they knew they had the right to testify.

She suggested the Court of Appeals could have required district judges to inform defendants they have the right to testify or not, without requiring some sort of waiver.

The U.S. attorney's office in Savannah declined to comment on the opinion. But, assuming the decision is not vacated on further appellate review, prosecutors could elect to retry Ly. A footnote to the 11th Circuit opinion noted Ly had argued on appeal that Moore shouldn't have considered the assets of Ly's wife in determining whether Ly were eligible for appointed counsel because Georgia law prohibits him from accessing those funds, a point he did not raise before Moore. Tjoflat wrote that while the panel expressed no opinion on the validity of that argument, it "assume[d] that the district
court will consider this point should the Government proceed to re-try Ly."

One of Ly's appellate briefs noted that if the appeals court reversed his conviction on other grounds, it need not rule on his argument about Moore's refusal to give him a free lawyer, because Ly's extended family will provide funds for a lawyer on retrial.

The case is *United States v. Ly*, No. 09-12515.
McDade to head state DA group

by Helen McCoy/Douglas County Sentinel
07.30.11 - 11:55 pm

Douglas County District Attorney David McDade was elected Tuesday as president of the Georgia District Attorneys Association.

The association represents all 49 elected district attorneys in the state and their staff and has over 1100 members, according to a press release from McDade’s office.

His election came during the annual meeting of the association held at Jekyll Island Sunday through Wednesday.

McDade called it a “tremendous amount of responsibility.”

“My primary goal is to make certain that the program continues to have a voice at the state capital in shaping legislation on behalf of victims of crime. That’s my main agenda.” McDade said.

His recent appointment by Gov. Nathan Deal to a state council on criminal justice reform puts McDade in a unique position to effect change.

“I think it’s fair to say that our voice is going to be heard in the process,” he said of the governor’s appointment.

The panel has already met several times over the summer to evaluate the entire criminal justice system statewide, which Deal hopes will uncover new approaches to make Georgia communities safer while increasing offender accountability, improving rehabilitation efforts and lowering costs, Deal said in an earlier statement.

McDade’s focus remains on victims’ rights, he said.

“Public safety is my number one goal,” he said. “A wide range of issues will be looked at, including the cost of incarceration and the whole Department of Corrections.

“My goal is to protect victims, and I’m not going to sacrifice that. I have Gov. Deal’s assurance that he will back me up on that.”

McDade has served as a prosecutor in Douglas County since his graduation from the University of Georgia School of Law in 1981.

An assistant district attorney from 1982 to 1985, he was named to the position of
chief assistant district attorney and served in that role for five years.

He was elected as district attorney for the county in 1990 and is serving his sixth consecutive term in office, making him the third longest-serving district attorney among active district attorneys in the state.

McDade has held several positions in the association, including secretary-treasurer and vice president. For eight years, he has served as chairman of the Legislative Affairs Committee, which has championed reforms in Georgia law on victims' rights reform.

McDade was named Prosecutor of the Year in 2010 by the Georgia Arson Control Board, the first prosecutor to receive the honor, for his efforts in the prosecution of arson-related crime.

Other honors include: recipient of the President’s Award by district attorneys association in 2007; District Attorney of the Year by the association for his work in death penalty cases and legislative accomplishments (2005); the Eagle Award from the Governor’s Criminal Justice Coordinating Council for his work in victims’ rights; and Assistant District Attorney of the Year (1987).

McDade has also been an instructor and adviser for the Prosecuting Attorney’s Council.
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Dally resigns as husband runs for mayor

By Stephen Milligan | Posted: Sunday, July 31, 2011 12:00 am

SOCIAL CIRCLE — The city appointed a new municipal court judge at a special called meeting Thursday.

Following the resignation of judge Rebecca Dally, the city council voted unanimously to appoint Jeff Foster to the position.

Dally, who has served as municipal court judge since 1989, said she decided to resign after her husband Hal announced his candidacy for mayor.

"If he is elected in November, I will have a legal conflict of interest serving as judge for the same municipality, and I would have been required to resign the judgeship at that time anyway," Dally said. "When Hal first considered offering himself as a candidate for mayor, he discussed this with me. Without hesitation I assured him that it would be much easier for the city to replace me as a municipal court judge than it would to find a more capable or qualified mayor than him."

Rather than wait for the election results, when if her husband won she would have to resign to avoid the conflict of interests, Dally said she chose to resign now in order to assist her husband in his campaign.

"The Canons of Judicial Conduct do not allow a judge to publicly endorse a candidate for public office," Dally said. "Hal and I have been married for 31 years. Anyone who knows us will tell you that there is no way he could run for public office without me as head cheerleader."

Dally said she would miss working with the people at court and presiding over cases, but would continue in her private law practice and remain involved in other community organizations.

"I appreciate the opportunity to serve Social Circle for 22 years," Dally said. "It has been a great honor for me."

Dally formally tendered her resignation July 22, two days after her husband announced his run for the mayoral office, in order to finish court the prior two days. He will face Councilman David Keener and Hosea Jackson in the mayoral contest. Mayor Jim Burgess, who has said he will not run for re-election, said he chose to call a meeting and appoint a new judge quickly in order to avoid a backlog of cases.

Foster, a graduate of the University of Georgia School of Law and a former assistant district attorney in Walton and Newton counties, has previously served as a municipal court judge in Monroe in 2006. He currently works at a law office in Monroe.

The city also appointed a new city solicitor, David Boyle, in a 4-0 vote.
Newsmakers

HIRES AND PROMOTIONS

Brent E. Herrin D.M.D.

New job title: Pediatric dentist

Company: Dentistry for children and adolescents

Related work experience: He previously worked at All American Smile Center and McKinney Dentist.com.

Education: Certificate in pediatric dentistry from Baylor College of Dentistry; D.M.D. awarded from Medical College of Georgia School of Dentistry; B.S. from University of Georgia.

Allan C. Galis

New job title: Associate in the Specialty Litigation Group

Company: HunterMaclean

Related work experience: Galis served as an associate at a Brunswick law firm where he practiced corporate, trust and estate law. His work included corporate planning, formation, structuring, governance, transactions and counseling, as well a tax planning, probate and trust administration. Galis is also a registered mediator with the Georgia Office of Dispute Resolution.

Education: Galis graduated from the University of Georgia School of Law. He earned a B.A. in philosophy in 2006 from Washington and Lee University in Lexington, Va.

Lori A. Trefts M.D.

Company: Southeast Georgia Physicians Associates-Neuro-sciences

Related work experience: Trefts is board certified in neurology by the American Board of Psychiatry and Neurology, wa an assistant instructor in the Department of Neurology at Wake Forest University Baptist Medical Center and most recently was a neurologist with Riverside Medical Group, Hampton Road Neurology, in Newport News, Va.

Education: Trefts graduated with a dual undergraduate degree in biology and chemistry from Southwest Baptist Universit; in Bolivar, Mo., and got her medical degree at St. Louis University School of Medicine in St. Louis. She completed her internal medicine internship at St. Mary's Health Center in St. Louis, and her neurology residency and a fellowship in clinical multiple sclerosis at Wake Forest University Baptist Medical Center in Winston-Salem, N.C.

HONORS AND AWARDS

Friedman named

to Super Lawyers

Honor/Award: Stanley H. Friedman, with the law firm Friedman and Martin, has been named by Georgia Super Lawyers Magazine as one of the top attorneys in Georgia for 2011.

Background: Each year, no more than five percent of the total lawyers in Georgia receive this honor. The selections are made by the research team at Super Lawyers, a Thomson Reuters business. Each year, the research team undertakes a multi-phase selection process that includes a statewide survey of lawyers, independent evaluation of candidates by the attorney-led research staff, a peer review of candidates by practice area, and a good-standing and disciplinary check. The Super Lawyers lists are published nationwide in Super Lawyers magazines and in leading city and regional magazines across the country.

Thacker named honorary chairman
Honor/Award: Jane Vaden Thacher, president and dealer-operator for Vaden Automotive Group, has been selected the 2011 Honorary Chair for the Savannah Walk to End Alzheimer's. The Savannah Walk to End Alzheimer's will step off Oct. 1 from Johnson Square. For more information, call 912-920-2231 or alz.org/georgiawalk.org.

Andrews recognized by GABWA

Honor/Award: Wanda Andrews has received the Bensonetta Tipton Lane Award for Commit-ment to the Family. The award was presented by the Georgia Association of Black Women Attorneys. Andrews was recognized for her commitment to the safety of women and children in their homes to be free from domestic violence.

Background: Andrews is the senior staff attorney at Georgia Legal Services.

Farmer, Beare honored as top sales associates

Honor/Award: Steffany Farmer and Jane Beare of Coldwell Banker Platinum Partners ranked as Top 10 sales associates for the second quarter of 2011 in Georgia for the Coldwell Banker franchise system.

Farmer ranked No. 1 in selling units; No. 2 for both total units and adjusted gross commission; and No. 3 for listing units during the 2nd quarter of 2011 in Georgia for the Coldwell Banker franchise system.

Beare ranked No. 7 for selling units and No. 9 for adjusted gross commission.

Williams achieves certification

Honor/Award: Damon Williams, Sun City Hilton Head's assistant executive director, has achieved his landscape industry certified manager certificate from the Professional Landcare Network (PLANET). This certification covers all aspects of the landscaping industry, including strategic planning, leadership, marketing, financial management and production operations/horticulture.

Hurst chosen for May's Stay Real Star

Honor/Award: Betty Hurst of Rincon has received Holiday Inn Express Savannah North's May Stay Real Star. She began her career at the Holiday Inn Express Savannah North almost 12 years ago in housekeeping.

Rubnitz becomes Aetna council member

Honor/Award: David Rubnitz of Rubnitz & Eben-concepts has earned recognition as a member of the Chairman's Council for Aetna. The Chairman's Council is the highest recognition given by Aetna and allows Rubnitz's office access to special service representatives for his claims and service issues.

Savannah Morning News