12-1-2012

12/2012 Newsclippings

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Recommended Citation

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The following information was released by Vanderbilt University:

Donald J. Hall, longtime professor of criminal law at Vanderbilt Law School and author of a nationally used casebook on the subject, died Nov. 29 after a long illness. He was 69.

Hall spent his entire academic career at Vanderbilt, starting in 1970 and retiring in 2007. He served as associate dean of the law school from 1979 to 1984.

Chancellor Nicholas S. Zeppos was a longtime colleague of Hall at the law school.

"Sometimes special people come along within institutions that lift them into being more than the sum of the brainpower and ambition and achievements they produce," said Chancellor Nicholas S. Zeppos. "Don was one of those special people. He cared about the law, but he also cared deeply about his students and colleagues as people.

"His traditional last lecture of the semester about finding a job that inspired you every day is a lesson that still rings in the ears of many of his students. Vanderbilt Law School will continue to benefit from his influence for many years."

A native of Waltham, Mass., Hall joined the Vanderbilt faculty after earning a J.D. from the University of Florida Law School in 1968 and two years of private practice in Sarasota, Fla. He was one of the inaugural recipients of the Vanderbilt Chair of Teaching Excellence in 1994. He was selected nine times by the law school student body to receive the school's outstanding teacher award, which was renamed for him in 2005.

"Don was revered by his students, and rightly so, as an outstanding teacher and mentor," said Chris Guthrie, dean of Vanderbilt Law School. "He was an important part of the Vanderbilt Law School experience and contributed greatly to the life of the law school for almost 40 years. I was sorry to see him retire five years ago and am greatly saddened by his death."

Hall was the co-author of Criminal Procedure: The Post-Investigative Process, which is widely used in law schools. In 1990, Hall was the inaugural recipient of the Tennessee Bar Association Outstanding Law Professor Award. He served as co-chair of the State Supreme Court's Commission on Gender Fairness and helped shape the state's revised penal code as a member of the Tennessee Sentencing Commission. Hall was appointed by the governor as one of the first six members of the Tennessee Ethics Commission.

"Professor Hall has influenced my life and career more than any other person," said Lonnie T. Brown, a professor at the University of Georgia School of Law and Vanderbilt Law School alumnus in an article about Hall in the 2007 issue of Vanderbilt Lawyer. "He affected me profoundly as a teacher and role..."
model during my days at Vanderbilt, so much so that I remained in contact following graduation and ultimately chose to follow in his large academic footsteps."

Hall's survivors include wife Nancy Hall; daughters Pamela Sonderman and Kelly Klaaren; brother George Hall; sister Susan Naylor; and four grandchildren.

In lieu of flowers, Hall's family requests that memorials be directed to Family and Children's Center of Nashville, the Donald J. Hall Scholarship Fund at Vanderbilt Law School, or a charitable organization of the donor's choice.

LOAD-DATE: December 2, 2012

HEADLINE: GEORGIA LAW WINS NATIONAL MOOT COURT COMPETITION

BYLINE: States News Service

DATELINE: Athens, GA

BODY:

The following information was released by the University of Georgia:

Writer:

Cindy Rice

The University of Georgia School of Law recently took home top honors at the Third Annual Legal Ethics and Professionalism Moot Court Competition, capturing both first and second place against a field of more than 20 teams. Hosted by Mercer University, this is the second year in a row Georgia Law has won this national competition.

Third-year students Chandler L. Smith and Timothy F.J. "Tim" Dean comprised the winning team, while third-year classmates Nneka A. Egwuatu and Scott F. McAfee finished in the runner-up position. Additionally, McAfee was named the tournament's best oralist.

"I am so proud of our students for their outstanding performance," Georgia Law Advocacy Director Kellie Casey said. "To have both of our teams make it to the final round of the competition really speaks to the caliber of our students. It was a great win."

LOAD-DATE: December 2, 2012
LENGTH: 294 words

HEADLINE: Gov. Deal appoints Jeffares, Bethel as Senate Floor Leaders

BODY:

Dec 03, 2012 (GaPundit: http://www.gapundit.com Delivered by Newstex)

GaPundit:

From the Press Release: [1]

Gov. Nathan Deal today named Rick Jeffares (R-Locust Grove) and Charlie Bethel (R-Dalton) as new state Senate floor leaders. Jeffares and Bethel will join Sen. Bill Jackson (R-Appling) and serve as liaisons between Deal and the state Senate when lawmakers return Jan. 14.

Rick Jeffares

Jeffares serves as vice chairman to the State and Local Governmental Operations Committee. He is also a member of the Government Oversight; Natural Resources and the Environment; Regulated Industries and Utilities; and Veteran, Military and Homeland Security committees. Jeffares previously served as city manager to Locust Grove and on Henry County Commission. He earned a bachelor's degree in Management from Clayton College and State University. Jeffares is currently the owner of JT Environmental Services and vice president of the Georgia Rural Water Association. He and his wife, Leslie, have four children and reside in Locust Grove.

Charlie Bethel

Bethel is a Human Resources executive with JJ Industries in Dalton. He also serves on the Judiciary; Special Judiciary; Insurance and Labor; Retirement; and Reapportionment and Redistricting committees. Prior to his service in the Senate, Bethel was elected twice to the Dalton City Council. Bethel earned a bachelor's degree in Management from the Terry College of Business at the University of Georgia and a juris doctorate from the University of Georgia School of Law. He and his wife, Lynsey, have three children and reside in Dalton.

Georgia Pundit - Georgia Politics, Campaigns and Elections [2]

[1]: http://gov.georgia.gov/press-releases/2012-12-03/deal-appoints-new-senate-floor-leaders

[2]: http://gapundit.com

LOAD-DATE: December 03, 2012

2 of 6 DOCUMENTS

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December 3, 2012 Monday

LENGTH: 260 words

HEADLINE: DEAL APPOINTS NEW SENATE FLOOR LEADERS

BYLINE: States News Service

DATELINE: ATLANTA, Ga.
The following information was released by the office of the governor of Georgia:

Gov. Nathan Deal today named Rick Jeffares (R-Locust Grove) and Charlie Bethel (R-Dalton) as new state Senate floor leaders. Jeffares and Bethel will join Sen. Bill Jackson (R-Appling) and serve as liaisons between Deal and the state Senate when lawmakers return Jan. 14.

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Jeffares serves as vice chairman to the State and Local Governmental Operations Committee. He is also a member of the Government Oversight; Natural Resources and the Environment; Regulated Industries and Utilities; and Veteran, Military and Homeland Security committees. Jeffares previously served as city manager to Locust Grove and on Henry County Commission. He earned a bachelor's degree in Management from Clayton College and State University. Jaffares is currently the owner of JandT Environmental Services and vice president of the Georgia Rural Water Association. He and his wife, Leslie, have four children and reside in Locust Grove.

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Bethel is a Human Resources executive with JandJ Industries in Dalton. He also serves on the Judiciary; Special Judiciary; Insurance and Labor; Retirement; and Reapportionment and Redistricting committees. Prior to his service in the Senate, Bethel was elected twice to the Dalton City Council. Bethel earned a bachelor's degree in Management from the Terry College of Business at the University of Georgia and a juris doctorate from the University of Georgia School of Law. He and his wife, Lynsey, have three children and reside in Dalton.

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

Gov. Nathan Deal today announced the appointment of the Hon. Philip C. Smith to the Superior Court of the Bell-Forsyth Judicial Circuit and the Hon. Leslie C. Abernathy to the State Court in Forsyth County. Smith fills the vacancy created by the passage of Senate Bill 356 during the 2012 Session of the Georgia General Assembly. Abernathy will fill the vacancy created by Judge Smith's
appointment to the Superior Court. All appointments will take effect upon swearing in.

Philip C. Smith, Bell-Forsyth Judicial Circuit

Smith has served as State Court judge of Forsyth County since 2003. He is a member of the board of governors of the State Bar of Georgia, the board of directors of the Forsyth County Chamber of Commerce, and the South Forsyth Rotary Club. Smith earned his bachelor's degree from Vanderbilt University and his law degree from the University of Georgia School of Law. He and his wife, Pamela, live in Cumming.

Leslie C. Abernathy, State Court of Forsyth County

Abernathy is the solicitor-general of Forsyth County. She is a member of the board of directors of CASA of Forsyth County and the Children's Center for Hope and Healing, and she serves as vice chairperson for the Prosecuting Attorneys' Council of Georgia. Abernathy earned her bachelor's degree from North Georgia College and State University and her law degree from John Marshall Law School. She and her husband, Stephen Maddox, live in Cumming and have five children.
Senate, Bethel was elected twice to the Dalton City Council. Bethel earned a bachelor's degree in Management from the Terry College of Business at the University of Georgia and a juris doctorate from the University of Georgia School of Law. He and his wife, Lynsey, have three children and reside in Dalton. For any query with respect to this article or any other content requirement, please contact Editor at htsyndication@hindustantimes.com

LOAD-DATE: December 3, 2012
Health care

Dr. Roy Sanders has been recognized as one of the "Top 29 U.S. Orthopedic Traumatologists" as reported by Orthopedics This Week an RRY publication. Sanders is president of Florida Orthopaedic Institute and serves as chief of the department of orthopedics and is director of the orthopedic trauma department at Tampa General Hospital.

* * *

Legal

Karen Buesing has been recognized by the International Who's Who Legal, a London-based law business research firm, that honors attorneys in 32 areas of business law. Buesing was recognized in the management labor and employment category. Buesing is a shareholder at Ackerman Senterfitt, Tampa.

Don Greiwe has been named Lawyer of the Year for 2013 in Plaintiff's Medical Malpractice Law in Tampa by Best Lawyers. Greiwe is a partner at Alley, Clark & Greiwe, Tampa.

Tony B. Griffin has been named a shareholder at Glenn Rasmussen PA, Tampa. Griffin concentrates in the areas of labor and employment law and earned his juris doctorate from the University of Georgia School of Law. Prior to joining Glenn Rasmussen PA, Griffin was a shareholder at Olgetree Deakins, Tampa.

Bob McCormack has been named a shareholder at Ogletree, Deakins, Nash, Smoak & Stewart PC, Tampa. McCormack was a partner at Lewis Brisbois Bisgaard & Smith LLP and was vice chairman of the firm's life, health, disability and ERISA practice.

Battaglia, Ross, Dicus & Wein PA, St. Petersburg, announces that the following attorneys have been included in the 2013 edition of Best Lawyers in America. Anthony S. Battaglia, real estate law and commercial litigation; Howard P. Ross, commercial litigation; Aubrey O. Dicus, personal injury; and Stephen Wein, commercial litigation. Battaglia is shareholder and founding partner; Ross has been a shareholder since 1967 and is chief executive officer; Dicus is shareholder and president; and Wein is a shareholder.

Fowler White Boggs, Tampa, announces that E. Jackson Boggs, Carl R. Nelson and Richard G. Salazar have been named Lawyers of the Year by the Best Lawyers in America for 2013. Boggs was named in the trusts and estates category; Nelson was named in the admiralty and maritime law category and Salazar was in the litigation-patent category. Boggs is chairman of the firm, Nelson and Salazar are shareholders.

* * *

Professional services

Newport Board Group, Tampa, announces that John Compton, David Gnassand Peter
Savage have been named partners at the firm. Compton was chief executive officer at Enlaces Integra in Mexico City, a communications company selling voice data, video and internet services. Gnass was an operating partner at Triton Pacific Capital Partners and has lead companies in dental practice management, disease management, behavioral health and home health care. And Savage held a series of executive positions at various telecom equipment and software companies and was chief executive officer and chairman of Applied Digital Access for nine years.

* * *

Real estate

Ryland Homes, Tampa Bay division, announces that Joe Fontana has been named president of the Tampa Bay Builders Association (TBBA); Bob Gibbons has been named chairman of the Pasco County Government Affairs Committee; Heather Jaxheimer-Mills was appointed president-elect of the builders association council; and Tony Crimi has been appointed as a director in the council. Fontana is division president of Ryland Homes, Tampa Bay; Gibbons is vice president of home building; Jaxheimer-Mill is a sales counselor; and Crimi is vice president of sales and marketing.

Stephen Welch has been named mall manager at Gulf View Square in Port Richey for Simon Property Group. Welch has been with Simon Property Group since 2009, and most recently has been serving as interim mall manager at Anderson Mall in South Carolina.

GRAPHIC: PHOTO (15): Sanders; Buesing; Greiwe; Griffin; Battaglia; Ross; Dicus; Wein; Boggs; Nelson; Salazar; Compton; Gnass; Savage; Welch
Ag commissioner will give seminar about state’s ‘Feed My School’ initiative

Gary Black, Georgia commissioner of agriculture, will give a seminar on Dec. 10 at 10 a.m. in Room 307 of Conner Hall.

Black will discuss how the state’s “Feed My School” initiative started and what his goals are for the program. Since being launched last year, the program has connected thousands of Georgia students with local farmers who supply school cafeterias with enough local produce and meat to feed students for a week.

While the seminar is open to anyone, it will primarily address questions raised by faculty and graduate students who are working on local food and obesity research across the university. It is being hosted by the UGA Obesity Initiative, the College of Agricultural and Environmental Sciences and the College of Family and Consumer Sciences.

Georgia Law secures win at Hulsey/Gambrell Moot Court Competition

UGA’s School of Law recently defeated the University of Florida School of Law in the annual Hulsey/Gambrell Moot Court Competition in Jacksonville, Fla.

Formerly known as the Hulsey-Kimbrell Moot Court Competition, this contest is traditionally held at the end of October on the eve of the Georgia-Florida football game. Two law students from each school compete as lawyers in a mock appellate case, and the victors in the case earn the right to keep the championship trophy at their law school for the year.

Representing UGA in the moot court competition were third-year law students John A. Eunice from Valdosta and Jocelyn N. Maner from Augusta. This year’s win continued Georgia Law’s dominance of the tournament with a record of 20-8-2.

The competition, which was not held last year, was started more than 30 years ago when Mark Hulsey, a partner with the Jacksonville law firm Smith Hulsey and Busey and a UF graduate, and Charlie Kimbrell, a lawyer practicing in Miami who was a UGA graduate, agreed to co-sponsor the event. Both original founders have since passed away, but their legacy lives on. Today, Smith Hulsey and Busey and the law firm Smith, Gambrell and Russell—which has offices in Atlanta and Jacksonville among other locations—support this annual courtroom contest.
Vanderbilt University, The State of Tennessee has issued the following news release:

Donald J. Hall, longtime professor of criminal law at Vanderbilt Law School and author of a nationally used casebook on the subject, died Nov. 29 after a long illness. He was 69.

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Chancellor Nicholas S. Zeppos was a longtime colleague of Hall at the law school.

"Sometimes special people come along within institutions that lift them into being more than the sum of the brainpower and ambition and achievements they produce," said Chancellor Nicholas S. Zeppos. "Don was one of those special people. He cared about the law, but he also cared deeply about his students and colleagues as people.

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For further information please visit: http://news.vanderbilt.edu

LOAD-DATE: December 4, 2012

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Changes affecting hearsay under the new Georgia Evidence Code
Daily Report: Changes affecting hearsay under the new Georgia Evid... http://www.dailyreportonline.com/PubArticleFriendlyDRO.jsp?id=I...

Stephen J. Harper, Special to the Daily Report

Daily Report
12-04-2012

This article addresses changes in the new Georgia Evidence Code that affect hearsay. It is not an exhaustive treatment of this often-misunderstood area of evidence law. Hopefully it will help you prepare for your trials held after the code's effective date of Jan. 1, 2013. Code references, except where noted, are to the new rules. Current Georgia law is referred to as old law.

It is worth mention at the outset that a significant change under the new Georgia rules provides that when inadmissible hearsay is not objected to, the objection is waived and such evidence is legal and may support the result of trial, O.C.G.A. § 24-8-802. Until Jan. 1, 2013, in Georgia, even when there is no objection, inadmissible hearsay is illegal evidence and has no probative value.

Hearsay is evidence that does not derive its value solely from the credibility of the witness but rests mainly on the veracity and competency of another person. O.C.G.A. § 24-8-801(c) defines hearsay as any statement other than one made by the declarant while testifying in the trial or hearing offered to prove the truth of the matter asserted. A "statement" of a declarant is an oral or written expression in words or nonverbal conduct intended as an assertion, i.e., the declaration of a specific relevant fact. It is not just the acquiescence or silence of an accused in a criminal case, Jarrett v. State, 265 Ga. 28, 453 S.E.2d 461 (1995). But the testimony of a state's witness (that during an out-of-court conversation a woman told him she saw the accused beat the victim, and the accused, who was present, told her to "shut up") was admissible, Gordon v. State, 273 Ga. 373, 541 S.E.2d 376 (2001).

In Georgia civil cases, the admissibility of silence or acquiescence by a party to a statement which, if untrue, the party would be expected to deny will be decided preliminarily by the trial judge under O.C.G.A. § 24-1-104(b). The trial judge should admit the evidence if a reasonable jury could find that a response was called for if the statement was untrue. If admitted, the judge will instruct the jury on this matter for their ultimate determination as to the weight, if any, this evidence will be accorded.

The new code retains the principle that it is not hearsay when a witness testifies as to what she or he said out of court, is subject to cross-examination and the statement is admissible as a prior inconsistent statement or a prior consistent statement to rebut an attack on the witness's credibility, not merely to bolster his or her credibility, O.C.G.A. § 24-8-801(d)(1)(A). Also, any relevant out-of-court statement voluntarily made by a party in a civil case or the accused in a criminal case is admissible, O.C.G.A. § 24-8-802(d)(2). This exception does not apply to a non-party. Anything heard by a witness while in the defendant's presence is not hearsay, Latimore v. State, 170 Ga. App. 848 (1984).

Even if there is no hearsay rule exception available, a witness in Georgia may testify to what someone else said out of court, if that someone is in court, available to testify and subject to cross-examination, Shelton v. Long, 177 Ga. App. 534, 339 S.E.2d 786 (1986). But in Johnson v. Knebel, 222 Ga. App. 522, 488 S.E.2d 131 (1996), the court inferred that the declarant needed to be in court and subject to recall, not excused.

If the proponent can convince the judge that the proffered statement is not hearsay, there is no need to demonstrate an exception. A simple test, proposed by Professor Paul Milich, Georgia State University College of Law, is to assume that the maker had no idea of whether what he or she was saying was true and then ask if the statement is still relevant to the crime charged or civil claim. If "yes," then it is not hearsay and is admissible. Also, if the statement does not declare a specific relevant fact it is not assertive, but if it is relevant for any reason, it is admitted as non-hearsay.

Several federal cases provide creative examples of this concept. An exclamatory statement, "You are a dead man!" made by a party to the crime to the victim during the assault by defendant asserts nothing, but it may be relevant to show the state of mind of the declarant or that the statement was made and heard by the defendant, Martinez v. McCaughtry, 951 F.2d 130 (7th Cir. 1991).

An order or imperative statement, "Tell him to get off my back and get another patsy," was admitted to show state of mind, i.e., that the relationship had broken down between the Catholic priest and the defendant in a tax fraud scheme, U.S. v. Dandy, 998 F.2d 1344 (7th Cir. 1991).
An interrogatory or inquiry, "Have the apples arrived?," heard by a law enforcement officer who answered defendant's phone while searching defendant's apartment, is not an assertion to prove anything, rather it was admitted to show defendant's knowledge and intent in a drug case, U.S. v. Oguns, 921 F.2d 442 (2nd Cir. 1990).

If the statement, even when it contains an assertion, is relevant for another purpose, such as to explain conduct or for its effect on one who hears it, e.g., to show fear or to prove motive, intent or notice, it is admissible for such a non-hearsay purpose. Opposing counsel should request a limiting instruction, which must be given by the court upon such request. Also, any prior inconsistent statement of a testifying witness may be offered to impeach that witness, and it may be considered for its substantive value, O.C.G.A. § 24-8-801(d)(1)(A). In federal court, the prior inconsistent statement may be admitted for its substantive value only if it was made under oath and subject to cross-examination at a prior hearing or trial. Under the new Georgia rules, counsel confronting the witness may question the witness directly about its contents and need not first direct the witness's attention to the circumstances of its making. The prior inconsistent statement of an out-of-court declarant is admissible only to impeach that declarant and not for its substantive value.

Under O.C.G.A. § 24-8-801(d)(2)(D), the new test for admissibility of an agent's or employee's statement requires that the statement be within the scope of the agency or employment relating to something she or he would know because of job duties and that it be made during the existence of that relationship. The trial judge makes the final decision on admissibility of the statement as a preliminary matter under the provisions of O.C.G.A. § 24-1-104(a). No longer must the statement have been one that the agent or employee was authorized to make by the principal or employer, A.A.L., Inc. v. Colonial Pipeline Co., 280 Ga. App. 237, 633 S.E.2d 560 (2006).

Under old Georgia law the issue of whether the agent or employee had such authority was for the jury to decide, considering direct or circumstantial evidence. Since authority will no longer be an issue, this change should allow for more agent or employee statements coming in at trial. The hearsay statement of an agent of the state in a criminal proceeding is not admissible against the accused, O.C.G.A. § 24-8-801(d)(2)(D).

Thankfully, res gestae and the unpredictability it produced have been eliminated in the new rules. New Georgia evidence practice looks to a combination of three rules, O.C.G.A. § 24-8-803(1) for present sense impressions, i.e., a statement made while the declarant was perceiving the event or immediately thereafter; 803(2) for excited utterances, i.e., a statement made while the declarant was under the stress of the excitement caused by the event, or 803(3) for statements of then existing mental, emotional or physical conditions relating to intent, plan, motive, pain or state of health, but not including memory or belief.

For example, the statement, "I'm going to the grocery store." would be admissible, but the statement, "I'm going to the grocery store with Tom." would not be admissible to prove the declarant's belief regarding Tom's intent to go to the grocery store, but it would be admissible to prove the maker's intent or plan.

Though not a per se hearsay issue, it is worth noting that under O.C.G.A. § 24-4-404(b) relating to similar transaction evidence, "bent of mind" and "course of conduct" have been eliminated. This is a significant legislative recognition of the general evidentiary principle that a person's propensity to act is inadmissible character evidence. This should make the evaluation of the admissibility of this type of evidence more predictable and judicious, which will produce a result that recognizes the critical impact similar transaction evidence has on the fact finder.

Matters observed and contained in public records may be admissible. They must be those observed pursuant to a duty imposed by law as to which matters there was a duty to report. The new rules require that the question of admissibility of police reports be handled as public records under O.C.G.A. § 24-8-803(8)(A), not as business records. Under subparagraph (B), matters observed by police officers in connection with an investigation may not be admitted against the accused in a criminal case. Trustworthy factual findings under subparagraph (C) resulting from an investigation are admissible in civil cases and against the state of Georgia in criminal proceedings. Factual findings include opinions and conclusions of the investigator, even when he is not available to testify.

There are significant changes to the business records exception found in O.C.G.A. § 24-8-803(6). Acts, events, opinions, conclusions or diagnoses contained within the business record are admissible, to include those in medical records. The medical narrative provision found in old Georgia law at O.C.G.A. § 24-3-14 has been carried forward to the new code. But the usefulness of a medical narrative is diminished, because when a proper foundation and authentication are made the medical record itself is admissible.

The foundational requirements for business records are unchanged, but the process of laying the foundation and authentication is much different. Under the new code, authentication may be made by certification of the custodian of the records or one familiar with the records keeping procedure in lieu of live testimony. If the certification properly
recites the foundational elements of O.C.G.A. § 24-8-803(6) as outlined in O.C.G.A. §§ 24-9-902(11) and (12), both requirements are satisfied, and the record may be admitted by the trial judge under O.C.G.A. § 24-1-104(a), employing a preponderance of evidence standard.

Co-conspirator’s statements under O.C.G.A. § 24-8-801(d)(1)(E) now require that the statement be made during the course of and in furtherance of the conspiracy. The contents of the statement need not be necessary to the success of the conspiracy but must be related to it in some way. The trial judge decides the issue under the authority of O.C.G.A. § 24-1-104(a). Old Georgia law found in O.C.G.A. § 24-3-5 required only that the statement be made during the pendency of the criminal project, not that it be related to or in furtherance of the conspiratorial objective.

Dying declarations will be allowed in civil cases, O.C.G.A. § 24-8-804(b)(2). Prior to the new code, dying declarations were admissible only in criminal homicide prosecutions, O.C.G.A. § 24-3-6. This exception applies even when the declarant actually survives.

Present recollection refreshed is addressed in O.C.G.A. § 24-6-612. When the witness uses it to refresh his or her memory while testifying at the hearing or trial, the adverse party now will be entitled to have the writing produced for inspection, to use it on cross-examination and to have portions of the document relating to the witness’s testimony introduced into evidence. If the writing is used to refresh recollection prior to trial, the procedure is up to the court’s discretion, guided by serving the interests of justice.

Old Georgia law, found at O.C.G.A. § 24-9-68, did not differentiate between present recollection refreshed and past recollection recorded. In the case of past recollection recorded under the new O.C.G.A. § 24-8-803(5), the required foundation remains essentially the same. The contents of the writing, consistent with the old practice, are read to the jury. The document itself does not go out with the jury to its deliberations due to Georgia’s continuing witness rule, see Tibbs v. Tibbs, 257 Ga. 370, 359 S.E.2d 674 (1987).

This discussion has focused on some of the changes to hearsay law under the new Georgia Evidence Code. It has looked only at the tip of the hearsay iceberg. In order to be able to get hearsay evidence before the fact finder that should be admitted and keep evidence out that is unreliable and violates the right to confrontation, there is no substitute for a mastery of the new rules and case law in this thorny area of evidence practice.

Stephen J. Harper is the director of programs for the Institute of Continuing Legal Education in Georgia. He has extensive trial litigation experience gained by participating in more than 1,000 criminal trials as prosecutor, defense counsel and judge. He was the senior and managing partner for several large military law offices and has taught constitutional law at West Point. In addition, he has served as an adjunct professor at the University of Georgia School of Law since 1998 and teaches in the area of trial practice, with an emphasis on evidentiary issues. Harper earned his juris doctor from the University of Alabama School of Law in 1974 and his bachelor’s degree from the U.S. Military Academy at West Point in 1968. He completed the Graduate Law Program at the U.S. Army Judge Advocate General’s School, University of Virginia, in 1978.

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Soldier's fight for daughter reaches top court

By MARCUS E. HOWARD

A Fort Stewart soldier's battle for custody of his young daughter has reached the U.S. Supreme Court.

Justices of the court will hear oral arguments today from the attorneys representing Army Sgt. First Class Jeff Chafin and his estranged wife, Lynne Hales Chafin, a Scottish national who has been living for the past year in her homeland with 5-year-old Eris Chafin.

The Chafin v. Chafin case has grown from a bitter divorce and custody battle in Alabama to the nation's highest court, where the issue at hand is whether a right of appeal for custody exists when a child is no longer living on American soil.

In October 2011, U.S. District Judge Inge Johnson ruled that Jeff had failed to prove that Eris was a habitual U.S. resident and ordered the girl returned to her mother in Scotland. Lynne and Eris flew to Scotland shortly thereafter.

In February, Jeff's appeal to a two-judge panel of the U.S. 11th Circuit Court of Appeals was dismissed on the grounds that the U.S. court system lacked authority to rule on an appeal made under the Hague Convention once children have left the country.

However, Marietta-based lawyer Michael Manely, Jeff Chafin's attorney, said that finding doesn't apply in this particular case. He says that Lynne Chafin intended to reside in the U.S. with her daughter and that the outcome of the case has serious implications for military residents in places such as the Savannah area, which is close to two military bases.

"If you're in the military, you're more likely to be married to an international spouse than the population at large," Manely said.

Child custody cases are often emotional but that those involving parents from different countries only complicate them, said Paul Kurtz, an associate dean at the University of Georgia School of Law who specializes in family law.

"It happens quite often and there are lawyers who specialize in this, there are international conventions about this and there are statutes in most states, including (Georgia), in which the issue is addressed," said Kurtz.

"If the Supreme Court of the United States takes the case, it's almost certain that it's not an easy case."

Jeff and Lynne met online and were married in 2006 while he was stationed in Germany, where Eris, their only child, was born. The couple have had a rocky relationship over the years, including at least one arrest of Lynne Chafin, who was charged with domestic violence in 2010.

Lynne Chafin, 35, was deported last year for overstaying a temporary visa. She cannot return to the U.S., said her Washington, D.C.-based attorney Stephen Cullen.

Jeff Chafin, who served two tours in Afghanistan and has lived a month in Hinesville, said he's concerned about the safety of his daughter and wants her back in the U.S. He lived with her father for nearly two years in Alabama, where he was stationed, while the couple attempted to salvage their marriage and following Lynne Chafin's deportation.

"I've proved myself to be a 100 percent fit parent," said Jeff Chafin, 43.

Jeff Chafin has lobbied members of Congress to amend existing laws to establish citizenship for foreign nationals whom the military moves to the U.S. Such relocations are taxpayer-funded and are a sign of a foreign national's intent to establish residency, he and his attorney argue.

"If the military moves a foreign national here then they would be subject to the jurisdiction of the United States court system," Jeff Chafin said.

Cullen, a native of Scotland, said his client's objective is simply to live in Scotland with her daughter and that she has not attempted to deny Jeff Chafin the right to see Eris, in spite of the couple's pending divorce.

"She wants Sgt. Chafin to be fully involved in Eris' life as his obligation to the Armed Services permits," said Cullen.

"It's always a challenge for military, but there's been no attempt ever to restrict his access. But the child is going to school in Scotland and what needs to happen is for all this to end so that the child can visit her dad in America."
On Aug. 13, Jeff Chafin’s last attempt to bring his daughter back to America was kept alive when the Supreme Court granted his certiorari petition to hear the case. He said he was told there was a less than 1 percent chance it would do so.

Some in the legal community following the case were surprised that Cullen didn’t fight the petition, but he said he didn’t want to stand in the way of necessary closure for both sides.

Much is at stake in the matter, said Manely, who is arguing his first case before the Supreme Court. If federal courts don’t retain authority over the removal of children from the country, then those who seek to take children away without both parents’ permission will be further encouraged, he said.

“I don’t see the Supreme Court neutering our courts and saying we can’t do anything to help American parents with American children,” Manely said.
A member of the local legislative delegation has been named to a state leadership position.

Gov. Nathan Deal this week named Charlie Bethel, R-Dalton, and Rick Jeffares, R-Locust Grove, as new state Senate floor leaders. They join Sen. Bill Jackson, R-Apple, and will serve as liaisons between Deal and the state Senate when lawmakers return Jan. 14, 2013.

"It's an opportunity to be a part of the governor's team and help weigh in on policy issues," Bethel said. "We'll get an opportunity to be a part of a preview meeting of the budget, and obviously those are good things and a good experience. As a floor leader, people are going to look to you in the chamber for an idea on where the governor is on an issue, even if it's not an administration issue or an administration bill."

Bethel, a human resources executive with J&J Industries in Dalton, also serves on the judiciary, special judiciary, insurance and labor, retirement, and reapportionment and redistricting committees. Prior to his service in the Senate, Bethel was elected twice to the Dalton City Council.

He earned a bachelor's degree in management from the Terry College of Business at the University of Georgia and a juris doctorate from the University of Georgia School of Law. He and his wife, Lynsey, have three children and reside in Dalton.

"It's certainly an honor," Bethel said. "There are a lot of great folks in the Senate. He (Deal) had lots of people interested and could have had his pick. I'm proud to be chosen."
Marilyn A. Wethekam, a partner with Horwood Marcus & Berk Chtd. in Chicago, has received the Bloomberg BNA 2012 Franklin C. Latcham Award for Distinguished Service in State and Local Taxation.

(Logo: http://photos.prnewswire.com/prnh/20120110/DC33627LOGO)

The award was presented Nov. 29 at a meeting of the Bloomberg BNA Tax Management Multistate Tax Advisory Board in New York City. The Latcham Award is named for Franklin C. Latcham, former Advisory Board chair and founder of the BNA Tax Management State Tax Portfolio Series. The Award has been given to a distinguished state tax practitioner every year since 1996.

"Marilyn has demonstrated how effective state tax compliance begins with smart people," said Paul Frankel, the chairman of Bloomberg BNA's State Tax Advisory Board and partner with Morrison & Foerster in New York.

Wethekam co-chairs Horwood Marcus & Berk's multistate state and local tax practice. Prior to joining the firm, she developed a deep understanding of complex multistate tax issues while working for the Mobile Oil Corporation and Montgomery Ward & Co. She has formulated innovative solutions for multistate tax issues as well as the practical resolution of disputes. Marilyn has devised multistate audit strategies, drafted legislation, and represented multistate corporations in income, franchise, sales and use and miscellaneous tax matters in more than 30 states.

She is an author and frequent lecturer before such groups as the Council on State Taxation, Georgetown University Institute on State and Local Taxation, The Paul J. Hartman State Tax Forum and Tax Executives Institute.

Bloomberg BNA Advisory Board member Harley Duncan said "when I was with the Federation of Tax Administrators, I asked Marilyn many times to talk to tax commissioners about state tax issues." Duncan, a former executive director of FTA who is now with KPMG in Washington, D.C., added that "this is because I knew that she would provide learned, clear, and even-handed explanations that they would understand."

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Georgia's own Mark McDonald has been elected chair of the National Trust Partners Network, and he will serve as an ex-officio member of the National Trust for Historic Preservation's board.

McDonald has been president and CEO of the Georgia Trust since 2008. According to a release from the Georgia Trust, the Partners Network includes more than 120 state, regional, and local nonprofit organizations, representing the top-tier preservation organizations in the country.

These organizations are actively involved in saving and protecting historic places, advocating for preservation-friendly policies, and promoting the economic and social benefits of historic preservation. The network convenes for educational purposes twice a year.

McDonald has more than 25 years of professional involvement in historic preservation and a strong business background. He holds a bachelor of arts degree with a double major in history and English from Emory University and a law degree from the University of Georgia School of Law. Prior to coming to the Georgia Trust, he served as executive director of three other preservation organizations-Historic Savannah Foundation, the Mobile (Ala.) Historic Development Commission, and Historic Salisbury Foundation (N.C.).

Created in 1973, The Georgia Trust is one of the largest statewide preservation organizations in the country and was a founding member of the National Trust Partners Network when the alliance of nonprofits was formed in 1995.

McDonald will be assisted by vice chair Jennifer Meisner, executive director of the Seattle-based Washington Trust for Historic Preservation.
After two decades of serving as district attorney for the Cherokee Circuit, T. Joseph Campbell is ready to move forward with the next chapter in his life.

Having gone to trial in more than 200 cases, about 50 of which have been homicide, Campbell has built a legacy that has cemented his place among top prosecutors.

Campbell, who retires this month, has spent 24 years total with the Cherokee Circuit, which includes Bartow and Gordon counties, first as assistant district attorney in 1976 and then as district attorney since 1992.

Campbell said he is proud of his service over the years and succinctly summed up his philosophy on his work ethic.

"You have a duty and it's a sacred duty to help the public and perform to the best of your abilities," Campbell said. "You've got to have a certain level of compassion and aggression mixed with objectivity. I've been blessed that I was able to maintain a certain level of objectivity, however, as a prosecutor, you understand that this is a calling, it's not just a job."

Born in Montgomery, Ala., Campbell moved to Georgia as a child and grew up in Atlanta, graduating from the former North Fulton High School in 1964.

After serving nearly two years in active duty with the Army in Vietnam, Campbell went on to graduate from the University of Georgia Law School in 1974.

He has 38 years of law practice under his belt, having also served as city attorney for Calhoun and county school board attorney for Gordon County.

Campbell said hopes to be remembered as someone who was steady and worked hard and was fair, worked well with judges and defense attorneys and assembled a great team of prosecutors.

Campbell said he hasn't quite decided what his next steps are after retiring from the circuit.

But there is one place he won't be.

"I'm not interested in getting back in the courtroom," Campbell said. "I know that it will be a shock to my system, but I think I will find my way."

The circuit's Victim-Witness Assistance Director, Julia Richards, said Campbell has always been accessible and fair even when tough decisions had to be made.

"He is a brilliant man of integrity," Richards said. "He will be fondly remembered in this circuit as a man who was honest, fair, and compassionate and a great steward of the county's resources."
Georgia Trust’s Mark McDonald to take volunteer role with National Trust

By Maria Saporta

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Above the clouds

Mary Helen Martin
DAILY REPORT: Above the clouds

Daily Report
12-07-2012

\( \text{(T.D.'06)} \)

At 32, Josh Gunnemann is finally fulfilling his childhood dream to fly airplanes. A civil litigator with Rogers & Hardin, Gunnemann always wanted to be a pilot. As a young boy, he enjoyed riding in commercial airliners. He memorized the different types of planes and even drew pictures of them.

About two-and-a-half years ago, after riding in a friend's small plane a few times, Gunnemann decided it was time to act on his passion. Gunnemann spoke to the Daily Report about his favorite pastime and love of the sky.

**What do you think draws you to flying?**

I think it's a great mix. Freedom—the ability to really get out of the world you're used to on a daily basis. There's something that's completely unique about being up above the clouds, in the sky after a sunrise or a sunset flight that you just don't get to experience if you're on the ground. But at the same time, there's an immense challenge involved in flying. It takes a lot of focus, commitment, and you have to develop a skill for it. It's something you can spend your entire lifetime getting better at. Those two things are very different, but they both appeal to me a lot.

**You have your sport pilot certificate and you're working on your private pilot certificate. What's the difference?**

My sport pilot certificate lets you fly what's called light sport aircraft. It's a pretty new certificate. It's only been around about seven years or so. It limits you in what you're able to do. For example, I'm not allowed to fly at night. I can't fly a plane that's not a light sport plane, so I can't fly anything that has more than two seats and a certain number of horsepower. It's just a smaller airplane that's simpler to fly.

**And with a private pilot certificate you can do a lot more?**

You can fly larger planes with more passengers, and you can fly at night. You can work on your instrument rating, which lets you fly in clouds, in weather, and the like. So right now, for example, if I've got an out-of-town deposition, I'm not quite at the point where I'm taking my plane, but I'd like to get to that point.

**When do you find the time to fly?**

I try to go about twice a month, every other weekend ... on Saturday mornings. I usually try to sneak in a sunrise flight once a month or so because I really enjoy those.

**I'll bet that's beautiful.**

Yeah, it's gorgeous. It's just a short flight. Usually one of my favorite things to do is to take off from Fulton County Charlie Brown [airport], which is right by Six Flags, and then you can fly over Midtown, loop around Stone Mountain and come back. It's only about a 25-minute flight, but it's a really pretty one and that sunrise is totally worth it.

**Have you ever had a close call while flying?**

I was wondering if you'd ask me that. The answer is nothing too scary, and I'm quite comfortable with that.

**Is there more you want to do after you get your private pilot certificate?**

Yes, instrument training. That really opens up your flying to go anywhere at anytime. The instrument rating is pretty hard to get and hard to keep. You've really got to keep using it. So that's the real plan ... to do that and hold on to it because that lets me fly friends and family for the weekend ... and not worry about traffic or anything like that.

**Do you find there is a community of people like you who like to fly and stay in touch?**

The general aviation community is something I didn't really have a window into at all before flying, and it's great. Every little town has an airport, and sometimes it's just a little field with a hut, and sometimes it's manned and sometimes not. Sometimes there are these great flying clubs with old-time pilots sitting around talking about flying stories and different planes. It's really neat to go in and experience that community.
I think it's a real testament to the Wild West culture in the U.S. because it's complete freedom. Where else can you go and just drive up to an airport, jump out of your car, jump on a plane and take off and go anywhere? So yes, there are a bunch of folks I've met who fly planes.

**Are they from all walks of life?**

It totally runs the gamut. A good buddy of mine—who works in the firm and who flies planes—he and I go out a lot. Then, some of my instructors are barely scraping by. One of them works at a convenience store. He is an instructor so that he [is able to] fly all the time. Some of these guys are old-timers who pretty much build their own planes.

**Once you get all your certifications, is there a certain place you want to fly?**

I'd love to fly to the Caribbean. I think island hopping through the Caribbean would be a lot of fun.

**Do you find this is your outlet when things are stressful at work?**

Absolutely. I think it's a great stress reliever. Work is so busy, and it's really nice to simply escape into a world that's completely different.

But at the same time, it's a world that fits my skills. There's such a technical aspect of flying. There's so much focus that it takes that I really enjoy learning about it. I enjoy being a student of flying. So, it also satisfies that side of me that helps me in law, which is always learning, always trying something new or trying something different, and never being satisfied with doing the same thing over and over again.

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New Delhi, Dec. 7 -- Marilyn A. Wethekam, a partner with Horwood Marcus & Berk Chtd. in Chicago, has received the Bloomberg BNA 2012 Franklin C. Latcham Award for Distinguished Service in State and Local Taxation.

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* Jean Walker, retired senior manager with Ernst & Young
* William R. Brown, first executive director of COST
* the late Paull Mines, general counsel with the Multistate Tax Commission
* Joanne Garvey, member of Heller Ehrman White & McAuliffe in San Francisco
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D.C. judge has sharp words for some lawyers

Zoe Tillman
The National Law Journal
12-10-2012


Those were just a few of the choice words U.S. District Chief Judge Royce Lamberth recently had for District of Columbia government lawyers. They had violated a discovery order, he said in an Oct. 4 opinion, and in trying to defend their actions, they were asking him to enter an "Orwellian world" where "all arguments are devoid of context."

To the city's lawyers, Lamberth had gone too far. They asked him to strike the "vituperative rhetoric"—but the judge scoffed. "The Federal Rules provide for no motions for reconsideration for hurt feelings, no motions to strike things that could make you look bad," he wrote on Nov. 19.

In 25 years on the bench, it wasn't the first time Lamberth faced pushback from lawyers over his language. In 2006, the U.S. Court of Appeals for the D.C. Circuit removed Lamberth from a case in part because of strong words that prompted objections from the U.S. Department of Justice. Lamberth doesn't "sugarcoat things," said Cadwalader, Wickersham & Taft partner Kenneth Wainstein.

"As a government attorney and as a judge he's always called it as he sees it," said Wainstein, noting Lamberth can be especially demanding of government lawyers. "I think that springs from his strong belief in right and wrong and making sure that everybody gets a fair shake."

Lamberth, a D.C. federal judge since 1987 and chief judge since 2008, declined to discuss his approach to writing opinions or his style. But he did say he thought the court should expect lawyers to perform at a high level "and not just wink or overlook or ignore conduct that falls short."

Federal judges are often required to be critical and disciplinary action over language is rare, said Cynthia Gray, director of the American Judicature Society Center for Judicial Ethics, in an email. Judges are required to be patient and dignified, she said, but "second-guessing a judge's decision on how strongly he or she needs to express himself or herself to get the job done is inconsistent with the discretion granted judges."

Known for his outspokenness on the bench and in person, Lamberth ran the civil division of the local U.S. attorney's office before being nominated. "He was a fantastic manager and a very fine writer," said former U.S. attorney Joseph diGenova, now with diGenova & Toensing. "The material that used to come from the civil division to us in the front office was always superb, from top to bottom."

After his appointment in 1987, news archives showed Lamberth was drawing attention for his writing by the early 1990s. In a 1992 article in Legal Times, a lawyer described one of his rulings as "sort of harsh in its language."

But it was his handling of litigation over the U.S. Department of the Interior's mismanagement of government trust funds for Native Americans that got him in trouble. In a July 2005 opinion he called the Interior Department, among
other things, "a dinosaur—the morally and culturally oblivious hand-me-down of a disgracefully racist and imperialist
government that should have been buried a century ago." The Justice Department successfully appealed to have
Lamberth removed, pointing to the July ruling and a string of reversals.

University of Georgia School of Law Professor Peter Rutledge, who wrote in 2006 that the decision posed a threat to
judicial independence, said that although he hasn't seen a flurry of similar removal petitions, it represented a
"tarnishing" of the judiciary's power to hold another branch of government accountable. "If you disagree with the judge,
get him or her reversed on the merits," he said.

In less fraught instances, Lamberth has made headlines for injecting personality into his opinions; a January opinion
compared Medicare laws to a text "written by James Joyce and edited by E.E. Cummings." At the time, Lamberth
credited a clerk with the idea for the line.

Crossing the line
The D.C. attorney general's office has borne some of the strongest of Lamberth's colorful verbiage in recent years. In
May 2011, he chastised city lawyers for committing a discovery violation "so extreme as to be literally unheard of."

Attorney General Irvin Nathan said in a statement that his office "has great regard for Chief Judge Lamberth, whom we
accurately called a 'respected jurist' in our recent motion for reconsideration," referring to the city's objection to
Lamberth's October opinion.

Covington & Burling senior counsel Peter Nickles, Nathan's predecessor as D.C. attorney general, said that although
Lamberth is "tough," he couldn't think of an opinion that crossed a line. Nickles, who often clashed with city officials,
said he could understand when Lamberth's opinions reflected an impatience with attorneys before him.

"Lawyers know when they are crossing the line, or close to crossing the line, this is not a mystery. Lawyers know when
they have an argument that's a bunch of baloney," Nickles said. "Lamberth will call you out in a second."

Lamberth said he feels an obligation to correct government lawyers not meeting high ethical and professional
standards. "As a former career government lawyer myself, I think the court expects government lawyers to perform at
the highest standard of the profession," he said. "I think society expects that of the government's lawyers and I
certainly expect it."

When Lamberth turns 70 next July, he plans to take senior status; federal law requires that he step aside as chief
judge. Stanley Sporkin, a former D.C. federal judge, said being on the bench can be liberating, especially if a judge
isn't actively angling for appointment to a higher court. "That's the great thing I found about being a district court judge;
I owed nobody anything, I think he probably has that same feeling," he said. "He doesn't need to satisfy anybody."

During his tenure as a judge, Chief Judge David Motes has seen five different presidents reside in the White House and witnessed the economic recessions and recoveries of three decades. Motes has been practicing and studying law for 32 years, and he has served as a judge in the area for 24 of those years.

"I wanted to help people, people that have a problem that they couldn't solve themselves," said Motes, of his reason for practicing law. "I saw what I thought were injustices in my youth and wanted to try to correct some of them."

Motes' law career got its start at the University of Georgia. He is a self proclaimed “double dawg,” because he attended the UGA for both undergraduate studies and law school.

For the past 17 years, Motes has served as a judge in the Piedmont Circuit of the 10th Judicial District in Georgia. Before that, Motes served as a judge in Jackson County for seven years.

During his time as a judge, Motes has seen a number of changes to how justice is served within the courthouse, including a series of changes to sentencing laws that went into effect last July. However, for Motes, the most outstanding change was the 1995 passage of a law outlining mandatory minimum sentencing.

"Justice isn't one size fits all, and I think that's what the problem is with mandatory minimum sentencing," said Motes, who said he believes that while crimes have the same names, the circumstances of each are different.

Motes' caseload varies depending on the individual cases. He said that some days he hears a hundred cases, and sometimes a trial lasts two weeks.

One of the most memorable cases for Motes was the 1999 trial of Donnie Lance. Lance received the death penalty for killing his ex-wife and her boyfriend in 1997.

“That was probably one of the most difficult cases I've ever had to try," said Motes. However, Motes said death penalty cases are not too common, and in regard to his day-to-day caseload, the worst trials are those for child custody.

“You have to decide between two parents, and your decision has lasting consequences..."
for the child,” said Motes, who admits that custody cases impact him the greatest emotionally.

Not all court cases are easily decided.

“There are times when there’s not good decision. You have to decide for one side or the other – there’s no third choice,” said Motes. “But I don’t make laws. I just interpret them and apply them to specific cases. That’s what judges should do.”

Motes has been living in Jackson County almost his whole life; although he was born at the Winder-Barrow Hospital. He currently lives in Jackson County with his wife of almost 28 years, Pamela Dodd Motes.

“My wife does remind me, most people are not like what I see in court. Most people are honest, good, law-abiding citizens and settle their disputes peaceably,” said Motes, who admits being a judge has turned him into a pessimist.

Nonetheless, Motes says that despite often seeing people at their worst, he has never considered changing his profession.

“I enjoy what I do. It can be emotionally draining. It can be depressing, but I think I’ve got the responsibility to make the best decision I can,” said Motes. “After all, I signed up for this.”
Ardent GC deals with regulations, litigation

Mary Welch, Special to the Daily Report

Daily Report
12-12-2012

Steve Petrovich has served as general counsel, senior vice president and secretary of Ardent Health Services since its formation in 2001, and was general counsel to Ardent’s predecessor company, Behavioral Healthcare Corp. Based in Nashville, Ardent’s subsidiaries own and operate health care facilities in the United States, and its network includes 10 acute care hospitals, a rehabilitation hospital, a multispecialty physician group, a 250,000-member health plan and retail pharmacies.

Prior to joining the company, Petrovich clerked for U.S. District Judge Harold L. Murphy of the Northern District of Georgia. He then worked in private practice, concentrating on litigation, employment and health care regulatory work before becoming litigation counsel for Charter Behavioral Health Systems.

Petrovich graduated from the University of Georgia School of Law, where he was editor of the Georgia Law Review, and he received his undergraduate degree from DePauw University.

He is married to Emilie Koers Petrovich, who also graduated from the University of Georgia School of Law in 1990, and they have three children. He is a big supporter of the Williamson County, Tenn., soccer community where he has been a team manager and pro bono legal counsel. He and his family support several community groups that help families dealing with cancer.

Describe your department and your role in it.

The legal, compliance and risk management departments report directly to me, although compliance also reports to the company’s board of directors. The legal department has three in-house counsel and two paralegals. Our lawyers are located in Nashville (myself) and two in Albuquerque, N.M., who focus on our health plan operations.

I am responsible for all legal services for all aspects of our company’s operations in all three states we operate in. I handle matters [such as] corporate governance, health care regulatory advice, employment issues and transactional matters.

What is the biggest legal challenge facing today’s health care industry?

With the presidential election settled, our biggest challenge will be implementing and adjusting to the changes being instituted by the Patient Protection and Affordable Care Act.

You clerked for U.S. District Judge Harold Murphy. What did you learn?

First, that was the best job I have had and will probably ever have. He was and remains the consummate judge in all aspects of what people ask for and expect in a judge in the traditional and honored sense of that post.

What I learned is that being a lawyer is an honored profession and that it should be treated as such. A lawyer is a...
counselor and adviser and the advice and counsel given should not be colored or changed to fit the desired outcome.

What type of litigation do you face and how do you handle it?

With a small in-house shop, we outsource all litigation to lawyers who can and will go to trial. We have the typical caseload of malpractice cases, employment litigation and various commercial cases. We try to resolve our cases early through mediation and early evaluation, if possible. If we cannot resolve early, then we will try cases. I don't like to spend legal fees and also settlement fees. It does not make good business sense.

Do you mediate?

Yes. Early mediation gives the businesspeople a good sense of the strengths and weakness of a particular matter and helps us perform a risk assessment of the value of the case. We also use arbitration, although in my experience that is becoming less of a useful alternative as it slows down the process and is more costly. Plus, it seems that finding good arbitrators is becoming more difficult.

Do you use outside counsel?

Yes, we predominantly use outside counsel for most matters. We have used a "buy it" model and not a "build it" model for our legal function, but that may be changing in the next year.

We use Bass Berry & Sims in Nashville as our primary outside counsel as they basically serve as a valued extension of our in-house department in most matters and for due diligence on transactions; Patrick Clark at Ogletree Deakins in Atlanta for employment; Louis Glaser in Chicago for physician transactions; Stephen Braun at Bradley Arrant in Nashville for hospital transactions; Sidley Austin in Chicago for financing; Donna Bergeson and Robert Stone from Alston & Bird in Atlanta on academic medical center issues; Jennifer Vaughan from Parker Hudson for managed care items. We also have strong ties to local counsel in our markets to handle the state-specific items.

What is your policy on outside counsel conflicts?

I use a pretty simple rule that I learned when I worked in the mail room at Alston & Bird when I was in college: A firm represents Coke or Pepsi, not both. I don't waive conflicts very often as I don't think that is the correct route.

I have yet to find a businessperson who will understand why a firm represents us in one matter and then is opposed to us in another matter—whether directly or indirectly—regardless of the magnitude of the matter, placement of "Chinese walls" or any other device to keep matters separate. A firm is my firm or it is not.

How do you handle discovery? Are you considering changing it?

I believe we have installed a pretty good system for archiving and tracking electronic documents. But we do not have a specific vendor for a large electronic discovery matter, and I hope to avoid having to incur that expense any time soon.

A recent survey of corporate counsels said that the increasing number of regulations and their growing complexity is their biggest problem. Would you agree?

Yes, I wholeheartedly agree, especially in health care. As the Affordable Care Act is implemented, there will be changes in almost all aspects of the care continuum involving managed care, hospital operations and provider relationships. Each aspect of the care continuum will try to protect its operations and change the way it delivers quality care and service to people who are less sure about what the changes will mean to them.

Staying in compliance with the newest round of regulations and changes will be challenging.

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International Criminal Court (ICC) Prosecutor Fatou Bensouda has appointed three new special advisers to assist her on the cases against four Kenyans. The three include Patricia Viseur Sellers, Leila Nadya Sadat and Diane Marie Amann.

The four Kenyans include Deputy Prime Minister Uhuru Kenyatta, Eldoret North MP William Ruto, former head of public service Francis Muthaura and radio presenter Joshua Sang.

"Patricia Sellers, Leila Sadat and Diane Marie Amann have a wealth of experience between them. I have no doubt their contributions to the work of the office and the fight to end impunity for the world’s worst crimes will be invaluable," said the prosecutor.

Special advisers to the Office of The Prosecutor (OTP) are persons with recognised expertise in their field, who provide advice to the prosecutor at her request or on their own initiative on training, policies, procedures and legal submissions.

They work on a pro-bono basis and like all ICC staff, are required to sign a confidentiality agreement.

Ms Sellers is special adviser on International Criminal Law Prosecution Strategies. Ms Sellers will advise OTP on policies and training with regards to international criminal law prosecution strategies.

She previously worked as Acting Senior Trial Lawyer, Legal Advisor for Gender and Deputy Head of the Legal Advisory Section in the OTP at the UN International Criminal Tribunal for the Former Yugoslavia (ICTY).

She has written on sexual violence in armed conflict and counselled governments, international organisations and civil society groups on international criminal law strategies. She is a recipient of the American Society of International Law’s Prominent Women in International Law Award.

Professor Sadat is the special adviser on crimes against humanity and will help the OTP formulate office wide strategic policies relating to crimes against humanity.

Ms Sadat is currently the Henry H. Oberschelp Professor of Law and the director of the Whitney R. Harris World Law Institute at Washington University School of Law.

She is also the Director of The Crimes Against Humanity Initiative and the director and co-founder of the Summer Institute for International Law and Policy at Utrecht University in the Netherlands.
An internationally recognized expert in international criminal law, human rights and public international law, Professor Sadat has been doing pro-bono work for international courts and tribunals, including the ICC, for many years.

Professor Amann is appointed special adviser on children in and affected by armed conflict.

As adviser, she will support and advise on OTP policies and training or awareness with regard to children in and affected by armed conflict.

Holder of the Emily and Ernest Woodruff Chair in international law at the University of Georgia School of Law in Athens, Georgia, Ms Amann also has taught on the law faculties of the University of California-Davis, University of California-Berkeley, and University of California-Los Angeles; visited at the Irish Centre for Human Rights in Galway and Universite de Paris I (Pantheon-Sorbonne); practised as a federal criminal defence attorney in San Francisco; and served as a vice-president of the American Society of International Law.

Source: The Standard website, Nairobi, in English 13 Dec 12

LOAD-DATE: December 13, 2012

****** Print Completed ******

Time of Request: Friday, December 14, 2012 06:39:50 EST

Print Number: 2828:385446447
Number of Lines: 52
Number of Pages: 1
Appeals court field down to 3 judges

Kathleen Baydala Joyner and Alyson M. Palmer

Daily Report
12-13-2012

Governor Nathan Deal’s Judicial Nominating Commission on Wednesday submitted the names of three finalists from which he is expected to choose a new judge for the state Court of Appeals, his fifth appellate appointment in two years.

The JNC recommended Dougherty County Superior Court Judge Stephen Goss, Fayette County State Court Judge Carla Wong McMillian and Tift County State Court Judge Larry Mims from 16 candidates interviewed by the JNC on Wednesday.

None has been on Deal’s previous appellate short lists, but because each is already a trial court judge, Deal will continue his trend of elevating judges to appellate posts. Three of his four appellate appointments have come from lower courts as opposed to the practicing bar.

Two of the three finalists were placed on the bench by Georgia’s last Democratic governor, Roy Barnes.

Goss, 51, presides over his circuit’s mental health and drug court programs, a particular interest of the governor’s, this year Deal successfully campaigned for more funding for such accountability courts.

Goss was in private practice from 1986 until 1999, when Barnes appointed him to the trial court bench. Goss also was a juvenile court judge in Dougherty County from 1995 to 1999.

He earned his bachelor’s and law degrees from the University of Georgia. He is also a past president of the Council of Superior Court Judges.

In March, Goss was tapped to hear a state Supreme Court case in place of Justice Hugh Thompson. The case was Danenberg v. State, 291 Ga. 439, in which the court unanimously upheld the conviction of a former Atlanta lawyer for the 1988 shooting death of his estranged wife’s friend.

McMillian, 39, was a partner at Sutherland before Governor Sonny Perdue appointed her to the Fayette County bench in 2010.

McMillian graduated from Duke University and UGA’s law school. She clerked for U.S. District Judge William C. O’Kelley in Atlanta.

At Sutherland, McMillian represented auto and motorcycle manufacturers in the areas of franchise and dealer litigation and defended accountants against malpractice actions. She is on the Board of Advisors of the Atlanta Lawyers Chapter of the Federalist Society.

Mims, 58, was appointed by Barnes to his current post on the Tift County State Court bench more than a decade ago.
Mims is a graduate of Cornell University and UGA's law school. When Barnes tapped him for the state court bench in 2000, Mims was a sole practitioner and county solicitor.

Mims also is immediate past president of the Georgia Council of State Court Judges.

The person Deal appoints is expected to face the voters in 2014.

The JNC initially received 75 nominations to replace retiring Judge A. Harris Adams, who plans to step down on Jan. 1. More than half of the nominees withdrew from consideration or did not submit applications to the commission.

JNC co-chairman Randy Evans then employed a subcommittee of himself, DeKalb County District Attorney Robert James and Augusta District Attorney Ashley Wright to pare the list of 33 applicants down to 16 for the full panel to interview on Wednesday.

In addition to the three short-listed candidates, the JNC also interviewed Green & Sapp litigator Mary Paige Adams (who is a member of the JNC), Georgia Department of Public Safety lawyer Jacqueline Bunn, former DeKalb County State Court Judge Antonio DelCampo, DeKalb County Chief Assistant District Attorney Don Geary, Henry County State Court Judge Jason Harper, solo practitioner and mediator Thomas Harper, former Delta Air Lines lawyer Leslie Klemperer, Lawrenceville attorney Hugh Jeff Lanier, Fulton County Office of the Child Attorney Director Willie Lovett Jr., Fulton County Superior Court Judge and former Deal executive counsel D. Todd Markle, State Bar of Georgia Past-President Kenneth Shigley, Cobb County State Court Judge Kathryn Tanksley and Hall County State Court Judge Charles Wynne.

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An Athens area law firm has announced three hires with the aim to add emphasis to its real estate, corporate, finance and litigation work.

Fortson, Bentley and Griffin, P.A., has hired Trevor T. Jones, H. Scott Lowry Jr. and Miguel A. Trujillo.

Jones, who earned his juris doctor from Samford University's Cumberland School of Law in 2007, will focus on real estate and finance law. Lowry earned his JD from the University of Georgia in 2007 and will focus on corporate, tax, real estate and capital markets law. Trujillo graduated from UGA's law program in 2012. He will focus on a spectrum of areas, including general civil, criminal, probate, employment, property and family law.

“We continue to seek the best and brightest attorneys who will embrace our commitment to client service and our vision of offering a full range of legal services to individuals and businesses across the region,” Partner David K. Linder said in a statement. “Trevor, Scott and Miguel are three very talented young lawyers, and we are pleased to have them at the firm.”

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ElevatorLady
During the State Bar of Georgia's annual conference this past summer at a resort hotel on the Savannah River, the talk wasn't tort reform or billable hours or even golf. Rather, the buzz was building around whom Governor Nathan Deal would name as his first state Supreme Court justice.

Deal wasn't at the conference, but almost every hallway and dinner table conversation eventually turned toward handicapping his pick for the court.

Now, as Deal is poised to name his fifth appellate judge in less than two years, it's clear that his imprint on the state's judiciary will be a major part of his legacy.

Since taking office in January 2011, Deal has made judicial appointments at a record pace, averaging more than one every three weeks.

His 39 appointments, including one to the Supreme Court and four to the Court of Appeals, put him on track to double the number of judges appointed by Roy Barnes and Sonny Perdue over comparable periods. At this pace, he would even surpass the 127 appointments Zell Miller made over two terms.

Deal is filling the courts with judges who carry conservative and GOP credentials while swatting away criticism that he hasn't been proactive in finding enough minorities and woman for the bench. Deal's push only two years into his tenure to leave his mark on the state's judiciary makes him the Daily Report's Newsmaker of the Year.

The volume of appointments, to be sure, isn't entirely at the control of Deal. He gets the opportunity fill bench seats only when a judge leaves office before the end of his or her term or when the General Assembly authorizes a new judgeship. Typically, though, judges retire only before the end of their elected terms because they want to give the governor the right to appoint their successors, knowing that incumbent judges normally win re-election in the rare event they are challenged. Openings also have been created by Judicial Qualification Commission investigations that prompted the resignations of eight judges and Deal's penchant for selecting sitting judges for higher court seats, thus creating two openings where there was one.

The best example of Deal's leveraging of appointments was his elevation of Court of Appeals Judge Keith Blackwell to the Georgia Supreme Court this past summer, the appointment that was the subject of speculation at the Bar conference.

Gwinnett Superior Court Judge William "Billy" Ray II moved up to Blackwell's spot on the Court of Appeals and his opening was filled by Gwinnett Chief Magistrate Judge George Hutchinson III. Thus, one appointment became three.

"It just feels like, to me, every time Governor Deal makes an appointment, he creates a vacancy in a lower court," says
Robert Highsmith Jr., a partner at Holland & Knight and member of the JNC under Perdue and Deal. "It gives him an opportunity for another appointment."

J. Randolph Evans, co-chairman of Deal's Judicial Nominating Commission, adds that the governor "gives great deference to prior judicial service."

Deal concedes that he likes sitting judges for appellate openings, explaining that they may have "more depth of perception."

"I do think that the one thing that being a trial judge at either the state court or superior court level does for someone who is going to the appellate bench is that it probably makes them a little more conscious and aware of the difficulty of being a trial judge, and it is the trial judges's rulings that they are reviewing," Deal says.

Three of the governor's four appellate appointments have gone to trial court judges. By contrast, none of Perdue's four appellate appointments had prior judicial experience.

The process

In making 39 appointments, the governor has interviewed more than 100 finalists chosen by his JNC. Deal recently told the Daily Report how he approaches his own interviews of the candidates.

He starts many of his interviews with judicial hopefuls the same way: "We have your résumé in front of us, but I want you, in your own words, to tell me a little bit about yourself, who you are, your growing up, your life experiences, your professional experiences, your education and why you want the position that you're being considered for."

Deal prefers to conduct the interviews, held in his Capitol office, like a conversation, though his chief of staff and executive counsel often are present and ask questions.

"Being a judge means you have to be able to understand and deal with life experiences and relate in some way to the experiences of the people who appear before you. That's something that doesn't appear on a résumé," says Deal, who was an assistant district attorney from 1970 to 1971 and a Hall County Juvenile Court judge from 1971 to 1972.

Most of Deal's legal career after his graduation from Mercer School of Law in 1966 was in private practice in Gainesville. He left full-time practice in 1992 when he was elected to Congress as a Democrat. He joined the GOP in 1985 as part of then-Speaker Newt Gingrich's Republican Revolution.

Deal says he believes ascertaining a candidate's judicial philosophy in an interview is difficult, unless the candidate has published opinions, as was the case when he selected Blackwell for the Supreme Court.

"I think [judicial philosophy] is a very nebulous thing and difficult to try to make a determination about," Deal says.

However, he does often ask appellate court candidates their thoughts on the role of an appellate court judge.

"The reason I think that is important is that they do set policies to a great extent," he says. "I don't want to say they legislate from the bench, but they augment the legislative process by virtue of their opinions."

He offered as an example the state Supreme Court's 4-3 decision in 2011 that abolished an appointed state commission that could approve charter schools over the objection of local districts.

"We went through an entire constitutional amendment process [this fall] because of one vote on the Supreme Court," Deal says.

Would-be trial court judges had better be prepared to talk about their views on drug, DUI and mental health court programs that incorporate treatment programs and alternative sentencing.

"Having been the major initiative of our criminal justice reform and for the fact that we are now creating about 15 new ones across the state of Georgia," Deals says, "I would like to know whether or not they are going to be supportive of that."

No one has said they were not supportive, says Deal, but some candidates have been "less enthusiastic than most."

Deal's son, Northeastern Circuit Superior Court Judge Jason Deal, presides over the Hall County Drug Court and Dawson County Treatment Court programs. Both men say they don't discuss judicial appointments with each other.
Instead the governor turns to his Judicial Nominating Commission for its analysis of judicial applicants.

**Role of the JNC**

Under the Georgia Constitution, the governor has sole authority to fill bench vacancies. Governor Jimmy Carter diffused that authority in 1972 when he appointed a commission and tasked it with vetting the first round of candidates, and every governor since then has maintained the JNC.

The JNC sits at the pleasure of the governor and he's not obliged to follow its recommendations but with few exceptions the body has become the gatekeeper that screens initial applicants and creates a short list for the governor's consideration.

"The first screening is to review the candidates' applications, qualifications, reports from the bar and the JQC and any other entities to make sure they are qualified," says co-chairman Evans. "After that, the commission looks at temperament, stature within the community and whether or not they would be fit for a particular judgeship."

Commission members are not paid but are reimbursed for travel expenses.

The JNC doesn't regard itself as a rubber stamp. Deal JNC member Dwight Davis, a senior partner at King & Spalding, says he spent 231 hours from January 2011 through the end of November 2012 reviewing applications, interviewing candidates and negotiating short lists with his JNC colleagues.

"I spend about the same amount of time getting ready for a [JNC] meeting as I do in the meeting itself," he says. "Everyone takes this very seriously."

By some measures, Deal's 20-member JNC is diverse. It includes three district attorneys, as well as plaintiffs attorneys, medical malpractice and corporate defense lawyers, a criminal defense attorney, two government affairs attorneys, a lawyer for Senator Johnny Isakson and solo practitioners.

The members come from Atlanta, Statesboro, Gainesville, Tifton, Augusta, Brunswick, Decatur and Cornelia.

"We tried to have geographical diversity so that most regions of the state feel that they have someone who is there that understands the things that are peculiar perhaps to southeast Georgia, southwest Georgia, middle Georgia, etc.," Deal says. He says he also tries to include a variety of practice areas.

"They may not feel that they are proportionally represented, but at least they are represented," he says.

Deal says he distances himself from the JNC's vetting process, but Evans adds that the commission has a clear idea of what kind of judge the governor is looking for. "He comes and visits us. He talks to us. He's very hands-on. And the selection he makes each time he picks from a shortlist, we take note of the things that were important and the things that were not important."

Some candidates are easily eliminated. "I can think of several examples of when a candidate came in walking on water on paper and in 10 minutes marked themselves off the list," Highsmith says.

While he declined to name them, Highsmith said those candidates often spoke about a judicial appointment as simply the next step in their careers.

"What I'm talking about is the sense we get in interviews that [their motivation] was more about themselves than the people they would be judging," he says.

Previous JNC members insist that their governors never told them who to place on short lists, though they made an effort to align their judgment with that of the governor.

"With Governor Miller, I was never told as a member of the JNC who to put on the list, and Governor Miller and I were fairly close," says former Georgia Attorney General Mike Bowers, who was a member of Miller's JNC and the chairman of Perdue's.

"As to Governor Perdue, I was chair throughout, and he never told me who to put on the list. He told me he thought so and so was sharp or whatever—he never told me he thought somebody was a dunce. ... I knew some folks he thought a lot of. And certain people appeared on the list who may have worked for him or been close to him. I'm not a dunce myself."
Miller relied heavily on his JNC to examine a candidate's credentials because he was not a lawyer, says Norman Underwood, Miller's JNC chairman and a former state Court of Appeals judge.

"A governor who is a lawyer has insights into the process and judicial function that a nonlawyer does not have," Underwood says. "But it's also an added pressure to have friends and classmates and people you've known and worked with and judges who you've appeared before who want to be judges or higher judges."

Barnes' JNC chairman, Buddy Darden, says Barnes never lobbied the JNC for particular candidates. But "Governor Barnes was very, very engaged in the appointment process and knew so many more lawyers than governors before and since," Darden says. "It was somewhat problematic because everyone thought Roy Barnes was their best friend."

Ideology

Highsmith says that while appointments under Deal and Perdue are made with an eye toward conservative judicial philosophy, he feels that under the current JNC there is "less of a sense that you have to be a political insider."

"Very often judicial philosophy correlates with politics," Highsmith says.

All of Deal's appellate court picks carry sterling Republican credentials. For example, Blackwell chaired Lawyers for Deal during Deal's gubernatorial campaign, worked on Sen. John McCain's presidential campaign and served as president of the Atlanta lawyers' chapter of the Federalist Society. Many of Perdue's and Deal's appellate picks have been members of that group.

Former JNC leaders have described the appointment process as unavoidably political. "Judicial appointments are essentially political appointments," Darden says.

"It's a political process. You can't take the politics out of politics. My goodness," Bowers says.

Evans acknowledges it is unlikely a Democrat would make it all the way through the JNC's vetting process. While the question of party affiliation doesn't come up in interviews, "I think there are many who think, 'Gosh! There is no way a conservative governor is going to appoint me so I won't even apply,'" he says.

But he says partisan purity has to be tempered with a candidate's electability.

"We have to look at all factors. Judges for Gwinnett County will be different from judges for DeKalb County," Evans says.

For instance, Asha Jackson, whom Deal named to the DeKalb Superior Court bench in February, ran for the state House of Representatives as a Democrat in 2009. Stan Gunter, whom Deal named to the Enotah Circuit Superior Court, ran as a Democrat when he was district attorney but later switched parties like so many conservative Democrats—including Deal—did when they saw the state trending toward the GOP.

Deal has selected some Barnes appointees for elevation to higher courts. He chose Ray, a 2002 Barnes appointee, for the Court of Appeals this summer, though it should be noted that Ray also was a former Republican state lawmaker. Deal tapped Philip C. Smith, who was named by Barnes to the Forsyth County State Court in 2003 and prior to that was a Miller-appointed district attorney, to the newly created Bell-Forsyth Superior Court seat.

Still, Evans says politics is only a starting point. During the JNC's interviews of 40 Supreme Court candidates this summer at the State Bar's annual conference, Evans asked each one the same question.

"I asked if they could identify a Georgia Supreme Court decision with which they either agreed or disagreed and why," Evans recalls.

Evans said the JNC weighed the answers not so much based on whether a candidate's answer was in line with conservative ideology—although that didn't hurt—but on the candidate's thought process and analytical ability.

"That question permitted us to know how conversant they were in Supreme Court decisions and how well they knew the issues involved," he says. "I'm sure applicants thought we were interested in an exact answer, but we were more interested in seeing how they went about thinking through their answer."

Evans says he was surprised by how many candidates could not name a specific Georgia high court decision or, instead, named a U.S. Supreme Court decision.
Another question the JNC frequently asks Superior Court candidates is to name a judge they might emulate or to address their perspective on resolution of discovery disputes.

If there is criticism of the JNC's recommendations and Deal's appointments, however, it's not about candidates' judicial philosophy or legal analysis. For some, the issue is the lack of racial and gender diversity. Deal's 39 appointments include just four African-Americans and eight women.

Diversity

Miller, whose legacy was that he diversified the bench like no other governor before in terms of race and gender, appointed 25 African-Americans and 42 women.

Much of Miller's attention to diversity was in response to a 1988 federal lawsuit led by state Rep. Tyrone Brooks, D-Atlanta, which challenged what was then the state's method of electing circuitwide, at-large judges on the basis that it discriminated against minorities. (The case, filed in the Southern District of Georgia, was Brooks v. State Board of Elections, No. CV288-146.) When Miller took office in 1991, he was faced with 48 pending judgeships that had been held in limbo because of the suit. In response, he reconstituted the JNC and pledged to concentrate on diversity.

"I think the litigation helped us focus on that question of racial diversity, and Governor Miller added to that the issue of gender diversity," says Underwood, Miller's JNC chairman.

The effort to identify and select qualified minority candidates coincided with a rising crop of women and minority lawyers, Underwood says.

"A lot of law schools in the late '70s and '80s really became conscious of the need to admit a lot more women and African-Americans," he says. "Previous governors had not had a pool like that to work with."

Under Underwood, the JNC also started the practice of soliciting input from bar associations such as the Georgia Association for Women Lawyers, Georgia Association of Black Women Lawyers, Gate City Bar Association, Atlanta Bar Association and the State Bar of Georgia—a practice continued by the current JNC.

While there has been no overt criticism of Deal's picks individually, GABWA and the Gate City Bar, have criticized Deal for the lack of racial and gender diversity in his appointments, especially in Fulton County, where Miller made a point to name minority judges.

Deal's two appointments to the Fulton County Superior Court were white men—his executive counsel D. Todd Markle and federal prosecutor Robert McBurney—and they replaced retiring African-American male judges. Other candidates short-listed by the JNC for those seats included two African-American women, Fulton Magistrate Melynee Leftridge and Casey Gilson partner Joyce Gist Lewis; a white female, Taylor English Duma partner Chloe Dallaire; and a white male, Fulton County Chief Assistant District Attorney Robert Wolf.

A coalition of African-American activists, pastors and attorneys, including the Gate City Bar, urged lawyer Clarence Johnson Jr. to run against Markle for Fulton County Superior Court.

"The fact [is] that the bench is no longer diverse in Fulton County. We want the bench to be reflective of the population," Johnson told the Daily Report in July. "The majority of the criminal defendants in Fulton County are African-American, and now only six out of 20 judges are black. ... If we were in an area with no qualified candidates, that would be one thing. But we're in Atlanta, Georgia. There's a big pool of good candidates to choose from."

Johnson lost, garnering 46 percent of the vote, after receiving last-minute clearance from the Georgia Secretary of State's office to stay on the July 31 ballot, a decision that overruled an administrative law judge who pulled him for owing back taxes.

Most of Deal's appointees thus far are white, conservative men in their 40s or 50s with law degrees from the University of Georgia or Mercer University and previous judicial experience.

Twenty percent of Deal's appointees are women and 10 percent are African-Americans. None have been Latino, Asian-American or from another minority population. The percentages are comparable to Perdue's selections but below the proportion of female lawyers in Georgia, which the bar calculates to be about 36 percent, and the state's African-American population, which the latest census data puts at 31 percent.

Former Georgia Supreme Court Chief Justice Leah Ward Sears—the first woman and second African-American on
that court—says Deal could find and select more minorities and women for the judiciary. "We need to keep moving ahead; we don't need to move back," she says.

"I don't think there need to be quotas, but for public trust and confidence in the courts, [the citizens] need to know the judges are coming from their ranks," she says.

In September, Sears co-authored a column for the Daily Report suggesting the governor increase the representation of minorities on the JNC and push for judicial pay raises as a way to attract more minority candidates. She also said the state should create a judicial academy operated by the bar to target minority and underrepresented groups.

Deal responds, "I think your first priority should always be to pick the person [who] from your perspective is the best qualified to be a judge, and that is a colorblind, gender-blind decision."

"If they meet that criteria," he adds, "then all the other things in my opinion don't matter. Now, if they all generally meet that criteria, then I think there is a factor to be considered of whether or not they are more compatible with the demographic base of the constituents that will more likely come before their court. And of course, in certain counties that is more pronounced than in other counties."

Deal says he is not seeing enough qualified minorities apply for bench seats.

"One of the things that makes it more difficult to find these type candidates is that they have probably better, more lucrative job opportunities somewhere other than on the bench," Deal says.

However, Deal rejects the idea of a pay raise to lure more applicants. "You're not going to buy your way to better judges," he says.

What might be a bigger obstacle for minority candidates under a Republican administration is not their race but their politics.

In Georgia, where only two of the 149 Republican state lawmakers are minorities and an NAACP election-eve poll found more than 90 percent of African-Americans voted to re-elect President Barack Obama, judicial candidates with GOP or conservative credentials are difficult to find. If there were more conservative minority lawyers seeking judgeships, "I think there would be a collective exaltation of 'Man! Isn't this great!'" Highsmith says.

Deal appears to be growing more sensitive to the issue of diversity. He says his JNC is trying to encourage qualified minority and women lawyers to apply for bench seats.

The governor also says he will reconstitute the JNC—which has one minority member—by the end of the year.

"We're probably going to be adding some more and maybe some we've worn out quite frequently," Deal says. "We are going to inquire as to whether there are members who feel like they've served their term and would like to maybe not serve any longer."

Deal says he wants "as much as possible" to broaden the diversity among the JNC's membership.

For its part, the JNC appeared to make a statement in late November when it employed a subcommittee made up of Evans, Augusta District Attorney Ashley Wright, who is one of the JNC's three female members; and the JNC's only minority member, DeKalb County District Attorney Robert James, to narrow the list of applicants for the open Court of Appeals seat.

These recent moves by Deal—who has up to six years left to build his legacy of judicial appointments—may signal opportunity for minority judicial aspirants with conservative bona fides.

While Deal generally eschews the notion that he should have a plan for his judicial legacy—he called it a "precarious point of view"—he is aware that his choices will have a cumulative effect.

"What I want is for the perception to be that my decision-making process was fair, that those who were qualified were given ample opportunity for being considered and that the ones who were selected will be the kind of people who will administer justice fairly, impartially and will be the best representation of what's good in Georgia."

Click here for a slide show of Governor Deal's judicial appointments.
December 19, 2012 Wednesday

LENGTH: 429 words

HEADLINE: Westmoreland Honors Judge MacNabb on Retirement

DATELINE: Washington

BODY:

Office of the House of Representative Lynn Westmoreland, U.S Government has issued the following news release:

On Tuesday, December 18, Congressman Westmoreland submitted a proclamation to the US House of Representatives' Congressional Record to commemorate the retirement of Judge Joseph P. MacNabb's of Newnan, Georgia. Below are his remarks:

"Mr. Speaker, I come before you today to commemorate the retirement of Judge Joseph P. MacNabb. Over the years, Judge MacNabb has proved his dedication to the people of the Third District and Georgia and his presence in the community will not be forgotten.

Joseph MacNabb was born in Newnan, Georgia to George and Ella MacNabb. He graduated with top honors from Newnan High School and attended of Emory University. Following Emory, Judge MacNabb graduated from the University of Georgia School of Law and served as the First Chairman of the Moot Court Board.

Judge MacNabb used his degree to truly serve people. While he was a Captain in the Judge Advocate General's Corps in the United States Army, Judge MacNabb spent time in the Republic of Korea and was awarded the Army Commendation Medal and the Meritorious Service Medal.

After his service abroad, he returned to Georgia and practiced law in Newnan for 43 years as a Partner in the law firm of Mathews, Knight & MacNabb, and then as a Partner in law firm of Rosenzwig, Jones & MacNabb. His hard work did not go unnoticed in the community, as he was elected President of the Newnan Bar Association in 1978 and represented the Coweta County Board of Education for 16 years.

Judge MacNabb was appointed Judge of the Juvenile Court of Coweta County in 1982 and served for 31 years. He was also appointed Judge of the Juvenile Court of Heard County in 1991 and served for 21 years. During his time as Juvenile Judge in Coweta County, he was instrumental in helping establish a permanent home for the Juvenile Court in 2006, earning widespread praise in the community for his commitment to the juvenile court system.

Throughout his career, Judge MacNabb has shown his ability to help others, be the cases big or small. His work abroad on behalf of our nation and in the local community shows his dedication to the legal system and those who are struggling within it. A judge is a man of character and integrity, and Judge MacNabb epitomizes what, which is why I am proud to help honor his service today. Joan and I wish our best to Judge MacNabb as he begins his next journey, and hope he has a long and happy retirement.

For further information please visit: http://westmoreland.house.gov

LOAD-DATE: December 19, 2012
District Attorney Bert Poston recently announced the promotion of Murray County resident and Assistant District Attorney Scott Minter to the position of Chief Assistant District Attorney for the Conasauga Judicial Circuit, comprised of Murray and Whitfield Counties. In his new position, Scott will continue to prosecute criminal cases in Murray County but will take on additional administrative responsibilities involving both counties and will be responsible for both offices when the District Attorney is unavailable.

"I appreciate the confidence that Bert Poston has shown in me by giving me these new responsibilities," said Minter. "I look forward to helping the District Attorney and the office in Murray and Whitfield Counties in any way that I can. Hopefully my new duties will allow me to stay as much as possible in the Murray County office although I do realize that I will be traveling back and forth."

The son of Barry and Dianne Minter of Chatsworth, Scott attended the University of Georgia earning a BA in Political Science in 1994. Scott continued his education at the University of Georgia School of Law, graduating and earning his law degree in 1997. Scott was sworn in as an Assistant District Attorney the same year and has worked in the Murray County office for the past fifteen years.

As the senior Assistant in Murray County, Scott has handled criminal prosecutions in the Superior Court, Magistrate Court, Probate Court, and Juvenile Court and has argued cases before the appellate courts of the State of Georgia. Scott has also been responsible for overseeing the day-to-day operations of the Murray County Office for the past fifteen years. Earlier this year, Scott was selected by the Georgia Judicial Nominating Commission as one of three finalists on a "short list" presented to Governor Nathan Deal to fill the vacant Superior Court Judgeship resulting from the retirement of Judge Robert Adams in January.

Scott and his wife, Melissa, along with their two daughters, Laura (9) and Leah (8), are members of Central Community Church in Chatsworth where Scott serves as a Deacon. Scott is also a member of the Chatsworth-Murray Rotary Club and serves as a member of the Murray County Hospital Authority.
The University of Georgia issued the following news release:

The University of Georgia School of Law Staff Council recently presented Administrative Associate Deborah Baker with the 2012 Emma P. Terrell Distinguished Employee Award at the law school's annual holiday luncheon and Employee Service Recognition Program. The award is presented to an employee who exemplifies outstanding dedication and service to the law school.

Baker joined the law school in 2002 as a student worker in cataloging while pursuing her master's degree in business education. She became a full-time cataloging assistant in July 2005 and moved to her present position in January 2008. As an administrative associate, Baker oversees all general office management for the law library and provides administrative support for the law library director, librarians and staff.

One nominator described Baker as "an outstanding employee and a significant asset to the law school and law library. She is a professional, dedicated and hardworking individual who is well-respected by her colleagues. Bright, energetic and selfless, she is integral to the success of the law school community."

Another supporter described Baker as "the backbone of our library's commitment to excellent service. Everything we do here is possible in no small part because of Deb's intelligent and capable handling of matters great and small. Her daily work is central to our operations and our mission."

Prior to joining Georgia Law, Baker served as the general manager for a retail store for 20 years and volunteered at a domestic violence and sexual assault shelter. She earned her bachelor's degree in history from Rhode Island College and completed her master's at UGA in 2005.

The Terrell Distinguished Employee Award is presented annually to recognize staff members who demonstrate an outstanding work ethic, commitment to service and exceptional job performance in addition to the cooperation necessary to increase the quality of education and service provided by the law school. Formerly known as the Employee Distinguished Service Award, this honor was renamed in February 2005 in memory of Emma P. Terrell, a longtime employee remembered for her dedication to and enthusiasm for the law school.

Writer: Nina Kamber
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TNS MT93 121221-4149879 61MarlizTagarum
LOAD-DATE: December 22, 2012
JQC: Judge 'handles' case for friend on Facebook

R. Robin McDonald
Daily Report
12-21-2012

When a Grady County state court judge was contacted by a Facebook friend about her brother's arrest, the judge was eager to help. He offered legal advice and encouraged her to make sure the case was transferred to him so he could "handle" it, according to the state Judicial Qualifications Commission.

The JQC this month accused Judge J. William Bass Sr.—a Cairo lawyer who has served as president of the Council of State Court Judges of Georgia—of allowing social relationships, including his Facebook friends, to influence his judicial conduct. The JQC also accused Bass of illegally fining criminal defendants to boost his salary, verbally attacking people in his courtroom and retaliating against county contractors who he believed had supported his political opponent.

The JQC said Bass also improperly appointed his son to hear matters whenever the judge was not available; routinely escorted Hispanic defendants outside the courtroom in order to speak privately with them about their cases without a court reporter or a prosecutor present; asked prosecutors to dismiss criminal cases because Bass knew members of the defendants' families; and threatened members of the Georgia State Patrol who took exception to some of his rulings.

Bass has told the Daily Report he will not discuss the charges. But Bass' attorney, Christopher Townley, said some of the JQC allegations "are false." Others, he said, "are out of context; some of them are making a mountain out of a molehill."

Townley said that Bass "has no intention to resign," and intends to fight the ethics charges.

Bass, who earned his law degree at Florida State University and was admitted to the State Bar of Georgia in 1985, took office in January 2003. In addition to heading the Council of State Court Judges in 2010, he has taught rookie judges at the Institute of Continuing Judicial Education at the University of Georgia in Athens. He shares a law practice with his son in Cairo and, according to the JQC, has appointed his son to serve as the county state court judge in his absence—another potential ethics violation.

The JQC charges say that Bass' online conversation with a Facebook friend crossed an ethical line when the judge began discussing the ramifications of a DUI charge that had resulted in the arrest of his Facebook friend's brother.

Even though the brother already had a lawyer, the judge instructed his friend as to how her brother should present his case to the court and what he should say once his case was called, the charges said.

According to the JQC, the judge also conveyed to his Facebook friend an impression that he was "in a special position to influence the handling of this DUI case."

He also suggested that her brother "get this matter into State Court" where Bass is the county’s only state court judge.
and that he would "handle it from there," according to the charges.

The DUI case subsequently was moved to Bass' court where the JQC said the judge reduced the charge to reckless conduct—a non-traffic misdemeanor—and having an open container of alcohol. Bass accepted "no contest" pleas for both charges, levying a $300 fine, including fees, on the first charge and no fine on the second charge. The fines violated state laws establishing higher fines and fees for the offenses, according to the JQC.

But the judge also assessed local administrative costs totaling $900 for both convictions—fees that Bass had no legal authority to levy, according to the JQC. Doing so, according to the JQC, "willfully deprived the state ... of receiving surcharges which were required by law to be imposed ... and remitted to the state."

The alleged practice of illegally charging local fees and exacting them from criminal defendants in order to maximize county revenues also violated an ethics canon requiring that judges comply with the law, the JQC said.

The DUI case involving his Facebook friend's brother was not the first time that Bass assessed what the JQC says are illegal local surcharges against criminal defendants.

According to a letter Bass wrote to county officials in July, the judge claimed his court generates more than $350,000 a year for the county. Because of that, Bass said his part-time judge's salary should be increased from $40,000 to $60,000 a year, according to the letter, which the JQC attached to its charges.

"Although I don't get concerned about raising money for the county, I work hard to maximize what gets turned over," Bass wrote. "The judge must go beyond the call of the job to produce that much for the county."

"I am your State Court judge," the letter continued. "I want to be able to continue to make it perform for the county as it should. ... Remember, the performance of this court isn't an accident."

That alleged solicitation would violate another state ethics canon that bars judges from using their judicial office to advance their private interests, according to the JQC charges. The judge's letter "gave the appearance that your salary increase was warranted by the amount of funds you caused to be improperly collected by state court," the charges stated.

The Daily Report was unable to reach either the chairman or the vice chairman of the Grady County Commission for comment. But Bass' alleged practice of levying unauthorized local fees also could place the county at risk of being sued.

"The practice appears to be patently illegal to assess people an administrative fee not authorized by the state legislature," said Stephen Bright, president and senior counsel of the Southern Center for Human Rights.

The local fees, he said, are similar to illegal local fees that a sheriff in another county once routinely assessed to criminal defendants in order to pay to operate the county jail.

Between 2000 and 2004, the Clinch County sheriff imposed the $18 daily jail fee on pre-trial detainees. The Southern Center for Human Rights sued the county on behalf of a group of former inmates, eventually settling the case for $27,000 for a class of former jail inmates.

Townley, the judge's lawyer, acknowledged that Bass "was imposing costs." But, he said, "We have a disagreement on whether or not those were unlawful costs." State court rules, he suggested, allow state courts to "rule themselves," including the imposition of local fees.

"If they feel like he's legally wrong, that's what the Court of Appeals or Supreme Court is for," Townley added.

Bass' problems extend beyond the unauthorized fee question. The JQC has also charged Bass with ethics violations associated with his alleged open hostility to people who supported Whigham attorney Joshua Bell, his opponent in the 2010 election, which Bass won by just 30 votes.

According to the JQC, Bass was "verbally hostile" and "belligerent" to people who he believed had supported his opponent, including court employees and lawyers who appeared before him on behalf of clients.

In one case, Bass allegedly chastised a lawyer in open court who had contributed to Bass' opponent, warning him loudly, "I know you gave money to my opponent. Don't come back," the JQC charges stated.

The JQC also accused Bass of improperly using his judicial position in an effort to persuade the county sheriff to stop...
doing business with a local bonding company because Bass believed the company owner was not supporting his
re-election campaign.

Bass also made "numerous threatening and confrontational statements" to the owners and other employees of the
private probation services company under contract to the state court because they would not publicly support his
campaign, the JQC stated. And, within days of his 2010 re-election, Bass retaliated against the company, according to
the JQC, by terminating its contract with the state court.

Townley said that allegations that Bass retaliated against a county bondsman and the state court's probation contractor
are false. He also denied that Bass had verbally attacked his opponent's supporters, saying that any comments Bass
may have made were taken out of context.

"He joked with an attorney at one point about supporting his opponent," Townley said. "But it was a joke. It wasn't
retaliatory."

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ATLANTA — Three Atlanta-area counties have filed a lawsuit claiming British bank HSBC cost them hundreds of millions of dollars in extra expenses and damage to their tax bases by aggressively signing minorities to housing loans that were likely to fail.

The counties' failure or success with the relatively novel strategy could help determine whether other local governments try to hold big banks accountable for losses in tax revenue based on what they claim are discriminatory or predatory lending practices.

Similar lawsuits resulted in settlements this year worth millions of dollars for communities in Maryland and Tennessee.

Fulton, DeKalb and Cobb counties say the foreclosure crisis was the "foreseeable and inevitable result" of big banks, such as HSBC and its American subsidiaries, aggressively pushing irresponsible loans or loans that were destined to fail.

"It's not only the personal damage that was done to people in our communities," said DeKalb County Commissioner Jeff Rader. "That has a ripple effect on our tax digest and the demand for public services in these areas."

The suit, filed in October, says the banks violated the Fair Housing Act, which provides protections against housing or renting policies or practices, including lending, that discriminate on the basis of race, color, national origin, religion, sex, family status or handicap.

THE COUNTIES SAY their tax digests — which represent the value of all property subject to tax — have declined from a high in 2009. Fulton's tax digest has dropped about 12 percent, from $32.7 billion to $28.7 billion; DeKalb's has dropped about 20 percent, from $22 billion to $17.5 billion; and Cobb's has dropped about 15 percent, from $25.5 billion to $21.3 billion, the lawsuit says. The losses reduce their ability to provide critical services in their communities, the lawsuit says.

Vacant or abandoned homes that are in or near foreclosure create additional costs for the counties, the lawsuit says. Their housing code and legal departments have to investigate and respond to code violations, including having to board up, tear down or repair unsafe homes.

They have to deal with public health concerns, such as pest infestations, ruptured water pipes, garbage piles and unkempt yards. Fire and police departments have to respond to health and safety threats.

The lawsuit says predatory lending practices include: targeting vulnerable borrowers for mortgage loans with unfavorable terms; directing credit-worthy borrowers to more costly loans; putting unreasonable terms, excessive fees or pre-payment penalties into mortgage loans; basing loan values on inflated or fraudulent appraisals; and refinancing a loan without benefit to the borrower.

The counties are asking the court to order the bank to stop its behavior and to take steps to prevent similar lending in the future. They are also seeking financial compensation for the damages they've suffered and punitive damages to punish the bank for its "willful, wanton and reckless conduct." The counties say the financial injury they've suffered is in the hundreds of millions of dollars.

SIMILAR SUITS WERE filed against Wells Fargo by the city of Memphis and surrounding Shelby County in Tennessee in 2009 and by the city of Baltimore in 2008. Those suits were settled earlier this year.

Both settlements included $3 million to the local governments for economic development or housing programs and $4.5 million in down payment assistance to homeowners, as well as a lending goal of $425 million for residents over the subsequent five years, according to media accounts.
As in those cases, the lawsuit filed by the Georgia counties says the bank, in this case HSBC, targeted communities with high percentages of Fair Housing Act-protected minority residents, particularly blacks and Hispanics.

"Communities with high concentrations of such potential borrowers, and the potential borrowers themselves, were targeted because of the traditional lack of access to competitive credit choices in these communities and the resulting willingness of FHA protected minority borrowers to accept credit on uncompetitive rates," the suit says.

The lawsuit says minority borrowers were disproportionately targeted with high-cost loans between 2004 and 2007.

Before the beginning of the subprime lending boom in 2003, annual foreclosure rates in metro Atlanta averaged below 1 percent, but U.S. Department of Housing and Urban Development data show that the estimated foreclosure rates for each of the three counties now average more than 9 percent and are as high as 18 percent in the communities with the highest percentages of minority borrowers, the lawsuit says.

It is the alleged targeting of minority communities that entitles the counties to seek action against HSBC for loss of tax income and other expenses, the lawsuit says.

"If you can show that you yourself have suffered harm by an illegal act under the Fair Housing Act, even if you are not the target, even if you are not the intended victim, you can still sue to stop the behavior and to recover any damages that you can prove you suffered because of the violation of the Fair Housing Act," said Steve Dane, a lawyer whose firm was involved in the Memphis and Baltimore lawsuits.

The costs incurred by counties because of high rates of foreclosure are reflected in court records and related fees for each home, and police and fire departments can calculate the costs of responding to a given address, Dane said. He said it takes a lot of time and effort to gather the necessary records to prove the harm.

Another discouraging factor could be a lack of political will, said Lisa Rice, vice president of the National Fair Housing Alliance.

"Politicians may not want to go up against the banks," she said, adding that there will likely be other local governments that give this a try but she doubts the number will be high.

But Jaime Dodge, an assistant law professor at the University of Georgia, says she thinks more cases are likely, at least in the short term as municipal governments continue to feel the squeeze of a tight economy and seek ways to refill their coffers. They may try to test federal courts in different parts of the country, she said.

Successes in multiple jurisdictions could lead to more attempts, but if courts start knocking the suits down that would likely discourage them, she said.
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CANTON, Ga. Nancy Elaine (McDonald) Crouch passed away Thursday, December 20, 2012. She was 57. Born October 26, 1955 in Troy, she was the daughter of the late Roy Martin and Elaine Smith McDonald. Raised in the Lansingburgh section of Troy, Nancy graduated from Catholic Central High School.

She then attended and graduated from Hudson Valley Community College with an associate’s degree, received her B.S. degree from Russell Sage College and her M.S. degree from Walden University. She had a career in education with Cherokee County schools at Teasley Middle School and Freedom Middle School in Canton, Ga., teaching business education and career exploration. She loved the beach and traveling. Her greatest joy was her son Thomas, a third-year law student at the University of Georgia School of Law. She had a great passion for teaching, loved her students and fellow teachers. Nancy had a great sense of humor, and she was very kind and loved by all who knew her. She is survived by her husband, Marvin Ansley Crouch; one son, Thomas Crouch; her brother, Roy J. McDonald and his wife, Angela; one stepdaughter, Lynn Timmerman and her husband, Andy; one stepson, Dean Crouch and his wife, Dee; three nieces, Stephanie Veitch and her husband, Matt, Jessica Youngberg and her husband, Jeff, and Julie Marshall and her husband, Charles; one sister-in-law, Sylvia Crouch, and two great nephews, Jacob and David Veitch. Relatives and friends may call from 10 to 11:45 a.m., Thursday, December 27, 2012 at the William J. Burke & Sons Funeral Home, 628 N. Broadway, Saratoga Springs. A funeral service will take place at 11:45 a.m. at the funeral home. Burial will follow in Memory Gardens, Colonie. A memorial service will be celebrated at 2 p.m. Thursday, January 3, 2013 at the Heritage Presbyterian Church, 5323 Bells Ferry Road, Acworth, GA 30102. For more, call 770-926-3558 Online remembrances may be made at burkefuneralhome.com
The following information was released by the University of Georgia:

Writer:

Nina Kamber

The University of Georgia School of Law Staff Council recently presented Administrative Associate Deborah Baker with the 2012 Emma P. Terrell Distinguished Employee Award at the law school's annual holiday luncheon and Employee Service Recognition Program. The award is presented to an employee who exemplifies outstanding dedication and service to the law school.

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Mabra heads to House from Fayetteville

Tuesday, December 25, 2012 - 8:12pm
Submitted by Ben Nelms

For Ronnie Mabra the time has come and the Atlanta attorney and Fayetteville native is ready to be sworn in as the representative for the newly created District 63 seat in the Georgia House of Representatives that includes portions of Fayette, Clayton and south Fulton counties.

"I'm excited. It's going to be fun, being a Georgia boy going to serve in his own state and representing the town where he grew up," Mabra said. "This state and county gave so much to me. What better thing to do now than to help them out."

Mabra, a Democrat, was quick to acknowledge that his new role as state representative comes with a learning curve.

"I'll have to get down there and learn the system," said Mabra. "I'm not in the minority party and I'm at the bottom because I'm a freshman representative. But don't doubt small beginnings. I'll be able to do good things for the people in my district.

Mabra's political stance is anchored on three issues: creating jobs in the community, guaranteeing educational opportunities and promoting safe and healthy neighborhoods.

When it comes to education, Mabra said that while attending Fayette schools his teachers inspired him to succeed and to give back to the community.

"They prepared me to graduate with honors from Fayette County High School and to earn degrees from Georgia Tech and the University of Georgia School of Law. As someone who was educated in Georgia's best public schools, I'll be an unwavering voice for improving education and will fight to save the HOPE scholarship so more of our children can attend college," said Mabra.

Mabra also says he wants to help improve the economy in District 63.

"My parents are successful business owners who taught me the value of a hard day's work. Now that I run my own business I want to improve our community by putting people back to work, attracting new visitors and keeping tax dollars in our community," Mabra said.

As for addressing crime and safe neighborhoods, Mabra said those efforts involve the three-pronged approach that includes effective law enforcement, effective sentencing and providing appropriate outlets to help keep children out of trouble.

"As a homeowner and attorney, I've seen firsthand how crime affects our communities. I'll be an advocate for fair sentencing and community policing and I'll work to give children creative outlets like sports and the arts to keep them out of trouble," Mabra said. "Protecting our neighborhoods and growing the economy go hand in hand and I'll fight for laws that keep us safe and help us prosper."

Mabra is a trial lawyer and founder of the Mabra Firm, LLC, a personal injury firm in Atlanta.

Mabra grew up in Fayetteville, and attended East Fayette Elementary School, Fayette Middle School and Fayette County High School.

But Ronnie Mabra is not the only family member involved in first-time politics. Ronnie's wife, Dawn, was recently voted chairman-elect of the Fayette County Democratic Party and will begin her service in January.

Dawn and Ronnie Mabra live in Fayetteville.
Who Is Too Unbalanced to Be Armed?

Jacob Sullum  |  Dec. 26, 2012 7:00 am

The day of Adam Lanza's murderous assault on Sandy Hook Elementary School, Mike Rogers said stricter gun control would not be an appropriate response. "The more realistic discussion," said the Republican congressman from Michigan, "is how do we target people with mental illness who use firearms?"

Last week another Republican congressman, Howard Coble of North Carolina, agreed that "it's more of a mental health problem than a gun problem right now." And last Friday, when the National Rifle Association broke its silence on the Sandy Hook massacre, the group's executive vice president, Wayne LaPierre, called for "an active national database of the mentally ill."

Psychiatrically informed policies aimed at controlling people rather than weapons are popular in the wake of mass shootings, especially among those who rightly worry that gun restrictions will unfairly burden law-abiding Americans while failing to prevent future attacks. Yet treating gun violence as "a mental health problem" presents similar dangers.

An "active national database of the mentally ill" clearly would not have stopped Lanza, who used guns legally purchased by his mother. Even if he had bought the guns himself, it appears he would have passed a background check because he did not meet the criteria for rejection.

Federal law prohibits gun ownership by anyone who "has been adjudicated as a mental defective or has been committed to any mental institution." Neither seems to have been the case with Lanza.

Acquaintances reported that Lanza might have had Asperger syndrome. That label, which soon won't even count as a mental disorder anymore, is not much more informative than saying he was a shy, socially inept loner (which people who knew him also said).

It seems safe to assume that someone who murders randomly selected first-graders is psychologically abnormal, but that is not the same as saying that a specific "mental illness" explains his behavior. Given the subjective, amorphous nature of psychiatric diagnoses, we
might as well say the devil made him do it.

In any event, mental health professionals are notoriously bad at predicting which of the world's many misfits, cranks, and oddballs will become violent. "Over thirty years of commentary, judicial opinion, and scientific review argue that predictions of danger lack scientific rigor," notes University of Georgia law professor Alexander Scherr in a 2003 Hastings Law Journal article. "The sharpest critique finds that mental health professionals perform no better than chance at predicting violence, and perhaps perform even worse."

So even if the mental-health criteria for rejecting gun buyers (or for commitment) were expanded, there is little reason to think they could distinguish between future Lanzas and people who pose no threat. Survey data from the National Institute of Mental Health indicate that nearly half of all Americans qualify for a psychiatric diagnosis at some point in their lives. That's a pretty wide dragnet.

Should half of us lose our Second Amendment rights, at least for the duration of whatever mental disorder (depression, anxiety, addiction, inattentiveness, etc.) afflicts us? Assuming a prescription for Prozac, Xanax, or Adderall is not enough to disqualify someone from owning a gun, what should the standard be?

Even under current law, mental illness can become a label for unconventional political beliefs. Remember Brandon Raub, the Marine Corps veteran who was forced to undergo a psychiatric evaluation in Virginia last summer based on his conspiracy-minded, anti-government Facebook posts?

The malleability of mental illness was also apparent at a 2007 debate among the candidates for the Democratic presidential nomination. After seeing a YouTube video in which Jered Townsend of Clio, Michigan, asked about gun control and referred to his rifle as "my baby," Joseph Biden said: "If that's his baby, he needs help....I don't know that he is mentally qualified to own that gun. I'm being serious."

So perhaps excessive attachment to your guns should be grounds for taking them away. Biden, by the way, is in charge of formulating the policies the Obama administration will pursue in response to Lanza's horrifying crimes.
Jacob Sullum: Expanded mental health criteria won't guarantee safety

The day of Adam Lanza's murderous assault on Sandy Hook Elementary School, Mike Rogers said stricter gun control would not be an appropriate response. "The more realistic discussion," said the Republican congressman from Michigan, "is how do we target people with mental illness who use firearms."

Another Republican congressman, Howard Coble of North Carolina, agreed that "it's more of a mental health problem than a gun problem right now." And on Dec. 21, when the National Rifle Association broke its silence on the Sandy Hook massacre, the group's executive vice president, Wayne LaPierre, called for "an active national database of the mentally ill."

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Contact the writer: jsullum@reason.com
Former judge Rufe McCombs dies in Florida

Published: December 30, 2012

By LARRY GIERER — lgierer@ledger-enquirer.com

Former judge Rufe McCombs has died at age 94.

McCombs, who died Saturday in Merritt Island, Fla., served locally as a Municipal Court judge, the first woman elected to the bench in Muscogee County.

She later served as a State Court judge and Superior Court judge.

McCombs graduated from the University of Georgia Law School in 1942. She was the only female in the graduating class.
Dec 30 2012 16:07:16

By Larry Gierer Columbus Ledger-Enquirer

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Distributed by MCT Information Services

-0- Dec/30/2012 21:07 GMT
Missing the target?

Jacob Sullum in Reason is skeptical of efforts in the wake of the Newtown shootings to identify people with mental illnesses who might turn violent: "[M]ental health professionals are notoriously bad at predicting which of the world's many misfits, cranks and oddballs will become violent. 'Over 30 years of commentary, judicial opinion and scientific review argue that predictions of danger lack scientific rigor,' notes University of Georgia law professor Alexander Scherr in a 2003 Hastings Law Journal article. 'The sharpest critique finds that mental health professionals perform no better than chance at predicting violence, and perhaps perform even worse.'

"So even if the mental health criteria for rejecting gun buyers (or for commitment) were expanded, there is little reason to think they could distinguish between future [Adam] Lanzas and people who pose no threat. Survey data from the National Institute of Mental Health indicate that nearly half of all Americans qualify for a psychiatric diagnosis at some point in their lives. That's a pretty wide dragnet."

Bad aim II?

Maria at 2 Political Junkies: "Looking at our stat counter, it appears that quite a few people have arrived at this blog in the past few days by way of a two-year old post -- this one:

'Pat Toomey: "My idea of gun control is a steady aim."

'Hmm, I wonder if he wants to revise that statement?"

Putin prevails

Leonid Bershidsky laments Russian President Vladimir Putin's crackdown on political opposition at Bloomberg View: "In December 2011, a rigged parliamentary election led to mass protests in Moscow and other big Russian cities, now remembered as the Snow Revolution. For the first time since the demise of the Soviet Union, tens of thousands of people were marching along Moscow streets in peaceful protest ...

"[Now,] Putin [has] showed that, at 60, he still knows what cards to play with most Russians: traditional values, Orthodox Christianity, anti-Americanism. As a man deeply rooted in the Soviet
past, he has fallen back on the old regime's tested recipes for suppressing dissent, and he has succeeded in annihilating the threat of peaceful revolution that seemed so real a year ago.

GOP goldbugs

ThinkProgress begins its list of Craziest Republican Legislative Proposals of 2012 with these two:

"1. Outlawing the dollar. Washington state lawmakers introduced a bill that would have outlawed the paper dollar, because 'only gold and silver may be recognized as government legal tender.' This is just part and parcel of the extreme right's continuing fascination with goldbuggery, a fascination to which the Republican Party's presidential candidates gladly pandered.

"2. Striking the words 'sea level rise.' In Virginia, the Republican-led legislature commissioned a study to determine the impacts of manmade warming on the state's shores, only to ban terms like 'climate change' and 'sea level rise,' deeming them 'liberal code words.' And North Carolina Republicans voted to ignore studies that predict rapid sea level rise due to global warming."

New perks

From The New York Times: "SAN FRANCISCO -- Phil Libin, chief executive of Evernote, turned to his wife last year and asked if she had suggestions for how the software company might improve the lives of its employees and their families. His wife, who also works at Evernote, didn't miss a beat: housecleaning. Today, Evernote's 250 employees -- every full-time worker, from receptionist to top executive -- have their homes cleaned twice a month, free.

"It is the latest innovation from Silicon Valley: the employee perk is moving from the office to the home. Facebook gives new parents $4,000 in spending money. Stanford School of Medicine is piloting a project to provide doctors with housecleaning and in-home dinner delivery. Genentech offers take-home dinners and helps employees find last-minute baby sitters when a child is too sick to go to school. ..."

"The goal is not just to reduce stress for employees, but for their families, too. If the companies succeed, the thinking goes, they will minimize distractions and sources of tension that can inhibit focus and creativity."

Greg Victor (g victor@post-gazette.com).

First Published December 30, 2012 12:00 am
Rufe McCombs Maulsby, first woman to be elected judge in Georgia, dies at 94

Published: December 30, 2012

By LARRY GIERER — lgierer@ledger-enquirer.com

It was 1942 and Rufe Edwards, who had already passed the bar exam, had just graduated from the University of Georgia School of Law. She was the only female in her class.

She was ready to go to work as an attorney with a private firm. Years later, she recalled the unpleasant experience of trying to find a job: "I was told 'you're just what we're looking for, but we're looking for it in a man.'"

Thanks to a professor, she got a job with the U.S. Department of Agriculture in Washington, D.C.

In 1975, the Georgia native, then Rufe McCombs, became the first female elected judge in Georgia without prior appointment. She would serve as a Municipal Court judge, a State Court judge and Superior Court judge before retiring in 1993.

Superior Court Judge Bobby Peters said Sunday that Rufe McCombs Maulsby, who died Saturday at age
Rufe McCombs Maulsby, first woman to be elected judge in Georgia, was 94 in Merritt Island, Fla., was a "trailblazer" who mentored many young women and men.

"She was a great judge who was fair to everyone. With her, there was no politics from the bench," Peters said. "She was also a dear friend."

Retired Columbus attorney and former state legislator Milton Jones agreed with Peters, calling her someone who "broke barriers" and "treated everyone with respect."

Her funeral will be handled by Striffler-Hamby Mortuary, but no arrangements have been made, her daughter, Beth McCombs Creed, said Sunday.

Creed said her mother broke her hip in a fall Dec. 12 and surgery went well, but she broke the hip again the day after Christmas.

"She didn't even get out of the bed. That is how brittle her bones had become," Creed said of her mother, who was in hospice care.

Creed said that while her mother loved the law, "it was family that meant everything to her."

She recalled seeing her mother at work and could not believe it was the same person. "She was such a sweet, gentle woman, but she ruled with an iron fist in the courtroom," Creed said.

Neither of her mother's husbands -- James McCombs and Gilbert Maulsby, whom she married at 88 -- survive her.

Among the survivors are three grandchildren, Adam Kissel of Atlanta, Dana Mobley of Meritt Island, Fla., and Jared Kissel of Columbus, as well as three great grandchildren, Lia Kissel of Columbus and Noah and Junior Mobley of Merritt Island.

Someone who was like another daughter to the judge was author Karen Spears Zacharias, whose first book was "Benched: The Memoirs of Judge Rufe McCombs" published by Mercer University Press in 1997. Zacharias was a childhood friend of the judge's daughter.

"This has been a brutal time for me," Zacharias said. "I have lost both my mother and Rufe McCombs this week; two very strong-minded women who helped shape the course of my own life. Anything I have ever done well in my life is a result of the standard these two women set for me."

Zacharias was a freshman in high school when she first met the judge, whom she called an "imposing figure" but someone who always took the time to ask about her family and her school work.

The judge succeeded through the years despite blindness in one eye and bouts with tuberculosis and cancer.

"I retain a deep affection and love for Columbus, which I consider to be my hometown," Zacharias said. "But when I look around the city now and see women like Mayor Teresa Tomlinson, I wonder, does the good mayor realize that she holds the position she does because of Rufe McCombs? McCombs changed the course of the way Columbus did politics. Never part of the good ole boys' club, Rufe McCombs was relentless in her pursuit to make the world a better place for others, especially for young girls like I was once."

McCombs, who wanted to be a lawyer from the time she was a little girl, first ran for a judgeship in 1975. It was Aug. 13 that she turned in her resignation as head of Columbus Legal Aid to run for the office vacant because of the death of John Nilan, Zacharias said. Three men went up against her for the job: Thomas W. Hughey, City Court Judge E.C. Britton and attorney William Ford Pearce Jr.

During the campaign the newspaper quoted her saying, "I think the wealthy have a better chance of winning cases in our court system today because they are more educated, understand the law better and
Rufe McCombs Maulsby, first woman to be elected judge in Georgia...

are able to hire the better lawyer. I have seen the poor discriminated against in our court system."

She believed that it was the people she served at Legal Aid and the women of Columbus who enabled her to win the election for Municipal Court judge.

She received more than 9,000 votes. Hughey, her closest contender, finished second with 3,500. Of the 33 election precincts, the only one she did not carry was Bibb City.

In her memoirs she summed that win up this way: "To this day, the race for Municipal Court Judge remains the hardest race I ever ran, and the sweetest victory because no one expected me to win without a runoff."

She served as Municipal Court judge from 1975-1978. In 1978, Superior Court Judge Alvan Davis resigned mid-term, creating a vacancy that would be filled by appointment. She actively sought the position, going up against State Court Judge Kenneth Followill and State Representative Albert Thompson. Thompson was the first black Georgia state Representatives from Muscogee County. Prior to his election to the Legislature, Thompson served as the only black attorney in town.

Gov. George Busbee chose Followill to fulfill the position.

She won the position of State Court judgeship election in an unopposed special election June 20, 1978.

She remained in State Court until 1980, when she and Albert Thompson again found themselves competing for the same job, the Superior Court position vacated when Judge Oscar Smith retired.

That retirement came mid-term, which meant Gov. Busbee would once again appoint someone to complete Smith's term. This time, Busbee picked Thompson.

She ran against Thompson in 1982. Zacharias said many civic leaders begged McCombs to not run against Thompson, who was considered widely to be a good man and worthy judge.

"Rufe's biggest strength was being a woman," Zacharias wrote in the book. "This was just at the beginning of the period when women were running for office and being very successful. Women had been denied public office and other things just like black people. When you get a good female candidate, I guess all the women got together. There are a lot of women's organizations here in town. There were all for her, the women were. That was the biggest thing going for her."

The judge would serve in Superior Court until 1993, when she retired at age 75.

Dozens killed, wounded in airstrike near Damascus

First baby of 2013 born at Fort Benning hospital
Through January, approximately 50 items from Brian Hardison’s extensive collection of materials once owned by or relating to Aaron Burr are on display in the Hargrett Rare Book and Manuscript Library Gallery in UGA’s Richard B. Russell Building Special Collections Libraries. On loan from Hardison (AB ’81) are materials from Burr’s military career, letters detailing his participation in several notable trials including his own trial for treason, miniature portraits of Burr and his daughter, Theodosia Burr Alston, correspondence from Alexander Hamilton, Burr’s pocket watch, and other manuscripts, pamphlets and letters. Hardison’s collection, recently exhibited at The Grolier Club in New York, is the subject of his new book, Burriana. After starting his law career 20 years ago, Hardison began collecting memorabilia of Burr, a former vice president who is best known for killing former treasury secretary Alexander Hamilton in a duel. For exhibit hours and other information, go to www.libs.uga.edu/hargrett/index.shtml.
2004

Caree Joli Jackson (MS '04, PhD '08)
College of Family and Consumer Sciences
Researcher and Oak Ridge Institute for Science Education Fellow, Centers for Disease Control and Prevention Mableton, Ga.

At the CDC, Jackson is part of a team charged with implementing first lady Michelle Obama's Let's Move child care initiative. Jackson also co-leads a federal interagency workgroup focused on healthy weight in early childhood and oversees the CDC's technical-assistance activities to states and communities that are pursuing obesity-prevention efforts in early child care and educational settings. In 2012 she received a Pacesetter Award from the UGA College of Family and Consumer Sciences.

2005

Christy Overall (BBA '05)
Terry College of Business
Senior Information Technology Consultant, Technisource Buford, Ga.

A former member of the Terry College of Business Alumni Board, Overall now serves as the sponsorship chair for the Terry Professional Women's Conference and is on the Alumni Association's Women of UGA Steering Committee. Through her work at the Technisource Internet technology consulting firm, she mentors women in the IT field through “Girls Get I.T.” In 2012 she was named the Sigma Kappa Alpha Alumnus of the Year.

2007

Joby Young (AB '05, JD '09)
Franklin College of Arts and Sciences, School of Law

Young is one of the youngest chiefs of staff to serve a congressman in Washington, D.C., after overseeing Austin Scott's 2010 campaign. Prior to that he worked for the office of the lieutenant governor of Georgia as legislative counsel. He is a member of the Atlanta Bar Association, The Federalist Society and the Republican National Lawyers Association.

2010

Thomas J. (T.J.) Callaway IV (BBA '07)
Terry College of Business
Co-founder and CEO, FiveMile.com Athens, Ga.

Callaway's retail store, Fivemile.com, is dedicated to the outdoor sportsman. Callaway is a former chair of the Terry Young Alumni Board and is a past recipient of the Outstanding Citizen's Award given by the Georgia secretary of state. Callaway's entrepreneurial interests began early. At age 16, he began the Callaway Lawn Service, which he continued until his junior year at UGA. He is a member of the Rotary Club of Athens.

Christie Haynes (AB/AB '10)
Franklin College of Arts and Sciences
President, Dawson County Chamber of Commerce and Convention & Visitors Bureau Cumming, Ga.

As the former executive director of the Blakely-Early County Chamber of Commerce, Haynes established a youth leadership program to benefit underprivileged kids. In 2009 and 2010, Haynes served as deputy political director for Secretary of State Brian Kemp. She is on the board of directors for the School of Public and International Affairs Young Alumni Group and past president of the Southwest Georgia chapter of the UGA Alumni Association.

"Success is a self-established state of mind that comes from hard work, learning from mistakes and accomplishments, and most importantly achieving an inner peace of mind. By approaching each day as a unique opportunity to grow and learn, success can be attained continuously."

—Milton Troy (MBA '02)
Maj. Brian Dodson
(BBA '02)
Terry College of Business
Chief, 62nd Airlift Wing Exercises and Evaluations, U.S. Air Force
Tacoma, Wa.

As a pilot, Dodson has supported senior leadership and peers during four combat deployments to Southwest Asia in support of Operations Enduring Freedom, Iraqi Freedom, New Dawn and Horn of Africa. He is one of 38 Antarctic instructor pilots that provide support and supplies to personnel on the continent. Dodson's passengers have included the U.S. vice president, secretary of state, secretary of defense and the Air Force chief of staff.

Cmdr. Milton Troy III
(MBA '02)
Terry College of Business
Supply Corps Officer, U.S. Navy
Virginia Beach, Va.

Troy manages service-oriented supply and logistics policy for the Atlantic naval forces at U.S. Fleet Forces Command in Virginia. He provided combat logistics support during Operation Iraqi Freedom and Operation Enduring Freedom. He received the Outstanding Military Volunteer Service Medal presented by the U.S. Navy for his work with Drug Education for Youth. He has received numerous other commendations from inside and outside the military, including the Meritorious Service Medal twice and the Founders Award from the Phi Gamma Gamma Chapter in Kuwait of the Omega Psi Phi Fraternity Inc.

Heather Kaney Burge
(BSFCS '03)
College of Family and Consumer Sciences
Owner, BleuBelle Boutique
Savannah, Ga.

At age 21, Burge opened BleuBelle Boutique, Inc., which has two stores in Savannah and has been recognized as one of Savannah's best bridal boutiques. In 2007, Burge received the Small Business of the Year Award from the Savannah Area Chamber of Commerce. In 2012, Burge was selected to be a member of the North American Society of Periodontists. She is a leadership council member for the University of Alabama at Birmingham School of Dentistry and has been a volunteer with Special Olympics and The Free Dental Clinic in Charleston, S.C.

Jennifer Doobrow
(BS '03)
Franklin College of Arts and Sciences
Owner and Periodontist, Periodontal and Implant Associates, Inc.
Birmingham, Ala.

Doobrow took over her father's three dental practices, as well as a number of other businesses, when he passed away. In 2012 she was selected to be a member of the North American Society of Periodontists. She is a leadership council member for the University of Alabama at Birmingham School of Dentistry and has been a volunteer with Special Olympics and The Free Dental Clinic in Charleston, S.C.

Corey Dortch
(BSA '03, MEd '05, PhD '11)
College of Agricultural and Environmental Sciences, College of Education
Senior Associate Director, MBA Program, Goizueta Business School, Emory University Mableton, Ga.

Dortch co-founded Dawgs for Dance Marathon, now known as the UGA Miracle Alumni Connection, which keeps alumni connected to the annual student dance marathon that raises money for Children's Healthcare of Atlanta. He was a member of the Arch Society Legacy Campaign Steering Committee and helped raise over $100,000 for the Arch Society Endowment Fund.

"Success is selflessness. It is lying in bed at night completely content with life. It is waking up, looking in the mirror and being proud of who you are."

—Brian Dodson (BBA '02)
Jehan Y. El-Jourbagy (ABJ/AB '00, JD '03)  
Grady College of Journalism and Mass Communication, School of Public and International Affairs, School of Law  
Executive Director, Jasper County Mentor Program, Monticello, Ga.

She was elected to the Georgia House of Representatives in 2010. She serves on the boards of Communities in Schools in Cobb County and the Cobb County Library Foundation. She previously served as statewide president for the Georgia Young Democrats. In 2008 she was one of 10 people selected by Outstanding Atlanta, an organization that recognizes young adults who contribute to the betterment of the city.

Stacey Evans (AB '00, JD '03)  
Franklin College of Arts and Sciences, School of Law  
Partner, Wood, Hernacki & Evans, LLC, Smyrna, Ga.

The first in her family to graduate from college, Evans attended the Georgia House of Representatives in 2010. She serves on the boards of Communities in Schools in Cobb County and the Cobb County Library Foundation. She previously served as statewide president for the Georgia Young Democrats. In 2008 she was one of 10 people selected by Outstanding Atlanta, an organization that recognizes young adults who contribute to the betterment of the city.

Vivian Greentree (ABJ '00, AB '01)  
Grady College of Journalism and Mass Communication, School of Public and International Affairs  
Director of Research and Policy, Blue Star Families, Chesapeake, Va.

After serving in the U.S. Navy, Greentree assisted in founding Blue Star Families, a national military family support organization, which has grown from seven women to more than 35,000 members. She led the organization’s 2010 Military Family Lifestyle Survey research team, which presented its results to the House and Senate military family caucuses. She is a member of the board of directors for USO Central Virginia, the First Lady of Virginia’s Advisory Committee on Military Affairs and a founding member of the Old Dominion University Military Alliance.

Patrick Millsaps (JD '00)  
School of Law  
Partner, Hall Booth Smith & Slover, P.C., Camilla, Ga.

Millsaps' law practice, begun in 2007, merged with Hall Booth Smith & Slover. He served as chief of staff for Newt Gingrich’s 2012 presidential campaign. He is the attorney to the Bibb County Board of Education. Millsaps was appointed by Gov. Nathan Deal to chair the Georgia Government Transparency and Campaign Finance Commission in 2011. He is a member of the Georgia State Ethics Commission and the Georgia Superior Court Clerks Cooperative Authority.

Kyle Wingfield (ABJ '01)  
Grady College of Journalism and Mass Communication  

Wingfield writes semi-weekly columns and daily blog items and represents the AJC at public forums and speaking engagements. Wingfield previously worked for the Associated Press and the Wall Street Journal. In 2006, he received the John E. Drewry Young Alumnus Award from the Grady College of Journalism and Mass Communication.

Success for me is learning something new today that I didn’t know yesterday and using my knowledge to help others. And, some days, getting everyone out of the house with their homework done and shoes on.”  
—Vivian Greentree (ABJ '00, AB '01)
Peter Dale (ABJ '99)
Graudy College of Journalism and Mass Communication

Through his work, Dale supports many philanthropies and serves as a board member for the Boy Butante Aids Foundation, which raised more than $35,000 last year. This year he received the “People’s Choice Best New Chef for the Southeast” by Food and Wine Magazine. After graduating, Dale worked as a legislative aide for then U.S. Rep. Nathan Deal. Dale is affiliated with a number of sustainable food organizations, including Georgia Organics, P.L.A.C.E. (Promoting Local Agriculture & Cultural Experience), Slow Food and Southern Foodway Alliance.

Paton (Paul) Faletti Jr. (BBA '99)
Terry College of Business
President and CEO, NCM Associates Atlanta, Ga.

Faletti began his career in automotive retail at BMW in Munich, Germany. From there he climbed the corporate ladder with positions at Rolls Royce, Maserati and Jaguar. When he was named to head the retail automotive consulting business NCM, Faletti was the company’s youngest president and CEO in NCM’s 64-year history. A summa cum laude graduate with highest honors from the UGA Honors Program, Faletti actively supports the Red Cross of North America, the Susan G. Komen Foundation and the United Way.

Kelly Kautz (AB '99, JD '02)
Franklin College of Arts and Sciences, School of Law
Mayor, City of Snellville
Attorney, Law Office of Kelly D. Kautz Snellville, Ga.

Kautz serves as mayor of Snellville, with a population of 18,000 and an annual budget of $18 million. She was the first female elected mayor of Snellville. She previously served as assistant district attorney for the Alcovy Circuit in Monroe, Ga. She is president of the Gwinnett Criminal Defense Bar Association. Kautz has been an adjunct professor at Georgia Gwinnett College, teaching undergraduate courses about the legal environment of business.

Greg Skowronski (BBA '99)
Terry College of Business
Senior Financial Analyst, Habitat for Humanity International Atlanta, Ga.

After working in finance for seven years on Wall Street, Skowronski moved to South Africa as the national director of microcredit for Paradigm Shift, a nonprofit organization that works with churches to empower the poor in their communities. In 2011 he went to work for Habitat for Humanity International, building homes around the world for disadvantaged people. Skowronski serves on the alumni board for the UGA Honors Program.

Dr. Dhruti Contractor (AB '00, MA '01)
Franklin College of Arts and Sciences
Captain and Orthopedic Surgeon, U.S. Army Grovetown, Ga.

Contractor is the first female orthopedic resident at Eisenhower Army Medical Center in Augusta, Ga. She is actively involved in the Indian-American community, serving as chair of the Georgia Indian-American Political Action Committee and city coordinator for the National Gandhi Day of Service in Atlanta and Athens. While a medical student at George Washington University, she organized the first-ever policy session between med students and members of Congress to create awareness of issues affecting the future of physicians.

“Success is giving your all in any situation. Even if your ultimate goal is not reached, working hard toward that goal is success. If you work hard, you can always be proud and consider yourself a success.”

—Stacey Evans (AB '00, JD '03)
John W. Stephenson Jr. (BS '97, JD '00)
Franklin College of Arts and Sciences, School of Law
Partner, Troutman Sanders
Interim CEO, Atlanta Hall Management
Atlanta, Ga.

Through his work at Atlanta Hall Management, Stephenson was instrumental in bringing the College Football Hall of Fame to Atlanta. He has been involved with the UGA Honors Program Alumni Board and Advisory Board since 2002. Stephenson was selected as a "Rising Star" by Georgia Super Lawyers, a state-by-state lawyer rating service and magazine, and Atlanta Magazine each year from 2005 to 2011. He serves on the Emory University Board of Visitors and the Chick-fil-A Bowl Selection and Marketing Committee.

Dr. Drew Wade (AB/BS '97)
Franklin College of Arts and Sciences
Partner of Radiology, SouthCoast Medical Group
Savannah, Ga.

Wade is one of the founders of the Savannah Bicycling Campaign and serves as president of Georgia Bikes!, an organization that works to improve bicycling conditions and promote bicycling throughout the state. The group's work has resulted in an increase in safe biking trails, lanes, regular community rides and awareness events. Wade graduated cum laude from the Emory University Medical School.

Andrew (Andy) Childers (JD '98)
School of Law
Founding Partner, Childers, Schlueter & Smith, LLP
Atlanta, Ga.

Childers concentrates his practice on representing people harmed by pharmaceuticals, food and defective products. His trial advocacy has resulted in more than $250 million in verdicts and settlements. Childers was named a "Rising Star" three times by Georgia Super Lawyers, a state-by-state lawyer rating service and magazine. As a law student, Childers was a national champion in the 1997 ATLA Student Trial Advocacy Competition.

Lorraine Riffle Hawley (ABJ '98)
Grady College of Journalism and Mass Communication
Director of International Government Relations, Archer Daniels Midland Company
Arlington, Va.

Hawley manages ADMC's government relations strategy in more than 100 countries. Prior to ADMC, Hawley was the government affairs representative for Chevron in Europe, Africa and Asia. In 2009, she was selected as a Franklin Fellow for the U.S. Department of State, serving as a foreign affairs officer. She represents ADMC as vice chair of the U.S.-Poland Business Council, as vice chair and founding board member of the U.S.-Romania Business Council and as chair of the U.S.-Mexico Leadership Initiative Agricultural Working Group.

Christy Seyfert (BSA '98)
College of Agricultural and Environmental Sciences
Vice President, Michael Torrey Associates, LLP
Alexandria, Va.

Now vice president for a government relations firm, Seyfert has worked on Capitol Hill for 13 years—six with U.S. Sen. Saxby Chambliss—developing legislative policy and working with regulatory agencies to benefit Georgia agriculture. For three years she served on the board of directors for the Senate Employees' Child Care Center. In 2011 she received a Young Alumni Achievement Award from the College of Agricultural and Environmental Sciences.

“I measure success by how positive an impact my work has on the lives of my clients and their families, no matter how big or how small their cases may be.”

—Andy Childers (JD '98)
Robert Teilhet
(AB '96, JD '00)
Franklin College of Arts and Sciences, School of Law
Executive Director, Georgia Conservation Voters
Smyrna, Ga.

Teilhet leads a statewide, nonprofit organization dedicated to making conservation a state priority. He served four terms in the Georgia House of Representatives. In 2010, he was appointed director of the Georgia Public Defender Standards Council by then-Gov. Sonny Perdue. Teilhet is a strong supporter of environmental conservation and the protection of indigent defendants' rights. As a law school student, he served as president of the class of 2000.

Lee Zell
(AB '96)
Franklin College of Arts and Sciences
Account Executive, Turner Broadcasting, Inc.
Atlanta, Ga.

Zell represents Turner Sports as the marketing arm of TBS, TNT and NBA-TV and is responsible for national advertising sales for many major league sports. She co-chairs the Shepherd Center Society, which under her leadership has raised more than $100,000 for the SHARE Initiative, a comprehensive rehabilitation program for service men and women who sustained a traumatic brain or spinal injury in Afghanistan or Iraq.

Jennifer L. Chapman
(BBA '97, MAcc '98, JD '02)
Terry College of Business, School of Law
Assistant Professor of Legal Studies and Accounting, Georgia Gwinnett College
Adjunct Professor of Tax Law, UGA
Athens, Ga.

Chapman worked as a tax consultant and tax attorney before joining the faculty at Georgia Gwinnett College in 2008. She has served on the board of directors for the UGA Alumni Association since 2006. She also has served on the boards of the Morton Theater, Recording for the Blind and Dyslexic, the Georgia Children's Chorus and the Athens Justice Project, all in Athens.

Keysha Lee
(ABJ '97)
Grady College of Journalism and Mass Communication
Host and Executive Producer of "Lessons with Mrs. Lee," KLee Productions
Chamblee, Ga.

Lee was a television news reporter in three markets before joining the Academy of Mass Communication for DeKalb County Schools. She created "Lessons with Mrs. Lee," a student-produced, centered and led television series on DeKalb County's educational access channel (PDS-TV 24) that features successful professionals giving advice and sharing life lessons with students. Lee was recognized by Scholastic Crimestoppers for her leadership in using video production to promote student advocacy against bullying.

Brian Robinson
(ABJ '97)
Grady College of Journalism and Mass Communication
Deputy Chief of Staff for Communications, Office of the Governor
Atlanta, Ga.

As communications director for Nathan Deal's 2010 campaign for governor, Robinson served as chief spokesman for the candidate, wrote his speeches and helped develop the campaign message. As communications chief for the governor, he manages the communications staff, serves as an adviser to and chief spokesman for Deal and works with other state offices to coordinate a common message. Prior to working for Deal, Robinson handled communications for U.S. Rep. Lynn Westmoreland and U.S. Rep. Phil Gingrey.

"Success comes from within. If you do what you love and share your talents and achievements with others, success will follow. It cannot be measured by financial success or public accolades. Rather, it flows from self-respect and the knowledge that you have done your best."

— Jennifer Chapman (BBA '97, MAcc '98, JD '02)
Mike Martin (ABJ '95)  
Grady College of Journalism and Mass Communication  
Owner and Creative Director, Skylab-B  
Dunwoody, Ga.

In 2011 Martin produced the UGA public service announcement, featuring the Chapel bell and R.E.M.'s song, “Oh My Heart,” in partnership with several other alumni. His advertising clients include Harley Davidson, the Dallas Mavericks, Toyota and the Atlanta Braves. Martin was instrumental in building the Truth Campaign, billed by Adweek magazine as one of the most effective anti-tobacco advertising campaigns ever produced. His work has been recognized with some of the highest industry awards.

Cabell Sweeney (BSEd '95)  
College of Education  
Co-owner and Designer, Cabell's Designs  
Rome, Ga.

Cabell's Designs holds collegiate licenses to produce tailgating products for more than 60 schools including UGA. The company donates 10 percent of its net income to U.S. and international charities. Sweeney has volunteered with Young Life, a Christian-based organization for children, for more than 20 years and serves on the board of Karama Gifts, a microfinance nonprofit that assists in financing, designing and marketing handcrafted African-made products in the U.S.

Andy Lipman (BBA '96)  
Terry College of Business  
Director of Purchasing, DiversiTech  
Norcross, Ga.

Lipman is the founder of the Wish for Wendy Softball Challenge, started in memory of his sister, which has raised over $1.25 million for cystic fibrosis research. Lipman, who also has CF, has written three books and is a motivational speaker. A 12-year veteran of the Peachtree Road Race, he was chosen to run with the Olympic Torch in 2001. He is on the boards of the Terry College of Business and the Cystic Fibrosis Foundation.

Larry Lykins Jr. (BSA '96, MS '98, EdS '01)  
College of Agricultural and Environmental Sciences, College of Education  
Owner and Operator, Cartecay Vineyards  
Ellijay, Ga.

A four-year letterman in swimming at UGA, Lykins co-founded and co-chairs the Gilmer Relief and Service Project, an organization through which youth in the county help disadvantaged residents. He founded and serves as head coach of a swim team for the youth in Gilmer County. His business, Cartecay Vineyards, was the first commercial vineyard to open in Gilmer County and has helped promote tourism in the north Georgia region.

Kristen Manion Taylor (ABJ '96, MBA '97)  
Grady College of Journalism and Mass Communication, Terry College of Business  
Managing Director of Worldwide Marketing Communications and Ancillary Revenue, Delta Airlines, Inc.  
Atlanta, Ga.

After the merger with Northwest Airlines, Taylor led Delta's new brand campaign, "The Truth Well Told." She also helped launch the 2010 "Keep Climbing" campaign, which resulted in the company's highest ad awareness and recognition scores since Delta began tracking this measure. She shares her expertise with the New Media Institute providing opportunities for UGA students to partner with Delta on social media projects.

“Success is defined by personal happiness. When you are happy and at peace with yourself, that is when you have achieved success.”

—Larry Lykins Jr. (BSA '96, MS '98, EdS '01)
Camille Kesler (BSFC '94)
College of Family and Consumer Sciences
Executive assistant to the CEO, Calysto Communications
Atlanta, Ga.

Kesler is president of the board of directors for the Junior League of Atlanta, one of the largest Junior League chapters in the world, and is the first minority president in the chapter's 96-year history. She serves on the boards of the Atlanta Children's Shelter, the Atlanta Speech School Guild and the Atlanta Symphony Orchestra.

Lisa Blanco (BBA '95, JD '98)
Terry College of Business, School of Law
General Counsel and Chief Compliance Officer at Energy Technology Ventures, LLC
Atlanta, Ga.

Blanco was one of the first female partners on the corporate team at King & Spalding, where she worked following law school. She is president of the board of directors for All About Developmental Disabilities, a nonprofit in Atlanta that provides support services to families living with disabilities. She is a member of the IT advisory board of Georgia Tech's Economic Development Institute.

April Hembree Crow (BSEH '95)
College of Agricultural and Environmental Sciences
Global Sustainability Director for Packaging, The Coca-Cola Company
Atlanta, Ga.

Crow created community-focused recycling initiatives resulting in thousands of bins placed in communities around the world. She worked with Delta Airlines on a program that has led to the recycling of millions of pounds of materials. She is on the Georgia 4-H Foundation Board of Trustees and is a member of the Keep Georgia Beautiful Foundation board.

Scott Jones (BSFR '95)
Warnell School of Forestry and Natural Resources
CEO, Forest Landowners Association
Atlanta, Ga.

Jones was appointed by U.S. Secretary of Agriculture Mike Johanns to the Forest Research Advisory Council in 2005. In 2011 he chaired the Warnell School of Forestry and Natural Resources Alumni Steering Committee. As CEO for the Forest Landowners Association he has worked on policy issues that protect forests for future generations. In his personal life he has lobbied for extended benefits for children with autism.

Amy Loggins (BSEd '95, JD '99)
College of Education, School of Law
Assistant Vice President and Corporate Counsel, Crawford & Company
Marietta, Ga.

Loggins handles all labor and employment issues for Crawford, the world's largest independent provider of claims and management solutions. She chaired the company's social media task force and implemented its social media policy and training program. In 2010 she received the Jonathan A. Silber Outstanding Committee Member of the Year Award from the Association of Corporate Counsel, an association that promotes and supports in-house counsel at private businesses and organizations.

"Success is contributing to something that advances the greater good and knowing at the end of each day I have given my very best self to whatever I am trying to accomplish."

—April Crow (BS '95)
The UGA Alumni Association in September recognized the 2012 class of 40 outstanding graduates under the age of 40. Honorees were selected by a committee of UGA administrators and faculty, members of the UGA Foundation and the Alumni Association, based on the impact they have made in business, leadership, community, education and/or philanthropy; their demonstrated dedication to UGA; and how well they uphold the pillars of the Arch—wisdom, justice and moderation. They were feted at a luncheon at the Georgia Aquarium on Sept. 20.
UGA students and alumni athletes representing other countries

ARGENTINA
Jenny Dahlgren (AB '08)
Spring, Texas
Track and Field

BAHAMAS
Debbie Ferguson-McKenzie (BS '00)
Clermont, Fla.
Track and Field
Shaunae Miller
Freshman
Nassau, Bahamas
Track and Field

CANADA
Sultana Frizzell (M '07)
Perth, Ontario, Canada
Track and Field
Brittany MacLean
Freshman
Etobicoke, Ontario, Canada
Swimming

CROATIA
Andras Haktits (AB '05)
Allentown, Pa.
Track and Field
Martin Maric (M '08)
Split, Croatia
Track and Field

FINLAND
Matias Koski
Freshman
Duluth, Ga.
Swimming

GERMANY
Sarah Poewe (AB '09)
Cape Town, South Africa
Swimming

KUWAIT
Yousef Alaskari
Freshman
Fort Lauderdale, Fla.
Swimming

POLAND
Aleksandra Putra (AB '10)
Chassagny, France
Swimming

SOUTH AFRICA
Troyden Prinsloo (BSFCS '11)
Durban, South Africa
Swimming
Wendy Trott (AB '12)
Cape Town, South Africa
Swimming

ST. LUCIA
Levern Spencer (BSHP '09)
Castries, St. Lucia
Track and Field

TURKEY
Ediz Yildirim
Freshman
The Woodlands, Texas
Swimming

GREAT BRITAIN
Elizabeth Reid (M '12)
London, England
Volleyball

Kara Lynn Joyce (M '11)
Ann Arbor, Mich.
Swimming
Jarryd Wallace
Sophomore
Athens, Ga.
Track and Field (Paralympics)