4-1-2013

04/2013 Newsclippings

Office of Communications and Public Relations

Recommended Citation
Office of Communications and Public Relations, "04/2013 Newsclippings" (2013). Media Archives. 34.
https://digitalcommons.law.uga.edu/media_archives/34
ATLANTA — The criminal prosecution of dozens of Atlanta Public Schools educators presents considerable challenges for both prosecutors and defense attorneys because of the use of a complex law initially designed to dismantle organized crime, legal experts say.

Thirty-five educators within the Atlanta school system, including former Superintendent Dr. Beverly Hall, were named in a 65-count indictment last week that alleges a broad conspiracy to cheat, conceal cheating or retaliate against whistleblowers in an effort to bolster student test scores and, as a result, receive bonuses for improved student performance. Prosecutors set a Tuesday deadline for all defendants to surrender to authorities.

Each defendant is charged with violating Georgia's Racketeer Influenced and Corrupt Organizations statute, also known as RICO. The law is modeled on the federal statute, which Congress enacted in 1970 to take down mobsters.

Criminal RICO cases can be extremely complex with multiple elements to prove beyond the basic crime. That includes establishing a criminal enterprise, in this case the Atlanta Public Schools system, and a pattern of criminal behavior.

"It gets very complicated when you try to describe all of this to a jury and to convince a jury that a person is guilty of all of this by a reasonable doubt," said Jeffrey E. Grell, a former assistant attorney general in Minnesota and expert on RICO cases. "Particularly in a RICO case, because you have people pointing fingers of blame all over, I'm sure it's going to be very complicated."

Grell, who teaches at the University of Minnesota Law School, said the inherent nature of the law — to prosecute "people who don't get their hands dirty" — also makes it a challenge to secure a conviction. Although the defendant doesn't have to engage in the crime directly, prosecutors must show the defendant was directly operating or managing the criminal enterprise, Grell said.

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Grell said RICO cases can be expensive, especially with multiple defendants and multiple allegations of criminal wrongdoing.

The defendants include high-level administrators, principals, assistant principals, teachers, testing coordinators, a school secretary and a school improvement specialist. Hall, the former superintendent, has long denied any knowledge of the cheating.

A 2011 state investigation revealed widespread cheating by nearly 180 educators in Atlanta schools dating back to 2001. Investigators said educators gave answers to students or changed answers on tests after they were turned in, and teachers who tried to report it faced retaliation, creating a culture of "fear and intimidation."

The tests were the key measure the state used to determine whether it met the federal No Child Left Behind law. Schools with good test scores get extra federal dollars to spend in the classroom or on teacher bonuses.

On Friday, in announcing the indictment, Fulton County District Attorney Paul Howard used the story of an Atlanta third-grader to underscore the importance of the case, with teachers and administrators more focused on test scores than student improvement. He said the girl received the worst score in her reading class in 2006 and yet, when she took an assessment test, she passed with flying colors. The girl is now in ninth grade, reading at a fifth-grade level.

The high emotions surrounding the case and the extensive media publicity will also pose challenges for prosecutors and defense attorneys.

It's likely that one or more defendants will seek to have the case moved out of Atlanta or to have jurors brought in from another part of the state, which is allowed under Georgia law, said Ron Carlson, professor of law emeritus at the University of Georgia. Some of the defendants may also ask to have their trials be separate from the others in the hopes of strengthening their case, Carlson said.

And the stakes will increase the pressure on everyone involved in the case.

"I consider this one of the most important, one of the seminal developments in the history of American education law. It's the largest school teaching scandal yet recorded in the country," Carlson said. "A high-profile case like this one puts public attention and public pressure on the various moves made by prosecutors and defense attorneys."

Morgan Cloud, a professor at Emory University School of Law, said prosecutors will also have to work to explain the RICO law to jurors.

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RATING: +1
Mon., Apr 01 @ 5:59:37 pm

This is going to be long and expensive. Guess we'll steal from the blind to pay for this mess.

TeeWee

Tue., Apr 02 @ 8:24:13 am

RICO has been used in many jurisdictions successfully. Even California threatened to use RICO when San Diego was in cahoots with ticket camera vendors to defraud motorists and make intersections more dangerous. This might a case of inept prosecutors or they are trying to wiggle out of prosecuting these school officials.
UGA graduate programs still rank among nation's best

By Sara M. Freeland
freeland@uga.edu

UGA graduate programs continue to rank among the best in the nation, according to U.S. News & World Report's 2014 edition of America's Best Graduate Schools. The School of Law tied for No. 33, the College of Education ranked No. 43 and the Terry College of Business tied for No. 52.

"Top-quality graduate and professional education are increasingly important to both the University of Georgia and the state of Georgia," said UGA President Michael F. Adams. "As the flagship institution of the system, UGA has a responsibility to lead in this area, and I am pleased to see that our best programs are receiving this recognition."

"The national rankings of these programs recognize the quality of graduate education being provided by the University of Georgia," said Maureen Grasso, dean of the Graduate School. "The exceptional research, teaching and service experiences gained by our graduate students provide them with the knowledge and skills to advance the economic and social prosperity of Georgia and the nation."

The School of Law moved up a place to tie for No. 33 on the list. The law school ranked among the top 13 public law schools in the nation and the top four public schools in the Southeast.

UGA's College of Education ranked No. 43 overall on the best schools of education list. The school ranks No. 33 among public universities, third among public universities in the Southeast. In the specialty rankings, UGA ranked first for vocational/technical education, ranked second for counseling/personal services, tied for third for secondary education, ranked fifth for elementary education, tied for sixth in higher education administration and ranked ninth in curriculum/instruction.

"Our college continues to be a leader in education and related human service fields," said Craig H. Kennedy, dean of the College of Education. "Our departments continue to be ranked among the best in the nation. Our status reflects the high level of commitment and activity of the College of Education's faculty, students and staff."

Also, the political science department in the School of Public and International Affairs ranked No. 48 on the list of best schools of political science.

The Terry College of Business moved up five spots to be ranked No. 52 in the best graduate business schools list. The Terry College tied with Case Western Reserve University and Southern Methodist University for the ranking.

"The resources Terry has focused on career opportunities for our MBAs continue to pay dividends," said Robert T. Sumichrast, dean of the college. "This higher ranking is the result of the improved success our graduates have with starting their careers throughout the country."

In the Franklin College of Arts and Sciences, the doctoral program in psychology tied for No. 52 (based on the 2013 ranking).

Also reported in the 2014 rankings were the following programs:

The School of Public and International Affairs was ranked fourth among graduate schools of public affairs, according to the 2013 U.S. News and World Report rankings. Among specialty programs, SPIA ranked second for public management administration and fifth for public finance and budgeting.

"I am very pleased that our school continues to be ranked among the top four public affairs schools in the nation," said Dean Thomas P. Lauth. "This ranking is a great tribute to the faculty of our department of public administration and policy."

The master of fine arts program, ranked in 2012, continued to be ranked No. 22 in the nation.

In the sciences, the doctoral program in biological sciences, ranked in 2010, tied for No. 46. And the university's doctor of veterinary medicine program, ranked in 2011, tied for ninth.
The compelling case for cameras

Tony Mauro
The National Law Journal
04-01-2013

Inside the U.S. Supreme Court last week, the justices were doing what they do best: dissecting a difficult legal issue — this time same-sex marriage — in the intense back-and-forth of oral argument.

Over two illuminating mornings, the justices and top-notch advocates worked through most of the pros and cons of giving same-sex marriage constitutional protection — or instead letting the political process continue the debate.

Outside the court, however, the scene was less noble. People seeking seats for the oral arguments were forced to wait in line, with some arriving five days earlier. Tents were pitched, and money changed hands, with some paying as much as $6,000 to a line-waiting service for the chance of securing a seat inside. Inevitably things got messy, and the line seemed more befitting of a music hall or an Apple store on the eve of the release of a new iPhone.

In one sense, the avid interest of those in line was a healthy sign that people really care about the issue and about how the Supreme Court — their Supreme Court — would handle it.

In another sense, it was a disgrace. The notion that spectators have to camp out or spend money to see a public institution do public business is offensive. It is the direct result of the court’s arrogant and stubborn refusal to allow cameras to record and broadcast its proceedings. Some of those waiting for days for seats might still do so if cameras were allowed, but it is a safe bet that most would have preferred to watch the oral arguments in the comfort of home on C-SPAN rather than wait in line over several cold and snowy days in March.

While the public shivers, the justices — newcomers and veterans alike — refuse to give in to the reasonable demands of the information age. They are fearful of the changes that cameras might trigger in the dynamics between justices and advocates and with each other — as if the court were a fragile flower, instead of the sturdy institution it is, an institution that usually holds up well under public scrutiny.

Having watched the arguments in the same-sex marriage cases, it is hard for me to imagine how they would have been different if small, unobtrusive cameras had been there to record what was going on. With or without cameras, Justice Antonin Scalia was his spirited self, demanding that lawyer Theodore Olson tell him “when did it become unconstitutional to exclude homosexuals from marriage?” Olson’s sharp reply would not have been different with cameras on hand. “When did it become unconstitutional to prohibit interracial marriages? When did it become unconstitutional to assign children to separate schools?” Olson said.

Judges and lawyers with experience before cameras in other courtrooms universally say that, especially at the appellate level, the questioning, listening and responding demand all their faculties. They soon forget cameras are there.

Last week, we got a taste of how useful and informative camera access would have been. The court released the audio of the arguments on a same-day basis, in time for broadcast journalists to incorporate the sounds from inside the court into their spot reports. Clips of substantive as well as funny exchanges were used, but both types helped make the issues understandable and vivid. They would have been much more so if video were added to the audio.
In a forthcoming law review article, University of Georgia School of Law professor Sonja West, a former clerk to Justice John Paul Stevens, applauds the court for the steps it has already taken toward greater public access to its proceedings. It releases the transcripts of argument, as well as the audio — albeit usually at the end of the week, not on the same day.

That high level of access, however, makes West wonder why the justices don't just take the next step by allowing video coverage. "Why the fear of video cameras?" she asks. "After allowing so much access, why not add this additional avenue of communication with the public? Why close this single door when the walls around them are made of glass?"

The time has come, West argues, for the court to finally open that door to the premier medium of the last century, even as it is supplemented by other media in the new century.

"While there is no doubt that caution can be a virtue, there is a point at which caution becomes paralysis," West wrote in the Brigham Young University Law Review. "The Court has come far in opening its work to the eye of the public, but that very movement has helped to show that there is no real danger in televising the Court's oral arguments." Last week at the court only made the logic of West's argument more obvious.

Tony Mauro can be contacted at tmauro@aim.com.
Atlanta cheating case could set legal precedent

Educators falsifying test scores in their own self-interest would certainly be considered an offense against children, parents, millions of dedicated educators and public education itself. But is it a crime?

Prosecutors in Atlanta will try to make the case that it is -- and that the accused are not just criminals, but racketeers.

A Fulton County Grand Jury on Friday named former Atlanta Public Schools Superintendent Beverly Hall and 34 others in a 65-count indictment that accuses defendants not only of cheating and theft, but also of a sustained conspiracy to cheat, to reward cheaters and accomplices, and to intimidate and/or punish whistleblowers.

They were charged under Georgia's Racketeer Influenced and Corrupt Organizations (RICO) statute, modeled on the well-known federal law used to prosecute mobsters.

The RICO charges add intensity to what was already one of the highest-profile education scandals in memory.

That scandal began, as many big stories do, in relatively low-key fashion. The Atlanta Journal-Constitution reported in 2008 that one school in the Atlanta system had shown almost prohibitively unlikely improvements in test scores. Such suspicious numbers showed up in a dozen Atlanta schools the next year, and eventually in schools across the country.

A state investigation and report in 2011 laid out the elements of a system-wide and years-long conspiracy from which educators profited in the form of bonuses for improvements in test scores. These improvements were brought about, the report alleged, by giving students the right answers or changing wrong ones after the fact. Whistleblowers told investigators of "parties" at which educators gathered to alter whole sets of tests. In so doing, the report concluded, APS cheated thousands of students and their families out of a legitimate measure of education progress.

The nation, and especially the public education establishment, will no doubt be watching closely.

"I consider this one of the most important, one of the seminal developments in the history of American education law," University of Georgia law professor emeritus Ron Carlson told the Associated Press. "It's the largest school teaching scandal yet recorded in the country. A high-profile case like this one puts public attention and public pressure on the various moves made by prosecutors and defense attorneys."

The key to the case will be conspiratorial intent. Prosecutors will have to show that defendants "knowingly and intentionally set out to defraud and engage in cheating," said Jeffrey E. Grill, a Minnesota attorney and acknowledged RICO expert. The law, he said, exists to prosecute "people who don't get their hands dirty," but are directly involved in criminal activity.

It's clear that prosecutors take this case with the utmost seriousness. So should everybody.
Charity classifications determine where donated money ends up

Chelsey Abercrombie | Posted: Wednesday, April 3, 2013 12:00 pm

Charity comes in many forms.

At the University of Georgia, countless philanthropies compete for students’ attention — and funds — every day.

Their causes differ widely, from clean water to refugee relief to mission work.

Just as there is a multitude of differences between charities’ causes, there may also be differences in the overall structures of their organizations that can impact how they operate — and ultimately, where your donation goes.

The word “profit” is not one commonly associated with charities, but many UGA students may be surprised to know their favorite philanthropies are actually designated “for-profit” organizations.

“For-profit corporations have owners, share-holders to whom if the company is dissolved, the share-holders get any assets after the creditors are paid,” said Usha Rodrigues, an associate professor in the UGA School of Law.

Non-profit organizations make up the other half of the spectrum.

“A non-profit corporation doesn’t have shareholders, so that’s really all it means. At the end of the day, its organizational structure says if there’s any money left over, it will go to benefit some other organization,” Rodrigues said.

Emilee Mason, a fourth-year exercise science major from Coldwater, Mich., is the UGA campus representative for Headbands of Hope, a cancer research charity classified as a for-profit organization.

“We are for-profit. We’re like TOMS. TOMS is how we would describe it,” Mason said of the charity’s business model.

For every headband purchased from the Headbands of Hope website, one headband is donated to a child cancer patient, and $1 is donated to St. Baldrick’s Foundation, a childhood cancer research charity.

Unlike Headbands of Hope, Always Baked Goodies Factory Co., another local charity, is classified as a non-profit organization.
For Brian Gamsey, Always Baked founder and CEO, the decision to make his organization a non-profit wasn’t a difficult one.

“I am a huge proponent of social entrepreneurship,” Gamsey said. “I think that we all have a collective responsibility to take care of our community, and we thought the best way to do that was to make it a non-profit.”

Always Baked’s model of operation is common to non-profit charities.

“After expenses, our profits go to Athens charities that need our help,” Gamsey said.

In 2012, Always Baked donated “a little under $50” to local charities, he said. Its average donation is $5 (about the price of one cookie), and its typical donors are college students and “Athenian cookie lovers,” Gamsey said.

Additionally, Always Baked is classified as a 501(c)3 organization.

“If you’re designated as a 501(c)3 by the IRS, then suddenly, you don’t have to pay taxes on any income that you have related to your business, and any donations that people make to you are tax-deductible to them,” Rodrigues said.

The 501(c)3 designation’s tax-exempt status can help potential donors know where their contributions are really going.

“For every dollar, if $0.73 goes to taxes, the question is how much goes to beneficiaries,” Rodrigues said of non-tax-exempt charities.

If the term “for-profit charity” still sounds like an oxymoron. That might be because it is a relatively new invention in the world of philanthropy.

“This is sort of the idea of green businesses, for-profit businesses who say they’re out to help the environment like TOMS or Whole Foods,” Rodrigues said. “I think it’s misleading to call it a charity, because the thing that a charity to me implies is that there isn’t an owner who’s looking to make a profit.”

People Helping Improve Life, an Athens charity founded by students, is also classified as for-profit by its status as a limited liability corporation.

“A limited liability is a relatively new entity form,” Rodrigues said. “It’s a for-profit entity. It’s kind of a corporation-partnership hybrid.”

PHIL operates by connecting donors (local businesses) with students, who can choose the destination and volume of the businesses’ donations with the click of a button. In 2012, PHIL dispersed $8,129, CEO Michael Rausher said.

Rausher is only one member of the PHIL team. It has “about 16” employees, he said.
“We have non-profit liaisons, we have account executives for new business development, an advertising person, a bunch of graphic designers, a social media person, and then we have some journalism people who write for our blog.” Rausher said.

This is where the main difference between non-profit and for-profit charities lies.

"[For-profit charities] are also paying salaries for the owner or for profits for the owner, and that’s something I think the average person wouldn’t really think about,” Rodrigues said.

Oversight is key in knowing exactly where your donation to any charity will really go.

Always Baked’s unpaid board of directors is in charge of making many key decisions for the non-profit, including to whom it donates the charity’s funds.

“We have a person who works as our community relations liaison, and they reach out and get in contact with different charities in the community,” Garnsey said.

Though it is a for-profit organization, Headbands of Hope offers its own modern form of transparency: social media.

The organization’s blog posts feature a list of children’s hospitals that have received donated headbands via the organization, as well as photos of recipients and testimonials from patients, parents and volunteers seeking to aid in the fight against cancer.

Donations made through PHIL can be tracked via the company’s website.

Ultimately, it is important to research any organization before donating your time or money.

Tips for choosing a charity:

1. Get to know your charity first — before you donate to any organization, get acquainted. Read online reviews of the organization or, if possible, volunteer to get an inside look.

2. If a tax classification is important to you, you can most often find this information on the organization’s website. Guidestar.org is also a non-profit website where you can search for charities and view details about them, but it only pertains to non-profits. Also, the website is usually a year behind because it works off of the previous year's tax filings.

3. Trust your instincts. There are plenty of philanthropies around Athens that do great work. Don’t trust your time and money to an organization that doesn’t feel right.
Atlanta testing scandal begins long march to justice

Thirty-five educators are accused of cheating, concealing cheating or retaliating against whistleblowers in an effort to bolster test scores.

ATLANTA -- The indictment has been handed down, the charges filed and dozens of educators freed on bond as the alleged, massive cheating scandal involving standardized test scores in the city's public schools winds its way through the legal system.

That could take awhile. The next step is a plea and arraignment hearing before a judge, said Yvette Jones, a spokeswoman for Fulton County District Attorney Paul Howard.

That judge is Fulton County Superior Court Judge Jerry Baxter. His judicial assistant, David Chamberlain, said a plea and arraignment hearing for the 35 indicted educators had not been set. He also said he didn't know if the educators would have individual hearings or a group one.

The star of the show, former schools superintendent Beverly Hall, was freed on a $200,000 bond Tuesday night. All the defendants were indicted Friday on 65 counts, including racketeering, making false statements and improperly influencing witnesses.

The racketeering charges involve Georgia's Racketeer Influenced and Corrupt Organizations statute. The law is modeled on the federal RICO statute used to prosecute organized crime.

RICO cases involve establishing a criminal enterprise, in this case the Atlanta Public Schools system, and a pattern of criminal behavior.

"It gets very complicated when you try to describe all of this to a jury and to convince a jury that a person is guilty of all of this by a reasonable doubt," said Jeffrey Grell, a former assistant attorney general in Minnesota and expert on RICO cases. "Particularly in a RICO case, because you have people pointing fingers of blame all over, I'm sure it's going to be very complicated."

The investigation was sparked by reports of widespread erasures on student 2009 Criterion-Referenced Competency Tests. The center of the controversy is Hall, who was named national superintendent of the year in 2009 by the American Association of School Administrators -- in large part because of students' improvement on standardized tests.

District Attorney Howard's 21-month criminal investigation followed a 2011 probe initiated by then-governor Sonny Perdue into testing irregularities and cheating allegations on 2008-2009 standardized exams in dozens of schools.

Howard created a special unit of prosecutors and investigators to explore potential criminal activity connected with the allegations. The investigation included a review of testing activity associated with at least 50 of the city's public schools.

Prosecutors allege the 35 defendants conspired to either cheat, conceal cheating or retaliate against whistleblowers in an effort to bolster test scores -- and for "financial rewards associated with high test scores" -- dating back as far as 2005.

In addition to Hall, the indicted defendants include four high-level executive administrators, six principals, two assistant principals, six testing coordinators, 14 teachers, a school improvement specialist and a school secretary.

Hall, superintendent from 1999 to 2011, and other defendants have maintained their innocence.

"I consider this one of the most important, one of the seminal developments in the history of American education law. It's the largest school teaching scandal yet recorded in the country," University of Georgia law professor emeritus Ron Carlson said. "A high-profile case like this one puts public attention and public pressure on the various moves made by prosecutors and defense attorneys."

Meanwhile, in Atlanta, school must go on.

"We intend to let the legal process take its course," current schools Superintendent Erroll Davis said. "Our focus has been and will continue to be to provide a quality education for our children in an ethical environment and fully support the 95% of teachers who were not implicated in this scandal."

Contributing: Associated Press
State's actions help curb widespread cheating in schools

Posted: Friday, April 5, 2013 11:28 am

Fulton County, Ga., parents and possibly parents elsewhere will probably be looking at their children’s test scores with greater scrutiny after nearly 40 former and current educators were indicted this week on accusations they conspired to fix answers on standardized tests.

“I consider this one of the most important, one of the seminal developments in the history of American education law. It’s the largest school teaching scandal yet recorded in the country,” University of Georgia law professor emeritus Ron Carlson told USA Today. “A high-profile case like this one puts public attention and public pressure on the various moves made by prosecutors and defense attorneys.”

The prosecutor in the case said Atlanta teachers and administrators engaged in systematic activities to erase student answers, replacing them with correct answers to inflate schools’ overall performance, and then retaliated against whistle blowers. Test cheating first came to light in 2011, when then-Gov. Sonny Perdue concluded that any reasonable person could see that cheating had occurred. A 21-month investigation followed Perdue’s accusations, concluding that the cheating might have gone as far back as 2005.

Increased test performance was tied to rewards, which were shared by educators. The pay-for-performance model in education is perhaps flawed if it drives educators to engage in such actions, because if such widespread cheating really did occur, then no one wins. The school system’s reputation was sullied and students were cheated out of further instruction they might have gotten had their accurate scores come to light.

The actions, if true, set the wrong example for school children across the country who are admonished for cheating on tests, possibly even thrown out of the classroom.

Bowling Green Independent Schools Superintendent Joe Tinius said the scandal probably makes the community at large wonder how widespread cheating is.

“It certainly is unfortunate that it occurred,” he said.

The Atlanta test scandal is not the only one by any means, according to the National Center for Fair and Open Testing. The center on March 28 issued a report that said cheating on standardized exams had been confirmed in 37 states and Washington, D.C., between 2008 and 2012. The center gathered its information from government and news media reports.

Kentucky was among the states on the cheating list, but it did not have multiple cases or an
apparent systematic pattern of cheating. Neighboring Indiana, however, did.

Center director Bob Schaeffer said more than 50 ways were used to manipulate a school’s test scores other than just erasing incorrect answers and replacing them with the correct ones, as is alleged in Atlanta. Teachers have been found to drill students on actual upcoming test items; use thumbs-up/thumbs down to indicate right and wrong answers; report low-scorers as having been absent on test day or destroy their test sheets. The list goes on.

Hopefully, Kentucky has prevented such problems in the future after the passage a few years ago of SB 1, which eliminated the portfolio part of student assessment.

“When we had portfolios, I don’t know that you would have necessarily called it cheating,” Rep. Jim DeCesare, R-Bowling Green, said. “But a student would create a portfolio piece at the beginning of the year and then work on it all year long, with the teacher making suggestions about how to correct it. That portfolio made up about 11 percent of the assessment and now it’s no longer included.”

DeCesare said teachers were spending too much time teaching to the test, rather than focusing on making students ready for postsecondary education or the workforce. Now Kentucky has a waiver from No Child Left Behind testing requirements and is accountable for just one testing system that more accurately measures what students need to know.

Tinius said the pressure of high stakes accountability is something that has been discussed for years.

“I don’t know what type of pressure was being felt at these schools ... because you certainly feel a great deal of pressure if your school is not performing well,” he said. “But obviously they crossed the line.”

Tinius said he thinks Kentucky is very vigilant in ensuring that cheating doesn’t occur.

The district has already had a meeting this spring with its testing coordinators to discuss the importance of making sure that testing and students’ answer booklets are handled correctly.
April 05--A University of Georgia law professor says the lead defense attorney representing a teenager accused of killing 13-month-old Antonio Santiago is properly doing his job by asking prosecutors for any evidence that may create doubts about the potential testimony of the child's parents, no matter how unpopular it may make him.

"It is a tragedy, no matter how you look at it," said Russell Gabriel, director of the criminal defense clinic at the UGA School of Law at Athens. "That makes it a difficult position to be in, but you still have to do your job."

Public Defender Kevin Gough filed a motion Thursday in Glynn County Superior Court seeking any evidence that Antonio's father, Louis Santiago, may have a drug addiction, be in financial difficulty, have a history of family violence or was ever involved in a questionable insurance claim.

The motion for discovery of evidence also alleges Santiago knows Wilfredo Calix-Flores, the man Gough's client, 17-year-old De'Marquise Elkins, also is accused in a grand jury indictment of shooting with a .22-caliber revolver on March 11 in the 1700 block of Norwich Street in Brunswick.

Elkins is accused in the same indictment of using a .22-caliber revolver to kill Antonio while he and 15-year-old Dominique Lang allegedly attempted to rob Antonio's mother, Sherry West, at about 9:15 a.m. March 21 at the intersection of London and Ellis streets in Brunswick. Lang is also charged with murder in the indictment.

Neither West or Santiago returned telephone calls from The News Thursday.

Gabriel said that although asking for information that may incriminate mourning parents is not easy emotionally, it is often the only tactic defense attorneys have when they do not know what evidence police have collected on a client.
"I don't think that is too unusual or out of the ordinary," Gabriel said. "You don't know what you don't have."

Gough's motion Thursday was the third motion for discovery of evidence he has filed since Elkins was indicted March 27. The first was to request any psychiatric records for West. The second sought information about a material witness in the case, or a witness whose testimony is so important that a case could be won or lost based on it.

Gabriel said seeking evidence through motions like those is common and is generally done swiftly, because high-profile murder cases can sometimes take years to go to trial. The sooner the information is gathered, the better attorneys can defend their clients under the constitutional right to a fair trial.

"It is difficult to do in the face of a tragedy, but if our constitution means anything, (defending yourself in a fair trial) is it," Gabriel said.

Gough said Thursday he hopes to establish that Elkins was not responsible for the murder, because that is his job as a court-appointed defense attorney. He said because West is the only eyewitness he is aware of, he wants to know everything he can about her to properly defend Elkins.

"We would like to get our information sooner rather than later," Gough said.

He realizes the tactic may not make him a popular man in the court of public opinion, but Gough says the justice system only works if every participant does the job assigned to him or her. "The system depends on us doing our jobs and the police doing theirs," Gough said.

Elkins is to appear in Glynn County Superior Court today for a bond hearing. No dates have been set to hear the motions Gough has filed.

Elkins is charged with malice murder, felony murder during an aggravated assault, felony murder during an attempted armed robbery, four counts of aggravated assault, two counts of criminal attempt to commit armed robbery, first-degree cruelty to children and possession of a firearm during commission of a felony.

Lang is charged with felony murder during an aggravated assault, felony murder during an attempted armed robbery, three counts of aggravated assault, criminal attempt to commit armed robbery and first-degree cruelty to children.

Lang is represented by Kimberly Copeland, a private-practice lawyer in Jesup, who has not returned repeated phone calls from The News.

-- Reporter Michael Hall writes about public safety, environment and other local topics. Contact him at mhall@thebrunswicknews.com, on Facebook or at 265-8320, ext. 320.

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Print Number: 1827:403058151
Brunswick News: What the defense is trying to do

Published: Apr 05 2013 16:09:40

Brunswick News: What the defense is trying to do

By Michael Hall The Brunswick News, Ga.

April 05--A University of Georgia law professor says the lead defense attorney representing a teenager accused of killing 13-month-old Antonio Santiago is properly doing his job by asking prosecutors for any evidence that may create doubts about the potential testimony of the child's parents, no matter how unpopular it may make him.

"It is a tragedy, no matter how you look at it," said Russell Gabriel, director of the criminal defense clinic at the UGA School of Law at Athens. "That makes it a difficult position to be in, but you still have to do your job."

Public Defender Kevin Gough filed a motion Thursday in Glynn County Superior Court seeking any evidence that Antonio's father, Louis Santiago, may have a drug addiction, be in financial difficulty, have a history of family violence or was ever involved in a questionable insurance claim.

The motion for discovery of evidence also alleges Santiago knows Wilfredo Calix-Flores, the man Gough's client, 17-year-old De'Marquise Elkins, also is accused in a grand jury indictment of shooting with a .22-caliber revolver on March 11 in the 1700 block of Norwich Street in Brunswick.

Elkins is accused in the same indictment of using a .22-caliber revolver to kill Antonio while he and 15-year-old Dominique Lang allegedly attempted to rob Antonio's mother, Sherry West, at about 9:15 a.m. March 21 at the intersection of London and Ellis streets in Brunswick. Lang is also charged with murder in the indictment.

Neither West or Santiago returned telephone calls from The News Thursday.

Gabriel said that although asking for information that may incriminate mourning parents is not easy emotionally, it is often the only tactic defense attorneys have when they do not know what evidence police have collected on a client.

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State Sen. Jason Carter to keynote GSW Spring Commencement

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Posted Apr 05, 2013 10:30 AM EDT
Updated Apr 05, 2013 10:30 PM EDT

AMERICUS, GA (WTVM) - Georgia Southwestern State University (GSW) will hold its Spring 2013 Commencement ceremony at 11 a.m. Saturday, May 4 in Convocation Hall of the GSW Student Success Center. Georgia Sen. Jason Carter is the commencement speaker.

A ninth-generation Georgian, Carter is the grandson of former U.S. President Jimmy Carter and former First Lady Rosalynn Carter. President Carter is set to introduce his grandson during commencement.

Elected to Georgia Senate District 42 on May 11, 2010, Sen. Carter is an attorney at Bondurant, Mixson & Elmore, LLP. In addition to his business practice, he has received numerous awards for his pro-bono efforts and leadership within the bar. Prior to joining his current firm, Carter served as a law clerk to the Honorable Frank Mays Hull of the United States Court of Appeals for the Eleventh Circuit.

Carter is active in many aspects of community service and sits on the boards of several charitable and public interest organizations, including the DeKalb Women's Resource Center to End Domestic Violence, the Georgia After School Investment Council and the Carter Center. Carter also served as a United States Peace Corps Volunteer in Lochiel, South Africa.

He received his undergraduate degree from Duke University and his law degree from the University of Georgia (J.D. '04). Carter and his wife Kate have two young sons and live in DeKalb County.

With 320 students expected to graduate, ample space for guests is limited. Family and friends of graduates are encouraged to arrive early.

Eugenia Bryan, Ph.D., associate professor of English and 2012 GSW Excellence & Commitment to Teaching Award recipient, will serve as the Macebearer and deliver the reflection. Greg Hawver, Ed.D., professor and department chair of Health and Human Performance, will be the Grand Marshal.

A graduation breakfast is planned for 8:15 a.m. in the Marshall Student Center Dining Hall.

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WE RECOMMEND

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- Parents say child was allegedly abused by school employee
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- Dead Guy goes to his own funeral (Mevio)

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Recommended by
UGA law school wins top honors

The University of Georgia School of Law finished as one of the top four teams in the country at the American Bar Association Law Student Division National Negotiation Competition last month.

Second-year law students Kenneth J. Bentley, from Peachtree City, Ga., and Amanda J. Shaw, from Maitland, Fla., represented Georgia Law in the competition.

Georgia Law also received the top awards for the buyer side at the Southeastern Regional Transactional Law Meet during February, including regional finalist and best draft honors. Representing the school were third-year law students Alessandra C. Backus, from Charleston, S.C., and Christopher A. Knapik, from Marietta, Ga. The team will now advance to the national level of the competition, which will take place at Drexel University at the end of the month.
Sixth UGA Law grad to serve as Supreme Court clerk

Matthew Simmons | Posted: Monday, April 8, 2013 1:15 pm

The University of Georgia School of Law will see its sixth graduate in nine years work as a clerk for a Supreme Court Justice this fall.

Andrew Pinson, a UGA Law graduate from Watkinsville, was chosen as one of four clerks for Supreme Court Justice Clarence Thomas, starting in October 2013. His main duty will be assisting Justice Thomas in preparation for discussion, as well as other duties.

"Basically that entails whatever he needs us to do to help prepare for oral arguments – research, different things like that – to help ease his workload and give him the baseline research he needs to make these decisions," Pinson said. "That’s the gist of the job. It’s like any other judicial clerkship.”

Pinson previously worked as judicial clerk for Senior United States Circuit Judge David Sentelle of the Court of Appeals in Washington D.C. He said the base work with Justice Thomas will be the same sort of work he encountered with Sentelle, although the court cases will be of higher profile and wider variety.

“A case decided in the Supreme Court is setting a precedent for the rest of the country,” Pinson said.

While at UGA, Pinson studied law in his undergraduate and graduate terms. He also earned a degree in finance.

Dan Coenen, associate dean academic of the School of Law and Harmon W. Caldwell Chair in constitutional law, said he was very happy for Pinson, a former student.

Coenen related Pinson’s opportunity to a clerkship he served with former Supreme Court Justice Harry A. Blackmun.

“It was a very positive experience,” Coenen said. “Few lawyers have this opportunity.”

Pinson helped Coenen with law-related research while he was studying at UGA, and Coenen wrote a letter recommending Pinson for the clerkship.

“He helped me a great deal in research having to do with the constitutionality on the filibuster rule and other supermajority lawyer rules,” Coenen said.

Before he begins his clerkship, Pinson will continue his work with the Jones Day law firm in Washington D.C., one of the highest ranked firms in the country, according to the BTI
Consulting Group. Pinson said clerkships are regarded highly by law firms, and Jones Day has been supportive of him. Pinson intends to return to the firm once his clerkship has ended.
Erica Hashimoto, an associate professor in the School of Law whose scholarship has been cited by the U.S. Supreme Court, draws on her experiences to help her students be the best lawyers they possibly can be.

Where did you earn degrees and what are your current responsibilities at UGA?

I earned an A.B. in government from Harvard and a J.D. from Georgetown University Law Center. I am currently an associate professor in the School of Law teaching both doctrinal and clinical classes.

When did you come to UGA and what brought you here?

I joined the faculty in 2004 after serving as an assistant federal public defender in the Office of the Federal Public Defender in Washington, D.C. I decided to accept the position here because when I visited, I really loved the students and faculty. I think we have wonderful students, I also think they get a great and affordable legal education here, and that makes me feel good about teaching here.

What are your favorite courses and why?

I love the process of teaching and guiding my students as they become lawyers, so the classes I most like teaching are those in which I can watch my students find their voices as lawyers. “Evidence,” which teaches upper-level students the rules of trial, and “Criminal Law,” a first-year class, give me a great opportunity to watch that growth, so I love teaching both. My other absolute favorite class is the yearlong “Appellate Litigation Clinic.” The clinic is a really small class, and my students and I together represent clients before federal appellate courts. My students work incredibly hard in the class, and as a result I get to know them really well and am so proud when they become lawyers.

What interests you about your field?

I think lawyers have tremendous capacity to help people. The criminal justice system—my area of specialty—has an enormous impact on the lives of those who come in contact with it, and I think their stories and experiences can be very compelling.

What are some highlights of your career at UGA?

Getting the Appellate Litigation Clinic started has been incredibly rewarding, in large part because I have such a close mentor relationship with those students. The other highlight is from the academic side. It has been
really important to me that my scholarship be relevant to the practice of law, and my first article—about criminal defendants charged with felonies who choose to represent themselves—was cited by the United States Supreme Court in its decision upholding the constitutional right of self-representation.

How does your research or scholarship inspire your teaching, and vice versa?

More than anything else, I think my experience in practice as a lawyer inspires both my research and my teaching. I really want my students to be the best lawyers they possibly can be, and I draw on my experience as a lawyer in guiding them. My scholarship also is heavily influenced by the problems I saw in practice. Because my teaching now involves some practice (through the clinic), that also lends itself to finding new issues to research.

What do you hope students gain from their classroom experience with you?

I really want my students to learn the skills necessary for being a good lawyer: the willingness to work hard; the creativity to find new and different ways of approaching legal problems; the ability to communicate legal concepts to non-lawyers in an understandable way; the empathy to understand the importance of legal issues to clients; and the moral compass to understand the right thing to do.

Describe your ideal student.

Curious, hard working, creative, nice and empathetic.

Favorite place to be/thing to do on campus is...

I spend most of my on-campus time in my office, which I would not necessarily characterize as my favorite place to be. When my daughter comes to campus with me, I love watching her chase squirrels and chipmunks on North Campus (she has yet to catch one).

Beyond the UGA campus, I like to...

Spend time with my daughter and run.

Community/civic involvement includes....

I have worked extensively with public defenders in the state—both those working in the federal system and those in the state system. I have been on the board of directors for a federal defender office based in Macon, Ga., for a number of years, and I also have done trainings for public defenders throughout the state.

Favorite book/movie?

My daughter and I just finished reading E.B. White's "Trumpet of the Swan." I had forgotten how much I love the book, which tells the story of a trumpeter swan named Louis who is born without a voice but learns to play the trumpet. Of course, E.B. White uses language beautifully, and this book in particular has a wonderful gentleness to the plot. So I would say it is my current favorite.

Proudest moment at UGA?

I won the School of Law's faculty teaching award, the C. Ronald Ellington Award for Excellence in Teaching, last year. The other proudest moment probably was when the Supreme Court discussed at oral argument and then cited my article.

Is there anything else you'd like to add?

I feel really lucky to have ended up here. My colleagues have been incredibly supportive both with helping me learn to teach and with helping me become a scholar.
Promotions

School of Law
To Professor
Elizabeth Weeks Leonard,
To Associate Professor
Matthew Isaac Hall, Lisa Milot
and Christian Turner.
The University of Georgia has approved tenure for 67 faculty members. Board of regents' approval of tenure is no longer required. Those receiving tenure are:

Ibigbolade Simon Aderibigbe, religion; Thomas A. Baker, kinesiology; Robert Byron Beckstead, poultry science; Judith Maria Bermudez, human development and family sciences; Thomas R. Berry-Stoezle, insurance, legal studies and real estate; Robert B. Bringolf, forestry and natural resources; Marla R. Carlson, theatre and film studies; Swarnankur Chatterjee, housing and consumer economics; Robert K. Christensen, public administration and policy; Anna Marie Cosner, mathematics and science education; Brad Davis, environmental design; Rabindranath De La Fuente, physiology and pharmacology; Khalil M. Dirani, lifelong education, administration and policy; Nicholas E. Fuhrman, agricultural leadership, education and communication; Kamal Gandhi, forestry and natural resources; David T. Gay, mathematics; Angela Gibney, mathematics; David W. Hall, genetics; Dennis W. Hancock, crop and soil sciences; Ruth M. Harman, language and literacy education; Todd C. Harrop, chemistry; Lewis Chad Howe, Romance languages; Ivan W. Ingermann, theatre and film studies; Pingsheng Ji, plant pathology; Berna Karali, agricultural and applied economics; Julie M. Kittleson, mathematics and science education; Kimberly D. Klonowski, cellular biology; Steven Miles Kogan, human development and family sciences; Daniel Kraschen, mathematics; Stacie K. Laplante, accounting; Hillel Y. Levin, law; Tianming Liu, computer science; Angel Nicolas Lucero, Romance languages; Sudhagar Mani, engineering; Leidong Mao, engineering; John M. Mativo, career and information studies; Lisa Milot, law; Diann Carol Moorman, housing and consumer economics; Kristen Jean Navara, poultry science; Erik Ness, Institute of Higher Education; Mary Hallam Pearse, art; April L. Peters, lifelong education, administration and policy; Santhosh Ramalingegowda, accounting; Channette Romero, English; Michael D. Schmidt, kinesiology; John R. Schramski, engineering; Ajay Sharma, educational theory and practice; Ji Shen, mathematics and science education; John Short, history; Tao Shu, finance; Christopher Jon Sieving, theatre and film studies; Inseok Song, physics and astronomy; Richard A. Steet, biochemistry and molecular biology; Alexander M. Stelzenl, animal and dairy science; Piers Howard, Guy Stephens, philosophy; Brock Tessman, international affairs; Ronald Scott Tubbs, crop and soil sciences; Christian Turner, law; Susanne Ullrich, physics and astronomy; Michael Usher, mathematics; Richard Lee Vining, political science; Lianchun Wang, biochemistry and molecular biology; Lily Wang, statistics; Teena Wilhelm, political science; Adrian John Wolstenholme, infectious diseases; Velma Zahirovic-Herbert, housing and consumer economics; and Xiaoyu Zhang, plant biology.

Source: Office of Faculty Affairs
Cameras in the high court — a compelling case

Tony Mauro

The National Law Journal

04-09-2013

Inside the U.S. Supreme Court last week, the justices were doing what they do best: dissecting a difficult legal issue — this time same-sex marriage — in the intense back-and-forth of oral argument.

Over two illuminating mornings, the justices and top-notch advocates worked through most of the pros and cons of giving same-sex marriage constitutional protection — or instead letting the political process continue the debate.

Outside the court, however, the scene was less noble. People seeking seats for the oral arguments were forced to wait in line, with some arriving five days earlier. Tents were pitched, and money changed hands, with some paying as much as $6,000 to a line-waiting service for the chance of securing a seat inside. Inevitably things got messy, and the line seemed more befitting of a music hall or an Apple store on the eve of the release of a new iPhone.

In one sense, the avid interest of those in line was a healthy sign that people really care about the issue and about how the Supreme Court — their Supreme Court — would handle it.

Cameras should be allowed

In another sense, it was a disgrace. The notion that spectators have to camp out or spend money to see a public institution do public business is offensive. It is the direct result of the court’s arrogant and stubborn refusal to allow cameras to record and broadcast its proceedings. Some of those waiting for days for seats might still do so if cameras were allowed, but it is a safe bet that most would have preferred to watch the oral arguments in the comfort of home on C-SPAN rather than wait in line over several cold and snowy days in March.

While the public shivers, the justices — newcomers and veterans alike — refuse to give in to the reasonable demands of the information age. They are fearful of the changes that cameras might trigger in the dynamics between justices and advocates and with each other — as if the court were a fragile flower instead of the sturdy institution it is, an institution that usually holds up well under public scrutiny.

Having watched the arguments in the same-sex marriage cases, it is hard for me to imagine how they would have been different if small, unobtrusive cameras had been there to record what was going on. With or without cameras, Justice Antonin Scalia was his spirited self, demanding that lawyer Theodore Olson tell him "when did it become unconstitutional to exclude homosexuals from marriage?" Olson’s sharp reply would not have been different with cameras on hand. "When did it become unconstitutional to prohibit interracial marriages? When did it become unconstitutional to assign children to separate schools?" Olson said.

Judges and lawyers with experience before cameras in other courtrooms universally say that, especially at the appellate level, the questioning, listening and responding demand all their faculties. They soon forget cameras are there.

Last week, we got a taste of how useful and informative camera access would have been. The court released the
audio of the arguments on a same-day basis, in time for broadcast journalists to incorporate the sounds from inside
the court into their spot reports. Clips of substantive as well as funny exchanges were used, but both types helped
make the issues understandable and vivid. They would have been much more so if video were added to the audio.

'Caution becomes paralysis'

In a forthcoming law review article, University of Georgia School of Law professor Sonja West, a former clerk to
Justice John Paul Stevens, applauds the court for the steps it has already taken toward greater public access to its
proceedings. It releases the transcripts of argument, as well as the audio — albeit usually at the end of the week, not
on the same day.

That high level of access, however, makes West wonder why the justices don't just take the next step by allowing
video coverage. "Why the fear of video cameras?" she asks. "After allowing so much access, why not add this
additional avenue of communication with the public? Why close this single door when the walls around them are made
of glass?"

The time has come, West argues, for the court to finally open that door to the premier medium of the last century,
even as it is supplemented by other media in the new century.

"While there is no doubt that caution can be a virtue, there is a point at which caution becomes paralysis," West wrote
in the Brigham Young University Law Review. "The Court has come far in opening its work to the eye of the public, but
that very movement has helped to show that there is no real danger in televising the Court's oral arguments." Last
week at the court only made the logic of West's argument more obvious.
The University of Georgia's own semi-resident goat herd, the Tanyard Creek Chew Crew, has returned to its temporary grazing grounds next to the Hull Street parking deck on North Campus. And volunteers are needed Thursdays in April and May 1 from 4:30-6 p.m. to help with the goats and their work.

Throughout the month of April, the goats will help restore the ecological quality of the creek by munching away at the kudzu, English ivy, privet and other invasive plants that cover the stream banks.

The Chew Crew is part of an experiment in "prescribed grazing," a process that uses livestock to remove invasive vegetation from stream corridors and patches of forest on the UGA campus. While goats do much of the work, they depend on assistance from humans. That's where volunteers come in.

At least once per week, volunteers meet at the Chew Crew site near the intersection of Hull and Baxter streets to pick up trash, sow native plant seeds to help stabilize the soil and assist the goats by cutting down invasive vegetation that is too tall for the animals to reach on their own.

Last year over 200 volunteers—many of them UGA students, faculty and staff—contributed more than 500 hours of service during weekly volunteer work events.

"The work days are really great opportunities to spend time outdoors, get some exercise and enjoy the friendly company of other members of the crew—both goat, and human," said Eric MacDonald, an associate professor in the UGA College of Environment and Design.
Mikey Salter, a graduate student in the UGA School of Law, said these experiences can even be a good form of "exam therapy."

The Tanyard Chew Crew was launched last year when the UGA Office of Sustainability funded a grant proposal written by Zach Richardson, who was then a senior in the College of Environment and Design's landscape architecture program. Last fall, the CED adopted the Chew Crew as one of its research and public service initiatives.

LOAD-DATE: April 10, 2013

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For information about the Tanyard Creek Chew Crew, contact Richardson at richarz@uga.edu For more information about the CED, see www.ced.uga.edu.
Superior Court Judge Rumer designated to serve on case at Georgia Supreme Court

Published: April 10, 2013 Updated 1 hour ago

A local judge in the six-county Chattahoochee Judicial Circuit has been designated to serve on the Supreme Court of Georgia in the appeal of Mardt v. Lovell, according to a release from the Court.

Superior Court Judge William C. Rumer will serve in place of Justice Keith Blackwell on Monday during its 2 p.m. session for this Habersham County case.

A woman is appealing a Georgia Court of Appeals decision that upheld the termination of a family violence protective order against the father of her child, the report states.
Superior Court Judge Rumer designated to serve on case at Georgia Supreme Court

Rumer is the second current sitting judge from Columbus since 1991 to serve on a case at the Georgia Supreme Court. Former Chief Judge John D. Allen served on the case of Anne Melican et al. v. Sydney Parker et al. in 2008.

According to Public Information Officer Jane Hansen, Blackwell has transitioned from the court of appeals to fill a spot on the higher court. Due to his activity in that court, Blackwell has recused himself from several cases that have come from that court.

Rumer, 62, was appointed to the Superior Court in 2010 by then-Gov. Sonny Perdue. He previously was in private practice in Columbus for 35 years, the release said.

Rumer earned his Bachelor of Arts degree in history from Emory University and graduated in 1975 from the University of Georgia School of Law. He and his wife, Becky, have four children, two grandson, and were foster parents for 14 years.
MARIETTA - State Rep. Ed Lindsey (R-Buckhead), the state House Majority Whip, visited Marietta on Wednesday to announce he is running for the seat soon to be vacated by U.S. Rep. Phil Gingrey (R-Marietta).

The 700,000-resident 11th District stretches from Cartersville in Bartow County, through Cherokee County, to west Cobb County including Acworth, Kennesaw, Marietta, Smyrna, and Vinings, and finishes in Buckhead and the city of Sandy Springs.

The breakdown is about 10 percent Bartow, 40 percent Cherokee, 40 percent west Cobb and 10 percent Fulton. Lindsey joins former congressman Bob Barr as the 11th District candidates who have announced their campaigns to date.

Gingrey previously announced he is running for the Senate seat held by retiring U.S. Sen. Saxby Chambliss (R-Moultrie).

Lindsey said he doesn’t consider it a liability that he lives in Buckhead while most of the voters in his district live outside of Atlanta.

"I think your paper had a humorous thing last week, saying the only problem with me is that I was on the wrong side of the river," Lindsey said. "I like that phrase because it sort of leads me to segue to this: There are bridges across that river, and my history in politics has been that of someone who builds bridges and someone who builds coalitions in order to get things done."

Marietta Mayor Steve Tumlin, who is not yet endorsing any candidate, served in the House with Lindsey and called him a dear friend.

"I found him to be a man of integrity with a very strong but practical intellect," Tumlin said. "We served on some pretty good committees, like judiciary, together. He was both intelligent but down to earth. He was a delight to work with."
With Barr, of Smyrna, already announced that he's running for the position, and others such as Tricia Pridemore of Marietta and state Sen. Judson Hill (R-east Cobb) strongly considering it, Tumlin said it will be as good a field as the district has ever had both in quality and quantity.

Lindsey, who has served in the House since 2004, said an advantage he has is not only does he understand how to govern by virtue of being a part of the Republican majority, he understands what it means to work with the other side.

"I'm the only elected Republican in the city of Atlanta," he said. "What that has meant is I have had to come to understand when to fight and when to cooperate. I've been able to work with my city on areas of economic development when I thought they were right, and I fought them tooth and nail, as well as the Fulton County government, when I thought they were wrong."

While Lindsey touts himself as a conservative reformer and consensus builder, one problem some of Georgia's Republican Congressmen have run into, such as Chambliss, is that when they attempt to negotiate with Democrats, they get blasted by the far right of their party. Lindsey commented on how he would negotiate that problem while still remaining effective.

"One thing you have to remember is that you have to move beyond the loudest voices that are clamoring for the microphone, and you have to step around those entities and go to the people that understand the problems, that understand the complexities, that are living their lives, that are taking their children to ballgames and taking their children to school and want to make a better life and focus on them and not necessarily focus on the people that are screaming the loudest. And if you do that, and that's been part of my philosophy since I got elected, you're just fine."

Lindsey said the General Assembly would not have been able to pass the Charter School Amendment without working with Democrats, for instance.

He considers his crowning achievement as a state representative to be HB 200, a 2011 law that targeted human trafficking. Passing that law took working with prosecutors, law enforcement, social workers, church groups and the attorney general's office - groups that don't always see eye to eye on criminal matters, he said.

Abortion

The next time Roe vs. Wade is challenged in the Supreme Court, there is a good chance it will be overturned, Lindsey said. If it is, that will allow Congress to decide what kind of pro-life legislation should be authored.

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"We disagree on somewhere between one and two percent," he said. "Someone who is 98 percent of the time with you, you don't turn into an enemy on both sides, and Georgia Right to Life and I worked very hard together on areas where we've been able to find common ground."

As majority whip, it was Lindsey's responsibility last year to rally support for a bill that considered fetal pain, a bill Lindsey describes as "one of the most far reaching pro-life bills that have ever been enacted in this country. Basically the cutoff is now at 20 weeks with certain exceptions."

Illegal immigration

Lindsey is an opponent of granting amnesty to the 12 million or so illegal immigrants in the country.
"I don't think you're going to have 12 million people going home, but you can offer them temporary work status, provided that they maintain employment, provided that they understand they cannot receive government benefits, provided they pay a necessary fine, they can stay here on a temporary basis as long as they have gainful employment," he said. "I think that for someone who has crossed the border illegally, I think that is the more realistic view."

The problem with the 1980s amnesty is it did nothing to secure the nation's borders, he said.

"Until we secure our borders, all these other solutions in terms of what to do with the people here, we're not going to be able to put it in place," he said.

Gay marriage

Lindsey said he is opposed to gay marriage, believing it should be reserved for one man and one woman. As for how the U.S. Supreme Court will rule on the matter this year, he said he doesn't know.

"I want them to recognize that the issue of marriage is a state issue, and respect the decision, for instance, of the people of Georgia and the constitutional amendment that we put into place (in 2004). That's how I want them to rule," he said.

Should the high court order Georgia to recognize same sex marriage, Lindsey said it would not go over very well with the public.

"I would hope that the Supreme Court would recognize the importance of federalism and the importance of the traditional role of the states regarding domestic law and allow each state to decide for themselves that issue. Georgia has made that decision, I respect that decision that's been made, and let other states make their own decisions as well."

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LOAD-DATE: April 13, 2013
Apr 12, 2013 (InverseCondemnation.com:http://www.inversecondemnation.com
Delivered by Newstex)
Earlier today, the Supreme Court considered whether to grant review in City of Tombstone v. United States, No. 12-1069 (cert. petition filed Feb. 27, 2013).
The City of Tombstone[1]'s cert petition[2] asks whether the city "is likely to succeed on the merits of the claim that the Forest Service violated the Tenth Amendment by ... [impeding] restoration of essential municipal infrastructure during a State of Emergency."

While we await next week's order announcing whether the Court will hear the case, here's the Federalist Society's podcast[5] of a recent debate on the issues in the case:
Tombstone, Arizona, calls itself "the town too tough to die," but it's gone to court to challenge the federal government's restriction on access to nearby national forest land that the city claims bars it from repairing necessary water supply lines. Without repairing these lines--damaged by recent storms--the city claims it faces the threat of destruction by fire during the state's long, hot summers. In its lawsuit, which has received national attention[6], Tombstone claims that the Tenth Amendment prohibits the federal government from using its power over national forest land in ways that would threaten destruction of cities and infringe on ordinary state powers. The Ninth Circuit Court of Appeals ruled against the city in December, but it refused to answer whether "the Tenth Amendment constrains the Forest Service's authority to regulate Tombstone's activities under the Property Clause." The Goldwater Institute's Nick Dranias, who represents the City, and Professor Peter Appel of the University of Georgia School of Law discuss the case on this previously recorded conference call.
Tune in, and stay tuned.
http://www.inversecondemnation.com/inversecondemnation/2013/03/new-cert-petition\-tombstone-v-united-states-.html[3]:
http://www.inversecondemnation.com/inversecondemnation/2013/04/another-amicus-br
State Rep. Lindsey announces run for 11th District seat

Byline: Jon Gillooly

Body:

jgillooly@cherokeetribune.com

State Rep. Ed Lindsey (R-Buckhead), the state House Majority Whip, announced Wednesday he is running for the seat soon to be vacated by U.S. Rep. Phil Gingrey (R-Marietta).

The 700,000-resident 11th District stretches from Cartersville in Bartow County through all of Cherokee County to west Cobb County.

The breakdown is about 10 percent Bartow, 40 percent Cherokee, 40 percent west Cobb and 10 percent Fulton. Lindsey joins former congressman Bob Barr as the 11th District candidates who have announced their run to date.

Gingrey has announced he is running for the Senate seat held by retiring U.S. Sen. Saxby Chambliss (R-Moultrie).

Lindsey said he doesn't consider it a liability that he lives in Buckhead while most of the voters in his district live outside of Atlanta.

Marietta Mayor Steve Tumlin, who is not yet endorsing any candidate, served in the House with Lindsey and called him a dear friend.

"I found him to be a man of integrity with a very strong but practical intellect," Tumlin said. "We served on some pretty good committees, like judiciary, together. He was both intelligent but down to earth. He was a delight to work with."
With Barr, of Smyrna, already announced that he's running for the position, and others such as Tricia Pridemore of Marietta and state Sen. Judson Hill (R-east Cobb) strongly considering it, Tumlin said it will be as good a field as the district has ever had both in quality and quantity.

Lindsey, who has served in the House since 2004, said an advantage he has is not only does he understand how to govern by virtue of being a part of the Republican majority, he understands what it means to work with the other side.

"I'm the only elected Republican in the city of Atlanta," he said. "What that has meant is I have had to come to understand when to fight and when to cooperate. I've been able to work with my city on areas of economic development when I thought they were right, and I fought them tooth and nail, as well as the Fulton County government, when I thought they were wrong."

While Lindsey touts himself as a conservative reformer and consensus builder, one problem some of Georgia's Republican Congressmen have run into, such as Chambliss, is that when they attempt to negotiate with Democrats they get blasted by the far right of their party. Lindsey commented on how he would negotiate that problem while still remaining effective.

"One thing you have to remember is that you have to move beyond the loudest voices that are clamoring for the microphone, and you have to step around those entities and go to the people that understand the problems, that understand the complexities, that are living their lives, that are taking their children to ballgames and taking their children to school and want to make a better life and focus on them and not necessarily focus on the people that are screaming the loudest, and if you do that, and that's been part of my philosophy since I got elected, you're just fine."

Lindsey said the General Assembly would not have been able to pass the Charter School Amendment without working with Democrats for instance.

He considers his crowning achievement as a state representative to be HB 200, a 2011 law that targeted human trafficking. Passing that law took working with prosecutors, law enforcement, social workers, church groups and the attorney general's office, groups that don't always see eye to eye on criminal matters, he said.

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Contrary to an age old sports myth, you don’t have to be a dumb jock to be a football star in college. Many professionals today were outstanding football players in the past. UGA football players are certainly no exception; in fact, no Southern school has produced more National Football Foundation Post-Graduate Scholars than UGA; no Southern School has produced more NCAA Post-Graduate Scholars in football than UGA; no Southern school has produced more NCAA Post-Graduate Scholars in all sports than UGA (and this one isn’t even close). The truth is UGA has a proud tradition of graduating some of today’s finest professionals. Not enough Dawg fans remember that UGA football players set a record of six consecutive coveted National Football Foundation and Hall of Fame Scholar-Athlete recipient awards (also known as the Earl Blaik Fellowship). That record is probably safe forevermore, as it’s unlikely to ever be broken. Today, we’ll remember the academic and athletic accomplishments of those six scholar-athletes and maybe squeeze in a few other names of UGA notable.
scholar athletes. The “six in a row” Hall of Fame Scholar-Athlete winners from UGA were:

Bobby Etter, Photo courtesy of University of Georgia

(1) 1966: Bobby Etter, placekicker: played high school football for his legendary dad (Red Etter) in Chattanooga, Tennessee…was an All-State basketball player and an All-City baseball player…set the City record for most PATs in a year (34 in 1962)…was a shortstop on UGA’s baseball team…led the UGA football team in scoring in 1965 and again in 1966…in 1966, he also led the SEC in scoring…set a UGA school record in PATs percentage in 1964, not missing a one…his most memorable play came in 1964 when he picked up a botched snap on a FG attempt and ran it in for a TD leading the Dawgs to a 14-7 victory over Florida…he set a UGA record in 1965 with most FGs in a season…also in 1965, he tied the SEC record of most FGs kicked in a game as the Dawgs upset defending National Champion Michigan in the Big House…three times he earned Academic All-SEC honors and twice earned Academic All-America honors…he was inducted into the Florida-Georgia Hall of Fame…he played 4 seasons of Pro football…he has won two national bridge championships and is an American Contract Bridge Grand Life Master…Dr. Robert Etter is a retired professor from California State University Sacramento where he taught mathematics…Dr. Robert Etter, a DGD!!!!

(2) 1967: Tommy Lawhorne, linebacker: played high school football in Worth County, Sylvester, Georgia where he was an All-State Honorable Mention QB…he also played basketball, baseball, and track…he started his UGA football career as an end, then switched to another position, and finally settled in as a linebacker…was an All-SEC LBer as a sophomore as well as a two time Academic All-SEC LBer…majored in chemistry…graduated number one in the UGA Class of 1968 earning the honor of Class Valedictorian…he received an NCAA Post-Graduate Scholarship and attended John Hopkins University School of Medicine where he graduated in 1972…he is highly and widely respected specializing in vascular surgery in Columbus, Georgia…the academic side of Dr. Thomas Lawhorne always came easier than his athletic side, but he was a competitor in both, and excelled both in the classroom and on the football field…Dr. Thomas Lawhorne, a DGD!!!!

(3) 1968: Billy Payne, defensive end: from Dykes high school in Atlanta, Georgia where he earned All-State first team honors as a T-QB on offense and LBer on defense…was an All-City catcher in baseball and also played
basketball...his dad (Porter Payne) was the team captain and an All-SEC player at UGA in 1949...Billy set a UGA pass receiving record on the Freshman team in 1965 and was the varsity’s leading receiver in 1966...he earned All-SEC honors in 1965, 1966, and 1968...he earned All-American honors in 1968...he earned Academic All-SEC honors in 1967 and 1968...he was the President of UGA’s Class of 1968...he was presented the UGA Outstanding Athlete Award in 1969...he received his undergraduate pre-law degree from UGA, then was awarded an NCAA Post-Graduate Scholarship and secured his post graduate juris doctor degree from UGA's Joseph Henry Lumpkin School of Law...he holds honorary doctorates from UGA, Emory, South Carolina, Mercer, Oglethorpe, and Presbyterian...he has held or currently holds dozens of positions including Officer, Director, Chairmanship, and/or Board Member to numerous Corporations, Companies, Committees, etc (far too many to list here)...he was inducted into the Georgia Sports Hall of Fame...he is a member of UGA’s prestigious Circle of Honor...he is a recipient of the Theodore Roosevelt Award, the highest honor bestowed by the NCAA (and the only former football player from the South to receive this award)...he was the President and CEO of the Atlanta Olympic Committee from 1991 to 1997, and received the Olympic Order of Gold Award for his service...he currently serves as Chairman of the Augusta National, host of the largest sports event annually in Georgia—the Masters Golf Tournament...William Porter “Billy” Payne, a DGD!!!!

(4) 1969: Tim Callaway, defensive guard: from Thomasville, Georgia...Coach and Athlete Prep All-American honors out of high school...earned first Team All-State honors and was the Class AA Lineman of the Year...earned UGA varsity letters in 1967, 1968, and 1969...was a starting defensive lineman for UGA in 1969 along side All-American Steve Greer...played on two SEC Championship teams for UGA...earned first team Academic All-SEC honors in 1969...earned his undergraduate degree from UGA in 1970 and his post graduate juris doctor degree from UGA’s Joseph Henry Lumpkin Law School in 1975...served as a 1st Lt. in the US Army from 1970 to 1972...he is currently a practicing partner in the Law Firm of Callaway, Braun, Riddle, and Hughes, PC in Savannah, Georgia specializing in Workmen’s Compensation...Timothy Callaway III, a DGD!!!!

Tommy Lyons, Photo courtesy of University of Georgia

(5) 1970: Tommy Lyons, offensive center: earned Class AAA All-State honors when attending Georgia Military Academy in College Park, Georgia...was also the Georgia State Wrestling Champion in the 180 pound class...was UGA’s number one defensive end in 1966 on the Frosh team...played OG in 1967 and moved to center in 1968 where he earned All-American honors in 1968 and again in 1969...he also earned All-SEC and Academic All-SEC honors in those same two years...he was captain of the football team in 1969...he was awarded an NCAA Post-Graduate Scholarship...he received his undergraduate degree from UGA...he received his post graduate degree from the University of Colorado School of Medicine in 1977...he was a six year starter
in the NFL for the Denver Broncos...he was inducted into the State of Georgia Sports Hall of Fame...he is an honored member in UGA’s Circle of Honor...in 1996, he was presented the NCAA Silver Anniversary Award...he is a pioneer in the field of minimally invasive surgery and a noted gynecologic surgeon...he has authored multiple publications concerning laparoscopic surgery...he is currently the Director and a practicing physician for the Center for Women’s Care and Reproductive Surgery in Atlanta...Dr. Thomas Lyons, a DGD!!!!

Tom Nash, Jr., Photo courtesy of University of Georgia

(6) 1971: Tom Nash, offensive tackle: from Washington-Wilkes High School in Washington, Georgia...earned All-State honors two years running, Class B Lineman of the Year, All-Southern honors, and Prep All-American honors in high school...came from great stock as his dad was UGA’s fifth All-American, inductee into the State of Georgia Hall of Fame, and a member of the Green Bay Packers Professional team that won three championships in his playing days...like father, like son as Little Tom (all 6’-5” of him) earned All-SEC honors as an offensive tackle in 1970 and again in 1971...his dad was very smart (a teacher and principal) and so was Little Tom as he earned Academic All-SEC honors in 1970 and 1971 and Academic All-American honors in 1971...he was awarded an NCAA Post-Graduate Scholarship...he received his undergraduate and law degrees, magna cum laude from the University of Georgia and the University of Georgia School of Law...he served as an officer in the US Air Force...he has a long history of being involved in civic matters, including Board Chairmanship of the Savannah Fellowship of Christian Athletes and other Church activities...he is a very respected attorney currently practicing law in Savannah, Georgia...Thomas Nash, Jr., a DGD!!!!

I salute these six UGA scholar-athletes. They have established a record of excellence in the classroom and on the field that, in my opinion, will likely stand forever. Further, these guys have taken that hard-earned scholar-athlete foundation and turned it into six very successful and noteworthy careers. The world needs more “six in a row” men like these DGDs.

Well, it appears I’ve run out of time and space this week. I feel bad about not mentioning three time Academic All-American Terry Hoage, one of my favorite Dawgs ever who now owns and operates a vineyard making the finest of all California wines. Terry was even inducted into the Capital One Academic All-America Hall of Fame, one of just a few players from the South to hold that honor...Neither did I mention Jon Stinchcomb, another three time Academic All-American, nor his brother Matt Stinchcomb, a two time Academic All-American...and I haven’t mentioned Dr. Happy Dicks, nor Dr. Chuck Heard, nor Dr. Mixon Robinson, nor Dr. Brad Register, nor Judge Kent Lawrence, nor Attorney Kirby Moore, nor Attorney Kim Stephens, nor Attorney Jeff Lewis, and the list seems to grow longer and longer the more UGA football scholars I name from the past...and hey, while everyone of those guys were honored academic leaders in the classroom, it is also important to point out every one of them were great football players too...oh well, that’s just another story (or stories) for another day...Go
Georgia Football: A Lasting Bulldog Record

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Trending Stories

FANSIDE
Superior Court Judge James R. Osborne of the Paulding Judicial Circuit has been designated to serve in place of Justice Keith Blackwell in the appeal of Norfolk Southern Railway Co. v. Zeagler. The Supreme Court of Georgia will hear arguments in the case on Monday, April 15 during its 10:00 A.M. session. In this Bibb County case, the Norfolk Southern Railway Company is appealing a Georgia Court of Appeals decision that was in favor of a conductor who sued the railroad after he was injured in a collision with a truck. In addition to hearing arguments, Judge Osborne will participate in the Court's decision.

Judge Osborne, 60, was appointed to the Paulding County Superior Court in 2005 by then-Gov. Sonny Perdue. He has since been elected twice. Previously, he was elected and served three terms as the district attorney for the Paulding Judicial Circuit and for the Tallapoosa Judicial Circuit. He was in private law practice in Dallas for 15 years and tried and argued cases in numerous courtrooms in north Georgia, including the Georgia Court of Appeals and the Georgia Supreme Court. Judge Osborne served as the school board attorney and county attorney for Paulding County in the 1980s.

Judge Osborne has participated in numerous community organizations over the years, including the Paulding County Rotary Club where he served as president, the Paulding Chamber of Commerce where he served as a director, and the Paulding Enterprises organization, which serves the mentally challenged. He is currently treasurer and council member of Georgia Presbyterian Cursillo, which sponsors three-day spiritual retreats. Judge Osborne is an honor graduate of the University of Georgia (BBA in accounting) and a graduate of the University of Georgia School of Law. He and his wife, Carol, have a son and daughter, and one granddaughter. They are members of the Providence Presbyterian Church in Dallas, where they both serve as elders.

For further information please visit: http://www.gasupreme.us/.
Georgia Supreme Court, The State of Georgia has issued the following news release:

Superior Court Judge William C. Rumer of the six-county Chattahoochee Judicial Circuit has been designated to serve in place of Justice Keith Blackwell in the appeal of Mandt v. Lovell. The Supreme Court of Georgia will hear arguments in the case on Monday, April 15, during its 2:00 P.M. session. In this Habersham County case, a woman is appealing a Georgia Court of Appeals decision that upheld the termination of a family violence protective order against the father of her child. In addition to hearing arguments, Judge Rumer will participate in the Court's decision.

Judge Rumer, 62, was appointed to the Superior Court of the six-county Chattahoochee Judicial Circuit in west Georgia in 2010 by then-Gov. Sonny Perdue. He was elected to the post in 2012. Previously, he was in private practice for 35 years in his native city of Columbus, GA.

Since 1993, Judge Rumer has served on the Board of Governors for the State Bar of Georgia. In 1997, Gov. Perdue appointed him to a five-year term on the Georgia Public Defender Standards Council. He was also appointed by the Supreme Court of Georgia to the Investigative Panel of the Disciplinary Board of the State Bar for two three-year terms. He served on the Board of Directors of the Georgia Legal Services Program for six years, was President of the Columbus Bar Association, and is a Master and the President-Elect of the Columbus Inn of Court.

Judge Rumer also served as a member and Chairman of the Board of Directors of the Muscogee County Department of Family and Children Services from 2001 to 2010. A member of the St. Paul United Methodist Church, Judge Rumer has served as Chairman of the Administrative Board and taught Sunday School for 33 years. Judge Rumer has also worked as a high school football official for eight seasons.

In 1995, Judge Rumer received the H. Sol Clark Award from the State Bar of Georgia in recognition of his Pro Bono efforts to make the courts more accessible to the poor. In 1998, he received the Justice Robert Benham Award for Community Service.

Judge Rumer graduated with honors from Emory University in Atlanta with a Bachelor of Arts degree in history. He graduated from the University of Georgia School of Law in 1975, where he was a member of the Georgia Law Review. Judge Rumer and his wife, Becky, have four children, two grandsons, and were foster parents for 14 years.

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Laura C. Nehf, an Athens attorney and daughter of Frank and Jackie Christian of Augusta, was recently awarded the Justice Robert Benham Award for Community Service. Since 1998, the Chief Justice's Commission on Professionalism and the State Bar of Georgia have presented the Benham Award to honor lawyers and judges in Georgia who have made significant contributions to their communities beyond their legal or official work.

At the 14th Annual Community Awards ceremony, held at the State Bar of Georgia on Feb. 26, the awards were presented to 10 attorneys and judges in the judicial districts of Georgia from which nominations were received.

Nehf was one of the 10 recipients of the Benham Award for her community service in the arts. She has served the Athens arts community by addressing both legal and organizational needs. Since 2006, she has served as a board member and president of the Athens Area Arts Council, helping it to organize a city-wide arts coalition, creating public arts contracts between artists and the government and leading efforts to launch the town's first public art task force.

Under a mayoral appointment, she was a member of the Athens public art task force, and was subsequently selected in 2011 by the mayor and commission to serve on the nine-member Athens cultural affairs commission to create, launch and oversee the public arts program.

"Ms. Nehf brings intensity and dedication to each of her endeavors," Marilyn Wolf-Ragatz, chair of the Athens cultural affairs commission, said in a statement. "She generously offers her time and expertise, is reliable and helpful, and she is always focused on the goal of forming a strong public art program for Athens."

In addition to her work for Athens' cultural arts programs, Nehf has contributed to various community organizations such as the University Woman's Club, Georgia Museum of Art and St. Gregory the Great
Episcopal Church.

Nehf was raised in Augusta. She graduated from the University of Georgia in 1980 and earned her Juris Doctorate from University of Georgia School of Law in 1983. Nehf has been married to professor James Nehf for almost 30 years and has two children, Nicolas, 25, and Sarah, 22.
Spanish and English literacy efforts potentially stifled by immigration laws, attorneys say

By ANDRE GALLANT

If the U.S. Congress enacts comprehensive immigration reform this year, the bill likely will require English proficiency as a benchmark on the path to citizenship, an immigration lawyer said this week.

But legislation passed by Georgia state legislators and currently awaiting signature from Gov. Nathan Deal considers teaching English literacy a public benefit, and therefore denied to unauthorized migrants, said Atlanta immigration lawyer and adjunct University of Georgia professor Charles Kuck.

Speaking at a forum on immigration and legal issues organized by the Athens-Clarke Literacy Council, Kuck asked, "How are you going to teach undocumented immigrants in Athens how to speak English?"

Immigration reform won't require immigrants to recite Shakespeare, Kuck said, but they'll need to communicate with effect.

He said SB160, the bill on Deal's desk, will hamper literacy advocates working with Georgia's unauthorized immigrants, many of whom gathered to hear Kuck and other panelists speak at the Taylor-Grady House on Friday.

ACLC executive director Mandy Seigler said the council organized the forum because Athens' roughly 20 different literacy service providers work with unauthorized migrants and their children directly and daily. Seigler said the ACLC opened up what would've been a quarterly private meeting to the public to help hammer out misinformation and raise awareness about immigration. The ACLC gathered Kuck, immigration lawyer Sujata Gupta Winfield and professors from UGA to give the community and literacy providers a better understanding of literacy outreach in Athens and give providers a better sense of the challenges unauthorized migrants face.

Kuck noted that 400,000 unauthorized migrants...
have been deported each year President Obama has been in office. The Obama administration set a record by deporting 1.5 million migrants in the first term.

“Our whole community is impacted by these mean-spirited practices,” said Ruth Harman, who teaches in UGA's Language and Literacy Education department.

Harman read quotes from Athens educators who offered their thoughts on how state law and federal immigration policies affected people locally. Students become frustrated and depressed when considering their future after high school, one teacher said.

A middle school teacher noted that male students begin not just to see themselves as living outside the law because of their immigration status, but begin to act criminally and join gangs.

Unauthorized immigrants attending Clarke County schools live with a fear their parents will be detained for deportation while they are in school.

“The single biggest fear my clients face is being picked up by the police (and deported),” said Winfield, an Athens immigration lawyer. “Contrary to what our mayor says, this is happening in Athens-Clarke County.”

When someone is picked up by Immigration and Customs Enforcement in Georgia, Winfield said, they are held at the Stewart Detention Facility in South Georgia and cut off from contact with their families.

These potential deportees have “good cases” to fight, Winfield said, “but most people can't afford it. ... They don’t know where to look for a lawyer.”

About 14 percent of households don’t use English in the home, according to the ACLC. And even among the Spanish-speaking migrant households, literacy in the native tongue isn’t always achieved, said UGA Spanish professor Betina Kaplan, who teaches Spanish literacy to groups in the Athens area.

“Once they have some basic Spanish skill,” she said, “learning English will be much easier.”

• Follow arts and entertainment reporter André Gallant on Twitter: @andregallant and at www.facebook.com/GallantABH.
Darlington announces Commencement plans
by Darlington Schools reports
04.15.13 - 12:10 pm

Darlington School is pleased to announce that Raymond Murray will be the keynote speaker at the Baccalaureate Service on May 17 and Justice Norman Fletcher will address the Class of 2013 at Commencement on May 18.

Raymond Murray has taught and coached at Darlington since 1986. He holds a B.A. from the University of the South—Sewanee and an M.A. from the University of West Georgia. At Darlington, he has taught Freshman Honors, Sophomore Honors, junior and senior English, and Cinema. He has also served as a college adviser for over a decade and coached Middle School football, junior varsity baseball, varsity softball and varsity golf.

Murray is a recipient of the Excellence in Teaching Award, the James Douglas Brown Jr. Award, the Richard M. Yankee Excellence in Teaching Award and the Oscar Betts ’19 Master Teacher Award. He has also been recognized in countless editions of Who’s Who Among America’s Teachers. He and his wife, Laura, are the parents of three Darlington alumni, Alex (’02), Brett (’04) and Caitlin (’07).

Norman Fletcher, former chief justice of the Georgia Supreme Court, is a member of Darlington’s Board of Trustees. He holds a B.A. and a Juris Doctor degree from the University of Georgia as well as a Master of Law from the University of Virginia. He was also awarded an Honorary Doctor of Laws from Mercer University.

After graduating from law school, Fletcher joined the law firm of Mathews, Maddox, Walton and Smith in Rome. He then moved to Lafayette, Ga., to start a private practice. He served as the Lafayette city attorney from 1965 through 1989 and the Walker County attorney from 1973 through 1988. From 1979 through 1989, he also was a special assistant attorney general for the State of Georgia. He served in numerous other positions while maintaining his private practice, including board member of the Attorney’s Title Guaranty Fund,
Darlington announces Commencement plans

http://rn-t.com/printer_friendly/22256307

President of the Lookout Mountain Bar Association, president of the University of Georgia Law School Association, chairman of Local Government Section of the State Bar of Georgia, president of the City Attorney’s Section of the Georgia Municipal Association, a member of the State Disciplinary Board and chairman of the Investigative Panel, board member of LaFayette Chamber of Commerce and president of the LaFayette Rotary Club.

In 1989, Fletcher was appointed to the Supreme Court of Georgia by Gov. Joe Frank Harris; he served as chief justice from 2001 until he retired from the Court in 2005. He now works with the Rome law firm of Brinson, Askew, Berry, Seigler, Richardson and Davis LLP.

Fletcher has received numerous honors and awards throughout his career, including the University of Georgia Law School Association’s Alumni Distinguished Service Award, the Phoenix Committee/Gridiron Secret Society’s Phoenix Award, the University of Georgia’s Blue Key Service Award, the Atlanta Bar Association’s Leadership Award, the Association of County Commissioners of Georgia’s Excellence in Government Award, the Atlanta Bar Association Judicial Section’s Hon. Romae Turner Powell Judicial Service Award, the National Center for State Court’s Harry L. Carrico Award, the Emory Public Interest Committee’s Epic Inspiration Award, the State Bar of Georgia General Practice and Trial Section’s Tradition of Excellence Award, the Georgia First Amendment Foundation’s Charles L. Weltner Freedom of Information Award, The Athens Justice Project Award, the Atlanta Bar Association Litigation Section’s Logan E. Bleckley Award, the University of Georgia School of Law Equal Justice Foundation Award for Outstanding Public Interest Attorney, the Georgia Excellence in Public Service Award, the State Bar of Georgia Distinguished Service Award and the State Bar of Georgia Thomas O. Marshall Professionalism Award. Additionally, the Lookout Mountain Bar Association gives the Norman S. Fletcher Professionalism Award annually in his honor.

Fletcher is a fellow of both the American Bar and the Georgia Bar Foundations, and is a master in the Joseph Henry Lumpkin Inn of Court. He and his wife, Dorothy, have two grown daughters and five grandchildren.

The Baccalaureate Service will be held May 17 at 7 p.m. in Morris Chapel. Commencement will begin May 18 at 9:30 a.m. on the Chapel Lawn. In case of rain on Sunday, Commencement will be held at 10:30 a.m. in the Huffman Athletic Center.

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Speedy trial

Erica Hashimoto, an associate professor in the School of Law, talked about current problems in the judicial system of getting quality legal service for poor defendants in a story on National Public Radio.

Hashimoto told NPR the heavy caseloads for lawyers who defend indigent clients can have bad consequences for the defendants.

"There are a lot of stories of what are called meet 'em and plead 'em lawyers—lawyers who show up at the courthouse and represent the defendant for about five minutes, where they tell the client, 'You have to plead guilty,'" she said.

UGA School of Law graduate Andrew A. Pinson has been selected to serve as a judicial clerk for U.S. Supreme Court Justice Clarence Thomas for the October 2013 term.

Pinson's appointment makes him the sixth Georgia Law graduate in nine years to be selected for this post.

"A Supreme Court clerkship is one of the most distinguished appointments a law school graduate can obtain," said Georgia Law Dean Rebecca Hanner White. "I am extremely proud of Andrew, and I know he will make the most of this once-in-a-lifetime opportunity."

Pinson graduated first in his class from Georgia Law in 2011, where he was the executive articles editor for the Georgia Law Review and was inducted into the Order of the Coif. He then served as a judicial clerk for Judge David B. Sentelle of the U.S. Court of Appeals for the D.C. Circuit. Currently, Pinson is an attorney with Jones Day in Washington, D.C., and works in the firm's issues and appeals practice, where he represents clients in various stages of civil litigation.

"My clerkship with Judge Sentelle proved to be a tremendous opportunity to develop as a lawyer and to gain a new perspective on how judges interpret the law," Pinson said. "I applied for a Supreme Court clerkship for similar reasons.

"Several people who helped me through the application process have compared being selected to clerk for a Supreme Court justice to catching lightning in a bottle, so I was absolutely surprised and humbled to receive even an interview with Justice Thomas," Pinson also said.
RN-T.com – Darlington announces Commencement plans

by

Darlington Schools reports Rn T.Com

Darlington School is pleased to announce that Raymond Murray will be the keynote speaker at the Baccalaureate Service on May 17 and Justice Norman Fletcher will address the Class of 2013 at Commencement on May 18.

Raymond Murray has taught and coached at Darlington since 1986. He holds a B.A. from the University of the South - Sewanee and an M.A. from the University of West Georgia. At Darlington, he has taught Freshman Honors, Sophomore Honors, junior and senior English, and Cinema. He has also served as a college adviser for over a decade and coached Middle School football, junior varsity baseball, varsity softball and varsity golf.

Murray is a recipient of the Excellence in Teaching Award, the James Douglas Brown Jr. Award, the Richard M. Yankee Excellence in Teaching Award and the Oscar Betts '19 Master Teacher Award. He has also been recognized in countless editions of Who's Who Among America's Teachers. He and his wife, Laura, are the parents of three Darlington alumni, Alex ('02), Brett ('04) and Caitlin ('07).

Norman Fletcher, former chief justice of the Georgia Supreme Court, is a member of Darlington's Board of Trustees. He holds a B.A. and a Juris Doctor degree from the University of Georgia as well as a Master of Law from the University of Virginia. He was also awarded an Honorary Doctor of Laws from Mercer University.

After graduating from law school, Fletcher joined the law firm of Mathews, Maddox, Walton and Smith in Rome. He then moved to LaFayette, Ga., to start a private practice. He served as the Lafayette city attorney from 1965 through 1989 and the Walker County attorney from 1973 through 1988. From 1979 through 1989, he also was a special assistant attorney general for the State of Georgia. He served in numerous other positions while maintaining his private practice, including board member of the Attorney's Title Guaranty Fund, president of the Lookout Mountain Bar Association, president of the University of Georgia Law School Association, chairman of Local Government Section of the State Bar of Georgia, president of the City Attorney's Section
of the Georgia Municipal Association, a member of the State Disciplinary Board and chairman of the Investigative Panel, board member of LaFayette Chamber of Commerce and president of the LaFayette Rotary Club.

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Labor lawyer Jeffrey Mintz has moved from the nation's second-largest labor and employment firm, Jackson Lewis, to the largest, Littler Mendelson.

Mintz had practiced at Jackson Lewis since receiving his law degree from Emory University in 1980. He'd initially accepted an offer to join the firm's Los Angeles office, but then a position opened up in Atlanta where Jackson Lewis had opened an office in 1978. He'd been there ever since, including a stint as local managing partner, until joining Littler as a shareholder last week.

"I have a lot of respect for Jackson Lewis and the people in the firm," Mintz said. "I thought Littler was a real opportunity for me."

"Littler has always been known as one of [Jackson Lewis'] most formidable professional competitors," Mintz added, but he didn't know much about how the firm worked until a Littler lawyer got in touch.

"I liked the investment in internal resources, including technology," Mintz said. "There are some very forward-thinking visionaries in the firm, who are focusing on the workplace that may not exist today but will exist three to five years from now."

"I'm excited at the prospect of contributing to the practice and helping it grow throughout the Southeast," he said.

Littler and Jackson Lewis have similar geographic coverage. Littler has about 900 attorneys and offices in 52 U.S. cities, plus Latin America and China, with 42 lawyers in Atlanta. Jackson Lewis has about 750 lawyers in 40 cities, with 19 lawyers in Atlanta, according to the firms' websites.

Mintz said when he talked to Littler's local managing shareholder, L. Traywick Duffie, he liked his vision. "He has appropriate and aggressive plans to try and expand the Atlanta office through its client service in Atlanta and Georgia," Mintz said.

"One of my top priorities is to grow the office with high caliber lawyers," Duffie said in a statement. "Jeff Mintz is a well-known, high quality lawyer with a wonderful reputation for integrity and congeniality."

Jackson Lewis' Atlanta managing partner, David Gordon, wished Mintz well. "We appreciate Jeff's contribution to Jackson Lewis over the years, and we wish him the very best," Gordon said in an email.

Mintz anticipates that clients will follow him to Littler but declined to name any, saying that he is still letting them know about his move. As a traditional labor lawyer representing management, Mintz said, he works with companies from Los Angeles to North Carolina to Minnesota.

Union membership is at its lowest point since the National Labor Relations Act passed in 1935, Mintz said, noting that
93 percent of private-sector workplaces are union-free.

While union organizing campaigns have dwindled, collective bargaining is a big part of his practice, as management tries to "balance labor costs versus the return," he said. Mintz also represents clients in union arbitrations.

Mintz said the National Labor Relations Board has become more aggressive under the Democratic administration and has focused on protecting employees' right to engage in protected concerted activity under the National Labor Relations Act, whether unionized or not.

"What's gotten people's attention is company policies on the use of social media," Mintz said. A company can't prevent an employee from complaining about his employer via social media, he explained, since two or more employees commenting on, protesting or otherwise communicating about the terms and conditions of their employment is protected by the law.

BRIEFLY

**Morris Manning & Martin** has recruited another tax partner, the third since the beginning of the year. **Edmund Emerson III**, who handles employee benefits, executive compensation and retirement plans, has joined the firm from Bryan Cave. That follows Morris Manning's addition of **Gerald Thomas II** in February from Ernst & Young and **Anthony Boggs** in January, also from Bryan Cave.

**Sherman & Howard**, a Denver firm that opened an Atlanta office in February, has added its first local associate. Employment lawyer **John Wymer III**, who left Paul Hastings to launch the local outpost, has recruited his former associate, **Bryan Stillwagon**, from his old firm.

Stillwagon is a "Double Dawg," earning his undergraduate degree and then his law degree in 2009 from the University of Georgia. He is on the board of the East Lake Farmers Market and volunteers for the Pro Bono Partnership of Atlanta.

"I am pleased I was able to persuade him to join me at Sherman & Howard," Wymer said in a statement.

The Atlanta office is the 11th for Sherman & Howard, which has expanded from its Denver roots to other Colorado cities as well as Las Vegas, Phoenix and St. Louis. Atlanta is its first location east of the Mississippi.

Wymer told the *Daily Report* in February that he started an Atlanta office for the 190-lawyer firm because he wanted greater leeway in running his practice and the chance to build something from the ground up. The firm's labor and employment practice has about 25 lawyers.

**Jessica Lee Reece**'s old high school teacher is now her boss. Reece left **Smith, Gambrell & Russell** to join family law firm **Hedgepeth, Heredia, Crumrine & Morrison**, where she is working for her former teacher, **Rebecca Crumrine**.

Crumrine taught English and history to Reece in the 7th, 9th and 10th grades at John S. Davidson Fine Arts School in Augusta, both women's hometown, before becoming a lawyer. "I've been her mentor for a long time," Crumrine said.

While earning her own law degree, Reece put her journalism degree from the University of Georgia to use, working as a magazine development coordinator for Morris Communications and as the editor of Lounge, a monthly entertainment magazine in Augusta spun off from the Augusta Chronicle. She received her JD from Georgia State University College of Law in 2006.

Reece is active in the Atlanta community, serving as president of the Georgia Conservancy's Generation Green and on the board of the Wylde Center in Oakhurst, which fosters gardening skills for DeKalb County schoolchildren and adults.

Crumrine said her firm has just opened an office in Augusta, which she is running. "I want to be attached to Augusta because of my family," Crumrine said. "I've always had a case or two there and decided to open the satellite office." Reece is based in Atlanta but will assist her with Augusta cases.

Patent litigator **Scott Amy** has joined intellectual property boutique **Thomas Horstemeyer** as of counsel from Alston & Bird, where he was a senior associate. **Amy** received his law degree from UGA in 2004.
Paige Baker has been promoted to partner at MendenFreiman, which she joined last year. A former tax accountant, Baker practices business and trusts and estates law.

"Today's U.S. Supreme Court: Civil Rights or Civil Wrongs?" is the title for a discussion of civil rights cases before the Supreme Court hosted by the Public Interest Section of the Atlanta Bar Association. Emmet Bondurant of Bondurant, Mixson & Elmore will discuss gay marriage, voting rights and affirmative action cases before the court with Emory Law School's dean, Robert Schapiro, a constitutional law scholar, on April 25 at Emory Law's Tull Auditorium. Bill Nigut, the regional director of the Anti-Defamation League, will moderate. There is a reception at 6:30 p.m. and the discussion goes from 7 p.m. to 8:30 p.m. Admission is $10 for Atlanta Bar members and $20 for non-members, which includes heavy hors d'oeuvres and two drinks.

4 Ways to Avoid Running Out of Money During Retirement
If you have a $500,000 portfolio, download the guide by Forbes columnist Ken Fisher’s firm. Even if you have something else in place, this must-read guide includes research and analysis you can use right now. Don't miss it!
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By Lesli A. Maxwell Education Week, Bethesda, Md.

April 17--The criminal indictments late last month of retired Atlanta schools Superintendent Beverly L. Hall and 34 other educators for their alleged roles in a far-reaching cheating scandal could have widespread fallout and potentially undermine efforts in other districts to improve the academic achievement of poor and minority students, according to education leaders.

Ms. Hall, a one-time national superintendent of the year, and her former school system colleagues were named in a 65-count indictment by a Fulton County, Ga., grand jury that alleges the educators engaged in a broad conspiracy to make student performance in the Atlanta district look better than it actually was. The indictment, which includes racketeering charges, alleges that Ms. Hall and the others cheated on state exams, hid the cheating, and retaliated against whistle-blowers who tried to expose it. Many of those who were charged, including Ms. Hall, received hundreds of thousands of dollars in performance bonuses that were based on the fraudulent scores.

"The wider repercussions of the Atlanta case are very troubling," said Daniel A. Domenech, a former superintendent of the Fairfax County, Va., schools and the executive director of the American Association of School Administrators, based in Alexandria, Va. "The problem is that any school systems that have accomplished great turnarounds of schools are going to become suspect, and people will assume that there must have been some cheating involved."

Ms. Hall—who retired in 2011 after 12 years at the helm of the 48,000-student Atlanta district and was admired widely for the steady academic progress the system appeared to have made on her watch—turned herself in to the Fulton County jail on April 2 and was released a few hours later on a $200,000 bond. The charges against her stem from a state law typically used to prosecute organized crime and are very unusual for educators accused of wrongdoing.

If convicted, she would likely be the highest-profile public school administrator to be held criminally accountable for cheating. Last year, former El Paso, Texas, schools chief Lorenzo Garcia pleaded guilty to multiple counts of fraud and was sentenced to three years in prison for his role in manipulating scores on state tests.

Ms. Hall's lawyer, David J. Bailey, said the former Atlanta superintendent is innocent of all the charges.

"We intend to defend her vigorously and look forward to clearing her name," Mr. Bailey said in an interview. "Certainly, this is an unprecedented situation."

A National Profile

In 2009, the AASA named Ms. Hall the national superintendent of the year. Mr. Domenech said the organization's governing board would likely take the unprecedented step of revoking the award if she is convicted.

The specter of cheating on state exams in Atlanta became public in late 2008, when the Atlanta Journal-Constitution published stories on suspicious one-year increases in standardized-test scores in a few elementary schools. The newspaper followed up with an investigation of testing throughout the school system, triggering a state probe that uncovered how widespread the cheating had been, with nearly 180 educators involved dating back to 2001.

State investigators found that teachers, principals, and testing coordinators had either provided answers to students during the tests or corrected wrong answers after the tests were turned in. Anyone who tried to report the wrongdoing encountered retaliation, the investigators said.

The Atlanta scandal, along with allegations of cheating on standardized tests in other school systems, such as the District of Columbia and Philadelphia, have helped fuel a backlash against standardized testing and the high-stakes sanctions and rewards attached to the results.

Some officials, including former Georgia Gov. Sonny Perdue, who ordered the state investigation, have said the cheating on state tests also casts doubt on Atlanta's notable growth in achievement on the rigorous, federally-sponsored National Assessment of Educational Progress.

Over the past decade, Atlanta posted some of the strongest gains among the urban districts that participate in the Trial Urban District Assessment, or TUDA, a specially collected set of test results on district-level achievement from NAEP. Ms. Hall pushed Atlanta to be one of the original urban districts to participate in TUDA, which publicly reports the performance of the city's students on the national assessment.

Results From NAEP

In 2002, 35 percent of Atlanta's 4th graders scored at or above the "basic" level on the NAEP reading exam. By 2009, that percentage had grown to 50 percent. For 8th graders over the same period, reading scores rose from 42 percent scoring at or above basic to 60 percent.

Federal officials have said that cheating on the NAEP is highly unlikely, given its low-stakes nature and the tight administrative controls maintained over the assessment. No local school personnel ever see or handle the NAEP tests. But after the state investigation in Atlanta revealed cheating on state tests, NAEP officials conducted their own
investigation into whether any wrongdoing occurred on the 2009 NAEP administration in Atlanta.

They turned up no evidence of cheating, said Sean P. "Jack" Buckley, the commissioner of the National Center for Education Statistics, the federal agency that administers the NAEP.

Federal statisticians also wanted to make sure the district hadn't tried to manipulate the samples of students to be tested. They looked closely at the 79 Atlanta schools that took part in the test administration in 2009 and found nine where the population and demographics of students reported to the U.S. Department of Education didn't quite match up with the snapshot of students who were included in the testing sample. When NAEP officials probed for answers, there were plausible explanations, Mr. Buckley said. In one case, an alternative middle school had been relocated to a new neighborhood and probably would have experienced a change in its student body as a result.

Mr. Buckley also said that Atlanta's rates of excluding special education students or English-language learners from the national tests were low compared with those of other districts and the state overall. He believes that Atlanta's progress on the NAEP is real.

"The situation in Atlanta is complicated," he said. "There were obviously rampant violations of testing integrity going on there, but there were also schools there that were legitimately improving."

Wider Impacts

Winston Brooks, the superintendent of the 90,000-student Albuquerque, N.M., district and a longtime colleague of Ms. Hall's in the Council of the Great City Schools, said that regardless of the outcome in the criminal case, Ms. Hall deserves credit for improving achievement for many Atlanta students.

"I think she narrowed the achievement gap and raised the proficiency levels, if not evidenced by the state tests, but as evidenced by the NAEP," he said.

Mr. Brooks said school leaders will need to be extra vigilant about test security and integrity.

"Superintendents and other leaders have to make clear that under no circumstances will cheating be tolerated," he said. "I think most of us have taken for granted that people won't cheat."

For many of the educators who were caught up in the cheating scandal, either as participants or whistle-blowers, the career damage has been deep, said Verdaillia Turner, the president of the Atlanta Federation of Teachers. While a handful of teachers have been indicted, dozens more were fired, left the district, or lost their state licenses, she said.

"There was an atmosphere of fear in some of the schools," said Ms. Turner. "Our organization spent a lot of time trying to get teachers transferred out of schools where they felt the pressure to do things they knew were wrong."

According to the indictment, Ms. Hall "placed unreasonable emphasis on achieving [student performance] targets; protected and awarded those who achieved targets through cheating; terminated principals who failed to achieve targets; and ignored suspicious [state standardized-test] score gains at schools" in the district.

Ronald L. Carlson, a professor emeritus of law at the University of Georgia, in Athens, said the racketeering and conspiracy charges against Ms. Hall and the former district employees are unlike what is typically seen in criminal prosecutions of educators.

"We're used to seeing school people charged with theft of money or with abusing students," Mr. Carlson said. "The success or failure of this prosecution will really turn on the quality of testimony from the teachers and administrators who are cooperating with the state."

Ms. Hall also has been charged with lying under oath to state investigators that she had no knowledge of specific complaints about cheating in some schools.

"Beverly Hall was one of the most highly respected superintendents in the country," said Mr. Brooks, echoing the widespread sentiment about Ms. Hall among her urban education peers. "Most of us looked at her as a role model, both for her passion for kids, especially minority children, and for her intelligence."

Staff Writer Jaclyn Zubrzycki and Research Librarian Holly Peele contributed to this article.

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As the statewide trade association for the bioscience industry, BioFlorida provides companies with the necessary resources to succeed, and a strong marketing presence both locally and internationally. BioFlorida serves its membership by providing a network to exchange information and discuss issues related to the field. For more information, visit bioflorida.com.

About Roetzel

Roetzel is a full-service law firm that provides comprehensive, integrated legal counsel to national and international clients. For more information, visit ralaw.com.

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LOAD-DATE: April 18, 2013

GRAYSON -- Joel Brand of Grayson has been named director of video post operations at SpotGenie Partners LLC, a provider of digital media services to the advertising, entertainment and broadcast industries.

Company President/CEO Wayne Dykes said he has "known and respected Joel for years. He is an experienced leader and problem solver with extensive technical and management skills. The breadth of his industry knowledge, work ethic and editing skills have been recognized nationwide. We know he will make a significant contribution to our continued growth."

In his new position, Brand will head a team responsible for assisting SpotGenie clients with preparation of their spots for air including video transcoding, closed captioning, slating, editorial, tagging and quality control.
Founded in Atlanta, SpotGenie Partners LLC is a privately-held technology and service company.

Morgan Wood Bembry is new partner at local firm

LAWRENCEVILLE -- William B. Wood, whose law firm has practiced for more than three decades, welcomes his daughter, Morgan Wood Bembry as a partner in their new firm Wood & Bembry, LLC.

Wood is a longtime Gwinnett County resident who relocated his practice to Lawrenceville in 2011 after 30 years practicing law in downtown Atlanta.

Bembry is a 2011 graduate of the University of Georgia School of Law, cum laude, and was a published member of the Georgia Law Review.

Both father and daughter are graduates of the University of Georgia.

Wood & Bembry is located at 150 South Perry St., Suite 150 in downtown Lawrenceville.
On April 18, 2013, Roetzel Partner Michael J. Keller will moderate the seminar "Stem Cells: Revitalizing Medicine" presented by BioFlorida.

The seminar, to be held at the University of Miami Life Science & Technology Park from 5:30 p.m. through 8:00 p.m., will feature discussions on "The 5 Biggest Hurdles to Translating Stem Cells into Medicine," presented by Bernard Siegel, J.D., "Cell Therapy for Chronic Ischemic Heart Disease from Concept to Clinic," presented by Joshua M. Hare, M.D. and "The State of The Stem Cell Industry: Clinical Development," presented by Stephanie Finnegan, President of bioRASI.

Routinely asked to speak at industry functions, Mr. Keller's practice focuses on patent prosecution, counseling and licensing in the fields of therapeutic, diagnostic and medical device products. He has more than 20 years of experience in biomedical drug, diagnostic and device patents, and prosecuted and managed patents for large corporations and small inventors. He routinely handles domestic and international patent and trademark portfolios and due diligence studies for clients and the negotiation and drafting of complex agreements relating to the acquisition and development of biomedical products. Mr. Keller earned his B.S. from the University of Georgia and his J.D. from the University of Georgia School of Law.

About BioFlorida

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GRAPHIC: Michael Keller (Photo: Business Wire)

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2 of 2 DOCUMENTS

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States News Service
April 16, 2013 Tuesday

LENGTH: 471 words
HEADLINE: GEORGIA LAW ADVOCACY TEAMS SWEEP INTRASTATE COMPETITION AND FINISH STRONG IN THREE OTHER
BYLINE: States News Service
DATELINE: Athens, GA

BODY:
The following information was released by the University of Georgia:

University of Georgia School of Law students recently captured all of the top positions at the Intrastate Moot Court Competition, which pits two teams from each of the state's five law schools against each other. This is the eighth consecutive year Georgia Law has won this tournament and the 10th its students have authored the best brief.

Second-year law students Yasmine S. Antoine, Adam J. Fitzsimmons and Allison L. Hill were named competition champions, while second-year law students David B. Dove, Clayton O. "Clay" Knowles and Emily K. Westberry finished as finalists.
These teams also won first and second place for the tournament's best brief, respectively, and Knowles was named the competition's best overall oralist.

"I am just so proud of these teams," Advocacy Director Kellie Casey said.
"They worked really hard and had the added pressure of continuing Georgia's dominance in this competition for state bragging rights."
Third-year students Kori E. Flake and Amina Bakari helped coach both teams.

On the national scene, second-year law students Margaret E. "Maggy" Randels, Utrophia D. Robinson and Alexandria E. Seay won the Best Brief Award at the American Bar Association Law Student Division National Appellate Advocacy Competition, which is one of the largest moot court tournaments in the country that routinely has more than 200 teams competing. The Georgia Law team finished the contest among the top 16 teams nationally, after capturing first place at the regional level. Third-year students Emily A. Cook and Rory A. Weeks helped coach the team.

Georgia Law students were named quarterfinalists at the Second Annual South Texas Mock Trial Challenge. More than 40 teams from law schools nationwide competed in this tournament, with third-year law students Jasmine A. Dixon, Michael C. Gretchen, Scott F. McAfee and C. Elizabeth Stell finishing among the top eight teams. Gretchen was named the Best Advocate in the Preliminary Rounds, an honor a Georgia Law student has won the past two years.

Additionally, UGA had a top eight finish at the Dean Jerome Prince Memorial Evidence Moot Court Competition. Second-year law students Kenneth J. "Ken" Bentley, Antoinette A. Newberry and Steven L. Strasberg competed against 36 other teams from across the country. Third-year student Mary Beth Martinez helped coach this trio.

Casey said it has been a great year for the law school's Advocacy Program. "We finished with two national championships, two regional trophies and one state title. All of our teams put in a lot of time and effort. Also, there was tremendous support from our faculty including Thomas Burch and numerous alumni who helped to prepare all of our teams for victory by judging multiple practice rounds. I could not be more proud."
Former Georgia Supreme Court chief justice Norman Fletcher of Rome received one of three prestigious alumni merit awards presented at the University of Georgia Alumni Association awards luncheon Friday.

Fletcher received his bachelor's degree in 1956, and juris doctorate degree in 1958, both from UGA.

He was appointed to the court on Dec. 28, 1989, sworn in as chief justice on June 28, 2001, and retired on June 30, 2005. He began his law practice as an associate in the Rome law firm of Matthews, Maddox, Walton and Smith and, in 2005, returned to private practice with the Rome firm Brinson, Askew, Berry, Siegler, Richardson & Davis.

From 1963 through his appointment to the court, he practiced law in LaFayette while he represented the state as a special assistant attorney general, served as city attorney for the LaFayette and county attorney for Walker County.

Fletcher has a distinguished record of service to the legal profession and the community.

He has served as chairman or president of numerous boards and foundations, including the Board of Visitors of the University of Georgia Law School, the State Bar's commission on lawyer disciplinary reform, the Investigative Panel, the Local Government Section of the State Bar, the City Attorney's Section of the Georgia Municipal Association, the Lookout Mountain Bar Association, and the University of Georgia Law School Association.

The Alumni Association presents its awards to UGA graduates and faculty who have demonstrated a commitment to bettering the University of Georgia.
10,000 voices unrepresented in SGA senate

SGA Inauguration

Austin Laufersweiler being sworn into office as the 26th Student Government Association president.

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Former SGA President Will Burgess said a large group of senators this year were previously involved with SGA's freshman programs and have had Senate experience as well as other senators who have previously participated with SGA.

"They're a pretty solid group," said Burgess, a senior political science major from Woodstock.

Despite the numbers, Burgess said Senate next year will still have strong leadership.

"Both Davidson [Goldsmith] and Jon Goodfriend will be strong leadership with the institutional knowledge," Burgess said.
10,000 voices unrepresented in SGA senate - The Red and Black: U...
AJC, WSB ask that gag on APS defendants be removed

BY RHONDA COOK - THE ATLANTA JOURNAL-CONSTITUTION

The Atlanta Journal-Constitution and Channel 2 Action News have asked a Fulton County judge to lift a restriction that keeps the defendants in the Atlanta Public Schools test cheating case from speaking publicly.

The restriction applies only to the 35 people accused of crimes but not to their attorneys nor to District Attorney Paul Howard and his staff. Howard required the defendants to agree to silence in exchange for lower bonds.

Typically, such a restriction, known widely as a "gag order," is issued by a judge, not a district attorney. And they usually apply to all the parties in a case.

Howard should not be allowed to interfere with the defendants in the case right "to defend themselves in the court of public opinion," said attorney Tom Clyde, who filed the motion on behalf of the AJC and Channel 2 Action News.

"A person's First Amendment rights do not go away when they are accused of a crime," he said. "They have the right to speak themselves, not just through counsel."

Howard declined to comment. But University of Georgia Law School professor Ron Carlson said the gag order could protect defendants from themselves, as pretrial publicity can sometimes work against the accused. Because of that, many defense attorneys advise their clients not to speak to the media before trial.

"While this is not ideal from a journalist's point of view ... attorneys will be able to talk relatively freely," Carlson said.
Atlanta Public Schools Superintendent Beverly Hall and 34 others were indicted last month on charges of racketeering and other felonies for allegedly changing test answers from wrong to right and encouraging cheating on standardized tests.

When he decided to announce the indictments at a news conference, Howard invited parents and students, so they could tell reporters of the damage the alleged cheating has done. One parent said her daughter struggled to keep up, yet she scored well on the standardized Criterion-Referenced Competency Tests. That mother said her daughter, now in the ninth grade, was reading at only a fifth-grade level. A student also spoke at the news conference of how she struggled in middle school, even as she did well on the CRCT.

A grand jury recommended millions of dollars in cash bonds for some defendants, but Howard agreed to lesser amounts as long as the defendants — but not their lawyers — agreed not to talk to reporters. Hall, for example, saw her $7.5 million cash bond drop a $200,000 bond with $150,000 of it secured by her signature.

“I’ve never seen a situation where there is an agreement ... to basically put a gag on the defendants,” said Atlanta defense attorney Page Pate.

The defendants, Pate said, were able to avoid spending a few days in jail by agreeing to Howard’s demand of silence. Had they waited on a judge to set bond, the defendants likely would have faced at least brief stints in lock up.

The gag order may have given prosecutors an advantage leading up to trial, Pate said.

“They get to control the discussion. For now.”

If you would like to post a comment please Sign in or Register

Comment(s) 1-5 of 5

Bernie31
DA Howards actions are Abominable! Classic example of a KANGAROO Court like prosecution that his OFFICE, plans to present to the Citizens of FULTON COUNTY for TRIAL.

Mr. Howard, sees No Problem with his OFFICE holding a PRESS Conference with WITNESSES in announcing the Indictment of these Defendants.

At the same time, He has requested of the COURT for these same DEFENDANTS to remain SILENT, about the serious charges that have been levied against them.

Basically Tying their Hands in the Court of PUBLIC OPINION. While he and his Staff have purposely and with the intent Taint any potential JURY POOL with explosive ALLEGATIONS of PURPOSELY Wrongdoings with excessive criminal ACTS.
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LOAD-DATE: April 24, 2013

2 of 2 DOCUMENTS

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US Fed News

April 22, 2013 Monday 6:38 PM EST

LENGTH: 2722 words

HEADLINE: 6 TO RECEIVE FACULTY-STAFF EXCELLENCE AWARDS

BODY:

CARBONDALE, Ill., April 22 -- Southern Illinois University issued the following news release:

Southern Illinois University Carbondale will honor faculty and staff for superior scholarship, teaching and service.

Chancellor Rita Cheng will recognize the recipients at a "Faculty and Staff Excellence Awards" reception at 3:30 p.m., Wednesday, April 24, in the Hall of Presidents and Chancellors in Morris Library. A reception will follow in the library's first-floor rotunda.

"We are honoring these six individuals for the many contributions they make to students, the University, our communities, and their professions," Cheng said. "Each of our award-winners is an inspiration to the SIU community."

The 2013 Faculty and Staff Excellence Award recipients are Om Prakash Agrawal (Scholar Excellence Award), Anne Fletcher (Teaching Excellence Award), Lucian E. Dervan (Early Career Faculty Excellence Award), Philip Reed and Rosemary E.
Simmons (Staff Excellence Awards), and Elizabeth W. Freeburg (Women of Distinction Excellence Award).

Here are profiles of the honorees.

Scholar Excellence Award

The award "recognizes and promotes outstanding research and creative endeavors," and is given only to those "who have made outstanding contributions to their discipline" and who are "widely recognized by other scholars in the field."

Om Prakash Agrawal, a professor in the mechanical engineering and energy processes department in the College of Engineering, is an "internationally recognized eminent scholar" in the areas of flexible multibody dynamics, and fractional derivatives and their application to dynamic systems, writes Kambiz Farhang, a professor in the Department of Mechanical Energy and Energy Processes. Farhang describes Agrawal's development in automated formulations as "a pioneering work with transformative impact in many engineering disciplines," including computer-aided design of mechanical systems, aerospace, robotics and mechanisms. And his research over the last 12 years in the area of fractional derivatives "has been monumental and will continue to be cited for years and perhaps centuries," Farhang writes. He notes that almost all books published recently involving fractional calculus cited Agrawal's work.

Agrawal joined SIU Carbondale in 1985, and among his many honors is the College-Level Outstanding Scholar in 2007. His scholarly work includes more than 70 archival journal papers, along with numerous conference proceeding papers and book chapters. He has also been involved with more than $1.4 million in funded research projects. Frequently invited to deliver keynote speeches, Agrawal was the guest of honor at the National Workshop on Applications of Fractional Calculus in Engineering at the Indian Institute of Technology in March 2012.

Agrawal will receive the permanent title of Distinguished Scholar, a certificate, $2,500 award and $1,000 other-than-salaries award.

Agrawal earned his bachelor's degree from Birla Institute of Technology in India in 1978; a master's degree from the Indian Institute of Science in 1980, and his doctorate from the University of Illinois Chicago in 1984. All of his degrees are in mechanical engineering.

Teaching Excellence Award

The award recognizes faculty who demonstrate outstanding teaching, high-quality classroom performance, innovation, and "commitment to student learning outcomes and inclusive excellence in education."

Anne Fletcher, a professor in the Department of Theater, has a gift "to blend theory with practice and classroom with stage that has made her so indispensable to our students' education ..." writes Ronald Naversen, professor of scenic design and graduate studies director in the Department of Theater, who nominated Fletcher for the award.

Fletcher teaches undergraduate and graduate courses in theater history, American theater history, contemporary developments, theory and criticism, and dramaturgy. She also supervises and mentors graduate teaching assistants, serves as a chair or member on thesis and dissertation committees, and arranged more than 20 panels and presentations at regional and national conferences on theater teaching methods and practice.

Naversen writes that Fletcher assists each graduate teaching assistant before they step into a classroom with active learning exercises that students apply to various course subjects. Fletcher also implemented a dramaturgy program at SIU Carbondale and provides a "nurturing atmosphere for the undergraduates while still making the course challenging for graduate students." Fletcher has also earned national prominence for "pioneering work" in theater teaching methods and practice. Community groups also seek Fletcher's teaching expertise.
Fletcher is author or co-author of two books and five textbooks. She is co-authoring a textbook that will highlight her experiences in "teaching to the season" practices at SIU Carbondale,

Fletcher writes she is a proponent of "active, experiential learning."

"Active learning is not an over-simplification of content delivery but, rather a self-conscious and reflexive effort to help students acquire important skills and retain important principles," she states.

Fletcher began as an assistant professor in 2001 before becoming associate professor in 2007 and a professor in 2012. She earned the Outstanding Faculty Member Teaching in the University CORE Curriculum Award in 2009. Prior to coming to SIU Carbondale, Fletcher taught at Winthrop University in South Carolina.

Fletcher will receive the permanent title of Distinguished Teacher, a certificate, $2,500 award, and $1,000 other-than-salaries award.

Fletcher earned her bachelor's degree in drama from Vassar College in 1975; a master's in theatre education from Emerson College in 1980, and a doctorate in theatre history from Tufts University in 1992.

Early Career Faculty Excellence Award

The award recognizes faculty within their first five years at SIU Carbondale for "significant contributions throughout the year" to their discipline or the University community. The award recognizes excellence in scholarship, teaching, and other professional activities.

Lucian E. Dervan, an assistant professor in the SIU School of Law, earns praise from colleagues for his scholarly and teaching excellence since coming to SIU Carbondale in 2009. Dervan teaches courses on topics including international criminal law, global legalization and comparative law, sentencing law and white collar crime.

Mark F. Schultz, associate professor and the law school's director of faculty development, praises Dervan's work -- in terms of publishing more than one dozen papers in just over three years at SIU Carbondale; involving students in his research and service projects, and involvement in creating a "Global Legalization" class. The class, which Schultz writes is unique in legal education, allows students to learn about a selected foreign country's culture, history and legal system, and students then visit the country for about a week.

Dervan also organizes and runs a scholarly workshop for pre-tenure faculty and his scholarly work on plea bargaining, which includes testifying before the U.S. House of Representatives' Judiciary Crime subcommittee, carries "real-world impact," Schultz writes.

Dervan earned the law school's Outstanding Scholar of the Year Award in 2012.

"He is a rare talent with a tremendous work ethic," Schultz writes. "He has already accumulated a record that would be the envy of most senior scholars."

Dervan will receive a certificate, $2,500 award, and $1,000 other-than-salaries award.

Prior to joining the SIU School of Law, Dervan spent several years in private practice, including as a member of the King & Spalding Special Matters and Government Investigations team. In the fall 2012 semester, Dervan was a visiting assistant professor of law at the University of Georgia School of Law.

Dervan earned his law degree from Emory University School of Law in 2002, and a bachelor's degree in history and political science from Davidson College in 1998.
Women of Distinction Excellence Award

The Women of Distinction Award is given to a faculty, administrative/professional or civil service staff member, and recognizes employees who demonstrate "sustained commitment to women and/or issues of diversity through demonstrated leadership, vision, or actions" in their profession, expertise, or service to the University community.

Elizabeth W. Freeburg, professor and chair in the Department of Workforce Education and Development in the College of Education and Human Services, is praised by colleagues for mentoring faculty and staff, enhancing graduate students' scholarship and research skills, and leadership that "truly reflects a sustained commitment to women and diversity issues and in service to the University community," writes Marcia Anderson, professor emerita and former graduate program director.

With more than 21 years experience in the department, Freeburg became department chair in June 2009; prior to that she was graduate program director. She began as a graduate research assistant in January 1992, and was adjunct faculty from 1992 to 1999 before becoming a visiting assistant professor and site program coordinator for the off-campus degree program at Scott Air Force Base. The department has an enrollment of more than 700 undergraduate through doctoral students, and includes classes in 14 off-campus locations across the country.

Freeburg has received nearly $650,000 in external and internal grants. She has more than 40 referred papers and presentations and is the co-author of four books. Anderson notes that in addition to her responsibilities as department chair, Freeburg is active since her appointment as chair, teaching online courses, chairing master's and doctoral student committees, writing a textbook, nine articles published in research journals and given seven research presentations.

Barbara Hagler, an associate professor in the department, writes that Freeburg is an excellent motivator and leader who "inspires faculty and staff, as well as students, to work hard and reach their goals." Jane Workman, professor emerita in fashion design and merchandising, writes Freeburg's research consistently addresses issues related to women, dealing with gender roles, including teacher and student dress codes, perceptions of models in advertisements, the Americans with Disability Act, and at-risk youth employment.

Freeburg earned her doctorate in workforce education and development from SIU Carbondale, a master's degree in clothing, textiles, and related arts from Virginia Polytechnic Institute and State University (Virginia Tech), and a bachelor's degree in art from Agnes Scott College.

Freeburg receives a certificate, $1,250 award and a $1,000 professional development award.

Staff Excellence Award

The award recognizes an administrative professional and/or civil service staff member for "significant contributions" to further the University's mission. That includes demonstrating "excellence in overall work performance, performing duties at a level above and beyond normal job requirements," contributing in ways that improve students' experiences at the University, and "exemplifies professionalism and serves as a positive role model for faculty, staff, and students."

Rosemary E. Simmons, director of the SIU Counseling Center, "embodies the culture she has created of excellence, acceptance and integrity," writes Jaime Clark, the Center's assistant director and director of training. Among Simmons' numerous qualities is she is "passionate about student welfare, promotes inclusive excellence" and is "tireless in striving for an equitable campus environment," Clark states.

Simmons has more than 25 years experience at the Counseling Center in a number of capacities, including serving as director since 2006. Prior to coming to SIU Carbondale, Simmons' experience included working as a crisis counselor for the Jackson County Mental Health Center, a sexual assault crisis counselor at the Women's Center, and victim's advocate.
with SIU Carbondale's Women's Services. She earned the University's Administrative/Professional Women of Distinction Award presented by University Women's Professional Advancement in 2004.

In addition to overseeing a staff that includes eight doctorate-level psychologists, two licensed clinical social workers, six pre-doctoral interns, 13 practicum students and three civil service professionals, Simmons does individual and group therapy, supervises graduate students, serves on numerous campus committees and presents workshops and community intervention projects.

Clark writes Simmons created programs, such as a full Dialectical Behavioral Therapy model, which differentiates "SIU from other excellent counseling centers across the country," and "specializes in treatment of trauma, student supervision, diversity and social justice programming, crisis intervention and threat assessment."

Frank Kosmicki, chief psychologist at the Counseling Center, writes Simmons is frequently a first-responder during crises or emergencies, meeting with students, staff, faculty and parents at the counseling center, residence halls, the hospital, or wherever needed. Even with the responsibilities and working long hours, Simmons' "optimism and positive attitude are infectious, and much of the character of the Counseling Center can be attributed to her personality," Kosmicki writes.

Several nomination letters point to her commitment to students. Todd D. Sigler, director of the Department of Public Safety, points to the respect that police officers have for Simmons, and states she "represents all of the qualities we expect from dedicated, professional, compassionate and student-focused professionals who do so much for the students on this campus every day."

A two-degree graduate of SIU Carbondale, Simmons earned her master's and doctoral degrees in counseling psychology in 1985 and 1990, respectively. She earned her bachelor's degree in psychology from Wartburg College in 1982.

Philip Reed, or "Chef Phil," the chef production manager for residence hall dining with University Housing, makes the "culinary experience of SIU students a truly great experience." But that is just one of his attributes, writes Darrell Porter, a housing maintenance inspector.

Working for University Housing since 1992, Reed works at Trueblood Hall, the largest dining hall on campus. He is responsible for approximately 6,000 meals per week to an average of 900 students each night, and oversees more than 30 kitchen staff, and more than 100 students. Known for his monthly dining hall theme meals, Reed earned a national award in 2010 from the National Association of College and University Food Services for his theme meal, "A Night in New Orleans."

Debra J. Nesbitt, a food production manager, also writes that Reed, through research and trial, "came up with menu adaptations that allowed a variety of choices for students who thought Celiac Disease would limit forever."

"His due diligence in formulating recipes, preparation methods, staging areas, and staff training has made a significant impact on our ability to recruit students with allergy and intolerant conditions," she writes. She also notes Reed was instrumental in determining menus and food production in the aftermath of the May 8, 2009, wind storm that occurred in the midst of spring semester finals and anticipated commencement ceremonies. She writes that the staff served lunch to 3,500 patrons daily May 8-12, 2009.

Reed also provides hands-on training for students in the University's Food and Nutrition program; is involved with the University's Iron Chef competitions, and numerous community outreach programs. That includes raising donations for a homeless shelter in the St. Louis area; donations for special education students in Cairo, and volunteering with Habitat for Humanity.
Prior to coming to SIU Carbondale, Reed's experience included working as a chef manager at restaurants in Carbondale and Marion. He earned a bachelor's degree in Food and Nutrition from SIU Carbondale in 1990.

Simmons and Reed will each receive a certificate, a $1,250, award and a $1,000 professional development award. For any query with respect to this article or any other content requirement, please contact Editor at htsyndication@hindustantimes.com

LOAD-DATE: April 23, 2013
Teilhet Opens Plaintiffs' Firm After Heading Advocacy Group

Meredith Hobbs

Daily Report
04-24-2013

Rob Teilhet has returned to private practice, opening a plaintiffs’ firm on the Marietta Square after two years as executive director of Georgia Conservation Voters.

Teilhet said he gave up his law practice in late 2009 to devote himself to a run for state attorney general at age 36. At that time, he'd served as the state representative for Smyrna's 40th district since 2003.

He lost the Democratic primary to Ken Hodges, now a partner at Rafuse Hill & Hodges, and was appointed executive director of the Georgia Public Defender Standards Council in fall 2010 by then-Governor Sonny Perdue.

Teilhet served only a few months, until Perdue's successor, Nathan Deal, tapped W. Travis Sakrison, a DeKalb County prosecutor, for the GPDSC post.

Teilhet then became the executive director of Georgia Conservation Voters.

Teilhet, 39, said his return to private practice was prompted by a call from a former client who needed some help. "It reminded me how much I love the lawyer-client relationship," he said.

While working for Georgia Conservation Voters he's been teaching a class on election law at the University of Georgia Law School as an adjunct professor.

"To see these students and their enthusiasm for law practice is pretty inspiring," Teilhet said. "It was the last push I needed."

Teilhet said his practice will focus on personal injury and workers compensation cases. "I love representing individuals, working with real people in some of the hardest times in their life," he said.

Teilhet started his legal career working for Marietta firm Brock, Clay & Calhoun, which became Gregory, Doyle, Calhoun & Rogers earlier this year. He joined plaintiffs firm Rogers, Strimban & Teilhet as a partner in 2008, handling workers compensation claims, until his foray into the attorney general race.

With a month-old daughter and 5-year old twins, Teilhet said work-life balance was a big part of the reason he decided to
start his own solo practice instead of joining another firm.

"Any time you have partners, there is more stuff around you, more personnel. There is a level of complication to that which solos are able to avoid," he said.

He added that he's glad to be back in the Marietta legal community, where his office is located at 166 Anderson St.

Recruiting clients has been all by word of mouth. Teilhet said he's been letting former clients know he's back in practice and reaching out to friends. "One of the advantages of a background in politics is that I know people everywhere," he said.

**Briefly**

**James Robinson** has joined *Barnes & Thornburg* as a partner in the corporate and private wealth services practices from *Schiff Hardin*. Robinson focuses on estate and corporate planning, working with families and closely held businesses. He is the chair-elect of the State Bar of Georgia's fiduciary law section and a board member of the Atlanta Opera and the Community Foundation for Greater Atlanta's planned giving advisory board.

His addition gives Barnes & Thornburg 22 lawyers in its local office, which the Midwestern firm opened in 2009.

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Trial lawyer **Robert Killorin** has joined *Federal & Hasson* as a partner from securities plaintiffs firm *Chitwood Harley Harnes*. Killorin handles consumer and securities class actions as well as corporate governance cases and business litigation. The Atlanta native is a member of the Eleventh Circuit Historical Society and the Old War Horse Lawyers Club. A scuba enthusiast, he also is a member of the National Association of Underwater Instructors, the Explorers Club and the Military Order of the Carabao.

**Rebecca Sczepanski** has joined Savannah firm *HunterMaclean* as of counsel to build an employee benefits practice. Sczepanski, an lawyer and certified public accountant, was senior counsel at *Ice Miller* in Indianapolis before moving to Savannah. She also served as general counsel for *Employee Health Insurance Management* in Southfield, Mich.

**Troutman Sanders** partner **Stephen Riddell** became the chairman of the Chick-fil-A-Bowl earlier this month, succeeding **Daryl Evans**, a marketing executive at AT&T Mobility. The Chick-fil-A-Bowl, formerly known as the Peach Bowl, is the annual college football bowl game that has been held in Atlanta since 1968. Riddell advises parent company *Chick-fil-A Inc.*, a Troutman client, on employment law issues, according to the firm's website.

**Schiff Hardin** partner **Leah Ward Sears** has been elected a fellow of the American Academy of Appellate Lawyers. Membership is invitation-only and limited to 500 U.S. lawyers. Sears is the former chief justice of the Supreme Court of Georgia, serving for 17 years on the court before joining Schiff Hardin in 2009.

**Richard Herzog Jr.** has been elected chairman of Atlanta's John Marshall Law School's board of directors after serving on the board since 2009. Herzog is a partner at *Nelson Mullins Riley & Scarborough*, where he leads the Atlanta office's debt finance and restructuring practice.

**Emory University Law School** professor **Timothy Holbrook** has been elected a member of the American Law Institute, a group of 2,692 lawyers, judges and scholars seeking to modernize and clarify the law. Holbrook's scholarship is focused on patent law. ALI, which marks its 90th anniversary this year, publishes legal treatises that include a Restatements of the Law series.
Protesting on deaf ears

PROTEST: More than half of the prisoners at Guantánamo hunger strike in protest against the treatment they receive in America's controversial prison camp. Most are harmless, no one has any judgment. But in the U.S., there are few that have been joined protests.

NEW YORK (Dagsavisen): "I have been at Guantánamo for eleven years and three months. I have never been charged with any crime. I have never been asked for any court. "So begins the post-Guantánamo prisoner Samir Naji al-Hasan Moqbel, who writes about why he and a growing number of prisoners at Guantánamo hunger strikes in protest. This entry was published in The New York Times Monday of last week.

In the shade

The gruesome story of the hunger strike, force feeding and eleven years in the ignorance of Guantánamo was frequently shared on social media, and several U.S. media covered the protests catch. But the same day that the post was published, hit two bombs during the Boston Marathon. Again Guantánamo forgotten by both U.S. and international media. Hunger strike has barely been mentioned in Washington DC. Obama has sent more doctors to the prison island of Cuba, but has otherwise remained silent.

- No one cares, either on Capitol Hill or in the White House. It is quiet and it is very disturbing, says Diane Marie Amman, professor of international law at the University of Georgia.

Prison camp at the U.S. military camp at Guantánamo southern tip of Cuba, was opened under former President George W. Bush in 2002. The camp is part of America's so-called "fight against terror", and a total of 779 prisoners from 48 countries have sat imprisoned at Guantánamo. Nine prisoners have died.

Hunger Strikes

Number of prisoners have joined the hunger strike since it began in February has increased steadily. Yesterday, the number up to 92, according to news agency AP. 16 of them being force fed, which Samir Naji al-Hasan Moqbel describes as extremely painful and degrading.
"I'll never forget the first time they brought Nutrition probe through the nose. I can not describe how painful it is to be force fed this way. When it was pushed in, I felt I had to throw up, but I could not. There was pain in the chest, throat and stomach," writes al-Hasan Moqbel.

When Barack Obama took over as U.S. president in 2009, he promised to close the controversial prison camp in the year was out. Still sitting 166 men incarcerated, more than half of them are declared totally harmless by the U.S. government. Nevertheless, the U.S. Congress voted through very strict rules for the transfer of prisoners from Guantánamo to the United States. Congress must include approve all transfers.

Zachary Katzenelson, a lawyer in the civil rights organization, the ACLU, says Barack Obama can close Guantánamo if he will.

- This is the president's power. There are a number of ways to circumvent congressional rules, Katzenelson says the Times.

Bs Norway act

According to the listing of The New York Times, the 89 of the 166 prisoners who remain locked from Yemen. After the so-called "underwear bomber" Umar Farouk Abdulmutallab tried to carry out a terrorist attack against the United States in 2009, was all planned repatriation to Yemen stopped. Around 60 of Yemenis are declared harmless by the U.S. government. Naji al-Hasan Moqbel, which through its lawyers wrote the post in The New York Times, is one of them.

Zachary Katzenelson urges Norway and other allies to offer to take some of Yemenis and others that can not be sent home.

- They are prisoners because they have the wrong passport, not because of anything they have done. If Norway and other allies will take them in, they can be confident they are not a threat to anyone, says Katzenelson.

In the United Kingdom Parliament discuss the fate of the last British Guantánamo prisoner Shaker Aamer-after 117,000 Britons went together on a petition.

Katzenelson is still not in doubt about who has the greatest responsibility.

- Barack Obama should create a senior position with special responsibility for closing Guantánamo. He should be all Allies to accept prisoners who can not return home, and make sure to get the many that are declared harmless out of Guantánamo, said Katzenelson, who calls the camp a great shame.

Starving further

None of the experts Dagsavisen've talked to think the hunger strike will have significant political consequences. There is simply not enough political will, either in Congress or the Obama administration, believe Matthew Waxman, a professor of international law at Columbia University in New York.
- Guantánamo will remain open for the foreseeable future, says Waxman the Times.

- I wish I had a more positive story to tell. But I see no signs of change, says Diane Amman.

- There is a real risk that prisoners will die. They have lost all hope of justice, said Zachary Katznelson.

Obama has nearly four years to complete what he promised. Meanwhile, the 166 prisoners increasingly desperate.

"A man here weighs only 35 kilograms. Another 44 Although I have lost over 13 pounds. (...) I will not eat until they give me back my dignity, "writes Samir Naji al-Hasan Moqbel.

heidit@dagsavisen.no
Protesterer for døve ører

PROTEST: Over halvparten av fangene på Guantánamo sulstestreiker i protest mot behandlingen de får i USAs omstridte fangeleir. De fleste er harmlose, ingen har noen dom. Men i USA er det få som har fått med seg protestene.

Publisert: 11 timer siden Oppdatert: 6 timer siden
Heidi Taksdal Skjeseth


I skyggen

Den grusomme beretningen om sulstreik, tvangsføring og elleve år i uvitenhet på Guantánamo ble hyppig delt på sosiale medier, og flere amerikanske medier dekket fangeprotestene. Men samme dag som innlegget sto på trykk, smalt to bomber under Boston Maraton. Igjen ble Guantánamo glemt av bade amerikanske og internasjonale medier. Sulstetreiken har knapt blitt nevnt i Washington DC. Obama har sendt flere leger til fangeøya på Cuba, men har ellers tidd stille.

- Det er ingen som bryr seg, verken på Capitol Hill eller i Det hvite hus. Det er helt stille, og det er svært urovekkende, sier Diane Marie Amman, professor i internasjonal rett ved Universitetet i Georgia.


Sulstetreiker
Antall fanger som har sluttet seg til sultestreiken siden den startet i februar har gått jevnt oppover. I går gikk antallet opp til 92, ifølge nyhetsbyrået AP. 16 av dem blir tvangsforet, noe Samir Naji al-Hasan Moqbel beskriver som ekstremt smertefullt og nedverdigende.


Da Barack Obama tok over som USA:s president i 2009, lovte han å stenge den omstridte fangeleiren innen året var omme. Fortsatt sitter 166 menn fengslet, over halvparten av dem er erklaarget helt harmløse av amerikanske myndigheter. Likevel har den amerikanske Kongressen stemt gjennom svært strenge regler for overføring av fanger fra Guantánamo til USA. Kongressen må blant annet godkjenne alle overføringer.

Zachary Katznelson, advokat i borgerretningsorganisasjonen ACLU, mener Barack Obama kan stenge Guantánamo hvis han bare vil.

- Dette er i presidentens makt. Det finnes en rekke måter å omgå Kongressens regler på, sier Katznelson til Dagsavisen.

Ber Norge handle?


Zachary Katznelson oppfordrer Norge og andre allierte til å tilby seg å ta imot noen av jemenittene og andre som ikke kan sendes hjem.

- De sitter fanget fordi de har feil pass, ikke på grunn av noe de har gjort. Hvis Norge eller andre allierte vil ta dem inn, kan de være sikre på de ikke utgjør noen trussel for noen, sier Katznelson.

I Storbritannia skal parlamentet diskutere skjebnen til den siste britiske Guantánamo-fangen Shaker Aamer, etter at 117.000 briter gikk sammen om en underskriftskampanje.

Katznelson er likevel ikke i tvil om hvem som har det største ansvaret.

- Barack Obama bør opprette en hoytstående spesialstilling med ansvar for å stenge Guantánamo. Han bør be alle allierte om å ta imot fanger som ikke kan reise hjem, og sørge for å få de mange som er erklaarget harmløse ut av Guantánamo, sier Katznelson, som kaller hele leiren en stor skam.
Sulter videre


- Guantánamo vil holdes åpen i overskuelig framtid, sier Waxman til Dagsavisen.

- Jeg skulle ønske jeg hadde en mer positiv historie å fortelle. Men jeg ser ingen tegn til endring, sier Diane Amman.

- Det er en reell fare for at fanger vil dø. De har mistet alt håp om rettferdighet, sier Zachary Katznelson.

Obama har nesten fire år igjen på å fullføre det han lovte. I mellomtida blir 166 fanger stadig mer desperate.

«En mann her veier bare 35 kilo. En annen 44. Selv har jeg gått ned over 13 kilo. (...) Jeg vil ikke spise før de gir meg verdigheten tilbake», skriver Samir Naji al-Hasan Moqbel.

heidit@dagsavisen.no
Atlanta lawyer jailed, accused of stealing client's $280K

An Atlanta lawyer accused of looting more than $280,000 she had been entrusted to handle for a client has been sitting in the Fulton County Jail on $100,000 bond since April 4, charged with forgery, conversion and contempt of court.

Kristen Richbourg, 37, is accused of siphoning money out of her attorney's trust account and from certificates of deposit she purchased for a client who originally entrusted her with more than $500,000.

The client, Andrew M. Clark, sued Richbourg last month in Fulton County Superior Court accusing her of fraud, conversion, breach of trust and other counts. When she failed to appear for a March 28 hearing before Judge Craig Schwall, the judge ordered her to pay $286,929 into the registry of the court by April 3 and re-set the hearing for April 5.

Meanwhile, Clark had alerted the Atlanta Police Department's Major Fraud Unit, whose investigator discovered that Richbourg's trust and other bank accounts that were supposed to contain the funds had been drained of all but $211. She was arrested April 4 and charged with conversion and forgery. The next day, Schwall entered a contempt order for her failure to enter the ordered funds and for failing to appear.

"By the time Judge Schwall entered his order, she was already incarcerated, and there she still sits," said Marietta solo practitioner A. Keith Logue, who represents Clark.

According to Logue and the complaint he filed last month, in February 2011 Richbourg agreed to manage $535,000 for Clark. The money was part of a severance package from a former employer in which Clark agreed not to compete in that business for a period of time. His money would be held in trust and doled out on a quarterly basis, Logue explained.

"Initially," he said, "I think the funds were handled appropriately. They were in an account drawing little interest, so she invested in two CDs. Once they matured, the money started going different places: some went into her escrow account, some went into her operating account."

In November 2012, according to the complaint, Clark's balance was about $307,000. By March, it was down to $78,783.

"I started trying to track down the money," Logue said. "I made some inquires of her.

"She agreed to meet with me [but was] a no-show. She provided me with what appeared to be Fidelity Bank statements, and we finally determined that they were fictitious," Logue said.

The suit Logue filed March 22 said that Richbourg had closed her Interest on Lawyers Trust Accounts account and that "the CDs reflected in [her] Account History do not exist as of today."
According to the police report, bank records indicated the funds "were spent via debit card on food, cash withdrawals, gas pharmacies, and other transaction [sic] not to the benefit of the client/victim, Clark."

Richbourg is a University of Georgia School of Law graduate who joined the bar in 2000, according to her listing on the State Bar of Georgia's website. The phone number listed for her is apparently incorrect, and the Daily Report could find no home listing.

Richbourg was arrested on felony drug charges in Fulton and DeKalb counties in 2005, according to court records, but charges in both counties were dismissed.

The Fulton County Public Defender office has not assigned anyone to represent Richbourg, according to a receptionist there. Lawyers who are convicted of felonies generally lose their bar licenses.

The civil case is Clark v. Richbourg, No. 2013CV228925.
Gaston Glock's Ex-Wife Wants Gun Company's Financial Data

R. Robin McDonald

Daily Report
04-26-2013

The divorce of international gun mogul Gaston Glock Sr. has spilled into federal court in Atlanta, where former wife Helga Glock is seeking a wealth of financial information from the U.S. subsidiaries of her ex-husband's Austria gun company to bolster her claims for financial support.

A ruling allowing Helga Glock to subpoena corporate records in the U.S. for use in a foreign court could have implications for U.S. companies with business interests abroad that might face similar inquiries in overseas lawsuits.

Helga Glock's lawyers have filed a petition seeking a federal judge's help in gathering evidence for use in several proceedings pending in Austria that are related to the couple's divorce. Court papers on file in Atlanta say that Helga Glock has turned to America's courts for help because her ex-husband "has erected a complex and opaque structure of holding companies and trusts for Glock affiliated entities through the world ... and has moved what Ms. Glock contends are marital assets" beyond the reach of the Austrian courts.

Helga Glock, 77, said she needs financial data from Gaston Glock's U.S. companies in order to calculate the Austrian equivalent of alimony—based on her ex-husband's worldwide income—that he should pay her in the wake of their divorce.

The Austrian courts found Gaston Glock fully at fault for the failure of the couple's marriage, according to court papers filed by Helga Glock's lawyers in Atlanta. Glock, 83, left his wife of 4 years in 2011 and married a woman 50 years his junior, according to Helga Glock's affidavit.

Helga Glock also is seeking to recover company stock that for years she held in Austrian parent company Glock GmbH. She also is trying to track down other marital assets and real estate she claims her ex-husband transferred into what she said are "illusory trusts" he controls that were supposed to benefit her and the couple's children.

Her Atlanta attorneys, Andrew Flake and Edward Marshall of Arnall Golden Gregory, are seeking an array of financial documents from Glock's North American headquarters in Smyrna and from Glock's U.S.-based business enterprises, known as the Glock Group, that include at least three Georgia-based firms. The eight-page list of requested documents, if turned over to Helga Glock, could provide a virtual financial blueprint of the U.S.-based companies in Glock's privately held, international corporate empire.

In her affidavit, Helga Glock said that when her ex-husband left her, "He had a worldwide wealth of billions" of euros. She estimated that patent and licensing rights alone for Glock's signature pistol generate an average yearly net income of 46 million euros. Her lawyers noted in court papers that Glaston Glock is one of the 20 wealthiest men in Austria.
The case has been assigned to U.S. Magistrate Judge Linda Walker and Senior Judge Charles Pannell Jr. of the Northern District of Georgia.

Flake and Marshall declined comment through David Rubinger, Helga Glock's Atlanta spokesman. "This is a family that is deeply wounded," Rubinger said of Helga Glock and her children. The petition "is not just about Helga Glock," he said. "Helga Glock is not doing this for herself, she is doing it for her family."

No attorneys have entered an appearance on behalf of Gaston Glock, the Glock Group or any of Glock's Georgia companies. Smyrna-based Glock Inc. general counsel Carlos Guevara—who also is a corporate officer for three Glock companies from which Helga Glock is seeking financial information—was not available for comment. New York lawyer John Renzulli, Glock's longtime outside counsel and the CEO of one of the Georgia Glock companies—Consultinvest, from which Helga Glock also is seeking information—could not be reached for comment.

Peter "Bo" Rutledge, a professor at the University of Georgia School of Law, told the Daily Report that Helga Glock likely has "a very strong claim." Rutledge said the Eleventh U.S. Circuit Court of Appeals in Atlanta "has developed a bit of a reputation for being especially friendly" to petitions such as that of Helga Glock. He said that U.S. District Judge William Duffey Jr. made a "very expansive interpretation" of the federal statute on which Helga Glock has based her petition in a 2006 case in which the president of a Coca-Cola Co. bottling operation in Uzbekistan successfully sought documents from the Atlanta-based soft drink company after the Uzbek government seized the bottling operation during his divorce from the daughter of Uzbekistan's president. Duffey directed Coke to produce the requested documents. (In re Application of Roz Trading Ltd., No. 1:06-cv-2305, N.D. Ga.).

In her court filings, Helga Glock has accused her former husband of stripping her and the couple's three children of managerial jobs in his companies and of hiding hundreds of millions of dollars in corporate and personal assets via a "byzantine structure" of international companies and trusts.

The couple married in 1962, and Helga Glock said she had assisted her former husband in transforming his garage metal shop in an Austrian village into the international gun manufacturer that bears their name. Until 1999, Helga Glock owned 15 percent of the shares of Glock GmbH, the parent company, and Gaston Glock owned 85 percent of the stock, according to court papers in Atlanta.

That changed after one of Gaston Glock's corporate lieutenants, Charles Ewert, attempted to have him assassinated in Luxembourg in 1999, according to court papers. Glock survived the attempt, fighting off the would-be assassin with his fists. Luxembourg authorities eventually secured the convictions of Ewert and his accomplice.

Helga Glock said the attempt on Gaston Glock's life prompted the couple to create a private trust to provide for the couple's children and to perpetuate the Glock family's ownership of what had by then become an international gun manufacturing conglomerate. At that time, their three adult children were being groomed to assume leadership roles in the companies, and Helga Glock, "relying on Glock Sr.'s promises," surrendered all but 1 percent of her company stock to the trust. That trust holds 99 percent of the shares of Glock's Austrian parent firm, which, among other holdings, has significant shares of Glock Inc. in Georgia, according to court papers.

Eight years later, the couple established a second trust that also was intended to benefit them and their heirs.

After Gaston Glock, then 78, suffered a stroke in 2008, he began an affair with a woman at the clinic where he was being treated, court papers in Atlanta said. The woman, Katrin Tschikof, "kept Helga Glock and other family members away from Glock Sr. with the warning that such contact could result in a further stroke and potentially his death," according to the Atlanta petition. Gaston Glock soon broke off contact with his wife, his three children and his grandchildren, according to court papers.

Over the next two years, Gaston Glock transferred to the second trust 172 million euros, all the real estate he had acquired while married to Helga, and gun patenting and licensing rights, according to court papers. In 2010, Glock ended his children's roles in his corporate empire and, later, broke a promise to his sons to place them on a newly founded holding company board, the court papers said.

Helga Glock said in an affidavit that after her ex-husband "started pushing his family out of the business," she realized that "in anticipation of filing for divorce, Gaston Glock had already started to move and hide personal and corporate assets, that he had started to line up new business endeavors and was trying to find ways to reduce the family's wealth entitled to his family members and eventually eliminate it entirely."

A month before he filed for divorce in May 2011, Gaston Glock changed the terms of the two trusts, removing his wife
and children as beneficiaries. "At the same time," Helga Glock said in her affidavit, "he succeeded in keeping every transfer from the trusts, the identity of new beneficiaries and everything related to the trusts, their affiliated companies or subsidiaries a secret."

Court papers say that Helga Glock believes that her former husband "has channeled assets worth billions of dollars beyond Austria's borders."

Court papers describe the interlocking corporate structure of Glock GmbH, with various international business affiliates, shell and holding companies, subsidiaries and trusts, as "a highly complex tangle of paper ownership and relations ... that collectively permit Glock Sr. to manipulate various inter-company transactions and to obscure ownership and accountability."

UGA's Rutledge said that Helga Glock's appeal for judicial assistance in this country to secure information unavailable to her in Austria is "a uniquely American device that has become increasingly popular since 2004."

Prior to 2004, some U.S. courts required that parties seeking information in the United States for use in a foreign court had to show that the foreign court would have ordered production of the information if it had jurisdiction. But in 2004 the U.S. Supreme Court held in Intel Corp. v. Advanced Micro Devices that a federal law (28 USC sec. 1782) allows a U.S. court to order production of information in the U.S. regardless of whether the foreign court handling the case would allow it.

That ruling, Rutledge said, made requests such as Helga Glock's "much more possible."

For Helga Glock to succeed, she must satisfy several criteria: the target of the petition must be located in the federal district in which it is filed; the requested information must be for use in a foreign legal proceeding; the party in possession of the information being sought should not be subject to the jurisdiction of the foreign court or a party to the foreign litigation; and no legal avenue exists to obtain the information via the foreign court.

But Rutledge suggested that Gaston Glock could fight back by claiming that the information being sought is irrelevant to the Austrian proceedings or is not associated with assets the couple acquired during their 49-year marriage.

"There may well be legal ways that Glock can talk the judge down from either ordering broad discovery or ordering any discovery," Rutledge said.

"If you extract yourself for a moment from the sordidness of this particular case, this is actually a thorny issue for U.S. companies. ... What a U.S. court says is not just significant for Mr. Glock, but for any U.S. company that has business interests abroad that might cause it to be a target of one of these subpoenas, whether or not it is a defendant in foreign litigation."

Correction: The April 26 story, "Gaston Glock's ex-wife wants gun company's financial data," mistakenly reported how much money Helga Glock estimated the patent and licensing rights for Glock's signature pistol generate each year. The correct figure is 46 million euros, not 46 billion. The correction has been made in this online version of the story.
Gaston Glock's ex-wife seeks US financial records

The Associated Press

ATLANTA — The ex-wife of gun mogul Gaston Glock Sr. is asking a federal judge in Atlanta to help her get financial records so she can use them in the couple's divorce case in Austria.

Helga Glock, 77, said she needs financial data from her ex-husband's American companies to calculate the sum her husband should pay her for the Austrian equivalent of alimony based on his worldwide income, according to the Daily Report (http://bit.ly/181yMwZ). Austrian courts ruled that Gaston Glock was at fault for the failure of the marriage, Helga Glock's lawyers said in court filings. Gaston Glock, 83, left his wife of 49 years in 2011 for a woman 50 years younger, Helga Glock's affidavit said.

Papers filed in federal court in Atlanta said Helga Glock needs help from American courts because her ex-husband "has erected a complex and opaque structure of holding companies and trusts for Glock affiliated entities through the world... and has moved what Ms. Glock contends are marital assets" beyond the reach of the Austrian courts.

Helga Glock's lawyers are seeking financial documents from Glock's North American headquarters in Smyrna and from other U.S.-based companies called the Glock Group, including at least three Georgia-based firms.

She also wants to recover company stock that she held in Austrian parent company Glock GmbH and she's looking for other marital assets and real estates that she says Gaston Glock transferred to "illusory trusts" he controls that were supposed to benefit her and the couple's children.

Gaston Glock was worth billions of dollars when he left his wife, she said. The patent and licensing rights for his signature pistol probably generate 46 million euros annually, Helga Glock estimated.

Helga Glock's lawyers in Atlanta, Andrew Flake and Edward Marshall, declined to comment through her Atlanta spokesman, David Rubinger.

"This is a family that is deeply wounded," Rubinger said of Helga Glock and her children. "Helga Glock is not doing this for herself, she is doing it for her family."

Lawyers for various Glock companies in the U.S. could not be reached for comment.

Helga Glock likely has "a very strong claim," Peter "Bo" Rutledge, a professor at the University of Georgia School of Law, told the Daily Report. The 11th U.S. Circuit Court of Appeals in Atlanta "has developed a bit of a reputation for being..."
especially friendly" to petitions like hers, he said.

The Glocks married in 1962, and Helga Glock said she helped her husband turn the metal shop in his garage in an Austrian village into the international gun manufacturer. Until 1999, she owned 15 percent of the parent company's shares and her husband owned 85 percent, court papers said.

After one of Gaston Glock's corporate lieutenants tried to have him assassinated that year, the couple created a private trust to provide for their children and secure the family's ownership of the international conglomerate. The trust holds 99 percent of the shares of the parent firm, according to court papers. Eight years later, the couple established a second trust to benefit them and their heirs.

Glock began an affair with a woman at the clinic where he was being treated after suffering a stroke in 2008. The woman "kept Helga Glock and other family members away from Glock Sr. with the warning that such contact could result in a further stroke and potentially his death," Helga Glock's court filing said. Gaston Glock soon broke off contact with his wife, his three children and his grandchildren, according to court papers.

Helga Glock alleges that her ex-husband began to push his family out of the business and began to move and hide personal and corporate assets in anticipation of filing for divorce, according to her court filing.


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Compounding pharmacies may be source of lethal injection drugs

Posted: 12:01 a.m. Saturday, April 27, 2013

BY RHONDA COOK - THE ATLANTA JOURNAL-CONSTITUTION

Out of lethal injection drugs and with three men who could have execution dates set soon, Georgia must figure out a way to restock its supply of pentobarbital, which the manufacturer refuses to sell for capital punishment.

"The vast number of states are facing a crucial shortage of lethal injection drugs," said University of Georgia law professor Ron Carlson. "Sources are drying up and states are scrambling to figure out how to implement their death penalty laws."

The shortage of drugs nationwide can be traced to political pressures on the drug manufacturers - all either based in or with facilities in other countries where sentiments are strongly against capital punishment.

Legal experts and activists expect the alternative to buying from a mass producer will be ordering from local compounding pharmacies where batches of the drug can be made on the spot and as needed.

"There is a sense that compounding pharmacies may be where states are turning," said Richard Dieter, executive director of the Washington-based Death Penalty Information Center, which opposes the death penalty. "Big drug companies don't want to be associated with this."

But there could be legal and public relations problems with a local pharmacist making up a batch of lethal injection drug on a case-by-case basis.

"It certainly invokes the image of the mad scientist mixing chemicals with the nefarious intention of taking human life, which certainly seems problematic for state government," said Sara Totonchi, executive director of the Southern Center for Human Rights. "How do we know about the integrity of the compound? How do we know if the person being executed isn't being put through unthinkable pain?"

Some of the areas ripe for litigation, Totonchi and other death penalty opponents say, are the skills of the pharmacists, the
Compounding pharmacies may be source of lethal injection drugs

The efficacy of the drugs that will have to be tweaked enough so as not to violate patents and the need for a doctor to write a prescription for a lethal injection drug which could violate American Medical Association rules.

“It reopens a whole new line of litigation around this issue. The state is going into uncharted waters,” said Georgia attorney Gerald Weber, who brought suits around the issue of doctors participating in lethal injections a few years ago.

So far, only South Dakota has carried out an execution using drugs made locally.

There are no executions scheduled in Georgia at this time. But on Tuesday the 11th U.S. Circuit Court of Appeals rejected a challenge from Warren Hill, who came within two hours of being executed in February for a 1990 beating death of a fellow inmate, and his execution warrant could be signed at any time if the U.S. Supreme Court does not step in. The U.S. Supreme Court has the final appeals of Robert Wayne Holsey – who murdered a Baldwin County deputy 1995 – and Marcus Wellons – who raped and strangled his 15-year-old Cobb County neighbor in 1989.

The state would be pressed if any of the three men at the end of their appeals have executions scheduled in the near future.

That’s why it’s important for the state to shield the identities of doctors, pharmacists or drug providers that could be involved with procuring lethal injection drugs, said State Rep. Kevin Tanner, R-Dawsonville. He sponsored the legislation to keep those identities secret, expecting the state will have to turn to a pharmacist.

“I can see it heading in that direction,” Tanner said.

The nationwide shortage of lethal injection drugs became a problem only in recent years when companies in other countries became concerned their products were being used in executions.

First the U.S. manufacturer of the sedative sodium thiopental – the first in a series of three drugs – stopped making it. Then the Danish company that made the replacement sedative, pentobarbital, required U.S. suppliers to agree not to sell the drug if it is to be used in lethal injections. Then an Israeli pharmaceutical company stopped making the paralytic pancuronium bromide, the second drug Georgia and other states used in its three-drug cocktail; that is what led Georgia to go to a one-drug process even as that one drug was no longer available.

Twenty-four states still have three-drug protocols that start with pentobarbital.

Georgia and 10 other states have switched to a one-drug process. Missouri plans to use Propofol, the anesthetic said to have killed pop star Michael Jackson that is made by a German company. Arkansas has said it will use phenobarbital, a sedative and anti-seizure drug that has not yet been used in an execution. The remaining 11 use pentobarbital, which they can’t buy now.

Georgia’s ability to procure lethal injection drugs may well lie in its ability to shield the public from those involved in the production of the drug.

“If we cannot protect the identities of these individuals, we may not be able to obtain drugs to carry out executions,” DOC attorney Robert Jones wrote in an email dated March 22, the day the Senate approved the change and four days before the House gave the bill its final approval.
A 1981 Georgia Law alumna, Martin was confirmed by the U.S. Senate in 2010 to her current seat on the U.S. Court of Appeals. Previously, she served for nearly a decade as a U.S. District Court judge for the Northern District of Georgia. Martin worked as a U.S. attorney and assistant U.S. attorney in the Middle District of Georgia from 1994 to 2000 and represented the state of Georgia as an assistant attorney general in various litigation matters from 1984 to 1994. She also practiced at the firm Martin & Snow in Macon after graduating from law school. Martin earned her bachelor's degree from Stetson University in 1976 before coming to Athens to pursue her law degree at UGA.

On May 18, Judge Beverly B. Martin of the U.S. Court of Appeals for the 11th Circuit will serve as the keynote speaker at the School of Law's graduation.

Approximately 230 law students will receive their juris doctor, while six master of laws candidates will be recognized for completing one year of graduate legal study. The processional will begin at 10 a.m. on the quadrangle in front of the law school on North Campus. In the event of rain, the ceremony will be moved to Stegeman Coliseum.
Judge Abbot to become president of state Superior Court council on May 1

By Jan Skutch

Chatham County Superior Court Judge Louisa Abbot will become president of the Council of Superior Court Judges beginning May 1.

Her one-year term will be joined by president-elect Mary Staley of Marietta in the Cobb Judicial Circuit, and Judge Brenda S. Weaver of Jasper in the Appalachian Judicial Circuit as secretary-treasurer.

Abbot was appointed to the Superior Court bench in October 2000 and has been re-elected three times since. She graduated from Augusta State University, magna cum laude, in 1979 and from the University of Georgia law school, summa cum laude, in 1982.

She previously was legal assistant to then-chief Superior Court Judge Perry Brannen Jr., is a past president of the Savannah Bar Association and past president of the Georgia Bar Foundation.
The College of Coastal Georgia issued the following news release:

The 2013 commencement ceremony for the College of Coastal Georgia will be held at the Jekyll Island Convention Center on Saturday morning, May 11. Chief United States District Judge for the Southern District of Georgia, the Honorable Lisa Godbey Wood, will be the commencement speaker. Chief Judge Wood and Dave Gittings, Area Director of the Golden Isles Fellowship of Christian Athletes, will assist College President Valerie A. Hepburn, PhD, in conferring degrees.

Judge Wood will use the commencement address as an opportunity to challenge the graduates professionally and personally. "The most accomplished, interesting and selfless people I know are those who find ways to keep a spark of inspiration burning not just on momentous occasions, but every common day. Special occasions such as college graduation can serve as an opportunity to ignite that spark," she said.

Judge Wood is a 1990 summa cum laude graduate of the University of Georgia School of Law. She served as a judicial law clerk for the Honorable Anthony A. Alaimo, United States District Court, Southern District of Georgia for one year before joining the Brunswick law firm of Gilbert, Harrell, Sumerford and Martin in 1991. Within four years she was a partner in the firm. In 2004, Judge Wood was sworn in as U.S. Attorney for the Southern District of Georgia, serving as the chief federal law enforcement officer for the 43 counties of the Southern District of Georgia.

In 2007, the U.S. Senate unanimously confirmed Judge Wood to become the first female federal District Court judge for the Southern District of Georgia. In 2010, she was sworn in as the District’s new Chief Judge and she currently serves on the Executive Committee of the U. S. Council for the Eleventh Circuit.

Her judicial rise is not her only peak experiences. In 2003, she climbed to the summit of Mount Kilimanjaro in Africa. She climbed the Salcantay Pass to Machu Picchu in Peru during 2006 and completed the Tour du Mont Blanc in 2011. Her next goal is to hike Spain in the fall.
The following information was released by the United States Attorney's Office for the Southern District of Georgia:

Edward J. Tarver received a B. A. in Political Science from Augusta College (presently Augusta State University) in 1981, and a J. D. Degree from the University of Georgia School of Law in 1991. Mr. Tarver entered the United States Army in 1982 and served for seven years as a Field Artillery Officer attaining the rank of Captain before entering law school. Following graduation from the University of Georgia, Mr. Tarver served as a law clerk to the Honorable Dudley H. Bowen, Jr., former Chief Judge of the U. S. District Court, Southern District of Georgia. Mr. Tarver entered private practice in 1992 as an associate with Hull, Towill, Norman and Barrett (presently Hull Barrett). He became a partner in the firm in 1999, practicing general civil litigation with an emphasis on employment discrimination.

In 2005, he was elected to the Georgia General Assembly as a Senator for Senate District 22. As a Georgia State Senator, he served on the Criminal Justice, Judicial and Public Safety subcommittees to Appropriations, and on the Joint Economic Development Subcommittee of Regulatory Reform. Mr. Tarver was re-elected in 2006 and 2008.

He has also served on the Court Advisory Committee for the U. S. District Court, Southern District of Georgia, since 2001, and is an active member of the State Bar of Georgia. He is also an active member of the Augusta Bar Association where he has previously served on the Executive Committee, the Law Day Committee, and the Admissions Committee. He has presented instructional materials on professionalism across Georgia at State Bar-sponsored Continuing Legal Education seminars.

In the past, Mr. Tarver has served as Chairman of the Augusta Metro Chamber of Commerce, President and Chairman of the Board of Trustees of the Leadership Georgia Foundation, Chairman of the Leadership Augusta Board, President of the Academy of Richmond County Boosters Club, Chairman of the St. Johns Towers Advisory Board, President of the Augusta Technical College Board of Directors, President of the East Georgia Easter Seals Society, and a member of the Board of the Episcopal Day School in Augusta. He also previously served as a Director of the Georgia Bank and Trust Company, Pro Assurance (formerly Georgia Lawyers Insurance Company), Southeastern Natural Sciences Academy, and the Georgia Chamber of Commerce. He is the recipient of the 1995 Alvin W. Vogtle Volunteer of the Year Award and the
2011 Leadership Augusta Community Service Award. He was awarded the 2011 Distinguished Alumnus award by Augusta State University.

President Barack Obama nominated Mr. Tarver as United States Attorney, Southern District of Georgia, on September 17, 2009. On November 10, 2009, following unanimous consent of the United States Senate, Mr. Tarver was appointed by President Obama. He was sworn in as U. S. Attorney on November 12, 2009.

Mr. Tarver is married and has two children.
From the Jacksonville Business Journal

- Joni Zwick
- Date added: April 30, 2013
- Submission Type: New Hire
- Current employer: Coldwell Banker Vanguard
- Current title/position: sales associate - team leader
- Industry: Residential Real Estate
- Position department: Sales
- Duties/responsibilities: She has brought her Zwick Team to the company. With over 10 years of experience, she has built a team that includes Silvia Zpecki-France as client care manager and Joe Zwick, a graduate of the University of Florida and soon graduating from the University of Georgia Law School.